I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. BUSINESS MEETING

III-A. PUBLIC COMMUNICATIONS

III-B. OLD BUSINESS

1. PERMIT APPLICATION #18-25, BROWNSON COUNTRY CLUB – 15 SOUNDVIEW AVENUE. Proposal to remove accumulated sediments from 1500′+/- from Pole Brook and deposit adjacent to brook.

2. PERMIT APPLICATION #18-26, CITY OF SHELTON – HUNTINGTON STREET/BUDDINGTON ROAD INTERSECTION. Proposal to install catch basins and 15″ storm drain to discharge to a watercourse.

3. PERMIT APPLICATION #18-27, MIXED USE BUILDING – 62-66 CENTER STREET/325 CORAM AVENUE. Proposal to demolish existing buildings and construct new mixed-use building and parking structure over Burying Ground Brook within upland review area and discharge to watercourse.

III-C. NEW BUSINESS

1. PERMIT-APPLICATION #19-01, BROOKVIEW HEIGHTS – 405 LONG HILL AVENUE. Proposal to create a 4-lot residential development involving discharge of stormwater and construction and grading within upland review area.

III-D. MISCELLANEOUS

IV. MINUTES

   December 13, 2018

V. ADJOURNMENT
Chairman Zahornasky called the Regular Meeting of the Inland Wetlands Commission to order at 7:02 P.M.

I. PLEDGE OF ALLEGIANCE

All in attendance recited the Pledge of Allegiance.

II. ROLL CALL:

Gary Zahornasky, Chairman  
Robert Dunford, Commissioner  
Michele Kawalautzki, Commissioner  
Ken Nappi, Commissioner  
Charlie Wilson, Vice-Chairman

Excused:  
Jack Goncalves, Commissioner  
Joseph Reilly, Commissioner

Also Present:  
John Cook, Staff

III. BUSINESS MEETING

III-A. PUBLIC COMMUNICATIONS - None

III-B. OLD BUSINESS

1. PERMIT APPLICATION #18-25, BROWNSON COUNTRY CLUB – 15 SOUNDVIEW AVENUE. Proposal to remove accumulated sediments from 1500’+/- from Pole Brook and deposit adjacent to brook.

Jim Swift  
Professional Engineer/Landscape Architect

Mr. Swift stated that he had a brief presentation last month and has also done a walk through the site with Staff. He stated that there are many years of silt throughout the habitat and will leave the island that is there intact. The plan is to use some machinery with extra wide tires as to not damage the course.
WCEO REPORT
January 10, 2019

PERMIT-APPLICATION #18-25 BROWNSON COUNTRY CLUB – 15 SOUNDVIEW AVENUE.
Proposal to remove accumulated sediments from 1500' +/- from Pole Brook and regulated areas
and deposit adjacent to brook.

STATUS: 1. Application received December 13, 2108
2. 60-day clock to decide action or schedule public hearing expires February 16, 2019

PLANS: BROWNSON COUNTRY CLUB
Site Plan Dec. 6, 2018

COMMENTS: Staff visited the site with the applicant’s engineer. Several members of the
Brownson Country Club were also in attendance. While engineer Swift stated that a significant
load of sediment was washed downstream from the dramatic storm in September it is apparent
that the areas have been building sediment for an extended time.

Vegetation has re-established in some locations but the plan is to leave several pockets to
provide some diversity and habitat. This is particularly true in the main body of removal in Pole
Brook where an island of vegetation will remain.

It appears this is the first major work since 1997 or 1998. The time projected to conduct the
work is the first cold stretch to help firm up the soil to support equipment. The winter is the best
time to conduct this inflow work to minimize disruption to seasonal play.

This type of work should not be undertaken during spring runoff or fishery breeding season due
to the negative impacts to aquatic organisms and finfish. Alternately, the typical low flow
season late in summer or early fall if the winter temperatures are not cold enough to
support low ground pressure equipment.

Photos are available to show demonstrate the concerns of the Club.
Vice Chairman Wilson motioned to approve Permit-Application #18-25 BROWNSON COUNTRY CLUB – 15 SOUNDVIEW AVENUE. Proposal to remove accumulated sediments from 15000 +/- from Pole Brook and regulated areas and deposit adjacent to brook. Commissioner Kawalutzki seconded the motion.

A voice vote was taken; motion passed 4-0, Commissioner Dunford abstaining.

2. PERMIT APPLICATION #18-26, CITY OF SHELTON – HUNTINGTON STREET/BUDDINGTON ROAD INTERSECTION. Proposal to install catch basins and 15" storm drain to discharge to a watercourse.

Jim Swift
Professional Engineer/Landscape Architect

Mr. Swift stated this was brought to the Commission last month and it is a City and State project. They would like to connect a pipe to the existing pipe and discharge water directly into the brook. All catch basins have 4’ deep sumps and the profile to connect the dimensions will be a 12" pipe. There is an existing 18" pipe that is in the way. Maintenance staff has dropped new man holes. Mr. Swift will update the plans for the record. There will be a construction schedule that will advise Staff of work; because it is State funded they hope to get the job completed by summer of 2019.
WCEO REPORT
January 10, 2019

PERMIT-APPLICATION #18-26 CITY OF SHELTON – HUNTINGTON STREET/BUDDINGTON ROAD INTERSECTION. Proposal to install catch basins and 15” storm drain to discharge to a watercourse.

STATUS: 1. Application received December 13, 2018
2. 60-day clock to decide action or schedule public hearing expires February 16, 2019

PLANS: HUNTINGTON STREET/BUDDINGTON ROAD INTERSECTION
Cover Sheet Dec. 6, 2018
Construction Plan
Roadway Profiles

COMMENTS: This is a straightforward request in conjunction with the intersection improvements. Though several questions remain.

1. The type 'CL' basin proposed at Sta 5+00 indicates a 4' sump which is pretty much standard. However, the type 'C' basin shown at Sta 4+64.5 - 16.5 RT appears less than 1' deep. Is this correct and if so, why not a 4' sump? The other type 'C' basin proposed is along the cross culvert so a deep sump there may not be prudent to retro fit.
2. The plan view shows a 15” RCP between the far end drain and the type 'CL' basin but the profile only shows a 12” RCP. Which is correct?
3. The profile view shows abandonment of a18” RCP by others between Sta 3+25/- and Sta 4+26+-. However, the profile does not show the new pipe. The plan view does not specify the new pipe or the entity to install it. What is the clarification on this?
Commissioner Dunford motioned to approve PERMIT-APPLICATION #18-26 CITY OF SHELTON-HUNTINGTON STREET/BUDDINGTON ROAD INTERSECTION. Proposal to install catch basins and 15” storm drain to discharge to a watercourse. Commissioner Kawalautzki seconded the motion.

A voice vote was taken; motion passed unanimously.

3. PERMIT APPLICATION #18-27, MIXED USE BUILDING – 62-66 CENTER STREET/325 CORAM AVENUE. Proposal to demolish existing buildings and construct new mixed-use building and parking structure over Burying Ground Brook within upland review area and discharge to watercourse.

