

City of Shelton, Conservation Commission
 Minutes for the Regular Meeting on Wednesday September 3, 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. Call to Order/Pledge of Allegiance.....	2
B. Approval of Minutes.....	2
C. Public Portion	2
D. Shelton Lakes Recreation Path	2
1. Phase I Construction - surfacing from Pine Lake trailhead to Shelton Ave/Nells Rock Road intersection. Bid awarded to Sound Construction for \$153,000. Status.	2
2. Phase III Section 3 Construction – grading and surfacing from Land Trust meadow to Lane Street. Status.	4
3. DEP 2008 Grant Application – Submitted for Phase III, Section 3, Huntington Woods to Huntington Center (Lane Street). Status.....	4
4. Granite Signs – Status	4
5. Greenway brochure - status	5
6. \$2500 Belden Grant - Status.....	5
E. Trails Committee Report.....	5
1. Planned Projects for 2008.....	5
A. Rec Path – Phase I	5
B. Rec Path - Phase 2 and 3	5
C. August 2008 Trails Activities Review.....	5
D. Letter to P&Z regarding dam access	6
E. September and October hikes.....	6
F. Connect the Blue Dot trail to Shelton Lakes.....	6
G. Trail Enhancements for 2008.....	7
i. Fishing Platform – Hope Lake	7
ii. New Scout Project for Abbey Wright Gateways	7
iii. Expenses for Reimbursement.....	7
2. Potential Work Parties.....	7
A. Oak Valley, Dominick Trail and Riverview Trail.....	7
B. Red Barn Doors	7
F. Open Space Plan of 2008.....	8
G. Review of P&Z Applications for Subdivisions and/or Developments	8
Vistas at White Hills – East Village Road – Status of open space.....	8
A. Long Hill Cross Road Industrial Park, PZC #08-15, Zone R-1/LIP – Step one conceptual plan for a PDD. Abutting open space #OS14 (Long Hill School).....	9
H. Communications.....	10
I. Conservation Agent Report.....	11
1. Budget Report:	11
2. Community Resource Inventory	11
3. Open Space Trust Account	11
4. Boehm Pond trails	11
J. Quality of Life - Executive Session.....	11
K. Comments By Members	12

L. Adjournment..... 12

Call to Order

Present: Tom Harbinson, Chairman
Bill Dyer, Vice-Chairman
Hank Lauriat, Commissioner
Jim Tate, Commissioner
Joe Welsh, Commissioner (arrived at 7:40 P.M.)
Ed McCreery, Commissioner (arrived at 8:45 P.M.)
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, held in the Auditorium to order at 7:10 p.m. All in attendance recited the Pledge of Allegiance.

B. Approval of Minutes

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

C. Public Portion

None

D. 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. Status.

Vice-Chairman Dyer reported that the vendor we selected, Sound Construction, came back and said that the contract that was issued to him required a payment for a performance bond which was not included in the requirement and since it's been so long since he bid the job his costs have gone up over \$4K. He is not willing to accept the \$6,470 increase that the bond would require. If we require the bond we either have to come up with the money ourselves and add to the contract value or he will walk away from the contract. The next lowest bidder is

\$1200 more than if we add the \$6K to the amount and there is no guarantee that he wouldn't say we didn't require the bond because it wasn't in the RFP, even though statutes require it. According to him other towns, specifically Ridgefield, has waived that requirement. No one in Ridgefield would confirm or deny that; I was unable to reach anybody. Secondly, this town is not willing to waive it. Commissioner Harbinson commented that we confirmed with town counsel that you are required to have a surety bond when it is over \$100K for a public project and it cannot be waived.

Vice-Chairman Dyer commented that as of today the requirements of the City's procurement include that statement in every bid that goes out. It did not have that statement when ours went out. The bottom line is that the contractor says unless he gets the additional \$6K or waived, is going to walk away.

Chairman Harbinson concluded that it cannot be waived, \$6K is the amount. Adding \$6K for a surety bond to the contract is still a lesser value than the second place contractor. If we accepted that as a Commission and forwarded it to the Board of Aldermen for next week's meeting for them to consider adding an addendum to the contract then things could progress.

