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CITY OF SHELTON
INLAND WETLANDS COMMISSION
REGULAR MEETING MINUTES
Thursday, September 11, 2008
7:00 P.M., Room 302

Chairman Zahornasky called the regular meeting of the Inland Wetlands Commission to order at 7:11 P.M.

I. PLEDGE OF ALLEGIANCE

All in attendance recited the Pledge of Allegiance.

II. ROLL CALL:

Gary Zahornasky, Chairman
Celeste Beattie, Commissioner
Ken Nappi, Commissioner
Charles Wilson, Jr, Commissioner

Absent: Jack Goncalves, Commissioner
Neil Hayes, Commissioner
Norman Santa, Commissioner
Randy Szkola, Commissioner

Also Present: John Cook, WCEO
Sophia Belade, Clerk

Moment of silence to commemorate the 7th anniversary of September 11.

Commissioner Nappi stated that he would like to add Charter Revision as number 4 under Other Business.

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

Marie Napychank
38 Black's Hill Road

My husband Michael, we live at 38 Black's Hill Road directly behind the old Intermediate School. The property behind us is owned by a Jose Paia, 49 Black's Hill Road. He owns a business Pools by George. The property behind him is now owned by the City of Shelton. We all have wells in our area, 3 surrounding houses around here, and there has always been a natural water flow causing some wetlands on the property behind us. All summer long we've seen truckloads and truckloads of woodchips going in. We can't see what he's doing with them because he's a level behind us and there are trees. But Mr. Michael Zkurteck who has a business downtown, a glassworks business, he was down there and I was talking to him, his parents own the property next to this man. He said that they're bringing in these truckloads on woodchips and he intends to dry up this wetland behind him and possibly build storage for his business. Now we never had a problem with our well, we've been there since 1960 and I am concerned about his. I have contacted Mr. Cook to have him look into this but my neighbors on the left side, both are having problems with their wells. So that is why I came to address this group, as to what their findings are and what can be done.

Mr. Cook stated I've been following up with your communication. Last week I did discover that it was Pools by George. There was some work involved trying to track down the owners because there was previously a LLC that was the previous owner, whose business records have been forfeited as of 92. I did download a picture today, and I have been up there myself. There are a lot of woodchips there and I did leave a message for Mr.

Pava last week at two numbers, a cell number and an office number. Once I discovered through a rather exhaustive search of names and LLC's, to find how to come up with these numbers. I have left messages, I called again today, as a matter of fact, and I did reach him directly. We do have an appointment set up for next Wednesday at 10:00. Some of the areas were not only woodchips but there is stone that has been deposited. Some of those may be zoning issues. I think there was communication to the Zoning Department. In that particular shot there is a pond that you see in the center of the shot and just to the north of that is where the mass filling of woodchips is. There is also apparently a water course off the property to the very top north of that sheet and it looks like trailer were converted to chicken coops and a number of other paraphernalia of work and stone, building supplies and so forth. So to respond to your question of where we are with it now, in terms of not only tracking down verbally the owner, but also setting up an appointment with them.

Mrs. Napychank stated this was a water flow, my husband's family lived there years ago and he used to ice skate on it. So it's not something that somebody built and made its natural water flow. We believe it may lead to problems to our well.

Mr. Cook added, one suggestion would be to have your wells tested for the quality and quantity to establish baseline so that as changes occur, especially if they occur rapidly, there are experts in the field that can analyze that ground level movement to determine where the aquifer that feeds your particular well. It may be that area it may be another portion because the way the ground level moves it doesn't necessarily always flow from the higher ground, the aquifer that your well is tapped into can be from the old Intermediate School. Have you informed Valley Health? Mrs. Napychank stated I don't know.

Kathleen Rodriguez
46 Black's Hill Road

My husband and I have lived there for 31 years. There used to be 4 of us living in the house and now there's 2 of us and we've never experienced problems with our well, and yet we're having problems with our well now. So we are at a loss trying to figure out what is going on, except for the fact that we see trucks constantly going back and forth with junk and then it's been the woodchips constantly. I can't tell you how many. Chairman Zahornasky asked how long do you recall this going on for. Mrs. Rodriguez responded months, 8 months. The Zkurteck's could tell you more. Chairman Zahornasky asked who reported it first and when did you contact someone. Mrs. Napychank stated I contacted Planning and Zoning 2 summers ago, I think someone went out and checked it because there was an order, I believe he had livestock and he was burning all the time and we thought he was smoking meat or something. It seemed every holiday, Easter Sunday, he likes to burn and then Mrs. Rodriguez informed me that she had allergies and she found that he was burning the pieces from the pool refuge and someone had gone up to see him about that and then we noticed that there was a big kettle in the back and they were feeding scraps into the kettle so it looks like they're cooking, and the whole back of his house is all black, so you know this is not the food. It's constant. These people just came in and destroyed that whole property, if you've seen it you could see it used to be beautiful farmland owned by a family called Wilinsky in the 60's, there was 5 acres of farmland and then there was about 5 owners since. I'm not sure of these people own or rent. They just seem to be destroying it. He was trying to build a road up on top to get out with his trucks. He tried to buy property next to us, owned by Seferi, they have the frontage and he wanted it to get his trucks out and they would not sell to him and he intends to widen that road so he can get more trucks out. It public property I didn't think he could do that. So he's come in and destroyed that whole area. But the City of Shelton changed that zoning to Planned District Development when they wanted to put the Constitution Boulevard through and they took by Eminent Domain the property and those people had to move out. When City Trust went down the tubes they couldn't do anything and that property is all owned by the City of Shelton. We're concerned; we think we have rights too.