Attorney Dominick Thomas
Cohen & Thomas
315 Main Street
Derby, CT

Jim Swift
Professional Engineer/Landscape Architect

Attorney Thomas stated that there are no other wetlands on the property other than the brook. Mr. Swift stated that Burying Brook is encased and they would rebuild in sections. The proposal includes the removing of all stone work that is on the property and that they will use a box culvert. They are still awaiting the Water Diversion Permit from DEEP.

Mr. Swift stated that the main effort for this job will be not to send any debris downstream. The efforts would include (1) the actual bypass of Burying Ground Brook. They are working with DEEP with possible solutions which might include 5’ diameter pipe on the creek bed, sand bagging the area and force the brook into the pipe. They intend to install a box and footings for the box. DEEP has calculations for a 2 year storm. The package is getting ready to be sent to DEEP for review and they assure that a duplicate will be forward to Staff as well. (2) They will work with Staff to modify soil control, sand bagging and hay bales on either side of the brook.
WCEO REPORT
January 10, 2019

PERMIT-APPLICATION #18-27 MIXED USE BUILDING – 62-66 CENTER STREET/325 CORAM AVENUE. Proposal to demolish existing buildings and construct new mixed-use building and parking structure over Burying Ground Brook within upland review area and discharge to watercourse.

STATUS: 1. Application received December 13, 2108
2. 65-day clock to decide action or schedule public hearing expires February 16, 2019

PLANS: MIXED USE BUILDING – 62-66 CENTER STREET/325 CORAM AVENUE

Cover Sheet Nov. 6, 2018
Site Plan Nov. 6, 2018
Grading & Utility Plan
Soil Erosion Control Plan
Landscape Plan
Precast Concrete Culvert
Construction Details

COMMENTS: Below are listed comments for reference from the earlier submission the applicant withdrew in 2017. Also attached is the report from City Engineer of the same time frame.

The prominent change is the State of Connecticut DEEP review of the site proposal and they have dictated the use of precast box culvert sections. This technique is believed to be more consistent with the City Engineer recommendations from his June 2017 letter. In order to complete this installation significant logistical issues are believed existing that will require much attention. Note the DEEP review and authorizations are separate from the local authorization.

Staff recommends preparation of a singular sheet demonstrating the site work after demolition for in-stream activities without the complication of the building overlay. This plan view in this manner eases understanding of the sequencing in the grading, soil control, and erosion control while the culvert installation occurs. Downstream protection from sediment loading would still be a significant concern with this work.

COMMENTS FROM JUNE REPORT 17-03:
This proposal was submitted at the last meeting of the Commission. Most of the stream has been covered by building and other structures, some of which go back over a century. Research showed the Burying Ground Brook open in 1876 mapping (Birmingham, CT) and mostly open even in 1893 mapping (USGS Topographic Quad Map) and partially covered in 1995 (Landis and Hughes).
There are two obvious concerns expressed here. One is maintaining water quality during construction. This would include: 1. The prevention of demolition debris from entering the stream during that phase. 2. Given the historic land use changes that took place during the preceding century that measures are implemented to observe and test the underlying soils for unacceptable constituents. 3. The third is to ensure the best management measures are used to provide for runoff from funnel parking structures. Tenant vehicles and other potential spills into the storm drain systems from the anticipated commercial first floor use. Now is the time to develop current safeguards to prevent a potential future incident.

A review of the minutes with comment by Commissioner Nappi at the last meeting is of note as to how to possible damage to historic channel structures while new construction was to proceed. Should possibly some manner of access panel be provided for future inspection of the under-slab retaining walls or arches? Alternatively is the concept of slabbing over the historic structures the best and safest long-term approach. Should sequencing be considered to pour new concrete walls be considered if Burying Ground Brook is the be covered more completely for the next 100 years?
Attachment K: Environmental Report
For
325 Coram Avenue and 62-66 Center Street
Shelton CT
January 4, 2019

1.0 Site Description

The site encompasses 0.48 acres and is located at the northwest corner of the intersection of Center Street and Coram Avenue within the downtown area of Shelton. The site supports two, two-story masonry commercial buildings and a two-family residence. The area between these structures is entirely paved. A small area of lawn abuts the residence to the west and south; a small stand of deciduous trees occurs along the southeast property line. Burying Ground Brook flows west to east through the center of the property. It is enclosed or covered from Coram Avenue to the center of the site with dry stone arches and building side walls as seen in Photos 1 and 2.

Photo 1: Burying Ground Brook on-site
The brook is partially open in the eastern portion of the site for a short stretch and then becomes enclosed again. The brook continues to flow underground until it crosses Canal Street where it then becomes an open channel that discharges to the Housatonic River. Photo 2 shows both enclosed and open sections of the brook, each with stone or brick encasement.

Photo 2: Burying Ground Brook, open and enclosed sections on-site.

2.0 Biological Evaluation

2.1 Vegetation Survey

The site is virtually entirely impervious surfaces with the exception of the maintained lawn adjacent to the residence and a stand of mixed deciduous trees on the southern property line.

2.2 Wetland and Soil Delineations

The site is completely disturbed; there is no original soil material present on the property. The site does not support wetlands or watercourses in a natural, undisturbed condition. The watercourse consists of Burying Ground Brook which on-site is enclosed or encased in masonry walls and buildings as seen in each of the photos. Upstream of the site, Burying Ground Brook flows in an open channel through a narrow corridor of mixed deciduous woods with densely developed commercial and residential areas flanking the stream corridor. On-site, the channel has been relocated from its historic location and is confined to a long, linear channel by
masonry structures and building walls. Photo 3 shows the stream bottom material which is a mix of sand, gravel, and stone.

**Photo 3: Burying Ground Brook stream bottom**

2.3 Endangered Species

There are no known endangered species on-site or in the immediate vicinity of the site per the State of Connecticut Natural Diversity Data Base Map dated December 2018.

2.4 Wetland Function and Value Assessment

The regulated area is Burying Ground Brook which on-site is a man-made channel lacking natural features. The brook serves to transport runoff from developed surfaces on-site and from upstream areas to the Housatonic River. It is not known if the brook supports a fishery resource and fish have not been observed on-site. On-site the brook bottom material poses impediment to fish travel as seen in Photo 4; the impediment is half on the project site and half on the adjacent property. Lacking a terrestrial wetland component, this regulated area does not provide other functional values attributed to wetlands and watercourses such as sediment/sediment retention, nutrient removal, sediment/shoreline stabilization, wildlife habitat, recreation, educational/scientific value, groundwater recharge/discharge or floodflow alteration.
3.0 Impact of Proposed Activities on Resources, short-term, long-term and cumulative

The proposed activities involve the removal of the existing structures and the construction of a 5-story building and garage with associated parking. The entire length of Burying Ground Brook on-site which is encased in stone and masonry is proposed to be encased in a new bottomless precast concrete culvert. The watercourse bottom will be maintained and existing flow patterns following construction will be maintained.

