

*CITY OF SHELTON
INLAND WETLANDS COMMISSION
REGULAR MEETING MINUTES
Thursday, March 9, 2006, Room 303, 7:00 P.M.*

I. ROLL CALL:

Gary Zahornasky, Vice-Chairman
Charles Wilson, Commissioner
Celeste Beattie, Commissioner
Randy Szkola, Commissioner
Neil Hayes, Commissioner

Absent:

Alvaro DaSilva, Chairman
Norman Santa, Commissioner

Also Present:

John Cook, WCEO
Marianne Chaya, Clerk

II. PLEDGE OF ALLEGIANCE

All in attendance recited the Pledge of Allegiance.

III. BUSINESS MEETING

A. PUBLIC COMMUNICATIONS

None

B. OLD BUSINESS

1. PERMIT #05-34, RIVER RIDGE CONDOMINIUMS – 665 RIVER ROAD. Request for waiver of surcharge fee on application.

Attorney Dominick Thomas, representing the applicant

Mr. Thomas: What I am going to reiterate; and I spoke with my client; and he said he would leave it up to your vote and decide thereafter. The fact of the matter is, my client's only violation was, and he had a lot of reasons for it having gone to the State, but his only violation was not making an application, and therefore and receiving an upland review area permit to take the trees down. Simply because, we submitted for you a detailed 16-page report indicating that there was no impact to the wetlands. Therefore, there was no jurisdiction for this Commission to act anyway, but to simply let him go ahead. One thing I noticed about John; she's talking about the fact that there were multiple meetings. Many of those meetings were for my client to, and I stress this because had he filed a permit, and believe me we have discussed this with everybody; there was no opportunity for this Commission to have denied his permit. The expert evidence was that there was no impact upon the Housatonic River. Therefore, the multiple meetings were devoted towards my client proposing and refining and discussing a remediation that he agreed to do despite the fact that his only technical violation was not filing. This is not a violation of filling wetlands. It was not a violation of disturbing wetlands and it was a pure upland review area, that in fact while you may have had jurisdiction, you cannot have stopped what was done. So, I ask you to vote. I think we paid the basic permit and that is sufficient enough to resolve. We have extracted from my client, above and beyond a remediation plan which is going to be costly to him, and in fact if his choice is simply not to pay it, you'll have to make your decision on what to do thereafter. But, had he made the permit and submitted the Triton Environmental Report, that would have been the end. It would have been a motion to permit to do it. Every tree could have been cut down, including the ones that are still standing. But he leaves it up to your vote.

Commissioner Szkola: I would like to say this. Attorneys in my opinion just assume that, and he said we couldn't deny the permit, he said we could not stop it. We could not stop it if we approved a motion to do stuff. He's assuming a little too much there. You can't go on the basis on an assumption. Whether it was a yes vote or a no vote, I don't think we can base this decision on an assumption. He also said they submitted a report that said there wasn't disturbance in the wetlands and stuff like that. How many reports do we get submitted to this Commission every meeting? That doesn't mean much to me that they submitted a report. It's not much of an argument to me. We take the report into consideration; whether it was right or wrong, and again, just because they submitted a report doesn't mean that what they did was right. I think we have been more than lenient in this case. As in John's report, it has taken a lot of time and resources on the City's part to deal with this. Why should the taxpayer foot the bill for something like this?

Vice-Chairman Zahornasky: I agree with you. Even on the permit it says that you should see if local permits are needed. Very simply, one phone call to the office would have settled the whole matter. The applicant is a contractor who has been a contractor for many years in this town and knows this, and not someone who said they didn't know the system and how things work. You know very well how things work. Just a simple phone call would have alleviated it.

Commissioner Beattie: I think it is irrelevant whether it was intentional or not. It was done. I make a motion that we deny the request because we have been much more lenient. We've had extra meetings, extra costs, and much more time spent on it than should have been.

Commissioner Beattie MOVED to deny the request for a waiver of the surcharge fee. Commissioner Szkola SECONDED the motion. A voice vote was taken and the MOTION PASSED, 4-0-1 (abstaining by Commissioner Hayes).

2. CONCEPT-APPLICATION #05-49, WELL SPRING CORNER – OLD STRATFORD ROAD/FARMILL CROSSING. Preliminary proposal to construct a commercial facility within wetland setbacks, watercourse re-establishment and discharge of stormwater.

Jim Swift – Licensed Professional Engineer, Landscape Architect

Mr. Swift: This application was presented at the last meeting. (The details of the property were presented). There is a discharge that originally was designed when the Far Mill Crossing was built to come down in a riprap channel to the Far Mill River. That discharge has since jumped it's channel embankments and is coming down and washing away quite a few of the embankments and is flowing underneath the Far Mill Crossing bridge. I think it behooves us all to get that fixed and get that flow back in its proper channel.

Commissioner Szkola: Do you know how that occurred?

Mr. Swift: I don't really know. It's so thick with Russian olive down here that until we get in there and clean it out we are not going to really know. When you walk down there you can see it reflected in the topography the riprap and channel formation coming down here but there's nothing in it. Clearly they never intended for this water to discharge down around the abutments of the bridge embankment.

The second part of the process was to take this water and bring it into a V2B10 water treatment chamber, discharge it through a wall to a bio-filtration type of a system built with rock formations and then spill it down to the riprap spillway. We are inside of the 50' buffer to the wetland which is running perpendicular to the Far Mill River. Because of all the Russian Olives in this wetland we would assume this Commission would want us to work hard at bringing this wetland back to some sort of functionality when the actual permit application is filed if we are successful in this application at Planning & Zoning. The 100' buffer to the Far Mill River was pointed out and it was noted it would be respected all the way out to the development area.

At the last meeting we talked about the layout of the building and the Commission asked for an alternative. We took the building and spun it so that the area between the building and the Far Mill River doesn't have the traffic of the vehicles and the traffic of the service areas and things like that. The trash area would be towards the front of the building with an access way to the back of the building. It would be a very nice feature to have an outdoor dining area in the back, with it being outside of the 100' setback to the river buffer. We also talked about how this was similar to the Well Spring Estates development across the street. We do have buildings inside the side wetland area whereas in Well Spring Estates we kept the buildings 50' away and the disturbance was closer. This one we are completely respecting the setback to the Far Mill River. One thing mentioned at the Conservation Commission meeting is that it is pretty obvious that the City has a great interest in the Far Mill River and the City owns open space (shown) and CT State property (shown). We are open to any kind of encumbrances on that property from the buffer line all the way across. The question from last night is whether we would give it to the City in fee ownership or easement? We are open to discussion.

Commissioner Szkola: Where is the patio sitting relative to the 100' line? (Mr. Swift pointed it out)

Commissioner Hayes: Is the amount of impervious surface about the same in both scenes?

Mr. Swift: Yes, it is. It might be a tad less in the second.

Commissioner Hayes: But the drainage concept is the same.

Mr. Swift: The drainage concept is exactly the same.

Mr. Cook: On the alternate layout you prepared, what is the amount of disturbance in terms of the regulated activities, with the alternate versus the initial concept?

