

**I. PLEDGE OF ALLEGIANCE****II. ROLL CALL****III-A. OLD BUSINESS**

1. APPLICATION #14-11, PERRY HILL ESTATES – 88 PERRY HILL ROAD. Proposal to create a 26-lot PDD subdivision involving wetland fill and culverting for road construction, detention basin construction and discharge of stormwater, and associated grading for utilities and home construction within upland review areas.

**III-B. NEW BUSINESS**

1. APPLICATION #14-14, 235 THOMPSON STREET SUBDIVISION – 235 THOMPSON STREET. Proposal to create a 3-lot subdivision involving fill to regulated area for residential lot access and upland review area disturbance residential lot development. Also excavation for mitigation.

**III-C. MISCELLANEOUS**

1. MATURO PROPERTY – 58 KINGS HIGHWAY. Violation.

2. APPLICATION #14-12, NOLAN PROPERTY – 1 CLINTON DRIVE. Proposal to construct addition and deck within upland review area. Agent review.

3. APPLICATION #14-13, LOMBARDI PROPERTY – 7 LONGMEADOW ROAD. Proposal to construct addition and deck within upland review area. Agent review.

**IV. MINUTES**

1. June 12, 2014 Regular Meeting
2. July 17, 2014 Special Meeting

**V. ADJOURNMENT**



**CITY OF SHELTON**  
**INLAND WETLANDS COMMISSION**  
**SPECIAL MEETING MINUTES**  
*Thursday, August 14, 2014*  
*7:00 P.M., Room 302*

Chairman Zahornasky called the Regular Meeting of the Inland Wetlands Commission to order at 7:06 P.M.

**I. PLEDGE OF ALLEGIANCE**

All in attendance recited the Pledge of Allegiance.

**II. ROLL CALL:** Robert Dunford, Commissioner  
Jack Goncalves, Commissioner  
Ken Nappi, Commissioner  
Joseph Reilly, Commissioner  
Charlie Wilson, Vice-Chairman  
Gary Zahornasky, Chairman

Absent: Joseph Benanto, Commissioner  
Michele Kawalautzki, Commissioner

**III-A. OLD BUSINESS**

1. APPLICATION #14-11, PERRY HILL ESTATES – 88 PERRY HILL ROAD. Proposal to create a 26-lot PDD subdivision involving wetland fill and culverting for road construction, detention basin construction and discharge of stormwater, and associated grading for utilities and home construction within upland review areas.

Jim Swift  
Professional Engineer/Landscape Architect

We had this presentation last month. This is the site, it's located on Perry Hill Road, there's a small access off of Walnut Hill Road. It's next door to the Block Farm that we all remember for the old days. Right now there are horses being kept on site and a lot of the site, probably the first half or 1/3 has horses on it. There are some areas that are really overgrown and some areas down here it looks like there's an old shed.

We have basically three wetlands, a main watercourse through the site, associated wetlands there and then wetland here and here. There's a lot going on in the front half of the site, with a pasture here and an existing sewer.

The proposal is for 26 empty nester type of units, they are 2 bedroom units, we're going to set them up so that they are on very small lots, and they're more condominium than fee ownership lots. But they are fee ownership lots, what we will be doing is restricting like no playground equipment, no pools and things like that. Which tends to put the kibosh on any outdoor activity that you might have in a standard subdivision so we have a lot more control.

Commissioner Nappi asked how are you going to do that.

Mr. Swift responded it's a private road; it's an association so when you buy a unit what you're going to be buying into is the association rules and regulations. Those rules and regulations are going to prohibit swing sets.

Commissioner Nappi stated which can be changed. Is there any way this could be put in the deeds. Mr. Swift stated I assume it can be. We'll check into that.

Ben Perry  
689 Long Hill Avenue  
Shelton, CT

Are you talking about deed restrictions?

Commissioner Nappi stated not sure but please look into it.

Mr. Swift continued, if you have 26 owners and you make a change to the association rules and regulations mandatory is unanimous. We have these, we have Waterview Landing which is Royal Wells' off Murphy's Lane, and we've got the other one off Old Stratford Road which are set up pretty much identical. Next time I'm out and about I'll take a drive through.

