

OPEN SPACE COMMITTEE MEETING

Minutes

Craft Room 3, Community Center

Shelton, CT

Monday, April 25, 2005

Members Present:

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

Members Absent:

- Ed Conklin**
- Ken Olin**
- Neil Hayes**

Dave Zamba, Co-Chairman at 7:30 P.M, called the regular, April 25, 2005 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 March 21, 2005 meeting. Ralph Rotondo seconded the motion. All were in favor, motion passed.

Correspondence

Dave Zamba stated there are three 8-24 referrals for disposition of City properties. The memos are dated 4/13/05. addressed to John Anglace, President, Board of Aldermen from Rick Schultz, P&Z Administrator. All memos noted that the Planning & Zoning Commission voted favorable on the 8-24 referral for the disposition of City property located at 1) Tuxedo Ave 2) Kanungum Trail 3) Orowoc Trail.

The committee members thought that they had communicated to the Board of Aldermen that they wanted deed restrictions. After reviewing the past minutes it was determined this committee addressed this issue and responded as a result of the December meeting.

Another piece of correspondence is from the CT Dept. of Public Utility Control. Application for the United Illuminating for approval of the sale of unimproved land, know as Lot 2, Buddington Rd. This is a notice of public hearing April 27, 2005, held in Room 104, City Hall at 6:30 P.M.

There is also a letter from Winnick, Vine, Welch & Teodosio to James Pjura, Conservation Commission, Board of Aldermen & Open Space Commission, regarding Nature Lane encroachment. An issue arose relative to the exact location of the encroachment. The City Engineer's office reviewed the encroachment and determined that the landowner has not encroached upon the Conservation easement. The attorney's office will not proceed on this matter.

Board of Alderman Open Space Authorizations

None

Treasurer's Report

Tom Harbinson said that Sharon Scanlon, Finance Dept. emailed the Open Space Trust Acct. balance sheet as of March 2005. The beginning balance was \$170,249.55. There was a question last month about a payment to Marybeth Banks. That was re-classified so the money was added back into our account. There was a payment received from Brushy Meadows Estates, Lot #2, \$2,666.66. The balance at the end of March is \$173,312.21. As I recall, we used to have interest added to our account every month. Now I noticed that it is not there. There was some concern expressed at the Conservation Commission that on the upcoming budget there is no funding allocated to the Open Space Trust Account. We wrote a letter to the Board of Aldermen expressing our dissatisfaction with that. That was picked up by the newspaper and they printed an article regarding it. Dave suggested having this committee send a letter to the Board of Aldermen as well.

Marianne noted that it appears that the last entry of interest added was December 2003. Tom Harbinson said that he would check into it.

Tom explained that he talked with John Anglace about this and said that he understood where it comes from in that a capital expenditure for open space they feel that when they make that purchase that they should bond it out over a number of years because it usually is a large amount of money. They also do that for purchases such as fire trucks. I think an open space is different than a capital expenditure because you have to act in a timely manner. For some small purchases, such as the Shelton Family Farm or the Goodman purchase, the open space trust account gives us the flexible tool to move promptly. Quite often when some property becomes available via estates, you may not have the latitude or luxury to wait months for appraisals and bonding referendums, etc. I think it is unwise to eliminate that from the budget. I realize times are tight and they are trying to keep a tight hold on the budget.

Harriet noted that the amount noted in the article was incorrect and Tom said that there was some confusion about the funding and they may have looked at an old ordinance. I believe it was \$190,000 for the 04-05 budget year. Harriet said that a lot of that was repayment from past purchases. The ordinance says that they have to pay the account 25% a year for those under a certain amount.

Regis Dognin said that he spoke with John Anglace who said that because they are making the 2.5 M investment on the Wiacek that why would we be inclined to make a fuss over this.

Tom Harbinson said he didn't look at it that way, which this is another tool along with the bonding referendums to go after large purchases. This is for the small purchases. The UI is going to have a public hearing about property on Buddington Rd. and that would be a perfect use for this open space trust account level of purchase.

