



City of Shelton Conservation Commission

Meeting Minutes for December 7, 2022

This meeting was held virtually. Video recording is posted on the Conservation Commission's YouTube channel <https://www.youtube.com/watch?v=tzFEcBEMiNA>

Members Present: Tom Harbinson (Chair), Bill Dyer, Ed McCreery, Sheri Dutkanicz, Jim Tate, Bill Dyer (arrived 8:15 pm). **Absent:** Tom Wilson. **Also Present:** Teresa Gallagher, Natural Resource Manager.

The meeting was called to order at 7:15 pm by Chairman Tom Harbinson.

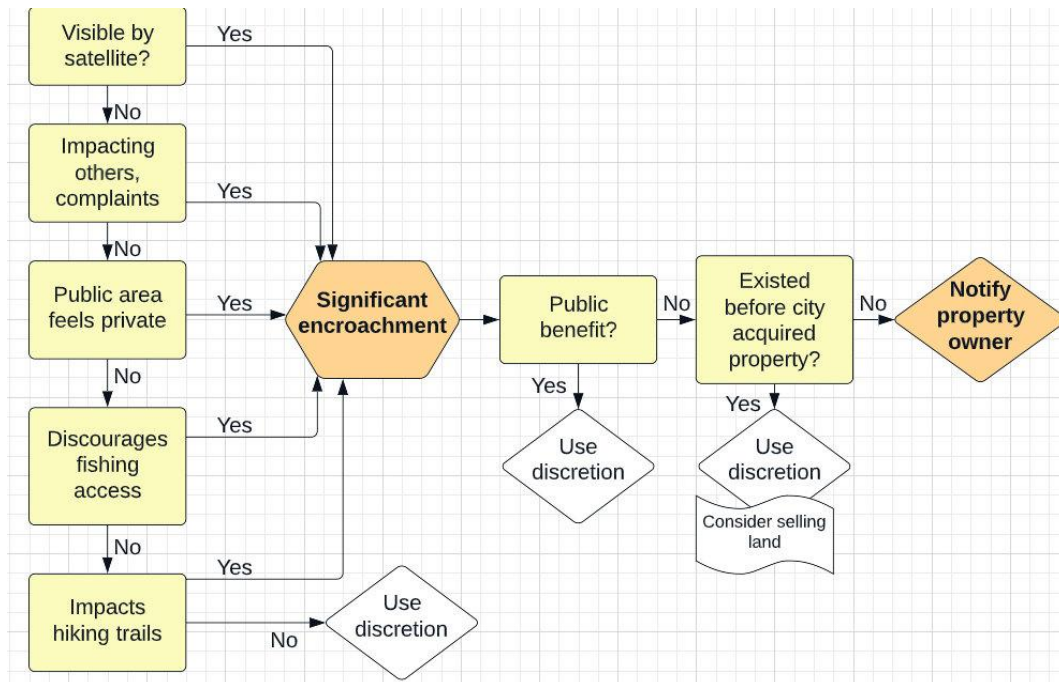
Meeting Minutes: **Sheri Dutkanicz made a motion to approve the October 5, 2022 meeting minutes. Seconded by Ed McCreery. All were in favor.**

Meeting dates for 2023: **Jim Tate made a motion to approve the following meeting dates for 2023, to be held on the first Wednesday of each month (except in July, which will be held the 2nd Wednesday due to the holiday) at 7 pm via Zoom: Jan 4, Feb. 1, March 1, April 5, May 3, June 7, July 12, August 2, Sept. 6, October 4, Nov. 1, Dec. 6. Seconded by Sheri Dutkanicz. All were in favor.**

Natural Resource Manager Report: Teresa Gallagher reported the following:

- **Gardens:** Work parties were held to close up Eklund Garden and to replace a portion of the deer fence at the Shelton Lakes garden.
- **Litter Committee:** This committee needs additional members. There was no quorum the last two meetings, and meetings are not held over the summer or during the holidays in November/December. The Shelton Clean Up Project group has been a big help organizing clean up projects around town.
- **Shelton Life:** Articles on Winter hiking and French's Hill were submitted.
- **Burritt's Bypass Trail:** This short but technically tricky bypass trail was created for safer hiking through the Burritt's Rocks section of Birchbank Mountain coming out of Indian Well towards the Birchbank overlook, a route that has grown popular over the past few years due to trail improvements.

- Encroachment Decision Tree:** Part 1 of draft decision tree was created for determining whether enforcement of an open space encroachment should be initiated. The tree is designed to first determine whether the encroachment is significant enough to need enforcement. Minor encroachments generally do not need enforcement action, in the same way that the Police do not stop and ticket people for driving 60 mph on Route 8. If the encroachment is significant, then other considerations are examined, including whether there is a public benefit or whether the encroachment existed prior to the city acquiring the property. In those situations, discretion is needed.



