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CITY OF SHELTON
INLAND WETLANDS COMMISSION
REGULAR MEETING MINUTES
Thursday, July 10, 2008
7:00 P.M., Room 302

Chairman Zahornasky called the regular meeting of the Inland Wetlands Commission to order at 7:04 P.M.

I. PLEDGE OF ALLEGIANCE

All in attendance recited the Pledge of Allegiance.

II. ROLL CALL:

Gary Zahornasky, Chairman
Celeste Beattie, Commissioner
Jack Goncalves, Commissioner
Neil Hayes, Commissioner

Absent: Ken Nappi, Commissioner
Norman Santa, Commissioner
Randy Szkola, Commissioner
Charles Wilson, Jr, Commissioner

Also Present: John Cook, WCEO
Sophia Belade, Clerk

III-A. PUBLIC COMMUNICATIONS and request to addressed the Commission with non-agenda items.

There was no public communication.

III-B. OLD BUSINESS

1. PERMIT-APPLICATION #08-13, ROTKO PROPERTY – LONG HILL AVENUE. Proposal to fill regulated area and buffer for construction of a single-family dwelling. Application previously denied without prejudice.

*Bryan Nesteriak
B&B Engineering*

Last time we talked we were going to wait for a report from the Town Engineer of which he did write a letter.

John Cook stated that for the record it is in the Commissioner's packets as well as the agent's response.

Mr. Nesteriak continued, yes I also wrote a letter in response to it. He made a few different points of what he was concerned about. Four of them basically have to do with foundation settlement. One is that he would like to see the driveway paved. We'll get the easy one out of the way, we'll be happy to pave the driveway. Then I wrote the responding letter, which you have in your packets, basically going through methods that are available to ensure that building on wetlands will be suitable. I can go through them if you care. My primary point was that knowing what I know about this wetland, knowing what it looks like, we'll only have to excavate over a little bit to get down to virgin soil, descent soil. None the less, I've put on the latest plan, and I also propose that you put in your motion that a structural or technical engineer be retained prior to or during the building permit process and then he or she will evaluate it and probably test and determine what would be necessary in order to ensure suitable foundation.

City Engineer & B&B comments follow:



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Email: shelton.eng@cityofshelton.org

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

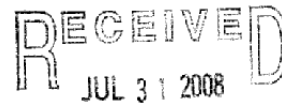
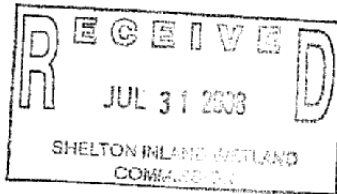
08-13

Robert F. Kulacz, P.E.
City Engineer

Rimas J. Balsys
Assistant City Engineer

July 30, 2008

John R. Cook
Wetlands Coordinator
City of Shelton
54 Hill Street
Shelton, CT 06484-3207



Re: Rotko Property, 485 Long Hill Avenue;
Proposed Site Development Plan dated 11/26/07, revised 7/15/08

Dear Mr. Cook:

This office has reviewed the above referenced proposal to construct a house on a parcel with significant wetlands. The following comments are offered:

- Our office is concerned with the potential for foundation settlement.
- A structural engineer should be required to design the foundation based upon analysis of the soils uncovered by test pits. Unsuitable soils may be located beyond the just the southeast corner of the proposed foundation where the wetlands are prevalent.
- Paving the entire driveway will reduce sand and sediment from entering the regulated areas.
- This revised proposal has the least impact on the regulated areas, however, the potential for foundation settlement, differential or otherwise remains significant.
- A stable foundation can be designed and constructed at additional costs to the builder.

While this site plan will work with minor revisions, I am not recommending development of the lot due to the concerns expressed.

Very truly yours,

Robert F. Kulacz
Robert F. Kulacz, P.E.
City Engineer

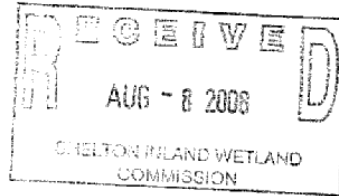
CC: Bryan Nesteriak, B&B Engineering
Elliot Wilson, Building Official
File:

08-13



August 5, 2008

Inland Wetlands Commission
c/o John R. Cook
City of Shelton
54 Hill Street
Shelton, Connecticut 06484



**RE: Rotko Property
Long Hill Avenue
Job #185**

Dear Commissioners:

In response to the city engineer's letter dated July 30, 2008, I offer the following information in order to allay any concerns regarding the development of this property.

Even though settlement is possible when building on wetland soils, structures are continually built on them today and can even be considered common in some areas. Many successful engineering options exist in designing and constructing a structure within a former wetland. These methods include timber, steel or concrete piles, mat foundations, over-excavation, dynamic compaction, pier construction, friction piles, and many others. Many of these methods are practical for building in large, active wetlands with large swaths of unsuitable substrate soils. Conversely, the wetland area on this parcel is marginal with minimal signs of wetland presence. As a result, it is entirely possible that minor excavation to remove the upper organic material will be the only necessary work to provide a suitable subgrade for the proposed dwelling.


I propose that prior to obtaining a building permit, a professional geotechnical and/or structural engineer be retained by the owner in order to assess the requirements to build on this lot. This will most likely require excavated test pits and/or soil borings to determine the degree of settlement the new foundation will be susceptible to, if any. The engineer will then provide the necessary measures that should be taken in order to provide a suitable foundation.

39 NEW HAVEN ROAD • SEYMOUR, CT • 06483
PHONE: (203) 881-8145 • FAX: (203) 888-0436
CONTACT@BBENGRS.COM
WWW.BBENGRS.COM

In addition, we are not opposed to paving the proposed driveway in order to reduce any potential sediment transport.

Thank you for your continued consideration. Should you have any questions, please do not hesitate to contact me.

Sincerely,


Bryan P. Nesteriak, P.E.
B&B Engineering, LLC

cc: Adeline Rotko
Robert Kulacz, P.E., City Engineer

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John Cook's comments

WCEO REPORT

August 14, 2008

PERMIT-APPLICATION #08-13, ROTKO PROPERTY – LONG HILL AVENUE

- STATUS:**
1. Application received June 12, 2008.
 2. Request for fee waiver as plan is the same as that denied with additional information submitted. Action required.
 3. 65-day clock to decide action or schedule public hearing expires Aug. 16, 2008.
 4. City Engineer report received July 31, 2008 and previously forwarded.

