

City of Shelton, Conservation Commission
 Minutes for the Regular Meeting on Wednesday October 1, 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
 Jim Tate, Commissioner

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Joe Welsh, Commissioner
Ed McCreery, Commissioner
A.J. Grasso, Commissioner

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 7:05 p.m. All in attendance recited the Pledge of Allegiance.

B. Approval of Minutes

Commissioner Lauriat MOVED to approve the minutes from the September 3, 2008 Regular meeting and September 15, 2008 Special meeting. SECONDED by Vice-Chairman Dyer. All were in favor, MOTION PASSED.

C. Welcome New Member – A.J. Grasso

Chairman Harbinson welcomed the new Commissioner, appointed by the Mayor, filling the vacant spot previously held by Harriet Wilber. Commissioner Grasso has been logged into the google group so now he will be able to get all the communications we sometimes send amongst one another. Commissioner Grasso is a builder who is the owner of Prestige Builders.

Commissioner Grasso stated that his parents moved here in 1954, some time before I came along. I graduated high school the same year as Chairman Harbinson and have lived in this town pretty much my entire life except for about 13 months in Derby. I have been self-employed since 1986. I also serve on the Animal Shelter Building Committee and I am looking forward to working with you. Chairman Harbinson commented that because A.J. is a builder, we've always had people who were interested in the Conservation Commission work that we recommended to the Mayor and this would be an interesting appointment to compliment our group. This is the first time where I have been involved where he initiated it. Just to be frank and open about it Commissioner Grasso is a builder in town and has done some development in town and has been given all of the ethics rules from the town clerk gives you when you sign up and swear at the City/Town Clerk's office. If there were anything he needs to recuse himself from, he would do it.

Commissioner Lauriat asked if when we get to agenda item K, does he become the 800-lb. gorilla in the room?

Commissioner Grasso commented that he has only been before the Inland Wetlands board for a development once in the last decade.

Chairman Harbinson said that Commissioner Lauriat's comment was meant in reference to when we are in Executive Session and are discussing potential land

acquisition issues, if there were something that would present a potential conflict he would just bring it up. I am looking forward to having a builder on the group because of some of our projects, like the Rec Path, where we could certainly use the knowledge or expertise. Within our Commission we have a well-rounded group of individuals.

D. Public Portion

None

E. Review of By-Laws

Agent Gallagher came across the by-laws and passed out copies to each Commissioner. The by-laws have not been updated since 1973. Chairman Harbinson suggested that each Commissioner take time and review them. Maybe some of the Commissioners could come up with conceptual new by-laws.

F. Election of Officers

Chairman Harbinson said he added this to the agenda because in the by-laws it talks about electing officers when you have a new member. I don't know if we have to do that or not now; I'll leave that up to your discretion. The Commissioners discussed it and decided to table the item.

G. Shelton Lakes Recreation Path

1. Phase I Construction - surfacing from Pine Lake trailhead to Shelton Ave/Nells Rock Road intersection. Bid awarded to Sound Construction for \$153,000. Aldermen approved additional \$6400 for state bonding requirement. Status.

Vice-Chairman Dyer reported that they had the site visit with the principals of Sound Construction. They signed the contract and it was delivered back to Tom Welch for him to review and then forward to the Mayor for his signature. They are so confident that they are ready to move equipment to the site and store it by the police station as early as this week. They are ready to go and we walked the whole thing and noted there is an issue with the Board of Ed that needs to be resolved. They put a post in the middle of the sidewalk to keep cars from driving on the sidewalk on Darryl Ellis Drive because of the gate that they have blocking the street. They also put boulders blocking the area, which also blocks the Rec Path. The issue now is where does the Rec Path come out visa vie that cement post. I have been in touch with Bill Banfe, who sent me a map saying what was approved. It is just exactly where do we put the Rec Path in relation to that steel post? I will meet again with Bill and we will go out to the area, but we are in good shape.

Commissioner Tate asked if the town is on board for the street work? Vice-Chairman Dyer said that the Mayor said yes but he would follow up on it because of the catch basin on Constitution Blvd. that needs to be there or everything will just erode or wash away.

Commissioner McCreery asked where this work is going to take place, and Vice-Chairman Dyer answered that it would go from Pine Lake (on Rte 108), then go behind Pine Lake to Meadow Street, then depart from Meadow Street up except for a little drainage work in some spots, go straight ahead from where the paving stops to the sidewalk (the "missing link"), cross Constitution around part of the Turkey Trot trail, across the bridge, loop back down across the other small bridge to the corner of Rte. 108 and Constitution. They will be using processed material (3/4"), which looks like a natural light brown color with filter fabric put down first. The timeline for this project is about 2-3 months.