Chairman Zahornasky stated thank you, John has an appointment on Wednesday. Commissioner Nappi asked when they contacted Inland Wetlands. Mrs. Napychank stated August of this year. I had contact zoning a while back about it, a man went up there and cited him. He did have some chickens and he told him he had to make sure he covered it to keep the odor down. Commissioner Nappi asked John Cook if this was reported. Mr. Cook responded not to the Board, Mrs. Napychank contacted me in August and I've been working on it. Commissioner Nappi asked if it is in the wetlands. Mr. Cook responded that is why I've been trying to ascertain, when I was out there last week, the pit-bulls, I was not getting out of the vehicle without having someone there to control the animals. That is why I'm trying to track down the owner/owners and reach a person that I can speak with to get access to the property without having to worry about that. I was actually able to do that with Mr. Pava so I have been working on that. Commissioner Nappi asked if it was referred to any other agency. Mr. Cook stated I don't know the status with zoning. Commissioner Nappi asked, did you report it. Mr. Cook stated no, I didn't report it to zoning. Commissioner Nappi asked, but there is dumping on the property. Mr. Cook responded there is dumping on the property. A lot of it is actually stone, logs, firewood. It appears that there is an old backhoe all of which would involve zoning, as far as health issues with the hens that are out in the pen, I don't know. Commissioner Nappi asked if the Dog Warden was contacted. Mr. Cook stated no. Commissioner Nappi stated that I suggest she be contacted. Mrs. Rodriguez stated that she had been up there several times. They have a lot of dogs and they let their dogs run. They don't care. They have supposedly a fence but they don't have collars on them. Those dogs are loose all the time. The burning, it

gave me asthma. They gave me bronchitis from all their burning. Commissioner Nappi stated I'm just saying you might want to refer it as a City Agent to the Dog Warden. If fire is burning you need to refer it to the Fire Marshal.

Commissioner Beattie stated that if John gets out there is there any way that he could put a cease order on this so that there would be no more dumping. Mr. Cook responded, everything that pertains to this Commission, we have that full authority, if I could not get access, then as a last alternative I could always go through Counsel and try to get an order to get access. We have that option as well. Commissioner Beattie stated if this is the case, can we make a decision today or a motion to give John the go ahead to put this stop order on any of this dumping. Chairman Zahornasky stated he has that authority now.

Mrs. Napychank responded, that the things that he is bringing in are in relation to his job, at the end of the day he brings in stone and lumber. Commissioner Nappi asked Mr. Cook if the homeowner is the one that is dumping. Mr. Cook stated I believe the one that actually lives there is the one that is in the pool business. The ownership is actually Jessica & Albertino Pava who live up in White Hills, apparently on Big Horn Road. I have not been able to obtain a telephone number for that address, so it seems the original listing of the ownership listed the Albertino Pava as the owner. As far as the woodchips, Jose J Pava confirmed that he was the one that bringing in the woodchips. I suspect that he or Albertino Pava, who is the one in White Hills, I don't know the ages of all the folks involved, one may be a parent, the one who has the pool business is the one at this house. Commissioner Wilson asked if he could see from the car if he was dumping in the wetlands. Mr. Cook responded no, all I can confirm is that there are a lot of woodchips and I didn't want to drive over any lawn areas in case it happened to be their septic system. Chairman Zahornasky asked if there were any soil maps on record. Mr. Cook responded no. I looked at the maps from 1988 when City Trust came in, it did not show wetlands but it was also beyond the scope of the project of City Trust. The general soil maps that we have at City Hall do not show any wetlands soil. They do show the pond which is evident in that map.

Inaudible – everyone speaking at once.

Commissioner Nappi stated that the Police Department would probably have a record, did you check with them. Mr. Cook stated no, the tax record shows the previous reference of Albertino Pava and there is a registry that the real estate people use where it has the telephone numbers and addresses, when you look up the address it is actually the Albertino Pava. Commissioner Nappi stated you don't need to find the property owner to ascertain the dumping. Mr. Cook stated that I'm trying to go through the state records where all their records have been forfeited as far as a construction company under that LLC. Commissioner Nappi suggested that if the neighbors see a dump truck dumping to get the license plate number and call it in through the Police Department, you could ascertain who is doing the dumping.

Inaudible – microphone not picking up.

Chairman Zahornasky stated ok, we'll take a look at this. He advised Mr. Cook to have P&Z look into this. Mr. Cook stated that the other limiting factor is that Zoning has been up there and there is an iron gate that is often closed which limits the access to the property as well.

Commissioner Nappi would like to have this put on the agenda for next month.

Chairman Zahornasky stated that he would like to add (i) under 3-D Other Business, 1. Open and Ongoing to clarify the motion made pertaining to Application 08-13 Rotko Property.

Commissioner Nappi motioned to add (i) under 3-D Other Business, 1. Open and Ongoing to clarify the motion made pertaining to Application 08-13 Rotko Property. Commissioner Wilson seconded the motion.

A voice vote was taken; motion passed unanimously.

III-B. OLD BUSINESS

1. 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.

*Attorney Stephen Bellis
Representing applicant*

*Michael Salemme
Long Hill Cross Road LLC*

We've been in front of the Commission a few times, but I want to refresh your memory.

Commissioner Nappi interjected, excuse me are there any maps on this that have been submitted. Mr. Cook stated that yes there are and they are in Commissioner's packets, received September 4.

