1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. BUSINESS MEETING PUBLIC HEARING (reconvening)
   1. Permit-Application #17-14, TOWN CENTER AT SHELTER RIDGE — BRIDGEPORT AVENUE/MILL STREET/ BUDDINGTON ROAD. Proposal to create a mixed use commercial and apartment development involving a commercial subdivision with roadway construction, building construction, and grading within regulated area, upland review area, and discharge of stormwater to regulated area. (RECEIVE COMMENT FROM MAYOR or Others)

4. ADJOURNMENT
Chairman Zahornasky called the Special Meeting of the Inland Wetlands Commission to order at 6:37 PM.

I. PLEDGE OF ALLEGIANCE

All in attendance recited the Pledge of Allegiance.

II. ROLL CALL: Michele Kawalutzki, Commissioner
Ken Nappi, Commissioner
Charlie Wilson, Vice-Chairman
Gary Zahornasky, Chairman

Excused: Robert Dunford, Commissioner
Joseph Reilly, Commissioner
John Cook, Staff

Also Present: Honorable Mayor Mark Lauretti
Francis Teodosio, Corporation Counsel

III. BUSINESS MEETING PUBLIC HEARING (reconvening)
1. Permit-Application #17-14, TOWN CENTER AT SHELTER RIDGE – BRIDGEPORT AVENUE/MILL STREET/ BUDDINGTON ROAD. Proposal to create a mixed use commercial and apartment development involving a commercial subdivision with roadway construction, building construction, and grading within regulated area, upland review area, and discharge of stormwater to regulated area. (RECEIVE COMMENT FROM MAYOR or Others)

Vice Chairman Wilson motioned to reconvene the Public Hearing for Permit-Application #17-14, TOWN CENTER AT SHELTER RIDGE – BRIDGEPORT AVENUE/MILL STREET/ BUDDINGTON ROAD. Proposal to create a mixed use commercial and apartment development involving a commercial subdivision with roadway construction, building construction, and grading within regulated area, upland review area, and discharge of stormwater to regulated area. Commissioner Kawalutzki second the motion.

A voice vote was taken; motion passed unanimously.
Chairman Zahornasky stated that the purpose of this Special Meeting to reconvene the Public Hearing for the Town Center at Shelter Ridge was to receive comments from the Mayor.

Mayor Lauretti stated that I want to begin by saying that my intention was a Special Meeting to discuss with the Commission the work of LandTech and not specific to the Public Hearing or the application. That's still my intent, but having been at this business for a number of years I'm not surprised it was conveyed to this Commission in this regard and so I informed our administrator that he doesn't speak for me and in his commentary about what the Mayor wants and what the Mayor is going to do will come from the Mayor because I've always done it that way. People know where I stand on every issue all the times. And for 28 years I've prided myself on the fact that I don't dodge issues and so that aside I said to John Cook that I had some correspondence with LandTech over this contract involved, the issues that were involved through the Public Hearings, some of the discussions and dialogue between the applicant and the commission and some things that needed to be answered, so I don't know if John had shared with you the written correspondence I had back and forth with LandTech. He was supposed to send it out to every commissioner so that I could speak to that tonight. Mr. Chairman, has he done that?

Chairman Zahornasky responded no, no he has not.

Mayor Lauretti continued, well he was specifically told by me to make sure that every on the commission to get a copy. It's meaningful for my discussion. I brought with me, the long and short of it is, that many months back I had asked John to set up a meeting with staff and LandTech to discuss some of the information that was put out in the Public Hearings with regards to technical information, lack of technical information or for clarification. Something that we have been doing for years on end in this City and having tremendous success so that when people like yourselves, who volunteer on behalf of the City, come to a meeting, you're not sitting there in a quandary about what's going on and what's not going on. I guess I will have my secretary get the information to you because I know that I can count on her to get it done and I did get a response from LandTech about how they thought it was inappropriate and I responded back telling them I respectfully disagree and why I disagree. Ok, and so with that said, I'll let you read these, I want to enter it for the record, so that it's part of the Public Hearing, and I brought copies for you. There are three pieces, dated November 1 from LandTech to myself and there's a response on November 6 from myself to LandTech and then I received another response from LandTech on November 13.

Chairman Zahornasky asked if the Mayor would like to have them read into the record. He responded he didn't want to take all of that time. He continued, I think it's pretty clear what the positions are and I gotta tell you I've never found the City in a situation like this before where we couldn't get any clarification or dialogue going with someone we paid $16000 to let alone the fact they came back and they came back and said there wasn't enough information available. I'm troubled about
that, when someone says there’s not enough information available when I know that even though I wasn’t part of the Public Hearings, I know there are hours and hours of transcripts over information that was disseminated to the Commission as there was during the Planning and Zoning Commission planning process. So, things like that are a red flag and we’ve had an awful lot of success over the years with being able to get technical people in a room to be able to agree to disagree and get facts on the table so that Boards and Commission in the City could make informed decisions. That hasn’t happened yet with respect to this application. Maybe it will and maybe it won’t. The other thing I wanted to say to the Commission is that in respect to the fact that LandTech came back and came back yet with another piece of correspondence today I think clarifying some issues, but for me I’m not sure, I’m not sure that we’re in a place we need to be. I wanted to say to the Commission, if it’s your wishes to go out and secure another vendor to evaluate this proposal I’m happy to entertain that, even though I don’t want to, even though I’m not happy that I spent $16,000 and didn’t get a product I thought I was getting. I’m happy to go out and start the process all over again so at least the Commission is in a better place to make a decision. So that’s up for your discussion.

