

City of Shelton, Conservation Commission  
 Minutes for the Regular Meeting on Wednesday April 1, 2009 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  
 Jim Tate, Commissioner

Joe Welsh, Commissioner  
Ed McCreery, Commissioner  
Hank Lauriat, Commissioner

Also Present: Teresa Gallagher, Conservation Agent  
Terry Gallagher, Trails Committee

## A. Call to Order/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. Chairman Harbinson read the letter from Commissioner Grasso, dated March 26, 2009, informing the Commission that he is resigning as Commissioner due to business and family commitments.

## B. Approval of Minutes

**Commissioner Tate MOVED to approve the minutes from the March 4, 2009 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. Formalize meetings? Quorum, minutes, motions, limited public participation, etc.

The committee members discussed this and decided to have minutes for our meetings. It will continue to be a consensus driven organization, as we do not set policy. If motions are necessary we will make them and continue to report to this Commission.

### 2. National Trails Day (June 6) Preparations

We are going to do a bridge-to-bridge hike including the new Rec path. We talked about the various needs in terms of publicity and water for the hikers. We decided to buy a canopy (about \$99) for the event. One of our members will purchase it and bring the receipt in for reimbursement.

Lynn Reid, of the Trails Committee, will be running another event. It is 6-mile rugged hike on the Paugusset trail.

It is also noted this is the same day of the "relay for life" and the 5-K around the high school.

### 3. Planned Projects for 2009

#### a. Rec Path – Phase I

i. This is the section that is already built. We have 100' of fence that we want to have built. We need to go out and get 3 quotes, but it is very difficult to get anybody to bother giving us a quote. Peter volunteered to try to get us the 3 quotes.

Agent Gallagher mentioned that you are supposed to “try” to get the quotes but it may not be an issue. Commissioner Tate said he might be able to get a quote from a source he knows. He asked Vice-Chairman Dyer to email the specs to him.

#### ii. Flag trees for removal

Terry Gallagher has diligently gone out and flagged a lot of trees for removal.

Commissioner Tate stated that he has no problems with the removal of the trees.

Commissioner McCreery asked that this task be put off until the next meeting as he still wants to go and see the flagged trees himself.

Once Commissioner McCreery goes out and gives his ok, the Commissioners agreed that they could proceed with the project, given that Dean Cawthra is available.

It was discussed and agreed that the rock removal is not a high priority and that some of the rocks would have to be removed with heavy equipment.

#### iii. Shore up the erosion in the section between the dams

The Commissioners and Mr. Gallagher discussed the erosion problem of the area and commented that they need more volunteers.

#### iv. Drainage issue before the north dam

This is going to be a problem and we probably will be able to take care of it with plastic pipe and putting more trenches across.

#### b. Rec Path – Phase 2

##### i. Upgrade path around the white house

The area is now filled with mountain laurels and the volunteers could take care of that. Eventually there will be a serious road-grading problem for a contractor but we could open it up at this point in time.

#### c. Rec Path – Phase 3a & b

##### i. Status of the P.O. for Jim Swift to lay out the route and preparation of the wetlands application.

Jim Swift has laid out two alternate routes to get around the knoll on the power lines. The view is spectacular but the work involved is extensive.

We have been told to wait on the status of the P.O. until April.

**d. Rec Path – Phase 3c**

Dean Cawthra's crew went in and did the chipping and did a great job. We got Mrs. Pearlle's approval to drive through her back yard to access the area.

Mr. Gallagher reported on the work their volunteers did on the clearing of the briars and Commissioner Welsh got the Land Trust's brush hog to take out the materials. We had two work parties and had about 25 people working on Eklund, Lane Street and the above mentioned area. We've had a great turnout from the volunteers and the Parks & Rec crew.

Chairman Harbinson commented that it is important to show the Mayor and the Board of Aldermen that a little investment on the City's part by providing the Parks & Rec workers is really leveraging the volunteer work. Providing before and after photos is a good way to show the impact of what a little assistance from the City can leverage to a lot of volunteer activity.

Vice-Chairman Dyer mentioned that he had a conversation with the Mayor about the need for Dean renting a bulldozer to do the work including having the millings put down. The Mayor got back to Dean and told him he wanted to have a contractor do it. He suggested using Barry Mucci. The 3 of us met at the site and Barry reviewed the area and gave me a quote. This would be a 2-day event. I said that we have millings over at the white house and they could be trucked over to the site. We would lay down the filter fabric and then the millings could be spread. This is the area from Lane Street to the boardwalk. I presented this to Sandy and she asked where the other 2 quotes were. I talked to Mark Tice and will meet with Joe from Brennan's. I should have the 3 quotes shortly.