Attorney Bellis continued, just to refresh your memories, this is on Long Hill Cross Road, the applicant is making a request before the Planning & Zoning Commission for a PDD, the reason for that is that this property has unfortunately a split zone with R and LRP going right through the property. As we all know that is not a good way of planning that is the way it was done. So the correct remedy under our zoning regulations to apply for a PDD. He's done that and there is an application pending before the P&Z Commission. As you know also, when you do a PDD, you do an initial concept plan, which is what is before you and then if they accept the PDD, we file a detailed development plan. So we're at the stage of the initial concept plan and what is initially proposed is a building that is here, which is 9,200 square feet and I think if you remember Swage Lock is currently operating on Long Hill Cross Road and they were looking to move out of town, that they needed additional space, but they were pleased that Mike was going to build this building and that would be the interested occupant. I should tell you also that it's been since 1966 that the people that put together the Long Range Plan that they wanted this area on Long Hill Cross Road used for industrial purposes. That was in the 1966 plan and in the most recent of 1999 and 2000 it was again reiterated that in this area they wanted to keep an industrial base for the taxpayers and for this kind of industry, they wanted to encourage it, they even had in that Long Range Plan some improvements that were to be made at the end of Long Hill Cross Road so that it would keep industry here. I just wanted to give you a little background. Having said all that, there are still a couple of houses and residencies that are near by. When we last came before you, we had a proposal where this industrial building, I'll call it the 2nd one, was larger. At the time we came before you it was 100x80, this building that you see in the revised plans, the building now is 80x60. Basically it does a couple of things. It pull away from the existing dwelling that is adjacent to this building and it also pulls away from the wetlands line giving a larger buffer. That is one of the changes that I believe the Commission had asked us to look into, we've now done that. The 2nd change that you'll see on the new revised plan is some curbing and this curbing area is delineated with a solid line, with a catch basin that has some rip-rap apron, and then the idea there is it would catch the water and an oil separator. The idea there is to make sure the water stays clear when it gets to the wetlands. You'll see some other changes on your plan, the small apron which has been modified with rip-raps coming off the building. Those are new. Then, the last thing someone had concern about perhaps dumping into the wetlands. So you'll notice that there is a chain link fence that runs the length of the wetlands that's being proposed to be installed. We made all the changes that the Commission had concerns about. You'll notice there were some shrubs that the Commission felt would not do very well in that area, so what the applicant has done was to remove some of those shrubs and replace it with ones that would probably do better in this type of soil. The other thing the applicant did was, he's restricted some of the uses of what can be used in this contractor building so that it would help keep down the noise, about storing things outside the building. Everything has to be stored inside the building, hem's eliminated landscapers, there was some concern from some of the Commission members perhaps there would be dumping of grass cuttings, debris of a landscaper to the wetlands, so that has been excluded as a use. So that's not the type of use the applicant is seeking, he's looking for someone that would have an office in the storage there, maybe a plumber. The idea is to keep everything within the building. I think all those are what the Commission had concerns with. The hearing with P&Z is continued to stay open from the last meeting so that this Board can digest the changes and perhaps take a vote on the new changes. The meeting for Planning and Zoning is for September 23rd. Fred D'Amico is the Engineer, he had an open house for his kid, I think his changes are pretty straightforward.

John Cook comments:

WCEO REPORT

September 11, 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 revised 9/3/08

COMMENTS: The plan has been revised as follows:

1. The no-curbing note from the plan view has been deleted to reflect that curbing will be used.
2. An oil/water separator has been indicated on the plan view. Sizing and detail has not been provided.
3. Landscaping has been added to the plan.
4. One building has been reduced in size from 8,000 SF to 4800 SF. This reduction increased the separation from the regulated area 15' & 5' to 45' and 25'. The larger building did not change.
5. A chain link fence is proposed to help minimize encroachment into the regulated area by the tenants.

In summary, the applicant has improved the plan from the last meeting. Staff suggests the Commission require the applicant to:

1. Modify the roof-drain riprap aprons provide a detail to show the discharge at wetland grade and not on the slope.
2. Modify the landscaping beds to bed linear along the wetland edge. This change allows a snow shelf area adjacent to the easterly building.
3. Incorporate some evergreens into the landscape plan along the wetland edge. Additionally, clarify for the record if the intent of each icon is to represent one plant.
4. Provide the sizing and detail of the oil separator to be used.

COMMENTS FROM AUGUST: 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.

Commissioner Beattie stated that you mentioned that you diminished the size of the smaller building, but when the public was here it was not that building that they were upset about. Attorney Bellis interjected, yes it was I'll tell you why Celeste, see that home is right there. It's flipped.

Commissioner Nappi asked Mr. Cook if he notified the applicant of the comments prior to this evening. Mr. Cook stated yes and I went over it with the applicant, the most recent time was Friday, the day of the plans delivery. Number 1 is actually a re-statement of what was stated back. Mr. Salemme stated that I think we met most of the, other than the rip rap aprons and the roof drains, for whatever reason we missed the elevation, but that wouldn't be a problem. Attorney Bellis stated that could be a condition of approval. Commissioner Nappi asked all of these have been met or agreed to be met. Mr. Salemme responded, as far as I know. If there is something there that hasn't been. Commissioner Beattie asked regarding the oil separator, do you have the size and the detail. Mr. Salemme responded, basically in talking with the Engineer, it's a minimum size, I think it's about a 1000 gallon tank that is more than sufficient for this size area. So the minimum size you can get without getting into too many details will be more than sufficient in that area. Commissioner Beattie stated the concern are the trucks in everyone of these compartments and they're all leaking some kind of fluid and it's all running into this one separator. Mr. Salemme responded, again from the brief, I didn't get into it in detail, but just briefly looking into it, I'm putting a unit in a subdivision I have going in

Beacon Falls, when I discussed it with the road builder, the unit we're putting in there is the same size of the unit and that's covering an area that's ten times the size. Commissioner Wilson stated that the City Engineer specked out a minimum oil separator. Mr. Salemme interjected and said yes, I have no problem. Commissioner Nappi asked if these are all covered in your plan. Mr. Salemme answered yes. Commissioner Nappi said another question John, I see that the restriction increased the separation from the regulated area from 45 and 25, which is larger than the one that was previously approved by this Commission and which side, even though we have nothing to do with Zoning is R-1. Mr. Cook responded, yes and R1 is here.