PLANS: LOT 5 – LONG HILL AVENUE
Proposed Site Plan 11/26/07

COMMENTS: Staff restates items 1 & 3a, b, c, d from the July report. We further would suggest creating subscript (e.) Require a structural engineer evaluate and endorse the proposed foundation design if the Commission grants approval to fill the regulated for the foundation. While the applicant's agent has previously he believes this measure is solely the realm of the building official

we respectively disagree in that the City of Shelton litigation record shows that when regulated areas have been filled for construction subsequent failure leads back to the agency authorizing the encroachment. The above measure helps minimize the City's and ultimately the taxpayer's exposure to future problems. The measure also helps provide the building official additional backup for assured proper construction.

COMMENTS FROM JULY:

After additional review and the field-walk staff offers the following comments and recommendations:

Address applicant request for fee waiver. The amount is \$170.00 on the application fee. Any permit fees would not be due unless a favorable action is granted. In addition, if the Commission grants a favorable decision the value of the lot versus the City's time and fees for reviewing and processing is not significant. Relative to the wetland evaluation used, and as stated during the meeting, there are many methods to evaluate a regulated resource. The problem or possibly better phrased, is the limitation of those methods is that most involve a comparative analysis of a local mean values to facilitate or understand whether a particular wetland is so low in value as to be expendable. In this case, there is not a question as to the findings but rather there is little other data within Shelton to compare it. Staff suggests a review of past proposals may aid in this determination. These techniques while not individually substantial cumulatively help demonstrate the effort to minimize adverse impact.

- a. Return to the original layout that had the least direct impact. (Least fill to wetland soils)
- b. Reduce the footprint to something like 26'x40'. (Used on Lakeview Avenue and Fort Hill Avenue plus others)
- c. Provide a conservation easement over portions of the remaining regulated areas to preserve the intent of the Commission, the engineer and applicant or deed restriction to prohibit expansion further into jurisdictional areas. (Oak Valley Road, Weybossett Street, Wells Avenue, Mohegan Road and others)
- d. Require a plan that satisfies the City Engineer. The alternative and original plan triggered concerns on the part of the City Engineer. However, the original plan did have the least amount of structure in the regulated area.

COMMENTS FROM JUNE: At the outset, there are several points to address with this application.

There is a request to waive the application fee based on section 18.14 of the Commission regulations. Copy inserted below.

Staff understands the situation of the long-term ownership and existence of the parcel as stated during the previous proceeding (ref. February & March 2008 WCEO report).

Staff was not familiar the evaluation methodology submitted with the application used to help justify the encroachment. To this end, research is presently underway regarding the use of this method and it appears that a more detailed discussion is warranted.

FROM THE COMMISSION REGULATIONS

18.14 WAIVERS: The applicant may petition the Agency to Waive, reduce or allow delayed payment of the fee required by Section 18 of these regulations. Such petitions shall be in writing and shall state fully the facts and circumstances the Agency should consider in its determination under this section. The Agency may waive all or part of the application fee if the Agency determines that:

18.14a The activity applied for would clearly result in substantial public benefit to the environment or to the public health and safety and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee, or 18.14b The amount of the application fee is clearly excessive in relation to the cost to the City for reviewing and processing the application. 18.14c The applicant is a municipal, state or federal agency or for any organization existing exclusively for scientific, educational, literary, historical or other charitable purpose. The Agency shall state upon its record the bases for all actions under this subsection.

MARCH & FEBRUARY COMMENTS: This office received the hydraulic analysis report on March 11, 2008. A copy of the report was provided to City Engineers office for his review of the two plans. He will attempt to complete his analysis for the meeting.

The applicant presented an alternative at the February meeting out of the discussion in January. At the Commission review in February, some reservation was expressed towards this option. Pending the review of the City Engineer if the Commission prefers the first plan staff asks the Commission review the 2nd and 3rd options noted below. The second option may serve the long-term protection of the remaining resource by placing a conservation easement over the wetland instead of along the back property line. The third option would require a deed restriction for no further home expansion or reducing the size from that proposed as a condition of approval. This option recognizes the right to attempt developing the parcel but a reduced footprint helps reduce impact.

Alternately, there is the 1st and 4th options as well as a **5th no fill alternative**. The no fill option essentially precludes use of the parcel for development based on the existing zone. As stated by the applicant's agent the parcel was subdivided before there were any zoning or wetlands regulations. By the standards of today this property would not qualify for a building parcel. However, as stated in the past Corporation Counsel has advised the Commission apply its regulations, and if the Commission does not authorize a regulated activity, it is for other entities to deal with the issue of that restriction or denial not the Commission. If the Commission chooses this option then specific references should be made to the regulations for the limitation.

COMMENTS FROM FEBRUARY: As noted during the last meeting the narrow band of regulated area is separated per the soil delineation mapping. However, it fundamentally may be evaluated as one unit. In so much as the horizontal distance is less than 50' and the elevation difference is approximately 0.1' between the two areas. It is also noted that in addition to the standard functions that may be associated with the regulated area its prominent function may in fact be serving as a buffer between the residential uses along Long Hill Avenue and the industrial use accessed from Forest Parkway. The Google Earth image attached demonstrates this feature.

To this end, the Commission stressed the applicant look to shift the proposed dwelling closer to Long Hill Avenue and provide an opportunity to protect vegetation along the rear property line. This goal also serves to minimize a potential problem for future owners. Along with this effort, exist several other opportunities as follows:

First, have the applicant approach the ZBA for a street variance. At first glance, a question arises as to why. The answer is that it serves to help minimize encroachment into or adjacent to regulated areas. The dwelling may be kept at a higher elevation with a walkout to minimize fill and or retaining walls. It also allows greater opportunity to save vegetation along the rear property line buffering the residential use from the industrial use both for a future homeowner and the streetscape. This approach was most recently used just last month on Weybossett Street for a similar effort. Another benefit is to minimize building on unstable wetland soils.

Secondly, establish a conservation easement along a portion of the back property line to further guarantee the long-term commitment to maintain the remaining buffer in recognition for any authorizations given. This technique was also used on the previous application mentioned and others the Commission has considered recently and over the years.

Thirdly, restrict the size of the dwelling footprint to the size proposed or smaller for the future via a deed restriction. This technique also has been used several times to further the Commission goals. While the above measures have certain benefits, there are drawbacks as well. However, if the goal is to provide use of a property, per today's standards would not likely be considered as a viable lot, then these efforts may be fruitful. Ultimately, this lot has existed over multiple decades and without relief from the municipal regulations, it becomes extremely limited for residential development.

A final option though doubtful it has been explored yet would be to market the parcel to the owner of the industrial land west and north to expand the use as a buffer between the Long Hill Avenue residential uses and the industrial Forest Parkway uses.

Commission Beattie questioned the footprint on this building as well as the Conservation Easement. Mr. Nesteriak responded a 26x40 and that the Conservation Easement is highlighted in yellow but can be changed.