Commissioner Tate MOVED to ask the Board of Aldermen to approve the payment of bonds (\$6,470) for the contract awarded to Sound Construction. SECONDED by Commissioner Lauriat.

Discussion:

Vice-Chairman Dyer commented that the other option is to go back and the City may be able to negotiate something less than the full amount, i.e., share the cost of the bond.

We don't care what the money is added for; it's just he has to have it.

Chairman Harbinson asked if Sound Construction gave the requirement of the extra funds for the surety bond in written form?

Vice-Chairman Dyer said the President of Sound Construction sent a letter into Gene Sullivan (Purchasing).

Chairman Harbinson asked if Gene confirmed that the amount for a surety bond is typical of what a surety bond would require for a \$100K+ project?

Vice-Chairman Dyer said he wasn't asked.

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

Chairman Harbinson said he would forward this to the Board of Aldermen, as they will be meeting a week from tomorrow (September 11).

Agent Gallagher asked if this is a letter she should write and Chairman Harbinson said yes, to send it to John Anglace, President of the Board of Aldermen. Email Theresa Adcox to have this item added to the agenda tomorrow.

Chairman Harbinson asked Agent Gallagher to contact Gene Sullivan to get a copy of the letter for backup for the Board of Aldermen.

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

Vice-Chairman Dyer said that Randy Szkola did a beautiful job in creating the Rec path towards the boardwalk. He stopped short where he said it would just be muddy and it would be easier when your about ready to step down to the middle of the meadow. He did all the work that we needed him to do. He brought in the boulders to fill in the area. It is ready to put the filter fabric in and we acquired the filter fabric and will be delivered tomorrow. It will need to be rolled out.

Commissioner Tate asked where it would be stored.

Vice-Chairman Dyer responded that it would be delivered to his house.

Vice-Chairman Dyer commented that he and Chairman Harbinson would be meeting with the Mayor tomorrow and this item would be discussed along with the use of millings. The others that will be in attendance at the meeting will be Bob Kulacz (City Engineer), Bill Mooney (Public Works) and Dean Cawthra (Tree Warden).

Commissioner Tate asked if anyone knew the quantity of millings we would need? Chairman Harbinson said we could use everything. Commissioner Tate suggested talking with the contractor doing the roadwork. He may be able to help us.

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

Vice-Chairman Dyer reported that the grant application was submitted. He distributed copies of the application, which is for \$73,524 of a \$99,000 project, approximately 27% cost sharing.

Equally important is that we got in the invoice for the last grant, everything down to the penny.

4. Granite Signs – Status

Commissioner Tate said he is waiting for the graphics. It would be about a 6-week delay to get the posts. I ordered 5. The details of the look of the graphics and the height were discussed.

Vice-Chairman Dyer suggested trying to spend all of the \$2500 grant money (order another) and the others agreed.

After discussion the Commissioners agreed that the graphics should be on both sides of the posts.

Terry Gallagher (Trails Committee) mentioned getting posts (plain) where there are eyebolts drilled in to chain off an area (intersections). Commissioner Tate said that the plain posts are readily available and wouldn't need to be special ordered.

Commissioner Tate suggested the Trails Committee get those posts when they are ready since it doesn't have to be special ordered.

They discussed how these posts would be installed and who would do it.

In conclusion, Commissioner Tate will go and get a quote for 8 plain posts to go along with the posts (logo blazed) with a thermal cut. The funding will come from the grant along with money from the Conservation budget.

5. Greenway brochure - status

Agent Gallagher passed out copies and said she received 4 boxes of the brochures and it was suggested having them on hand for Shelton Day. The Commissioners discussed having either their own booth (Trails Committee) or working in conjunction with Land Trust. Vice-Chairman Dyer said that for this year they would be with the Land Trust.

6. \$2500 Belden Grant - Status

Discussed earlier – will be used for the granite posts.

E. Trails Committee Report

Vice-Chairman Dyer reported as follows:

1. Planned Projects for 2008

A. Rec Path – Phase I

Discussed earlier in the meeting.

