

*CITY OF SHELTON
INLAND WETLANDS COMMISSION
REGULAR MEETING MINUTES
Thursday, April 13, 2006, Room 303, 7:00 P.M.*

I. ROLL CALL:

Alvaro DaSilva, Chairman
Gary Zahornasky, Vice-Chairman
Charles Wilson, Commissioner
Norman Santa, Commissioner
Randy Szkola, Commissioner
Ken Nappi, Commissioner

Absent:

Celeste Beattie, Commissioner
Neil Hayes, Commissioner

Also Present:

John Cook, WCEO
Ann Walsh, Recording Clerk

II. PLEDGE OF ALLEGIANCE

All in attendance recited the Pledge of Allegiance.

III. BUSINESS MEETING

A. PUBLIC COMMUNICATIONS

None (see page 8)

B. OLD BUSINESS

Attorney Dominick Thomas asked if Aspen Ridge could be moved up to the first item on the agenda, as he has to be in other towns for meetings. Chairman DaSilva agreed to move it up.

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

Attorney Dominick Thomas, representing the applicant.

Mr. Thomas: This is the second time before this board on this application. We are here on a conceptual approval. The SDA and PDD applications have been filed and were accepted by the P&Z Commission Tuesday night. The public hearing is set for April 25th. There were two major issues that were addressed. One was disturbance within the upland review area and the other was water quality because of the proximity of the Far Mill River. This afternoon John was given reports that address the issues from Jim Swift and the environmentalist, Jeff Shamus.

Jim Swift, Professional Engineer, Landscape Architect

Mr. Swift: There were two concerns from the Commission. One is the orientation of the structures and the layout of the structures on the site. The second was some discharge issues of the stormwater. (The first plan was detailed for the Commissioners). What we submitted to John this afternoon is an alternative plan. What we basically did was take everything and flip it. This change took the height of the structures away from the river for less impact and less visual impact to the river. In flipping the structures over what we can do is we can call for certain things like the patios in the back to fall into what would be the normal setbacks of Commerce Dr. It pulls things farther back from the river. What you would now find is there is more unpaved areas between our development and the river. (Mr. Swift showed an overlay of the site). I did an analysis of how much pavement or impervious did we pull back away from the river, how much impervious did we push closer to the river, and we came up with basically the same number. I think we have about 500 sq. ft. of impervious; that is a little bit closer to the river than previous. That is a small number given the overall dimension.

Chairman DaSilva: You are confusing me. The amount of impervious that you are going to add in there is a lot more than exists.

Mr. Swift: What I am meaning to say is the amount of impervious as its closer to the river. Yes, there is more impervious.

Commissioner Szkola: The amount within the setback – is that what you're trying to say?

Mr. Swift: No. There is also more impervious within the setback. What we are doing is we are looking at a line of what had been happening adjacent to the river, or near the river on the old development. In trying to figure out what's reasonable to propose, that's one of the things we look at. We look at how close was the pavement in the hard surfaces. What is probably more of a concern is the structure that is hard up against the river. Jeff will talk about what we are going to do in the green space that we freed up. Probably one of the major things is to take this structure and get rid of it and the other structures.

The next thing of issue was the stormwater remediation. I have submitted a report to John. I will hit the highlights of what this report is trying to get across. The report gives background information of the existing site. The meat of the report is that we are going to use the best management practices designed for this development. There was an assortment of 5 potential hazards to the Far Mill River for this project. The first is siltation and sedimentation. That hazard comes into play two different ways. It comes into play during construction. We are going to construct filter fabric system and have a dug swale along the outside edge of our development area. It's going to enter a temporary sedimentation basin. That sedimentation basin will be built to specific criteria recognized by the soil conservation service and the CT Stormwater Manual. That pond has a limited filter discharge. All the siltation generated during construction is going to be stopped at those two points and will protect the Far Mill River. The post-construction mitigation is for siltation and sedimentation. (Mr. Swift detailed the diagram of the treatment train). The sumps will be 4 ft. deep.

Chairman DaSilva: If it floods during a heavy storm, where does the water go? Let's assume that during a storm the sediments have built up to the bottom of the hood. It begins to fill in and flood. Where is the water now that it's flooding – up on top – where is it going? It could be weeks or months before the association decides to clean the basin.

Mr. Swift: (detailed the basin). When this fails, and it usually fails in a slow manner. Usually you don't find the basins filling up with silt and blocking that hooded outlet in a major storm, because the water is rushing and the silt isn't settling. Normally when that happens it's in a series of small storms where the silt builds up. What will happen when this stops to work is this entire parking lot (area pointed out) is going to flood to this guy's driveway.

Chairman DaSilva: That is what I was pointing out. The hood is an excellent idea and good way to pick up the silts, but, in order to get whoever that is going to maintain this catch basin, to make sure that it gets done quickly before the next storm comes. You have to make sure that the driveway is designed so that something gets flooded bad enough so it has to be cleaned.