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Mr. Swift: The alternative has about <100 sq. ft. of additional disturbance to reroute that runoff channel. This is without trying to alter the proposed architecture. If the Commission does like this layout better I think we can look at changing some of the dimensions.

Mr. Cook: In the Commissioner's packet in addition to the comments from the December meeting there is also a copy of the December minutes and a piece of correspondence from a resident of Shelton.

Vice-Chairman Zahornasky: We can make that part of the record.

March 2, 2006
Inland Wetlands Commission
City Of Shelton
54 Hill Avenue Shelton, CT 06484

Re: Application #05-49 Wells Spring Corner Old Stratford Road / Farmill Crossing

Dear Chairman DaSilva and Inland Wetlands Commission Members,

The proposal for the above referenced application should be declined by the Commission. The reasons for the decline include, but are not limited to:

1. The property is presently zoned R-1, not Commercial. The appropriate Commission, the Planning & Zoning Commission, has scheduled a public hearing for March 28th.
2. The present Plan for Development does not address this site, as it is R-1. It recommends development of this type be in the downtown area or the River Road area.
3. The Route 8 Corridor Study, which addresses commercial development adjacent to Route 8, does not address this site, in that the property is zoned R-1.
4. The proposal does not address the enhancement or restoration of most of the upland review buffer that is being altered by this proposal.
5. The proposed layout calls for the dumpster and services to be located adjacent to the river and will allow contamination of the pristine, award-winning river.
6. Present easements include the CT DOT, sanitary sewers and waterways. Each of these easements limit the allowed development of this property, requiring maintenance access to the easements.
7. The proposed outside patio, while allowing access to smoking clientele, will allow an outside source of trash and debris for the adjacent waterway.

Yours truly,

Richard H. Jager, PE

Commissioner Szkola: Jim, on your second proposal, and noted in John's report, that on the original proposal 83% of the buffer would be altered and 2% would be enhanced. What's your numbers on the modified?

Mr. Swift: The modified is basically the same. You will see that the wall is basically in the same location. With modification of the architecture of the building we could bring that back in and meet the numbers that were given in the original application. Just to remind the Commission that this is just a conceptual application at this time. P&Z should have this Commission's input as to your feelings in this application so they can make a reasonable decision. That is the reason we came to this Commission on a conceptual basis before we get to the P&Z hearing portions. For things like trash, water quality issues and things like that we are here to listen and to incorporate things like that in our plans but if I may say, I think it's the Commission's task at this moment to look at the condition of the wetlands and the upland buffer areas and perhaps come up with an opinion as to whether a development on this site is feasible in some manner. As far as what the develop could be, it could have been houses or anything. We have a right to apply for this particular development irregardless of what the zoning or the uses are currently. A property owner has a right to make any application that they feel has merit.

Commissioner Szkola: I agree. My input is that I agree that they have the right to develop the property but I think it's way over developed. They don't have a right to overdevelop and in my opinion, 83% disturbance with only 2% restoration for enhancement is totally unacceptable. I disagree with Jim when he says that our task is to give P&Z an opinion of what our feeling is on this. I think we are pre-mature because there is a zone change application first of all. I don't like the concept applications. Every time we approve one, or not even approve, we give a verdict on one of these and historically has come around to bite us later on. I recommend that we not do it. Let's just table it and wait and see what P&Z has to say and then come in with a formal application. I'm tired of doing these concept reviews and then later we find ourselves in trouble.

Mr. Cook: Just a point of clarification. In the Commission's regulations there is a provision for preliminary review and it does say that the goal of that preliminary review is to provide advice and guidance with respect to general feasibility of that request; at the same time applying and in the Commission's regulations to use that same time schedule.

Commissioner Szkola: Are we under legal obligation to do so?

Mr. Cook: I would defer to Corporation Counsel as far as what a preliminary, even though it's in the regulations, but there is not a statutory provision for preliminary review. I don't know what the ramifications of that are.

Commissioner Szkola: I always felt we were doing the developer more of a favor by doing this. March 28 is not too long of a wait to see if P&Z is going to render a decision in regards to a zone change.

Vice-Chairman Zahornasky: We can still send information that we think it's too much for the site.

Commissioner Szkola: They can read the minutes.

Commissioner Beattie: It's out of context for the area. It's typically along a main road rather than down here.

Vice-Chairman Zahornasky: I agree. I had thought that the way it was originally laid out that everything that side of Route 8 would stay commercial and everything on the other side would stay residential. In my mind that was the break point.

Commissioner Szkola: We keep saying that we're trying to preserve the Far Mill River corridor and I think we did ok on Well Spring Estates. In the beginning we really did a good job when Richardson-Vicks first moved in. But this is another straw on the camel's back. They have a right to put the straw on the camel's back but we also have a right to limit that straw, with the least amount of pressure on that river that we can put on it.

Vice-Chairman Zahornasky: Legally, what do we have to do? Do we have to vote on a concept application?

Mr. Cook: The Chairman doesn't believe that is necessary. In the past the Commission has acted both in the form of a vote and a consensus feedback to the applicant and to P&Z. Another way to handle it would be if the Commission saw fit to develop a resolution noting what the Commission feels regarding the areas of concern with this particular approach that is envisioned here and the concerns are that while the patio while desirable to overlook the river may also be a place where you are going to get cigarette butts and other debris blowing into those resources.

Commissioner Szkola: I can go with that John but what happens if they come back later on and say I have a statement that you said the patio is fine?

Vice-Chairman Zahornasky: Ok, so you think it's too much.

Commissioner Wilson: I think we should wait to see what P&Z has to say.

Commissioner Hayes: Old Stratford Rd. down to the parking lot, what is the grade differential?

Mr. Swift: These are actually very close to being on grade. The parking lot is just a few feet lower than Old Stratford Rd.

Commissioner Hayes: There's a dive.

Mr. Swift: A little bit – here – and as you come up here it gets higher because the road is climbing to try and get over the Far Mill crossing. Here we have a 9' difference, high to low.

Commissioner Hayes: Across the parking lot to the building?

Mr. Swift: It's fairly gentle, 4-5% to a low spot in here.

Commissioner Hayes: The natural grading is that it flows down to the low point, which is the Far Mill River. What happens if the building moves up closer to Old Stratford Rd.?

Mr. Swift: We had some preliminary drawings that showed the building closer. For whatever reason the prospective tenant decided they liked it here.

Commissioner Hayes: I am just reacting for the concerns of the cigarette butts in the Far Mill River. No matter what you do on this site, it's hardpan, it's either going to be a building roof or a parking lot. If the parking lot is where the building is now, and the building is moved, you move people away from the river more. But you still have potential of garbage in that area. It is a no win situation, however, if you want to look at what this is and try and make it better; is the idea behind this design so that when you approach this site you can see the building? (Yes, Mr. Swift

answered). Ok. If you move the structure away from the river it has a less impact on the visual side of the river, whatever that vegetation is.