That's our story, we're going to have a lot of restrictions, it's all private roads, there's no burden on the city for this. We won't impact the school system. I want to mention Ben's been working a lot with the neighbors. It's a PDD and very sensitive and it's going to attract a lot of attention from the neighborhood and Ben's been working real hard with the neighbors. This driveway here on Walnut Road doesn't look like it's going to survive the process. That's one of the things that P&Z asked us to take a look at. It will only be used for emergency vehicle access.

As far as wetlands disturbances, there's clearly a disturbance where we cross the road. We have two that I would consider temporary disturbances and that's to get these discharges from these ponds all the way out to the watercourses. You don't want to discharge that kind of flow all the way out to the wetlands. So those are the two temporary wetlands soil disturbances. Getting beyond that you can see the 50' upland review area and you can see we're within that distance. In this area we do have a few units that do get within the 25' upland review area. In this case we have a dry stone retaining wall; it touches the tip of the wetland and then fades away at both corners. Across the street to lot #26, this particular lot happens to be in an area where there is a horse field right now. That's the nature of the upland area that we're going to be disturbing.

Coming over to lot #25 in order to get the setback from the property we have a small upland disturbance here, coming to those buildings proper's are outside the 50' upland review area. We have a bit of encroachment into the upper review area somewhere from 20-25' possibly. Coming around we have 1 unit that happens to fall into the upland review area, yards do come into that area and also in this location is a crossing for a sanitary sewer leaching field.

We talked about this at the last meeting, the red line is the sanitary sewer connecting to the existing sanitary sewer and the way this project is designed right now, all these sanitary sewer connections are gravity. There's nothing fancy about it or out of the ordinary about it. We get deep here; we get into a 20' cut where this sewer is. We still would prefer it be all gravity because it's trouble free, but just for the Wetlands Commission consideration there is a such a thing as the low velocity sanitary sewer system which we've used a dozen times. You design it that works just like a reverse water line. In that case we can bring it back around the road and eliminate that section of the Commission feels necessary. Again that depends on a pump, no electricity no pump.

Commissioner Nappi asked what the limited disturbance is.

Mr., Swift replied for the sewer I'm giving them 30' through this area here. I expect the wetlands to be recreated almost immediately. The associated

wetlands through here is more a watercourse type of thing. Once we put the sewer in we'll reconstruct it just as it is and plant it out. It is temporary.

John Cook stated the only question, you mentioned approximately 20' deep at the crossing, in that area of town it's quite hilly so is there a backup plan if you encounter ledge at 10-12' below the surface, now you're going to have to be blasting a channel in order to install the sewer line, has there been any borings. Mr. Swift replied there has not. What we do these days when you get into something like a trench for a sanitary sewer you're a lot more likely to handle it these days. Most contractors have more so than 10-20 years ago they had hammers. Having said that I can't guarantee there's no blasting but that's more typical these days when you're trenching. For the Commission's consideration, we would entertain a condition that it be hammered and not blasted.

Commissioner Nappi asked that's all gravity even down there. Mr. Swift replied yes, these units we're probably not likely to get basement units in. These all here we are. These two units will discharge to Perry Hill Road. The real difference is that some of the units we won't be able to get basement bathrooms in.

For storm drainage we are litigating the 200 year storm for storm water runoff. Some members of the Commission may remember when we did the project next door it flows downhill through the Highland golf park and down into the creek.

Commissioner Nappi asked Mr., Swift if he had time to review the City Engineer's comments on the project. Mr., Swift replied I just got them and I've reviewed them really quickly. I'll go through them in a second.

Erosion control is very important on this project because it's large. I will say, the way that we're intending to develop the site is in sections. We intend to build the road complete, get that done, do all the drainage to the sanitary sewer, and then start marking off the sections. I'm not sure if Ben has made a decision on which one is to go first. We won't have the site opened at the same time.

What we're going to do is we're going to use the detention ponds and use them as temporary sediment basins, you go the outlet structure and if it's 6' tall, you block up the lowest of orifices of hay bales. So when you get an inflow runoff into the pond it doesn't discharge as it will in the future where everything is all stable, it will build up and the hay bales will filter it out over a long period of time.