Tom Harbinson MOVED to write a letter to the Board of Aldermen to express concern of the lack of funding to the Open Space Trust Account. It has been proven in the past as a useful tool for the acquisition of small open space parcels for various reasons such as timeliness, availability, etc. The letter is to also state that the Open Space Committee appreciates the efforts to preserve open space in the community for both large and small parcels. Ralph Rotondo SECONDED the motion.

Tom Harbinson AMENDED the motion that Regis Dognin and Tom Harbinson would work on examples to give in this letter, giving examples of potential purchases, first giving the current balance of the open space trust account, and if purchased, what would be left in the account. Ralph Rotondo SECONDED the AMENDMENT. All were in favor, MOTION PASSED.

Paul Gabor MOVED to approve the treasurer's report. SECONDED by Harriet Wilber. All were in favor, MOTION PASSED.

Subdivisions

Lake Road – Phase II - Dave Zamba stated that he did not receive the maps for this subdivision.

Robert's Place Subdivision - Tom Harbinson said that Scott Wasilewski submits this subdivision. This subdivision is off of Wabuda Place with a total of 5 lots with one lot existing. This is a conventional subdivision dated March 11, 2005. The conventional lot is showing no open space designation. We assume that they are asking for a fee in lieu of. It seems to be a big leap to assume that with all the open space given on the Toll Bros. development plus the Land Trust to the south, that they would be asking for a fee in lieu of. They also show a CRD (conservation residential development), with 5 lots, an open space area of 2.35 acres, 1.2 is wetlands. That would give 1.15 acres of qualified of open space. The total acreage is 8.1 acres. The open space is under the power lines and up against the pent way that on the perimeter of the Toll Bros. development. It also borders the property of the Resnick's.

Harriet Wilber noted that when you have a CRD you are supposed to have 10 acres. The exception is when you can abut other open space and or they are going to preserve the natural features like stone walls. This is obviously under

the 10 acres. I don't know if they have shown how they are able to get that exception.

Tom Harbinson discussed the location of the open space on the abutting properties and where the pent way was.

Harriet Wilber mentioned that Jim Pjura was going to the Planning & Zoning meeting tonight to convey the Conservation Commission's feelings on this one. She said that they want it studied further to see what natural features they are going to preserve if they want to have a CRD. There did not seem to be enough information from the developer. It will probably go to a public hearing for the CRD.

The committee reviewed the drawings in detail.

Tom Harbinson MOVED to write a letter, with the first part stating what our understanding of the CRD regulations. It is our understanding that a CRD can be used only when the parcel is in excess of 10 acres unless the CRD works to preserve some natural or special features of the property, or would provide linkage to other open space. The 8.18-acre subdivision could fit under that CRD exception. We don't see clarified what those exceptional points are in terms of what they are trying to preserve and the abutting open space is not shown on this plan. The CRD is supposed to preserve a minimum of 5 acres of open space or a minimum of 25% of the lot size. Given the CRD plan is showing a 2.35 acre open space with 1.15 of that is qualified open space is not being wetlands or steep slopes, the open space dedication in the CRD is deficient. Further, that the conventional subdivision on which the CRD is based shows no open space set aside and only fee in lieu of. We feel that would not be an appropriate conventional subdivision for this property. Ralph Rotondo SECONDED the motion. All were in favor, MOTION PASSED.

Avalon Bay Properties - Avalon Shelton II – drawing received by Planning and Zoning on February 26, 2005 for a luxury apartment complex with access coming off of Bridgeport Ave. located by Homestead Suites. There are 5 buildings, 3 stories high. The drawings showed what the buildings would look like with parking underneath. The drawings are only building sketches with no site plans for review.

Celeste Beattie explained what was presented at Inland Wetlands as well as a possible revision requested by Inland Wetlands to move the conservation easement for the purposes of moving building 5 further away from Huntington St. The current plan does not show any access to Huntington St. Beaver Dam Lake Association has a special interest in this project. They are applying for a zoning change to a multi-family housing district.

Dave Zamba said he would contact Rick Schultz (P&Z) to say that we did not receive the site map for Avalon Shelton I or II.