Commissioner Hayes questioned whether there would be signs posted. Mr. Nesteriak responded yes and questioned how many signs would the Commission like to see. John Cook responded that he uses them for delineating protection areas for wetlands. On the type of configuration that is presently shown there should be 3 or 4 signs posted; 1 at each tangent. I would recommend a maximum of 4.

Mr. Nesteriak continued that a point he wanted to reiterate is that the green highlight is plantings for buffers. There are Rhododendrons, Red Maples.

Commissioner Beattie asked where the elevation of the driveway is. Mr. Nesteriak responded that it is a 2 to 1 slope over here and only going up about 3 feet along the drop. All we're really doing is getting high enough to cover the pipes.

Chairman Zahornasky asked if there was anyone from the public that wished to address the Commission.

Donald Sosenko
248 Long Hill Cross Road

When I was a kid we used to play football and baseball in that field. There really was no water. The only thing is that when they reconstructed Long Hill Avenue back in the 60's, that drain that goes on the property there, they opened up Shellview Estates which is Sharon Drive now and a lot of water came down from that way, into the property it also floods our backyard afterwards. I think I was here last time and I showed some pictures of the area of what came into our backyard with heavy water coming down during heavy floods. I'd like to pass them around again. This is coming down into our property. When it does rain, it does rain quite heavily and it comes off the road of Long Hill Avenue and Sharon Drive. If something could be done about that drain that goes on that property it would be a great help.

Mr. Nesteriak responded, the only thing that we could possibly do is pipe it somewhere. The only place that we could pipe it would be on Scinto's property and we'd have to fill additional wetlands in order to do that.

Mr. Sosenko questioned if they could go on City property along the side there on the road? Mr. Nesteriak responded that you would eventually be discharging into someone else's property. Unless you have a larger area that you could detain it and then discharge it.

John Cook stated that as a topic of discussion, what would happen if where the head wall is on the City right of way and not discharge it across the driveway onto the Scinto property, but discharge it to the upper end of the wetland in this location which would be near the cross culverts. In essence you're trying to maximize, the water is going to go wherever it finds easiest to go. I'm not sure if that would be considered a discharge onto Scinto's property or just of changing the discharge to get it into that head area. Mr. Nesteriak responded, if you're pushing it into this area, you're ultimately discharging into someone's property.

Mr. Sosenko responded, yes as you can see in the pictures it shows there is quite a bit of water that comes down. Mr. Nesteriak interjected that in smaller storms you don't see that. I would have to be about 3 to 3 1/2 feet to get over this. I don't doubt that there is some flooding

Inaudible – everyone speaking at a once.

Chairman Zahornasky asked whether there was a way to go further to the right. Mr. Nesteriak responded that the only problem is that this is the lowest point. So if you discharge it over here it will still work its way back over here. It only gets to here when this whole area fills up and then finally spills over. So unless you would be looking for a watercourse, a dug watercourse through the wetlands, you're pushing the water into someone else's land. Chairman Zahornasky asked about a detention area. Mr. Nesteriak responded there is no room. You could create a detention pond, but you would be removing pretty much all of the wetlands. The area that this drains to, and it's a pretty large area, it would be a much larger project. Passing that responsibility to a homeowner, which isn't necessarily their responsibility, is not feasible. The grades are the same it is only going to be driven by the elevation of the water to where it goes, right now it has two places to go, towards Scinto and towards his property and there is a watercourse starting somewhere over here.

John Cook stated that the only thing he has in his suggestions and it may not be measurable, is having it discharged closer to the cross culvert since that strip separating these two particular pieces, on one argument you can say they are on the same wetlands because the band of couplings is so narrow between the two, but there is a slight rise of 3.93 down to basically 3.87. If it was discharging there, there would be more physical land for it to be absorbed into the ground before it continued on. Now during the field walk it was quite dry, when visited in February. Probably the most significant portions are in the spring runoffs. Mr. Cook asked that this ponding here, where is it? Mr. Sosenko responded behind 497, its 2 houses down. Mr. Nesteriak added, the site is about 1000 feet from the cross roads. It's a larger problem because of that storm drain, it comes off this road.

Inaudible – everyone speaking at once.

Mr. Sosenko continued, by the two proposals I see, either connecting it, pipe there down to the catch basin pipe it down that way, the City should do that really, that shouldn't be the homeowner I agree with you, and the other would be to connect it to the back where Scinto is, because he has a drain right in the back there. The driveway in the back is about 6 feet lower than what you're on. Mr. Nesteriak responded I'm sure Scinto had detentions and entire storm drains, so if you dump in more water into that system it may not be suited for that. I'm not saying it couldn't be done but it would require a much larger analysis.

Chairman Zahornasky asked what the elevation of the storm drain to the left? Mr. Nesteriak responded this side is filled, this side is filled. The lowest point is right in this area where the wetland plants are and there is a low spot, around this property line. That eventually goes into where he is talking about. So as this area fills up, it floods this property and will also work its way up to this property. You're talking about a matter of a couple of feet between the lower spot and the higher spot. I would say you get about 2 to 2 1/2 feet of ponding here before it starts shooting off.

Mr. Sosenko stated that the lot there was divided before there was a wetland commission. This was done in I believe 1948 so it was an existing lot. Chairman Zahornasky stated that the City Engineer's report stated that he listed five items and four of them concern the foundation. John Cook continued, what I was trying to elaborate on was well within the realm of this commission to insist on it if they allow the filling to instill a condition that it minimize a future problem or minimize the City's liability because it has come back in the form of litigation and the question comes up how did this get approved? So right off the bat if there weren't measures to help minimize a settlement, whether it was on the builders shoulders or not, it still comes back to haunt the town and the future landowners.

Chairman Zahornasky stated we're not engineers; we're not builders we deal with the wetlands. Commissioner Hayes asked when the purchase of this property was. Mr. Nesteriak answered it was owned by her father from 1901. Commissioner Hayes continued, wetlands were not an issue, now it is a protocol. Mr. Nesteriak stated that I remember talking about the wetland, which don't forget we did extensive biological analysis. There were some differences regarding the scale of that but it did show that this low quality wetland so that's why we're saying it is a low impact development. The foundation settlement, that's a structural issue.