**e. Connect Blue Dot Trail to Shelton Lakes**

I spent this morning with Alderman Eric McPherson, who is the 2<sup>nd</sup> ward Alderman. I drove him down to Indian Well and explained what we are trying to accomplish on the connection of the Blue Dot trail. I next drove him up to Thoreau Drive to show where it comes across a person's property who has given the CFPA permission for people to walk down there. We next went to the Wiacek property where we did walk the area. He asked about the material that appears to have been dumped and I said I thought the City did it.

I showed him the area on Mayflower and the issues we have had with the neighbors regarding the need for this area for the Blue Dot trail. I told him what we are asking for now is to be able to go diagonally through City property at the end of the cul-de-sac, away from a house,

and away from a house, and have people walk up the street. We'd have to take out some of the saplings on the other side of Meadow, we'd put a blue dot on one of the rocks that they'd have to climb over. We did the whole route and then I took him down to Sinsabaugh and told him of the suggestion of a possible route to have people come up the Sinsabaugh driveway and then walk all the way down Meadow Street and then cross over. Mr. McPherson commented to me that we might get into a problem with all the seniors having a problem with this route and isn't it a lot more dangerous for people to be walking on the street that a bunch of seniors are driving on? I asked what he thought, and he said it was really good to see the other side. He didn't give me an answer but now he has seen both sides of the issue. Chairman Harbinson asked what is going to happen now? Vice-Chairman Dyer said he thought he would bring this information back to the BOA, since at the last meeting the topic was tabled. Terry Gallagher mentioned that at the last BOA meeting Alderman Anglace mentioned that the Mayor had a possible alternative route but we have not received that information as of yet.

#### f. Dog Park

Alderman Papa and Ron Herrick (Parks & Rec) are running the committee to look for a dog park. I have attended the meetings as a representative from this Commission. There is a list of potential sites and we were asked to go look at them. The one they seem to think is the best is behind the red barn at the white house on Nells Rock Rd. We met out there on Saturday and I have sketched out the area, noting to not take any trees out. I emailed the sketch to the Commissioners. The Commissioners discussed the acreage and fencing needed for this park. The Mayor is now talking about taking the white house down and putting up the animal shelter at this location. The Commissioners discussed the cost of putting in a dog park as well as the need for one at this point in time.

#### g. Spring Activities

1. Agent Gallagher is going to give a talk on April 14 at the library. The topic is trails for beginners.
2. Trails Committee public meeting  
After discussion we decided to have a couple of guided hikes in April and May. This is to get ideas from people that are using the trails as to what they think the priorities should be. Agent Gallagher said that you could use this poll on the trails blog. Chairman Harbinson made some suggestions as to maybe trying different days of the weeks for trail work parties.

**h. Trail behind the hockey rink**

All issues have been resolved.

**i. Repair/re-point the sides of the Silent Waters Dam**

The rock masonry walls that are holding up the bridge are deteriorating. This not the foundation for the bridge, it's just the esthetics. I will get a quote and come back to the Commission, and then we can decide if it's a priority or not.

**E. Conservation Commission membership:  
Resignation of A.J. Grasso – new member needed**

Chairman Harbinson noted that he read the letter to the Commissioners at the beginning of the meeting and this now leaves an opening. If anyone has an idea of somebody who would be a worthwhile contributor to our Commission's work, let him know.

Commissioner Lauriat asked about the previous people who applied and Chairman Harbinson said they reached out to them and they currently are not interested.

**F. Shelton Canal**

1. Closure of public recreation area (status): Southern fence was removed and public access restored. Northern fence prevents portage around the dam.

Agent Gallagher commented that she looked at the original permit application required from the 1980's did state that the applicant was going to maintain portage on both the Derby and Shelton side. I don't know if the Derby side is functional. We sent a letter requesting FERC to look into it and decide it is something that should be maintained.

2. Filling of canal for site development (status). No change in status. Army Corps permit temporarily withdrawn.

Tape 1, Side B

**G. Communications**

- Copy of notice from Rick Schultz lifting the cease and desist order for 305 Canal Street to McCallum Enterprises.
- Copy of memo from John Anglace to Rick Schultz, dated March 11, regarding an 8-24 referral disposition of city property at 279 Soundview Ave. This is mute, because at the BOA meeting it was brought up that they didn't follow a process. There is an attached letter from the City Engineer that he endorsed the proposal to

dispose of a 1-acre portion of the acquired parcel. This piece of property has a house, garage and two sheds.