Mr. Thomas: There is another situation. This concept is going to have an association. This association can be required on a specific period of time after a storm to report the cleaning to your enforcement officer. We've done that in other projects.

Chairman DaSilva: That becomes an administrative deal. He has enough to do besides checking those things. If a report doesn't come I'm sure he's not going to know it's to come.

Commissioner Szkola: You said that when you have a major storm the silt is rushing in so fast it's not getting caught. If it doesn't get caught, what good is it?

Mr. Swift: It's not the silt; it's the velocity of water. The flow is so heavy it's coming down and it's forcing its way. In a particularly heavy storm if there is a decent flow it will actually clean it out a bit.

Commissioner Szkola: But we don't want that. That's the whole idea behind the catch basins.

Chairman DaSilva: Those basins are designed to do that. The major catching of the silts is going to be on the other structure.

Mr. Swift: That is our first line of defense on silts. The second is the vortex chamber. This is much more effective than the hooded outlet. We also have dead storage in galleys. We don't really expect much silt and sedimentation to get to that point.

Chairman DaSilva: How much water are you holding in the galleys?

Mr. Swift: One inch over the impervious surfaces. The second hazard is floatables and hydrocarbons. The hooded outlet is sort of effective on floatables. The vortex chamber is what we are really depending on the floatables and hydrocarbons. It is a 70-gallon capacity for oils in this chamber. All the hazards we are addressing in the construction phase and in the post-construction phase. The floatables and hydrocarbons in the construction phase gets directed to the temporary sedimentation basin which has a swale to it so nothing can get by. That temporary sedimentation basin is actually a filtered outlet. It does have an overflow for a certain size storm.

The third hazard is temperature. Having a filtered outlet in the temporary sedimentation basin has not quite a retention system but it's a powerful detention in that all this water that flows into the basin has to stay in there a long time and has to get filtered. Going back to temperature. The first inch of rainfall on an impervious surface is handled with a system of galleys that hold the first inch of runoff. It all gets directed into that galley system. It is retention. It does not leave that galley system to flow into the Far Mill River. If you are getting a storm with more than one inch then that cooling effect is going to take place. I'm focusing on the first inch. For the light summer rains will not reach past the galleys.

Another potential hazard is fertilizers and pesticides. This proposed development actually reduces the lawn area from 1.28 acres to 1.16 acres. You are going to go from pre-development lawns and gardens, un-treated, direct runoff, to 1.16 acres of lawn in a treated situation. We have a lot of areas in the existing conditions where the lawns run right on down to the river. We are going to take those areas and convert them to a planted situation with filtration. We are actually picking up all this development, and there is virtually no runoff that really needs filtration. Regarding pollutant capture – the CT Stormwater Quality Manual states that 90% of all pollution potentialities from sites are from the first inch of runoff. All runoff from the site will be directed into those galleys – doesn't leave the galleys – it's all in retention. All fertilizers and pesticides will be trapped in the galley system.

The fifth potential hazard is the stormwater detention. The most increase in discharge we have is the 100-year storm. That is an increase of 2 cu. ft. per second. The flow in the Far Mill River at that flow is 6500 cu. ft. per second. Even if our increase was, say, a 100 cu. ft. per second, discharging it is a very small percentage. It is inappropriate to put stormwater detention in this anyways because of the offset of the time of concentration. The time of concentration for this site is around 10 minutes. The actual time of concentration for the Far Mill River is around 12 hours. If we were to put stormwater detention in here and held that water for 12 hours all we would be doing is contributing to the peak flow of the Far Mill River as opposed to not affecting the peak flow of the Far Mill River. It's very small increases of runoff when you consider the flow of the Far Mill River; it's insignificant. The second hazard in regards to stormwater runoff, and we have experienced this up the road on Commerce Drive, is if you improperly design the discharge of all your stormwater systems, and it discharges in the wrong way, you are going to get erosion. We examined the Far Mill River all along this location and there is quite a bit of exposed ledge at the Far Mill River embankment. What we have proposed to do is to pick that discharge point right on top of that ledge area. We are not going to cause any erosion back into our site or the Far Mill River bed itself because it's ledge. It is a very safe discharge design.

Chairman DaSilva: Show me where the buffer lines and the 100-year flood line are.

Mr. Swift pointed them out and there was discussion.

Commissioner Szkola: How much are you changing the existing natural grade?

