

City of Shelton, Conservation Commission
Minutes for the Special Meeting on Wednesday August 6, 2008 at 7:00 P.M.
Minutes should be considered a draft version until approved by CC at their next meeting.

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Call to Order

Present: Tom Harbinson, Chairman
Bill Dyer, Vice-Chairman
Hank Lauriat, Commissioner
Joe Welsh, Commissioner
Ed McCreery, Commissioner
Jim Tate, Commissioner

The Commission currently has 6 active members.

Also Present: Teresa Gallagher, Conservation Agent
Marianne Chaya, Clerk

A. Call to Order/Pledge of Allegiance

Chairman Harbinson called the meeting of the Conservation Commission to order at 7:08 p.m. All in attendance recited the Pledge of Allegiance.

B. Approval of Minutes

Commissioner McCreery MOVED to approve the minutes from the July 9, 2008 Regular meeting. SECONDED by Commissioner Lauriat. All were in favor, MOTION PASSED.

C. Public Portion

None

D. Trails Committee Report

Vice-Chairman Dyer reported as follows:

1. Planned Projects for 2008

A. Rec Path – Phase I

Chairman Harbinson, Terry Gallagher and I stayed until 11:30 P.M. at the P&Z meeting regarding the funding for the Rec Path. We got a letter from Tom Welch stating that his take on the issue is that the money from Huntington Woods does not necessarily have to be spent in that exact area. We gave them a list of all the things we have done in the Huntington Woods vicinity and said that this would be a model for how the Rec Path would be for the rest of the City. They made a motion and passed it to allow the \$60K, and now with interest is \$69,706.79, to be spent. They said in the motion that we have to go out and get the rest of the money, which doesn't matter because we wouldn't be able to do a partial award for work without going out to re-bid. We have a meeting with the Mayor to discuss how we are going to get the rest of the money for this project.

B. Rec Path - Phase 2

There is a giant pile of millings available at the White house on Nells Rock Rd. We will work on out how and where to use them.

C. Rec Path – Phase 3

1. Lane Street to Boardwalk

The volunteers did the tree removal and we are ready to go with the help of Randy Szkola to create the path. We will put the filter fabric down and we need someone to bring the millings over Randy will come back with his front loader to spread them along the path.

This will be done next week.

It was suggested to call the Mayor and tell him we have someone available to spread the millings he probably would be open to have Parks & Rec transport them to the site.

D. 2008-09 Recreation Trails Grant application

The application is due in September. We are putting together a proposal for \$75K for 4 or 5 items that we can tow behind the Gator plus some other small equipment like a chipper. We would work between the end of the meadow and the top end of Lane Street. The other thing we were told is we have to clear up our existing grant. Teresa did an accounting and we are down to about \$1125. We still need to buy the filter fabric for Lane Street, which is about \$700. That would leave about \$425.

There are two expenditures coming up that need a motion for approval.

Vice-Chairman Dyer MOVED to approve from the DEP grant expenditures for the brochure (\$775), garden cart carry-all (\$174.89), and filter fabric to be used at the Lane Street project (approximately \$700). SECONDED by Commissioner Lauriat. All were in favor; MOTION PASSED.

Commissioner Welsh suggested using the balance of the grant money on wildflower mix or grass seed. They discussed if and where they could use that type of stuff.

The Commissioners discussed whether they needed to spend every last dollar of the grant or not. If we don't spend it, it just means we just won't be billing the DEP for the last dollars.

For the new grant I will need a letter from the Commission to authorize the Trails Committee to put together a grant application under certain parameters and scope. I will work with Charlene DeFilippo.

Commissioner McCreery MOVED to authorize the Chairman to sign the letter necessary for the Trails Committee in support of the grant application. SECONDED by Vice-Chairman Dyer. All were in favor; MOTION PASSED.

E. \$2500 State Grant –Logo

The Conservation Commission, not the Trails Committee, is handling the use of this money.

F. Fun events for committee/workers

We are looking to have an event, such as kayaking, and will invite everybody.

We also are thinking about a hike in September and October. This will be a community event and we will be posting the information.

