

City of Shelton, Conservation Commission
 Minutes for the Regular Meeting on Wednesday March 5, 2008 at 7:00 P.M.
 Minutes should be considered a draft version until approved by CC at their next meeting.

Call to Order	2
A. Pledge of Allegiance	2
B. Approval of Minutes	2
C. Public Portion	2
D. Trails Committee Report	2
1. <i>National Trails Day – June 7 & 8</i>	2
2. <i>Planned Projects for 2008</i>	2
A. <i>Rec Path – Phase I Specifications</i>	2
B. <i>Rec Path – Phase 2</i>	2
C. <i>Rec Path – Phase 3</i>	3
D. <i>2007/2008 Recreation Trails Grant Application</i>	3
E. <i>\$2500 State Grant Status</i>	3
F. <i>New bridge over Curtis Brook</i>	3
G. <i>Riverwalk Design</i>	3
H. <i>Trail along driving range and behind hockey rink</i>	3
I. <i>Trail at Old Master’s Site – Route 110 & Far Mill River</i>	3
J. <i>Connect Blue Dot Trail to Shelton Lakes</i>	4
K. <i>Trail Enhancements</i>	4
1) <i>Trail Signs</i>	4
2) <i>Handicapped fishing platforms for Pine and/or Hope Lakes</i>	4
L. <i>Gates – Abbey Wright</i>	4
M. <i>Trails Maintenance</i>	4
1) <i>Gator Lift bed status</i>	4
2) <i>Brochure</i>	4
3) <i>Birchbank Mountain Trail</i>	4
E. Review of P&Z Applications for Subdivisions and/or Developments	5
1. <i>145 Riverdale Avenue (Housatonic River – south of the Riverwalk)</i>	5
F. Shelton Canal – Proposal to fill canal for residential development	5
G. Communications	6
H. Conservation Agent Report	6
<i>Community Resource Inventory Committee</i>	7
<i>Open Space Draft Maps</i>	7
<i>Open Space Trust Account</i>	7
<i>Plastic BB’s</i>	7
<i>Filing Status</i>	7
<i>Open Space Marker designs</i>	7
<i>Birchbank Mountain Open Space</i>	7
<i>Open Space maintenance project list</i>	8
I. Quality of Life - Executive Session	8
J. Comments By Members	9
K. Adjournment	10

Call to Order

Present: Tom Harbinson, Chairman
Bill Dyer, Vice-Chairman
Jim Tate, Commissioner
Hank Lauriat, Commissioner
Joe Welsh, Commissioner
Ed McCreery, Commissioner (arrived at 7:15 PM)

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 7:00 p.m. All in attendance recited the Pledge of Allegiance.

B. Approval of Minutes

Commissioner Tate MOVED to approve the minutes from the February 6, 2008 Regular meeting. SECONDED by Vice-Chairman Dyer. All were in favor, MOTION PASSED.

C. Public Portion

None

D. Trails Committee Report

Vice-Chairman Dyer reported as follows:

1. **National Trails Day – June 7 & 8**

Ravis Real Estate office has agreed to provide water for the hike event.

2. **Planned Projects for 2008**

A. **Rec Path – Phase I Specifications**

I have incorporated Jim Tate's suggestions into our statement of work and am ready to send to purchasing. All I need is a map from Terry Gallagher (Trails Committee). The plan for the cost is to come from LOCIP funds, which means we have to pay the money first and then get reimbursed. We need to know what account to use. Agent Gallagher suggested speaking with Charlene DeFilippo.

B. **Rec Path – Phase 2**

We are going to work on the path around the white house.

C. Rec Path – Phase 3

We would like to do the flagging and soil sample for getting a wetlands permit where the trail comes back on to Lane Street (between the boardwalk and Lane Street). We need a survey and report from a soil scientist before we can apply for a wetlands permit. We need a motion for the expenditure for approx. \$1500-\$2000. We have \$9000 in our budget that we would lose in May if we don't spend it.

Commissioner McCreery MOVED to authorize Vice-Chairman Dyer to get the quote for wetlands flagging and soil scientist report for a wetlands permit needed for the trail for the Recreation Path – Phase 3. SECONDED by Commissioner Tate. A voice vote was taken; all were in favor, MOTION PASSED.

D. 2007/2008 Recreation Trails Grant Application

We were notified that we did not win the 2007 Grant, surprising to us. Agent Gallagher put in a call to Lori Giannati, who was away for a week, to let us know why we did not get it.

E. \$2500 State Grant Status

We did receive a proposal from Peter Stockmal for \$900 that included logo placement examples (backpack, water bottle).