Mr. Swift: In a lot of cases we are very close to where it is now. (Areas pointed out and detailed)

Jeff Shamus, Senior Ecologist and Wetlands Scientist

Mr. Shamus: We looked at the potential impacts with the development on the Far Mill River. I will briefly go through the report and summarize the sections and discuss the findings. The Far Mill River upstream of our site originates in Monroe about 6 miles from our site. Along the way there are various vegetative cover types. We have both types of communities labeled Upland 1 and Upland 2. Upland 1 is the predominant community that's on site, which is the mowed lawn, and goes right to the river. The aerial photo I am showing is dated 1991. This gives you reference and an idea of some of the site conditions and surroundings. Upland 2 is small patches of some woodlands. I did take some pictures of the site for reference (shown and detailed). The alternative plan that was shown tonight takes advantage of limiting for the most part the proposed activities to the river from where the existing conditions are. There are significant areas still of the mowed lawn habitat that lends itself to a perfect riparian restoration. In the report there is a figure that talks about a concept plan and some trees and shrubs that we propose to restore this to a graded buffer that's in that area and allow for the development south of the existing driveway where the land is developed now. Return the northerly section back to a natural buffer system and provide a walking trail that will connect the Land Trust Conservation property on the other side. In doing that we would take advantage of the wetland function values inherent to this river which are esthetic qualities and recreation qualities. We are trying to strike a balance between development and providing for some ecological restoration on the project. In addition to that, looking at stormwater, Jim Swift went into great detail and discussed how that system is going to mitigate against the pollutants. We believe that the stormwater management system combined with doing a riparian buffer restoration will allow for the protection of the Far Mill River from the physical, chemical and biological impacts. That sums up the essence of the report.

Commissioner Szkola: What is the area north of the driveway?

Mr. Shamus: At least 50' from the edge of the drive to the river (the area was pointed out).

Commissioner Szkola: That's not all lawn now, right?

Mr. Shamus detailed the area.

Commissioner Szkola: What would be the benefit?

Mr. Shamus: What you have right now is single-poled trees. That would provide greater shading. You would have better habitat for wildlife and a more contiguous corridor from both sides of the river (shown) that would provide continuity between those two. There will be a variety of trees and berry-producing shrubs.

Commissioner Szkola: I was out there the other day and I don't see the benefit as far as erosion.

Mr. Shamus: Erosion is relatively flat. I'm not worried about that.

Commissioner Szkola: So the primary benefit would be habitat and shading.

Mr. Shamus: From stormwater standpoint, that's being handled separately. As Jim mentioned, the stormwater that's going to hit the surface, that's really filtering that.

Commissioner Szkola: The nitrogen that is going to fit in the galleys, Jim said that it stays in the galleys. As far as I know, once nitrogen is water-soluble it just sits there and it's not going anywhere except into the stream.

Mr. Swift: That's true but it's going to filter through the ground. I wish we could remove it.

Commissioner Szkola: The only way to remove it would be through a biofilter and the plants would pick it up.

Mr. Swift: My feeling is it's going to break down in the ground as it's filtering through the ground system.

Mr. Shamus: There's another way to handle it through an integrated pest management program where you limit the amount of fertilizer that's being applied.

Mr. Swift: One of the recommendations is to put together a comprehensive maintenance schedule and report for the final wetlands application.

Commissioner Szkola: The other thing I would like to take out is the winter salts.

Mr. Swift: They are water-soluble.

Mr. Cook: Since both reports I am seeing for the first time, the comments I had prepared for this evening were based as of the last meetings proceedings as well as the historical references where I pointed out a number of projects that the Commission had previously considered I think are most significant. I will reiterate some of the comments. I am going to paraphrase down to the last paragraph on the report and I previously mentioned Well Springs Estates which is the most recent of this review immediately south of this site as well as a recent concept review for a restaurant. Staff recognizes the desirability of building on top of the River but submits this plan is significantly aggressive on the amount of requested encroachment and appears quite inconsistent with past I/W applications along the Far Mill River. Referenced are (#95-49, River's Edge Subdivision); (#91-7, Far Mill River Estates Subdivision); (#90-39, Gristmill Woods); (#93-9, Mill River Gate); (#91-42, Hawley Subdivision); (#89-11, Far Mill Gardens). Staff reviewed the Commission's index of developments and the multiple additional references dating back through the 80's and 70's residential and commercial where greater separation was maintained, greater open space was provided or larger conservation easements were provided along the Far Mill River. Based on the wealth of record existing of past consistency on the part of the I/W Commission, P&Z and Conservation Commissions for protecting the Far Mill River Corridor it appears the proposal is significantly inconsistent with that history and the Commission may deny the application without prejudice. With the parcel proximity to adjacent protected corridor properties it should be an excellent candidate for outright protection or acquisition. Granted in the materials the applicant submitted this evening they did provide some alternatives to try and improve upon last month's proposal. There is also a lengthy report from the City Engineer and he is going to have to re-write and re-visit the entire thing because the previous plan had structures apparently in the flood way itself. The City Engineer brought up to Staff this afternoon relative to a possible error in the FEMA maps. This was discovered in another subdivision called Stone Gate, which was off of Nichols Ave. and they had to make an adjustment to the FEMA map due to structures within the river having an effect on that.

