

OPEN SPACE COMMITTEE MEETING

Minutes

Craft Room 1, Community Center

Shelton, CT

Monday, May 23, 2005

Members Present:
Dave Zamba
Tom Harbinson
Paul Gabor
Regis Dognin
Celeste Beattie
Ralph Rotondo

Members Absent:
Harriet Wilber
Ed Conklin
Ken Olin
Neil Hayes

Dave Zamba, Co-Chairman at 7:30 P.M, called the regular, May 23, 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 April 25, 2005 meeting. Ralph Rotondo seconded the motion. All were in favor, motion passed.

Correspondence

Tom Harbinson presented the correspondence to the committee. First item is a notice of award ceremony honoring Norman Santa on June 14.

Parks & Rec. is offering a trip to Yankee Stadium on Saturday, August 13.

A copy of the voucher from Marianne Chaya for the April meeting minutes is included.

Also, receipt of a memo from City Hall stating that the clerk pay is going to increase \$1.50/hr. to \$18.00/hr.

There is a copy of a memo from Planning & Zoning to the Board of Aldermen stating that they are giving a favorable referral for acquiring the property on 29 Hilltop Drive.

Board of Alderman Open Space Authorizations

None

Treasurer's Report

Tom Harbinson said that he started doing an audit on the Open Space Trust Account. I came across some inconsistencies. I had Jim Pjura, the part-time Conservation agent get together with Rick Schultz to make a list of all the fee-in-lieu of subdivisions that have been approved in the last few years. The list is in alphabetical order by subdivision. Then there is a summary by year of the dollar amounts. I took the list and made a spreadsheet to sort by date. Then I went to the annual report that Rick does for P&Z. For 2003 there was 3 fee-in-lieu of payments. The way Rick writes his annual report is he notes decisions that are made by P&Z, what the effect would be on the fee-in-lieu of account. Not that we actually received it at that point in time. For instance, if a subdivision was approved in December, he would include that in his report, but we may not see it in the account until the following year. Some subdivisions don't have to pay their fee-in-lieu of right up front. It could be on a per lot basis. I crosschecked what was given to what Jim Pjura gave me. For the most I was able to find most everything. Then I took the Finance Dept. reports that we get every month and put that into a spreadsheet. I did this for 2004 and have come across many questions. It doesn't seem to be an adequate system from the report from Rick Schultz to the Finance Dept. of a fee-in-lieu of received for what subdivision clearly. One refers to it as the Dripchak subdivision and the other one refers to it as Fort Hill Ave. It would be better to have it referred to as the application # so as to not have any misunderstanding. There was a payment made into the account from Wintergreen Lane of \$11,000. That was received on August 24 according to the report from Jim Pjura and Rick Schultz. It shows being received by the Finance Dept. on 9/1. It was not mentioned anywhere in the annual report to P&Z. There seems to be some discrepancies between the manual process that is happening between the annual report and what we are getting from Finance. I need to get together with Rick and Finance Dept. to see where the mistake is and how we can make the process be better.

In summary of the fee-in-lieu of payments to the City is in the amount of \$74,533. We had interest on our bank account from July-Dec. There is nothing shown posted from January-June. We had a City budget allocation of \$192,000. We had some other contributions to the Land Trust. The expenditures were primarily for the Shelton Family Farm during the calendar year of 2004. There were other expenditures of title searches and property surveys. As a result of our 2004 calendar year, we had expenditures in excess of input to the account of \$121,000. That concerns me because for the 2005-06 budget year they are not allocating an amount for open space trust account. This shows it is a valuable tool to be used. Last month we talked about writing a letter concerning this and I know they have already gone through the budget process and I have not followed through to finish my comments. I wanted to get some of this information in order so that I could clarify an example to show how much money we spent last year and if it is not budgeted forward it is a lost tool in our arsenal of acquiring open space.

I want to do an analysis of the fee in lieu of. If a developer gives you a fee in lieu of in the amount of about \$10K, if we could see what the acreage of the development that they say the fee in lieu of would be for \$10K. I want to see the dollar per acre ratio is on the entire fee in lieu of. Are we in line? Is there a real appraisal done on the property to say what the real fee in lieu of is? In moving forward, we have a comparison.

Regis Dognin said that he talked with John Anglace regarding this account and this committee's position on the need to keep the account. He said that John Anglace told him that the administration never missed a beat, and that our job was to identify items to acquire and the Board of Aldermen would always strive to find a way to finance it. They have in the past and would continue to do so in the future and not to be too concerned about whether the money is in the open space trust account. They said this year they will be spending about \$2.5M for one piece.

Tom said I am not putting down the efforts and accomplishments done by the administration. My philosophy is to have structure in place. The fee-in-lieu transfer business is not structure. Maybe the Board of Aldermen's efforts won't always be there, so this is a good structure to hold on to. This account has been a very useful tool in acquiring small parcels.

