

City of Shelton, Conservation Commission
Minutes for the Regular Meeting on Wednesday June 4, 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

The Commission currently has 6 active members.

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

A. Pledge of Allegiance

Chairman Harbinson called the meeting of the Conservation Commission to order at 7:10 p.m. All in attendance recited the Pledge of Allegiance.

B. Approval of Minutes

Commissioner McCreery MOVED to approve the minutes from the May 7, 2008 Regular meeting. SECONDED by Commissioner Lauriat. All were in favor, MOTION PASSED.

C. Public Portion

Reinhold Wilhelm, regarding 590 River Rd. I would like to update you on the proposal from Mr. Cook and Mr. Schultz to stabilize the property.

Mr. Wilhelm discussed what he has done on the property since John Cook issued the stop work order.

Chairman Harbinson commented to Mr. Wilhelm that we are the Conservation Commission and we are purely advisory. Your property is down near the Southbank area. We know you had done some filling or grading and Mr. Cook issued a stop work order.

Mr. Wilhelm said that it was because the permit had expired. I apologize and we are trying to work with Mr. Cook and Mr. Schultz who want the property stabilized. It is seeded and hayed and there are no washouts.

Chairman Harbinson said that usually when they ask to do that is because some of the filling has been excessive towards the wetlands.

Mr. Wilhelm responded, no, not towards the wetlands, it was on the flat surface and the boat ramp is finished and leveled, so to speak.

Chairman Harbinson asked, had Mr. Cook or Mr. Schultz asked you to come to our Commission to give comments?

Mr. Wilhelm answered, I was not certain, so I marked it down and figured I would come here and tell you.

Chairman Harbinson commented that we don't have any application regarding this where we were asked to give comment on.

Commissioner McCreery stated that he thinks Mr. Wilhelm is before the wrong Commission. I think you meant to give this report to the Inland Wetlands Commission, not the Conservation. We would not be involved in Mr. Cook's enforcement of the wetlands violations.

Mr. Wilhelm said ok and if you have any questions then feel free to contact me. Thank you for your time.

Chairman Harbinson thanked him for his time and to note that the Inland Wetlands Commission meets on June 12.

D. Trails Committee Report

Vice-Chairman Dyer reported as follows:

1. National Trails Day – June 7

We are organizing our carpooling and t-shirts will be available for the volunteers. The bridge-to-bridge hike will start at 10:30 at the Pine Lake bridge. Raevis will be there giving away bottles of water plus at where the trail first crosses Wesley Dr.

The Commissioners discussed the t-shirts, the cost and the price for sale. They settled on \$10 per shirt.

Commissioner McCreery MOVED to authorize Agent Teresa Gallagher, Vice-Chairman Dyer and Terry Gallagher to sell and collect the money for the trail t-shirts on behalf of the City at Trails Day for \$10 each. SECONDED by Commissioner Lauriat. All were in favor, MOTION PASSED.

2. Planned Projects for 2008

A. Rec Path – Phase I

We got three bids for Phase I. They range from \$170K to \$230K, which we have a feeling is more than the Mayor will authorize us to spend. What we will do is to go back to the three people that bid, and I have permission from Purchasing to do this, to give us a price for just Phase I, items B and C. We also will ask for a price if the City will provide millings. This will be a “fill in the blanks pricing” for all three vendors. Once we have that we can then go to the Mayor for approval. Commissioner Lauriat asked we could go back to the vendors and ask for the “best and final offer” to give them the opportunity to try again and gives them the message that we are serious for this project. It was discussed if we could even do that and Vice-Chairman Dyer said that you have to give some reason for them to come in with a lower price, such as doing what we are doing here with asking for a price on certain parts of the project.

B. Rec Path – Phase 3

Jim Swift and Tracey Lewis are creating all the documentation for the wetlands permit. We paid the soil scientist (\$400), which was paid out of the trails grant.

An area was detailed to the Commissioners where they want to feather it out, along the road, to make a little sidewalk to the stream. This would go into the Land Trust property and we’d need an ok from them. The work to be done could be paid for from the Huntington Woods trail money (\$60K, plus interest).

D. 2008-09 Recreation Trails Grant application

We expect the application to be done this month and we will do something similar to what we did last time.

E. \$2500 State Grant -Logo

Agent Gallagher reported that we do have a check for \$2500 and we have to follow-up with a report saying how we spent the money. This money was placed in the Rec Path grant account.

We may want to use this money for the granite markers. The Commissioners then discussed the type of markers they are interested in, how many and where to get quotes. Chairman Harbinson went onto the Swenson website to view some of the samples. They also discussed where these markers should be placed, such as an entrance to a trail and maybe where there is parking.