Commissioner Tate MOVED to approve the appropriation of \$900 to pay Peter Stockmal for the logo design. SECONDED by Commissioner McCreery. A voice vote was taken; all were in favor, with Commissioner Lauriat abstaining, MOTION PASSED.

F. New bridge over Curtis Brook

We got the Inland Wetlands permit to be able to build the bridge over Curtis brook on March 15, weather permitting. Thanks to trails committee member, Terry Gallagher, for attending the IWC meeting for the purposes of obtaining this permit.

G. Riverwalk Design

We submitted a formal letter in support of the Riverwalk going along the river.

H. Trail along driving range and behind hockey rink

It is complete.

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

They agreed it would be done between now and the spring.

J. Connect Blue Dot Trail to Shelton Lakes

We have flagged out the trail from Rte. 110 to where we are going to cross Meadow Street. There is just a little more work to be done.

K. Trail Enhancements

1) Trail Signs

We had an example but it wasn't what we need and Terry Gallagher will be getting together with Bob to figure out how to do the type of sign that we had in mind.

2) Handicapped fishing platforms for Pine and/or Hope Lakes

We have a boy scout from Troop 28 interested in building something and we had a handicapped fishing platform in mind. Commissioner Tate expressed his opinion that he feels it is not appropriate for structures on our lakes. He will vote no on any proposal for this structure. He feels the creativity for the Eagle Scout is to try to think of a way for this to look invisible in the function of having a handicapped accessible fishing area. Commissioner Lauriat suggested an invisible launching ramp. There was vigorous discussion amongst Commissioner Tate and the trails committee member, Terry Gallagher.

L. Gates – Abbey Wright

We are still waiting to hear from the “gate” guy. There was discussion of the design needed.

M. Trails Maintenance

1) Gator Lift bed status

The gator hydraulic lift came in and it was the wrong one. It was sent back and should come in within a week.

2) Brochure

Dave Zamba had offered several years ago to help on this so we will be contacting him now that we have a logo.

3) Birchbank Mountain Trail

We are going to survey it to see what it will take to make a little connection. There was discussion of what color to use for the blazing.

Chairman Harbinson suggested the trails committee summarize the improvements done on the trails for the Board of Aldermen. Vice-Chairman Dyer will write it up so that Agent Gallagher can forward it on to the BOA. Commissioner Tate asked Terry Gallagher for clarification of what they had in mind for the canoe launch for the new Riverwalk design.

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

1. OLD APPLICATIONS

none

2. NEW APPLICATIONS

1. 145 Riverdale Avenue (Housatonic River – south of the Riverwalk)

Chairman Harbinson reported that Rick Schultz contacted him regarding this application for a filling and grading from Michael DaSilva, co-owner of the property. He presented photos retrieved from Maps/live.com. The request is to create an elevated and level area for contractor storage yard. This is a permitted use and the P&Z Commission is interested in riverfront property for public access and have asked for comment from this commission as to whether this property should be under City control.

The Commissioners reviewed the area and what is the current use. Chairman Harbinson stated that he personally did respond to Rick Schultz stating that the Riverwalk is a valued community asset. Enjoyment of the river is a valued community asset and enjoyment of both of them is being encouraged north on the river and both should be encourage south on the river. At the least, there are other City issues, needs and concepts in motion with the skateboard park, animal control facility, wastewater treatment facility, ability for future expansion park in the area, all together should be looked holistically on that street, not just piecemeal.

Commissioner Tate suggested this Commission write a letter saying that any property along the river is worth looking into acquisition due to its value.

The Commissioners continued discussing this area in detail and determined they would continue the item in Executive Session.

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

Related documents posted on:

www.sheltonopenspace.googlepages.com/sheltoncanal

Commissioner Lauriat said he went down there today and said the view was just awesome.

Marianne Chaya, who is the clerk for the Housatonic River Estuary Commission, reported that this commission said they would wait for the ACE public meeting before making comment. They want to find out what impacts there would be on the river, if any. Chairman Harbinson commented that if there were any impact on water quality the DEP 501 water quality permit is one of the components. The HREC March meeting will have a guest speaker from the DEP.

Commissioner Lauriat commented that he went to the HREC meeting where they were discussing the Devon boat ramp and that it is closed now due to the construction on I-95. The impact is now on Sunnyside. Apparently there is pressure to expand the Sunnyside ramp. I asked them about Murphy's Landing area and the HREC commissioners felt that there would never be enough parking. Another thing that was discussed at the meeting was the issue of dredging and Jeff Snyder, HREC's member at large, commented that it is \$75 a cubic yard to dredge. The message being, when you are going to move tens of thousands cubic yards the dredger steps back and asks for the money. This will be a serious amount of money needed for the dredging.