Regis Dognin explained about the WPCA approval for Avalon Shelton II. This approval stipulated that they would be coming online after the new pumping station was completed in 2006. The approval was a result of a mitigation plan.

This committee could not make comment based on the drawings provided from Planning & Zoning.

Tom Harbinson discussed the drawing for a subdivision proposal submitted from Greg Savignano, located on Wall St. The record subdivision map is showing 3 lots. Tom thinks that this was the one that was just at the ZBA meeting asking for variances. After review he found where it was noted that they received variance approval in 2004.

Tom Harbinson MOVED to write a letter to Planning & Zoning stating that the Open Space Committee after review of the referenced proposed subdivision submitted by Greg Savignano we find that the fee in lieu of would be appropriate for any subdivision of this property. SECONDED by Ralph Rotondo. All were in favor, MOTION PASSED.

Executive Session

Tom Harbinson moved to go into Executive Session at 8:48 P.M. for the purpose of discussing open space acquisitions previously in various areas of the town. We invite Marianne Chaya to remain. Seconded by Ralph Rotondo. All were in favor, motion passed.

Harriet Wilber moved to go out of Executive Session and return to regular session at 9:10 PM. Seconded by Tom Harbinson. Tom Harbinson noted that there were no votes taken in Executive Session and several properties were discussed that are either in active negotiation or acquisition, or have an interest for City purposes for open space characteristics. All were in favor, motion passed.

Trails Report

Tom Harbinson reported that the Trails Committee has been very active. In cooperation with EMS they have been using the Gator for City events. It is now stored in a shed behind the EMS facility. They are buying an enclosed trailer for the purposes of being able to transport the Gator.

They have been doing a number of work parties on the Rec. path trail location near Huntington Woods. They are working to have it ready for National Trails Day, the first Saturday in June, where there will be a "Bridge-To-Bridge" walk. This walk would start at Pine Lake to the bridge at Huntington Center. This is about a 7-mile walk, with bail-out locations along the way, with someone with a vehicle can take them back to the starting point. There will be vehicles at the end to carpool them back to the start area. Theresa Gallagher, through her web site, has been promoting work parties. We also had some contact from either Beacon Falls or Oxford where they had problems with ATV's and they are looking to model some of their open space regulations after Shelton's open space regulations in terms of motorized vehicles. There was an article in the CT Post about it.

Round Table

Regis Dognin discussed some of the issues at Constitution Park and that they are still waiting on signs that he proposed to Parks & Rec. Dave Zamba said he brings it up at every meeting.

Regis also talked about the large flag that they have and where it might be best used. He suggested maybe hanging it in the new Intermediate School.

Harriet Wilber said that Conservation is going to start updating the Open Space Plan. They are meeting next Wednesday, May 4, if anyone wishes to attend.

Tom Harbinson updated the committee on the Plan Update Advisory Committee. He stated that Planimetrics has now started providing data from all the research they have done plus the data collected at the public meetings. Tom mentioned some of the studies Planimetrics did regarding the age of Shelton population, in that the population is getting older in Shelton as compared to the rest of the State averages. We are becoming a community of 55 and older. He noted that not only are people staying but we also have a certain percentage of older citizens "in-migrating".

Harriet asked if the PUAC committee would be taking a stand on multi-family dwelling and Tom said he did not think so at this point. It is a very complicated issue with the multi-family housing district because that is apartment dwelling. Apartment dwelling is taxed in two ways. The taxes are generated by a standard assessment, like at your own house, or the rental income that the property owner generates. He explained more in detail about the income expense detail of assessments of multi-family homes. There is so much involved in trying to achieve the balanced community. This data Planimetrics has provided is only the first of many reports.

Celeste Beattie asked if anyone had heard if they had made a decision on the Tall property and as far as all knew there had not been a decision made.

Next Meeting Date

May 23, 2005

Adjournment

Tom Harbinson moved to adjourn the meeting. Seconded by Celeste Beattie. All were in favor, meeting adjourned at 9:30 PM.

Respectfully submitted,

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