The other thing that I wanted to bring to the Commission’s attention and I brought this with me tonight is that last year we did a drone flyover of Constitution Boulevard from the very beginning to the end in White Hills from 110. For me it was very telling and I wanted to introduce this video to the Wetlands Commission and to the Zoning Commission because when you look form up above and you see how development has occurred and how well it has blended with residential neighborhoods and certain neighborhoods, that some of the things that we get criticized for that we don’t care about people’s property and that we’re infringing and we’re doing this, and I will tell you that when you see this video and I’m happy to share this with the Commission, you’ll see how over the past 28 years Constitution Boulevard has evolved with economic development opportunities that border already existing residential neighborhoods, to also have some challenges for respect to wetlands and topography. But yet we’ve been able to make it work. I think you’ll be pretty impressed and the other thing I think you’ll be impressed with is how that we have planned for the building of this road from one end of the City to the other, to service our interior roads to move traffic in the next expeditious way. We have worked over the years and this Commission has been part of it securing easements and right of ways and even buying land to be able to put this road and that’s all done, so in the next couple years we’ll be before you to build the next extension from Bridgeport Avenue to 108 as it approaches Shelton High Scholl. I’ll just pass this around and let you take look at it. It shows so many details, so many office buildings next to existing residential neighborhoods, light industrial applications where people make things next to residential neighborhoods without issues, with proper buffers and I think a lot of time our Boards and Commissions get beat up in Public Hearings and I think it’s unfair, one thing part of is to make sure that there is information out there so boards and can make informed decisions because once its built its built and then we deal with it.
SO, with that said, I think I'm pretty much done with what I wanted to say and if the Commission requires more services on these applications, you should always know that the Chairman should pick up the phone and call and ask for at least more discussions. The other thing I think that needs to be talked about with projects particular of this size, and the other thing this shows here is that yes, a lot of these have been done in individual projects and it evolved over the course of 10-15-20 years, it's the same concept as a Shelter Ridge even though it's a bigger project, its 120 acre parcel, you probably have 200-300 acres from 110 to Bridgeport Avenue of development that occurred over the years. I think sometimes people don't understand that when you have a project of that magnitude that it's going to take a long time to build out and these projects change, they change constantly. Developers are constantly in Zoning coming back to change the use from what the original intent was, why? Because the markets change, trends change, technology changes, the economy changes and so to able to keep pace, that's what they do. That's what will occur here with Shelter Ridge. We're seeing that with the downtown area now as well, and I want to let you know that I'm going to be coming before this Commission, Ken, is the date, no that's Zoning with respect to a project that involves some wetlands in the downtown area and it's a big project. Its City owned and the City is going to sell the property so I wanted to give you a little jump start on that. Does anyone have any questions for me? Commissioner Wilson asked whose decision was it to hire LandTech? Chairman Zahornasky replied it was our decision. Commissioner Wilson asked were we referred to them by someone in particular? Mayor Lauretti replied we went out to bid and they were the only bidder. That should have been a red flag in and of itself right there and I know that in the interest of time because the Public Hearing was already open, we wanted to get someone on board so we went with LandTech, but since then there are 2 other companies that reside right here in the City of Shelton that do this kind of work and have been at it for a number of years. So, the bid process is done through City Hall, John Cook had plenty involvement in it, I'm not sure it it's a good thing or a bad thing but he should be conveying this stuff as it unfolds to the Commission at your monthly meetings. If that's not happening then I need to get in the middle of that.

Commissioner Nappi stated Mr. Chairman I know we have a letter from LandTech which seems to respond to the applicant's comments which was received I believe February 3, and I don't know if all the member received it. Chairman Zahornasky responded it was in our packet. Mayor Lauretti interjected so Cook got you this information but he didn't get the correspondence that I had and I asked him to do it actually a month ago. Chairman Zahornasky replied that is correct. Commissioner Nappi continued it also looks like it rebuts Attorney Thomas and also the resident's attorney from the engineer and I would think we should enter this as exhibit? Mayor Lauretti responded well the correspondence went to the Chairman and I don't know if. Chairman Zahornasky interjected this is the first time I'm seeing it with the backup.

Attorney Teodosio stated you have essentially 2 topics going on here, you've got the topic which the Mayor brought up to in regards to the City's relationship to LandTech, you also have LandTech's response based on the last session of Public
Hearing which was held here when there was a consensus that questions, comments that came from the applicant, the intervenors and some other Shelton Commissions as to LandTech's full report, should be communicated back to LandTech and then LandTech either come to a session or to perhaps LandTech send a letter. I do believe there is someone here from LandTech, it's my advice to the board to differentiate the two. You've got the information that the Mayor has just provided to you and if you don't have any other questions and the public doesn't have any other questions, that's one topic. Remember you still have the Public Hearing open and you want to protect the integrity of the Public Hearing with regards to the actual application. Since this information has just come from LandTech it's fresh, it does respond back to criticisms by the applicant, the criticisms or comments by the intervenors and the comments and criticisms by other boards within the City on a point by point basis. It should be made available to those third parties and we should get your next Public Hearing session and at that next Public Hearing session try to finish this topic with regards to the issues that are raised in the application unless as a result of either your review of LandTech or comments from the other third parties, you want to do more research or more information you could do that, but we're trying to involve the public in this session at the same time, or I should say in these series of meetings in a balanced approached. If you recall back when I spoke to the board, I believe it was before the holiday, I explained it had to be essentially with only bound the amount of information that is coming across the table on topics and that is what this report is an attempt to do. You've received information from essentially three different parties and all three parties have questions with regards to LandTech. Those parties should be able to comment once more with regards to LandTech and then the ball is in your court as to what you want to do.