Karen Platt
253 Long Hill Cross Road

I live right there in that small home on the left of the property. Again as I said last month, most of our complaints with this development, and most of our objections is related to Planning and Zoning. But having lived in that home for 10 years, my home was built in the 90's, so they were still allowed to build a home in R1 zone and a home next to that and one next to that. I still feel that it's too close to the wetlands, I think even limiting landscapers from the use of the building does not preclude chemicals reaching to the wetlands and I don't know much about oil and water separators. I don't know enough about these things. Our concern is where you're dumping snow, if you're dumping it on our side of the property, your building; you're elevated enough over our yard level so that we're going to get your snow melt. Our yard's already wet enough. From October to maybe the beginning of June, our backyard is wet, sponge quality wet until we have enough dry weather to absorb all the moisture from the snow melt so adding significantly on that side of the property is going to be a problem for us. We do have an above level basement that knock on wood has remained dry. I am not confident that will remain if we're dumping snow on that side of the property. A chain link fence is not going to stop anybody from dumping anything. I appreciate that as an amendment to the plan, we did a clean up this Spring on Long Hill Cross Road and the amount of mess we pulled out of there was ridiculous, so we're concerned that this entire development is going to have such a large impact to the wetlands and our property making it more wet. Ideally we would like to see that smaller building removed from the plan. Again that is a Planning and Zoning issue, we'd love an R1 home because that would be less intrusive and have less impact on the wetlands than this building.

Commissioner Wilson asked what's on the right side of that building there as we're looking at it in between your house and the proposed? Attorney Bellis responded it's a 30 foot buffer. Commissioner Wilson asked if it would be landscaped. Mr. Salemme responded no, there is some growth in there now. We're not anticipating a huge amount of snow in this small paved area. I don't know what kind of impact it would have on the wetlands. This was a landscaped area on the previous plan, we'll remove some of the shrubs to create an area that if we get any significant snowfall that we would pile it in this section here. Chairman Zahornasky asked behind that area how much of that area is paved. Mr. Salemme responded zero. Chairman Zahornasky continued, so you have no paved area behind that area or to the side. Mr. Salemme responded, this is paved and this will be grass. Chairman Zahornasky continued so the only snow plowing you will have is between the two buildings. There really is no snow going anywhere near your property. Commissioner Beattie added, not that this is related to us, but last month there was a question about the lighting, did you do anything to improve that so that it wouldn't bother the neighbors. Mr. Salemme stated no, I didn't. Attorney Bellis interjected, I can answer that, in the detail of the PDD, that's when we address the lighting. It's in the regulations and I agree that's important, but it doesn't go on the initial concept.

Ingrid Waters
261 Log Hill Cross Road

I don't know if I should mention this first or last, I checked the minutes and anyone that was here last month would recall that the tape ran out and needed to be turned over and I think I started speaking three times and finally was allowed to continue, however, my comments are repeated over and over, I have outlined it and can I give it to the stenographer before I leave so that the minutes can be corrected. Because the tape, as you recall had stopped and needed to be turned over. So whatever I was saying was repeated again and again, I was under the impression I needed to repeat myself.

Commissioner Nappi stated, do you have the written comments, we can accept them and put them in today's minutes it doesn't matter for the record what minutes we put them in. Mrs. Waters responded yes I do, I would like it just to be corrected so that I do not appear to be illiterate in the minutes. Chairman Zahornasky stated we'll incorporate what you've submitted into these minutes tonight.

page 11, last paragraph from Inland Wetlands Meeting of August 14, 2008 to read:

"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 also built it. When we inquired about the zoning, 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."

Mrs. Waters continued, now I'd like to comment on today's meeting. My husband and I live next door to Karen, we have still problems with garages and the reason is we are worried about what is going into these garages. I'm wondering why all of a sudden an oil separator is being installed. Is there going to be automotive work being done like changing oil or the use of lubricants and solvents. What happens if the oil separator overflows into the wetlands. Who will be responsible to oversee that proper maintenance is being performed on these premises. I'm suspicious of the need for an oil separator and wondering what kind of work will be done in these garages. Could you please explain to me where else in Shelton would you find oil separators other than at gas stations, automotive repair shops or companies that maintain a fleet of trucks. I thought it was mentioned that an asphalt contractor might be occupying the building. There was never mention of this in the minutes and I wonder why. Last but not least, I'd like to point out that when you make a decision on this application that you've been appointed to this Commission to protect the wetlands, it is your responsibility to adhere to the presently existing Inland Wetlands regulations. I thank you.

Mr. Salemme responded, the oil separator was a recommendation from the Board, it's an absolute overkill, it's totally unnecessary. There was some concern from the neighbors that. Commissioner Nappi interjected, I just want to interrupt you because I don't think it's your responsibility to talk about oil separators. Mr. Cook stated, the oil separators have been used in many locations throughout town, including the Shelton Intermediate School, Homestead Village, condominiums, just about any other commercial site. Historically they were used in the larger parking facilities where you had a greater abundance of vehicles. Historically they have not been used on smaller sites, such as this one. The purpose in this particular site because it has been geared towards the tenants so basically to provide the best management practice that's where the suggestion came about to incorporate one, so pending on the user of the building. Chairman Zahornasky stated in the past it's been accepted that wetlands themselves are a good filter from pollutants or what not. A lot of plans in the past years, you had areas of wetlands that you'd have these runoffs of parking lots or what have you, and they'd be discharged just into the wetlands before they got into a watercourse or something like that. But we've been a little more proactive, we've been asking or requiring developers to put these in. A lot of times you don't have wetlands prior to discharge, so we've been actually requiring applicants to put these in a variety of projects all over town, just to safeguard the quality of the water before it gets discharged into any kind of wetlands or watercourse. It's a practice that we institute. A lot of commercial areas where you're going to have parking, you're going to have cars sitting, where you're going to get oil, basically it's parking lots. Subdivisions, homeowners, no because you just don't have those cars, most of the cars go in driveways or in the roads and you don't have that level of concentrations of oils and sand and stuff like that. They call them oil water separators, but they do capture, there is a lot of literature available

End Side A, Tape 1

Inaudible – commissioners speaking amongst themselves

Mrs. Waters was speaking but not directly into the microphone. Was not audible. Audible follows:

Mrs. Waters stated, garbage in the road, I am sincerely concerned that someone will dump solvents or whatever chemicals into that catch basin, maybe the people that will be using the garages. Chairman Zahornasky stated that can happen any place. There is no safeguard for that anywhere. Mrs. Waters stated that is an invitation. Chairman Zahornasky asked an invitation for what? Mrs. Waters responded for dumping. Chairman Zahornasky asked into the oil separator? They can dump in any commercial parking lot. There still is going to be a need for a catch basin, but without the oil water separator underneath they could just dump it and it goes right into the wetlands. At least we have protection if we dump anything in there, there is a structure that can treat it. It's not an invitation to dump anything in there. No one will know that the darn thing is in there, you can't tell the difference, it's underground and it looks like a normal catch basin on the top, you wouldn't know it was there. So it's not like this is an oil water separator because it's a different type of structure. You would never be able to tell one was underneath there. Mrs. Waters continued, however I am not so sure that the tenant will adhere to common sense. Chairman Zahornasky interjected, then you wouldn't have any tenants in any kind of building. Attorney Bellis commented, the permitted uses are listed under a statement of usage that are given to Planning & Zoning, no where in here are there automotive repair or asphalt or anything else she mentioned. They are not permitted uses. So that's not something you need to be

concerned with. Commissioner Beattie asked do you have a list of what is approved that would be available to the public. Attorney Bellis responded yes. Commissioner Beattie stated I don't see it. Attorney Bellis responded that the Planning & Zoning were given a proposed Statement of Uses and if they approve the application then that becomes the list. Commissioner Nappi asked if there are any floor drains proposed inside of the building. Mr. Salemm responded, I have not gotten that far yet, it wouldn't be a problem, I don't see a need for it. Chairman Zahornasky stated I think we're saying we don't want it. Commissioner Nappi stated I just wanted to clarify.

Mrs. Platt interjected I get the impression the way this meeting works tonight is that you're not necessarily saying we love this go for it, but I could be wrong. But as a resident we don't want any part of this. It's a beautiful environment and everyone keeps telling me it's a transitional zone, I have a 10 year old and a 6 year old who play outside. Chairman Zahornasky stated I understand your concern it goes with Planning & Zoning, we have our regulations, there's a lot of applications, we all live in town too, there are a lot of applications that come before us and we don't necessarily like them, but unfortunately when we're behind this table we have to act like a Wetlands Commission and the only thing we have to go by are the Wetland regulations. So if they conform to those regulations, then there's not much we can say or do, only to do our best to protect everyone else and enforce all the safeguards we put in place are put in place. Commissioner Nappi stated the Planning & Zoning Commission could say they don't want the building there, they can say they want to keep it R1. It comes to us just to look at the impact on the wetlands and to make sure that it is minimized if not completely eliminated. Everything that our staff has recommended to us the contractors have agreed to do. The other thing is that they are exceeding what was approved last time. Mrs. Platt interjected, and I appreciate that but I can't imagine anyone would want this next door to their home.

Donald Soshenko
248 Long Hill Cross Road

I own the farm and the house at 248 Long Hill Cross Road, across the street from the proposal on map 51, lot 29. I would like to comment Mike Salemm for addressing some of our neighborhood concerns about the wetlands, adding an oil separator, chain link fence, a bigger buffer between R1 and the proposal of the building on the right. However, the back of the building is only 25 feet away from the wetlands. How does a fire truck get around there, you answered my question on the snow removal. I had a question on where you were going to put the snow. My other point is who will monitor these contractors, when they need to change the oil in their equipment, are they cleaning their equipment in the wetlands. Some contractors work 24/7 like a snow removal guy, he would work 24/7. We have all been through this before when the neighbor Powerwrench let the current owner Anco Engineering to clean up the polluted soil and wetlands in the surrounding area. Who know when Powerwrench moved in, that they were going to contaminate the soil. The current proposal indicates that one of the buildings will be used for contractors to store equipment. Let's not make this wetlands and conservation area contaminated like the neighbors did. Please remember that these wetlands drain in front and in back of our homes and Long Hill School. Thank you.

Commissioner Nappi stated one more question, on the loading area is that sufficient to protect from any fluids in that area John? Mr. Cook responded with the curbing, all the curbing will be directing the sheet flow to the oil separator. Commissioner Nappi asked Mr. Cook if he was satisfied with that. Mr. Cook responded yes.

Inaudible – Commissioners speaking amongst themselves

Commissioner Wilson asked how many units are going to be in that small building. Mr. Salemm responded 4. Commissioner Nappi asked if there were 3 bays. Attorney Bellis stated that one of them doesn't have a bay in the middle. Mr. Salemm responded that it should probably be 4 bays, I won't be able to do the type of building that I had originally shown on the previous map. Commissioner Nappi asked if there are plans for offices in there or just warehouse. Mr. Salemm responded normally these are built out by the user. There are different size offices for their needs and it's mostly the storage area from what I've seen with the occupants of the buildings that I've seen. Again, the buildings I've looked at there have been very little work done in these buildings, I have never been in a position where there's been any loud work going on, they meet in the morning in most cases and disperse to wherever their jobs are. I'm going to guess that the impact is going to be a lot less than a completely used building. Commissioner Beattie stated since you've been so cooperative in the restrictions that you're putting in, is there a possibility of putting in a restriction of the hours that they cannot be used in operation. Attorney Bellis stated that the Planning & Zoning Commission will do that that is up to them. Mr. Salemm responded, I wouldn't have a problem with that, the reason we eliminated landscaping, I would also be eliminating snow removal companies. I'll look into in more detail. I would eliminate and have no problem eliminating anyone that would not be working normal business hours. Commissioner Beattie stated you're building it and you say you have no problems but after it gets all going, you sell it, what guarantee do we have that those would be enforced. Attorney Bellis responded it would be in a Statement of Uses. Mr. Salemm responded, most likely I'll take a bay, I build single-family homes. You would never know that I was there. I'd store a couple of pieces of plywood, it would be my office.

Commissioner Wilson motioned to approve Application 08-16, Long Hill Cross Road, LLC with a maintenance and usage plan to be submitted to the Commission in accordance with John Cook's comments as well as having the applicants engineer provide details of the oil separator. Commissioner Nappi seconded the motion.