The primary concern in the short-term is the prevention of soil erosion and sedimentation of downstream resources. The site plans and erosion control narrative fully detail how this will be accomplished. In general, the culverts will be installed in sections with temporary sand bag barriers across the brook to trap sediments. Construction will be during the dry season to further prevent soil loss and transport. Sand bag barriers, designated scarping areas, anti-tracking sprogs will be in place during building demolition.

The long-term concern is water quality. Under existing conditions, stormwater generated by the site discharges directly to Burying Ground Brook without the benefit of treatment. Under proposed conditions, stormwater will be intercepted by the roof drainage and a system of catch basins and will discharge to a roof drain infiltration system. This system will infiltrate the water quality volume as opposed to discharging it. In addition to trapping sediments and pollutants contained in the first flush of stormwater, this system will also mitigate water temperature pollution.

Proposed conditions will have the long-term benefit of water quality improvement to downstream natural resources by treating stormwater runoff that is currently being discharged with no mitigation whatsoever.
Commissioner Kawalautzki motioned to approve PERMIT-APPLICATION #18-27 MIXED USE BUILDING – 62-66 CENTER STREET/325 CORAM AVENUE. Proposal to demolish existing buildings and construct new mixed-use building and parking structure over Burying Ground Brook within upland review area and discharge to watercourse with conditions and Staff supervision. Approval also contingent on submission of all material that was submitted to and will be submitted to DEEP also be provided to Staff. Commissioner Dunford seconded the motion.

A voice vote was taken; motion passed 3-0. Vice Chairman Wilson and Commissioner Nappi abstaining.

III-C. NEW BUSINESS

1. PERMIT-APPLICATION #19-01, BROOKVIEW HEIGHTS – 405 LONG HILL AVENUE. Proposal to create a 4-lot residential development involving discharge of stormwater and construction and grading within upland review area.

   Attorney Dominick Thomas
   Cohen & Thomas
   315 Main Street
   Derby, CT

   Fred D’Amico
   Professional Engineer

   Jennifer Beno
   Biologist

This property went to the Supreme Court for spot zoning challenges. P&Z was overturned; there is a proposal with P&Z with negotiations which is pending appeal. The applicant would like to develop this lot for 4 R-1 Zone lots. There is industrial building on site and they had to have a variance through the residential zone. It was appealed, it went before the ZBA Commission, the application was denied. Applicant claims the property was filled at least to the construction of Route 8 prior to when the piece of property was purchased in 2002.
SHELTON INLAND WETLANDS COMMISSION
APPLICATION FOR PERMIT

PLEASE TYPE OR PRINT NEATLY
ATTACH EXTRA SHEETS IF NOT ENOUGH SPACE

1. APPLICATION NAME: BROOKVIEW ESTATES

2a. APPLICANT: JACK GAIDA and JOSEPHINE GAIDA
CONTACT NAME: (if applicant is a company)
ADDRESS: c/o Attorney Dominick Thomas, 315 Main St., Derby, CT 06418

TEL: 203-735-9521 FAX: 203-732-8129 CELL: 203-736-4092 EMAIL: dlt@cohen-thomas.com

APPLICANT SIGNATURE & DATE:

2b. RECORD OWNER: SAME
CONTACT NAME: (if owner is a company)
ADDRESS:

TEL: FAX: CELL: EMAIL:

OWNER SIGNATURE & DATE:

2c. AGENT NAME: Attorney Dominick Thomas - See Above
CONTACT NAME: (if agent is a company)
ADDRESS:

TEL: FAX: CELL: EMAIL:

AGENT SIGNATURE & DATE:

3a. STREET NUMBER & STREET NAME: 405 LONG HILL AVENUE
3b. AREA (acres): 5.95
3c. TAX MAPLOT #: 7875
3d. ZONE CLASS #: R-1 & IA-2

4. REGULATED AREA & ACTIVITY QUESTIONS (Provide table with totals if multiple areas are involved)
4a. AREA OF WETLANDS/WATERCOURSES ON PROPERTY: .459 (in acres)
4b. AREA OF WETLANDS/WATERCOURSES ALTERED: None (in acres)
4c. AREA OF DISTURBANCE WITHIN BUFFER/UPLAND: .429 (in acres)
4d. AREA RESTORED, ENHANCED OR CREATED: N/A (in acres)
4e. NUMBER OF STORMWATER DISCHARGE POINTS: One

5. Located in public water supply watershed? N (Y or N) If Y, file copy of application with water company.

6. DESCRIBE REGULATED ACTIVITIES: (Attach additional sheets as application with water company.

Grading and a small potion of a structure in the upland review area.

OFFICE ONLY CIRCLE TYPE:
INLAND WETLANDS COMMISSION
CHECK LIST SHEET

- The intent of the checklist is to expedite the work of the I/W Commission, Agent and/or other reviewers.
- The Agency considers the checklist part of the application, therefore attach it with your application packet.
- Follow the format of the checklist in your application packet. PLEASE TYPE ALL RESPONSES
- The required information will vary with each proposal, but the applicant should prepare to provide one or all of the following. Please check each item that you have provided in your packet.

A. WATERCOURSE CHARACTERISTICS (Provide a table if multiple watercourses are involved)
   - Type of watercourse: (give descriptions) i.e., permanent, intermittent stream, swamp, marsh, bog, slough, swamp, pool, etc.
   - Average width of watercourse channel: Existing/Proposed in feet
   - Average width of stream corridor: (Corridor width = channel width + buffers): Existing/Proposed in feet
   - Length of watercourse involved: Existing/Proposed in feet
   - Average depth of watercourse involved: Existing/Proposed in feet
   - Area in acres
d
   - Length in feet
   - Width in feet
   - Depth in feet

B. WETLAND CHARACTERISTICS (Provide a table if multiple wetland areas are involved)
   1. Wetland Soil type (symbols and description per SCS Soil Survey Classification)

C. SOIL EROSION AND SEDIMENT CONTROL
   1. Describe the proposed measures to protect the regulated area on the following items:
      a. Buffering and stabilization
      b. Limiting of pollutants generated by proposed activity
      c. The direct discharge of pollutants generated by the proposed activity
      d. The increased surface runoff hazards

D. COMPUTATION OF MATERIALS TO BE DEPOSITED AND/OR EXCAVATED
   (Write wetland area and buffer area. Provide tables if multiple impacts are proposed)
   1. Size of regulated area and/or buffer proposed for fill or excavation in acres
   2a. Depth of proposed deposition in feet
   2b. Volume in cubic yards
   3a. Depth of proposed removal in feet
   3b. Volume in cubic yards
   4. Total volume of excavated or deposited material in cubic yards
   5. Describe physical composition (texture, components) of materials to be deposited