Commissioner Nalli asked isn't there a third one, whether the Commission wants to engage anyone else any further. Attorney Teodosio stated that's a separate topic. That's another business, the Mayor has brought up an issue between the City and LandTech, the Commission has to decide what it wants to do with regards to that. There are members of the public here that heard that, if they have comments with regards to just the business issue they can make those comments, but my suggestion is that we not get into the LandTech report because it hasn't adequately given to the third parties, it's only dated 2 days ago.

Mayor Lauretto commented, so the comments I gave to the Commission tonight in respect to my correspondence I'll need that back but it should be entered into the record so, if you could have Cyndee make copies and send them off to each member.

Chairman Zahornasky stated should we out an exhibit # on it and Attorney Teodosio stated yes, if you take it in. Chairman Zahornasky asked to number it accordingly as to the next sequence of number for this exhibit as being 3 correspondence between the Mayor and LandTech and also the report from LandTech to the collective overture of the last Public Hearing to get some information from LandTech as to those comments of the 3 parties of the initial report that LandTech made.
Exhibit #62 – Letter from LandTech to Mayor Lauretti dated 11/1/19 (1 page)
Exhibit #63 – Letter from Mayor Lauretti to LandTech dated 11/6/19 (1 page)
Exhibit #64 – Email from LandTech to Mayor Lauretti dated 11/13/19 (1 page)
Exhibit #65 - LandTech response to applicant comments dated 2/3/20 (5 pages)

(attached at end of minutes)

Attorney Teodosio continued, the Public Hearing is still open in regards to LandTech. The Commission decides what it wants to do with regards to additional professional reports at any time while the Public Hearing is open. Commissioner Nappi asked is it alright to hear from LandTech if they want to respond or do, we wait. Attorney Teodosio stated LandTech, if they want to respond, they can respond to the business part it. I’m saying once more that the Commission shouldn’t have the report because it’s brand new. No one has had an opportunity to view it.

Chairman Zahornasky stated then we’ll wait to discuss that at the February 22 Public Hearing. Attorney Teodosio stated it’s a Public Hearing document now so they could get a copy of it of the LandTech response to the criticism of the last Public Hearing comments.

Chairman Zahornasky stated but the purpose of this Public Hearing was to hear comments from the Mayor and then this Commission is going to have to decide after looking at their response and decide whether we want to go to a different vendor, if you want to call it, or professional to start the process of. Attorney Teodosio interjected it’s all blended because you have LandTech’s response and the Mayor’s information. In the end what you want is you want to be comfortable with all the information you have with regard to your independent analysis of this project so that you could make a decision.

Chairman Zahornasky asked Attorney Teodosio the Commission has a regular scheduled meeting next week on the 13th, would it be appropriate then to discuss the business side of it then. Attorney Teodosio responded yes. Chairman Zahornasky continued then we will discuss whether we want to hire someone else as the Mayor suggested or offered to start the LandTech process all over again, but then we would also have the opportunity to review LandTech’s responses. Attorney Teodosio replied LandTech’s responses are not a direct response to the Mayor’s comments. LandTech’s response letter is a direct response to the applicant and the intervenors and the other City Boards. Chairman Zahornasky stated where we have to decide if we’re satisfied with LandTech’s review or not and then go out and hire someone else. Attorney Teodosio stated you have to understand you’ve always had the option to go out and hire somebody else. It’s not precipitated by the Mayor’s letter but it is information that you have.

Commissioner Nappi stated I’m lost, because I wanted an opportunity to comment on LandTech’s report separate from the Mayor at a Public Hearing. Attorney
Teodosio responded you can, he was asking about the Mayor’s letter and response.

Commissioner Wilson asked you’re talking about the Mayor’s response back and forth from the November letters and then also LandTech’s response of February 3rd. They’re 2 different subjects. Attorney Teodosio responded right. Chairman Zahornasky replied right because there’s the business side which is the communication side between the City and LandTech, not the Commission. Commissioner Wilson added we were just brought up to speed on the November letters back and forth and this was just submitted February 3rd, we haven’t had time to digest any of this.

Mayor Lauretti stated right, Zoning is different because they’ve always had a paid professional at the table that scrutinizes every single application and there’s dialogue on every single application at every single meeting. You guys don’t have that and so my point is that there seems to be a big void of information that you need to make a decision. If the information isn’t sufficient, let’s shift gears and get someone else so that you can make an informed decision.

Chairman Zahornasky responded I agree, ok how do we end this one? Any public comment about the business side of this?

Mayor Lauretti left the Public Hearing.