Commissioner Szkola: Today on the internet it talked about wetlands, they released a study based on Hurricane Katrina. The Army Corps of Engineers reviewed all the 100-year and 50-

year flood maps for the U.S. and where they exist. Most all are outdated and because of increased development in the U.S.

Mr. Cook: In essence, the applicant is commended in trying to make some efforts in improving over what they initially submitted and some of the things talked about this evening about augmenting what is presently lawn areas into a planted area of trees and shrubs would help enhance what would remain afterwards. The question would be in the final analysis is, would that be enough? There is also a letter received March 21 from resident on Mill St. plus a copy of a letter received at the last meeting dated March 9. The new letter is entered as part of the record:

Dear Committee,

I am writing in concern over the possibility of the proposed "Aspen Ridge" condo complex being built at 667 Bridgeport Avenue & Commerce Drive. We are residents of Mill Street and we strongly urge the city to purchase this property as open space instead of condo's. There is already so much traffic, garbage and noise on our street, and this development will only create more. Mill Street has been designated as a Scenic Road for the town of Shelton and creates a beautiful visual stimulation for all of its residents as well as anyone traveling down our road. How many scenic roads have you seen that overlook a condo complex? Also the proposed complex will be so close to the water, that it may potentially create runoff problems. There has been enough development in our area, please help us to keep the small amount of scenic beauty left in Shelton that Mill Street represents.

Thank you,

Ron Pilkowicz

Preston Anderson

117 Mill Street

Shelton, Ct,

06484

203-926-8420

Chairman DaSilva: Since this is a concept application I think you have indications of where the Commission has been on applications like this. I would ask for you to look at the comments and specifically the 100-year buffer. The Commission has been pretty consistent on all of its approvals and I believe in maintaining a buffer close to the 100-foot. I think you should consider the comments from the City Engineer and I think he is going to request before approval that the base lot line be looked at and studied to see that it is correct. As far as the open space is concerned even though we are not the ones to request open space, I think it would be a good idea to show where you are going to be giving open space. If you are not, just let us know if you are going to be giving a fee in lieu of the open space. It is not in our purview to deal with the open space but if you are going to give it, it would be nice to know where it is and how it's going to impact the project.

Mr. Thomas: The informal discussion at P&Z was giving a fee in lieu of the open space and the creation of a connecting corridor. That what the reference to the path between the two land trust properties.

Chairman DaSilva: That's all the comments we have at this point and I think you've received enough information from this Commission at this point to keep going with your project. I think the comments from John are pretty specific. I think you should take a look at the report and deal with that and also the comments from the City Engineer. Thank you.

2. PERMIT – APPLICATION #06-04, THE MAPLES – STREAM BANK STABILIZATION.

Proposal to replace a retaining wall along the Housatonic River.

Jim Swift, Landscape Architect, Professional Engineer

Mr. Swift: This is a project that was presented last month for stabilization of some work down at the Maples. In a location of 120' proposed wall improvements, the walls are either fully collapsed and are in a state of imminent danger of collapse. This proposal is to try to stabilize the embankment with a concrete block wall that has a stone face appearance to the front of it. One of the issues that we had last month was that I think that John was not confident that we were not getting into heavier permitting activities than the application showed. John and I did have a meeting. I have a new drawing to submit that reflects some of the comments that John and I went through. What it amounts to is an insurance that the face of the new wall is going to be located at the face of the existing wall if it's to be removed or no further into the river than the face of the old wall. We are not going to creep into the river or put more fill into the river than we had before. There is a note that will clarify that the edge of the structure is not to be beyond the old wall.

Chairman DaSilva: Will that be surveyed and identified? Are you going to put a footing underneath?

Mr. Swift: We can do that. No, this wall doesn't need a footing. It should have some decent gravel and I do show some.

Chairman DaSilva: Whenever that starts John needs to be called to make sure that the wall is in the location it should be.

Mr. Swift: An appropriate condition may be that the face of the wall be staked out with 10' offset stakes for John's inspection prior to construction.

Mr. Cook: I just had a couple of comments from the March meeting and item #1. I agree after visiting the site as far as showing the typical wall section would be difficult because that section would have to change as you went downstream from the proposed work area. I would recommend to compute the disturbance within the Housatonic River to accomplish the wall repair. They are showing the installation of sediment control fencing and just to make the application complete that data should be completed.

Mr. Swift: That fence is a hanging fence and it's specific that there's to be no excavation in the river bottom to hold that fence. It's a weighted fence.

Mr. Cook: Secondly, to provide the application information of parcel area and map/lot references. Third, provide a detailed and complete construction sequence with specifics as noted in March and include tree protection consideration or replacement in the event of loss.

Mr. Swift: There is one tree that is suspect that it will be able to remain.

There was discussion of saving trees in the area.

