

OPEN SPACE COMMITTEE MEETING

Minutes

Craft Room 3, Community Center

Shelton, CT

Monday, March 22, 2004

Members Present:

**Ed Conklin
Dave Zamba
Tom Harbinson
Celeste Beattie
Regis Dognin
Paul Gabor
Ralph Rotondo**

Members Absent:

**Ken Olin
Harriet Wilber
Neil Hayes
Karen McGovern**

Ed Conklin, Co-Chairman at 7:30 P.M, called the March 22, 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 January 26, 2004 and the February 23, 2004 minutes. Dave Zamba seconded the motion. All were in favor, motion passed.

Treasurer's Report

Tom Harbinson presented the January, 04 Open Space Trust Account to the Committee. Current balance is \$430,992.39 with one addition of \$6200.00 from Deanwood Meadows subdivision. I am still in process of creating a spreadsheet showing as the subdivisions once they are approved to track the payments. There is also a question on the ordinance relative to the funding. I hope to have some answers by next meeting. **Ralph Rotondo made a motion to approve the December and January treasurers report and Paul Gabor seconded the motion. All were in favor, motion passed.**

Ed Conklin asked why there was no interest added on the last report and Tom Harbinson replied that it is only after they receive the statements from the bank is it added in.

Subdivisions

Hidden Meadows Estates, Section III: This proposal is on Beardsley Rd. just past Pumpkinseed Hill, at the end of Beech Tree Hill Rd. The master plan shows a 300' buffer between the agriculture property at Pumpkinseed Hill and the residential area that the City made a deal on. That 300' buffer is made up of 3 strips, one being a no-building strip on the individuals owners parcel, an easement, and the open space purchase strip. The reason for this is because of the state regulation regarding using the cannons to scare off wildlife that have to be a certain distance from residents. Ed Conklin brought an old overall map from several years ago. The Committee members compared the old map to the new one as well as a marked up map from the Conservation Commission's meeting this month. There appears to be a difference in the lot sizes from the original to the new proposal, especially on lots 14 and 15 due to the septic needs. The two lots are now up against the wetlands. Lot 12 gets within the 300' buffer. Ed Conklin noted that they were not applying all in one shot, so as time went on people would perhaps forget what were the original plans. Ed presented the original map showing the open space area also showing the proposed walking path. They noted that there are wetlands and Celeste reported that this proposal has not been before the Inland Wetlands Commission as of yet. Ed suggested that they might have gotten approval from the very beginning of the project. The issue also seems to be the change in the lot line location on lots 12-15 on the proposal submitted to P&Z on February 3, 2004 compared to the overall preliminary plan last revised August 2, 2000. It seems to deviate from the original plan. Tom Harbinson read the letter from the Conservation Commission to Planning & Zoning that addressed their concerns and also read the motion from the Board of Aldermen. The motion from the Board of Aldermen was for the purchase of the 100' strip for \$100,000, and in consideration for those dollars they would give an easement and no building structure was to be within the 300' buffer of Pumpkinseed Hill Farm. The consideration of \$100,000 that we gave them clearly states in that agreement that they will give 100' easement and that any structure will be 300' from Pumpkinseed Hill. That is the hard line they are clearly violating. **Tom Harbinson made a motion to send an identical letter as to the one from the Conservation Commission stating this proposal should be rejected in its current format because it is inconsistent with the master plan, plus mention the expansion of the lots anywhere between 10,000 and 22,000 sq. ft. and copy the Inland Wetlands Commission. Celeste Beattie seconded the motion. All were in favor, motion passed.**

550 River Road - The committee reviewed the new map prepared by Engineering showing the 9.3 acres purchased by the Mayor and also reviewed a document prepared by Regis Dognin stating many noteworthy attributes to the property to consider this property as a strong case for the City to acquire the parcel for open space. In the past the Conservation Commission looked into the parcel when it was available (14 acres) and passed on it due to the contaminated