Commissioner Tate asked about the HREC and it was noted that they have been working on defining their mission and spending time understanding what they will be doing.

There was discussion of the boat launch area at Sunnyside and who, if any will be taking on the responsibility of expanding. Commissioner Lauriat said that what he got from the HREC is that all towns bordering this river need to understand that what facilities they have will be swamped with the closing of Devon.

Tape 1, Side B

The Commissioners stated they are looking forward to the public meeting regarding the canal issue and plan to attend.

G. Communications

- CT Land Conservation Council – 25th annual conference to be held in Berlin, CT
- Soil & Water Southwest Conservation newsletter
- Annual plant sale – keep this in mind for areas along the Rec path that could use replanting. The Commissioners should bring this up at the next month's meeting so we could order some.
- Copy of our letter to Jim Ryan regarding the downtown Riverwalk – Phase II.

H. Conservation Agent Report

Agent Gallagher reported on the following:

Community Resource Inventory Committee

We are still working on scenic resources and have put together a nice list. We are going to start working on ways to get public input.

Open Space Draft Maps

The maps are online at <http://sheltonopenspace.googlepages.com>
Regis and I have been working on adding trails. I have been working on a link from the Paugusset at the Shelton Lakes to Stratford. I have been trying to get a hold of someone from Stratford, to no avail.

Open Space Trust Account

The balance is \$377,000.00. \$200K is going to be expended for the first payment on Soundview Ave. parcel.

Plastic BB's

Jason Perillo has asked for officials of other towns willing to testify about problems from the plastic bb's. Chairman Harbinson reported that he got an email from Jason Perillo saying that the proposed bill that he has raised regarding the biodegradable bb's has been referred to the environment committee. They have their public hearing on March 10. We will be attending.

Filing Status

Continuation of filing the materials from Harriet Wilber, John Anglace and the Gallagher's.

Open Space Marker designs

Commissioner Tate MOVED to approve the invoice (\$735) for the open space marker design. SECONDED by Commissioner McCreery. All were in favor, MOTION PASSED.

Birchbank Mountain Open Space

It seems that every Labor Day weekend the seniors from the high school go in there and party at the chimney. They do a lot of vandalism. Last year they took out all the mailboxes up and down the road and left a lot litter. We need to make the park more readily accessible to residents and find ways to discourage the vandalism.

Vice-Chairman Dyer asked Agent Gallagher to get more trail maps printed. Discussion ensued.

Vice-Chairman MOVED to authorize Agent Gallagher to get 500 maps printed, to include the re-routing of the trail. SECONDED by Commissioner McCreery. A voice vote was taken; all were in favor, MOTION PASSED.

Open Space maintenance project list

This list was given to Dean Cawthra as this is the slow time of year for his crew:

1. Repair ruts and potholes at Shelton Lakes parking areas (Pine Lake, Constitution Blvd No., Nell's Rock Road at Hope Lake).
2. Remove deer stand at Shelton Lakes near Rec Path and Turkey Trot Trail
3. Clear thick brush behind Riverview Park small ball field (Riverview Trail goes behind the fence)
4. Add a garbage can at the Nells Rock Road parking area (across from L'Hermitage)
5. Add a pull-off parking area (millings) at Huntington Street near Maple Lane, where people pull over and get stuck in the mud.
6. Wiacek Property: Haul out large amounts of debris that was on the property when we purchased it (in ditches). Note: This MUST be done ONLY when the ground is very frozen in winter or extremely dry in Aug/Sept. The hayfield and access road are very, very muddy and vehicles can sink a foot. Also: grade out the pile of topsoil that is near Meadow Street (again, must be done when ground is either frozen or parched).
7. Remove trees at Lane Street where Rec Path comes out onto the road.
8. Fill in two test pit holes at Big Horn open space near Pine Tree Hill Road.

Agent Gallagher asked if any of these items have a higher priority to let her know. Commissioner Welsh asked to move the Wiacek item moved up on the list. She added that Dean's crew did work at the Riverview Park.

I. Quality of Life - Executive Session

Vice-Chairman Dyer MOVED to go into Executive Session at 8:22 P.M. for the purposes of discussing land acquisition issues as outlined in the agenda. SECONDED by Commissioner Lauriat. All were in favor, MOTION PASSED.

Commissioner Lauriat MOVED to return to regular session at 9:10 P.M. SECONDED by Vice-Chairman Dyer. All were in favor; MOTION PASSED.