E. Open Space Plan of 2008 – Final Review

Agent Gallagher reported that Regis still has not completed the map for the plan. Chairman Harbinson asked if everyone is comfortable with the plan that it can now be sent on to the administrators, Commissions and the Mayor?

Commissioner Tate suggested first sending it to the Mayor and ask for his review. They discussed and decided they would ask for comment by the October meeting.

Chairman Harbinson said he would send an email to Regis stating we need the map for the plan before submitting the plan to the Mayor. Commissioner Tate suggested having the full-size maps and a smaller scale map attached to the back of the plan.

The Commissioner commended Agent Gallagher for her work on the plan.

F. Shelton Lakes Recreation Path (“Rec Path”)

1. Granite signs

Commissioner Tate discussed the granite monuments he went out and got a bid on. He discussed the coloring of the logo and said the cost would not change. Last month the Commissioners authorized Commissioner Tate to purchase 3 granite markers.

2. Quote for Greenway brochure

Discussed and approved in the Trails Committee section

3. Phase I Construction Bids

Discussed earlier in the Trails Committee section.

4. Style of amenities

Chairman Harbinson opened the discussion giving thoughts about granite benches (style), Adirondack chairs, etc.

Commissioner Tate said his view is that we are looking for a rustic richness, which means the highest quality, most durable possible natural material to be put in the form of the function. He went on to explain and give examples of what he means of how to create the desired look.

The Commissioners and Agent Gallagher discussed the type of stone benches they prefer and Commissioner Lauriat talked about a network of trails at Booth Bay Harbor Maine. He said they invited local artists to

come in, giving them rules to deal with what you find. They were to take the contents of the trail area and create benches and other structures. It turned out very well done and cleverly. They said it took about 6 or 7 years to complete the project but and was well worth the effort.

Chairman Harbinson asked if the Commission wanted to include any educational aspect?

Commissioner Tate explained his thoughts of contracting out to a professional for the aesthetic plan.

Commissioner McCreery said that we actually started this discussion about 3 years ago, primarily for the look of signage. He said we should either delegate a subcommittee to come up with the parameters of the Rec Path or we hire a landscape architect to propose something with our parameters. The Commissioners discussed this idea at length. Vice-Chairman Dyer asked Commissioner Tate to write up a spec for the proposal.

They all agreed that this might be the direction this Commission needs to go in.

The discussion turned to the role the Commissioners play in obtaining funding for trail projects. Projects/grants/open space purchases just don't get the attention they need unless the Commission members push to get it done. Progress has been made over time, which resulted in having a part-time staff person.

Commissioner Tate agreed to work on a spec for the style of amenities for the Rec Path. He will give the Commission a description of what elements you may be able to get service out of.

Chairman Harbinson commented that he feels the contract for the Rec Path project should be signed the day after the Board of Aldermen meeting (8/15) and we expect the work should be done within 4 months.

G. Review of P&Z Applications for Subdivisions and/or Developments

1. OLD APPLICATIONS

Vistas at White Hills – East Village Road – Status of open space

Agent Gallagher reported that representatives from Toll Bros. came to pick up open space signs. Linda Hooper called me and said there was equipment on the upper open space and I said that I assumed they were just working on finishing up in the area and I think they were working on it today.

Commissioner Lauriat asked if they were doing anything about the letter we sent them?

Agent Gallagher commented that they rebuilt the stone wall and I know they are doing some, if not all of the items. She couldn't remember everything that was in the letter. They have moved the trailers.

2. NEW APPLICATIONS

Commissioner McCreery brought up the Long Hill Cross Roads application at P&Z, where they want to do a PDD that overlaps residential. They had a public hearing last night. This abuts City open space. Why don't we get consulted on these applications? Commissioner McCreery commented that he would like to send a letter to Mr. Schultz that we thought our Commission should have been consulted on this and in the future if he would kindly send us the applications that abut open space, even if they don't necessarily grant open space?