A voice vote was taken; motion passed unanimously.

Commissioner Nappi motioned to submit a copy of the minutes with the public testimony to Planning & Zoning. Commissioner Beattie seconded the motion.

A voice vote was taken; motion passed unanimously.

2. 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.

John Cook comments:

WCEO REPORT

September 11, 2008

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

STATUS: 1. Application received August 14, 2008.
2. 65-day clock to decide action or schedule public hearing expires Oct. 18, 2008.

PLANS: A&A BROTHERS – 145 RIVERDALE AVENUE

Existing Conditions Map/Site Restoration Plan July 10, 2008 revised August 28, 2008

COMMENTS: The landscaping plan has been revised to reflect the conditions from the earlier permit and the additional work due to the current grading plan. The added plantings have been located to focus vegetation improvement along the Housatonic River rather than Riverdale Avenue. The materials reflect the meeting staff held with the applicant agent. The Commission may require the applicant provide a detail of the retaining wall. This detail may be incorporated on the plans or as an attachment to the file documents.

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.

Chairman Zahornasky stated they graded this property, we all missed it. There was never any provision to erect a retaining wall along the river's edge. However, it was granted to grade, no one picked up that in order to increase the grade, there had to be something to hold it back before it went back into the water. Basically they replaced the wall, there might have been a wall at one time, there were still some footings on the river bend, but they did build the wall, they did grade it. It was originally meant to have a building on it. They came here showed us the wall at the last meetings, what was missing was a landscaping plan. Staff revised the landscaping plan to reflect more around the river's bend, to provide more of a buffer. Commissioner Nappi stated I'm not sure John if you've clarified that according to the plans. There was only a small portion of the wall, not the whole wall. Mr. Cook responded that the original permit did not show any wall. There might have been a wall there but it wasn't proposed as part of the original permit. There was a bulk head and it is actually below the water during high tide.

*Augusto DaSilva, Property Owner
29 Mountain Drive*

Everyone knows me by Auggie. That comment that you made now, that used to be a boat ramp a long time ago. The bulk head still exists. If you see, the property line is 12' away from the wall so we actually stabilized the property. It was a silt fence post if you look at the old print you will see that we built the wall to hold the fill so that it wouldn't go into the river. Actually inside the proposed silt fence, though the wall was not proposed in the first plan, but when we got to do the job, if we did it the way it was designed, it's not going to work. So we just started to build a wall, it's not a big wall. It's probably in some places 3 or 4' wide and where the boat ramp is, of course we had to go down into the base of the river, so a lot of erosion through the years happened and that property, I'm losing to the property by building the wall. If I did it better that wall should have been way in.

Commissioner Nappi responded it probably would have been something the Commission would have recommended so it's actually adding to the protection of the environment. Mr. DaSilva stated I was not here at the first meeting because I was not in town but I think my engineer explained that the way that the property was before was that the boat ramp in there actually made a jog coming into the property so that every time the tide or lets say if we had a flood, the water would come in and hit that corner and drag more land into the river. Now as you can see it's a straight wall, the river flows properly. I think we improved the situation. That's what I feel. I lost two months of not being able to do any work because I was stopped, now you have to come to the Commission, I said fine. Commissioner Nappi asked Mr. Cook if it was detailed enough for him. Mr. Cook responded yes.

Commissioner Nappi motioned to approve 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. Commissioner Wilson seconded the motion.

A voice vote was taken; motion passed unanimously.

3. 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*

We were here last time. This is a 6 lot Plan Development Subdivision. The only real comments at the time I think you wanted a more detailed landscaping plan in respect to the detention basin. I'll now turn it over to Mr. Rotondo and let him take it from there.

*Jim Rotondo
Rotondo Engineering, LLC*

At the last meeting we had some discussion on the proposed detention system for this development and there were a few items that we went back and based on these discussions prepared a revised plan. I'd just like to go through those. First one had to do with the configuration of the basin and the soils report based on the types of soil that were there was identified that there may be a seasonal ground water table which would fall within our basin volume. Mr. Ferrell and I went out and we excavated 3 test pits through the center of the basin, down about 3-3 ½' to take a look at what's there. We did observe modeling which is an indication of seasonal high ground water between 24-36". The bottom of our detention basin was proposed at about 3' below existing ground so what we did was we raised that bottom of our elevation 1'. So it coincided with that seasonal ground water elevation. As a result of raising that we did raise the berm just to maintain our detention volume within the basin. We did also incorporate in a small berm to the center of the basin and reconfigured our inlet and outlet. What this will do is create a longer half for inflow into the basin prior to discharge increasing resident's time in the basin which will enhance storm water quality measures. We also prepared a landscaping plan for the basin. This includes a number of shrubs and trees including Winterberry, Dogwood, Spice Bush and Blueberry. These are dispersed across the berm basically in between the detention

basin and the on set wetland soils and down in to the slopes in the edges of the basin and we are proposing a wetland seed mix for the basin bottom and the interior slopes of the basin. I believe those were the items relating to the detention basin. There was also a comment from the City Engineers' office that all catch basin sumps should be 4' deep. Our plans actually show a 4' sump in the catch basin and we have added that note to the grading and utility plan at each catch basin fall out. I believe those were the items we were asked to take a look at from the last meeting.

John Cook comments:

WCEO REPORT

August 14, 2008

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

STATUS: 1. Application received August 14, 2008.
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 Rev. 9.3.08
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: The plans have been revised to incorporate landscaping into the detention basin berm. The choice of plant materials is typical for basin plantings the numbers and size specifications are provided. The basin bottom incorporates a wetland seed mix.

They redesigned the basin bottom to raise it 1.0' and the top elevation has been raised 0.5'. The effect of raising the basin bottom should insure the basin stays moist but minimize the possibility of creating an open water condition based on the soil data stating the typical water table of 1.5 – 4 feet.