Chairman Zahornasky continued, the City Engineer stated that the site plan will work with minor revisions, can't go by just the City Engineer, we need to protect the wetlands. We need to be consistent on the wetlands. We've allowed some encroachments on wetlands and buffers. I think the main thing here is the foundation. Commissioner Beattie stated that is we allow this could there be deed restrictions placed to state that no additions to the house be made. Mr. Nesteriak stated that we wouldn't be adverse to that but any way they would have to come back in front of the wetlands commission for that. John Cook stated in the past where there were some very challenging, sometime pre-existing lots or parcels that were combined to make some lots, in addition to having a Conservation Easement to restrict future building, so that even if the board changes that easement is in place to preserve the intent at the time that the approval was granted, they actually went further where the footprint of the house was recorded in the land records and it says that footprint would not be expanded. Taking out of the realm of what you see is what you get. An example is Fort Hill Avenue and Mohegan Road which I referenced in my report and those are part of commission's record as a way of something not coming back as we'll do a 26x40 footprint house now, next year we're going to add a 20 feet addition and then next year we're going to add another 15 feet. Piece by piece they are not much, but accumulative it's more substantial. That's what I was talking about in c, the Conservation Easement on a regulated area but also a deed restriction which would prohibit expansion. Mr. Nesteriak stated we wouldn't be adverse to it. Commissioner Beattie stated that she would suggest the wording that John has that it be recorded into the land records so that there would be no misunderstanding whenever the board might change and not be here.

Commissioner Beattie motioned that the wording regarding the footprint of the house be recorded in the land records and restrictions that it cannot be increased at any time in the future as well as a Structural Engineers report be submitted. Commissioner Goncalves seconded the motion.

A voice vote was taken; motion passed unanimously.

Commissioner Beattie motioned to deny the fee of the waiver. Commissioner Hayes seconded the motion.

A voice vote was taken; motion passed unanimously.

2. PERMIT-APPLICATION #08-16, LONG HILL CROSS ROAD LLC – LONG HILL CROSS ROAD. Proposal to construct two industrial buildings within regulated buffer and discharge to regulated area.

Michael Salemme
Long Hill Cross Roads LLC

I'm Mike Salemme, managing member of Long Hill Cross Road LLC. Unfortunately my attorney or the engineer won't be making it tonight so I'll do the best I can for you.

John Cook comments:

WCEO REPORT

August 14, 2008

PERMIT-APPLICATION #08-16, LONG HILL CROSS ROAD ASSOCIATES – LONG HILL CROSS ROAD

STATUS: 1. Application received July 10, 2008.
2. 65-day clock to decide action or schedule public hearing expires Sept. 13, 2008.

PLANS: LONG HILL CROSS ROAD, LLC.

Site Development Plan 8/22/07 revised 6/26/08

COMMENTS: This application was "received" at the July meeting. It is submitted as a new application on a site that previously had a single building approved in 1992. That building was approximately 8,000 square feet and the permit extension expired in 2002. The present plan proposes two buildings of approximately 17,200 square feet and construction closer to the regulated area. Parking in the prior plan was approximately 55 spaces and the present plan is 30 spaces not counting five loading/overflow spaces.

The impervious coverage is slightly less with the present plan at 23% versus 25% before. The plan proposes sheet flow with no curbing. The difficulty with the approach is that unless the paved area is perfectly level the sheet flow will concentrate at a point and ultimately lead to erosion on the current fill slope. In addition, uses of the property envisioned are contractor rental. This could include landscapers, snowplow removal, roofing, driveway sealing etc. The nature of these businesses involves solvents, fluids, and other potential contaminants. For this reason the applicant should use a water quality control structure and catch basin to minimize potential contamination.

Also to note is this plan, beside more aggressive in total building area is the proximity of the buildings and pavement is significantly closer to the regulated area. The 1992 plan provided 25', 25', 30', and 25' of separation from the resource while the current plan is 20', 5', 15', and 5' along similar sections. Regarding cross sections the single cross section details curbing while the plan shows and states in print no curbing. This inconsistently needs correction.

Lastly, the 1992 approval required a development of a landscaping plan. However, they never developed a landscape plan, as the project never went forward. It is not known whether it did not go forward because of P&Z action or market conditions. However, the closeness of the buildings and paving limits the development of a landscape plan that could provide substantial buffering or for that matter a snow shelf.

Staff suggests the applicant reduce the size of the building(s) to more closely respect the approval granted by the Commission previously and thereby provide ample space to develop the landscape plan should the project pass muster with P&Z.

Any roof-drain riprap aprons should provide a detail to show the discharge at wetland grade and not on the slope.

Chairman Zahornasky stated that this is the application before us. This is the one we're going to vote on and act upon. Commissioner Beattie asked if they have doubled the water control. John Cook responded they have eliminated it. There is no water quality control. Commissioner Beattie suggested that there should be some research into that. Chairman Zahornasky stated that without his staff tonight, at this point suggestions from the Board and the public he can go back. Commissioner Beattie stated that she thinks they need to have more information on the water quality control. The quality of the water into the property should be researched. Chairman Zahornasky asked if the City Engineer had responded to this. John Cook stated no. There weren't any drainage computations generated. This particular wetland system is very extensive. This is Long Hill Cross Roads, it's about 2000 feet in length and as it heads towards Laurel Wood Drive, then it gets narrow and it starts to drop in grade towards the Far Mill Rover, but the area behind Long Hill School, there are several former farms, some of which the City has acquitted, so there is an extensive wetland system both in length and in width. Commissioner Hayes state that with all the impervious area, we have sheet proposed, no grade structures, just roof drains. John Cook stated correct. Commissioner Beattie added this is going to be a commercial area where there are going to be trucks carrying whatever, plus all of the oil and so forth. The landscaping needs to be developed too. Where is the entrance into this property regarding Long Hill Avenue? Mr. Salemme responded, there are two buildings as you come down Long Hill Cross Roads from Long Hill. The first commercial building on your right, I would say it is somewhere towards the end of that building, commercial building here and commercial building here. The opening is pretty much in the center, there's one entrance into those two buildings similar to this one, pretty much directly across.

Chairman Zahornasky stated that the thing that I'm concerned about is the closeness of the second building, I'm a little concerned about the closeness to the edge there, also I think that the landscaping plan would be good because if you're dealing with landscapers or what not, stuff is going to go over that edge. It's unavoidable; I don't care what you say. Again, everything is going to get dumped into and off the edge and into the wetlands. Even if you could notch out that building like you did the other building, or eliminate one bay and get it a little bit more away from the wetlands and if we can get some kind of landscaping plan so we could have a snow shelf or shrubs, so we don't end up with a constant violation.

Mr. Salemme stated that as of now I will make a proposal not to allow any landscapers for the record. Chairman Zahornasky stated if you could develop something along there that will protect it from a snow plow or anything. You're right on the edge. That's some of my comments. Anyone from the public about this proposal?