Commissioner McCreery MOVED to send a letter to Rick Schultz about the process, stating that we noticed the proposed industrial condos on Long Hill Cross Road would have abutted City open space for the applicant, Long Hill Cross Road LLC. Our Commission noticed that we were not asked to provide any input. In the future we request our Commission be notified of applications that abut City Open Space, even if the application itself may not be adding or subtracting to City Open Space. Vice-Chairman Dyer SECONDED the motion.

Chairman Harbinson commented that Inland Wetlands has not even reviewed the application as of yet. It was on their July 10th agenda and it was tabled.

A voice vote was taken, all were in favor; MOTION PASSED.

Chairman Harbinson reported that we did receive a courtesy copy of a letter dated July 16, 2008, from Tim and Karen Platt at 253 Long Hill X-Roads, who live adjacent to the PDD development. She read her letter into the record at the P&Z meeting last night. In terms of relation to us, she notes that the proposed plans for the property, note the wetlands along the back side of the acreage of the conservation land behind that is counter-productive to build a development of this magnitude so close to a significant amount of protected property. She is not asking us to purchase open space or anything like that but she brought up some concerns about the proposal. Because it was adjacent to city open space, she felt it important enough to courtesy copy our Commission.

Vice-Chairman Dyer noted that at last night's P&Z meeting they awarded two projects that would give \$20K to the open space trust account for fee in lieu of open space. The two projects are Grove Street and Nells Rock Road

H. Conservation Agent Report

Agent Teresa Gallagher reported the following:

1. Budget Report:

Not received

2. Community Resource Inventory

Did not meet in July due to scheduling conflict with Conservation.

3. Open Space Trust Account

Balance \$176,000 per Sharon Scanlon, but no detailed information on the account has been available for several months.

4. CT State Grant of \$2500

Partially being used for the Rec Path granite markers ordered by Jim.

5. Encroachments

- a. New – 25 Wellington Court, clearing and dumping OS 72 adjacent to Summerfield Gardens
Overlaps with IWC action. A letter was sent to the homeowner and they were advised that we would be discussing this item at this meeting.
- b. ATV complaint OS 84 Soundridge
Referred to Police, letter received from Chief Hurliman. Chairman Harbinson read the letter to the Commissioners, which stated that the juvenile's cannot receive a city ordinance ticket. A court referral would need to be made to the court where the juvenile live. The father was told that riding on the open space is not permitted and the police dept. was informed that it would be recurring. Commissioner Lauriat explained the occurrence on Land Trust property where a judge would not issue a warrant to arrest a kid that was chased by the police who was riding an ATV.
- c. ATV complaint Birchbank Mountain area.
Referred to Police July 22
- d. Household hazardous materials dumped at Mill Street open space OS92. Report to Highways & Bridges for clean up; they require a Police report prior to removal of materials. Police contacted. Chairman Harbinson suggested sending an email to Sandy Nesteriak. It was noted that there is a hazardous material event at the Highways & Bridges department September 20.
- e. Multiple locations with lawn debris. Recommend a generic flyer that can be mailed to households where appropriate.

Park Entryways– Status:

Fence at Pine Lake was repaired. There is a small amount of additional graffiti at the bridge. May need to apprise Police of this problem area and expenses incurred due to vandalism.

7. Other

Far Mill Street open space OS 24 and Boehm Pond OS109

- f. Mapped locations of existing trails
- g. Painted blaze on one loop on OS 24
- h. Flagged recommended connector trail between the two properties
- i. Contacted John Cook and Rick Schultz about large diameter plastic piping that fell in the detention basin on city property. Development is still subject to bond.
- j. Posted entryway signs and OS markers in selected areas
- k. Issue of truck parked on open space to prevent dumping – spoke with resident who parks there. I suggested getting boulders instead to keep the people from pulling in there and dumping. The Commissioners discussed this and determined in this particular area it's ok to let this one go because he is doing whatever to keep people from dumping.
- l. Will not prepare hiking map until proposed section is done. Trail could use some cleaning up.