Mr. Swift: I think that is the whole point of the application before this board. I know you are talking about land use and this isn't an issue for them. But to get back to Randy's issues, those are certainly correct things to be concerned about and those are things we are here to hear. If you don't feel the buffer improvements are adequate, and we really haven't gotten to that level of detail yet. We have a 2% buffer improvements but that is not completely fair to say because you haven't seen the full extent of the buffer improvements yet. We know the uplands areas and wetlands areas are in tough shape – it's all Russian Olives in the upper buffer area. Down in the wetlands there is a lot of volunteer invasive species that are not anything to be proud of and certainly not helping the environment. There is a lot we can do in this area to start bring this up to snuff and that's the kind of thing we would do. I think what we are hoping to hear in this kind of format is not so much of an up or down vote that this is approvable nor not approvable, we are hoping that the Commission would form an opinion that says something, but something along the lines of maybe it's too close to the wetlands or this needs to be changed or that needs to be changed. That kind of information is helpful to P&Z. The State Statute says that the I/W Commission has to act before P&Z. This is a little different situation because it is a PDD. The PDD is two phases – it's a conceptual to Wetlands, a conceptual to P&Z where the public hearing is held, and if we are successful at the public hearing then we come with a real application before this Board, then a final application to P&Z with all the details. We have to do it in that order. If we don't get a reaction from this Board we might be in violation of the statutes. But we would have to defer to Corporation Counsel.

Mr. Cook: The question goes to the December meeting when they were talking about alternatives. Alternatives can be a shift of a particular footprint of what's initially proposed, but it could also be a different alternative of design technique. In so much as the existing zone is residential 1-acre and this is for feasibility or for concept. One would ask what is the potential reduction that could be realized under what it's already zoned for.

Commissioner Szkola: The parking and the deck situation.

Mr. Cook: That would be another alternative. Or, if it was zoned for R-1 and you had one house and you would only have room for one house feasibly from a concept approach you could realize a lot less regulated activity under that concept. That could also be providing feedback to P&Z when they consider a zone change, if there's going to be one or two houses, how much less regulated activity could be envisioned with that proposal.

Commissioner Szkola: Good argument John.

Vice-Chairman Zahornasky: Jim, the consensus of the Commission is that it's just a little over-done, too much packed in there. We will let P&Z know those feelings and we will wait to see what they want to do regarding the zone change. That may change your whole thing anyway and there is no sense in beating this up over something that may or may not happen.

Joan Flannery: I live in the neighborhood and have talked to all the neighbors. Right under the bridge is a fishing hole that people have been using for generations. When the development was put in they said there was going to be a trail put in along the river. I don't want to take away the fishing hole with polluted water damaging the fish.

Vice-Chairman Zahornasky: Neither do any of us.

Mr. Swift: That is a very good point. One of the keys to this application is that control would be given to the City; either deeded outright or actual continuation of that walk all the way up the Far Mill River.

Commissioner Szkola: I am going to make one more point. My business is to grow plants but I will disagree with Jim. In my opinion existing Russian Olive and invasive species that are there now are doing more to protect the wetlands and the stream corridor than an enhanced plan like this. I think we have to minimize the impact and I like John's idea about one house since it's an R-1. I recommend they don't do a zone change.

Vice-Chairman Zahornasky: So I think you know where we are.

Commissioner Hayes: That's a P&Z decision and we overstep bounds with this concept.

Commissioner Beattie: We're giving credence to it.

Vice-Chairman Zahornasky: I think what Randy is alluding to is that we would like to see something less intensive on the site and maximize more of the environment. Now the ball is in P&Z's court and let's see what they do with it.

Commissioner Hayes: How big is the building?

Mr. Swift: Not quite 5000 sq. ft. The P&Z hearing has been moved to April 25.

Commissioner Hayes: You could have a 5000 sq. ft. house there.

Mr. Swift: The house doesn't need that parking.

Commissioner Hayes: Engineering systems solve parking issues very effectively. We've approved them for years.

Nancy Steiner read the following letter to the Commission:

Inland Wetlands Meeting Application for commercial establishment
Corner of Old Stratford Road and Far Mill Crossing

Good evening everyone: Please listen to my comments tonight within the framework of one fact: This piece of land is currently zoned R-1, one house per acre, with an SDA overlay. As of now, no commercial establishment appears from the Far Mill River on this south side of Route 8...all the way through many residential neighborhoods...until you get to where Armstrong Road hits Bridgeport Avenue, and all the way down Old Stratford Road, changing names at the Stratford border to Warner Hill Road to Rt 101. No commercial establishments. So this is a very special piece of land poised in a very special spot

Remembering to events of last year, a member of this Inland/ Wetlands stated, regarding the Avalon I Inland/Wetlands application on Armstrong Road, that he wished he had walked that land during the first application on that piece of land. He, in fact, said. ...and I was so impressed with this gentleman I have not forgotten his words.... that he felt he was remiss in NOT walking that land for the first application, as he later did in the Avalon application. I hope that you all have not forgotten his words.

So I ask you to please go over to this piece of land at the corner of Old Stratford Road and Far Mill Crossing, and take what I call a look see. With your experienced eyes I am sure you will observe many important factors that such as I would miss.

I visited this location February 9 with my camera, and took pictures to help understand and record the area that you are discussing tonight. I also wanted to see it with my own eyes. This land along the river is still, even with the invasion of route 8, and Far Mill Crossing, a forested and wetland site. The river still splashes along over beautiful rock formations, with many small and large quiet pools alongside. Graceful trees form leafy arches...still a paradise for nature lovers, fishermen and children...anyone looking for a beautiful spot The most important aspect of this land could be the fact that it is a wildlife corridor. With all the development in this area going on, there are precious few places for our wildlife.

With the approval in the early eighties of Shelton's very first PDD, PDD#1 Richardson Vicks, who promised to keep the old Mill on their newly acquired property, and then tore it down not long afterwards, the river started its long slow change. Noting on my pictures I took exactly one month ago, you will see a once clean river strewn in many spots with so much garbage, the first word that comes to mind is "dump". Add to that some rusty 55 gallon drums of who knows what, and you could just cry. Wouldn't you think our corporate neighbors would initiate some kind of assistance in keeping this stretch clean... ..it was pristine before they came.

In a drive by yesterday, I noticed someone had taken up much of the garbage, but the two 55 gallon drums are still laying sideways on the woodland near the river.

There are a lot of wetlands on both sides of the river, and regarding this application, the side of the river facing Old Stratford Road seems to have rather large wetlands and must be investigated by eyes who are concerned with protecting the character and nature of Shelton... ..in other words, your eyes.

The whole Far Mill River corridor is so precious, it should remain undeveloped, or, at the most, a small residential type application with all the land along the river left undeveloped. I would consider the Far Mill River corridor a wildlife corridor as well, and losing it piece by piece results in fragmentation and loss of wildlife habitat And this loss will affect all of Shelton, another strike against what is left of our rural character. There is so little left.....particularly on this southern part of Shelton....the other side of Route 8.

