



## City of Shelton Conservation Commission

Meeting Minutes for November 2, 2021

This meeting was held virtually. Video recording is posted on the Conservation Commission's YouTube channel:

<https://www.youtube.com/watch?v=X4ql2fFo7K4&list=PLapZQmw1bOhA9gXA1MsrIR1XRDBbuJsxc>

**Members Present:** Tom Harbinson (Chair), Tom Wilson, Ed McCreery, Sheri Dutkanicz, Bill Dyer; Jim Tate (joined at 8:03 pm)

**The meeting was called to order** at 8:00 pm by Tom Harbinson.

**Meeting Minutes:** **Sheri Dutkanicz made a motion to approve the minutes for September 1, 2021 (no meeting was held in October). Seconded by Ed McCreery. All were in favor.**

*(Jim Tate joined the meeting at 8:33 pm)*

**Trails Report:** Bill Dyer reported that Ellen Cramp had joined the Trails Committee to replace Jim Taradine. The barn is moving along well. See the Trails Committee meeting minutes for more information.

**Shelton Canal Locks Restoration Update with SEDC:** Ed McCreery reported that they interviewed five engineering firms to be the potential leads on the project. The interview committee selected the two most qualified firms and presented that to the Mayor.

### **Applications for Developments:**

**1. 4-lot subdivision on Weybosset Street.** Tom Harbinson reported that he did not see any Inland Wetlands or Planning and Zoning number for the application, but Conservation was courtesy copied on the City Engineer's letter. Tom Harbinson screenshared an email Teresa Gallagher sent on October 6 showing the location of the subject property on the GIS Open Space map. The property is along the headwaters area of Ivy Brook and would require an extension of the road from the

north. The Engineering letter cited a number of deficiencies. Tom Harbinson asked if this is something Conservation should be commenting on, or should they wait for a formal application. Ed McCreery noted Land Trust properties nearby and said the area is very wet. He suggested touching base with Planning and Zoning staff.

**2. 4-lot subdivision, 405 Long Hill Ave, “Brookview Heights” PDD #95.** Tom Harbinson screenshared the conceptual plans from the City website. There is no open space dedication or fee in lieu of, as would be required if this was a traditional subdivision. Ed McCreery said that Conservation has been consistent in the past about PDDs not being used to circumvent requirements for residential developments under traditional subdivision regulations. It’s kind of an abuse of the system. He said he was not opposed to this development, and it may qualify for the use of a PDD because it’s in a transition to a commercial zone. But since the Planning and Zoning Commission has full discretion under a PDD, and if a traditional subdivision was being done there would at least be a fee in lieu of open space, that’s what Conservation’s letter should say. **Ed McCreery made a motion to send a letter to the Planning and Zoning Commission asking them to require a payment in lieu of open space. Seconded by Tom Wilson. All were in favor.**

**3. Memo for 8-24 commentary on parcel adjacent to 35 Saginaw Trail (Pine Rock Park), sale of City property designated OS#136.** Conservation received a letter from the Mayor’s Assistant Jack Bashar. The neighbors are already utilizing the property as their personal property. **Tom Harbinson noted the property does not link up with any open space and made a motion in favor of selling the property as long as the purchase price is deposited in the Open Space Trust Account. Seconded by Ed McCreery. All were in favor.**

**Discussion over Conservation Commission concerns that came to light during 8-24 referral regarding 56 Wesley Drive.** Tom Harbinson refreshed commissioners: There was an 8-24 referral earlier in the year for the sale of open space to a homeowner at 56 Wesley Drive. He screenshared the VCOG GIS map. That 8-24 letter had referenced an earlier sale of open space across the street to three homeowners. One of those homeowners, #49 Wesley Drive, gave Conservation a number of challenges over the years. The owners had come in to ZBA wanting to put a pool in the backyard, which needed a reduced setback from the rear property line. Conservation went on record with a concern that the project not impact the open space. The property owners assured ZBA, on the record, that they had a surveyor and a map and would not impact the open space. But as you look at the 2013 aerial, they obviously went beyond the property line, not just with the pool, but with clearing and fencing. Conservation sent them a certified letter and had a meeting at the Mayor’s office. It was left that the Mayor’s office was going to work on trying to find a resolution with the property owner.