- This memo is from Theresa Adcox, clerk of the BOA, dated March 24, asking us to give opinion to the BOA regarding the parcel at 279 Soundview Ave. I then got an email from Theresa asking me to discard this request because it was not the BOA reviewing the proposal and then authorizing us to look at it as well as Parks & Rec Commission. It was noted that her request was from her, not the BOA.

Commissioner Welsh asked if this is property anyone could express an interest in purchasing? Chairman Harbinson responded that anyone could request to purchase anything from the City. The City can also, upon it's own initiative decide to dispose of a piece of property.

Commissioner Welsh asked how the City does it, is it similar to how Bridgeport does it.

Chairman Harbinson read the "process" to the Commissioners.

This item will come to this Commission at a later date. At that time we will readdress our original thoughts on the parcel.

- Conservation Commission is going to have a banner up on the Huntington Green unveiling our website, displayed April 6-20. Agent Gallagher is the contact person and this ties in with Earth Day (April 22). The website address is [www.sheltonconservation.org](http://www.sheltonconservation.org).
- CACIWC newsletter
- CT Preservation Newsletter

## H. Review of PZC or IWC Applications for Subdivisions and/or Developments

### 1. Old Applications/Monitor/Follow-up

- a. PZC #09-09 – 2-lot subdivision on Buddington Road abutting open space properties (OS# 27.10, 27.16 and 27.19)

This is the Blakeman subdivision, which is the same thing we looked at before, except that was a conceptual drawing. This is the actual submission. It was accepted at the last P&Z meeting. They were looking for a fee-in-lieu of and pedestrian easement on the north boundary of the proposed lot #2. This currently has some woods rows on it that would function very well to integrate into the trails network in that area and it would have a pedestrian easement over the septic leach field.

Vice-Chairman Dyer said he talked to Jim Swift about it and he would prefer to move the road over 10' to have it be off of where

they would be doing the work. I went out there and looked at it and it is doable, especially with the equipment they have. The Commissioners discussed this suggestion of the easement. The Commissioners agreed that they are in favor of taking the fee-in-lieu of.

The question is the ability to have access to the trails network on the northern boundary. How do we accomplish that? After detailed discussion of this issue, the Commissioners came to an agreement of a motion as follows for the P&Z referral dated March 19, for revised plans received March 17, 2009:

**Vice Chairman Dyer MOVED in regards to PCZ application #09-09, James Blakeman, applicant, to achieve the goal of access to the trails network shown on the northern boundary of lot#2, either by utilizing a pedestrian easement over the current Woods Road shown on lot #2 that accesses off of Old Kings Highway, or by re-routing said access road over the open space owned on the northern boundary by the City of Shelton. The Commission recommends taking a fee-in-lieu of open space. The Commission also requests that there be confirmation that the leaching fields would have no potential of impacting open space due to the proximity to it on the northern boundary. SECONDED by Commissioner Lauriat. A voice vote was taken; all were in favor, MOTION PASSED.**

Commissioner Welsh brought up a possible scenario where the septic leaching field above that, and that if it fails, could compromise wetlands. I know that Inland Wetlands regulates that, but conservation wise, on the border of open space, if it fails on open space or protected wetlands.

Chairman Harbinson said that he doesn't think we have facts and figures to show this happening to make it a concern.

The Commissioners discussed this possible concern.

Chairman Harbinson suggested making a note to P&Z to give extra attention to the location of the septic leaching fields so they won't have any potential of impacting the City open space.

Commissioner Lauriat mentioned that Valley Health is also involved in the location of the septic leaching fields.

## 2. New Applications

None

## I. Budget Report

Chairman Harbinson commented that it appears the Conservation Commission was the only ones to get our budget cut. It is now in the hands of the BOA since there was no recommendation from the Board of A&T – they couldn't come to a

decision. As it stands, the Mayor's recommendation, which is our full request, still sits as a possible BOA approval.

Regarding our budget for this year, we still have plenty of capacity to do some of the projects we have talked about.

Commissioner Welsh mentioned that since we were turned down for our grant from the DEP for the clearing of invasive species at the Klapik farm, do we want to spend money to have the pent ways opened up so people can access the property as well as saving the trees from getting destroyed by the vines? I did get a price of about \$3000.