I. Communications

- Memo from Sandy Nesteriak (7/22/08) to Rick Schultz regarding the recreation public safety plan change by McCallum. This is where they want to change the portage areas for the canoe and fishing access. Agent Gallagher emailed the Commissioners before this meeting. This item was tabled at P&Z.

Commissioner McCreery MOVED to add to the agenda, potential reply to the McCallum Industries request to terminate public access along the river. SECONDED by Vice-Chairman Dyer. All were in favor, MOTION PASSED.

McCallum Industries request to terminate public access along the Housatonic River

Commissioner McCreery asked if we need to get the ok from the Mayor to respond to this since he is in the midst of discussions.

Chairman Harbinson said he felt we should send the comment to FERC.

The Commissioners agreed that they should send comment.

Tape 2, Side A

Commissioner McCreery MOVED to propose sending a letter to FERC objecting to the request from McCallum Industries to terminate public access along the riverfront for the length of the canal from the canal locks up to the current access on the following grounds: 1) The access site is currently heavily used by fisherman. 2) Access to the riverfront is not only

very important to the public but historically has been a key requirement of FERC for licensing under the regulations. 3) Contrary to insinuations of the applicant, the site is heavily used by fisherman and kayakers in that vicinity as well. This Commission has videotape of kayakers in that vicinity. 4) Reference to proposed future possible residential development is not a basis for current termination of access, and in fact, if there were residential development, that would be a reason for requiring greater access. The land use boards for the City of Shelton would probably require water-front land use access as part of any residential development, hand in hand with the existing recreational path that is currently (that they make no mention of) proposed to proceed northerly along the riverfront adjacent to the water. 5) Contrary to the suggestions of the applicant there have not been fatalities in this area of the canal due to people accessing it for either fishing or access. Any historical injuries or fatalities have been further south unrelated to public access issues, but rather more related to improper guard rails for automobile usage. In conclusion, we think that it is an important requirement to maintain public access now and in the future along the riverfront to the maximum extent possible. SECONDED by Vice-Chairman Dyer. All were in favor, MOTION PASSED.

Chairman Harbinson commented that he disagrees with some of their comments about the safety hazards. There have been no accidents by pedestrians drowning in the canal. It was a vehicle and far removed from this location. They are concerned with the swift water and hazards to canoes, and that hasn't changed since it's been at its current location.

Agent Gallagher suggested mentioning the State law that states if you allow access to land without license or permits that there is an exemption of liability. Commissioner Lauriat asked about the point Agent Gallagher was making in an earlier email about the fish exit, not the ladder, has to be on the Shelton side of the dam. Then this person from DEP went into detail where on the Shelton side of the dam it has to be. He never said in his letter why it can't be on the Derby side of the dam.

Agent Gallagher responded that the fish are attracted to wherever the current is strongest. The current is stronger on the Shelton side. If you put it on the other side the fish won't go to it.

- Vice-Chairman Dyer said they bought two pieces of equipment from Martinka and they sent the bill directly to City Hall. This way we get a 20% discount and non-taxable. It is included in the grant but the Finance Dept. needs a motion from us to pay this.

Vice-Chairman Dyer MOVED to pay the bills for a hedge trimmer (\$392.65) and brush cutter (\$679.94) to be paid from the DEP grant line item, paid to Martinka. SECONDED by Commissioner Lauriat. All were in favor, MOTION PASSED.

- Memo from the Mayor's office for John Papa and Chairman Harbinson to do the feasibility study of a dog park. John Papa has City staff researching what other municipalities in CT have to offer and what they recommend.
- CT Forest & Parks Association – Annual meeting at the Osborne Homestead, Kellogg Environmental Center, on Saturday, September 6, from 4-7 pm. Light buffet with beer and wine, \$25 per person. They need an RSVP by September 1.

J. Quality of Life - Executive Session

None

K. Comments By Members

None

L. Adjournment

Next regularly scheduled meeting will be Wednesday, September 3, 2008.

Commissioner Lauriat MOVED to adjourn. SECONDED by Vice-Chairman Dyer. MEETING ADJOURNED at 8:55 PM.

Respectfully submitted,

Marianne Chaya
Clerk, Conservation Commission