

OPEN SPACE COMMITTEE MEETING

Minutes

Craft Room 3, Community Center

Shelton, CT

Monday, January 24, 2005

Members Present: **Dave Zamba**
 Tom Harbinson
 Celeste Beattie
 Regis Dognin

Members Absent: **Ed Conklin**
 Ken Olin
 Neil Hayes
 Harriet Wilber
 Paul Gabor
 Ralph Rotondo

Dave Zamba, Co-Chairman at 7:40 P.M, called the regular, January 24, 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 December 7, 2004 meeting. Regis Dognin seconded the motion. All were in favor, motion passed.

Treasurer's Report

Tom Harbinson reported that he had not received updated Open Space Trust Account balance summaries from Finance.

Correspondence

Tom Harbinson reported there was correspondence from American Farmland Trust and a magazine. There are agendas from Planning & Zoning and Inland Wetlands of meetings that have passed. There is some inter-office correspondence from City Hall. There is also information regarding a pending subdivision, the Woods at Lake Rd. We can add that to our pending subdivision. **Tom Harbinson moved to add the Woods at Lake Rd. subdivision to the Subdivision section of the agenda. Seconded by Regis Dognin. All were in favor, motion passed.**

Subdivisions

Housatonic Way LLC – Tom Harbinson began the discussion. This property is at 550 River Rd. Inland Wetlands has their public hearing on this application on February 3. The plans were received at Planning & Zoning on 12/10/04. The drawings are dated 12/7/04. For reference this is on River Rd. (Route 110), at the bottom of Constitution Blvd. It is fronted along the Housatonic River. The Coram Cemetery property is adjacent to it and Butternut Hollow Brook and Ivy Brook traverse it. It also abuts Latex Foam property. The subject property known as Housatonic Way LLC is map 53, lot 55. It is referred to on the map as Parcel A. The property is listed in square feet instead of acreage. The total is 401,639 sq. ft. 387,000 is in an R-1 zone and 13,000 is in an IA-3 zone. 124,636 sq. ft. is wetlands. There is a second parcel shown on the map, labeled as parcel B and a third parcel is called parcel C. Parcel B and C are referred as map 33 and 54, lot 43 on the Assessor's map. That is now or formerly of Emhart Industries.

Celeste Beattie stated that parcels B&C still belong to Emhart and they are in process of remediation of the contamination.

Tom Harbinson noted that the drawings have reference of SK-L1 for a subdivision of 6 homes. 3 are on the Route 110 side of Ivy Brook and 3 are on the Emhart side of Ivy Brook. Lot 1 is accessed by a crossing on Ivy Brook. Lot 2 & 3 share a driveway that egresses onto Route 110. Lot 4, 5 & 6 have driveways that have access off a cul-de-sac that comes down current access way to the north east of Ivy Brook. Between Ivy Brook and the cemetery. There is a note on the map that refers to area B saying that 3.44 acres of land currently owned by Emhart Industries, Inc. is to be acquired upon approval of subdivision development for land to be used for public access to the Housatonic River. Parcel C, 1.81 acres to remain property of Emhart Technologies. That has a capped lagoon, which has some contaminants and a remediation plan. There are significant wetlands through Ivy Brook and Butternut Hollow Brook and tidal wetlands. There is also proximity to the 500-year flood. There is an access path to the river that is shown following the perimeter on the east side of parcel B and the north side of lot 6.

Celeste Beattie noted that they don't own parcel B and are proposing it as that they may purchase it. In order to purchase it, it has to be cleaned up first.

Tom Harbinson described his recollection of the contamination areas and the history of what has been done regarding the remediation. The question that keeps coming up is how the parcel became divided into a contaminated area of parcel B & C and a non-contaminated area of parcel A, where the subdivision is proposed.

Celeste Beattie said that supposedly this property had been offered to Conservation and to us, and I don't remember that. Tom Harbinson stated that it may not have been mentioned to Open Space. When I was looking for a parcel to build a house on I came across this. I drove by and looked at it and thought it would be perfect. Then I went to City Hall and looked at the land records with all the environmental filings on it and thought, no wonder no one touched it. I

mentioned it to the Conservation Commission and they said no, they passed on it with all the contamination. That was the end of that. Subsequent to that, Latex bought the Emhart property. This property with the contamination on it somehow became divided. No one has been able to give me an answer other than what I read in the newspaper, which is, it was a lot line revision.

Regis Dognin asked, at the time when they looked at it, it was the whole 14 acres and had contamination, right? Yes. At this point, it is now a small lot C, with the contamination. Tom Harbinson said that it is now parcel A, which has no contamination. Parcel B & C is one parcel on the Assessor's map. In essence, what they are asking for here is a subdivision not only of the residential 6 lots, but this applicant, Housatonic Way, is asking us to subdivide Emhart's property into two pieces. Housatonic Way has not bought parcel B.