Mr. Cook: The City Engineer submitted a letter addressed to myself that he had reviewed the proposal and had no comments or concerns and endorsed for construction as submitted.

Commissioner Santa MOVED to approve application #06-04 subject to the following: the tree is to be saved if possible and to consult with John Cook and there be offset points staked for the wall with final approval from John Cook and the City Engineer. There also should be concern of soil compaction around the tree. SECONDED by Commissioner Szkola. A voice vote was taken and all were in favor, MOTION PASSED.

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

Jim Swift, Professional Engineer

Mr. Swift: The issue of this lot was two-fold. There is a watercourse towards the back of the property that curves around to an adjacent property and there is an existing pipe discharge from City drainage. My response is that I believe both are man-made. One is city discharge drainage and the other is a swale that was built in the back of two or three houses and it continued onto the existing channel that was down in the lower area. I had hoped some of the Commissioners could get out there and look at the layout. One of the issues was to possibly do a driveway from Middle Ave. and come up this embankment to the rear part of the site. This is relatively flat down where the house is and the other side of the ditch is exposed rock and goes up. My feeling was that in order to build any kind of driveway to get back to the upper area would cause nearly as much damage to the area as to what the house proposal.

Chairman DaSilva: In looking at the City Engineer's comments he's recommending that you move the house because that's basically a drainage area that runs through there.

Mr. Swift: In looking at the top of the hillside it extends down and the houses when they were built just built a ditch in the back of the house. We could have done what the houses did and left a ditch there. We thought we'd like a better back yard and so what we did was to pick up the drainage with a pipe and developed a new outlet for the city drainage coming out to a splash pad and then it could drain off as it does now in the adjacent property. One thing we have in our favor is that the city has this basin on our property. There is no formal temporary easement for the cul-de-sac and there certainly is no drainage easement for the city here. We are willing to straighten that out and put in the pipe and grant an easement to the city, so the city has the right to discharge. If there is a question of this pipe, we'd be willing to look at it either way. To move the house I think we'd be doing damage that I am not sure is as worthy of protection as some of the other applications we've seen.

Commissioner Szkola: The city engineer recommended moving the house.

Mr. Cook: The primary focus of some of these comments was in recognizing that long after the construction is complete those homeowners routinely come back to the Commission when there's a problem or they come back to the City. Inherently building a structure, though intermittent that it is, building a house directly over the stream, having the pipe watercourse underneath the deck and even on the east side of the lot where you have a 2' deep basin, only 4-5' from the basement

but it's 5-6' lower. So you essentially have a non-negotiable side of the house. Starting at the Middle Ave. elevation of 242 going up to the transition between the rocky slope and where it levels off is 250. Over 80' its only a 10% grade, which is well below the 15% maximum grade that the city allows for a driveway. The idea was to investigate the alternative to start at Middle Ave., build the grade up, not necessarily cutting through the rock but you would have to build a wall on both sides to support the driveway.

Commissioner Szkola: Did you go over that idea with the City Engineer?

Mr. Cook: Yes, he looked at it. In fact with having the old channel, there is still going to be disturbance just to get a driveway across there but it's not so much the protection of the intermittent watercourse in this case as the long term minimization of having to deal with the situation down the road that could be problematic. Certainly it's an unknown.

Mr. Swift: I hear what you are saying. I don't know if any of the adjacent owners has approached the Commission if there is a problem. But what we are doing, the house is not built on a creek. It's a ditch. The house isn't built on it but it does pass under the deck with a pipe. What we are dealing with here is a regulated area, what is called an intermittent watercourse, is to look at them and see what we are talking about. Are these intermittent watercourse part of a larger ecosystem?

Chairman DaSilva: I don't think we are really concerned about that. We are concerned about the problems with people coming back saying their house is getting flooded, and why did you allow the house to go there? I have no problem with the house being built there, but as John said, those are intermittent streams and the value of saving them is not that great. However, if the Commission were to decide to approve the house where it is I would want a statement that put on the deed and land records that the homeowner take full responsibility for any problems that they have with flooding and so forth due to the fact that the house is being built in that area.

Mr. Swift: We don't have any problem with that. I am confident. It's a very small drainage area. The pipe is 18". I'm confident with modern construction and these pipes that it will take care of this problem. We could go further. We could make it watertight pipes to protect the basement.

Chairman DaSilva: What's the elevation of the basement and the elevation of the invert of the pipes?

Mr. Swift: The invert of the basement is 234. It's a walkout basement. The invert of the flared end of the outlet is 231. The invert of these pipes as they leave is only 3' below the basement. The upper side we are just about at grade around the house. We do call for a foundation drain. We are going to pull the water away with the pipe.

Commissioner Szkola: If the City Engineer says it's feasible to put it up there, I'll go along with his wishes.

Mr. Cook: He does not endorse the application.

Chairman DaSilva: How much of a fill would you have to do where the house is to put a driveway to get you half way up the ridge so you would only cut half?