Steve Trinkaus
Professional Engineer representing the intervenors Save Our Shelton

Something that has not been discussed through this entire process since the hearing was opened last February is that you are out of time. The Connecticut State Statutes clearly state when you open a Public Hearing you can keep it open for 35 days. That brings you to March of 2018, the applicant can grant an extension up to 65 days in total, that’s the maximum they can grant so that goes from March to April to May. The hearing have it closed in May of 2018, you have 35 days by Statute to act on that application. All the extensions that have been given by the applicant since then are null and void. The Statute says you have set period, if you don’t take action, if not the application is null. There’s not an approval, there’s not a denial, it just seizes to go away. You could go look at the Statute online. Years ago, when I started land use back in the early 80’s the time frames were very long. You would have an application go on for a year, that’s where we’re at today. When the State changed it, they gave all land Commissions 65 days to either act on an application or hold a Public Hearing on it. If you chose not to have a hearing, the applicant could grant you any number of extensions not exceeding 65 days so you’d be at 130 days, roughly 4 months from beginning to end. When you have a Public Hearing, again by Statute it’s 35 days and you can close the hearing, the applicant may consent to 1 or more extensions, not totaling more than 65 days for the Public Hearing. That’s the end of it, once the hearing is effectively closed, you have 35 days by Statute to make a decision. So, we’re well beyond that. We’re a year into this. So, you can have your City Counsel go read the
Statute, but it's clear, it's black and white. It's alive in every other town I've worked in. You don't have time to go hire someone else. Period.

Secondly, I will tell you I have known LandTech since I've worked in Georgetown, they were in the Ridgefield section of it, I've been subject as an Engineer to their reviews on projects over the past 35 years. I have found them to be extremely professional and competent particularly on environmental issues. I do have the February 3rd letter and John sent me a link to it, I've read that, but I will tell you they are a highly qualified firm, they're points are on merit, they are following guidelines, as I cited there was missing information, LandTech had cited the same. So, nobody's doing a hatchet job, their points are well taken and they did a thorough job, they did exactly what the Commission asked them to do in evaluating their plan as it impacts the wetlands and when you read their February 3rd letter you will see what their conclusion is, I'll leave that up to you. But basically, by Statute this application doesn't exist. Thank you.

Chairman Zahornasky asked anyone else?

Tom Ryder
LandTech

I have a comment for the first LandTech letter and the response from Mayor Lauretti. So, it's appropriate to speak about that at this point? Attorney Teodosio responded the business side. Mr. Ryder responded right which is the correspondence. We received a request from the Mayor's office to meet with Dominic Thomas, Mr. Cook and the Mayor to sit down and discuss the concerns that the applicant had. We provided a letter that basically said that we would prefer, we've been in this a long time and we always do it in the open, I'm not saying this wasn't, but our concern was that we wanted to have a member of the Inland Wetland Commission at the meeting, or a designee of that, we wanted to have the City Engineer there so that we could have a discussion and there are also intervenors, so I wanted to have a discussion in the open so that we could all talk be it at one table, I provided that concern to the Mayor. Also, in that same paragraph it said that that it is true that our contract didn't have any meeting time. That was negotiations that was discussed long ago to reduce costs. We didn't think it would have caused any problems, but apparently it has, but it was an initial agreement and what we did say was that if you guys, the City, feel that this letter for this meeting is appropriate then we are willing to attend. It says that right there. Not only that but we agree to attend that meeting pro bono. Not an issue, we'll sit down. So, then we got a letter back and basically what it said is what he said earlier. He then refereed to another letter from my tech that I'm not familiar with. I'm not familiar with any third letter.

Chairman Zahornasky asked Mr. Ryder, this is the first letter you referenced about attending the meeting. Mr. Ryder responded yes, that email from me was clarifying my original letter to him. I also want to state our stand about communication. If anyone has any concerns, you can call us and say we have questions can you
come talk to us. I have been on the phone with John Cook probably once a week, or once every other week since all this has been discovered. I’m saying we’ve had numerous calls with him, the communication lines are always here. If the Mayor had any concerns, he could have called us up or any commission members has any questions we are here. We always have been here, we’re open, we’re working for you.

Again that second letter I wrote, I wasn’t sure if I was going to be here tonight, I didn’t know what the meeting was about, so what I did was work on the weekend, again pro bono, because our contract expired to prepare that and I asked our engineer to do the same thing. So that’s a 5-page letter that goes into detail, again that’s pro bono. We are here for you; we’re trying to get you what you need. I think its a thorough report, I think that the responses are thorough as well. Communication is always open back and forth and we’re here if you need us.

Chairman Zahornasky stated thank you, anyone else?

Greg Tetro
281 Buddington Road

I’m here representing Save or Shelton. My problem is we are paying our engineer, for the case, we are paying in full, we’re paying him to be at all the meetings. I don’t understand why the City tried to down dial the dollars on peer review and not come to any of the meetings. Right now, $16,000 has been taken away from the citizens of Shelton by their tax dollars, now we’re talking about bringing in another engineer and paying again. Everything I’ve read seemed very thorough, obviously I’m not a professional engineer, that’s why we picked a great engineer to back us and I really don’t know how this can end because it was a peer review. LandTech was hired to take a look at all the property, take a look all the documents and file a report, that’s a peer review. I don’t know what kind of peeing contest this is, it’s a peer review. You have the review of the City Engineer, you have the review of the applicant, you have the review of our engineer and you have the review of LandTech. None of those should be disputed. They should all be taken on their own merit and you should be deciding who’s right and who’s wrong. Right now, we have 3 people, 3 separate entities who all feel that this is a bad application and you have 1 who thinks it’s a good application. I think you have enough to decide on this and I don’t want to continue taking money out of my pocket or see the citizens pay out of their taxpayer dollars to continue this. It should just end. I think we have more than enough information and from what I’m hearing from our engineer I think it’s time. Next Thursday, review what you got and make your decision. I don’t want to hear hey I got a new application with a new plan to help the filtration or anything, that’s a new application. They can apply for an application at any time. You deny this one based on its merit and then they come back in and hopefully do a better job. It’s simple. It’s a simple way to handle it. I hope you guys think about that very carefully and next week we close this out. Thank you very much.
Chairman Zahornasky asked anyone else?