Commissioner Tate asked who in the City is responsible for this project, or who is their representative watching over this? Vice-Chairman Dyer said that so far it's him and Terry Gallagher. He introduced Bob Kulacz to the project, but he hasn't volunteered. Commissioner Tate suggested trying to keep Bob in the loop, especially with meeting minutes with the contractor. Terry Gallagher keeps notes and it was suggested that the Mayor and the City Engineer should be copied.

2. Phase III Section 3 Construction – grading and surfacing from Land Trust meadow to Lane Street. Status.

This is the area where Randy Szkola worked on and at this point it's done for as much as he needs to do. We have to get someone to get the millings over there and spread. I have talked to Dean Cawthra and he is busy with the ball fields. I will talk to Randy to see if he might be willing to come back and spread it out.

3. DEP 2008 Grant Application – Submitted for Phase III, Section 3, Huntington Woods to Huntington Center (Lane Street). Status

We have submitted the application and waiting to hear who gets the award. We should hear sometime in December or January. This grant is for \$75K to be able to do more of the Rec Path and purchase more equipment.

4. Granite Signs – Status

Commissioner Tate reported that the posts are due to arrive on October 15. It was determined that Commissioner Tate would pick where the posts were to be placed.

Chairman Harbinson pointed out that we did get competitive quotes for the granite signs from B.F. Farr Assoc. in Manchester, NH, and LeMonsior Quarry in North Chelmsford, MA. Both were much more expensive, predominantly due to the shipping costs. We were able to get a better quote from the Swenson Granite Works in Monroe, CT. Swenson was the only one who quoted doing the engraving of our Shelton Lakes Logo.

Agent Gallagher brought up the fact that Sandy Nesteriak informed her there were no boulders available to block off the entrance to the Lane Street path. The concern is the solar panels. The Commissioners said they think they know where to get some boulders to take care of the issue.

H. Trails Committee Report

Vice-Chairman Dyer reported as follows:

1. Shelton Day – October 5, 2008

We are teaming up with the Land Trust in the same booth. This year we have added some trail signs, bat houses and birdhouses.

2. Red Barn (at the white house on Nells Rock Rd)

We put hinges and locks on the red barn. At some time later the Gator will probably not be able to be stored at the EMS facility so we are looking for an alternate location. If we get this new grant we would like to purchase a wood chipper and mower and we need to have a place to store them. The roof is ok, the door has been fixed and we need to do some repairs on the windows. We also need to look into security systems.

There was discussion of future possible uses of this house.

3. September/October hikes

We had a fun hike where about 30 people showed up and everyone had a good time. Chairman Harbinson said that some people he knows said they wanted to go on the hike but could not find a parking spot.

The one in October will be starting at Lane Street/Huntington St. and there should be plenty of parking. We have been talking about having a couple of hikes on a Sunday afternoon in October and November and ask people to bring non-perishable food items and donate it to the Spooner House. This would tie in with the Thanksgiving holiday.

4. Connect Blue Dot Trail to Shelton Lakes

This will be a project for a later time. We did bring this up to the Mayor. Chairman Harbinson brought Commissioner Grasso up to date on the sequence of events on this project.

5. Fishing Platform at Hope Lake

The Boy Scout is currently working on this and will put rocks and gravel at the base. He will put a cement slab level with the water and rocks all around it.

6. Birdhouses for sale

Trail committee member, Lynn Reid, has a person who will make wooden birdhouses for \$12/ea.

Chairman Harbinson stated that we would be glad to accept donations.

I. Open Space Plan of 2008

Agent Gallagher handed out copies of the open space plan along with 3 different maps for the Commissioners review. Chairman Harbinson thanked Agent Gallagher for all her work in putting together the draft along with thanking Regis Dognin for his work on the maps.

Chairman Harbinson asked Agent Gallagher if she has received any comment back from the Mayor, John Cook or Rick Schultz? Agent Gallagher said no, but Rick Schultz said he had made some comments and passed them onto John Cook. She has received a few public comments.

Chairman Harbinson commented that at the last BOA meeting where he made mention of the CT Forest and Parks Association recognition of the Trails Committee, we took that opportunity to let them know about the open space plan and what the process would be, and that we wanted public input. I talked with a couple of reporters that night and there has been an article in the Shelton Weekly, the Huntington Herald, the CT Post, and I wrote a letter to the editor that was in the CT Post and the Huntington Herald. It is also on the front page of the website. We have an electronic counter on the website for the open space plan and we have had about 100 looks at it. The Mayor did say that he wanted the public to look this over and have opportunity to understand if there was a proposed trail near their house that they could comment on that.

The Commissioners and Agent Gallagher discussed the 3 different maps provided.

Tape 1, Side B

He asked Commissioner Grasso what he thought about the maps since it really is his first look, what is his impression? Commissioner Grasso said he would prefer to take a bit more time and make comment next meeting.