Our new neighbors, just across Far Mill Crossing, in what is called Wellspring, having just paid well over \$500,000 for their homes, I am sure did not expect to have a commercial establishment right at their doorsteps. Has the developer, who built those homes and is also making application to build this restaurant informed his Well Spring clients? The Connecticut Post issue of March 5, 2006 in the real estate section say: "Come visit this tranquil sight...an exclusive neighborhood on a tranquil New England River surrounded by the natural beauty of lush wooded landscapes".

Our new 10 year Plan of Conservation & Development draft states that its initial theme is to protect the character of rural Shelton, and they were thinking exactly of spots like this. **The 10-** year plan draft also has a section on "Preserve and Protect Important Natural Resources" and Far Mill River is one of them.

Tonight I am submitting pictures I took exactly one month ago. Let me hand you these pictures and please note the comments. I have also included a hand drawn map to help you spot the locations of my photos.

This is a very important application, one that could set the beginning of changes for our area that would be very upsetting for everyone in Shelton. Thanks for listening.

Respectfully,

Nancy Steiner 23 Partridge Lane Shelton, CT 06484

Commissioner Szkola: Jim, did you have a soil scientist look at this yet?

Mr. Swift: Yes, these are flagged wetlands. The report is in the application package.

Commissioner Beattie: On both sides of the river as well?

Mr. Swift: No, we did not do that side of the river. There is a steep embankment on the other side.

Vice-Chairman Zahornasky: We have always been very strict on protecting the Far Mill River with any application. I don't see us changing on this one. With all that being said, we are going to move on. John, please make sure our comments are sent to P&Z.

C. NEW BUSINESS

1. PERMIT-APPLICATION #06-04, THE MAPLES – STREAM BANK STABLIZATION. Proposal to replace a retaining wall along the Housatonic River.

Jim Swift – Professional Engineer

Mr. Swift: This is an application for the area by the Maples just before the housing starts. This is a photograph of the area and there were houses at one time. The details of the area were explained and shown.

Vice-Chairman Zahornasky: What is the purpose?

Mr. Swift: The photos show that it's falling into the river. The purpose is to take out the walls and patios that are falling out.

Mr. Cook: (From the WCEO Report): Presently the application is incorrect to state that no activity is occurring within the regulated area, specifically including the Housatonic River, or its associated buffer. In order to accomplish the wall replacement work is taking place in both the river and its adjacent shoreline. This area should be computed and entered into the application. The application left off several key pieces of information including the area of the parcel and the map/lot number references.

The amount of wall area to be replaced is approximately 120' in length. The cross section of the retaining wall detail section should show the existing location of the wall and where the section was taken on the plan view. Additionally, the plan should provide a detailed and complete construction sequence from removal of the old wall, material disposal, new wall installation and final stabilization.

Many of the trees along the river in the Maples have been removed due to the significant expansion of the dwellings during the last 5-years. In most situations only small cultivars have been practical for the replacements. Therefore, in this common space area of the Maples PDD the specimen trees identified should be considered a paramount consideration for protection during the construction of the new wall. Standard tree protection measures should be indicated and detailed. The sequencing for the protection should be incorporated into the construction sequence list.

Recommend receipt for review.

Vice-Chairman Zahornasky: I would like to receive it for review and get feedback from the City Engineer on the construction of the wall.

Commissioner Szkola: As a Commission we should start thinking what we are going to do in with this whole area. Do we go with one solid wall or whatever? It is going to keep occurring. We need to come up with a standard policy for this area.

Side B

2. PERMIT-APPLICATION #06-05, TODICE PROPERTY – MIDDLE AVENUE. Proposal to construct a single-family dwelling that involves piping and filling an intermittent watercourse.

Jim Swift, Professional Engineer

Mr. Swift gave the property details.

Mr. Cook: From the WCEO Report: The application proposes to fill and pipe an intermittent watercourse for the development of a single-family dwelling. Previous sections of the regulated area were eliminated in the early to mid 1980's before the agency was involved the building permit process. Staff notes the area as immediately to the lower part of house lot, as the plan does not have a North arrow for reference.

Initial concern simply stated is that the construction size and activity is overly aggressive for this lot.

This lot exists as Lot-5 from a previous subdivision. In previous similar reviews on preexisting lots, reference Fort Hill Avenue, Mohegan Road, and Weybossett Avenue, the Commission required shallow footprints for the dwelling and home shifts and/or front setback variances. A footprint with a 25-26' deep and a home shift forward to the street setback significantly reduces the placement of the home over the regulated area. A portion of the home is proposed directly over the intermittent watercourse, and the deck is proposed directly over the piped diversion. Presently the Middle Avenue stormwater discharges directly towards what would be the front wall of the dwelling. The plan proposes a stormwater diversion around the dwelling. A riprap sediment structure is proposed at the discharge location. The detail shows a 15'x30' basin but the plan only shows one 5'x10'. More importantly, the 2' deep basin creates an elevation difference of 5-6' only 4-5' from the basement elevation. The wall in this location is only 3-4' from the dwelling. The detail of the wall does not indicate its use in conjunction with the proposed piping at the upper side of the lot. The applicant should consider site-specific details.

Another possibility that apparently has not been considered is to develop a driveway crossing only to attempt to reach the higher elevation property to the back of the lot. Alternately, the parcel does adjoin other land owned by the City. This land is not accessible as the gas line is directly under the paper street. The applicant can dedicate the non-accessible portion of the parcel to the City or place a restrictive covenant on the remainder to offset the regulated activities.

The regulated area is very limited in scope and owners and visitors of the property have dumped on the property. Any dumped materials should be removed properly regardless of the disposition of any activity request. Those findings said does not diminish the potential problems that could occur with the dwelling as presently proposed.

Therefore, Commission has several choices that they can present to the applicant. If the concept is unacceptable then deny the application without prejudice to allow them re-evaluate there approach, receive the application and refer to City Engineer for the drainage components of the proposal, receive the application and direct them to adjust the house size, and location to avoid direct construction over the regulated area, or received the application as submitted and if approved hope a future homeowner does not a serious problem triggering their return to the Commission.

Mr. Swift: I think this is one of the cases where I would have to disagree with the characterization of what we are talking about. As John mentioned, this development was developed some time ago. They are all very small lots, not unlike what we are talking about here. What we have is basically an open disturbed area where the house sits right now. Towards the back there is only about an acre or two of water that comes off of this hillside. Each of these owners has put in a little swale in the back naturally so the water coming off the hill is directed that way. That keeps on going past our house as well, and certainly it flows at times. This is a completely man-made sort of a channel. We have an existing catch basin, part of the city drainage system. That drainage comes down a fairly steep hill to the drainage in the back. It is not a natural watercourse and there is no easement on record. The city is dumping the water onto this property with no easement. Back then things were kind of sloppy and these things happened. This proposal proposes to clean that up and grant the city the easement to get that drainage over there. As far as the details, John, the wall does not have any drainage, per se, through it or near it. The drainage goes around this wall. This wall is accurate as far as it's drawn. It doesn't have anything to do with piping. The footings on the house would just be deeper than whatever the wall was. As far as the dry stone, it's only deep enough, maybe a 1 1/2' from the invert of the pipe to the grade above. Rather than characterize it as a retaining wall you could probably call it a stone head wall. Rather than take this water, which does flow on occasion, coming back through here, we could just as easily left it open and let the water keep going just like 2-3 of the neighbors coming up. But we decided we'd put it in a pipe and join it down here (shown). We are going to clean up the easement and put in drainage.

