

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. BUSINESS MEETING

III-A. PUBLIC COMMUNICATIONS

III-B. OLD BUSINESS

1. PERMIT-APPLICATION #16-05, BROOKVIEW APARTMENTS, 309 BRIDGEPORT AVENUE. Proposal to construct a 37-Unit PDD apartment complex involving wetland fill, building and parking construction, grading within wetland upland review area and Burying Ground Brook upland review area.

III-C. NEW BUSINESS

1. PERMIT-APPLICATION #16-07, INDEPENDENCE DRIVE, 3.5 ACRES – Proposal to build 2 single family houses and services by the existing sanitary sewer & public water supply with minimal grading within the 50 foot review area.

2. PERMIT-APPLICATION #16-08, 899 BRIDGEPORT AVENUE, 2.836 ACRES Proposal for demolition and construction of new driveway within regulated area.

IV. MINUTES

1. May 12, 2016 Regular

V. ADJOURNMENT



**CITY OF SHELTON
INLAND WETLANDS COMMISSION
REGULAR MEETING MINUTES
Thursday, June 9, 2016
7:00 P.M., Room 302**

Chairman Zahornasky called the Regular Meeting of the Inland Wetlands Commission to order at 7:09 P.M.

I. PLEDGE OF ALLEGIANCE

All in attendance recited the Pledge of Allegiance.

- II. ROLL CALL:** Joseph Benanto, Commissioner
Robert Dunford, Commissioner
Jack Goncalves, Commissioner
Michele Kawalautzki, Commissioner
Ken Nappi, Commissioner
Gary Zahornasky, Chairman

- Absent: Joseph Reilly, Commissioner
Charlie Wilson, Vice-Chairman
John Cook, Staff

III. BUSINESS MEETING

III-A. PUBLIC COMMUNICATIONS

III-B. OLD BUSINESS

- 1. PERMIT-APPLICATION #16-05, BROOKVIEW APARTMENTS, 309 BRIDGEPORT AVENUE. Proposal to construct a 37-Unit PDD apartment complex involving wetland fill, building and parking construction, grading within wetland upland review area and Burying Ground Brook upland review area.

Attorney Steven Bellis

I represent the applicant who's with us here tonight; Jim Blakeman and I also have Jim Swift who's the Engineer.

I think that the last time we came here we explained how we had taken a site visit and had taken John Cook with us; we scaled back the proposal did away from the wetlands, reduced the number of units and answered all the questions that John Cook had. I think that Gary had asked that we refer to the Engineer's office and were waiting for a letter before you voted. I believe that letter should have come in by now.

Chairman Zahornasky stated we have the letter: (attached).



203-924-1555 ext 1509
Fax: 203-924-1136
Email: shelton.eng@cityofshelton.org

City of Shelton
Office of the City Engineer
54 Hill Street
Shelton, Connecticut 06484-3207

Robert F. Kulacz, P.E.
City Engineer
Rimas J. Balsys
Assistant City Engineer

June 3, 2016

John R. Cook
Wetlands Coordinator
City of Shelton
54 Hill Street
Shelton, CT 06484

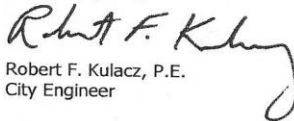
Re: Brookview Apartments, 309 Bridgeport Avenue;
1) Site Plan Sheets 1 through 5, all dated March 30, 2016, Revised 5/10/16
2) Storm Drainage Report dated March 28, 2016

Dear Mr. Cook:

This office has reviewed the above referenced application to construct a ³⁷43 unit apartment building on 3.29 acres, adjacent to the westerly branch of Burying Ground Brook. The stormwater management plan is sound and utilizes infiltrators to maintain pre-construction peak runoff flows so as to not exacerbate the occasional problems that are experienced downstream of the development.

Having no major concerns or reservations from a stormwater management and environmental perspective, I endorse the project drawings for construction as submitted.

Very truly yours,


Robert F. Kulacz, P.E.
City Engineer

cc: Richard D. Schultz, Planning & Zoning Administrator

File: 303 Bridgeport Avenue Site Plan

RFK:lv

Atty. Bellis continued, so we're at the point now where I believe we've addressed all the Commission's concerns as well as staff and we're seeking approval on this.

Commissioner Kawalautzki motioned to approve PERMIT-APPLICATION #16-05, BROOKVIEW APARTMENTS, 309 BRIDGEPORT AVENUE. Proposal to construct a 37-Unit PDD apartment complex involving wetland fill, building and parking construction, grading within wetland upland review area and Burying Ground Brook upland review area. Commissioner Goncalves second the motion.

