

# OPEN SPACE COMMITTEE MEETING

*"Special" Minutes*

*Craft Room 3, Community Center*

*Shelton, CT*

*Tuesday, December 7, 2004*

**Members Present:**

**Dave Zamba  
Tom Harbinson  
Celeste Beattie  
Harriet Wilber  
Paul Gabor  
Ralph Rotondo**

**Members Absent:**

**Ed Conklin  
Ken Olin  
Neil Hayes  
Regis Dognin**

Dave Zamba, Co-Chairman at 7:40 P.M, called the Special December 7, 2004 meeting of the Open Space Committee to order. All in attendance recited the Pledge of Allegiance.

**Review of Minutes**

**Tom Harbinson made a motion to accept the minutes of the October 25, 2004 meeting. Celeste Beattie seconded the motion. All were in favor, motion passed.**

**Treasurer's Report**

Tom Harbinson handed out copies of the Open Space Trust Account summary sheets for July, August, September and October. He noted that in August the annual appropriation was added, in the amount of \$192,643.00. Tom reviewed all the expenditures and additions to the account. As of October 31, 2004, the balance is \$162,835.45. **Paul Gabor moved to accept the Treasurer's Report, seconded by Ralph Rotondo. All were in favor, motion passed.**

**2005 Meeting Dates**

Marianne Chaya gave a copy of the proposed 2005 meeting dates for review. The dates are as follows:

January 24

February

March 21

April 25  
May 23  
June 27  
July 25  
August 22  
September 26  
October 24  
December 5

Since Easter is on March 27, the meeting will be held on the 3<sup>rd</sup> Monday. The November and December meetings will be combined and held on the first Monday in December. **Tom Harbinson moved to accept the dates listed above for the 2005 meeting schedule. Seconded by Paul Gabor. All were in favor, motion passed.**

Celeste asked that the next scheduled meeting be noted at the end of the minutes.

### **Subdivisions**

The Woods at Lake Road – Dave Zamba reported that this has been approved at P&Z. He read the motion from the November 16 P&Z minutes. There is no need to review the application.

Turkey Hill Estates – The proposed development is located off of Old Kings Highway and Buddington Rd. It is proposed for a 10-lot PRD. Rick Schultz told Dave Zamba that they are looking for a fee in lieu of. The lot does abut current open space. The abutting open space areas were pointed out. They reviewed the plans to find the proposed open space. There is a pedestrian easement shown on the plans, which looks like an easement to the open space.

Harriet Wilber stated that Conservation commented that it was being used to increase density and would adversely affect the character and health of the land. She said that she believed that it would go to 6 lots on a conventional plan.

Tom Harbinson noted that when Conservation saw how much open space they were giving and how much was a slope area. The concept of having this pedestrian easement to the open space from Grace Lane seemed problematic when they had all the reconfiguring of the topography in order to get the contour lines that they needed for the road.

Celeste Beattie stated that there would be a detention pond and showed it on the plans.

Harriet Wilber noted that there would be 4.92 acres for open space on an 11.64-acre parcel. Dave Zamba said the proposed lots would be .5 acres and it is zoned R1.

Paul Gabor stated that you don't need an acre if you have sewers and water.

Tom asked how many lots would get if they kept it R1 and Dave estimated it would be about 5 or 6.

Celeste questioned if it was usable open space.

Dave speculated that maybe the reason Rick Schultz said they wanted a fee in lieu of was if it doesn't become a PRD.

Tom Harbinson said that some of the Conservation Commission members went to the site and he discussed the topography, which may not have been as steep as they first thought.

They discussed the open space potentials and Harriet suggested pushing for a CRD to get more open space. They determined one of the most important things is the connection to the Old Kings Highway right-of-way.

Tom Harbinson suggested writing a letter that reiterates Conservation and further commenting on the open space. The primary concern for open space is that it provides connectivity for pedestrian access to the development on Grace Lane and abuts against the open space already owned by the City near the Old Kings Hwy right-of-way. The characteristics of the open space that we feel is important is that it connects to Grace La. For pedestrian access and abuts against the City open space along Old Kings Highway right-of-way.

Dave Zamba asked Harriet what was Conservation's comment and she said that they just felt it was an inappropriate use for a PRD and that we would prefer that it remain an R1.

Tom Harbinson said that the detention pond in the open space area bothered him. Look at the Wabuda proposal. Wasn't that a problem with their detention pond being in open space and out towards the Land Trust area? Celeste read a portion of the minutes from last month's Inland Wetlands meeting where it was detailed about the detention pond. Tom noted that they went through this with the subdivision on Lane St. in that the swale was in open space and the question came up about who was going to maintain it. This is the same thing. Who is going to maintain the detention pond? The town.

Harriet said she would like to add an item to the letter that states we would rather have the 10% open space that includes the pedestrian connection to Grace Lane than the fee in lieu of.

