



Town of Hamden

Planning and Zoning Department

Hamden Government Center
2750 Dixwell Avenue
Hamden, CT 06518
Tel: (203) 287-7070
Fax: (203) 287-7075

THE NATURAL RESOURCES AND OPEN SPACE COMMISSION, Town of Hamden, held a Regular Meeting on Wednesday, June 26, 2013 at 7:30 p.m. in the 3rd Floor Conference Room, Hamden Government Center, 2750 Dixwell Avenue, Hamden, CT . The following issues were discussed:

Commissioners in Attendance: Kevin Burgio, Peter Vitali, Mike Horn, Bill Doheny, Hamilton Milroy, Richard Bell

Commissioners Absent: Marigrace Larke, Mike McManus

Others in Attendance: Assistant Town Planner Dan Kops, Meeting Clerk Gerry Tobin

1. **Review:** Minutes of May 29, 2013

Change Mr. Milroy to excused absence.

Promote Mr.'s to Dr.'s for Dr. Doheny and Dr. McManus

Page 1, under Maselli Property, third line, change state to trust

Dr. Doheny made a motion to approve the minutes of May 29th as amended. Mr. Milroy seconded the motion. The vote was unanimous in favor.

2. **Continuing Business:**

Maselli Property

Barn Roof – Dr. Doheny said we made the grant application deadline by two hours. We will receive \$5,000 for the barn roof. This should be acted on in June and they will say yeah or nay. Dr. Doheny doesn't know when the roof will be put on, but maybe July, August or September.

Urban Miners - Have they removed the material inside the barn? The outside has been cleaned up. Dr. Doheny said Public Works has not been up there to do their part. The drums which could be empty have not been taken care of.

Bednarcyk Property – Mr. Kops said Mayor is reviewing this and if we can get good financing we will proceed. Dr. Doheny said he has made four phone calls on that and has not had a response. The commission continues to show great interest in the Bednarcyk property. We have a couple of the councilman making calls. Council people are also having trouble getting a response. Ms. Smith is working on a grant with the Agriculture Department. We need a number for the Bednarcyk property. There is \$10 million for open space for next year and \$10 million for agriculture. The RWA is not interested in acquisition at this time according to Mr. Bell. They did purchase the Crosby Property and they have easements on some of the other properties in that area. Mr. Bell said it is a tougher economic climate today. Dr. Doheny said it is important that we get a conservation easement to protect the properties. Dr. Doheny said regarding the 17 acres near the Gelston house – they wanted to do a land swap, and this year a bill was passed saying that is absolutely a no no. The state has allowed a transfer of 8 acres from Hammonasset to the Town of Madison for a parking lot. This is the reason it is important to get a conservation easement on the property. Mr. Horn is a member of a blog for the Connecticut birding

community, and the Madison parking lot has been topic number one on that blog. Madison purchased the old airport and developed some great ball fields on the site, but then there was no place for people to park.

Mr. Bell mentioned ATV use. There might be a requirement to allow ATV use on certain public properties where hiking and other uses are allowed. A few years ago there was discussion that DEP would have to address ATV use, and nothing was done. CT doesn't have many long stretches of paths for ATV use. Mr. Bell said the RWA would have to ban people from its properties if ATVs were allowed. There was discussion on negligence and gross negligence. Mr. Bell said if a tree falls from your land to someone else's land, the person on whose property the tree landed is responsible. If someone is injured by a tree fall in a state park, in order for the person to sue, the person would have to prove gross negligence. The state is trying to change the terminology to negligence.

Title 52 of the Connecticut General Statutes, 1/2013 version, deals with landowners making land available to the public without charge for recreational uses, (hiking, hunting, fishing and many other uses) can not be held responsible unless there is willful (knowing) or malicious failure on the part of the land owner to guard or warn against danger. There is a case where there were serious injuries that is probably still on appeal of a \$1m award, where a cyclist crashed into a gate and there was no warning sign on the gate. Snowmobiles have their own statute. Mr. Bell also mentioned that there is a statute that protects good Samaritans helping at accident scenes for example.

Mr. Horn referred to one of Dr. Doheny's points. You have to have a conservation easement to protect the properties. (RWA or Land Trust). Dr. Doheny said the town attorney feels we should not give away easements. The recipient should pay, but the Land Trust doesn't have the funds that would be required.

Mr. Horn thanked Mr. Vitali again for his work on the list of Town owned properties, which has been passed along to the Mayor by Mr. Kops.

There was no other news on the Commission's properties of interest.

Continued Vigilance - East Rock polo field

We will keep Olin Power Farm/Five Lakes Park on our agenda.

3. New Business:

Mr. Milroy said there was a sign placed on Willow Street where he lives. An outfit called Solar City Corporation is applying to construct over 4,000 solar panels at 4135 Whitney Avenue which belongs to the RWA. Mr. Milroy's question was who is going to use the power. Mr. Kops said if they produce more power than they need it goes back to the UI grid, or if they are drawing from UI grid they will pay for it. Their application is before the Inland Wetlands Commission and then it will go before Planning & Zoning. Mr. Bell said this is a way for the RWA to save money. Their pumps take a lot of power. RWA has also explored wind farm ventures. Mr. Kops said the sign and the application requirements are a result of some changes made in the Town's regulations.

Mr. Vitali showed his photos from Earth Day.

There was discussion on the Hamden eagle family is proceeding nicely. The chick is 66 days old, and is as big as her father. She is due to fledge around July 4th. If the chick fledges successfully, the parents will come back to the same location next year.

4. Adjournment:

Dr. Doheny made a motion to adjourn. Mr. Milroy seconded the motion. The vote was unanimous in favor. The meeting adjourned at 8:20 p.m.

Submitted by: _____
Gerry Tobin, Meeting Clerk