In terms of the process for the open space plan to be approved it has to go to Planning & Zoning. They have to have a public hearing process and they have to get the 8-24 referral from the Board of Aldermen. Do we want to forward what we have, the draft, and let P&Z take it from here, or do we want to hold off for now?

Commissioner Tate said the mapping has clarified a little better before we can do that.

Chairman Harbinson and the Commissioners agreed to spend some time reviewing the draft and maps and to make comment at the next meeting. Once comment is made we need to forward it to P&Z, schedule the public hearing and get it going in November. This needs to be acted on soon and not let it drag on for another year.

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

1. OLD APPLICATIONS

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

Toll Brothers is looking to have the bond removed on the development since they have completed it. The City Engineer would like to have the bond removed and accept the city streets because we are coming upon wintertime.

Agent Gallagher reported that there were not any open space signs. I plan to go back out there for further investigation of the signs. I received an email today regarding encroachments. There seems to be people out there taking the signs down and expanding their lawns.

Commissioner Lauriat commented that he goes by there everyday and the conservation signs are not there anymore.

It was determined that Commissioner Lauriat would meet Agent Gallagher at the development to go over the punch list.

ii. Long Hill Cross Roads Industrial Park, PZC#08-15, Step one conceptual plans for a PDD. Abutting open space #OS14 (Long Hill School). Conservation recommendations sent to PZC 9/17/08.

Chairman Harbinson commented that there is really nothing for us to do. We wrote a letter last month regarding the zone change to a PDD. Normally we don't make comment regarding zone changes but we did make comment on trying to buffer from whatever does occur between existing residential and the existing open space and concern of the runoff to the wetlands within open space.

2. NEW APPLICATIONS

i. Nolan Subdivision, PZC #08-17, Re-subdivision of Lot #1, Requested fee in lieu of open space.

This is submitted by MJS Builders at 16 Soundview Ave. They are requesting fee in lieu of open space. P&Z is asking for us for review. It is not adjacent to any other open space nor does it have the potential for adjoining to open space. This Commission feels the fee in lieu of is appropriate.

Commissioner Tate MOVED to recommend accepting fee in lieu of open space on the Nolan Subdivision, PZC#08-17. SECONDED by Vice-Chairman Dyer. A voice vote was taken, all were in favor; MOTION PASSED.

K. Communications

- Memo from Rick Schultz (P&Z). They are putting a floating boat dock at Sunnyside boat ramp. P&Z gave a favorable 8-24 referral. Parks & Rec was awarded a grant for this construction, which will be a 90' floating dock anchored by 4 pilings.
- Brochure from the American Trails Symposium
- Southwestern Conservation District newsletter
- CT Assoc. of Conservation & Inland Wetlands Commission (CACIWC) newsletter
- Communication from McCallum Enterprises regarding an article that appeared in the CT Post. The article was regarding the City's potential interest of acquiring the property on Canal St.

L. Conservation Agent Report

Agent Teresa Gallagher reported the following:

1. Budget Report (hand out) Balance \$45,066 as of 9/04/2008
2. Community Resources Inventory Committee: Scenic Resources mostly complete, website at www.sheltonconservation.org, on hold until Open Space Plan is adopted.
3. Open Space Trust Account: Balance \$187,968 as of August 31, 2008
4. Encroachments: Policy/procedures needed for encroachments.

Commissioner Tate suggested putting an article in the newspaper regarding the encroachments as an educational tool.

Chairman Harbinson said there should be a way we could use the GIS system to get a listing of all the properties that abut open space and conservation easements. Then a form letter could be sent to all those residents, informational in nature.

The Commissioners discussed what information should go into such a letter and how the distribution could be done.

Agent Gallagher explained that she is running into encroachment situations on a more frequent basis and asked the Commissioners for a clear direction as to what she should be doing.

The Commissioners spent some time discussing this topic, suggesting they discuss each situation. Agent Gallagher said she found a few this month and they asked her to detail them for the Commission.

- Fran's Way: Previously we had several residents mowing the open space and easements and they came to a meeting a few months ago. A resident has asked for permission to cut trees in Conservation Easement. She

wanted to cut the trees about 20' up. They are very healthy Maple trees. The resident said that they are very tall and the leaves get in the gutter and they could blow over in a storm. I referred that to our tree warden and he said he didn't think they should be cut but check with corporate council because his concern was liability.

Commissioner McCreery pointed out that it is the tree warden's role to determine if there is any liability. Upon meeting with resident I noted that the trees have been pruned up to 20', there is no brush, and the easement has been mowed. Resident stated at the meeting earlier this year, Conservation had given permission to mow. Need to clarify with residents exactly when they can mow.