A voice vote was taken; motion passed unanimously.

III-C. NEW BUSINESS

1. PERMIT-APPLICATION #16-07, INDEPENDENCE DRIVE, 3.5 ACRES – Proposal to build 2 single family houses and services by the existing sanitary sewer & public water supply with minimal grading within the 50 foot review area.

Atty. Steven Bellis
Representing the Applicant

Before I get too far into this, I just wanted to explain a little procedural thing. You know that John Cook will not be here for quite some time and so we have submitted an application. At first we submitted the application which you have to

build 2 single family houses but I also wanted to make the Commission aware that we also filed simultaneously an application to remove some of the solid waste and rubber that is also within the upland review area. Those are the two regulated activities that the Commission will be addressing and obviously it makes more sense if you hear them both together.

Chairman Zahornasky stated that the way that they handles it in the office today was that they have the removal of the rubber material listed as Application 16-07M.

Commissioner Nappi motioned to add Application #16-07M to this evening agenda based on the recommendation of #16-07. Commissioner Dunford second the motion.

A voice vote was taken; motion passed unanimously.

Atty. Bellis continued the other thing I'd like to ask the Commission is who can compute the fee. John usually computes all the fees. So we're willing to submit the fees once someone can help us.

Commissioner Kawalautzki asked wasn't that land originally open space. Atty. Bellis responded we'll get to that.

Let me answer your question. What happened was at once point in time the land had been deeded over to the bank and then the bank deeded it over. I did the title search; it was never deeded as open space to the City. It was I called when you have excess land that is not a lot, in this case they put open space and then it says other land of Derby Savings Bank. Back when it was subdivided there was this parcel of land that is not open space where it would be deeded to the City as what people regard it as open space. It was open space meaning it wasn't an approved building lot and that's why is says and other land by Derby Savings Bank. I had a work session with P&Z Commission prior to coming here and we went over these issues and went over the deeds as to how that came about and they have no problem with my going back in with a re-subdivision application because it was already subdivided. So they were satisfied that that was ok. So what we're here on our application is that there are wetlands on the property.

Commissioner Nappi stated I have to stop you, you're submitting an application that isn't subdivided. Atty. Bellis replied that is correct. Commissioner Nappi stated so you want us to act on something that's not subdivided into lots. Atty. Bellis replied no, what I want you to act on is first to allow us to remove the rubber material and secondly, the 2nd application has to do with if we get your blessing we have a site plan proposed then we would go to P&Z after Wetlands and make our application. That's the process. Commissioner Nappi replied we can't act on Inland Wetlands until we see the subdivides of the lots and how it effects each. Atty. Bellis stated we have a proposed plan. Commissioner Nappi stated but it's not approved, I don't know how to handle that. Atty. Bellis stated normally we'd go to wetlands first and what we did do was a proposed 2 lot subdivision and the engineer would then in turn explain to you the site plan of where the two homes would be situated and then you'd be able to see where the driveway would be. Commissioner Nappi stated but we only act on some contingencies. Atty. Bellis stated that obviously the contingency would be as this points out that if the re-subdivision would be approved.

Commissioner Kawalautzki stated that the reason that was never touched in the first place was the State. Atty. Bellis stated correct Roger Spinelli's here and he'll explain that. I think it made more sense to put both these applications together.

Chairman Zahornasky stated why don't we table 16-07 for the moment and let's open discussion on 16-07M.

2. #16-07M

Roger Spinelli
90 Soundview Avenue
Shelton, CT 06484

I have an application before the DEP, hopefully this month I'll have the approval to remove the sponge rubber under their guidance and regulations and location of where it's going to go, and once that's done I believe I have 5 years to get it out although I want to act quickly to remove it because I want to build a house for my daughter. That being said everything is documented. The Mayor received a copy of the application and all the procedures and the Town is just waiting for the response from the DEP.

Atty. Bellis stated so I think we would come back next month to your Commission and by that time we may even have an answer from the State for approval.

Commissioner Nappi stated there are going to be questions coming up about this because no one knows what it was used for. So you're talking about removal of the sponge rubber tires, but what about the contamination of the underground, do you have a clearance on that.

Mr. Spinelli replied, there is a clearance on it, from DEP and it's recorded on the land records and I can provide you with the volume and page, it is not a contaminant, it's a multi-wasteland fill. I will provide that for you.