The changes were discussed with City Engineer and he stated that the basin changes were insignificant relative to his earlier report. Therefore, there is not a supplemental report.

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.

Mr. Cook stated that per the City Engineer's report the basin changes were insignificant relative to his earlier report, therefore there is not a supplemental report. Commissioner Nappi asked what does that mean. Mr. Cook responded that the changes of the basin did not warrant in him issuing another report because they are still providing the same storage. Commissioner Nappi stated in other words he's not satisfied. Mr. Cook stated he is satisfied, it's not warranted.

Mr. Rotondo stated Mr. Cook we did check our hydrology of the basin, we still do have a decrease in all our proposed, basically the same as in the original proposal. Commissioner Nappi continued, his report said that you should provide it, that's why I was asking that. So he approved it. Mr. Cook stated yes. Commissioner Beattie stated that John you mention in your notes the recommendations of possibly developing a landscape plan, are you satisfied with this. Mr. Cook responded yes. Commissioner Nappi stated, again I want to go over this, he said the changes were insignificant, but I'm reading his report and it says they weren't, that's why I was questioning it. Chairman Zahornasky stated his report he reviewed the basin as it was designed based on the plan that was submitted last time, what I asked the applicant was to go back because we were concerned of the water table, I was concerned saying that well did you consider the possibility of the water table being up say a 1-1 ½', now when you do your computations on how much this basin will be able to hold, if you try and dig it down 3', but at 1 ½' you've got water. Now that means you're missing 1 ½' of capacity in that basin. So that is what I asked him to go back and look at and that's why they reconfigured the basin, I think the City Engineer was saying the changes that they made in the basin, are so minimal as far as computations that he didn't make up another report. Chairman Nappi said ok I just wanted to make sure for the record that he now is in compliance with what the City Engineer stated.

Commissioner Beattie motioned to approve 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. Commissioner Wilson seconded the motion.

A voice vote was taken; motion passed unanimously.

III-C NEW BUSINESS

1. PERMIT-APPLICATION #08-25, THE MAPLES PDD – INDIAN WELL ROAD. Proposal to excavate a boat ramp into the Housatonic River.

*Jim Swift
Professional Engineer & Landscape Architect*

This proposal is for the Maples. They have an idea that they would like to provide a boat ramp access, a private boat ramp access for their use down on the river. We did check with DEP and the other agencies they didn't have any interest, it's strictly up to this Commission. It's fairly straight forward, as you drive down into the Maples and take the turn in, if you look on the left there is a grass area of 300-400' before the Maples housing starts. The Commission saw an application about 2-3 years ago, it was old foundation, old cottages on the shoreline at one time. They're all gone now but that is a man-made sort of shoreline. So they picked a spot where they would like to put a boat ramp and the plan that we have for the ramp is basically to just start grading down to the river and rather than start grading all into the side and messing up the whole area, we use those pre-manufactured concrete blocks, so as we come in we'll just shoot the pavement straight down into the water, put in these walls so we don't have massive grading on either side. Into the river for a distance of 10', it's fairly steep, I don't know if everyone's ever seen a boat back in, they just back it in, by putting in those concrete pavers, they'll be placed on the river's bottom. You could see a section of that here. The total height is about 5', the existing embankment is 5' so that's how high the wall will be. These concrete pavers extend down into the water about 10'. That's all we need for it to float. It's fairly straight forward.

Chairman Zahornasky asked how do you put those pavers into the water. Mr. Swift responded that comes to one of John's points. John will read some comments, but basically what happens is that once a year they lower the water level and they're getting ready to do that sometime in October. They lower the water and that allows us to get in there and work. We could build it otherwise, what you would do in that case and it's noted in the plans is put the filter fabric around, it's kind of like a hanging curtain, so if you have to work in the water, it keeps the silt in the muddy water.

John Cook's comments:

WCEO REPORT**September 11, 2008****PERMIT-APPLICATION #08-25, THE MAPLES PDD – INDIAN WELL ROAD**

STATUS: 1. New application.
2. 65-day clock to decide action or schedule public hearing expires Nov. 15, 2008.

PLANS: PROPOSED BOAT RAMP – THE MAPLES
September 4, 2008

COMMENTS: Recommend receipt for review. The proposal is straightforward in concept. It appears the location is attempting to maintain two significant trees within the common area. It would be helpful to have the plan view for the entire common area. Besides showing the entire common area staff has three basic comments:

First, provide a specification for the grid pavers.

Second, Recommend the use of the patterned stamped concrete block versus the plain face.

Third, since the proposed ramp grade is steep (15%), it may be prudent to consider alternative locations including approach orientation (enter the river at an angle) in order to reduce the grade. Showing the entire common area will help evaluate in this regard.

Mr. Cook continues, rather than going straight down the embankment, you go on an angle and possible back down into it from North to South. That was my observation. Commissioner Beattie asked if this comes straight out into the main road. Mr. Swift responded yes. Commissioner Nappi asked where is the pump house. Mr. Swift responded as you come in it's just on the right. The ramp would be right here and the pump is here. Commissioner Nappi asked how does this Commission know that the applicant, Mr. Pagliaro, that the Homeowners Association has authorized this. Mr. Swift stated that he is a member of the Association. Commissioner Nappi continued, what I am going to need to vote on this is either a motion that the Association has approved it. I don't have anything that shows that. We need to have something on record. Mr. Swift stated point taken, we will get you some documentation. Commissioner Nappi asked what the difference between the ramp and the road. Mr. Swift stated the distance is a little over 50', hence the steepness, from the water line to their driveway. It's steep, it's about 15%, I looked at some other ramps and I think this is appropriate. The issue with trying to do things on an angle, if it was important to the Commission we could probably do it, I just felt that if you could get your boat launched in this kind of a setup, you would be doing less disturbance rather than trying to angle things in. Commissioner Nappi asked about parking of these vehicles. Mr. Swift responded that there is a grass area by the pump. You could see 4-5 cars or trucks with boat trailers on it now. they go down to launch the boats and then come back to park. Chairman Zahornasky asked what's the height of those blocks from the beginning to where the water is. Mr. Swift stated that the maximum height once we get to water is 5'. Commissioner Nappi asked what if anything does this have to do with flood plan of that area, does it disturb it. Mr. Swift responded the main concern is you don't want to take volume away that just pushes the flood farther. This is miniscule, you're at an area, you're taking fill away, and obviously this would gently go into the water 100 years ago. 100 years ago before they built these houses that's what it did, they built the houses, they brought the fill in and you can see an old set of stairs, they filled it all in.