E. SITE PLAN SPECIFICATIONS
   1. Title Block: shows name of development, land owner(s), and developer(s), date of drawing
   2. Revision Block: for all dates and types of subsequent revisions
   3. Approximate true north point, scale, (1"=40' minimum for Grading, Utility, Erosion & Sediment Control plans), bar scale
   4. Construction plan (utilizes) and profile to bear and personally endorsed signature of the professional engineer, licensed as such by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut and in accordance with the “Rules and Regulations of the State Board of Registration for Professional Engineers and Land Surveyors”
   5. Certification that the accuracy of the information of the Plan meets the standards for Class A-2 Transit survey established by the Connecticut Technical Council. Such certification shall bear the seal and personally endorsed signature of the land surveyor
   6. 1"=1000' showingS Right or locations shown at approximate scale 1"=100’ showing runoff routes
   7. Names, and addresses of adjacent property owners
   8. Existing and proposed contours at two-foot (2') intervals. Indicate legend symbols for both
   9. Show bench markings if apparent
   10. Show location and floor elevations of existing and proposed buildings or other structures
   11. Show location, size and composition of sidewalks, off-street parking and loading areas including driveway entrances and exits, parking and loading spaces and traffic islands and barriers
   12. Location of existing and proposed tree stands, shrubs and other significant vegetation
   13. Indicate source of water supply, locations of wells, water lines


INLAND WETLANDS APPLICATION CHECKLIST PAGE 2 OF 3

14. Location and detail of all septic tanks and leach fields proposed. (Existing structures if available)

15. Location, materials and sizes of existing and proposed sanitary sewer lines, house septic tanks (show grade and invert elevations).

16. Location, materials, and sizes of existing and proposed storm drainage systems (woody vegetation and proposed mastications and catch basins (show grade and invert elevations).

17. Show drainage for all roof, parking lot, foundation and driveway areas.

18. Show planting schedules for stabilization of open drainage areas.

19. Show all buffer areas, including regulated buffers, easements and rights of way.

20. Show location of all soil borings, percolation pits and observation dikes and the log.

21a. Adequate number of cross-sections illuminating proposed and existing regulated disturbed areas. Cross-sections to include existing and proposed grades, slopes, high water table (as of January through June), locations of streams and wetlands.

21b. Plan and profiles of all regulated areas crossing to show watercourse, watercourse crossings, wetland boundary, high water table as of January 31 to June 1, existing and proposed grades, slopes, limit of disturbance.

22. Delimit boundaries of all wetlands, watercourses (both edges), floodplains, 100 year Flood Hazard Boundaries. Wetland/watercourse boundaries are outlined on all records maps. Number all flag locations for wetland/watercourse limits shall show on site plans.

23. Indicate soil type of wetlands as per USDA, Soil Conservation Services, Soil Survey.

24. If watercourse relocation is involved, show original and proposed locations.

25. Riprap all drainage inlets and outlets. Dimension the riprap beds and specify type.


27. Show the following erosion and sediment control notes and any additional list as warranted.

EROSION AND SEDIMENT CONTROL PLAN

In accordance with the agency authorization and with the permit holder shall:

1. Keep land disturbance to a minimum and schedule stabilization as soon as practical as directed by the Agency.

2. Install haybales and/or fabric filters at all culvert outlets, and along the top of all critical cut and fill slopes.

3. Protect stormwater discharges with riprap shoulders and/or silt fences as necessary or required.

4. Protect catch basins with haybales throughout the construction period and until all disturbed areas are thoroughly stabilized.

5. Construct all erosion/sediment control measures in accordance with the standards and specifications of the “Connecticut Guidelines for Soil Silt and Sediment Control”.

6. Install erosion and sediment control measures before construction.

7. Maintain control measures during the construction period.

8. Install additional control measures during the construction period if necessary or required.

9. Remove sediments from control structures and dispose of it in a manner which is consistent with the intent of the plan.

10. Name

   PHONE

The above named person is assigned the responsibility for implementing the erosion and sediment control plan. This responsibility includes the installation and maintenance of control measures and informing all parties engaged in the construction of the requirements and objectives of the plan. The responsibility includes the notification to the Inland Wetlands Commission of any transfer of this plan and for conveying a copy of all inland wetland permits if the title to the land is transferred.
F.1 GENERAL DATA
   1. Provide names and complete mailing addresses of all abutting property owners:
   2. Land Disturbance:
      a. Percentage of parcel area covered by impervious materials (e.g. driveway, sidewalks, building, etc.)
      b. Percentage of parcel area to be covered by lawns
      c. Percentage of parcel area undisturbed (NOTE: a + b + c = 100%)
   3. Watershed Information:
      a. Name of major watershed.
      b. Geographic location within major watershed.
      c. Area of watershed above activity.

F.2 WATERCOURSE INFORMATION
   4. a. Probable effect of proposed activity on stream flow
      b. Probable effect of proposed activity on pond/take surface level
   5. Peak Storm Water Discharge: 2.5, 10, 25, 50, 100yr. events
      a. Existing/Proposed Flow in cubic feet per second (cfs)
      b. Existing/Proposed Velocity in feet per second (fps)
   6. Accuracy topography of stream bed
   7. Water analysis by a certified Sanitary Engineer or other qualified person, of the watercourse within or
      adjacent to the proposed activity indicating:
      a. pH or alkalinity/acidity level.
      b. turbidity or solids in parts per million (ppm)
      c. bacteria count in coliform per milliliter.
      d. Nitrates, if any, in parts per million (ppm)
      e. narrative of the changes to a – d. because of the proposed activity.

F.3 WETLAND CHARACTERISTICS
   9. Complete a table of flora similar to the following for the entire wetland area.
      (Provide tables if multiple areas are involved.)
      
      | Cover Type | Percentage of Cover | Dominant Species |
      |------------|---------------------|------------------|
      | Trees      |                     |                  |
      | Shrubs     |                     |                  |
      | Herbaceous |                     |                  |
      | Aquatic    |                     |                  |
      | Other      |                     |                  |

   10. Describe effects of proposed activity on:
      a. Flora.
      b. Fauna.
      c. Water retention capacity of regulated area.
      d. Water quality.
      e. Groundwater aquifer recharge.

   11. Biological evaluation of any marsh, swamps or bogs on the property, prepared and certified
      by an ecologist indicating:
      a. dominant botanical species, rare or endangered species and forest age.
      b. habitat value of the affected property for all wildlife species.
      c. water table depth or level of water if inundated.

   12. Chemical composition of all toxic substances, whereas such materials are encased in containers or
      deposited openly.
WCEO REPORT  
January 10, 2019  

PERMIT-APPLICATION #18-01, BROOKVIEW HEIGHTS - 405 LONG HILL AVENUE.  
Proposal to create a 4-lot residential development involving discharge of stormwater and construction and grading within upland review area.  

STATUS:  1. New application  
2. 05-day clock to decide action or schedule public hearing expires March 16, 2019  

PLANS: BROOKVIEW HEIGHTS  
Record Subdivision Map Jan. 3, 2016  
Site Development and Erosion Control Plan Sept. 17, 2008 —correct date?  
Construction Plan and Plan & Profile Dec. 15, 2017  

COMMENTS: The site for this new application has been before the P&Z several times during recent years. During those times the office encountered extensive review into past filling activities via grading maps and aerial photos and was previously noted to them. The history has been one of extensive filling by past and current property owners. Photos not attached but available.  