Chairman Zahornasky stated you might want to modify approximate 4500 cubic yards. You have 4500 that's a definite number. I would state that if you got approval you have approximate in there.

Commissioner Nappi stated, Mr. Chairman 1 more question, there's a time limit on our approval, if it's not built on or acted on in a certain time period. Chairman Zahornasky stated I looked up what's legally required and it was that you might consider the application incomplete because it didn't have this information, provided when they're asking for approval, but in reading it says that to treat the application as any normal application, you accept it, it goes through the process, if you don't receive the information required at the end of the 65-day period then you would deny the application without prejudice.

Commissioner Nappi stated I'm assuming it's approved, there's a time limit that he has 5 years to remove. It has to correspond otherwise he's going to have to come back. Mr. Spinelli when does your five year period start. I'm not even thinking that far, if it's something that's approved this year then this year. It wouldn't start until the approval.

Commissioner Nappi stated what does DEP say regarding you have 5 years from what date. Mr. Spinelli responded I won't know until they give me the approval to remove the waste. Then I'll get further documentation. And to answer your question about the 4500 cubic yards, that a from DEP on how it was calculated and it was based on test holes and documented by an engineer, Al Shephard and that will all be included hopefully, in the final approval.

Commissioner Nappi stated I'm familiar with some of DEP's process, is there any future inspection requirements once it's cleared. Mr. Spinelli replied yes, the test holes have been done, there's no contaminants, it's a question that we want to remove all the material that's there, as much we can, and it'll be inspected and certified to the DEP that that in fact has been done.

Commissioner Kawalautzki asked where will that material go. Mr. Spinelli responded it goes to Danbury if I recall, Winter Brothers will receive it, we have a letter stating that they will take it and what they do with it from there I have no idea. That's all included in the DEP application.

Atty. Bellis continued so we just wanted to give you an overview tonight and put both applications before you so you had an idea about it. I'll bring Allan Shephard next month, hopefully we'll have the approval from DEP and we can get into some of the details of the site plan.

Commissioner Nappi stated you can do that briefly now. Where is the removal area. Mr. Spinelli stated here it shows the estimated, so it's Phase 1 and Phase 2, and we're outside of the wetland setback area, so the fill is not in it. Commissioner Nappi asked so it's just on lot 1. Mr. Spinelli replied no, the removal is on both lots. Atty. Bellis stated as you can see you have a 50' setback within the review area. Mr. Spinelli added I believe our application also includes to fill in this area here.

Chairman Zahornasky added, so let's review, that's the removal of that, now approximately where would the houses be. Mr. Spinelli stated look at the next page. Commissioner Kawalautzki asked why is one lot narrower than the other. One has 100 foot frontage and the other has 200. Mr. Spinelli stated no they both have 150' I believe, they meet the requirements, they are R1 zoned, the 150 square should be on there. I can't answer why he did that; if you look over here it will give the proposed. One lot is bigger than the other.

Commissioner Dunford asked let me understand, the fill is in the upland review area. Atty. Bellis replied there's a portion, that's the reason for the application. That and also the removal of the sponge in a part of your upland review. That's correct. It would be 2 phases.

Chairman Zahornasky stated alright gentlemen, get us those reports and come back along with the bulky waste approval as well and the clearance of the contamination. Mr., Spinelli stated I really wish you wouldn't use the word contamination. It's not contaminated. It's bulky waste. Ok, see you next month.

3. PERMIT-APPLICATION #16-08, 899 BRIDGEPORT AVENUE, 2.836 ACRES Proposal for demolition and construction of new driveway within regulated area.

John Knuff
Hurwitz, Sagarin, Slossberg & Knuff
147 North Broad Street
Milford, CT 06460

Good evening, my client is Philken Hotel LLC, they are the contracted purchaser at 899 Bridgeport Avenue and my client proposes to construct 96 room hotel and a 3200 square foot restaurant on that property. This is an existing PDD, we have just submitted today an application to modify that PDD. We've had a number of meetings with town staff, Tony Panico and Rick, and with John Cook before he went on medical leave. They've all be very supported of the application but this is our first stop here before this commission.