Regis said that at the last Board of Aldermen meeting there were some individuals who had attacked several things, some of which made no sense. They bring up things like this to use as a weapon against the administration that they are not funding the open space account. We still don't know what the allocation to the open space account should be.

Tom noted that it would come out of this analysis. The open space allocation is supposed to be based upon a complicated reimbursement formula. The report we get seems to be a manually prepared spreadsheet. We have seen some errors in the past of posting that should have been to Conservation. We also haven't seen any interested posted for a while. I am not putting down Sharon at all; I just see that it is not a very good structure. I did not receive a new Open Space Trust Account report for this month.

Subdivisions

Tom Harbinson MOVED to modify the agenda to add the subdivision applications for the Woods At Lake Road, Phase II, and Avalon Bay Properties, Shelton II. Regis Dognin SECONDED the motion. All were in favor, MOTION PASSED.

The Woods At Lake Road – Phase II

The map shows the date of 2/23/04, with a revision on 1/21/05. They printed these maps on 5/20/05. This is on Lake Rd. off of Meadow St. on the south side of Route 108. This is a subdivision under a CRD. The total acreage is 10.08 acres. It is showing an area of open space of 5 acres. A CRD is predicated on a standard subdivision that would be approved and then they can change after

that. The committee reviewed where the wetlands and the open space areas. The standard conventional subdivision is not included. There are significant wetlands on parcel B in the north part. Steep slope area is .32 acres plus another area of .23 acres. There is a stonewall on the north/northeast boundary and one in the middle of the southwest and another at the back end of the property towards the southeast. City water, sewer and an existing gas line service it. The subdivision map shows 6 homes.

The application seems to be deficient because we do not have a conventional subdivision map for the application. It seems there is a lack of professionalism to have a complete presentation of documents so that we can our decision.

The open space notes that are shown in the general survey notes (#10), shows total area of open space of 5.017 acres. It is obvious that a substantial portion of that is wetlands and steep slope. We do not know what the qualified amount of open space is. Even if we knew what it was it doesn't do anything for us at all. Ralph Rotondo suggested taking a fee-in-lieu of because of the slope areas and the wetlands. He can't build on it and it is protected by the wetlands regulations anyway.

Tom Harbinson MOVED to write a letter to Planning & Zoning regarding the Woods at Lake Road, Phase II, CRD subdivision. We reviewed this at our open space meeting of 5/23/05 and have the following observations:

- 1. The documents provided to us had no letter of transmittal identifying the Planning & Zoning application number.**
- 2. The documents seem to be dated 1/21/05 yet we are only receiving them in May.**
- 3. The conventional subdivision that is required to be shown for a CRD is not shown in any of the documents.**
- 4. The open space area of 5.017 acres does not show the amount that is qualified and not qualified.**
- 5. There seems to be substantial wetlands, specifically on parcel B as well as some on parcel A. Parcel B also has steep slopes.**
- 6. Despite all of the above comments the Open Space Committee in analysis of this location recommends a fee-in-lieu of be the appropriate vehicle of open space dedication.**

Regis Dognin SECONDED the motion. All were in favor, MOTION PASSED.

Avalon Bay Properties – Shelton I

No transmittal letter accompanying this set of plans as well. This application was denied by Inland Wetlands.

Celeste Beattie noted that there is an appeal on the original application pending at Planning & Zoning (Cranberry Hill Estates).

It could be that this is still active because the applicant has not withdrawn the application. Planning & Zoning cannot act on an application Inland Wetlands has denied. Regis Dognin stated that WPCA denied the application and the City is being sued. It was turned down because it was zoned for 22 homes, not 300

units plus they did not want the extension to Armstrong Rd. Avalon II is sitting on sewers, so we had no problem with it.

Celeste Beattie stated that whatever the Inland Wetland Commissioners asked for Avalon was eager to accommodate – such as more of a canopy over the brook, moving a building further away from the brook, more plantings, etc.

Tom Harbinson noted that a while back when this parcel became available it was turned down due to the substantial wetlands, which would be protected, and it was R-1. With the open space set aside, we would be able to get the area that we want. It was never conceived in our minds back then that an application would come in like this. Because this is an affordable housing application they do not have to set aside any open space. It's not fair because only 30 would be affordable and the other 270 would be at market price.

Dave Zamba noted that we could not comment on this.