Karen Platt
253 Long Hill Cross Roads

I live at 253 it's that small square. My first concern is obviously I oppose this development 100% because it's my next door neighbor. My concern primarily is that a lot of it is zoning and I know you're not here to discuss zoning, so I'll keep it to what is pertinent to you and that is the roof drain off of the proposed contractors garage is going to be draining into the backyard where my kids play. If you have contractors hosing down their equipment, that gully leads into my backyard. It is a sense of wetlands back there as Mr. Cook said. We have a creek on our side of the property on the right, to the right of my house that follows the length of my property and cuts across the back. It's a little bit of a bleeding heart to say it like this but it's an enormous habitat back there, plant life and wildlife, that the wetlands are currently supporting. It's a science lesson everyday for my family. It's a wonderful environment. During the Planning and Zoning it was questioned why would someone buy property there? We bought it because it was R1, surrounded by R1 with wetlands and conservation space behind us. Why wouldn't we buy there? Our wetlands concerns are the drainage, the lack of any detailed buffer development between our property and that property, and their development and the wetland. In an ideal world that second building wouldn't exist at all. It would be left alone as R1. Given hypothetically, if we're talking about this plan, I think it's too close to the wetlands; it's too close to my property, it's too close to the road. I'm very concerned as you said about containments. You've got oil and gas and everything, potentially if you have a private flooring contractor renting space, you've got increased traffic from deliveries being made to the site. I don't care for it at all. I don't know what else to say because I don't know the lingo of this commission other than the drainage. I won't occupy you with the Planning and Zoning problems I have. Thank you.

Chairman Zahornasky stated to Mr. Salemme without staff here you have a pretty good idea what we're looking for and with the comments here tonight. John Cook stated I called the office and even though you don't have your team here, the benefit is that there could be a dialogue and views can be expressed so that during the course from now to the September meeting that there is going to be some changes or things to address. Chairman Zahornasky stated we have to give him guidance on what to address. Landscaping, possibly pulling the buildings back and reducing the size. Mr. Salemme stated that when you put the building size that works and you hope to get close to that. So to come back and change it is obviously not a problem with me, this is a plan that we worked with the town for years to try to come up with something. There were many different proposals just by work sessions with Planning and Zoning, Tony Panico. Just to give you a bit of history, it did take a long time to come up with this plan and I realize that there are some serious concerns here and I don't have a problem with shortening this building if that is what it comes to. We originally showed John a building that was bigger here, we cut that back. Doing the same here wouldn't be a problem, creating a buffer from the zone wouldn't be a bigger problem. Chairman Zahornasky added and a water treatment, that was a major concern.

Commissioner Beattie stated, you have a homeowner on this side, what do you have on the other side? Mr. Salemme stated it was Anco Engineering, it's a commercial building. Chairman Zahornasky asked if the property was zoned for this use. Mr. Salemme stated that this property is a unique piece because the LIP zone runs right about here. It's a transitional piece. It was a problem to start with and the reason why we had so many meetings with the town was that they wanted to know what we would do with that transitional piece was good for everyone. That's what we wanted to come up with. Chairman Zahornasky asked if it was PDD for the whole thing. Mr. Salemme responded that instead of having partial LIP and partial R1, it's a PDD, a total PDD.

END SIDE A, TAPE 1

Ingrid Waters
261 Long Hill Cross Road

We live next to Karen Platt. My husband and I agree with everything Karen said. We bought our home from Michael Salemme's brother, Al Salemme who built it. When we inquired, we were given maps and we have the map in our possession. When we purchased our home from Al Salemme, who also built it, we were given a map which shows that next to the Platt property, past the opening, there is predominantly R1. I cannot see how all of a sudden the City of Shelton tells Mr. Michael Salemme that the best solution for this R1 land would be putting on 2 structures. I just wanted to come to the point that we are unhappy and obviously upset plus I am not an Inland Wetland expert. What disturbs us are the garages. Mr. Michael Salemme can build on the other side. We have no problem with that. It is designated for that. However, the garages are a disturbance to the area. Furthermore, the trucks and materials that go on there which is yet to be defined and I'm sure it's

going to be a noisy activity there is going to be a disturbance to us homeowners, I find utterly upsetting. The trucks will be diesel, they spill oil, and there will be other accidents. There will be runoff to the wetlands and into Shelton's protected land and eventually it will end up spoiling the wetlands. I cannot see how under the best of circumstances this can be permitted. We are not against progress, we are not against commerce but it has to be within reason and with respect to the existing neighbors and homeowners and it has to fit into the landscape. I find this remarkable. If you want to put up a garden shed you have to get permission. It has to be put in a certain spot that is away from the wetlands not near the wetlands. The same goes for a pool, or whatever garden structure you wish to put on into that corner. That's ok; otherwise anyone could build what he or she pleases. However, if a developer comes along and wants to put up 5 or 6 garages, that doesn't appear to be a problem with the Inland Wetland Commissions, I object to that and I would like you to be very fair to all concerned and take into the consideration that I believe your task is to protect the wetlands. I thank you.

Mr. Salemme stated that he would like to address the Commission. For the record, this land, like I stated earlier is unique. The LIP line comes in, cuts across like this and then cuts through. I understand their concern. I'm not trying to shove something down their throats that I wouldn't want in my area. I want to make this thing work for everyone. It's very unique in that respect. The line comes in and for whatever reason, cuts down the center of the road. Commissioner Beattie asked, however you knew that when you bought it? Mr. Salemme answered absolutely. At the time 20 years ago, I didn't have a master plan for this. I knew that I didn't want to build homes directly across from a building. I didn't know what I wanted to do. I wasn't trying to be devious or sneak something in. I had the land for many years; I just want to do the best to make this property work.

Donald Sosenko
248 Long Hill Cross Roads

You guys covered most of my concerns regarding the wetlands; I'm not going to repeat myself. The only thing I'm concerned with I live directly across the street, which you don't show. I'd like you to show that on your proposal.

Chairman Zahornasky asked for what reason? Mr. Sosenko answered, well to show how close, my house is directly across the street from this. Mr. Salemme stated he's not showing the commercial building either. Chairman Zahornasky stated that he cannot require the applicant to redo a map to show your house. Mr. Sosenko continued the reason is my house is directly across the street and this proposal is 20 feet, 15 feet from Long Hill Cross Roads. My house is right across the street and my house is 20 feet from Long Hill Cross Roads. It's very very close to this building. I want this to be taken into consideration too. You don't show that house. The zone line is a little more over this way. Mr. Salemme responded I could show it but I don't show the buildings either. Chairman Zahornasky interjected; this is not an issue for the wetlands. I can't force the applicant to do that. Mr. Sosenko responded, I understand that but I just want you to know how close I am and also the wetlands and all.

Inaudible – everyone speaking at once.

Commissioner Beattie stated that traffic would bother me more than the wetlands. Chairman Zahornasky stated that the applicant has enough information regarding what this commission is looking forward. Bring it back to your staff see what you can come up with and see you at the next meeting.