Mr. Cook: I have been familiar with this for some time. A little over a year ago there was a lot on Maple Ave. at the corner of Maple and Birch St. and one lot in from that heading towards this particular site. They flagged the wetlands on that particular lot that basically coincides with exactly the location of where the placement of those houses is on these previous lots that were built. In the concerns of the neighbors those areas where the houses were built in the 80's was always wet. Not in the watercourse in the sense you would have a flowing stream but was, in fact, wet. Apparently there was a bit of a drainage divide that from near the corner of Middle Ave. and Birch St. the water flows across Birch and heads towards the Laurel Ledge subdivision area, and the other portion of it then starts to flow. What you have is some high ground at Middle Ave., drains down towards East Ave. East Ave. is solid ledge that drains down towards Middle Ave. and over the years this has formed. There was a lot, either this one or the adjacent one where filling was taking place and Staff had stopped the operation. It is a very intermittent stream and I

saw no evidence of wetland soils in this particular location. Is it a regulated area? Yes. I would concur that it is very minor in nature at the same time to the concerns are for this size box that it's not really in keeping with some of the other projects I mentioned in the report.

Vice-Chairman Zahornasky: I would recommend that we receive the application. I would like the applicant to go back and maybe explore some alternatives, maybe shifting the house back, send the computations to the City Engineer, and schedule it for walk. There seems to be a lot happening out there.

Mr. Swift: I think the Commission would really benefit by taking a look at it.

Commissioner Hayes asked about the lay of the lot.

John Todice, property owner

Mr. Todice: Years ago I brought this drawing to Bob Kulacz to review this drainage situation on the lot. At the time he did approve it. I do have a question for John. You said I could push the house back further and get away from the drainage. If I do so, can I go back to the 22,000 sq. ft barrier I have?

Mr. Cook: That was one thing I mentioned here. If it's possible, that way you could just have a driveway crossing going over this whole thing and you are just accessing the upper portion. Assuming you can maintain that 10% grade to get above that steep pitch.

Mr. Todice: Can I put condos in there?

Vice-Chairman Zahornasky: We're not even going there.

Commissioner Hayes: The concept is that this intermittent watercourse is passing through where you have the house now?

Mr. Swift: No. It's through the back, under the deck.

Commissioner Hayes: You're taking water and wrapping it around the house.

Mr. Swift: It goes there now. Every other house has this little swale in the back. We just decided we didn't want the swale, so we'd pick it up.

Commissioner Beattie: On the paper street – is there any possibility that it would not stay as a paper street?

Mr. Swift: It's never going to be built.

Mr. Cook: The high-pressure gas line is there.

Vice-Chairman Zahornasky: Ok, we'll schedule it for a walk and we'll be in touch.

3. BUFFER PERMIT – APPLICATION #06-06, WIECZORKOWSKI PROPERTY – 149 TUCKAHOE DRIVE. Proposal to repair sewage disposal system within regulated setback area.

Mr. Cook: This is submitted as an upland review application. The existing system is in a state of failure. For this reason Staff has brought it to the Commission for prompt consideration. While the new system does not meet the Commission's standard it is farther from the regulated area than the current system. It is as close to the side property line and the street line as the code allows, also the tank and pump chamber are as close as possible to the dwelling. Given the size of the parcel there are no apparent further efforts that can be done to reduce regulated activities. Staff would suggest that sediment controls be indicated on the plan. This implementation not only establishes the limit of construction but also, more importantly controls any slight runoff from the limited fill amount for the new system.

Commissioner Wilson MOVED to approve Buffer Permit Application #06-06 with the condition that the sediment controls be indicated on the plan. SECONDED by Commissioner Szkola. A voice vote was taken and the MOTION PASSED, 5-0.

4. PERMIT – APPLICATION #06-07, CAPELA PROPERTY – 14 DOGWOOD DRIVE. Proposal to repair sewage disposal system involving a stream crossing for a force sewer line and temporary piping to access the leach field area.

Mr. Cook: The owner of the property is here this evening. It is very similar to the previous one. From the WCEO Comments: The proposed plan involves crossing a small stream to construct a new septic system to service the existing dwelling. Test holes in the vicinity of the existing system demonstrate the questionable nature of placing a new system on old fill 0-48" depth. The new

location has a high water table at 22-24" but the new system will incorporate and additional 24" of select fill. In order to access the new system location an existing footbridge will be removed to install a temporary 30" pipe to facilitate material deposit. As the pipe will be removed after construction of the new system staff sees no major issues will the request.

The only recommendations offered are as follows: 1. Rather than place silt fence directly in the channel, place silt fence controls either side of the material access haul way and along the stream channel implement a combination of silt fence with a hay bale backer. From field experience hay bales or silt fence in any stream channel is not practical. Any materials accumulated usually are lost when the measures fail do to sudden runoff events before the responsible parties can remove those materials. 2. Allow the owners to include replacement of a small wooden walkway over the stream if they desire.

Vice-Chairman Zahornasky: I don't have a problem, but what I would like to see is that it is spelled out that the pipe come out afterwards and a designation on the plan of how wide of an area for the crossing.

Mr. Cook: I just sketched that in. I am assuming they would want to haul the material in from the edge of the existing driveway but the plan does not detail it.

Commissioner Beattie: How about the timing of this, we are coming into a season where we would have a lot of water. The pipe may not be able to handle it. Is that a concern?

Mr. Cook: Once the pipe is in place the key thing is verification. The plan was prepared by a professional engineer and he has signed off on the 30" diameter pipe. There will be some sedimentation in order to put that pipe in place and subsequently when the pipe is removed after the system has been completed.

Vice-Chairman Zahornasky: They obviously are having problems with their existing system so they would like to get it done as early as possible. If we could just have the City Engineer check to see that the 30" pipe is sufficient.

Commissioner Hayes MOVED to approve buffer application #06-07. SECONDED by Commissioner Wilson. A voice vote was taken; the MOTION PASSED, 5-0.

5. PERMIT-APPLICATION #06-08, ASPEN RIDGE – COMMERCE DRIVE/667 BRIDGEPORT AVENUE. Proposal to construct a 16-unit condominium development involving discharge of stormwater and construction within 25' of the Far Mill River.

Commissioner Hayes recused himself from the discussion and left the room.

Attorney Dominick Thomas, representing the applicant.

Mr. Thomas: You are dealing now with another conceptual plan that's proposed as a PDD. As John pointed out to you, this is in your regulations. You have a regulation to act on it. The other reason is you can certainly change your regulations and eliminate it. If you do so, you will then be out of the loop. I am going to correct Mr. Swift on a point, which is that this is a way to get your input in the PDD process at the basic conceptual plan stage. That's the purpose of it. If you choose not to act then the zone change action is going to be taken by P&Z and you are going to be dealing with a piece of property that's already gone through P&Z. That's the whole purpose of your conceptual process.