The R-1 zoned site is proposed for 4 single family dwellings on 1/3±/- acre each. A substantially scaled back layout from some of the other proposals submitted to P&Z in the last few years. Incremental filling has taken place in years since 2003 but the investigation indicates filling long before the current owners acquired the original piece. In 2013 additional regulated areas and upland were purchased from CONNDOT.  

From the memo to the Planning and Zoning Commission (copy attached) there are two principal areas of concern.  

First, ascertaining whether any of the recent fill or past filling operations constitute a violation of local wetland authority. Filling within upland review areas, (buffer standards established in 1988) or within wetland areas since 1974 would be considered regulated activities and should be addressed. Either removal and restoration or permitting after the fact to properly sustain.  

Second, regardless how the filling is treated. The record indicates substantial fill has taken place at this subject property. Some test holes were conducted with a small machine and only in the most recent fill, not the old fill and not where several homes are indicated. As suggested in the memo to P&Z only through a scientific method with proper expertise to analyze even proper or best assurance be made that there is no violation, or a permit after the fact can be considered or eventually protect future land owners that acquire the subject fill sites. This concern is only to address structural concerns and not those expressed by long time landowners that assert that other components exist within the old earthen fill condition.  

This issue is not one to be taken likely. The record shows that in 1990 there was a homeowner experienced foundation failure years after moving into the home. Upon detailed analysis discovery showed the home was partially constructed upon multiple feet of fill over inland wetland soils. It was never determined if the fill was a violation or predated regulations.  

Pg. 1/2
However, because of finding of unsuitable material under the foundation the following parties became part of a lawsuit by the homeowners:
1. The builder of the home.
2. The parents of the builder of the home who transferred the lot to him.
3. The inland wetlands commission as an entity.
4. The City of Shelton as an entity.
5. The Chairman of the Commission as an entity.
6. The wetlands administrator as an entity.
7. The wetlands administrator as an individual.
8. The building official as an entity.

The contention by the plaintiff was that the defendants knew or should have known of the unsuitable load bearing material. The point is it is known that material has been brought in by multiple owners over the years and construction is proposed over this fill area.

Once determination is made as to how the handle the fill condition and depending on those findings staff offers the following initial comments.

1. The grades show the homes non-walkout so hatchway egress should be shown to demonstrate exit from basement areas of lots 1-3 on the Site Development Plan/E&S Plan.
2. Provide a detail of the foot bridge to cross the brook.
3. Provide two cross sections for lots 2&3 to confirm no further filling is to occur on slope areas as questionable stability may exist presently. No effort to create fill lifts or plan existed when the various fill operations took place.
4. Pending City Engineer verification a drop manhole structure should be installed to provide adequate low pitch discharge 0.05% +/- to reduce scour potential at discharge point.
5. Rotate construction plan view sheet 3/3 to same orientation as Site Development Plan to minimize confusion.
6. insure lot numbering is the same for all sheets. Sheet 3 does not match sheets 1&2.
7. Provide elevations of profile grid to ease readability.
8. Shift silt fence to vegetation line at top of slope on lot 2; Site Development Plan.
9. Catch basins #3&4 exhibit an 8’ grate elevation difference within 50’ of each other over the cul-de-sac that should be nearly level. Is this a "busted" grade shot?
10. Regarding the sanitary sewer. The Plan & Profile shows as existing sanitary line when it isn’t. It shows a manhole grate at 223.0’ an invert of 205.1’ but a garage elevation of 277’. A 72’ differential but the plot shows it the top of it 20’ above the road way surface. The spot elevation of Long Hill Avenue shows 307.5’ but the grate is shown as 225.7’ over 50’ lower.

Staff has spoken with both the City Engineer and Assistant City Engineer and showed them the submitted drawings and my initial comments and based on the above findings there are significant grade issues, elevation issues and clarifications. They indicate that the applicant should or the Commission may want addressed before further review proceeds. To this end the application may be withdrawn without prejudice to work on these matters.
John Cook

From: John Cook
Sent: Wednesday, April 26, 2017 5:25 PM
To: 'Dominick Thomas'; Rick Schultz
Cc: Josephine Gaida; FRED D'AMICO; Jennifer Beno
Subject: RE: 405 Long Hill Avenue

Dominick,
Thank you for the report. However a review of the report confirms the machine was apparently too small to reach original soils. It can not be determined at this time if there is or is not issues with wetlands as the report clearly states the test pits were in fill condition.

This is the reason that approximately a year ago a recommendation was made to conduct borings in a grid pattern to a depth of 20-30' based on the 1973 topo condition and the present condition.

It is this scientific analysis that best serves to clarify the fill condition and ultimately your client's interest and possible wetland issues.

John
From: Dominick Thomas [mailto:djt@cohen-thomas.com]
Sent: Wednesday, April 26, 2017 1:26 PM
To: Rick Schultz <rschultz@cityofshelton.org>; John Cook <jcook@cityofshelton.org>
Cc: Josephine Gaida <hijack98@aol.com>; FRED D'AMICO <damicoassociates@gmail.com>; Jennifer Beno <sjesinc@yahoo.com>
Subject: 405 Long Hill Avenue

Rick and John,
Attached is the report from Scott Stevens. Again, this is totally irrelevant to the pending P&Z action and should confirm that my client has no issues with wetlands.

Thanks

Dominick J. Thomas, Jr.
Cohen and Thomas
315 Main Street
Derby, CT 06418
T: 203-735-9521
F: 203-732-8129

******Confidentiality Notice******

This email is intended solely for the use of the addressee hereof. In addition, this message may contain information that is confidential, privileged and exempt from disclosure under applicable law. If you are not the intended recipient of this message, you are prohibited from reading, disclosing, reproducing, distributing, disseminating or otherwise using this transmission. Delivery of this message to any person other than the intended recipient is not intended to waive any right or privilege. If you have received this message in error, please promptly notify the sender immediately and delete this message from your system.
SOIL SCIENCE AND ENVIRONMENTAL SERVICES, INC.

April 26, 2017

Jack Gaida
57 West Street
Shelton, CT 06484

Re: Deep Test Pit Inspection of Soils
405 Long Hill Avenue, Shelton, CT

In accordance with your request, Soil Science And Environmental Services, Inc. (SSES) investigated the subsurface soils within three deep test pits on your property at 405 Long Hill Avenue in Shelton. Jack and Josephine Gaida, Fred D'Amico and an excavator from DT&S Pool of Shelton were also present at the time of our site inspection. According to Atty. Dominick Thomas who represents the owners of the property, City of Shelton P&Z and Wetlands had requested that test holes be dug to identify the fill on-site. Previously in September of 2014, Thomas Pietras, Registered Soil Scientist, delineated the wetlands on the property and classified the soils in the central portion of the site as Udorthents, smoothed (308).