B. Rec Path - Phase 2 and 3

The thing we are going to discuss tomorrow is doing work on either Phase 2 or 3, the millings, fabric and City employees.

C. August 2008 Trails Activities Review

Terry Gallagher put together a list of all the things that have been done in the last month. They are as follows:

SHELTON TRAILS COMMITTEE

9/1/08

August 2008 Trails Activities

August was a busy month for trails activities, with a number of developments for the Recreation Path:

- 9/2/08 Pine Lake Kiosk vandalism repaired with new plexiglass door to allow easier placement of news in kiosk.
- 8/30/08 8 Way marker posts created - 4x4 posts with routed numbers to match map in New Shelton Lakes Greenway brochures.

City of Shelton, Conservation Commission
Minutes for the Regular Meeting on Wednesday September 3, 2008 at 7:00 P.M.
Minutes should be considered a draft version until approved by CC at their next meeting.

- 8/28/08 2008 Recreational Trails Grant Application sent to CTDEP - \$ 73,150 requested for maintenance equipment and Section III construction from Land Trust Meadow to Huntington Woods.
- 8/25/08 Filter Fabric rolls (2) ordered from Ferguson Waterworks
- 8/25/08 Revised Shelton Lakes Greenway flyer with map to Allegra Printers - anticipated copies 9/3/08.
- 8/25/08 2007 Recreational Trails Grant Close-Out submitted to CTDEP - \$5,626.28.
- 8/23/08 No work party - people away on vacations - inspected Red Barn at Nells Rock Road for security measures needed to store trail material there.
- 8/20/08 First Wednesday Night Ramble on Turkey Trot Trail - large number of people out using trail system.
- 8/16/08 Stihl FS350 Brush cutter purchased from Martinka's.
- 8/14/08 Mayor and Aldermen approve spending \$153,800 for Phase 1 Rec Path Construction, from Pine Lake to Nells Rock Rd., Board of A&T awards contract to Sound Construction.
- Randy Szkola of Hilltop Gardens grades out Lane St. entrance (pro-bono services).
- 8/9/08 Work Party at Lane St. clearing brush and trees and poison ivy to enable ROW for grading.
- 8/6/08 Trail Comm. and Cons. Comm. Meetings
- 8/5/08 Planning and Zoning approves release of \$ 69,000 from Huntington Woods Trust Fund to construct Phase 1 of Rec Path

D. Letter to P&Z regarding dam access

I am going to draft a letter in support of the same from the Trails Committee about not moving the stairs and keeping the trail on top of the dam.

E. September and October hikes

We are having hikes on three different trails; one on August 20, one on September 17, and one on October 15 (area around Lane Street), and the Far Mill trail on the 17th
We encourage people to invite their friends and neighbors to attend.

F. Connect the Blue Dot trail to Shelton Lakes

This will be a winter project.

G. Trail Enhancements for 2008

i. Fishing Platform – Hope Lake

Scout Jim Flood is doing this project. He received all his approvals from the Council a week ago and he is ready to start next weekend. He is hoping to get stone slabs for the base and use rocks around it.

ii. New Scout Project for Abbey Wright Gateways

We have another scout (Craig Richards) asking for a project and we've put together a variety of ideas for gateway and plantings & mulching the area. This is in following of the Commissions desires to have the gateways upgraded and this might be a good project.

iii. Expenses for Reimbursement

Commissioner Lauriat MOVED to approve reimbursing Terry Gallagher \$362.86 (Land Improvements budget line item) for Trails Committee supplies. SECONDED by Commissioner Tate. All were in favor; MOTION PASSED.

2. Potential Work Parties

A. Oak Valley, Dominick Trail and Riverview Trail

In two weeks from now we will do the Dominick Trail clearing and then after that the Turkey Trot Trail. In October we will do the Riverview trail and repairs there.