Commissioner Szkola: It's going through for a zone change, but it hasn't gone through us.

Mr. Thomas: Your activity would be limited at that point. Your alternatives would be limited. I am going to begin by quoting one of the Commission members from earlier this evening. In discussing a prior application the point was, we ought to look at what the zone is before the PDD. That's a very good thing to do here.

Vice-Chairman Zahornasky: Can I just stop you for a minute? Mr. Cook has pointed out that according to the application it is not submitted as a conceptual application.

It was determined the application will be considered as a Concept Review.

Mr. Thomas: We are filing the PDD and SDA applications. The paper I passed out is a blow-up of your zoning map with the property highlighted in yellow. The property is zoned LIP. It currently has 3 structures on it. The property is comprised of 3 Assessor's map parcels – Map 39, Lot 2, 3 & 4. Parcels 2 & 3 are owned by the Ramia family and parcel 4 is owned by William Bures. The proposal if this were an LIP, certainly the proposal could fit some sort of light manufacturing or office building with parking which would be substantially more intense.

Commissioner Szkola: Assuming we approved it.

Mr. Thomas: Well, you see, that's part of the problem. You don't approve anything. You simply grant permits. In fact, if it were zoned for LIP, the reasonable alternatives for the property would be limited to LIP uses. Those LIP uses are basically light manufacturing, office, or restaurant. The restaurant could be a permitted use. What the issues are; because there have been some concerns expressed as the P&Z level about egress and traffic, the least impact, believe it or not for this site, would be to do the reverse of what you were presented earlier. That is to go from an LIP area along the Far Mill River to a residential area, which would have lesser impact.

Vice-Chairman Zahornasky: The less impact would be to do nothing.

Mr. Thomas: But that isn't a reasonable and prudent alternative. The City has the perfect opportunity to purchase this property by virtue of eminent domain, if it so chooses. But that's not an option the applicant takes into account.

Commissioner Szkola: So what zone change do you propose?

Mr. Thomas: We are proposing a PDD zone, a residential zone with 16 condo units in 4 structures.

Jim Swift detailed the area of the proposal and the existing conditions.

Mr. Swift: What we are proposing takes into account some of these disturbances along the river and tries to improve on them a little bit to give the river a little more breathing room. We propose to develop 16 units coming off Commerce Drive with garages accessing the front of units. These are not walk out units. We have a cut towards the front of the site and I will show a little more detail on another sheet and a fill towards the back. What we are going to do is something along the same lines as we did for Well Springs Estates, which is first of all to grant public access along the river. That's one of the benefits of a PDD above the LIP zone. If we developed it as an LIP there would be no incentive for the owner to give any kind of access to the river. We propose a trail that gives the frontage along the river. We propose to take a make a definitive line between what would be considered public access area and the patios to the units. We would do some retaining or stone walls or something like that. We would take the fill and use it to our advantage. At the patios we would develop some sort of hedge and landscaping here and there, drop the grade of the dry stone wall so we get that nice separation between public access area and private area. And of course everything beyond an area that's within 5-10' to the back of these decks, make that the public space and do a good job of landscaping.

In regards to the drainage and water quality, this is something this Commission has always been concerned with. Obviously stormwater detention isn't much use considering the Far Mill River. What we propose to do is to bring this down into a state of the art swirl system for trash separation, sedimentation and things like that, put it into a galley system for water temperature control and then discharge to the river. One of the things I think we should do in this instance is something that's done frequently on golf courses. We can take this separation of grade between the private spaces and the public spaces and pitch that back into our property, so we would have a series of yard drains that run across the back of this. I believe this project is an improvement over what is there now because there is absolutely no treatment. In this case we can draw a watershed line right along the line and force everything through the water quality system. So for this conceptual plan is to do two things; one is to give public access along the river and two, is to take things like this existing house which is right on top of the river and the other things that are right on top of the river, pull those back and do a good job on the water quality.

Vice-Chairman Zahornasky: When you say it's an improvement of what's there, I disagree a little bit with you there. You have 3 structures now and a whole lot less impervious surface. I have to take exception to that one.

Mr. Swift: There's no treatment.

Vice-Chairman Zahornasky: I understand that, but in one regard there is not a need for treatment because there's not a lot going on out there.

Mr. Swift: I am not sure I agree that there's no need for any treatment, but I get your point.

Vice-Chairman Zahornasky: I thought I'd be the first one to say I don't like it.

Commissioner Beattie: Based on our past consistency of protection for the Far Mill River, this is totally inconsistent. We have a minor break there in that it's been fine so far. Now we are going to just wipe it out and put in all this drainage, etc.

Vice-Chairman Zahornasky: That becomes the problem in a lot of these things. We've tried to really keep a good buffer and a good distance from the Far Mill River with anything. As with anything, now comes the engineering marvels. Then there's the big whoops.

Commissioner Szkola: If it were April 1st I'd say you did a great job, you really got me.

Mr. Swift: I disagree completely. I think what we need to do, is if we need to quantify some of the things we are talking about then I think that's what we need to do. We need a chance to do it at the next meeting. There are discharges here (pointed out), there are grates that go in that direction.

They discussed the setback area.

Mr. Thomas: Given the impact of an LIP construction on this site this is probably 50-75% less of an impact that you would have from an intensity prospective because you'd have a 20K sq. ft. building with all the parking places to along with it. You'd probably still require similar things but you'd have basically development right up close to that and this site is constrained.

Vice-Chairman Zahornasky: But even with an LIP we still have the right to deny it.

Mr. Thomas: Only if you can prove that there is a substantial adverse impact because of the disturbance in the upland review area and you cannot use your own opinions. You are not allowed to use your own opinions. You can only use opinions of an expert who has identified before you. The expert for the applicant is testifying that there is no adverse impact upon the river because of the disturbance in the upland review area. You do not have the capacity to believe the opposite unless you retain your own expert to challenge that. What you have to be careful of is that you don't look at this proposal and say, gee we like to leave the houses here. The fact of the matter is this is an LIP zone. What you are comparing this proposal to is 16 condos versus a about 20K sq. ft. building because the site is constrained. It then brings in issues that you are not concerned with to some extent. One of the concerns that P&Z has does have a partial relation to wetlands is if it is developed LIP, this (shown) is going to have to remain and be the access for the tractor trailers that are going in there. There's going tractor trailers driving in and out through here.

Vice-Chairman Zahornasky: You are still assuming Planning & Zoning would approve an LIP.

Mr. Thomas: An LIP is a permitted use.

Vice-Chairman Zahornasky: LIP is a permitted use but there is still a whole range of factors that go into a P&Z decision and approval. Don't be assuming all these things and be throwing things out there that don't necessarily work.

Mr. Swift: I would like to go back to the original question, which is what can be done with water quality and discharge to the Far Mill River. I don't think you can just dismiss it like that. I think the state of technology and the things we can do and lay out, and yes, we were not prepared for that because this is a conceptual plan. If it is a real concern to this Commission we would like the opportunity to put together a detailed report on what's being discharged now and what we can do.