Mr. Swift: We're talking about going from about 242 to the top of the hill at 252.

Commissioner Szkola: I am willing to go with the City Engineer's recommendations.

Mr. Cook: The only thing Staff would add to it is those existing houses on Middle Ave. were constructed without benefit of having any engineer review. They were constructed in the early 80's from lots that existed on a paper street. This Commission was not part of that loop. The ditch exists because the regulated areas were filled and pushed backwards. That's why it's where it is. Sometimes problems don't crop up for several years.

Commissioner Szkola: Maybe we should table it for review.

Chairman DaSilva: The clock is good until May 13. I would recommend is if you want to keep the house where it is, make the pipes watertight and show that to the City Engineer. It's not the saving of the watercourse but of future issues for the City. If you could address that and maybe get the foundation up a little higher. I don't have a problem with the house where it is with proper things around the house to make sure no water will get into the house plus a notation on the deed and land records of the conditions that exist and the homeowners and future homeowner is responsible. What I have comfort in is that none of the neighbors have come here with issues that I know of.

Commissioner Szkola MOVED to table application #06-05. SECONDED by Commissioner Wilson. All were in favor, application TABLED.

A. PUBLIC COMMUNICATIONS

Paulette Broder, 79 Ripton Road

Mrs. Broder: My property backs up to the property owned by Mr. Manuel DaSilva of 8 Brookfield Drive. In February we noticed someone on our property. My husband went up to him and he said he was a surveyor and he was staking Mr. DaSilva's property. We got a letter from zoning that they were going to do something with the front of the house and add a second story. We couldn't make it to the meeting. A couple of weeks later I noticed that they had a wood chipper in the yard and they were taking down trees. The surveyor showed us that the red stakes were the edge of the property and the pink stakes were the wetlands and they could not go beyond the wetlands to do anything. I have experience with zoning in another town. I met with DaSilva and I told him what I thought. I said to him that according to my knowledge, you cannot take trees down in the wetlands. I do not know what the City of Shelton's regulations are but that's my opinion. One day after I came back from vacation and the whole screening of the back of the yard is gone on the right side. I told him that if he were to take down one of the trees in the pink flagged area that I would go to the City. I immediately called Mr. Cook and he came out and stopped the project and the men disappeared. I met with Mr. Cook and he explained that Mr. DaSilva knew that he wasn't allowed to go into the wetlands because I told him. Mr. DaSilva was aware of it. We, as homeowners, would like as many trees as the Wetlands Commission will approve of, to be replaced. Not because we want the screening, but because they took down the trees.

Chairman DaSilva: This item is not before the Commission this evening. What you need to do, and this is not official because we don't have the item on the agenda. I just let you speak since you were here as a courtesy. You will have to come back when the item is before the Commission to properly present your case.

Mrs. Broder: Do I have to call to find out when it is on the agenda?

Mr. Cook: The property owner had an A-2 survey and contracted with the engineer to survey the sumps and I did see them on the plotted map. There was a greater number of stumps since we spoke. I did see a revised A-2 map with the size and species of the stumps that were cut. They are in process to prepare an application to address the work that was executed. They had it flagged to cut the trees down.

Chairman DaSilva: They will have to come back before the Commission. The meetings are on the 2nd Thursday of every month. You can call a day or two before to see if it's on the agenda.

Mrs. Broder: Thank you.

C. NEW BUSINESS

1. PERMIT – APPLICATION #06-15, PISACANE PROPERTY – 18 NORTH MEADOW RIDGE DRIVE. Proposal to construct single-family dwelling involving filling, discharge and grading.

Paul Pisacane, 226 Riverview Ave

Mr. Pisacane: The regulated activities that I applied for is to reconstruct an existing headwall which is from city storm drainage in the back. (pictures were shown and detailed).

Chairman DaSilva: Is there a stream running through the property?

Mr. Pisacane: No. There is an easement drain that runs through a catch basin that runs down to an existing headwall.

Chairman DaSilva: what are you proposing to do?

Mr. Pisacane: When I brought the application to Mr. Cook he said that since we are putting these low boy galleys within 50' of the wetlands I have to come before you. Our proposal is to install the low boy galleys and a footing drain that will discharge into the existing storm drainage. Also to reconstruct the headwall.

Mr. Cook: The low boys are in the buffer area. The only reason its triggering the review before the Commission is the discharge and the reconstruction of the headwall.

Chairman DaSilva: From the footing drains?

Mr. Cook: The footing drains and rebuilding the headwall.

Mr. Pisacane: There is an overflow drain from the galleys.

Mr. Cook: The overflow terminates before that point. The wetlands are flagged. There is a very small amount of encroachment in wetlands in order to execute the work. While that is a drainage easement and its piped, even when North Meadow Ridge was constructed some years back, the start of the watercourse is essentially where you see the headwall. It's not like the watercourse was piped. It was one of the situations where it was strictly drainage and right at that wetland, and essentially it's also the start of the watercourse.