section. Ed Conklin asked, how do we treat other business people in this town, if they go through negotiations and clean up our problems, we should take their property? Regis stated he is trying to look at it from a neutral point of view, with the thought that we have 11 miles of riverfront and two tiny areas of access. The slab doesn't count yet. Tom Harbinson said, don't forget about Indian Well, even though it is State owned property, but public access. Regis stated that it is a unique area and so few become available and the fact is that before it was not available without the "super-fund" going along with it. Now you can and it makes a difference. Ed Conklin stated that as far as access to the river, this site has very little and Tom Harbinson said you would have to go through the wetlands for access. Looking at the Open Space Plan there are several areas highlighted and this parcel was not one of them. There was a piece of property recently purchased that is located at the end of Anna St. that is along the river, which has a nice beachfront. Should we go after that instead? Regis said I would argue that we should go after anything that has access to the river. Tom stated that he is looking at it in respect to the property that was purchased that is now the ice skating rink, it once was a contaminated area that was cleaned up, access to the river was provided as well as a trail. We ended up with a much better deal, kept it on the tax rolls and it didn't cost the City. The same thing might be accomplished with this parcel, although nothing has been proposed and who knows what that will be or when. Ivy Brook definitely separates the parcel to a very usable and a not so usable area. Whoever owns this, whether it is the Mayor or if he sells it to someone else will have to do a Coastal Management Report and will have to address what is going to be done because this is a coastal tidal area. Beyond Open Space and Conservation's request they are going to have to address it at the State level. I think we will get the greater benefit when this is all said and done. Regis stated, but you won't get a park out of it. The access isn't the only thing. A lot of people want a picnic area. Tom said that there is property further on down that is very desirable as well. It comes to a point that there are only so many dollars available and you have to decide what you can do with what we have. Regis suggested that it be stated that only river related thing should go in. The others said that there is only speculation of what is going in there. Tom Harbinson said there needs to be some mechanism in place that would notify the City when parcels like this become available. The utility companies have to notify the municipalities when they want to sell the property but there has to be some way to find out when the individual property owners decide to sell. Perhaps a letter should go out to the State representatives asking how we could set up some sort of mechanism, like a right of first refusal. **Tom Harbinson made a motion to write a letter to Senator Gunther, Rep. Belden, and Rep. Miller, copying the Board of Aldermen and Conservation Commission, asking them to research some sort of mechanism for municipalities to receive notification of potential sale of riverfront property and tidal areas. Regis Dognin seconded the motion. All were in favor, motion passed.**

Tape 1, Side B

The Committee members continued to discuss the City missing out on this property and hopefully by having some sort of mechanism in place to give the City the opportunity to have first rights to waterfront or tidal area properties would eliminate the continued questions, or as Paul Gabor stated, Monday morning quarterbacking. Dave Zamba stated that this property is not being subdivided and therefore the Open Space Committee has nothing to say until a proposal is made to possibly ask for access to the river and protection of the area. Celeste Beattie suggested making this property owner and the adjacent property aware of the Committee's desires. Regis stated that he would draft a letter to present to the property owners letting them know that we may be interested in the property if it becomes available and that we will be looking to see if they will address the sensitivity to the river, protection of the environment and river access.

Wiacek Farm – Tom Harbinson reported that Planning & Zoning approved the subdivision with an access off of Constitution Blvd. They did not approve it as presented. The open space is now between the high school and the development instead of under the power lines. The Mayor is talking to them regarding purchasing a part of, or the entire parcel. The developer met all the minimums of open space. The drawing Celeste presented is dated February 23, 2004. There doesn't appear to be any road structure to walk on from the end of Wiacek Farm Rd. to Meadow St. There are no pedestrian or conservation easements through the farmhouse property. Ed Conklin stated that they have been asking from the beginning to have connectivity to the Blue Dot trail. Even though they have approved it we should write a letter. **Tom Harbinson made a motion to write a letter to Planning & Zoning regarding the Wiacek Farm Estates, Master Plan dated February 23, 2004, the open space is reconfigured abutting the Shelton High School property and Wiacek Farm Rd. and ends before it provides connectivity for the Blue Dot Trail to Meadow St. Current Blue Dot Trail terminates on Meadow St. behind Mayflower Lane. No road infrastructures, open space or conservation pedestrian easements allow the connectivity from this development through Constitution to Meadow St. Dave Zamba seconded the motion. All were in favor, motion passed.**

Cappiello Estates – The proposed development is off of Kneen St. and Forest Ave. There is a new road proposed called Giovina Lane. It borders Golec Ave. Celeste said that it is located where the gas pipes are, near Constitution Park. Ed Conklin stated that he remembered when he was an alderman that there was something going on around East Ave. (unimproved road) and Middle St. where he built a house and we allowed him to join something but he was also not supposed to develop something else around that area. This subdivision's proposal is for 11 lots and is zoned R4. The parcel size is 4.23 acres with .67 (16%) acres for open space. The corner of the proposed open space is wetlands. It was asked if it is beneficial to take the open space or not. Fee in

lieu of was asked for the Turtle Rock subdivision close by. There is a shed encroaching on the property from Weybossett St. and seems to be more than meets the eye. Tom said it might be more of a problem to take this as open space due to the shed and the wetlands. Maybe we should take some time and find out what the open space is and what happened to this area when Ed was an alderman. Ed said we have to send a letter to the aldermen. They said they want a letter before they are accepted to eliminate any problems. **Dave Zamba made a motion to send a letter to the Board of Aldermen stating: Due to the visible encroachments on the map that was supplied we want to further investigate this before making a final decision. An answer will be given after the April's meeting. Tom Harbinson seconded the motion. All were in favor, motion passed.**

Blakeman Estates – Birdseye Road Ext. The committee viewed the maps dated December 28, 2003, Geno Blakeman, applicant. Tom Harbinson noted that this was discussed last month but since there was not a quorum they couldn't act on it. The acreage is 2.329, subdividing the property. The Plavecsek's own the property and Ed said that it appears that they are currently doing an excavation on the property. The proposal is for two lots. They are not showing any open space and it does not abut any open space or any potential open space. We should recommend a fee in lieu of. **Tom Harbinson made a motion to write a letter to Planning & Zoning to recommend taking a fee in lieu of open space, as the proposal does not show any designated open space nor is there open space adjacent to the property and no potential open space. For those reasons we recommend the fee in lieu of. Dave Zamba seconded the motion. All were in favor, motion passed.**