Commissioner Reilly stated, you said the storm water ponds are upland. It's a gravity fed system. I don't understand why you're calling it upland, it's confusing me. Mr. Swift stated what's going on is the wetland is lower and then you start going uphill and these wetlands are lower, everything that's draining into it is higher yet, so the general topography of the site runs from high to low.

Commissioner Nappi stated the maintenance of the pond is covered by the association. Mr. Swift responded yes. The association owns it.

Getting to landscaping and mitigation, we have some general landscaping around the units; we're going to do a lot of buffering around our neighbors. The one thing I did do in consideration of the wetlands mitigation is areas where we're coming to the upland review area and kind of close to the wetlands I've got plantings for Dogwoods, some Berms, 5 native plants that get to 10-15' tall, they're good for wildlife. I would appreciate being able to work with John once we do these particular units, but as a reassurance to the Commission, should the Commission grant us the approval for this, this is a condition of approval that there are mitigation plantings going in.

Mr. Cook stated that that over the years so many times when detention basins are designed and formulated and they're using the formulas that are industry accepted standards for so many years, and yet time and time again we have downstream property owners that are aggrieved and say it's not working. It's one of the things I've been wondering about if the formulas used are really taking into

account what physically happens in terms of how the runoffs change and then changed the runoff.

Mr. Swift responded, the short answer is yes, the longer answer is that there is always an intermediate time when you have the road in, you have the houses built and all the storm drainage connected, but the lawns aren't fully established, landscaping is little bushes instead of bigger bushes, there's always a grown in type of period which is probably along the lines of what you would be worried about. That's one of the reasons when we do these things, if you look at the storm drainage report post development runoff rate after the detention is always less than a pre-flow rate.

## **WCEO REPORT August 14, 2014**

APPLICATION #14-11, PERRY HILL ESTATES – 88 PERRY HILL ROAD. Proposal to create a 26-lot PDD subdivision involving wetland fill and culverting for road construction, detention basin construction and discharge of stormwater, and associated grading for utilities and home construction within upland review areas.

STATUS: 1. Clock started July 10, 2014  
2. 65-day clock to decide action or schedule public hearing expires September 13, 2014

### PLANS: PERRY HILL ESTATES

Cover Sheet June 26, 2014

Topographic Survey April 23, 2014 rev. May 14, 2014

Site Plan June 26, 2014

Soil Erosion Control Plan “

Grading & Utility Plan “

Landscape Plan “

Drainage Details “

COMMENTS: Firstly, the two office file packets did not include the Erosion and Sediment Control Plan however a copy was gotten from the City Engineer's set. The cover sheet package refers Construction Details Sheet 5 but the title block on the sheet identifies it as Drainage Details. The applicant should provide two copies of the E&S Plan for the office file and insure the cover sheet identification and title block match each other.

That said the following comments are offered for discussion.

1. Staff strongly recommends the implementation of pressure treated split-rail fencing to establish and insure the limit of disturbance. This measure can be installed before home construction after site clearing directly along the proposed limits of disturbance on the following units: (behind #1, 2, 4, & 5); (behind and along 6-9); behind (10-12); (behind and along #13); (behind #14-18); (behind and along #25 & 26). This technique has been used strategically and effectively previously on close quarter development near protected areas to help insure the disturbance limits as proposed by the applicant are kept.
2. The applicant is indicating 4' sumps within catch basins as a best management practice.
3. The applicant is indication the detention basins adjacent to the wetland areas rather than within also to be considered another best management practice.
4. The applicant is proposing several areas of plantings for upland buffer establishment and existing field areas are to become reforested be a natural progression less removal of invasive species.
5. Staff would suggest there be flexibility as to the exact location of the detention basins, provided the engineering design function is maintained, to order to avoid removal of any desirable trees or if ledge is encountered. In addition, staff recommends the design engineer assure all phases of the detention basins construction are as per plan.

While the zone change provides aggressive intensity of development from an R-1 to effectively an R-4 level the applicant strived to respond to contemporary design efforts to avoid and minimize direct impacts to the regulated areas.

Commissioner Nappi asked if the split rail fencing the best way to go. Mr. Cook responded it's a bit more attractive, staff would never recommend a chain link. I threw that out if there are other choices then fine.