F. Trail at Old Master's Site – Route 110 & Far Mill River

The trail is done and it looks great. They built three sets of stairs going from behind the parking lot down to the water.

There are about 40 bags of leaves someone left in the area and the owner said he'd remove them because you can see them from the building and he is still trying to rent out the space. They are having trouble taking them out now because of some beehives.

Chairman Harbinson suggested sending a thank-you letter for doing the trail and the stairs, and to send a copy to Rick Schultz.

G. Trail Enhancements

We want to put in two wooden benches to the right of the pedestrian bridge at Silent Waters.

It was suggested using granite benches but Vice-Chairman Dyer said it would look so much better wood. He agreed to get a quote for granite.

H. Gates – Abbey Wright

We have the gate and it needs to be installed. We need to get additional fence railings because there has been damage from trees falling.

I. Boy Scout Eagle project

Jimmy Flood is still trying to set up a meeting with John Cook to get approval for doing the wheelchair accessible fishing platform and canoe/kayak launch at Hope Lake.

3. Potential Work Party – schedule

We decided to permanently schedule the 2nd & 4th Saturday of every month for work parties.

4. Lane Street Issue

The person who lives next to the Lane Street right-of-way (location pointed out) contacted Agent Gallagher and said that people are looking into their house and throwing things in their backyard from the trail. Agent Gallagher went to the location and spoke to the homeowners. Kids are coming from the trail to their property, throwing garbage and beer cans at the house. There was a house nearby that was broken into and people think it may be related to the trail. Tires on their vehicle were flattened and were told when it was repaired that it looked like they were knifed.

Commissioner McCreery said that we couldn't provide security for houses and cars. The claims of houses being broken into have nothing to do with trails.

Agent Gallagher said the people feel they are being harassed and the trail provides those people with an avenue to watch them without them knowing.

Commissioner McCreery discussed what role the Commission should focus on.

Agent Gallagher discussed the area where a neighbor viewed a guy standing and watching the house for a long time. Chairman Harbinson said that they would have to contact the police; these are not our issues. If you having something where we are introducing a factor, such as a trail enhancement where we are encouraging or creating less of a privacy issue where vegetation is being cleared, then I can understand it is something we need to be mindful of. But we are not at that stage yet.

Tape 1, Side B

Vice-Chairman Dyer suggested installation of some type of permanent vegetation barrier.

(The Commissioners viewed the video Agent Gallagher took of the area).

Agent Gallagher pointed out that it wouldn't do any good to put up a fence at their property line because it is lower than the trail.

Vice-Chairman Dyer speculated that it might be teenaged boys interested in the teenaged girl at the home.

The Commissioners discussed the idea of a fence along the trail but felt if anything is put there it should be along the lines of a vegetation barrier.

Commissioner Welsh asked if there are any signs posted by the homeowner and Agent Gallagher said no, there is none. We don't want to encourage the signs.

At this point the Commissioners want to note that they are aware of the issue and will go out to the site and will continue to monitor it.

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

1. OLD APPLICATIONS

None

2. NEW APPLICATIONS

ZBA – Variance for swimming pool – 15 Fran’s Way

Agent Gallagher reported that she got a call from Jose Imery, 15 Fran’s Way, who said he was applying for a variance for a swimming pool. He was directed to call me because he needs to go onto open space property to access the area. There is a retaining wall and needed to go around it to get to the pool. I asked him to come to the meeting and also asked him if he needed to remove any trees. He said no because it is all grass in the open space. I asked why it was all grass in the open space and he said it was because he mows it. He said he’d stop by and drop off the application, which he never did. This is on the ZBA agenda for their June 17th meeting.

Coincidentally, about two weeks before this I received an anonymous call that there were sheds and lawns on open space on Fran’s Way.

The Commissioners reviewed the plans and the aerial photos of the area.

The Commissioners discussed sending a letter of the possible encroachments to the homeowners and another to ZBA requesting notification when proposed variances are next to open space.

Commissioner McCreery MOVED to send a letter to the Zoning Board of Appeals objecting to the proposed application for variance for the proposed pool on 15 Fran’s Way for the following reasons: A) The applicant is proposing a patio area that looks to be within 3 or 4’ of the open space; B) It appears that the applicant has already been utilizing City open space as lawn area (in violation of open space regulations) C) There is no hardship shown why the pool has to be located so close to City open space; D) The applicant failed to give notice to the City of Shelton as the abutting landowner. SECONDED by Commissioner Lauriat. A voice vote was taken; all were in favor; MOTION PASSED.