Tom Harbinson agreed that discretion is needed with enforcement action and the Route 8 analogy was good. Teresa Gallagher added that there needs to be some common sense limit to that discretion, however, or decisions will appear to be arbitrary. Going back to the Route 8 analogy, imagine if one Police officer was handing out tickets for going 56 mph and another was letting people do 100 mph. The public would be upset about that because it's unpredictable and unfair. In reality, we all know that minor speeding is not enforced because drivers expect to be granted a margin of error. We all know we won't get pulled over for driving 60 or 65 mph on Route 8, but the general public does support enforcing the speed limit when a car is doing 80 or 100 mph.

Teresa Gallagher asked the commissioners if everyone agreed with the draft tree so far, especially with regard to lawn encroachments, which are the largest encroachments by square footage. She had previously emailed an article from Penn State Extension showing that stormwater runoff of nitrogen and phosphorus

is about ten times higher from lawns than from forests. These pollutants cause algae blooms in water bodies. There is also pesticide runoff. In the Chesapeake Bay watershed, there has been a program to fund landowners' efforts to convert lawn to forest in order to improve water quality. Commission members agreed that lawn encroachments should be enforced. Tom Harbinson directed Teresa Gallagher to continue with the decision tree.

Shelton Canal & Locks Restoration: Ed McCreery reported that the Mayor selected BL Companies for engineering studies. Mayor Lauretti indicated he wants the focus to be on the locks, and for them to be restored functionally rather than cosmetically. Ed McCreery reminded the Mayor that the upper lock is now a stone retaining wall, and even if you could get to the canal, you can't get past the dam. Part of the initial investigation is determining whether sediments are contaminated. Paul Grimmer found grant money for environmental remediation that should help cover the cost. A grant was also found to cover most of the cost of the initial engineering study.

Ed McCreery said he was concerned about the monster development proposed for the end of Canal Street, up against the locks. He was concerned about whether there is any communication between what the developer hopes to do with the site, which seems to be a pretty intense development, and the City's plans to restore the locks and extend the River Walk. He plans to speak with Paul Grimmer. Is everyone talking to one another? The development plans require a retaining wall to be restored, and that wall is located at the beginning of the locks.

Tom Harbinson performed a screenshare of Cedar Village at the Locks from the Planning & Zoning website, and commissioners viewed the site plans. Ed McCreery noted a parking area right up to the edge of the locks. Where was the River Walk? Tom Harbinson noted a walkway with steps shown on the plans. Ed McCreery said that the existing walk has very steep steps that would not be appropriate for the River Walk and not ADA compliant.

Developments & Proposals:

394 Long Hill Ave - Tom Harbinson reported that Prestige Builders has purchased 394 Long Hill Ave (1.83 ac). They are looking to do a 2-lot subdivision with a conservation easement at the back where there are wetlands. This requires a waiver from ZBA. A.J. Grasso sent a letter to Tom Harbinson asking him to share his proposal with the Conservation Commission in hopes of a positive review letter. Jim Tate responded that ZBA should be referring the proposal to the Commission, not the developer to the Chairman.

Open Space Trust Account. Tom Harbinson met with Mayor Lauretti and noted that the money from the Wesley Drive sale of Open Space was not deposited in the Open Space

Trust Account. There is currently a negative balance on the order of \$100,000. Jim Tate said it's Conservation's obligation to determine what expenditures and deposits have gone through the OSTA. Tom Harbinson agreed and noted that the Conservation Commission is required to give the BOA an annual report of the OSTA. Jim Tate asked for an accounting by the January meeting.

Quality of Life: Tom Harbinson noted that the City is in the process of purchasing 8.15 acres of land for open space along Leavenworth Road. Teresa Gallagher said that the Mayor's assistant Kellie Vazzano did a terrific job in quickly securing the property and arranging for all the legal requirements including the 8-24 referral and approval from the Board of Aldermen.

Comments by members: Jim Tate said he was very dismayed by the City about the proposal at the end of Canal Street. For many years he had been proposing and pushing and talking and quietly trying to do what he could to purchase that piece because it is one of the key vantage points of the City to the river. We've formed a wall along the river with all this new development blocking our biggest natural resource. Tom Harbinson agreed and said the drawing indicated there have been a number of tech sessions held and you would think at this point somebody would have put forth the City's desires regarding the site.

(Bill Dyer joined the meeting at 8:15 pm)

Trails Committee Report: Bill Dyer summarized the Trails Committee meeting held prior to the Conservation Commission meeting. For details of that meeting, read the Trails Committee meeting minutes.

The meeting was adjourned at 8:23 pm.

Meeting minutes were prepared by Teresa Gallagher and should be considered in draft form until adopted at the next meeting.