Commissioner McCreery MOVED to write a letter to Planning & Zoning Commission c/o Rick Schultz, regarding Assessor's parcel 40, map 118. Letter should be as follows: Dear Mr. Schultz; Thank you for referring to the Conservation Commission regarding the above referenced property. We note that the parcel contains an existing historic waterfront access that was an old boat ramp though it is currently located on private property. We note that this parcel is a logical extension of the Riverwalk and would be ideally suited for future public access. We note that the current permitted uses under the zoning code seem totally incompatible with the long term

plans of the City for downtown and riverfront redevelopment and public access to the waterfront. Therefore, it is the recommendation of this Commission that the P&Z Commission consider revamping the zoning of this entire waterfront area to ensure that future uses are more compatible with riverfront site as well as making a provision for possible future extension to the Riverwalk and public waterfront access. If partial public acquisition is needed to accomplish this goal, we urge your Commission to refer this back to the Mayor's office for further action. As the property is currently used as a contractor's yard some protection should be kept permanently in place to protect the river from pollution from oil spills, hydraulic fluids, and any potential spillage typical of a contractor yard use plus storage of materials that may be hazardous to the quality of the river. SECONDED by Commissioner Lauriat. A voice vote was taken; all were in favor, MOTION PASSED.

Chairman Harbinson asked Agent Gallagher to write a memo to the Mayor's office regarding Parcel B discussed in Executive Session, asking them to expedite the process for acquisition. The property owner has contacted us inquiring of the City's interest. They wish to discuss the negotiations.

J. Comments By Members

Chairman Harbinson commented that at the budget discussion at the BOA/A&T meeting the open space trust account was not funded in the Mayor's proposed budget, as required by ordinance. It was brought to my attention after our last meeting and before this one.

Vice-Chairman Dyer asked, the newspaper indicated that the Mayor responded to that topic. Did he respond to you personally? Chairman Harbinson commented that he and the Mayor had a rather vigorous discussion.

Commissioner Tate asked what risk does the City have by not having the ordinance funded? My position is that we should fund the open space trust account property, regardless of how the money is spent, how much has been added, etc. It is the principal of upholding an ordinance that was decided upon. I think it is just proper procedure. What risk is the City at for open space purchases if they do not have any money in the open space trust account, which could be if we don't fund it yearly? Chairman Harbinson responded that we would have the risk of the inability to act on small parcels where we would have the liquidity of that open space trust account and not have to go to bonding. For instance, the first payment of the purchase of the Soundview Ave. parcel is coming from the account and the balance to come from the BOA going out for a bond. There may be times where the Aldermen's capacity for bonding for the year has been met and they have no liquid funds. Commissioner Tate asked if there was no open space trust account, is there another source of funds available for purchase? Commissioner Lauriat asked about the legal issue of this

– if we don't fund the open space trust account, are we going to be in trouble with the law? After discussion, the answer is no.

Chairman Harbinson discussed the history of the account and the current ordinance as it reads. We are going to and have been tracking this account. Commissioner Tate commented that Conservation Commission's open space responsibilities need to have this fund available so they can be responsible to the community for their planning efforts. It is one of their tools they have. The City has recognized that at all different levels. It is publicly mandated through all the planning documents that we have either public hearings or mandates on. Regardless of how someone or some body interprets their funding sources, it is important that this fund stay intact with a value for that we cannot foresee in the future these issues that may come. The risk benefit is far greater to have the fund in place. The benefits are far greater. The risk is far worse. This \$250K is a nominal amount of money given the exercise of our communities concern on open space. Not only does it go as a viable statement of legitimacy to the open space efforts but it also gives viability to the fact that you do have a tool you could use, considering the amount of parcels we seem to have come in front of us. It certainly is a requirement.

Commissioner McCreery says he fears that if we don't replenish the open space trust account and you use the money for the down payment on Soundview Ave. that this Commission has effectively been rendered impotent for another year.

Commissioner Tate stated again, this is a tool. The Mayor has done an admirable job in open space acquisitions. That doesn't negate the viability of having a fund in place that puts credibility into the open space efforts.

Chairman Harbinson pointed out that the successes in the past you can point to this open space trust account being used for payment on the Shelton Family Farm, the Buddington Rd. (UI parcel), the overlook properties, etc. It is a great tool that has been used well in the past and can be well used again.

All the Commissioners were in agreement of the use and funding of this account. Chairman Harbinson explained the next step in the budget process and when the Commission could have an opportunity to speak again on this subject.

K. Adjournment

Next regularly scheduled meeting will be Wednesday, April 2, 2008.

Commissioner Lauriat MOVED to adjourn. SECONDED by Commissioner Tate. MEETING ADJOURNED at 9:26 PM.

Respectfully submitted,

Marianne Chaya
Clerk, Conservation Commission