III-C NEW BUSINESS

1. Revision-Application #08-19 R04-26, A&A BROTHERS, INC. – 145 RIVERDALE AVENUE. After-the-fact proposal to expand grading work beyond limits of original site plan retaining wall construction for grading within Housatonic River setback.

Alan Shephard
Nowakowski O'Bymachow Kane Assoc.

This is the parcel, right on the Housatonic River, that's underneath the Route 8 corridor bridge, right on Riverdell Avenue. This is a small piece owned by Oates Brothers from years ago. The Oates Brothers bought it; we came in for a proposal of a small building. We have an associated parking lot, they got a permit for that but what happened is they started construction of a wall; which I had a partial wall on the original plan and they actually put that along the back where we had some filling in the back of the building which triggered the violation from the original plan.

Chairman Zahornasky asked in the original plan, you say you had to bring up the grade, was there any measurement to how far up? Mr. Shephard responded to 14 feet and 12 feet on back here; so we were planning to bring that up. In all fairness to the contractor, even though there isn't an engineer, what he did is not bad from an engineering point of view; I don't condone not getting permits, but what he did was using common sense, so I can't say it's necessarily bad. The Housatonic River bends down around here, we've had walls on the other side of the slab that has a wall, if we had a partial wall on a fill area, when we did have

flooding conditions, it is better to have one continuous wall, then it will cause more erosion. If they ever continue the River Walk, then obviously there will be more walls underneath the bridge there, having one continuous wall is better, and what the contractor was going to do, he stopped and as you can see at elevation 12, you have elevation 10 here, elevation 6 here because he stopped. What he was planning to do, for discussion only, elevation 12 was already permitted for, elevation 10 in the middle, and 12 up here. So if we did have flood conditions it would come into the property, go up to elevation 10 and then start flooding into the property. But then the low point in the middle would allow the water back to wash out. So we had put some thought into it. I'd rather him have come into the office, but he did something good as what we would have wanted. We wouldn't want the water to backwash around; he was making a weir in the middle of the wall there. Which is what we do, I mean we had water basin there and that is what a water quality basin would do, would settle there, take that flow and then overflow into the river. So what he's doing is, the procedural part is correct but from a technical point of view, I would agree in what they're doing.

Chairman Zahornasky stated that he exceeded his permit, but the work he did, you're saying was up to standard. Mr. Shephard responded yes. I wish he had come into the office and we approached you ahead of time, but there was some logic as to what he was doing. Chairman Zahornasky stated he would like to hear John Cook's comments.

John Cook comments:

WCEO REPORT

August 14, 2008

REVISION-APPLICATION #08-19 R04-26, A&A PROPERTY – RIVERDALE AVENUE

STATUS: 1. New application.
2. 65-day clock to decide action or schedule public hearing expires Oct. 18, 2008.

PLANS: A&A BROTHERS – 145 RIVERDALE AVENUE

Site Plan April 28, 2004 Revised 7/11/08

COMMENTS: This new application to revise the site plan on the aforementioned parcel is after the fact as the expansion of grading work has already commenced. P&Z has not authorized the construction of a building as yet however the owners secured grading authorization. In the course of doing that grading, a retaining wall was also constructed along the Housatonic River. The work was stopped once discovered the grading was exceeding that permitted by the IWC. The property owner immediately complied and they were directed to apply for the additional activity.

The reference permit is #04-26. The 2004 permit expanded on the regulated activities associated with original owner permit issued as #99-20. In 2004, the landscaping plan was to have been enhanced with additional materials for the added regulated activities over the 1999 plan. That landscaping is yet to be designed. The other components of the site work are to remain the same. These include a future building as well as biofilter. The present Existing Condition/Restoration Plan proposes trees (8 5'tall evergreens) along Riverdale Avenue. However, in 2004, the office requested plans to reflect the additional activity along the river and the most recent expansion is along the river.

While staff photos show the wall in the river, we expect the applicant's surveyor to testify that the property line and historic bulkhead are in fact further out than the wall. The present and past owners used the property for various industrial/storage activities over the years and to varying intensity of

activity. That stated there was an abundance of "pioneer" species along the river edge as compared to a mature tree riverfront.

Staff recommends that the Commission require the supplemental landscaping for the 2004 regulated activity expansion and the present expanded work focus the effort along the riverfront proper versus Riverdale Avenue.

Commissioner Beattie asked what the plan is now. Mr. Shephard stated that someday, they had plans to put up a building. Someday they may do that, but due to the economy and other issues, so right now they just want to get the sight prepared. Commissioner Beattie asked what I'm looking at is your parking, is that where the buses are? Mr. Shephard responded no, that's down there. Right now they do have some contractor equipment parked there. Commissioner Beattie asked long term or in and out? Mr. Shephard responded it's

probably most productive use of the property until they put up the building so I couldn't promise you when they would be out of there. Chairman Zahornasky stated that I think we should go by staff's recommendations regarding those supplemental plantings as required in 2004 with the expanded work and focus along the riverfront. Some of the other walls, that have been constructed along the river primarily along Indian Wells, do we need someone to sign off on the construction of the wall, we're basically saying that the wall is approved, but I think we've also asked that we have an engineer sign off on the actual construction of the wall or subject to the City Engineer's approval. I'm just trying to stay consistent, we're required it in other places where walls have been constructed along the Housatonic, I think we need consistency. Mr. Shephard stated that once we've decided the fate of the wall we could put the water quality basins in, just now we need to know what we're doing with the wall.

Inaudible – everyone speaking at once.

John Cook stated that with the statements as far as having a plan for the wall and recognizing that he made a statement that right now the building that is shown on the plan may be some extended period of time before it goes in, wouldn't it be wise to basically submit a site plan that reflects the grading and how it's going to be worked with the immediate future, which may turn out to be a longer future. Mr. Shephard replied, I agree with John, once we know the fate of the wall then I can say yes let's do that, I'll configure the water quality basin and put the plan for the plants and then we're set for the time being, in getting it resolved for a long-term temporary timeframe.

Inaudible – everyone speaking at once.

Commissioner Beattie stated that I'm concerned about the river front and the plantings. It should be put in now so that in his long-term interim we will have something out there when they do decide to do something. Chairman Zahornasky asked the commission, this is under New Business, would you like to see the landscaping plan at the next meeting? The commission agreed they would.

2. PERMIT-APPLICATION #08-20, MEADOW VIEW PDD#68 – 122 BUDDINGTON ROAD. Proposal to create a 6-lot PDD development involving fill to a regulated area and disturbance within upland areas adjacent to regulated areas.