Mark Widomski
55 Long Hill Road

I’m an elected member of the Planning & Zoning Commission and I’m not here representing that in any way, shape or form. I’m representing myself as a private citizen. I’m elected and not like this Commission that is appointed by the Mayor. So, my first question is going to be, I know he left, I’m not sure why but it is what it is. Why did the Mayor get involved in the first place? Who requested that meeting? Who called the Mayor and said hey we have an issue here? Was it Dominic Thomas that called, was it someone from LandTech that called? Or was it from the third party from SOS that called to get together to have a meeting? What precipitated the Mayor to get involved. He’s never ever come to any of these meetings. He’s never been involved he said so himself. Why now all of a sudden? It doesn’t make sense. The emails, all the emails and any communication between LandTech and the Mayor I assume they will be open to the public? All of them? Chairman Zahornasky replied yes. Mr. Widomski stated all of them? Chairman Zahornasky replied that’s all we have. What was presented to the Commission yes, they will be available. Mr. Widomski continued; tonight’s agenda is very clear why did you let him go off on a tangent on Constitution Boulevard? That’s not part of the agenda, it’s your job to stick to the agenda. You basically essentially during a legal meeting let him go off on a tangent doing whatever he was trying to accomplish. You were at the meeting Attorney Teodosio, you know the rules.

What information is missing? It sounds to me that it was a peer review. Each person did their report, they turned it in. 3 agreed, 1 disagreed, I don’t know, seems to me that 3 against 1, majority wins. Do we need to hire another company? How much is this one going to cost? Apparently this one was the only bid, the lowest bid so how much more are we going to spend? Are we going to keep finding different people that will appeal to someone else? I don’t know.

You guys have this task, have this job to determine what report and all reports that provide you with the best information to make the best decision you can based on laws and regulations. What the Mayor wants has no bearing with what you have to do. What the Mayor wants is for someone else to come in for whatever reason he may have. We don’t know those reasons. That’s not your problem, that’s his problem. He appointed you guys to do a job. Do your job without interference from any political politicians. That’s wrong. A 100% wrong and you shouldn’t let stuff like that come to your meetings.

Is there an issue with the LandTech report, their report, the engineer’s report or is it a perceived issue? We don’t know. But something doesn’t sound right when all of a sudden now after over a year we’re going to hire another company and tax the taxpayers so more money that we don’t have to pay for somebody else to get another peer review? It doesn’t make sense. How many peer reviews do you
guy's really need? Seriously? If you need that many reviews then somethings not right. Either you're not believing somebody or I'm not sure what.

The Statutes are very clear, very clear. It should have been over and shouldn't continue any further. Just like 8-3G said that we should not have a Planning & Zoning Commission should not have made a decision until they have a report back from you guys. Perhaps, perhaps if the Planning & Zoning Commission had done their job then and listen to then Corporation Counsel's opinion, we wouldn't be sitting in this quagmire of a mess today trying to figure out what we're going to do and how were; going to get out of it. In the words of Attorney Teodosio the toothpaste tube is opening, the toothpaste is out, you guys gotta get it back in.

Chairman Zahornasky replied thank you, anybody else?

Jan Girard
11 L'Hermitage Drive

I want to echo the speakers that have just spoken. I just wanted to remind you yet again from the last meeting, this was supposed to be an independent study. LandTech was supposed to do an independent study. It wasn't supposed to be a collaboration, and not keep working on it and keep going back and forth until we get it in the shape that we want it to be. That was not the purpose. The town has spent $16,000 to get an independent study. That's what you need to look at. We didn't pay for a rubber stamp. That wasn't what it was supposed to be. If the applicant didn't do their job, then they need to be denied, then they could reapply. If that is your choice. Thank you.

Chairman Zahornasky replied thank you, anybody else? There being none, the Chairman continued. Corporation Counsel will be reviewing the State Statutes that the public commented on. N I do have to say that it was this Commission that asked for the independent review because there is so much information on both sides. As much information that one side its white and the other says its black. We don't have funds of our own so we approached the City to hire a company to give an independent review to give us facts. The thing that came up was what was conveyed to me that LandTech had been given all the information. They came and chose what to take and then in doing their report some of the items that we wanted answers to we didn't get because in their report they said they didn't have the information or some items were missing. Until we go their final report, if you need information why didn't they contact Mr. Cook to say we can't complete the review of this part of the project because we don't have the information but the information had been sitting in the boxes. I was disappointed in that because if you were making a decision based on information that you didn't have.

The next meeting there will be a discussion regarding their response. As far as the Commission hiring another company, we don't want to do that. We would like to have definitive answers from items that we don't have in the report because information has been missing. Do we have enough information to make a decision,
we have a monument of information? There is a great deal of information that needs to be gone through to be able to make a decision. There will be talk amongst the Commission. We’re going to be making a decision, hopefully. We have one more Public Hearing on the 27th, then it’s closed. We’re going to sit down and have to make a decision one way or another based on the information that we have.