Vice-Chairman Zahornasky: No one is saying you don't. You asked for some guidance on a conceptual plan and I am giving you my guidance.

Commissioner Szkola: You have no setback and you can build right up to the river? That's the way it came across to me from Dominick.

Mr. Swift: There is an upland review area that is 100' from the Far Mill River (pointed out).

Commissioner Szkola: Now, you tell me your interpretation of that. Does that mean we can build right up to the water's edge; that you have the right to do that?

Mr. Thomas: If you were able to do that with no adverse effect. That would be impossible to build right up to the water's edge given the fact of what's down on the water but the state of the law if very clear; without adverse effect.

Commissioner Szkola: Now we have to determine where does the adverse impact start.

Mr. Thomas: You don't have to determine that now; you determine that when we come back. But it is something for you to look at now.

Vice-Chairman Zahornasky: Let's look at it this way – suppose you change the design of the buildings. You might get a few less units but shorten up the length of the buildings and that pulls all that away from the river even more. What we are trying to explain is what we would like to see the buffer maintained as much we can along that river; however you have to do that, that's your job; I can't tell you what to do. As wetlands goes, we'd like to stay as far as you can. Get back to the 100 – the 100 may not be feasible. I think there are some other alternatives, design wise that you can. Maybe the buildings should go closer to the Commerce Drive side.

Commissioner Szkola: My thoughts are that first of all if you are going in for a zone change we recommend to go to R-1 and go with 2 houses.

Tape 2, Side A

Commissioner Szkola: Let's start taking a look at alternatives or the other option would be to deny it flat out.

Vice-Chairman Zahornasky: The site is 2.53 acres. You have .2 of an acre of actual wetlands on the property but the area of disturbance within the buffer is .87. Out of a 2 acre site a third of it is buffer and you're using almost the entire buffer.

Commissioner Szkola: John, is that the way you interpret it that they are using up most of the buffer?

Mr. Cook: Right. Just so that we don't have too many debates, the technical term is upland review area. I routinely use the word buffer because it's a single word to describe a very simple concept. The Commission regulates activities within that horizontal distance specified in this regulation. When the Commission created that regulation in August 1989 it was recognizing that the adjacent land areas to those resources play an important role in the value of those resources for a variety of intended functions that are spelled out in legislative findings. In doing so established these horizontal distances and at that time buffer was the common term used until some court cases created the official term which is the upland review area. It was to recognize that there's a value of trees overhanging waterways and wetlands to shade and cool water that provides the sound deadening, it provides green space, it provides the esthetic component of the values of those benefits of using those resources so that you wouldn't just have a waterway line with, if you were to go to the limit, using calculus and at the limit you had a river that had retaining walls of steel sheet piling on both sides that water would still flow but the effect of that river would no longer be the same as a tree lined scape that existed. The intent was to preserve those resources and that is why the Commission adopted those standards.

Vice-Chairman Zahornasky: One of the things on the application is where it's noted of the existing/proposed flow in cubic feet per second. The existing is 3.8 cfs, 6.0 cfs proposed. To say there is no impact is not an actual fact. There is impact. We are increasing the flow. One thing we stress in any application is that we want a zero net increase in runoff. However you are going to do that is something you have to look at.

Mr. Swift: If I were to put stormwater detention in here, the time of concentration from when the storm starts and the water hit the detention and then dribbled out over time, the time of concentration for the Far Mill River is so great that what happens is that when this peak flow would have already been gone down the river if I hold back enough of it, it contributes to the peak flow by the time the peak flow from the Far Mill River comes. That is the reason to be careful where you put detention. If the 6 cfs is a concern we should look at retention or some recharge.

Commissioner Szkola: I agree with the part in John's report where it says based on the historic uses and permits we've granted for this corridor it appears the proposal is significantly inconsistent with that history and the Commission should deny the application without prejudice. I agree. Historically we have protected this corridor and when we did the one with Bargas at the Gristmill Estates and we had him deed or give a conservation easement of 100'. He stayed out of it. If we have been doing this all along to all the other developers it's not fair to them and then we would be setting a precedent and I don't want to set a precedent like that.

Commissioner Beattie: Are you saying we should deny it without prejudice?

Commissioner Szkola: It's only a concept review. That is the way I would lean.

Mr. Thomas: If you are talking about historic prospective, the wetlands approved 675 Bridgeport Ave. (Showed the 100' line). My guess is that since this is substantially earlier than detention and retention of water quality, and the hotel, those are all approved, those all were wetlands approvals. My guess is that you are not getting anywhere the quality of water purity. When you are talking about historical you can cherry pick or you can look at what's in the area.

Commissioner Szkola: I think we have changed our attitude since then.

Mr. Cook: With all due respect and consideration, 680 Bridgeport Ave, the BBC building, is actually further. They eliminated the roadway adjacent to the Far Mill River, pulled the building back further. Richardson-Vicks is another commercial property that was done in 1979, the first PDD, had extensive protection of the Far Mill River corridor and greenbelt for not only the wetlands Commission's concerns but also for the P&Z Commission and Conservation Commission that existed at that time. There is also the Well Springs Estates. In terms of 675

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Bridgeport Ave. predates my history and was before there was any upland review buffer regulation that existed. It didn't come into play until 1989. Also, relative to stormwater management in the State of CT and the City itself has had to adopt new stormwater measures and policies. It is an evolving science as far as how those stormwater measures, what was considered good or acceptable or even a common technique back in 1979 may be shunned now or it has simply evolved to a much further degree of water protections to further the goals of water goals in the State of CT. The real estate office on the corner of Commerce and Huntington St. also was another commercial venture that I believe was also a PDD and did not impact towards the river bank even though it had property that could have encroached. While there has been commercial as well as retail entities that have gone before the record the consistency of protecting the green belt along the Far Mill River not only from this Commission from P&Z and Conservation Commission has been there. That is why in believing this application was for a permit I felt in reviewing those files it falls short.

Mr. Swift: We would like to come back next month and show you how we can improve.

Vice-Chairman Zahornasky: There are some members of the public who wish to speak. Please identify yourself.

Diane Jowdy: I have a letter for the Commissioners. I've lived on the river for 50 years. I have storm drains from Commerce Drive draining into my yard. I have about 8 streets draining into my pond and I wanted to say about this development which would adversely affect the scenic Mill Street.

The letter is as follows:

Diane K.R. Jowdy

The Mill, 104 Mill Street

Shelton, CT 06484

March 9, 2006

Shelton Inlands Wetlands Commissioners 54 Hill Street Room 302 Shelton, CT 06484

Attention: Mr. Al DaSilva, Chair

Dear Commissioners,

Please deny a permit for Aspen Ridge (Application #06-08) proposed for Commerce Drive/667 Bridgeport Avenue, applicant John Paul of Fairfield. Sixteen condominium units on the south bank of the Far Mill River is inappropriate in this location, so close to the beautiful wild and scenic Far Mill River and the Shelton Land Trust Nature Preserve. Development at this location would have an overwhelming visual effect on Mill Street, a scenic road less than 75' across the river on the north bank.