Chairman DaSilva: You have some encroachment into the buffer and you are doing some draining in the headwall. Let's see what you are going to do with the headwall.

Mr. Pisacane: It's an existing headwall. I am going to do it in stone.

Chairman DaSilva: Are you going to fix the broken pipes?

Mr. Pisacane: Yes, that's right before the headwall. It's only about 5' back.

Chairman DaSilva: Are you going to leave the headwall about the same size?

Mr. Pisacane: Probably about the same size. It is going to be in my back yard.

Chairman DaSilva: Do you have any concerns with this John?

Mr. Cook: No. It's straightforward.

Commissioner Wilson MOVED to approve application #06-15. SECONDED by Commissioner Santa. All were in favor, MOTION PASSED.

2. PERMIT – APPLICATION #06-16, IANUCCI PROPERTY – PAWTUCKET AVENUE.

Proposal to construct 8 single-family dwellings involving wetland fill, road construction and grading within regulated buffers.

Michael Buturla, Licensed Land Surveyor, The Huntington Company, Fairfield, CT
Larry Ianucci – applicant

Mr. Buturla: Our proposal is to extend the paper street of Pawtucket Ave. to the west from its current end approximately 350'. The existing neighborhood is part of Coram Gardens. Through the property there is a portion of wetlands that we plan to fill to construct the road to service 8 proposed houses. The total wetlands proposed to be filled is just under 5000 sq. ft. There is an existing sewer that runs through Pawtucket Ave. that connects down to Weybosset. Mr. Ianucci plans to put in storm drainage and also has a commitment from Aquarion to extend the water line to service the 8 houses.

Chairman DaSilva: Can you show where the wetlands are? I would suggest next time to color the wetlands so it is easy for us to see.

Mr. Buturla: It will be done by the next meeting.

Chairman DaSilva: For the next meeting I would like for you to show the wetlands, not just within the property that's being developed but the adjacent properties. If there is a wetland corridor running through that we need to see that.

Mr. Buturla: Regarding the comments by Mr. Cook, our wetlands were flagged by Environmental Services by Mr. Michael Klein and mapped for you.

Chairman DaSilva: Ok. I will let John give his comments and then accept it for review.

Mr. Cook: From the WCEO Report: As the Commission recalls it reviewed a sewer extension map for upper Pawtucket Avenue in 1995. The sewer extended through the regulated area to connect to the existing sewer line in Weybossett Street. The premise and understanding was the sewer line extension would not provide for any laterals for later hookup. This installation took place as conditioned and as inspected by the WPCA. Many loads of wood chips were brought in to support the equipment during the installation process due to the unstable nature of the soil. The Commission's understanding was that the regulated areas would continue after installation. This is a common concept presented to the board over many years, as such construction activity is temporary.

The present plan indicates an extremely significant difference of regulated area based not on the findings and interpretation of the original soil scientist (David Lord) but one retained specifically for this project (Michael Klein). The Commission may require the applicant use the original soil scientist. In lieu of that staff suggests that a third soil scientist may be required to address the distinctions. The differences of delineations appear to go far beyond the limits of the actual disturbance for the 1995 sewer line. Staff notes that while it is not a requirement of a practicing soil scientist to maintain membership in the Society of Soil Scientist for Southern New England, this organization is widely known and the majority of practitioners that have come before the Commission are members of this organization. In reviewing the registry backwards to 1997, Mr. Klein and Mr. Lord were both members. However, Mr. Klein does not appear to have maintained his membership since 2001. Mr. Klein is widely known for his work in environmental consulting and wetland vegetation but with such a large distinction of flagged soil boundaries, the matter should be addressed thoroughly.

Irrespective of the boundary question on Pawtucket Avenue, the cumulative affect of this type of application on the resource is significant. Many but not all commissioners may recall the degree and length of discussions held on other Coram Gardens applications. Most significant was the Providence Avenue application. This 17-lot and road extension application was denied outright by the Commission. The difficult part on the applicant is to consider the entire wetland system and the projected complete loss of the regulated area by the completion of paper streets to access these non-conforming lots and not just the street in question. Elsewhere, reference to (2) Wells Avenue applications where 3-nonconforming lots were combined to make one workable lot and the remaining 4-lots were encumbered with a restriction of "no-build". The other application took 3-nonconforming lots and combined into one workable lot.

For the above reasons the Commission may wish to consider this application significant and schedule a public hearing for its continued review.

Tape 2, Side A

Commissioner Santa: Would P&Z be involved in this?

Chairman DaSilva: Yes, eventually. What concerns me and I would want John to go and check when the sewer line went through there if there was a restriction on laterals.

Mr. Cook: That's correct.