5. ADJOURNMENT

Commissioner Nappi motioned to recess the Public Hearing and to reconvene on February 27. Commissioner Kawalutzki second the motion.

A voice vote was taken; motion passed unanimously.

The Public Hearing recessed at 7:47 pm.

Respectfully submitted,

Sophia V. Belade
Sophia V. Belade
Clerk – Inland Wetlands
November 1, 2019

Mayor Mark A. Lauretti
City Hall
54 Hill Street
Shelton, CT 06484

Subject: Town Center at Shelter Ridge – Peer Review Meeting

Dear Mayor Lauretti,

We received a request from your office to attend a meeting with you, Dominick Thomas, the attorney for Shelter Ridge Associates, LLC, and John Cook, Wetland Administrator for the City of Shelton. While I am certainly willing to assist in any way I can to facilitate the Inland Wetlands Commission and Shelter Ridge Associates, LLC, I do have some reservations about attending such a meeting.

Our firm has provided many peer reviews for municipalities in the 40 years that Landtech has been in existence and I cannot recall ever being asked as a peer reviewer to attend a meeting with a Mayor or First Selectman and the developer of a project. Perhaps I am overly concerned but I am unsure, for a project with interveners and a great deal of public interest, that a meeting like this should take place especially without the Chairman of the Inland Wetlands Commission or his designee present. I would feel more comfortable if your Town Attorney confirmed that this meeting is appropriate. In addition, our contract states that no meetings are included in our contract, and that if required, meetings would be billed at an hourly rate. We did this at the request of the City to reduce costs. However, in the spirit of cooperation, we would be willing to waive any fees for this one meeting.

What also would be helpful would be to have the topics of discussion identified so the engineer and I can be prepared to respond. Further, the way peer reviewing works in many instances is the developer’s team interacts with the peer reviewer through the Land Use Agency by trading written comments which allows for a documented resolution of the outstanding items. Occasionally, we have met privately with applicants to resolve technical issues, but always with the full approval of both the commission and the intervenor. It would be helpful to understand what the expectations of any resolution are from this meeting.

Lastly, this may not be a matter for you but I would appreciate your assistance as we were asked to meet certain deadlines with the submittal of our report and for that we would be paid within 15 days. It has been over 7 weeks since we submitted our report and we have not received any payments. With regards to that issue, we are not prepared to provide any additional services until payment is received.

As I mentioned above we are prepared to help but we have these stated concerns. If these concerns can be addressed we are available to attend a meeting at on Friday November 15 on or after 9 am.

As always, feel free to contact me on 203.454.2110, ext. 120 or at tryder@landtechconsult.com

Very truly yours,

LANDTECH

[Signature]

Thomas Ryder, Senior Associate

C: P. Romano, M. Bartos, P.E.

File
November 6, 2019

Mr. Thomas Ryder
LANDTECH
518 Riverside Avenue
Westport CT 06880

RE: Town Center at Shelter Ridge - Peer Review Meeting

Dear Mr. Ryder:

In response to your letter of November 1, 2019, there will be no meeting. Shelton and my office in particular, is unique in that proposed projects are dealt with on their merits quickly, efficiently and well within the parameters of zoning law. The forum you questioned has operated without issue for over twenty-five years. Your implicit suggestion that the meeting would have been improper is resented. The public hearing is still open. The intervenor, the commission and the public will have an opportunity to review all modifications if any.

Any questions the applicant has with regard to your report will be sent to you by staff.

At the continuation of the public hearing the applicant can address your report.

As to your bill, I have just received a copy from Corporation Counsel. Although, the original seems to have been addressed to my office, it was not mailed or e-mailed here. Also, a copy of your report was never addressed or sent to my office.

Sincerely yours,

Mark A. Lauretti
Mayor
Mayor Lauretti, I just received your response letter to our comments about the Shelter Ridge meeting. Thank you. However, we meant no disrespect to you or your office, we were trying to get across our wish to have the City Engineer, City attorney and either the chairman or a representative of the commission at the meeting as well. That way everyone gets the information at the same time. We have learned to be skiddish when invited to meetings where both sides are not represented as this invites lawsuits in many of the coastal towns we work in. Again, we were not implying your practices were inappropriate merely that in our experience the other side complains they were left out or sometimes pursues legal action, and we were simply trying to avoid that. We are sorry if the letter did not convey that correctly.

In response to your comment that the report and invoice were addressed to you but were not mailed to you, we were asked by Fran Teodosio to submit the reports to John Cook’s office to be stamped in. We included the invoice with the reports so that everything was submitted together. I apologize if that was not the proper protocol.

As we stated in our letter, we are available to meet with the applicant’s team et. al. and discuss our report. We can keep the same 9 am on Friday time or we are also available Monday after 2:30 or anytime Tuesday or Wednesday. Please let me know if any of these times works for you and the applicant’s team.

Thank you.

Tom

Thomas Ryder
Certified Ecologist
Coastal Resources Scientist
Wetland Scientist
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February 3, 2020

Gary Zahornasky, Chairman
Shelton Inland Wetlands Commission
54 Hill Street
Shelton, CT 06484

Subject: Towne Center at Shelter Ridge (#17-14)
Response to Applicant Comments

Dear Mr. Zahornasky:

We have received follow-up communication from the applicant and Town commissions and although our contract has ended, we felt the need to provide the following responses. Please include this letter into the application record for Towne Center at Shelter Ridge (#17-14).