Attorney Ian Cole
Cohen & Thomas

I'm going to very brief then I will turn it over to Jim Rotondo. This is your review of a plan review district at 122 Buddington Road. I have reviewed this as Mr. Cook cited about 2 years ago. I believe that plan required a couple of variances which Mr. Rotondo can explain, this property qualified for a PDD to the north and PDD to the south, the commission rendered proof of PDD for 6 lots subdivision, 1 house there and the barn is going to be removed. There's a wetland crossing, the crossing in the PDD is going to be the same, although I believe the culvert is going to have to be lengthened slightly. I have some pictures you might be interested in, it's exhibit A, the view from the west towards the wall, I drew the lines in there so you have an idea of exactly what this looks like. I just pulled that off the internet, and exhibit B is another photograph from the Wal-Mart area looking west so you have a good idea what the outline of the property is. The 4 buildings are going to be towards the Wal-Mart area and the road is going to go along what is shown as the existing. Now I turn it over to Jim Rotondo.

Jim Rotondo
Rotondo Engineering

As Attorney Cole had indicated, this property had been proposed to you a couple of years back. We were applying for a 3-lot subdivision, we came through the Inland Wetlands and activities relating to that were approved, however we did require several variances dealing with lot frontage, minimum square size within the lot, which we could not obtain from the ZBA. At that point, the Ferrells based on discussions with Attorney Thomas decided to go forward with a PDD. Just to take a step back and familiarize you with the property itself, it's located on Buddington Road, in between Heritage Point which is located to the south and Buddington Park to the north, the parcel is about 3.35 acres in size, it grades down from Buddington Road downwards to a sloping area, in the center of the site it levels off and then basically it slopes up a little towards the rear of the site, it's not as steep as the front. There are 2 wetland areas on site, a larger one in the center here, which is approximately 14,600 square feet in size and second which runs along the southerly property line, this is adjacent to a wetland area which is on the Heritage Point project. On the property line there is a small pond, it kind of outlets into a channel where it drains water from the Ferrell property along with the wetlands of the Heritage Point, down underneath the roadway and down towards Bridgeport Avenue. The proposal for the project is the construction of 6 single-family residential dwellings. 2 dwellings will be adjacent to Buddington Road, with 4 dwellings located along the easterly property in the rear of the site. Just below this is Wal-Mart and the Wal-Mart parking lot. To access the lots in the back, we need to construct a roadway. In the previous application, because we had 2 lots in the back, we were proposing a driveway which had less stringent design criteria than the roadway here. So what's happening with the roadway is we can't slope it as steep as the driveway, creating additional grading within the upland review area of the wetlands. With the driveway

situation, we were able to come down steeper, we did have similar grading activities in this area, but as we got down to the bottom of the roadway, we were essentially on grade with the previous application. With this application here, because of the large roadway and so forth, we are proposing some additional drainage including a detention basin. Storm water will be collected along with the roadway and also with the impervious roof areas will be directed into this detention basin. This is one of the grading areas adjacent to the wetland in the upland review area that we are requesting permission as to construct this part of the application. Essentially in the previous application this was to remain as it was. This area through here is essentially a maintained lawn area. Historically Mrs. Ferrell's father had gardened this area. It's a lawn area; the soil is flagged by Roy Shook and Associates. It's a man-made type of soil but it does have a wetland to it. The lots in the back will be served by municipal water and sewer; there will be no septic systems on the property. The detention basin has been designed to provide a 0 increase in runoff from the 2 year to 100 year storm events. Water will be collected in there; it will be outletted through a control structure which will reduce the flow from the basin into the existing channel. One of the other impacts we have here is the filling of the regulated area, is an area of wetlands which is essentially the existing channel. It's about 25 feet in length, about 5-6 feet in width and the reason for that is the increase width of the roadway, after the installation of a new culvert under that roadway. So the two new activities that we're asking permission for here is the increase of the grading activity in the upland regulated area and also the filling of the wetland for that culvert extension.

Chairman Hayes questioned if the City Engineer endorses this. Mr. Rotondo asked if the City Engineer issued a new report. Mr. Cook stated that yes it was received this afternoon. It is attached in the Commissioners' packets. Mr. Rotondo stated just to finish off my presentation we have also prepared an erosion and sedimentation control plan with the application.

John Cook comments and City Engineer Report:

WCEO REPORT

August 14, 2008

PERMIT-APPLICATION #08-20 MEADOW VIEW PDD#68 – 122 BUDDINGTON ROAD

STATUS: 1. New application.
2. 65-day clock to decide action or schedule public hearing expires Oct. 18, 2008.

PLANS: MEADOW VIEW

Cover Sheet	7.31.08
Site Plan SP-1	10.02.07 Rev. 7.31.08
Grading & Utility Plan SP-2	10.02.07 Rev. 7.31.08
Erosion & Sedimentation Control Plan SP-3	7.31.08
Erosion & Sedimentation Control Notes SP-4	10.02.07 Rev. 7.31.08
Details SP-5	10.02.07 Rev. 7.31.08
Details SP-6	7.31.08
John's Ridge Plan & Profile	no drawing date Rev. 7.31.08

COMMENTS: This is a new application on a site that received approval for a 3-lot subdivision in 2006. Reference #06-25, Farrell Subdivision. The new application is for a 6-unit PDD development. Because of the greater impervious surfaces, the applicant engineer has designed a detention basin. This work along with road construction increases the regulated activity beyond that approved with the 3-lot subdivision.

The plan package and computations were forwarded to the office of the City Engineer for review. The application and materials appear to be in order and are under review.

The only recommendation at this time is to consider the possibility of developing a landscape plan for the detention basin or the adjacent grassed wetland areas. While the proposed basin area delineates as a non-wetland the soils report states the typical underlying soil was a poorly or very poorly drained soil with a water table 1.5 to 4 feet. The plan proposes a pond excavation to a depth of approximately 3 feet. The adjacent Buddington Park development developed and maintained extensive landscape efforts in and adjacent to the regulated areas to create a "wetland garden". With this more intensive development, an excellent opportunity exists to enhance and/or restore functional value to remaining regulated area or adjacent non-wetland area.



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

#08-20

Robert F. Kulacz, P.E.
City Engineer

Rimas J. Balsys
Assistant City Engineer

August 14, 2008

John R. Cook
Wetlands Coordinator
City of Shelton
54 Hill Street
Shelton, CT 06484-3207



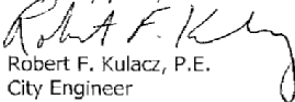
Re: Meadow View Cluster Housing, 122 Buddington Road;
1) Drawings DAM-1 & DAM-2 dated 10/2/07, revised 7/31/08
2) Stormwater Management Report dated January 2008

Dear Mr. Cook:

This office has reviewed the above referenced proposal from a stormwater management perspective and found the drainage plan to be sound. The proposed stormwater detention basin reduces or maintains the post construction runoff rates when compared to the current pre-construction conditions.