Celeste stated that have a proposal for open space for access to the river on property that they don't own.

Tom Harbinson stated that he doesn't understand how the property got subdivided into two separate parcels, one clean and one not clean. They say a lot line revision; I disagree with that.

Regis Dognin asked if there is contamination in parcel B. Celeste Beattie responded that there is. There is sludge that has been buried and capped and seeping. We had people to come in to speak that have some expertise. They feel that to disturb any of this would be worse than leaving it alone.

Tom Harbinson noted that they graded the area in a very fine manner so that the sedge grass would have the environment to survive when this remediation plan was done many years ago.

Tom remarked that they were referring to a preliminary site plan. The next plan is noted as SK-L3, which is the CRD site plan. There are significant changes to the orientation of the lots.

Tom stated that he wanted clarification from someone about the underlying basis of what is being subdivided because of the "lot line revision" that was done in 2003, which references some pedestrian easements that were added and then removed.

After review of all the drawings the committee members felt it would be best to wait and make comment after the Inland Wetlands public hearing. It appears that whatever is going to be given as open space is contingent upon acquisition of parcel B.

The Woods at Lake Road – This has already been approved. The Board of Aldermen has to approve acceptance of open space. We were copied on the notification to the Board of Aldermen. This committee made comment on the open space in July 2004. There is no additional commentary needed.

Turkey Hill Estates – Celeste Beattie informed the committee members that there was a change to the open space and the movement of the detention basin. There will be a pathway down to the detention basin, located in open space. She also was under the impression that one of the access ways was removed. The public hearing is on Wednesday for Planning & Zoning. We will wait until P&Z

has their public hearing before making possible additional open space commentary.

Executive Session

Tom Harbinson moved to go into Executive Session to discuss possible land purchases, inviting the clerk, Marianne Chaya to attend. Seconded by Regis Dognin. All were in favor, motion passed.

Regis Dognin moved to return to regular session. Seconded by Celeste Beattie. All were in favor, motion passed.

Tom Harbinson moved to write a letter to the Board of Aldermen in reference to the property discussed in Executive Session in the Meadow Street area that the City investigate potential acquisition because it is in keeping with the practice of acquisition of open space in that general area with the continuity of the greenways and trails. Seconded by Regis Dognin. All were in favor, motion passed.

Trails Report

The trails group is becoming active in their meetings and activities. They have information on their web site for volunteers and potential Eagle Scout projects. They have scheduled meeting dates for work parties. This is a great time to go out on the trails because you don't have to worry about poison ivy or ticks. The open space has a different look to it in the wintertime. The web site is Theresa Gallagher's web site, Borntoexplore.org/trails.

The focus for the group is working on the Pine Lake reservoir trails. There was also work on the parking area on Nells Rock Rd. while the weather was a little warmer. This is next to a pond, either Cordis or Tri-Lake pond. It's the Abby Right property. There is an Eagle Scout project working at this location plus Dean Cawthra (Parks & Rec) has been very helpful with the drainage issues. They also have been at Huntington Woods scouting out where the rec. path will be located. The trails committee is headed by Bill Dyer and has been coming to our Conservation Commission meetings. Since we have a vacancy with Terry Jones leaving the Commission we have asked the Mayor to appoint him.

Round Table

Celeste Beattie mentioned that in regards to the Split Rock application that the gas station that was proposed is no longer going to be built plus she explained some of the modifications. Tom Harbinson questioned where the property line is because there has been an 8-24 referral request to Conservation regarding the disposition of a piece of City owned property. Regis Dognin showed the area that the 8-24 is referencing. Regis noted that P&Z gave a favorable referral. Tom remarked that yes, they would because they approved a plan where they

show it used. The developer made the assumption that he was going to get the property. Tom stated that he was offended by that and that Planning & Zoning would accept an application that is an application for development of land that the applicant does not even own. Then it seems that it was an after-the-fact that the City was asked to dispose of the land to the developer. Somewhere along the line someone is going to have their hand chopped off because this kind of stuff going on and on is ridiculous. It's not right.

Marianne Chaya asked that if anyone wishes to receive the agendas and minutes via email, let her know. Tom, Regis and Dave said that would be fine with them. If any of the other members not present at this meeting wishes to have them via email, contact Marianne.

Future Meetings

The next meeting date is Monday, February 28, 2005.

Adjournment

Tom Harbinson moved to adjourn, seconded by Regis Dognin. All were in favor, meeting adjourned at 9:00 P.M.

Respectfully submitted,

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