Mr. Swift stated do you want me to go through what the City Engineer's comments are. Commissioner Nappi stated no, we have the same problem, the plans and the clock started July 10, we don't get it until the night of and the developer or the engineer gets it when we get it, and doesn't have a chance to respond to the City Engineer's comments and therefore prolongs the application process and any approval or disapproval can't happen until its read. Again I would ask that our agent ask the City Engineer to try to get us a timely report to the Commission and the applicant so that they can read it and be prepared for our meeting. Mr. Swift stated honestly it sounds worse to you than it does to me. Chairman Zahornasky stated it's not fair, to any applicant it's not fair. You should have ample time to respond especially when the clock is ticking.

End Side A, Tape 1



203-924-1555 ext 1509  
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**City of Shelton**  
Office of the City Engineer  
54 Hill Street  
Shelton, Connecticut 06484-3207

14-11

Robert F. Kulacz, P.E.  
City Engineer

Rimas J. Balsys  
Assistant City Engineer

**SUBMITTED**

AUG 14 2014

**INLAND WETLANDS**

August 13, 2014

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

Re: Perry Hill Estates, Perry Hill Road;  
1) Topographic Survey dated 4/23/2014, revised 5/14/2014  
2) Plan Sheets 1 to 5 all dated June 26, 2014  
3) Storm Drainage Report dated June 26, 2014

Dear Mr. Cook:

This office has reviewed the above referenced application to construct a 26 unit common interest community on 13.5 acres of property currently zoned for 1 acre single family homes. Due to the restricted capacity of the downstream urbanized watercourse that will convey the runoff from this development to Burying Ground Brook, it is imperative that adequate stormwater detention is provided. Additionally, the density of this development is greater than currently permitted by the zoning regulations and will create more runoff than normal.

The following comments are offered:

1. The overall intent of the stormwater management plan is sound, however, more information and clarifications are required before we can give a formal endorsement.
2. The riprap overflow channel from Detention Pond B1 is not acceptable as shown. It will direct any overflow to the abutting property to the east. The riprap overflow channel shall be extended northerly from the pond directly to the main watercourse channel.
3. The "Culvert Report" for the proposed watercourse road crossing between units 25 and 26 is lacking the area of the watershed and the year of the design storm. There is a conflict in the upstream culvert invert between the plans and report.
4. The culvert size and type for the watercourse crossing between units 25 and 26 is not labeled on the plans.
5. The Watershed Model Schematic is not sufficient. The location of the "Analysis Point Total" shall be plotted on the watershed map along with the peak outflow points for the watersheds.
6. There are no access drives to either detention pond. A gravel access drive is required to each pond for future maintenance.



I am not endorsing the application at this time due to the deficiencies and concerns detailed in my comments.

Very truly yours,

Robert F. Kulacz, P.E.  
City Engineer

cc: Richard D. Schultz, Planning & Zoning Administrator  
File: Perry Hill Estates Site Plan File

Mr. Swift stated I'll just go through some:

1. He would like more information
2. The primary outlet for this retention pond, it's a structure here that discharges to a pipe to this point and it's a rip rap channel out to the watercourse. What the City Engineer is saying is he doesn't want it to go here, he wants it to follow that path and that's relatively easy. That's not a problem.
3. This is more technical. I provided the City Engineer with a flow at that culvert.
4. I don't think I cross sectioned. He wants more information on how I determined the size of the culvert. It's technical information.
5. Once you do these main watershed bodies they get added together at certain points. For the existing condition of watershed B was the 2<sup>nd</sup> watershed. When I did the calculations for post development I took watershed B and I broke it into 3 different pieces because it's the right way to do it. What he wants is the numbers pre and post at every single junction. He would like them on the plans.
6. I think that this one is fairly straightforward. I'll probably pick this one and come around this way and won't have an additional disturbance area.

Mr. Swift continued, from an Engineer's perspective receiving this letter, he wants a little more information and I can provide it, I don't see anything in the letter that substantially changes or impacts the design.