**Tom Harbinson made a motion to send a letter to Planning & Zoning and Inland Wetlands Commissions to reiterate the comments made by Conservation and further comment on the open space. The primary concern for the open space is that it provides for connectivity for pedestrian access to the development on Grace Lane and it abuts the open space already owned by the City near the Old Kings Highway right-of-way. It is an inappropriate use for a PRD and wishes it to remain zoned as an R1. We would rather have the 10% open space that includes the pedestrian connection to Grace Lane than the fee in lieu of. Seconded by Harriet Wilber. All were in favor, motion passed.**

Celeste Beattie asked Marianne if she could have the letter ready for the Thursday night Inland Wetland meeting.

**Harriet Wilber moved to add 3 items to the agenda that the Board of Aldermen has requests to sell. The three properties are Orowoc Trail,**

**Frank & Wigwam and Sunnyside Drive & Route 110. Seconded by Tom Harbinson. All were in favor, motion passed.**

Orowoc Trail – Tom Harbinson read from a memo to the committee that an anonymous resident represented by a realtor has expressed an interest in buying a parcel, which is Map 21.C-18. This is located in Pine Rock park area. Harriet Wilber noted that the few they had done in Pine Rock park area were adjoining neighbors that wanted to buy it, usually to extend their yard area. Tom stated that Dan Allen and Richard Cranston from the Pine Rock Homeowners Association received a large payment when the State took over the ash landfill. That fund was to be used for purposes of beautifying and enhancing the Pine Rock park area. There was another fund set up after the methane leak. That money has been used for the park.

There is a map dated from the 1930's labeled Oronoque Estates that has trailer lot size lots, around 75'x100'. They are very thin lots. Then someone came in with a subdivision plan and said there is a map on file at the City clerk's office that shows these lots. These lots are within the two lots he owns that the Assessor shows today. We want to apply the lot lines from 1930 and reorient them so we have 3 building lots. P&Z approved that and called it a lot line revision. The Association is keeping their eye on it because if it continues, it could dramatically affect Pine Rock Park because it has city water/sewers. Now P&Z is going to ask for counsel referral before they do those kinds of things. It kinds of relates to this request.

If we were to endorse selling City property to anyone, and there are only a few disposable, or no-count lots, and they are not in any open space or within any greenway, that to preserve the character of that neighborhood without allowing the density to increase, that there be a conservation easement placed on any property the City disposes of. Harriet said that it would be referred as a deed restriction.

Tom noted that it is .11 acre.

Harriet stated that in 1987 P&Z changed the zoning from R5 to R3. She also noted that Conservation looked at it and felt there was no value for open space and it would be ok to sell it. There is now a procedure in place for selling property.

**Tom Harbinson moved to send a letter to the Board of Aldermen stating that the Open Space Committee has no objection to selling the referenced property, Map 21-C.18, Orowoc Trail, subject to a deed restriction that the property cannot be used for any building structures, including accessory structures. The parcel is not contiguous with any open space greenway or has the potential to ever link to an open space greenway. Celeste Beattie seconded the motion. All were in favor, motion passed.**

Sunnyside Drive/Route 110 - Map 66-87. Harriet Wilber read the letter from Jacob Tepper to the Board of Aldermen, stating he wishes to buy the referenced lot to build a home.

Tom Harbinson showed the reference to the property. He stated that this type of property, even though it is a rock knoll, provides a visual break to the dense subdivision behind it.

Celeste Beattie said she remembered when she was a teacher she would take the kids to that area to read stories. She said at one time there was a landing strip. Then they sold it to the City with a deed restriction that it could never be used for anything other than education or recreational purposes.

Harriet Wilber had a copy of the deed and read it to the committee.

Celeste said that the Board of Education tried to sell it when they closed Sunnyside School.

**Tom Harbinson made a motion to write a letter to the Board of Aldermen in regards to the property on Sunnyside Drive and Route 110 (map 66.87). We do not endorse the City selling the property for any purpose whatsoever as it provides a visual break to the streetscape of Route 110, a buffer to the dense development on Sunnyside Drive, in conjunction with the parcel on the other side of the road (parcel #133). Also, there is a question of the legal ability of the City to dispose of the property due to a deed restriction for its use to be educational or recreational purposes only. Ralph Rotondo seconded the motion. All were in favor. Motion passed.**

Harriet Wilber asked when the Board of Aldermen is meeting and it is this Thursday. Marianne said that she would look at the agenda and if it is to be discussed, she would have the letter ready by Thursday.

Tom Harbinson noted that in the letters there should be reference made in the beginning that although we are not required to give comment, according to Ordinance 782, the Open Space Committee feels very strongly about the issue and offers the following comments.