Chairman Zahornasky stated that they would like to do a walk through. Commissioner Beattie asked if there were any planned plantings or improvements. Mr. Swift stated that when the Commission gets there we can discuss what should be or should not be there. This tree might have to go, it's a beautiful tree, but almost literally half the trunk is undercut on the riverside. It's sticking its limbs into the soil. The plantings here are just annuals, perennials, garden things, kind of a d-mark.

Mr. Cook addressed Mr. Swift, just to clarify my comment about trying to lengthen the overall ramp not by actually going in perpendicular with the road and make a turn, but the entire ramp would be more or less angled. Either one of these trees, because of the severity of the cut, you're probably going to be cutting to a significant portion of the roots. But it was actually oriented so that you would basically line up with Indian Well Road, you'd pull up and then just back down straight, and when you'd motor up, you'd motor up to a straight shot. You'll probably lose one of those two trees anyway.

END SIDE B, TAPE 1

Commissioner Nappi asked Mr. Swift to go over the retaining wall. Mr. Swift stated it's the large block that John's made the point that the type we should use is not the old concrete straight faced wall, it's the nicer looking ones. We do specify it and I can get you a spec sheet on it. It's got some kind of a pattern on it. Commissioner Nappi asked how far out is it? Mr. Swift responded it stops, it does not go past the water line. When we go out there you'll see that the embankment is very straight up and down, so when we ruin the wall out, we can really just end it right at that embankment, it'll work just fine. It'll tie right up to the embankment of the water and then as you come up the driveway coming up this way, the wall gets shallower and shallower. It's about a 5' maximum. Chairman Zahornasky stated that the Commission will go look at it and staff will advise the applicant when they will be out to look at it. Thank you.

III-D OTHER BUSINESS

- a. Dimarco Property – 11 Holly Lane VIOLATION – RESTORATION PLANTING – Still inadequate of planting. Randy will submit to Commission his comments. Course of action to be taken: applicant to be contacted to provide a Restoration Plan of what was directed by the Commission to be planted back to Commission for compliance within 10 days. Next month's meeting to include in agenda what the compliance of the applicant has been to rectify the problems.
- b. Fortin Property – 220 Soundview Avenue VIOLATION – RESTORATION PLAN – Tracey Lewis, Surveyor has not submitted an application regarding this property as of yet. Course of action to be taken: send letter to Mr. Fortin stating that the plans to be submitted within 15 days or matter to be turned over to Corporation Counsel.
- c. Mauretti Property – 324 Meadow Street VIOLATION – RESTORATION PLAN – Staff to submit letter to applicant that in violation.
- d. Gates Property – 24 Hunters Ridge Road VIOLATION – MATERIAL REMOVAL – Staff to submit letter to applicant that in violation.
- e. Barrozo Property – 23 Mimosa Lane VIOLATION – RESTORATION PLAN – Staff to submit letter to applicant that in violation.
- f. Pytko Property 12 Byron Place VIOLATION – Investigation ongoing – Application submitted September 11, 2008. To be put on the agenda for the October meeting.
- g. Perry Property – 34 Sharon Drive Investigation ongoing; filling has stopped; no additional work has proceeded. Send applicant letter to applicant of what Commission requires and have available for October meeting.
- h. Monteiro Property – 120 Thompson Street Investigation ongoing, no additional work has proceeded.
- i. Application #08-13 Rotko Property– clarify motion. Action:

Commissioner Beattie motioned to approve 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. Motion to approve also to include 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 Wilson seconded the motion.

A voice vote was taken; motion passed unanimously.

2. Buffer-Application #08-21, MCGRATH PROPERTY – 26 Captains Watch. Proposal to construct in-ground swimming pool with regulated upland area. Staff reviewed and approved
3. Buffer-Application #08-22, THOMPSON PROPERTY – 15 Lexington Court. Proposal to construct home addition within regulated upland area. Staff reviewed and approved.
4. Charter Revision – Commissioner Nappi advised the Commission of some of the Charter changes proposed:
 - * Planning & Zoning – increased from 6 members to 7
 - * New Charter clarifies the Mayor's authority to supervise general operations of all departments
 - * Succession to office
 - * Changes to Board of Aldermen and processing of Ordinances
 - * Powers of Initiative
 - * Board of A&T – changes of wording

- * Board of Education – proposing Chairman's terms not be restricted.
- * Inland Wetlands – no changes
- * Board of Ethics – increased from 3 to 5 members
- * General Provisions – prohibit individual to hold more than one appointed position within certain sections of the Charter
- * Succession to office – new terms to name successor
- * Fire Department
- * Bidding
- * Board of Education – professional services
- * Conflict of Interest
- * Member to hold no more than (1) elected position.

END SIDE A, TAPE 2

Chairman Zahornasky stated that regarding John Cook's reports and summaries, John will be able to set up a cut off date as to submission regarding items on the agenda. He will no longer accept items after his cut off date. It will be the Friday before the monthly meeting. The Commission will receive agenda and reports at that time. The Commission agreed that this might work better.

IV. MINUTES

August 14, 2008 Regular

Commissioner Wilson motioned to approve the minutes of August 14, 2008. Commissioner Beattie seconded the motion.

A voice vote was taken, motion passed 3-0; Commissioner Nappi abstained.

V. ADJOURNMENT

Commissioner Nappi motioned to adjourn. Commissioner Wilson seconded the motion.

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

MEETING ADJOURNED at 9:48 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.