The letter raises the question on why LandTech did not review the public hearing transcripts for the application. LandTech was provided over 70 documents (exhibits) to review, the public hearing transcripts were not included in those documents. Reviewing the transcripts was never brought up during any of our discussions with the City. Also, we were brought in at the end of the hearing process with the expectation that we would be reviewing final documents which incorporated all revisions discussed during the public hearing.

Attorney Thomas mentions that LandTech may have been missing an addendum (the word “addendum” was missing from letter but addendum was assumed to be the missing word as it was referenced in a previous letter from attorney Thomas) to Jim Swift’s engineering report. We did review Mr. Swift’s addendum and comments on that document were included in our report. What may have led to this comment is that we did not include that document in the list of documents we reviewed. We apologize for that.

Mr. Thomas states that he was informed that LandTech chose what we reviewed. That is not true, we reviewed all the documents we were provided.

As for our use of the 2017 Update to the Plan of Conservation and Development that was referenced in Mr. Thomas’ letter, this document was included for a much more innocent reason than was presented by Mr. Thomas. We were looking for information to put into our opening paragraph which describes the setting of the property. We had seen documents (including Exhibit #21 March 15, 2018 letter from Thomas Harbinson, Chairman of Shelton Conservation Commission) that stated that the western portion of the property lies within the Far Mill Greenway and Shelton Lakes Greenway. We simply downloaded and reviewed the POCD update to see if we could find any additional information background on this. We
did not see any information on this topic in the POCD update so we simply included that greenway sentence in our report and moved on. We have learned since that that Greenway statement was incorrect. Similarly we reviewed the “2009 Open Space Plan for the City of Shelton” just to get some other background information we could use in the introduction. Nothing from either the POCD update or the 2009 Open Space plan ended up in our comments. Again, the reason for the review was only to describe the setting of the property.

After we reviewed the documents we called John Cook to tell him that we had reviewed them briefly for the report’s introduction but that we did not review the reports in detail nor did we plan to use them for our comments. We felt they were outside of the scope of our review and that we felt the Commissioners were familiar with the documents and did not need any explanation of their contents. Again, our use of these documents was much more innocent than that portrayed by Mr. Thomas.

The reason we did not contact Environmental Land Solutions or Mr. Swift’s office, or any other entity except Mr. Cook, the City’s Wetland Administrator, is that we wanted to provide an objective review of the provided documents. We came into this project knowing that it was controversial and that opposing opinions were well entrenched. The best way to do our job is to avoid all of that and stick to reviewing the written documents. If a document we cited had an error or if we misunderstood a statement made in a report, then the applicant’s team has the right to submit a document to correct the record. This is what is being done here for everyone to read so that everyone can make their own decisions.

Regarding Mr. Thomas’ statement that some of our comments of the ELS report may be beyond what could be considered reasonable, we disagree. Mr. Thomas states that “determining the migration patterns of the amphibians is not a short-term process”. This is an odd statement considering this project has been going on for years. A basic understanding of the migration patterns of vernal pool breeding herptiles can be done in one season. This project has continued over five (5) complete breeding seasons (field work started march 31, 2015) and is on the cusp of another. An understanding of animal migrations does not need to be lengthy or costly, in many cases the biologist can simply utilize existing information such as topography, vegetation cover and other field data to provide a professional opinion as to which areas of the property are suitable or not suitable for use for herptiles during the non-breeding season and therefore provide a best professional opinion on which areas need to be protected. The applicant has started this discussion, we just believe it should be more than generalized statements.

Some projects would not need this information, however a project of this size with this much proposed developed area and one that contains high value wetlands warrants this discussion. Little to no discussion of amphibian movements was provided in either ELS’ original January 19, 2018 Environmental Assessment or their followup March 29, 2018 response to comment letter.

Regarding the use of the 750’ vernal pool buffer, we agree that it is a tool and the results should be provided in relation to the particular project, not applied blindy, however those data nor any discussion on the topic were provided in the Environmental Assessment or the Marsh 29, 2018 follow up letter from ELS.
December 12, 2019 letter from Matthew J. Popp of Environmental Land Solutions, LLC to Shelton Inland Wetlands Commission

The response from ELS provides egg mass data from one year which showed the breeding effort in the vernal pool for 2015. Data from no other breeding season was provided. As stated in our September report, vernal pool breeding (egg deposition and amphibian metamorphosis) can vary drastically from one year to another. We also stated that due to the density and proximity of the proposed development, it is appropriate to obtain and review data from multiple years in order to better understand the variability and the breeding success during “most years”. We therefore recommend that a follow-up investigation of the breeding effort be conducted in all appropriate basins.

We agree that the pool is likely a Tier 1 pool. That makes the 750’ buffer around the vernal pool more important. ELS’ response letter references this area but does not provide a percentage of area that is currently disturbed and the percentage of the area that will be disturbed (total, not just from this proposed development). We agree that tools like those offered by Calhoun and Klemens (2002) should not be used blindly and that they should be used in context of the proposed development. This focused approach should be used here.

If development is proposed within this 750’ sensitive area, an understanding of how much area within the 100-750’ will remain undisturbed is needed. If more than 25% of the total area will be impacted then a focused discussion on impacts (if any) to the sustainability of the local vernal pool population needs to be included. Yes some individuals will be utilizing the area to the north as described in Ms. Gallagher’s August 25, 2016 letter however, they may also be using area that is proposed for development. The start of this discussion is provided in the ELS response letter however no percentage of area is included to put this in context for the reader.