We have no wetlands or watercourse on our property; therefore we are not filling in any wetlands or watercourses. There is a small brook located on the abutting parcel to our southwest. We are going to be doing some significant cleaning on our site. But some of our activities fall in the definition of a regulated activity. But as a result of what we're proposing, we're going to be improving bot storm water quality and the rates of runoffs on the site. We have provided notice to the Town of Stratford, both to their Town Clerk and sent a copy to their Inland Wetlands department. With me tonight is Joe Pereira, who as you know is a local Professional Engineer and Bill Kenny who is our Soil Scientist. I will just tell you that in terms of the hotel it is a Best Western branded hotel, it's one of their new concepts it's called GLOW, it's sort of a nice, upscale, very attractive looking hotel and the restaurant we do not have a tenant yet but it's going to be 3200 square feet approximately and we complied with typical standards for parking for both the hotel and the restaurant. So I'll give you Joe who will take you through the site plan.

Joe Pereira
Principal Engineer
1 Enterprises Drive
Shelton, CT 06484

So here's the overall total rendering of the site and here is the pre-existing conditions. In general we have to the north a veterinary hospital, to the south we have Russo's building and to the west in back is Avalon Shelton. The new curb is shifted north away from the existing wetlands on Russo's property and we are widening it. Right now there are 8 building on the site and it's a bit of mish-mosh.

Commissioner Kawalautzki asked are any of them being used now. Mr. Pereira stated no. They're all abandoned, as of last year there was a gym if anyone remembers that. What we're planning in doing is go in and clean it all up, this driveway will be shifted. We're going to flatten the slope for a new driveway about 8-12% to come in. Once we get to the top we're going to try and flatten it. From a storm water perspective it's just runoff, everything is being untreated, there's an outlet pipe here that;s picking up roof drains that we don't know.

Commissioner Nappi asked where the brook is. Mr. Pereira stated it's right here and it goes around and into Stratford. Chairman Zahornasky asked where is the Beaver Dam because the people for that dam are very sensitive about it, so you could send them a notice as well. They always have their own engineer review the plans. It's very minor as far as I'm concerned but it would be considerate of you if you would let them be aware of this project.

Mr. Pereira continued here is the brook in blue, yellow is the existing curb cut again we're moving everything away from the wetlands. We're curbing so nothing gets to the wetlands. We fill up on Bridgeport Avenue at 8%, and then flatten out at about 1-2% and at the end we can go to 5%. This is a long, slender road and this is flat so the whole site is curved and we're creating high/low spots, we're picking up drainage in the catch basins and here we're picking up roof drains. We have a storm water detention system, comes out of there and then in runs to a hydro separator where we're treating the water, clarifying it and then reintroduce it.

Maintenance is every few years to check out the catch basins. Some need to be cleaned out every so often. Ideally if the sumps are cleaned out and the system works it's nothing, if it's not cleaned there's where the problems lie. Usually for a 12" pipe you want to go about 3-4 for the sumps.

Chairman Zahornasky stated that we have Homestead Village; we have a stipulation with them that they submit every year a certificate of compliance. We'll get you that information. It should be passed on with the deed for whoever buys the property.

Mr. Pereira continued, so that's our storm water drainage. Chairman Zahornasky asked how do you plan on protecting the stream and the wetland corridor while you're doing demolition. That's another aspect of this permit that we're going to need to see the protection levels of that. You're going to have impervious soils; I think we would like to see a sequence of demolition. Anything like this we hate to see all the site open all at once. We have protection levels for the sequence of demolition. I'm sure the Beaver Dam association will ask that as well. Mr. Pereira stated that's fine, we can provide that. We'll include our correspondence with them to you as well.

Commissioner Nappi stated that he would like to motion to put under New Business, Item #4 for Staffing during Mr. Cook's absence. Commissioner Benanto second the motion.

A voice vote was taken; motion passed unanimously.

4. Staffing

Commissioner Nappi motioned he recommends that the Commission speak with the Mayor as well as Jack Bashar, Administrative Assistant for the possibility of hiring a Spoil Scientist or an Engineer on a part time basis for assistance. Preferably a person with some kind of background with Inland Wetlands. Commissioner Benanto second the motion.

A voice vote was taken; motion passed unanimously.

IV. MINUTES

1. May 12, 2016 Regular Meeting

Commissioner Kawalautzki motioned to approve the minutes of May 12, 2016. Commissioner Goncalves seconded the motion.

A voice vote was taken; motion passed unanimously.

V. ADJOURNMENT

Commissioner Goncalves motioned to adjourn. Commissioner Dunford seconded the motion.

A voice vote was taken; motion passed unanimously.

Chairman Zahornasky adjourned the Regular Meeting of the Inland Wetlands Commission at 7:54 P.M.

Respectfully submitted,

Sophia V. Belade

Sophia V. Belade

Clerk – Inland Wetlands

1 Tape on file in the City/Town Clerk's Office