Tom Harbinson MOVED to write a letter on Avalon Bay-Shelton. We did not have a letter of transmittal to tell us what the application/project name is. We are looking at drawings that were received by Planning & Zoning on February 25, 2005. We were just given these to review at the May meeting. It is called Avalon Shelton. We know by what is going on in town that this is Shelton I and the other one on Huntington Street is Shelton II. This is an affordable housing application and know this from what we read in the newspaper even though there is no transmittal letter with it. There doesn't seem to be any public open space set aside. We find that distressing due to such a densely developed area there is minimal opportunity for the eventual residents to enjoy the outdoors and habitat. Recognizing this is near an environmentally sensitive area of the Cranberry bog, we would encourage the Wetlands Commission to afford any and all opportunity to put measures in place to protect the bog.

SECONDED by Ralph Rotondo. All were in favor, MOTION PASSED.

Executive Session

Tom Harbinson moved to go into Executive Session at 8:20 P.M. for the purpose of discussing open space acquisitions in various areas of the town. We invite Marianne Chaya to remain. Seconded by Regis Dognin. All were in favor, motion passed.

Tom Harbinson moved to go out of Executive Session and return to regular session at 8:55 PM. Seconded by Regis Dognin. Tom Harbinson noted that there was no action taken in Executive Session. All were in favor, motion passed.

Trails Report

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" hike.

This walk would start at Pine Lake to the bridge at Huntington Center. This is about a 4-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. We have also gotten good publicity in the newspapers.

Theresa Gallagher, through her web site, has been promoting work parties.

Round Table

Regis Dognin updated the committee on the wastewater treatment facility plans. Originally the engineer gave us a figure of \$13.5M and it came it at \$17.3M. The infiltration and the ionized system to remove the fresh water from the sewage treatment load was supposed to cost around \$2M and the cost is going to be \$2.8M. The pump station had a similar number. All costs were higher for the three projects. We are looking at about a \$7M shortfall. Going out to bid would be a mistake because it would most likely be even higher. Steel prices have gone up considerably over the past year. Generally all the costs have gone up. We have to move ahead because we are high up on the list ready to receive grant money from the State. We should get about 4.7M and about 16M in loan money. There will probably be a referendum in the fall to help finance this.

Dave Zamba said that he wanted to put together a focus group like the one that helped us purchase the Bridgeport Hydraulic open space and the renovation of the slab downtown to push this initiative. It is very critical for this City. We want to try and put this group together this summer for this referendum.

Regis said there is a real need to make sure we succeed on this because if we don't we will be faced with paying for this whole thing out of our pocket. If we don't move on it we would be faced with a moratorium on development within a year because we have 300,000 gallons to work with, which isn't sufficient. We are already on the border of being in trouble with the DEP and the EPA. April was the wettest month in a long time and we had 10 hours where we were putting water straight into the river from the storm drains. We can handle 2.75 million gallons officially. We routinely handle 3 million gallons a day. Sometimes we have 5 millions coming through. In the next design of the plant there will be no overflow. We have to have the capacity to hold the water and be able to treat it. We also are in trouble with the DEP because we have other aspects of our treatment that are not as good as they should in the removal of nitrogen. We paid fees in the amount of \$180,000 in credits last year. That will continue as long as we have a problem. The new plant would significantly drop those charges if not being able to make some money. It is recalculated every year. The DEP would not sit by and let us cruise through because they have already excused us a number of times because they know we have a new plant is in the works.

Tom Harbinson reported that they had their Plan Update Advisory meeting today. It was a very productive meeting. Planimetrics, our consulting company has prepared two report books – Conditions and Trends and Protect Important Resources. One interesting fact is that from the research Shelton's population is

becoming older versus our neighboring towns. Part of this reason is the nursing homes/assisted living type housing we have. Plus there are people over 55 who are looking to move to Shelton and low taxes are one of the reasons. While our population is growing it is gearing towards the older and "no kids". Our school population is projected to be flat. There is a political hot potato because there are some that want a new school to be built. The Board of Ed is considering some programmatic changes such as full day kindergarten plus art/music dedicated classrooms.

We had some very good discussions regarding the two reports. We have to think very careful of what vacant land is left so that the revenue generated from the development pays for the services that it will demand. As we all know, residential doesn't pay enough taxes to pay for the demand of the services. You have to make up for it with commercial/industrial. The amount of commercial/industrial acres is 290. The amount of residential acreage available is still being researched as what is really available. The future land purchases will become more complex. Some of the discussion is to go to referendum for bonding for a considerable amount of open space purchases. Tom discussed some of the future scenarios and some options they should seriously consider. Dave Zamba said that he is actively working on the update of the open space plan. I had a meeting with Conservation and talked about the some of the key things.

Tom Harbinson congratulated Dave Zamba for winning the award for designing the State's emissions website.

Next Meeting Date

Monday, June 27, 2005

Adjournment

Ralph Rotondo moved to adjourn the meeting. Seconded by Tom Harbinson. All were in favor, meeting adjourned at 9:20 PM.

Respectfully submitted,

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