B. Red Barn Doors

Terry Gallagher gave the total expenses for the hardware and posts. If we are going to store things in the barn the doors need some work. We haven't talked to anyone in the City as of yet to get their permission to use it for storage. Chairman Harbinson and Vice-Chairman Dyer would bring this issue up at their meeting with the Mayor tomorrow.

Terry Gallagher suggested storing the filter fabric, pipes, fence rails, etc. in the barn.

Terry Gallagher brought up the design standards item discussed at the last Commission meeting. He showed a picture of what is in New Haven and said that they were able to get Yale University to donate money for their project. He and the Commissioners spent some time discussing this issue.

Tape 1, Side B

Terry Gallagher said he went out and got one of the Adirondack benches and wants to put it at the top of the dam at Silent Waters and feels the public would really like it as well. He mentioned that he feels this would fit into what ever style we get for the greenway.

Chairman Harbinson said to go ahead and put it on the dam and we will see how it lasts. The other Commissioners were in agreement. It is a nice amenity and plenty of people would like to stop and rest and enjoy the vista at that location. But with at that location and that kind of material, I don't think it will last. This will be a test case.

Mr. Gallagher said that he feels if it were put at Pine Lake we might have trouble with vandalism but at Silent Waters I think we might be ok.

F. Open Space Plan of 2008

Agent Gallagher said there is still an issue with the printing of the maps. Chairman Harbinson commented that he asked Regis Dognin to print the maps because they need to give it to the Mayor with the plan. Regis said he was having difficulty in getting the size we need. I told him that we don't need the smaller size because it can be read online and anyone can print it from their computer.

Agent Gallagher responded that she has some printouts and Regis is still working on it. One thing I noted is on the 11x17 has the same size map inset as the smaller ones. Regis is going to continue working on it and I also had some issues with some of the trails that are hard to see.

Chairman Harbinson asked Agent Gallagher to print out another copy of the plan for him to hand to the Mayor and he will ask for comment by the October meeting. He also asked her to print out a copy of the plan for each Commissioner.

Commissioner Lauriat said he gave his only map to Chief Hurliman and needs another for himself.

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

No change.

2. NEW APPLICATIONS

A. Long Hill Cross Road Industrial Park, PZC #08-15, Zone R-1/LIP – Step one conceptual plan for a PDD. Abutting open space #OS14 (Long Hill School).

Chairman Harbinson pointed out the location of the property and described the area. It was pointed out that there are a lot of wetlands on the property. Vice-Chairman Dyer commented that the P&Z Commission had a public hearing on this and the public was strongly against it.

Chairman Harbinson stated that a PDD does not require any open space dedication. The reason we got this is because we requested to be notified of any property that abuts open space.

Commissioner Tate noted that they proposed an evergreen buffer adjacent to the City open space connection and we would like to make sure that buffer is kept in force.

Commissioner Welsh asked if it says anything about the height of the buildings, to ruin any type of view from the open space? Vice-Chairman Dyer said no they are one-story buildings.

Commissioner Tate commented that because it's in a place where it's in a transitional zone he would rather grab the tax dollars and protect the open space.

Chairman Harbinson said that his only concern is that given Anco Engineering next door did have some spillage issues about a year or so ago on that troth or dike that goes behind their property. Previous to Anco purchasing this property there was some spillage issues.

Commissioner Tate suggested we request the drainage is addressed where it would not contribute to the open space and should be a wetland issue.

Chairman Harbinson stated that since the referral came from P&Z we would have to comment back to P&Z but certainly we can courtesy copy Inland Wetlands and make reference to the nearby industrial property and how their activities have had some impact upon our open space and that we recommend there are safeguards in place to protect the open space.

Commissioner Welsh said that if you mention transitional zones and I hear that thrown out all over the place as a sales pitch. I think the use of transitional zone is going to lead to sprawl if you use keep using that term. Once that is built, and the property is going to become available next door that is R1, they can come in and say, this is a transitional zone. You can't slow down growth but you want to slow down the sprawl effect.

Commissioner Tate asked Commissioner Welsh what he wants to see done? Commissioner Welsh said that P&Z needs to pay attention. From the Conservation end of things, transitional zones are fine as long they don't lead to more development in the future.