On April 25, 2017, Scott D. Stevens, Registered Professional Soil Scientist, conducted a site inspection of 405 Long Hill Avenue and observed the soils within three deep test pits. See attached sketch map. As illustrated on the sketch map, a significant amount of older fill exists on the site to the east of the wetland and watercourse. Large well established trees including red maples, oaks, cedar and sycamores (as large as 20" in dia) were observed within the area on-site where the older fill exists. Based on the size and/or age of the trees and shrubs observed, no recent filling appears to have encroached within the wetland or watercourse on-site. Three test pits were dug by the excavator in the south central portion of the property to observe the types of soil material existing within the more recent fill on-site. The test pits were dug down to approximately 11.5 to 13 feet below grade. All three test pits contained deep fill soil materials which would be classified as Udorthents, smoothed. Udorthents are well to moderately well drained disturbed soils where two
or more feet of the original soils have been altered by filling, excavation or grading activities. Udorthents, smoothed soils commonly occur on leveled land and fill landforms. No natural soils were observed in any of the three test pits. No saturated soils or groundwater seepage were encountered in either Test Pit A or B. Some seepage was encountered within Test Pit C at approximately 11-12 feet below grade. A description of the soil profiles encountered within each of the test pits is as follows:

**Test Pit A**

0-9' Recent fill containing split or blasted rock (from 0-4"), high chrome brownish colored fine sandy loam fill and small amounts of reddish colored sandy loam fill with some stones and a few pieces of brick and pavement. A distinct root layer was observed at approximately 9' below grade.

9-13' Brown to dark brown fine sandy loam fill. No saturated soils or groundwater seepage was observed down to 13' below grade.

**Test Pit B**

0-4.5' Recent fill containing split or blasted rock (from 0-2"), high chrome brownish colored stony fine sandy loam to sandy loam.

4.5-8' Lighter brown fine sandy loam fill with some stones

8-11.5' Brown to dark brown fine sandy loam fill containing a few pieces of metal and a distinct root layer at 8-9 feet below grade. No saturated soils or groundwater seepage was observed down to 11.5' below grade.

**Test Pit C** - piles of stony fine sandy loam along with a few pieces of pavement and brick were observed on the ground surface near this test pit

0-5' Recent high chrome brownish colored fine sandy loam to reddish brown colored loamy sand fill with some stones

5-7' Light brown and brown colored fine sandy loam fill with few stones
7-12' Brown to dark brown fine sandy loam fill materials. A distinct root layer was observed at 7-8 feet below grade. Some buried wood, plywood and a few pieces of brick were encountered at approximately 10-12 feet below grade. Saturated soils and some groundwater seepage was observed at approximately 11-12 feet below grade in Test Pit C.

If you have any questions or need any further information, please give me a call.

Sincerely,

Soil Science And Environmental Services, Inc.

Scott D. Stevens
Registered Professional Soil Scientist
MEMO

To: Richard D. Schultz, Administrator P&Z Commission

From: John R. Cook, Wetlands Administrator

Date: April 28, 2016

Re: PIZ Application #16-7, Dominick Thomas for Initial Development Concept Plans and PDD Zone Change (18 unit multi-family development), 405 Long Hill Avenue (Map 78, Lot 5) R-1 District

Dear Mr. Schultz,

At your request we have prepared a brief summary of the property for above-mentioned application. In fact several members of the public have asked for background as well. Myself, or Fred Wills has been to the property several times over the years from around 2003. An extensive file search was conducted including aerial photography and City mapping. The purpose was to respond to concerns with mass filling and possible regulated area encroachment.

While this research did not lead to formal action for enforcement the investigation on the property has led to the following findings: These finding are not to be considered an absolute determination.

1. Aerial photograph of August 19, 1951 shows the area completely forested.
2. The dwelling on the parcel was constructed on or around 1955.
3. Aerial photograph of March 1, 1965 shows a slight fill just beyond the western limit of the dwelling and north to the immediate property line.
4. Aerial photograph of February 26, 1970 shows the area of fill expanded by a factor of approximately two fold northerly and westerly.
5. Aerial photograph and topographic map from April 30, 1973 shows significant ongoing filling with an approximate straight line running NE-SW and a horizontal distance of approximately 150' from west edge of dwelling.
6. Aerial photograph of March 30, 1986 shows the area fill extending northward approximately 250' onto property of 397 Long Hill Avenue and westerly 100-120' beyond the 1965 limit.
7. Aerial photograph and topographic map from March 30, 1988 shows area stabilized from '86 image and no recent filling.
8. Aerial photograph of March 15, 1990 shows the area stabilized will no change beyond the 1986 photograph
9. On October 9, 2007 field inspection confirmed recent mass filling not within I/W jurisdiction. Photos attached.
10. In June and July 2013 Land was sought from the state of Connecticut. Minutes attached confirm steep slopes, ledge and wetland conditions.
From these reviews much of the mass filling on this property apparently occurred before the enactment of the Inland Wetlands program. This fill would not be considered a violation. Much of the recent years fill would be on top of the older fill. Additional aerial photos from 2006, 2008 & 2010 indicate a pattern of fill/activity and stabilization. Though it is unknown if recent fill has expanded beyond historic limits and if that occurred that could be considered a violation of regulated areas. Photographs show recent filling over and around trees and their root systems. Given the history of filling there are significant questions that should be considered.

The record of Shelton sites having mass filling undertaken without oversight regardless of soil types, usually is done without removal of trees, root systems or organic soil layers. Nor has such filling typically been done in “lifts” that would better support any development. This knowledge would suggest that a series of grid borings down to undisturbed soil possibly 20-30’ to not only to ascertain if fill exists over IW soils or suitability for any type of construction due to logs, roots, or stumps. A current field confirmation of detailed topography for comparison to older topography of record will help confirm if encroachment expansion over recent years took place.

This analysis goes not only to provide complete data for evaluation but also would diminish any likelihood of future settlement or sink holes that could adversely affect the either the current owner’s use or future users of the property.
MARCH 1, 1965

- Pavement edge to end of dwelling
- Apparent toe of slope
- Apparent q watercourse
November 7, 2018

Jack Gaida and
Josephine Gaida
57 West Street
Shelton, CT 06484

Wetland Description Report
405 Long Hill Avenue, Shelton, CT

Dear Mr. and Mrs. Gaida:

In accordance with your request, Jennifer Beno, Biologist/Wetland Scientist, with Soil Science and Environmental Services, Inc. (SSES) inspected the above-referenced property on May 18, 2018. The purpose of the inspection was to observe the existing conditions (vegetation and wildlife) of the wetland and watercourse corridor on the property and to analyze the functions provided by the wetland. The wetland and watercourse were delineated by Thomas Pietras of Pietras Environmental Group, LLC in September of 2014. SSES reviewed the Site Plan sheets titled “Brookview Heights, Long Hill Avenue, Shelton, Connecticut,” dated 9/17/2018 that were prepared by D’Amico Associates. The applicant is proposing to subdivide the property into four (4) lots, to tear down the existing single family residence, and to construct four (4) houses.

General Site Description

The project site is located in a predominately residentially developed area of Shelton (Figure 1). It is located to the east of Route 8 and is accessible off of Long Hill Avenue which is located to the east of the property. An existing residential house with associated paved and gravel driveway and parking areas as well as a small mowed lawn are present in the eastern portion of the property. The central portion of the property consists of wooded upland on fill material. Wooded upland exists in the western portion of the property and is adjacent to Route 8. A wetland and watercourse corridor is present within the west-central portion of the property.