Development this close to the river has not been allowed before, for any other developments, for various practical reasons. The runoff and paved area for at least 35-40 residents' and visitors' cars, dumpsters, etc., and the noise generated by air conditioners and fans attendant to four buildings housing four units each would be entirely out of character for this pristine river bank.

The existing lane to the property (the Ramia and Bures houses) is a *colonial era* trail to the mills that once stood along the river bank. This lane predates Mill Street, and it has further been used for handicapped parking for access to fishing on the Land Trust Property along the south bank.

We Mill Street residents (Preston Anderson, Ronald Pilkowicz, Diane Jowdy, and Nancy Ibsen) believe the Aspen Ridge Development should not be allowed. We urge the Commissions to deny Application #06-08-Aspen Ridge.

Yours sincerely,

Diane K.R. Jowdy (Mrs. E. William Jowdy)

Vice-Chairman Zahornasky: Ok, Jim, we will see you next month.

Commissioner Hayes returned to the meeting

6. PERMITTED USE-APPLICATION #06-09, SHELTON LAKES RECREATION PATH – LANE STREET/POWER CORRIDOR. Request for permitted use consideration to construct (3) footbridges over regulated areas in conjunction with Eagle Scout project.

Spencer Tate – Eagle Scout

Jim Swift, Professional Engineer

Mr. Swift: We have a project for a few bridges and at the last minute I was contacted to help with getting the permits and the maps for the footbridge. I put a quick plan together and it shows the locations.

Mr. Tate: The locations are next to Wesley Drive and next to an un-named river and two seasonal streambeds. I met with Mr. Dyer in early September and it was completely dry. I went back a few weeks ago and it was gushing. They are seasonal. The bridge is 8' wide at the top and it's 20' long. We would not be disturbing the watercourse. It will be set on utility poles and on top of bulkheads to give even more clearance and stability.

Vice-Chairman Zahornasky: It's a nice project. We need more of them.

Mr. Cook: The application noted 3 locations.

Mr. Tate: There are 3 locations but my project is only 2.

Mr. Swift: There will be another application that actually takes into account the grading and the paths, especially where we would be approaching wetlands and for the third bridge. The purpose of this application is just for the two. Spencer can start these without having to excavate or do anything. If you were to approve these plans tonight he could get going.

Mr. Cook: How are you going to get the utility poles?

Mr. Tate: They are on the side of Wesley. I don't have a concrete plan as of right now. I am having a meeting with Mr. Marley, who went to Paul Smithson and was on their logging team, and we will discuss how to get them moved.

They discussed tools that may work to move the poles.

Vice-Chairman Zahornasky: What's the liability of him doing something like that on the recreation path?

Mr. Swift: There is a state law that protects owners of open space lands from injuries and I would assume that would also apply to municipalities.

Commissioner Wilson MOVED to approve application #06-09. SECONDED by Commissioner Beattie. A voice vote was taken and the MOTION PASSED, 5-0.

7. EXTENSION – APPLICATION #06-10/E01-17, SHELTON LAKES RECREATION PATH PHASE 1, SECTION B – MEADOW STREET/CONSTITUTION BOULEVARD NORTH

8. EXTENSION – APPLICATION #06-11/E01-21 SHELTON LAKES RECREATION PATH PHASE 1, SECTION A & C – SHELTON AVENUE/MEADOW STREET CONSTITUTION BOULEVARD NORTH.

Vice-Chairman Zahornasky: There is still work to be done on the paths and the permit is expiring and they would like to extend them. There is no time desired for the extension. Why don't we just extend them for the same length we approved them.

Mr. Cook: The permits at that time were issued for 5 years. They can be extended for any period for up to an additional 5 years.

Vice-Chairman Zahornasky: Nothing has changed; the conditions are still the same.

Commissioner Wilson MOVED to approve the extension of the permits for #06-10E01-17 and #06-11/E01-21 for a period of 5 years each. SECONDED by Commissioner Beattie. A voice vote was taken and the MOTION PASSED, 5-0.

D. OTHER BUSINESS

1. BUFFER – APPLICATION #05-50, KOSKO PROPERTY, 141 INDIAN WELL ROAD.
Proposal to construct single-family dwelling within Housatonic River buffer.

Mr. Cook: The permit has been issued. It was a larger house but they are not any closer to the river. The edge of the river is basically the building setback line.

2. BUFFER – APPLICATION #06-01, WALDRON PROPERTY, 297 LONG HILL AVENUE.
Proposal to construct a single-family dwelling within regulated buffer.

Mr. Cook: It was an existing house being demolished and a new house being built. It was a questionable area that did prove out to be a wetland. The soil scientist did flag what was an intermittent watercourse as a regulated area. It is a very small house and they did get a variance to bring the house closer to the street. This is on Long Hill Ave. right around the corner of Middle Ave.

3. BUFFER – APPLICATION #06-02, BANNISTER PROPERTY, 124 EAST VILLAGE ROAD.
Proposal to install a septic system within regulated buffer.

Mr. Cook: This is to repair a failing septic system. The repair of the system was not going into any new areas. It was going in existing yard space behind the house.

4. BUFFER – APPLICATION #06-03, RUSSELL PROPERTY, 19 THEODORE ROAD. Proposal to construct home addition, deck, and aboveground swimming pool within regulated buffer.

INLAND WETLANDS COMMISSION

March 9, 2006

Mr. Cook: The pool may be several years down the road but I said to put it in the application. No wetlands but the stream is Walnut Tree Brook that has a 75' setback. All their improvements are on existing yard space and the closest was the pool that is about 30'.

IV. MINUTES

Commissioner Hayes MOVED to approve the minutes from the December 8, 2005 meeting. SECONDED by Commissioner Beattie. A voice vote was taken, MOTION PASSED, 5-0.

V. MISCELLANEOUS

Mr. Cook: There was something that came into today and I didn't have a chance to get copies made but I will do that tomorrow. It is a letter of complaint and concern, and I am not sure how much this Commission will be involved. This is up at the Toll Brothers development. I spoke with this gentleman on the phone. I have been up to the site and it is something of concern, not so much this particular property but how some of these sites are completely clearing the entire site rather than working it in phases. Toll Brothers basically opened up the entire site. That property has a very high water table and shallow hardpan.

Commissioner Szkola: The engineers said everything would work.

Mr. Cook: Mr. Opitz also has similar photographs from some of the runoff coming from the Toll Brothers construction.

The Commissioners and Mr. Cook discussed this area and whether it is followed up by P&Z and the building department. They discussed maybe there is a need for every site to have a site manager. They also discussed the permit process.

Mr. Cook explained about the problem that some people are not following the engineered site plans and the process of signing off on the site plans.

The Commissioners decided they would give this some serious thought and discussion before sending any letters regarding some of these issues.

VI. ADJOURNMENT

Commissioner Szkola MOVED to adjourn the meeting. SECONDED by Commissioner Wilson. Meeting adjourned at 9:15 P.M.

Respectfully submitted,

Marianne Chaya

Clerk, Inland Wetlands Commission

2 tapes are on file in the City/Town Clerk's office

*A complete copy of the WCEO report is on file in the Inland Wetlands Office