Chairman DaSilva: How can the applicant be here, not recognizing that and not knowing that? The first request I would have is that the applicant go back to the Sewer Commission before he comes back before us and spends any more money. Get a letter from WPCA stating that either he has connections for the sewer or not.

Mr. Cook: It was my understanding that they were not going to use that existing sewer line. They were going to install a separate line and then pump line. Is that correct?

Mr. Buturla: Not on our proposed plan.

Mr. Cook: When I previously met with the applicant and his counsel we did have the discussion and they were aware that there weren't any sewer laterals to tie into.

Mr. Buturla: That we knew and its our proposal to connect to the existing sewer with laterals that we will construct. It is our intent to use the existing sewer.

Chairman DaSilva: Do you have permission from the Sewer Commission? John is correct that there was a restriction. I think you should find out if you can connect.

Mr. Buturla: It is our intent and the first place to start was Wetlands. Without the Wetlands permit you can't go to any other Commissions.

Chairman DaSilva: I will authorize John to give you a letter giving you permission to go to the sewer commission so that you don't waste any more money on drawings.

Mr. Buturla: Can I ask the Commission to accept this?

Chairman DaSilva: We are accepting your application.

Mr. Buturla: On another subject, John mentioned Mr. Lord who marked the wetlands for the sewer project. Correct me if I'm wrong, that wetlands on Lord's mapping when they did the sewer was further to the east. No matter where this spot of wetlands is or was, with the construction of the road it would have to be filled.

Chairman DaSilva: But it's still on the property.

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Mr. Buturla: That's correct. The point I am trying to make is, no matter where that piece of wetlands was, and our soil scientist says its here, Lord says it was here. With the road construction it will still have to be filled.

Chairman DaSilva: What John is saying is not the location, it's the amount of wetlands that the one scientist is showing is quite different from the size of the wetlands the other is.

Mr. Cook: Where the 1995 sewer line application they focused principally on the road right of way and a short distance of either side of the right of way. What he had located is a wetland line in approximately the vicinity of the 270 contour. Everything down to this point (shown) is flagged as wetlands. There wasn't a pocket. I think there is a distinct difference.

Commissioner Szkola: We want to know how much wetlands would be impacted.

Commissioner Zahornasky: Where is their total property?

Mr. Buturla: There are different owners. Ianucci Inc. is the applicant, representing 6 or 7 different land owners.

Chairman DaSilva: We need for you to identify the property line of all these different landowners, as a whole.

Vice-Chairman Zahornasky: We can't authorize you to do any work if we are looking at the map and you don't own that piece of property.

Mr. Buturla: Every landowner is involved and is on the application.

Vice-Chairman Zahornasky: What is the extent of your proposal? Show it in a re-drawing.

Mr. Buturla: All the people on the application are represented by Ianucci Inc.

Chairman DaSilva: That's not a problem. I am looking for you to give me the perimeter boundary of all the lots that are included in this application. Where you are doing the grading at the end of the road where there are no houses I don't know if those lots are owned by one of the applicants or not.

Mr. Buturla: I can make that more clear.

Chairman DaSilva: John has pointed out that there is a big discrepancy in the amount of wetlands from one soil scientist to another. I am going to ask you to have your soil scientist to review this again and look at the report that was submitted by the soil scientist for the City. If the report comes back with still such a discrepancy I think the Commission might want to appoint a soil scientist that the applicant would have to pay for so that the Commission would feel comfortable. Before you do that I would ask for you to have your guy look at it again. Any other questions by the Commission?

Vice-Chairman Zahornasky: When you come back with more plans I need to know if Cranston is now built all the way to Weybossett? It's hard for me to see what road is there or not. You are showing me that Pawtucket is running all the way to Weybossett where that isn't going to be the case. You are showing me you are going to extend Pawtucket Ave. but there should be an end there. It is confusing.

Commissioner Szkola: Are those flagged now if I went out there?

Mr. Buturla: It should be.

Chairman DaSilva: Ok, the application is accepted for review.

D. OTHER BUSINESS

None.

E. MINUTES

Mr. Cook had a revision to his statement on page 14, halfway down the paragraph to now read: Also, relative to stormwater management in the State of CT and the City itself has had to adopt new stormwater measures and policies. It is an evolving science as far as how those stormwater measures, what was considered good or acceptable or even a common technique back in 1979 may be shunned now or it has simply evolved to a much higher degree of water protections to further the goals of water quality in the State of CT.

Commissioner Szkola MOVED to approve the minutes of the March 9, 2006 regular meeting. SECONDED by Commissioner Santa. All were in favor with Commissioner Nappi abstaining. MOTION PASSED.

F. ADJOURNMENT

Meeting adjourned at 8:45 P.M.

Respectfully submitted,

Marianne Chaya
Clerk, Inland Wetlands Commission
2 tapes are on file in the City/Town Clerk's Office
A complete copy of the WCEO Report is on file in the Inland Wetlands Office