There was an 8-24 request for what Conservation interpreted to be a licensing process to the homeowner, as the City does license other open space properties to farmers. Two years later, this property was sold to the property owner for \$11,500.

Tom Harbinson continued: The City Charter says that if you sell City open space for more than \$10,000, you have to have a referral letter from the Conservation Commission and Parks & Rec Commission to Planning and Zoning. We did not get that request. Neither did Parks & Rec. And the referral to Planning and Zoning did not come from the Board of Aldermen, it came from the Mayor's office. So the Board of Aldermen were not involved in asking for referrals for the sale of the open space. And the property was sold earlier this year, basically without any approval from the Board of Aldermen. Their approval came after the fact. It's very concerning to me.

Sheri Dutkanicz said that it was appalling. It's setting a terrible precedent in the neighborhood. It's disgusting how that happened without any approval.

Tom Harbinson added that before dedicated open space is sold, there is supposed to be a public hearing. I think that's a state statute, not sure. But it's definitely required under the City charter. I think people should be made aware that this property was sold without BOA permission and without any public hearing or review.

Ed McCreery said he found it very upsetting. Did the money even go to the Open Space Trust Account? Since we cannot 'unring the bell', we should lay out the scenario that happened and the scenario that *should* have happened. And Conservation does not think the City should be in the business of selling Public Open Space acquired for the public benefit to be sold for the personal use and enjoyment of someone who can afford to build a swimming pool and wants more City-owned land in order to do so. Such homeowners instead need to move to a different property if they want more land. That's certainly what is required in other towns. The open space is in trust for the benefit of generations unborn. The letter should say we hope the City is going to be more careful and follow protocol in the future because this was inexcusable.

Jim Tate suggested going further and said he believed those yellow property lines on the GIS map were totally inaccurate. Ed McCreery agreed there should be a new map showing what's been encroached upon and what's been sold. Bill Dyer countered that they had already bought the property, so what was the point? Jim Tate clarified that he meant future encroachments. Ed McCreery said that the abutting homeowners may be clearing new lawns to match the one at #49 Wesley Drive. That's why he wants the line surveyed.

Tom Harbinson added that the deed for the sale of the open space does have a map showing the new property line along an existing fence, and to Jim Tate's point, that

remaining open space should be surveyed and pinned. Bill Dyer asked what differences does it make? The property owner isn't going to go any further back, there's a fence there and it becomes a cliff beyond. Tom Harbinson noted this was for future landowners. Tom Wilson said the abutting property owners were going to continue expanding into the open space to match the clearing at #49. Tom Harbinson said that he attended the Planning and Zoning meeting in which the 8-24 referral for #56 Wesley was discussed. It was interesting that Ruth Parkins, when asked by Jack Bashir what should be done about a pool built on City property, responded that they should make them take it out. There are some members of Planning and Zoning who are upset that this violation has occurred.

Tom Harbinson previously drafted a letter so that would have all the information in one spot. It was a little vibrant. Sheri Dutkanicz thought the letter was OK.

Jim Tate wanted to note that way back when Huntington Woods was being proposed, he went on the record to say the small lot sizes were ridiculous given the size of the homes and that these sorts of issues were going to arise. So we have to be proactive. Tom Harbinson panned around the Huntington Woods 2013 satellite image and other encroachments were apparent.

**Ed McCreery made a motion to send a letter with Conservation's concerns about how the sale of open space at 49 Wesley Drive had been completed without following city and state requirements for selling dedicated open space, as discussed, in order to prevent this from happening in the future. Seconded by Bill Dyer. All were in favor.**

**Ed McCreery made a motion to have the full open space property line surveyed along the easterly side of Wesley Drive (the northern boundary of the open space where it abuts homes). Seconded by Sheri Dutkanicz. All were in favor.**

Letter recipients should include: The Mayor's office, Board of Aldermen, Planning and Zoning, Parks and Recreation, City Engineer, and Inland Wetlands.

Tom Wilson also recommended sending a letter to the homeowners in the neighborhood.

The meeting was adjourned at 9:20 pm.

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