Frank Drive/Wigwam Drive - Harriet Wilber showed the developers map in which it is a "no count parcel". It is off of Mohegan Rd. and Far Mill St. Tom Harbinson showed that it is next to property owned by the Bank of Boston (or Bank of America). The open space was pointed out and Tom pointed out the area where a developer wants to build on. He wants to have a different access from Frank Drive to develop his parcel, which would be necessary to have this small parcel of land. The developer has made an assumption that he is going to get this parcel from the City and showed a subdivision application that includes it in a lot where the building will take away any stonewall we were trying to preserve. Hugo Provenzano owns the lot and Steve Bellis (White Hills Homes) wants to purchase it and develop it.

Tom Harbinson read an email that he sent regarding this. On August 12, Conservation was asked to comment. On Sept. 1, it was reviewed and determined it should be retained and not sold. On Sept. 13 we wrote a formal response letter and noted all the reasons why it should be retained. In October, John Anglace asked Harriet to re-visit based on the fact that there was new information that an adjacent property development could be achieved with less

disturbance of a wetlands if approached from the stub on Frank Dr. off of Wigwam. They were referring to the Bank property. If it came from a difference access it would disturb less wetlands. We looked at it again and considered it and I talked with John Cook about the cul-de-sac crossing the wetlands. By November 18 some of us had visited the property. When I visited the property that day, my original conclusions still held. We recommended that we retain the property. I then emailed John Anglace after our meeting to tell him our position of retaining the property. I stated that we were offended to find a conceptual subdivision drawing at the Inland Wetlands office showing the City owned property as being considered an acreage of such development. It was not an actual application as it would have required permission from the landowner and obviously that has not occurred from the City. Just the same it was very upsetting to us that a developer would be so presumptuous to already make the assumption that they would own the City property and prepare a conceptual plan of it.

John Anglace responded back thanking Tom and the Conservation Commission for considering and reconsidering this request to sell City land. With this information I will recommend that the Board of Aldermen not sell this land and agrees this is extremely presumptuous and upsetting to see a developer submit even a preliminary map assuming that such a sale is eminent. End of story on this request for purchase.

**Harriet Wilber made a motion to send a letter to the Board of Aldermen stating that we are concerned about the recent requests to buy City property and hope that they would be very cautious, diligent, consistent, and zero in on the properties that are already categorized as potential disposable property rather than those that have open space qualities. Particularly we recommend against the selling of the property on Frank Drive and Wigwam because of the open space qualities. Seconded by Celeste Beattie. All were in favor, motion passed.**

### **Executive Session**

**Harriet Wilber made a motion to go into Executive Session to discuss possible land purchases, inviting the clerk, Marianne Chaya to stay. Seconded by Tom Harbinson. All were in favor. Motion passes. Tom Harbinson made a motion to come out of Executive Session, Seconded by Paul Gabor. All were in favor, motion passed.**

**Tom Harbinson made a motion to write a letter in reference to the three parcels that we want to encourage the Mayor to pursue negotiations for purchase as open space as discussed in Executive Session. Two parcels are in the area of Buddington Rd. and the other is to reiterate the one off of Route 110. Seconded by Harriet Wilber. All were in favor, motion passed.**

Trails Report – There is a lot of work going on with the trails volunteers. They had a work party on Saturday where they went to the Land Trust property off of Lane Street and talked about where the recreational path could be oriented. There are a lot of briars and wetlands but we think we can do it by staying off of the Land Trust property through Lane St. We will be staying off the Land Trust property, which is currently being hayed. They walked some other trails and there are Eagle Scout projects being coordinated. They are focusing on the rec. path at Shelton Lakes, Phase I, Part A. That is from Pine Lake, where the timber bridge has been installed between Wheeler St. and Route 108 coming down to Meadow St. Terry Gallagher, who is a volunteer and also a civil engineer preparing drawings showing where drainage has to be prepared and where road millings and fillings would have to be done. Bob Wilkins, former Superintendent of Parks & Rec., has offered to be the clerk of the works. We have had a meeting with the Mayor who has committed to, when time allows, having Parks & Rec. or Highways & Bridges personnel help create this recreation path. Best of all we won another grant for \$49,000 for a timber bridge, which will be for the top of the dam where the timber bridge #2 was supposed to have gone. The money is for the timber bridge plus safety railings on top of the dam.

Round Table – Harriet Wilber asked if the committee could write a letter to Dick Belden encouraging him to have the State look at the affordable housing regulations. Harriet also said she wondered if they would consider enlarging the sewer system, not just improve it to handle the further development. The committee members discussed the sewer treatment plant and agreed that it should be continued to be investigated as to the best course of action.

#### Future Meeting Date

The next Open Space Committee meeting will be held Monday, January 24, 2005.

#### Adjournment

**Tom Harbinson moved to adjourn, seconded by Ralph Rotondo. All were in favor, meeting adjourned at 9:35 P.M.**

Respectfully submitted,

Marianne Chaya  
Clerk, Open Space Committee  
1 tape is on file in the City/Town Clerk's office