Chairman Harbinson said we need to come to a decision of what direction we want to go in since it's already April.

The Commissioners discussed getting 3 quotes for the next meeting for the clearing of the invasive species on the Klapik farm.

Commissioner Lauriat commented that some of the areas around the Vistas of White Hills are starting to look trashy. When the homes were being built I asked the sales lady if they were going to do anything about it. Her answer was, we think that the owners will all rise up and demand that something be done. I wonder who they are going to demand this of?

Agent Gallagher asked what areas he is talking about and Commissioner Lauriat said the pent way. It's not open space but owned by the next property owner. The area I am talking about is the conservation easement area. Who gets the bill for cleaning this up?

Vice-Chairman Dyer responded that if it's somebody's property we can get the blight enforcement. Commissioner Lauriat commented that the blight enforcement hasn't done anything about the dump up there.

## J. Open Space Trust Account

Agent Gallagher reported that there are no changes to the balance. Chairman Harbinson asked for a printout because there is an issue with the use of the funds for the Wiacek purchase.

Agent Gallagher said she hasn't been getting the printouts and has to ask for them. Chairman Harbinson said to send a memo from him to maybe get them back on track to sending the reports on a monthly basis.

Commissioner Welsh said speaking of the Wiacek property, he would like to see that big mound where they were going to put that road in leveled out and reseeded with native pasture mix. It just looks like a "project in limbo" and there is such a value on why we had to buy this property then why are we leaving it in the condition of how it was going to be developed to remain for how ever many years into it.

Chairman Harbinson commented that now everything has been resolved by the court, including the valuation, the City can move forward with improving the property for its agricultural purposes.

Commissioner Lauriat commented that the next time the City wants to go for a referendum for the canal project, there aren't too many folks that will sign up for

that if they see that the property up by the high school being ignored. Why put good money after bad? It'll be a hard sell.

Chairman Harbinson suggested sending a memo to the BOA, copy Sandy Nesteriak requesting that the pile of topsoil restored at the Wiacek property. Agent Gallagher mentioned that there also a lot of junk in the ditch. That should be added to the memo as well. The memo should be worded as to saying that it is City property, it was purchased for its significant investment for its open space acquisition for agricultural purposes. Those things should be addressed as we are entering into the growing season.

### **K. Eklund Native Species Garden**

Agent Gallagher reported that the garden is going great. We had 14 volunteers from the trails committee on Saturday. The installation of the deer fence has begun. Some of the retired volunteers said they may even be able to come during the week and work on it.

The beds have been cleared and ready to be planted. Kelly Walsh spent the entire morning hauling garbage out of there and filled up the back of a pickup truck. I have a planting list I am working on because I have to get 3 quotes. The driveway has to be unblocked by the Parks & Rec dept. There will be about 250 plants.

They asked Commissioner Tate about old photos of the area so we could have before and after pictures. He said there are some pictures taken as a record document when they did the Phase I environmental assessment.

Agent Gallagher has created a blog for the Eklund garden to demonstrate the diversity of it and to get people involved. It is creating enthusiasm.

### **L. Quality of Life – Executive Session**

**Vice-Chairman Dyer MOVED to go into Executive Session to discuss quality of life issues at 8:45 PM. SECONDED by Commissioner Tate. All were in favor, MOTION PASSED.**

**Commissioner Lauriat MOVED to go back to regular session at 8:55 P.M. SECONDED by Vice-Chairman Dyer. All were in favor, MOTION PASSED.**

Chairman Harbinson noted that there were no votes taken in Executive session.

**Vice-Chairman Dyer MOVED that the Conservation Commission authorize the expenditure of no more than \$1600 for a contractor to complete the section of the Rec Path from Lane Street to the boardwalk. The expenditure is to come from the Land Improvements line item. SECONDED by Commissioner Tate. All were in favor, MOTION PASSED.**

## M. Comments by members

Vice-Chairman Dyer said that Mr. Gallagher broke a shovel handle and went out and bought a replacement. I would like to have him reimbursed for \$16.95. Chairman Harbinson signed the receipt for the reimbursement.

## N. Adjournment

The next regular meeting is scheduled for May 5, 2009.

**Commissioner McCreery MOVED to adjourn. SECONDED by Vice-Chairman Dyer. All were in favor, MEETING ADJOURNED at 9:00 P.M.**

Respectfully submitted,

Marianne Chaya  
Clerk, Conservation Commission