Commissioner McCreery MOVED to send a letter to the Zoning Board of Appeals regarding their process of notifying us commonly as well as the applicant when an application comes before them where the property abuts City open space. SECONDED by Commissioner Lauriat. A voice vote was taken, all were in favor; MOTION PASSED.

Commissioner McCreery MOVED to request Agent Gallagher to draft a letter with the Chairman's signature addressed to the neighbors in the vicinity of 15 Fran's Way that it is apparent they are utilizing City open space as lawn area and request they come to the Conservation Commission meeting to explain the possible encroachment. The letter is to include attachments of the virtual earth pictures. SECONDED by Vice-Chairman Dyer.

Chairman Harbinson suggested using Commissioner Welsh's idea of managing the area (annual mowing) and maybe get John Cook involved in the areas near the stream corridor. Agent Gallagher said she would talk with John and get suggestions from him.

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

Commissioner Lauriat asked about the Well Springs Estates open space where the association told the Commission they were not in favor of mowing it. If the City owns the property, why can't the City mow it?

Vice-Chairman Dyer said someone would first have to go in and remove the invasive species. Commissioner Welsh stated that you would have to get the initial clearing done so you could maintain it yearly.

Chairman Harbinson suggesting putting together a list of properties the City owns, if it is being hayed and by whom, and the ones that need to be maintained. The Land Trust did some work on their fields and it is evident that you can greatly improve the health of the land by taking out the invasives as an active program and maintaining it. Perhaps we can take a list of these to a person, such as the one who did work for the Land Trust and get a quote on these to "restore".

Commissioner Welsh said that the guy who did work for the Land Trust charged \$800/day, which was a good price. He offered to take this person to the open space parcels to see about getting a price for this maintenance.

The first parcels that come to mind are the Klapik, Wiacek, and Well Springs. They discussed the corncrib at Well Spring estates. There are no plans to do anything with it at this time.

Commissioner Welsh stated that the time to mow is first within the next two weeks or after August 15 (after they harvest the grass).

F. Shelton Canal – Proposal to fill canal for residential development

Related documents posted on:

www.sheltonopenspace.googlepages.com/sheltoncanal

The Army Corp is having their public meeting June 25.

G. Communications

None

H. Conservation Agent Report

Agent Teresa Gallagher reported the following:

1. Budget Report

Chairman Harbinson asked if the money was transferred to the payroll account. Agent Gallagher said the transfer was on the Board of A& T's agenda.

2. Open Space Trust Account

No status available.

3. Community Resource Inventory Committee

With the input from the committee I have been putting together a website. Once that is complete we will be asking for public comment.

4. Open Space Violations

Summerfield Gardens area (Constitution Blvd. North):

A) Brush piles dumped along Wellington Ct. in City open space. The president of the Summerfield Gardens association said they have seen the people dumping the brush to create a screening from the road.

B) Open space area (pointed out) dumping. The property owner is known and the Commissioners directed Agent Gallagher to send a letter.

C) Wiacek property, bordering Constitution Blvd. North – mound of woodchips. The city put it there to block access for the ATV's and 4-wheel drive vehicles. This is not a long-term solution. Perhaps boulders or a gate would work better. Chairman Harbinson directed Agent Gallagher to write a letter saying that we don't feel the woodchips are an appropriate long-term solution for the barrier to keep out illegal activities. We recommend a more formalized gate.

D) Riverview Ave – garbage and lawn stuff. After discussion of the area the Commissioners recommended getting a boulder placed there to block the access.

E) Open Space 84 – north of the Far Mill River. ATV damage and the ATV has been tracked to their home. The recommendation was to forward it to the police department. Request a report back. Agent Gallagher stated she has done this before and has gotten no response. It was suggested the letter go signed by Chairman Harbinson requesting the report to be sent to Agent Gallagher.

Tape 2, Side A

Commissioner Lauriat discussed getting the police department up to date with the current open space maps so that when calls are made regarding problems in open space they would have the map reference.

There was discussion of awareness or the lack of regarding the open space ordinance in some of the newer developments. Agent Gallagher commented that one person told her he had to mow the grass in the open space because the developer planted grass seed. It was suggested to try and do some education for certain property owners who are abutting open space.

5. Open Space Plan and Mapping

I talked with Regis and he was going to try and get the map done for today but he didn't.

I. Quality of Life - Executive Session

No activity to discuss.

J. Comments By Members

None

K. Adjournment

Next regularly scheduled meeting will be Wednesday, June 4, 2008.

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

Respectfully submitted,

Marianne Chaya
Clerk, Conservation Commission