The upland area in the central portion of the property near the existing gravel parking area contains fill that consists of a variety of materials, including earth, rock, asphalt, concrete, and bricks, as observed on the exposed steep slopes. Dense herbaceous vegetation has become established along the edge of the gravel parking area and is dominated by goldenrod, mugwort, Japanese knotweed, clover, jewelweed, grasses, sycamore seedlings, multiflora rose, bittersweet, tulip seedlings, willow, and meadow garlic. The remaining wooded upland...
areas on the property provide dense tree canopy cover and moderately dense to dense shrub and herbaceous understory growth. The dominant vegetation observed within the wooded upland areas includes red and sugar maples, oaks, beech, tulip, black and yellow birch, black cherry, cottonwood, sycamore, red cedar, locust, spicebush, mountain laurel, Japanese barberry, ironwood, highbush blueberry, raspberry, olive, multiflora rose, dogwood, bittersweet, greenbrier, grape, ferns, dogtooth violet, Virginia creeper, grasses, false solomon’s seal, wintergreen, Jack-in-the-pulpit, garlic mustard, and jewelweed. Many of these species, including locust, olive, multiflora rose, mugwort, Japanese knotweed, garlic mustard, bittersweet and Japanese barberry, are considered to be invasive in CT.

A small area of shallow (approximately 3-4 inches deep) standing water was observed within an area designated as upland in the northern portion of Lots 1 and 2. This area of standing water appears to be trapped by the existing fill. During the May inspection I observed that the area of shallow standing water was approximately 30 feet long and 10 to 12 feet wide. This area contains stained, matted leaves and very little vegetation was observed to be growing within the central portion of the area. No egg masses, tadpoles, larvae, or amphibians were observed utilizing this area during the inspection. Therefore, this area is not a vernal pool. SSES asked that Thomas Pietras, Pietras Environmental Group, LLC, be contacted to provide additional information regarding this area and to verify that no other wetlands or watercourses need to be delineated on the site. On September 8, 2018, Mr. Pietras re-evaluated the small area in question and determined that the area does not qualify as a regulated wetland or watercourse (see Pietras Environmental Group, LLC letter dated September 9, 2018).
405 Long Hill Avenue, Shelton, CT

Existing residence, paved driveway and mowed lawn area (5/18/18).

Paved and gravel parking areas. Gravel parking areas becoming overgrown with vegetation (5/18/18).
405 Long Hill Avenue, Shelton, CT

Existing steep hill slope west of paved and gravel parking area (5/18/18).

Wooded upland area in central portion of the property (5/18/18).
405 Long Hill Avenue, Shelton, CT

Wooded upland along western property boundary (5/18/18).
405 Long Hill Avenue, Shelton, CT

Figure 2: Existing Conditions (map provided by D'Amico Associates)
405 Long Hill Avenue, Shelton, CT

Shallow marsh and wooded swamp communities near southern property boundary (5/10/18).

Apparent old silted-in pond - shallow standing water in shallow marsh and wooded swamp communities near southern property boundary (5/10/18).
Wildlife observed utilizing the property during the inspection includes robin, cardinal, bluejay, catbird, Baltimore oriole, house wren, sparrow, mockingbird, deer (tracks), mosquitoes, and water striders. In addition to the site inspection, SSES reviewed the December 2017 Natural Diversity Data Base (NDDU) map available on-line for the project area. According to the map, no Federal and/or State listed Endangered or Threatened species or Species of Special Concern are known to exist on the site or in close proximity to the site. See included map. SSES did not observe any listed Federal and/or State listed species during our site inspection.

Regulated Activities and Wetland Impacts

SSES reviewed the Site Plan sheets titled “Brookview Heights, Long Hill Avenue, Shelton, Connecticut,” dated 9/17/2019 that were prepared by D’Amico Associates. The applicant is proposing to subdivide the property into four (4) lots, to tear down the existing single family residence, and to construct four (4) houses. According to the proposed plan sheets, there will be no direct impacts to wetlands caused by the proposed development. The applicant is proposing to disturb approximately 2,600 square feet (± 0.059 acre) of the 50 foot regulated upland review area in order to develop the property. Proposed activities within the 50 foot regulated upland review area include storm water discharge to a rip rap apron near the wetland boundary, grading for the storm water discharge, clearing and grading during site preparation, construction of a walking path and foot bridge, and house construction. The applicant is proposing to construct a foot bridge over the narrow wetland and watercourse corridor. The foot bridge is proposed to span the narrow portion of the wetland and watercourse corridor and as shown will not result in direct wetland impacts. See Figure 3.

It is the opinion of SSES that the proposed residential development and proposed activities within the regulated upland review area will not adversely impact the functions of the wetland and watercourse as long as the erosion and sedimentation control measures are properly installed and maintained throughout the duration of the project and until the soils have been stabilized, and buffer plantings are installed along the edge of clearing (see recommendations).
Figure 3. Proposed Walkway and Foot Bridge Direct Wetland Impacts
Proposed Grading within Regulated Upland Review Area for storm water
(map provided by D'Amico Associates)
405 Long Hill Avenue, Shelton, CT

Recommendations

SSES recommends that all erosion and sedimentation control measures approved by the Town be properly installed and maintained throughout the duration of the project.

Currently, a vegetated steep fill slope exists between the proposed four lot development and the wetland and watercourse corridor. The vegetation and steep slope will continue to provide a buffer to the wetland and watercourse corridor. SSES recommends that the applicant enhance the existing buffer area by planting native shrubs and trees along the edge of clearing for the development near the wetland and watercourse corridor.

Respectfully submitted,

SOIL SCIENCE AND ENVIRONMENTAL SERVICES, INC.

Jennifer L. Beno
Biologist/Wetland Scientist
405 Long Hill Avenue, Shelton, CT

Portion of State of CT DEEP Natural Diversity Data Base Map, Shelton, CT

Dated December 2017

Map indicates no known populations of Endangered, Threatened or Special Concern Species or significant natural communities on the project area.
# Certificate of Wetlands Compliance

**CITY OF SHELTON**  
**INLAND WETLANDS COMMISSION**

**CERTIFICATE OF WETLANDS COMPLIANCE**

**PROPERTY OWNER AS SHOWN ON DEED:**
- **Name:**  
- **Company if applicable:**  
- **Address:**
- **City/State/Zip:**

**CERTIFICATE ISSUED TO:**
- **Name:**  
- **Company if applicable:**  
- **Address:**
- **City/State/Zip:**

**LOCATION OF WORK:**
- **Street # & Name:**
- **Tax Map #:**
- **& Lot #:**
- **Septic System OR City Sewer:**

**DESCRIBE WORK:**  
- (Provide listing if multiple parts)

**DIMENSIONS OF PROPOSED WORK:**

---

This certificate will be determined upon information provided by the recipient, upon correct file information, or field review.

The certificate may be modified or voided if:
- Information proves false, incorrect, or inaccurate.
- Applicant fails to notify the Inland Wetlands Agency of any modifications or revisions to approved location and size.
- Construction or work authorized not completed within 2 years of issue date.