This project is a private development and the basin will be maintained by the association and not the City. The Commission should require four-foot sumps for all catch basin structures.

Very truly yours,


Robert F. Kulacz, P.E.
City Engineer

CC: Richard D. Schultz, Planning & Zoning Administrator
File:

Chairman Zahornasky stated that one thing that caught my eye was when he said the underlying soil water table from 1 ½ to 4 feet, and they're excavating it down to 3 feet. Was that involved in any of your calculations, in other words is the detention area now undersized because suppose you're going to take it down to 3 feet and hit water at 1 ½ feet, well now you're going to reduce your capacity on your detention area by 50%. Mr. Rotondo responded, correct, it is seasonal groundwater but what I wanted to talk to Mr. Ferrell about was we could do some test pits, just to see even if we don't hit groundwater, sees what modeling would be and we could make adjustments. Given what was an afterthought, given the elevations of the wetlands in the vicinity was to over excavate a little bit and that would tie into with the planting plan, which I don't think that the Ferrell's have any issue with doing. It would enhance that area; kind of make it a true wetland. Given the fact that these wetland soils have been over historically used over the years for normal purposes, we could reestablish a type of a wetland in there. Chairman Zahornasky stated, good, and then your point of discharge can be shifted one way or another and more of a bio-filter before it gets to under the road. You could use the wetland to filter anything that might get into there.

Commissioner Hayes asked where the buffer line is. Mr. Rotondo replied that because of the wetlands here and the wetlands here, this yellow highlighted line and this one here, the red line is the actual wetland line. All the lots are outside of the upland area. Commissioner Beattie questioned the construction overlooking Wal-Mart, is there an elevation drop at that point? Mr. Rotondo replied between here and Wal-Mart, yes. Once you get beyond the property line, if you're in the Wal-Mart parking lot and you see that ledge face, if you look you could see the houses from Heritage Point, directly to the left would be this property line, the houses would probably be about I'd say about 56-60 feet from that area. Commissioner Beattie stated that I was wondering

about washing down and freezing over in the winter time and causing problems with water. Mr. Rotondo responded that as far as what would be draining in that direction would be essentially what is draining there today. All the roof drains, as our road comes down it has a low point in this area, so the profile of the roadway starts coming back up into this cul-de-sac. So all this road drainage will drain to the detention basin, along with catching all the roof drains. We're essentially taking all that water and putting into our detention basin. So anything that would drain off the back of the site after development would be less than what is there today. The drainage divide comes up through the center of this area and the existing condition, so we're taking a portion of that and bringing it down to the detention basin. So we wouldn't be creating any point discharge by roof draining or so forth. Commissioner Beattie asked and the mobile homes? Mr. Rotondo responded the mobile homes are actually well down in this area. This area right here is the Wal-Mart parking lot.

Chairman Zahornasky stated ok, if you could work on the detention area and address those issues, see if you can't come back with a more detailed landscaping plan, as far as the houses I don't see any problems. Come back next meeting with that and we could look at that. Thank you.

III-D OTHER BUSINESS

1. Open & Ongoing

- a. Dimarco Property – 11 Holly Lane VIOLATION – RESTORATION PLANTING – received email from applicant, John was at site and took some pictures, counted 17 of the 27 trees he planted, but there are a few sprouts from the stumps that were cut. He is short on the tree count, but those other ones if given time will grow. The site is stabilized vegetation wise. Suggestion to have Commissioner Szkola go visit the site with John Cook to verify the applicant has complied with the Commission's process.
- b. Fortin Property – 220 Soundview Avenue VIOLATION – RESTORATION PLAN – John Cook has sent letters, applicant has retained a local surveyor to put plan together. Package to be submitted in September.
- c. Mauretti Property – 324 Meadow Street VIOLATION – RESTORATION PLAN - responded to letter sent, landscaper to contact wetlands, per Commission plan to be submitted prior to September meeting.
- d. Gates Property – 24 Hunters Ridge Road VIOLATION – MATERIAL REMOVAL – responded to letter, agreed to remove concrete slabs, has yet to do that. As of 8-13, applicant wishes to apply for work. It will be an application-after-the-fact and will be submitted by September meeting.
- e. Barrozo Property – 23 Mimosa Lane VIOLATION – RESTORATION PLAN – applicant responded, was meeting with local surveyor to finalize package. Have ready for September meeting.

END SIDE B, TAPE 1

- f. Pytko Property 12 Byron Place VIOLATION – Investigation ongoing – expect application by September meeting.
- g. Perry Property – 34 Sharon Drive Investigation ongoing – mass filling without permit. No determination of encroaching. This involved the Tennessee Gas Line, there is no encroachment to gas line. There is significant grading. Some old material is pre-dating Commissions' regulations. Investigation ongoing.
- h. Monteiro Property – 120 Thompson Street Investigation ongoing – allegations of filling in area. Have not verified as of yet. Investigation continuing.

2. Buffer-Application #08-18, COSTANZO PROPERTY – 11 Cathy Drive. Proposal to construct aboveground swimming pool and deck within regulated upland area. – this application was for a 24' above ground pool with small deck. The house was built in 1980, there was existing lawn space, according to our records, there was no house there, the map shows the wetlands come all the way to the street. Suggestion to homeowner was to get a soil scientist to verify wetlands on property. Applicant did so, plans were put together with where the wetlands were and the existing lawn area. The deck is a 6x8 deck and is directly adjacent to the house. John Cook approved, permit issued.

IV. MINUTES

June 12, 2008

Commissioner Beattie motioned to approve minutes of June 12, 2008 with the following revision:

June 12, 2008 Minutes, page 8, 1st paragraph, second to last sentence reads:

Per John Cook, if it's a paved driveway you could go to 15% which eliminates your sideline grading.

Should read:

Per John Cook, if it's a paved driveway you could go to 15% which eliminates your site line grading.

Commissioner Hayes seconded the motion.

A voice vote was taken; motion passed unanimously.

July 10, 2008

Commissioner Goncalves motioned to approve the minutes of July 10, 2008. Commissioner Beattie seconded the motion.

A voice vote was taken; motion passed unanimously.

V. ADJOURNMENT

Commissioner Hayes motioned to adjourn. Commissioner Beattie seconded the motion.

A voice vote was taken; all were in favor. Motion passed unanimously.

MEETING ADJOURNED at 8:49 PM.

Respectfully submitted,

Sophia V. Belade

Sophia V. Belade
Clerk – Inland Wetlands

2 tapes on file in Town Clerk's office

TAPES ARE AVAILABLE IN THE TOWN CLERK'S OFFICE; ATTACHMENTS MAY NOT BE INCLUDED ON WEBSITE. FULL COPY OF MINUTES IS AVAILABLE IN THE TOWN CLERK'S OFFICE.