Chairman Harbinson said that we are about creating balance, so its not so much preventing development. If there is some property there that has an

open space characteristic that would be beneficial to be in the public's purses that is great, but this particular case where it's a transitional zone as long as there is no impact on our open space that is our concern. From a bigger perspective you can talk about that issue.

The Commissioners continued discussing transitional zones, PDD's and how it may or may not affect wetlands and open space.

Chairman Harbinson discussed the amount of wetlands on this application and that we are not allowed to request open space dedication. We can't comment that a building is going to be located 50-60' away from a residential structure. We can make a recommendation that they encourage the lighting to be not scatter-type. Do we have some ideas of what we want to put in the letter to P&Z?

Commissioner Lauriat stated that the letter should encourage the preservation of the evergreen buffer, buffering the property between the industrial use and the current existing residential use. The use of non-scatter type of lighting is also encouraged.

Commissioner Tate added to encourage protection of any kind of potential spills, and Vice-Chairman Dyer suggested protection of noise pollution.

Chairman Harbinson said to also add in the letter that due to the industrial activity next to an open space wetlands area that special attention be given to mechanisms to prevent potential spillage that may occur on an industrial type property. Given the history with Anco Engineering and its spillage events.

The wetlands Commission should be copied.

Vice-Chairman Dyer MOVED to send a letter to Planning & Zoning regarding PZC#08-15 stating that the Conservation Commission recommends preservation of the evergreen buffer, buffering the industrial use and the current existing residential use, encourage protection of any kind of potential spills that may occur on an industrial type of property, given the history with neighboring Anco Engineering and its spillage events. Also, the Commission encourages non-scatter type lighting. A copy of the letter should be sent to the Inland Wetlands Commission. SECONDED by Commissioner Lauriat. All were in favor; MOTION PASSED.

H. Communications

- Public Act for the Face of Connecticut documents received from City Counsel Tom Welch.
- Dog Park – memo issued to Chairman Harbinson and Alderman John Papa to look into this endeavor. This was a result of two kids visiting the Mayor and they requested it and the Mayor said they would look into it. Nothing has happened as of yet. Chairman Harbinson said he has not reviewed any properties or spoken to the Dog Warden. Alderman Papa has contacted Ron Herrick (Parks & Rec) to request he look at what other towns have done.

- Glen Grove Estates – received \$5K fee in lieu of open space dedication. We also received open space dedication (.16 acres)
- Natural Resource Conservation – flyer on growing trends in CT agriculture.
- Natural Resource Council – Connecticut – is having a tour of the Jones Farm on September 10. After that tour they will head over to the Kellogg Environmental Center.
- Letter from Dept. of Agriculture Commissioner – regarding definition in state statutes of what agriculture and farming is, and letting us know that due to the increased costs in energy and transportation will cause some locally grown products to become economically advantageous and there needs to be some coordination and that the Dept. of Agriculture is ready to help.

I. Conservation Agent Report

Agent Teresa Gallagher reported the following:

1. Budget Report:

Not received

2. Community Resource Inventory

We met in August, made more revisions on the scenic resources.

3. Open Space Trust Account

Balance is \$178,000. Now we will have an additional \$5K for the fee in lieu of.

4. Boehm Pond trails

The Trails Committee went out and did a great job. The map is online.

J. Quality of Life - Executive Session

Commissioner Lauriat MOVED to go into Executive Session for the purposes of discussing land acquisition issues and inviting Marianne Chaya at 8:37 P.M.. SECONDED by Vice-Chairman Dyer. All were in favor, MOTION PASSED.

Commissioner Tate MOVED to return to regular session at 8:46 P.M. SECONDED by Commissioner McCreery. All were in favor, MOTION PASSED.

K. Comments By Members

None

L. Adjournment

Next regularly scheduled meeting will be Wednesday, October 1, 2008.

Commissioner Tate MOVED to adjourn. SECONDED by Commissioner McCreery. MEETING ADJOURNED at 8:46 PM.

Respectfully submitted,

Marianne Chaya
Clerk, Conservation Commission