**Commissioner Nappi motioned to approve Application #14-11 contingent on the planting schedule and to the satisfaction of our Agent and that the six points as stated in the City Engineer's letter are met satisfactory to the Engineer with concurrence to Mr. Cook. Also to make sure that the understanding of the clear cuttings be to the satisfaction of Agent. Staff recommends that the site engineer be on site during the detention basin construction. Vice Chairman Wilson seconded the motion.**

**A voice vote was taken; motion passed unanimously.**

### **III-B. NEW BUSINESS**

1. APPLICATION #14-14, 235 THOMPSON STREET SUBDIVISION – 235 THOMPSON STREET. Proposal to create a 3-lot subdivision involving fill to regulated area for residential lot access and upland review area disturbance residential lot development. Also excavation for mitigation.

Jim Swift  
Professional Engineer/Landscape Architect

This project is within the Aquarion watershed, it is also close to the Monroe/Shelton town line. I'd like to submit proof of mailings to both those agencies for the record.

This project is almost a 5 acre piece, its 4.9 acres with an existing house located on Thompson Street. This area is pretty much yard; the back part of it is woods and the important part of what's going on the existing wetlands along this boundary and a 50' upland review area. What's going on here is the water is flowing down, it probably got caught up by the stone wall from wetland soils as it comes down, I don't think the wetlands extends too far on the other side because its downhill. It comes down here and kind of peters out, as far as a wetland but he water is still there, it's very close to the surface. We found a 4" perforated PVC that comes out of the ground right at this point heading towards the wetlands; we don't know where it goes, only see where it comes out. From that point at the end of that 4" there is a dug ditch that's probably 1' deep and 2" wide and it's been excavated by a small back hoe or something, and it makes its way down on Thompson Street. Interestingly from there it goes over this guy's driveway and then it flows around the edge of the pavement and it's carving itself a nice little ditch alongside the pavement at that location until it finds a break in the stone wall. If you would pull in here in a passenger car, you'd have problems, you're not going anywhere. It's eroding its way in.

We're going to propose to develop this without a City road, we could get another lot with a City road, but we get a lot of pressure from P&Z not to extend the City infrastructure so what we decided to do is go with 2 rear lots off of 1 common driveway. Now the paved driveway is located and the grading, so we have wetlands soil disturbance of 400<sup>th</sup> of an acre, that is a disturbed, filled wetland area. As far as mitigation or just dealing with the water, this is relatively flat, we're going to put curbs on the downhill side of the single driveway and the common driveway and we're going to provide some runoffs on the upper location to a rain garden type of areas, about 200 square feet and it's just to take the runoff of that pavement, get some filtration going before it overflows. As you come farther down what we're proposing to do is wetland mitigation. It's excavated down to the ground water area. The outlook for that is we're going to install a flat top catch basin, it's going to be 1' or so above that. It's in the water table, it has 1' of water that has to build up before it gets out so it will turn itself into a wetland sooner rather than later.

From here we put an out pipe in, add a catch basin the street, there's no storm street basin in here, the high point of the street is way down here so all this water comes down crosses Thompson Street over this guy's driveway and that's what is carving the channel. The design I've done puts in that basin to take some of that street drainage and I manages to day light it right at that point where the

flare ends and what I'm proposing is a grass swale running from that point down to the outlet, the grass swale helps to slow velocity, I am doing a little bit extra on that, I have a good solid blanket that I'm using for that to hold it in place. Basically looking for a grass swale that is pavement that could just run right off. Having said all that I did submit this in a bit of a hurry, we wanted to get it in for this evening, we're good under the gun so I did drop the plan off to the City Engineer's office because what's going on here is he's got a legitimate interest, he's going to want to see this, see what I've done, how I'm dealing with it and as soon as I get a call back from him I'll make sure he's satisfied with it.

Commissioner Nappi asked if that would help with that driveway problem. Mr. Swift responded yes it will because I'm piping under it, instead of the water going over it and collecting it in the basin here.

I am providing 2" of runoff into infiltrators for both houses and that together with the rain guards for the mitigation basins we have not per se provided storm water detention for this project, I look forward to hearing from the town engineer to see what his opinion is on it. But because of what this wetland is doing, actually it's doing a pretty good job, there's pretty good water shedding here, that gets into here, I think it's relatively porous, it disappears before it outlets.

Commissioner Nappi asked with lot #3 and the septic area, how close are you to that road, does it disturb it or impact it. Mr. Swift replied before we actually build that common driveway we're going to have to find out. We'll get a septic contractor out there, he puts a magnetic line into it and just to make sure it works. We think it's directly in front, I only have to be 50' away from over here, so I'm fairly confident about it but we do have to check it and if it is too close we're going to have to look to move it.