Commissioner McCreery said that when they met with us we said we'd give them a year and then re-visit. Let's wait the year and then address it again. On the trees, in the future, I would say, as in your email to us detailing the facts, I would have it come up at the next meeting and we would approve or deny the request. If there were an issue with the health of the trees the resident would have the right to go to the tree warden and get a second opinion.

Commissioner McCreery MOVED to write a letter to the resident on Fran's Way who requested permission to cut trees that the Commission denies the request. SECONDED by Commissioner Lauriat. All were in favor; MOTION PASSED.

- Boehm Pond: Mowing of open space along pond edge – probably historic mowing from long before land was subdivided, by members of the family who owned the land previously and live on the adjacent lot. The Commissioners and Agent Gallagher discussed the area and it was determined to leave it as it is.
- Long Hill: Two residents appear to be mowing open space based on aerials. The Commissioners reviewed one area and said it is going to be part of the ball field construction. The second property was discussed and it was determined it was ok to mow the area around the pond.
- Vistas at White Hills: Just received a complaint that multiple residents there are removing the open space signs and extending their lawns onto open space.

5. Park Entryways:

- Hope Lake parking lot needs repair
- Pine Lake Dam Gatehouse is collapsing and is an eyesore – the Commissioners suggested talking to Dean Cawthra or engineering.

Tape 2, Side A

6. Klapik Farm – trashed hauled out of swamp to higher ground. Need to find a way to haul the heavy items up to the road. Maybe Highways & Bridges could help out.

7. Ecklund Native Species Garden: Girl Scout Leann Misencik installed signs last weekend for the plants. Recommend drafting a letter thanking the troop. Allison Menendez, who is a “Master Gardener”, has agreed to help out with garden, and has arranged to have the larger, sunny bed roto-tilled. We can then come up with a plan for what to plant there, and then ask for help from GS Troops. I may ask them also to consider donating the \$75 per troop that the Mayor donates each year for the purchase of plants.

Vice-Chairman Dyer MOVED to have Agent Gallagher write a letter thanking the Girl Scout Troop for constructing and installing the vegetation signs at Ecklund Native Species Garden. SECONDED by Commissioner Lauriat. All were in favor; MOTION PASSED.

Commissioner Welsh suggested that the Girl Scouts might want to go to a place he found in Woodbury that sells native plants. He will email the name of the place to Agent Gallagher.

8. Grass Carp – I spoke with the gentleman who stocked the Park Ave pond with grass carp several years ago, and he says they continue to do a nice job, but within a few years will probably start to die off due to age.

M. Quality of Life - Executive Session

Vice-Chairman Dyer MOVED to go into Executive Session for the purposes of discussing land acquisition issues and inviting Marianne Chaya at 8:50 P.M. SECONDED by Commissioner McCreery. All were in favor, MOTION PASSED.

Commissioner Lauriat MOVED to return to regular session at 9:15 P.M. SECONDED by Commissioner McCreery. All were in favor, MOTION PASSED.

Chairman Harbinson noted that the Commissioners took no action in Executive Session except to recommend writing a letter to a property owner who is interested in selling property to the City and thanking them for their interest.

N. Comments By Members

Commissioner Tate said that the Mayor has told the Commission that he would like us to move forward looking at a way to possibly put up cameras for the ATV issues we have and also at the Riverwalk. Derby has cameras but is now dealing with reading the cameras, how they are being read, and privacy issues. We might want to consider something like a “deer camera” type of setup. Agent

Gallagher discussed the setup in Monroe and how it is working for them. This may be the first contact for this endeavor.

Commissioner Tate explained what he has in mind for the Riverwalk area and where the cameras are needed. Maybe get one camera and see how it works. Commissioner Welsh suggested getting a dummy camera to see if there is any type of deterrent.

The Commissioners said they would spend some time brainstorming ideas.

Commissioner Welsh reported that he went to an invasive plants symposium. It is held every other year. He passed out some picture cards showing some of the examples, such as the "mile a minute vine". The cards explain the species and it has a phone number listed that if you see this vine to call them and they would come out. They have a GIS system where they are plotting where the infestations are. What he got out of the meeting was discussions of field habitat maintenance and certain plantings that affect insects. The CT Agriculture station is doing a lot of research on aquatic invasives. Their key point is early detection, especially around the reservoir. They would be interested in coming out and helping identify stuff. It was suggested having them come out in the winter and coordinate this with Agent Gallagher. The other thing is concern over the field habitat and the benefits of maintenance.

The Commissioners discussed French's Hill saying that right now they are growing corn and that Linda Hooper had spent a great deal of time clearing the area.

O. Adjournment

Next regularly scheduled meeting will be Wednesday, November 5, 2008.

Commissioner Tate MOVED to adjourn. SECONDED by Commissioner McCreery. MEETING ADJOURNED at 9:28 PM.

Respectfully submitted,

Marianne Chaya
Clerk, Conservation Commission