Other items we have not seen and consider missing from the application include a planting plan for the area between the open space and the buildings, parking lots and roads as described on pages 3 and 4 of our September letter and page 6 of the ELS response letter. Similarly, we have seen no wetland mitigation plan for the wetland creation and invasive species control from the existing wetlands as discussed on page 4 of our September report and page 10 of the ELS response. ELS has provided a text descriptions of these activities however the commission should be provided detailed plans with notes that shows what is proposed where and how it will be done. It is the plans that will be approved and will be used by the contractors to perform the work.

December 10, 2019 letter from the Shelton Conservation Commission to Gary Zahornasky Chairman
Inland Wetlands Commission

The Conservation Commission provided their comments under four topics.

Incomplete review – The Conservation Commission states that we reviewed their report but did not reference it in our comments. That is true. We felt the Natural Resource Manager’s report was well written
and covered important information pertaining to the application. It was our thinking that this document was already part of the record and we did not have any disagreements with its contents therefore, it was not discussed. However, looking back referencing the contents of the report would have improved our report.

Spotted Turtles – One of the topics that the Conservation Commission thought we should have referenced more is the potential presence of spotted turtles on the subject property and their use of the site’s vernal pools. ELS noted the presence of the special concern species north of the property, and provided turtle protection recommendations to ensure minimal impact on this species. This topic was also well covered in the Natural Resource Manager’s report. Our report should have mentioned the known spotted turtle population in the vicinity of the property and mentioned that it even though spotted turtles have a very small home range, that it would be reasonable to assume that members of the nearby spotted turtle population would utilize the habitat on the subject property including the vernal pool habitat in the spring. However expressed, the point in our report was that we don’t know if spotted turtles are utilizing the vernal pool on the property for breeding as that information was not included in the documents we reviewed. This seems to be that same point that the Conservation Commission is trying to get across. Including this discussion in our report would have made our argument stronger.

The letter references the wetland mitigation. This mitigation is the restoration of the wetland near Buddington Road. This restoration (removal of invasive species) is beneficial to the local ecology and it is our opinion that it should be implemented.

Alternatives – our contract was to evaluate any alternatives provided by the Applicant. None were provided. This remains an item missing from the application that should be provided to the Inland Wetlands Commission.

Stormwater - If soil testing can confirm the feasibility of infiltrating the WQV into the soil, it is reasonable to expect no adverse thermal effect of runoff on surface waters. The applicant has not conducted soil testing. See additional discussion below.

December 12, 2019 letter from James R. Swift, P.E. ASLA to the commission.

Although a point-by-point response to this new letter is outside our contract, a couple of major points are important to reiterate as follows:

The December 12, 2019 letter contains several instances in which the applicant agrees to provide additional information if so requested by the commission. Some of these refer to the erosion control plan. The applicant prefers to refer to the erosion control manual rather than providing the information on the drawings. If parts of the erosion control plan are left to the discretion of the contractor, there is no guarantee that the wetlands and watercourses will be adequately protected from the adverse effects of sediment-laden runoff. We recommend that the commission request that all site specific information
required for a complete erosion control plan be placed on the drawings. Examples include items 2 and 3 on page 2, and items 12-15 on page 3 of our September letter to the commission.

As stated in our September letter to the commission, the capture of the Water Quality Volume (runoff from 1” rainfall) for water quality purposes depends on the availability of 6-9” of storage in the bottom of each infiltration area. Runoff collected in the bottom of the infiltration chambers must infiltrate into the ground before the next storm. The applicant’s contention that the WQV can be stored, then displaced by the next storm defeats the purpose of the WQV, which is to capture and treat contaminated runoff prior to discharge to a watercourse. If there is no infiltration, the WQV is not treated to remove nutrients or suspended solids. These can therefore reasonably be expected to be discharged to the watercourse during each subsequent storm.

There are no soil tests in these areas to demonstrate that water can infiltrate into the ground fast enough so that the WQV storage area will be empty when needed. A typical requirement is that the underlying soil have hydraulic conductivity that allows for the full WQV to infiltrate within 2-3 days. Similarly, there is no information concerning the depth of groundwater. A typical requirement is to build infiltration chambers so their bottoms are 2-3’ above the seasonal high groundwater level. Otherwise, the chambers may always be full or partially full of groundwater and not function.

The applicant’s response does not address this problem. The applicant maintains that infiltration is not required, but provides no mechanism for ensuring that the runoff storage volumes will be available for each storm. Note that the DEEP stormwater General Permit requires the permanent storage of the WQV on the property. The only reasonable way to meet this requirement is through infiltration. Without soil testing, there is no way to verify that infiltration will be effective. Considering the above, we recommend that the project not be approved by the Commission until such time as soil testing is completed and the applicant has demonstrated that the stormwater management plan will be effective.

In general, we find the applicant’s response insufficient until such time as the drainage report and the drawings are revised to address the technical issues raised in our letter and in letters submitted by the intervenors. In our opinion, promises to revise reports and drawings at some unspecified time in the future is not sufficient to allow the commission to evaluate this complex project for the purposes of determining whether or not to issue an approval.

Sincerely,

LANDTECH

[Signatures]

Thomas Ryder,
Certified Ecologist

Michael J. Bartos, P.E.
Director of Engineering