Vice Chairman Wilson stated you mentioned putting curbing on the common driveway downhill. Mr., Swift replied yes. Vice Chairman Wilson continued I could just picture the first snow storm breaking that thing right up. Mr. Swift stated it's possible, it's not going to be the worst thing that ever happened because I was kind of flip flopping between whether I should just leave the curb off and let it run off into the wetlands or not. I finally decided that the Commission would prefer the rain gardens but not sure. I'd have to think about that more.

## **WCEO REPORT**

### **August 14, 2014**

APPLICATION #14-14, 235 THOMPSON STREET SUBDIVISION – 235 THOMPSON STREET. Proposal to create a 3-lot subdivision involving fill to regulated area for residential lot access and upland review area disturbance for residential lot development. Also excavation for mitigation.

STATUS: 1. Clock starts August 14, 2014  
2. 65-day clock to decide action or schedule public hearing expires  
October 18, 2014

PLANS: 235 THOMPSON STREET  
Grading & Utility Plan August 6, 2014  
Soil Erosion Control Plan “  
Construction Details “

COMMENTS: The application presently is incomplete as it lacks a Topographic Survey/Existing Condition Plan as well as a Subdivision Plan. However, the site design sheets have been completed and submitted for review.

The design technique is to use the existing zone for typical home development and the regulated activities are primarily for lot access.

A mitigation basin and rain gardens are proposed for best management techniques and the new dwellings propose roof leader infiltration measures.

The site is within Public Water Supply watershed and is within the notification distance for the Town of Monroe. The applicant is required to notify the water utility and wetland agency in Monroe and the Shelton wetlands agency is required to notify the town clerk within Monroe once the "clock" begins.

The City Engineer's office will weigh in on the proposed street drainage and mitigation basin.

Copies of the site plan have been forwarded to the City Engineer's office for any review and comment.

The only other comments at this time and the first was discussed briefly with the design engineer is to investigate the driveway shift of Lot-1 as it goes through Lot-2. This effort will reduce the regulated activity and minimize possible future encroachment. The second may be to provide a conservation easement to insure future integrity of the regulated area. The use of common driveways in Shelton has mixed success. The conservation easement would insure today's intent is maintained in the future.

The Commissioner accepted Application #14-14 for review.

### **III-C. MISCELLANEOUS**

#### **1. MATURO PROPERTY – 58 KINGS HIGHWAY. Violation.**

Agent to give a copy of the violation in person as a courtesy. Agent to also make sure to visit site at intervals to make sure that no additional dumping is occurring.

Agent to create a Violation List monthly and have this go it and

#### **2. APPLICATION #14-12, NOLAN PROPERTY – 1 CLINTON DRIVE. Proposal to construct addition and deck within upland review area. Agent review.**

Agent reviewed and staff has no issues.

#### **3. APPLICATION #14-13, LOMBARDI PROPERTY – 7 LONGMEADOW ROAD. Proposal to construct addition and deck within upland review area. Agent review.**

Agent reviewed and staff has no issues.

### **IV. MINUTES**

#### **1. June 12, 2014 Regular Meeting**

**Vice Chairman Wilson motioned to approve minutes of the Regular Meeting of June 12, 2014. Commissioner Goncalves seconded the motion.**

**A voice vote was taken; motion passed unanimously.**

#### **2. July 17, 2014 Special Meeting**

**Due to the fact that the tape failed, only motions were submitted.**

**Vice Chairman Wilson motioned to accept the motions of the Special Meeting of July 17, 2014. Commissioner Nappi seconded the motion.**

**A voice vote was taken; motion passed unanimously.**

## **V. ADJOURNMENT**

**Commissioner Goncalves motioned to adjourn. Commissioner Dunford seconded the motion.**

**A voice vote was taken; motion passed unanimously.**

Chairman Zahornasky adjourned the Regular Meeting of the Inland Wetlands Commission at 8:27 P.M.

Respectfully submitted,

***Sophia V. Belade***

Sophia V. Belade  
Clerk – Inland Wetlands

1 Tape on file in the City/Town Clerk's Office