Birmingham Development – This is the old Botti building on Canal St. where there are 110 apartments proposed. This plan was discussed at the February meeting as well. Dave Zamba said that he contacted Jim Ryan (SEDC) to ask him who owned the canal. There is a canal foundation and was going to get back to me with more information. Celeste said that the business' along there own part of it. Dave stated that they are showing the plan for redevelopment the way they are planning the road configuration, which will be very difficult to continue the river walk. It was questioned why putting the garage on canal when you can expose the canal and have the river walk go this way (pointed out). Celeste mentioned that at the Inland Wetlands meeting they told them they are proposing sidewalks and lighting such that would make the connection to the river walk. The walk way would have to be cantilevered out. Conceptually, if that river walk continued in the same nature and brings the pedestrian traffic closer to the businesses downtown and along the canal, and eventually on down to Indian Well, the canal would be such a great feature. There is really nothing for open space issues on this proposal.

The Committee briefly discussed the development on Lake Rd. where Key Development is putting in homes off Route 108 and the office/restaurant is going

in on Bridgeport Ave. next to Wendy's. Celeste also reported about the affordable housing proposal by Jonathan Zuckerman above Pinecrest.

LAND PURCHASES – EXECUTIVE SESSION

Tom Harbinson made a motion at 9:18 P.M. to go into Executive Session, inviting the clerk, Marianne Chaya to attend. Dave Zamba seconded the motion. All were in favor, motion passed. Tom Harbinson made a motion to return to regular session at 9:28 P.M. Dave Zamba seconded the motion. All were in favor, motion passed.

Tom Harbinson suggested that at the next month's meeting to discuss how to put together a brochure to property owners that the City may have an interest in purchasing for open space. This brochure would counter the type of brochures the developers are sending out to large property owners in town. This would be something of the nature to let them know what opportunities they could pursue with the City purchasing the property to preserve as open space. Perhaps someone could get a sample of what is out there now.

TRAILS REPORT – Tom Harbinson reported that since he is on the committee for redevelopment for Planning & Zoning, Bill Dyer has volunteered to take over the reins of the Trails Committee. I still will be in the loop and be able to report to this committee of the activities but Bill will be the one to coordinate the activities and the volunteers. A couple of Eagle Scout projects are still going on and now that warm weather is coming upon us we will have some progress. Jim Tate is working with one group and Jim Pjura is working with another. Engineering drawings for phase 1 of the rec. path is being done to be able to go out to bid. I talked with Charlene DeFilippo about renewing a grant application to Kodak for about \$4,000 to help with the engineering studies. Our phase II by SIS, we only did to Meadow St. to an intersection point with the sidewalk by the SIS campus, it was intended to follow the sewer line out to Constitution Blvd. and we received the wetland permits to do it. I think the permits may have expired and I will talk with John Cook to see if we need to renew it. The first portion of the trail was done well and there has been some wash out on the stone dust part of the trail. I think that is something we probably will not pursue for the rest of the trail. We thought it would be good for runners to keep from getting shin splints, but it didn't work out so well. We are looking to get the trail signage done and uniform to tie all the trails together.

ROUND TABLE

Dave Zamba asked Tom Harbinson if we would be able to assist him on the Open Space Plan and Tom agreed. They discussed how far they have gotten so far. Tom Harbinson discussed his trip to Ireland in respect to how they preserve their "green space". The way they preserve the land is done by category, for

example, areas of outstanding scientific interest, areas of outstanding natural beauty. That is something we should think about because the term “open space” gets thrown around like a catchall. We need to qualify it. I have heard people saying that we have 30% of the City preserved as open space. That’s not true. When you start counting ball fields and golf courses that have the character of open space, are you counting that? No. Passive open space, deed restricted properties, passive and active recreation space. Ed Conklin stated that when the open space ordinance was re-written with the term “public open space” was put in for that reason. Was to exclude planned open space like Brownson Country Club. Yes right now it is but years down the line they may say we need the money and sell it. There is nothing locking it in to preserved open space. Tom noted that there is land that is privately owned but the development rights have been sold. You have land where the development rights have been transferred. Shelton has been at the forefront and we have been asked by other municipalities to show them how we manage the open space trust account, how we do the fee in lieu of, etc. Tom also discussed how it is progressing on the advisory committee to Planning & Zoning formulating the 10-year plan. Marianne mentioned that she made a call to Rick Schultz regarding getting them to make an appointment from their committee to this committee. Dave Zamba said he would follow up with Rick.

ADJOURNMENT

Tom Harbinson made a motion to adjourn the meeting, seconded by Celeste Beattie. All were in favor, meeting adjourned at 9:40 P.M.

Respectfully submitted,

Marianne Chaya
Clerk, Open Space Committee

2 tapes are on file at the City/Town Clerk’s office