Note: No work is authorized until all required permits are issued.

**Signature:**

**Date:**

---

1. Health Department Approval  
2. Driveway Permit/Approval  
3. Soils Report Provided  
4. A-2 Survey/Engineered Plot Plan  
5. Grading Plan  
6. Foundation As-Built Required  
7. Wetlands Reuse Required

**THE PARCEL DOES NOT CONTAIN A REGULATED AREA.**  
**THE PARCEL DOES NOT CONTAIN A REGULATED AREA OR BUFFER.**  
**THE PROPOSED ACTIVITY CONFORMS TO THE STANDARDS AND REGULATIONS OF THIS AGENCY:**

**SPECIFICALLY, SETBACKS, VALID WETLANDS PERMIT, AND SEDIMENT CONTROLS, INSTALLED AS NEEDED OR REQUIRED.**

**PLAN REFERENCE:**

**FOR BUILDING DEPT.:**
- If checked certificate is valid only for footings until reissued

**Date of Issue:**

**Expires:**

---

John R. Cook  
Wetlands Coordinator

---

White = VW Copy  
Yellow = Planning & Zoning  
Pink = Building  
Goldend = Customer
SOIL SCIENCE AND ENVIRONMENTAL SERVICES, INC.

April 28, 2017

Jack Gaida
57 West Street
Shelton, CT 06484

Re: Deep Test Pit Inspection of Soils
405 Long Hill Avenue, Shelton, CT

In accordance with your request, Soil Science And Environmental Services, Inc. (SSES) investigated the subsurface soils within three deep test pits on your property at 405 Long Hill Avenue in Shelton. Jack and Josephine Gaida, Fred D’Amico and an excavator from DT&S Pool of Shelton were also present at the time of our site inspection. According to Atty. Dominick Thomas who represents the owners of the property, City of Shelton P&Z and Wetlands had requested that test holes be dug to identify the fill on-site. Previously in September of 2014, Thomas Pietras, Registered Soil Scientist, delineated the wetlands on the property and classified the soils in the central portion of the site as Udorthents, smoothed (308).

On April 25, 2017, Scott D. Stevens, Registered Professional Soil Scientist, conducted a site inspection of 405 Long Hill Avenue and observed the soils within three deep test pits. See attached sketch map. As illustrated on the sketch map, a significant amount of older fill exists on the site to the east of the wetland and watercourse. Large well established trees including red maples, oaks, cedar and sycamores (as large as 20” in dia) were observed within the area on-site where the older fill exists. Based on the size and/or age of the trees and shrubs observed, no recent filling appears to have encroached within the wetland or watercourse on-site. Three test pits were dug by the excavator in the south central portion of the property to observe the types of soil material existing within the more recent fill on-site. The test pits were dug down to approximately 11.5 to 13 feet below grade. All three test pits contained deep fill soil materials which would be classified as Udorthents, smoothed. Udorthents are well to moderately well drained disturbed soils where two
7'-12' Brown to dark brown fine sandy loam fill materials. A distinct root layer was observed at 7-8 feet below grade. Some buried wood, plywood and a few pieces of brick were encountered at approximately 10-12 feet below grade. Saturated soils and some groundwater seepage was observed at approximately 11-12 feet below grade in Test Pit C.

If you have any questions or need any further information, please give me a call.

Sincerely,

Soil Science And Environmental Services, Inc.

Scott D. Stevens
Registered Professional Soil Scientist
or more feet of the original soils have been altered by filling, excavation or grading activities. Uplifted, smoothened soils commonly occur on leveled land and till landforms. No natural soils were observed in any of the three test pits. No saturated soils or groundwater seepage were encountered in either Test Pit A or B. Some seepage was encountered within Test Pit C at approximately 11-12 feet below grade. A description of the soil profiles encountered within each of the test pits is as follows:

**Test Pit A**
0-9' Recent fill containing split or blasted rock (from 0-4’), high chroma brownish colored fine sandy loam fill and small amounts of reddish colored sandy loam fill with some stones and a few pieces of brick and pavement. A distinct root layer was observed at approximately 9' below grade.

9-13’ Brown to dark brown fine sandy loam fill. No saturated soils or groundwater seepage was observed down to 13’ below grade.

**Test Pit B**
0-4.5’ Recent fill containing split or blasted rock (from 0-2’), high chroma brownish colored stony fine sandy loam to sandy loam.

4.5-8’ Lighter brown fine sandy loam fill with some stones

8-11.5’ Brown to dark brown fine sandy loam fill containing a few pieces of metal and a distinct root layer at 8-9 feet below grade. No saturated soils or groundwater seepage was observed down to 11.5’ below grade.

**Test Pit C** - piles of stony fine sandy loam along with a few pieces of pavement and brick were observed on the ground surface near this test pit
0-5’ Recent high chroma brownish colored fine sandy loam to reddish brown colored loamy sand fill with some stones

5-7’ Light brown and brown colored fine sandy loam fill with few stones
There were members from the public that were there opposing this Permit-Application.

Joseph Bienkowski  
403 Long Hill Avenue

Steven Kempler  
397 Long Hill Avenue

Regis Dognin  
Long Hill Avenue

Attached is a petition:

“We, the undersigned taxpayers of the City of Shelton and residents of the greater Long Hill neighborhood hereby request that the Planning & Zoning Commission initiate immediate corrective action regarding the mass filling zoning violation at 405 Long Hill Avenue. This on-going filling violation has been allowed to continue since the current owner purchased this marginal parcel in 2001. It has been over a year since the last loads of fill were dumped on December 2, 2016, and not one spoonful of fill has been removed from the site. In the interest of maintaining Shelton’s zoning integrity and the rule of law, it is imperative that Section 32 – Earth Materials Removal (including filling) be enforced in a timely manner. The most recent filling has buried and displaced the original channel of the East Branch of Burying Ground Brook. This is an egregious and blatant violation of Section 32, and must be addressed by the removal of all earth materials deposited without the required fill permits and required public hearing(s). The required public hearings would allow for neighborhood participation and the democratic process to maintain the “rule of Law” for all Shelton’s residence. Thank you for your attention to this serious (violation) matter.”
The application was accepted by the Commission.

<table>
<thead>
<tr>
<th>Printed Name</th>
<th>Signature</th>
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- Betty Carver
- Sarah Smith
- John Doe

---

The application was accepted by the Commission.
III-D. MISCELLANEOUS

IV. MINUTES

December 13, 2018

Commissioner Kawalautzki motioned to approve the minutes of December 13, 2018. Vice Chairman Wilson seconded the motion.

A voice vote was taken; motion passed unanimously.

V. ADJOURNMENT

Commissioner Kawalautzki motioned to adjourn. Vice Chairman Wilson seconded the motion.

A voice vote was taken; motion passed unanimously.

Chairman Zahornasky adjourned the meeting at 9:28 pm.

Respectfully submitted,

Sophia V. Belade
Sophia V. Belade
Clerk – Inland Wetlands
2 tapes available in Town Clerk’s Office