

*CITY OF SHELTON  
INLAND WETLANDS COMMISSION  
REGULAR MEETING MINUTES  
Thursday, October 13, 2005, Room 303, 7:00 P.M.*

**I. ROLL CALL:**

Alvaro DaSilva, Chairman  
Norman Santa, Vice-Chairman  
Gary Zahornasky, Commissioner  
Charles Wilson, Commissioner  
Celeste Beattie, Commissioner

Absent:

Randy Szkola, Commissioner  
Neil Hayes, Commissioner

Also Present: John Cook, Wetlands Enforcement Officer  
Marianne Chaya, Clerk

**II. PLEDGE OF ALLEGIANCE**

All in attendance recited the Pledge of Allegiance.

**III. BUSINESS MEETING**

Vice-Chairman Santa asked to be relieved of the position of Vice-Chairman due to health issues. **Commissioner Wilson MOVED to add the request for his resignation of the Vice-Chairmanship and the nomination of Commissioner Zahornasky to the agenda under Other Business. SECONDED by Chairman DaSilva. A voice vote was taken and the MOTION PASSED.**

John Cook said I/W Permit #05-06 Avalon II needs to be added on for discussion. Attorney Dominick Thomas requested to add on DiSanto Technology, #05-43, New Business Item. Application fee and consent of owner has been submitted. Attorney Dominick Thomas said that the 5-years expires on November 15 for the River Ridge Condominiums. After it was approved by Inland/Wetlands, P&Z changed it and there was an appeal. As a result of the appeal the final plans were not filed until sometime in 2004. To be on the safe side we thought it would be best to ask for the extension. I will fill out the application and we will be able to act on it at the November meeting. This would be Extension application #05-44-00-32, River Ridge.

**Vice-Chairman Santa MOVED to add to the agenda the following items: Permit #05-06, Avalon II, #05-43, DiSanto Technology and Extension Application #05-44-00-32, River Ridge Condominiums. SECONDED by Commissioner Zahornasky. All were in favor, MOTION PASSED.**

**A. PUBLIC COMMUNICATIONS**

None

**B. OLD BUSINESS**

1. PERMIT-APPLICATION #05-16, THEODORE ROAD CULVERT REPLACEMENT. Proposal to replace and enlarge existing road culvert. Extension expires revised plans prepared.

Willetta Capelle, Assistant City Engineer

Ms. Capelle: I first presented this application at the June meeting. The existing culvert is undersized and in disrepair. (Ms. Capelle showed photos of the existing conditions). The property owners at #22 are the ones who initiated the complaint a few years ago. At the June 9<sup>th</sup> meeting I presented the original plans (shown and detailed). At that meeting the Commissioners asked me to go back and redesign it to be more ethically pleasing. The new design is quite a bit shorter and I propose to use sloped paving to look more natural. I also will use an elliptical pipe. The original pipe proposal was a 54" RCP. This is 43"x68". There will be only an additional 6' of piping.

Chairman DaSilva: With the riprapping that you are putting at the end of the pipe, do you feel comfortable that you will not have any scouring? I don't know what the slope is coming out of that pipe, how fast is the water coming out?

Ms. Capelle: It is just a little less than 1%. It is flatter than what the original is right now.

Chairman DaSilva: You have it turned at the catch basin on the road so it slows the velocity anyway.

Ms. Capelle: Right now there isn't a catch basin on that side of the road but there is a depression in the road. As far as the slope paving there will be an elliptical pipe and will be on the embankment on both sides.

Chairman DaSilva: What material are you using for the sloped paving?

Ms. Capelle: Stones that will be set in on the embankment.

Vice-Chairman Santa: On the inlet side, is there a grate going in? All I could see is the kids crawling through the pipe.

Ms. Capelle: There could be something but I wouldn't want it to get obstructed and obstruct the flows. What is happening now is the water is over-topping the road. It is causing property damage to this property (#22).

Chairman DaSilva said that he wouldn't recommend it because it gets plugged up with debris.

Commissioner Beattie: What is the height of the proposed pipe? We were concerned of kids running from one side to the other.

Ms. Capelle: It will be 43" and 68" wide in an elliptical shape. One of the existing pipes is 36" so they could even crawl through there now.

Mr. Cook: Historically the engineering dept. talks about if you have any kind of trash rack in front of a pipe you area of your grading has to be 10x the surface area of the pipe entrance. From the WCEO Comments\*: The first paragraph summarizes what has just been discussed. The second paragraph is as follows: Staff spoke with the Engineering dept. regarding the slope area adjacent to the stream where the retaining wall is to be removed and the method to handle the grade and secondly either cutting the top off the new pipe that would be left exposed or covering the pipe with a similar technique as the slope paving project towards the road. The detail attachment graphically shows the area in question.

Chairman DaSilva: They can cover the end or build stone around it.

Mr. Cook: On the left side of the downstream side there is a vertical retaining wall that is going to be removed. How would that slope on that side be treated? Are you going to have a vegetated slope at 2/1 or 1/1?

Ms. Capelle: I am not really sure at this point but as far as the slope I would prefer to do a 2/1 sloped paving as opposed to putting a new wall there. We will have to adjust the limits of disturbance and may have to take some trees out.

Chairman DaSilva: Let's approve it with the condition that they cover the end of the pipe with something like a stone or cutup or whatever they choose and subject to them working out with John where the wall is to be removed.

**Vice-Chairman Santa MOVED to approve application # 05-16 with the condition that the end of the pipe is to be covered with stone or similar substance and that the applicant work with the WCEO with the details of the removal of the retaining wall. SECONDED by Commissioner Beattie. All were in favor, MOTION PASSED.**

2. PERMIT-APPLICATION #05-24, KINGS POINT CENTER – 484 BRIDGEPORT AVENUE.  
Proposal to create a commercial facility involving discharge of stormwater and grading within buffer to a regulated area.

Mr. Cook: There are two letters from the City Engineer regarding his comments, one dated 9/20/05 and the revised plans have come in and his comments are included.

Attorney Dominick Thomas, representing the applicant.

Mr. Thomas: Before I turn this over to Jim Swift, under the revised plan it was discovered that the drainage from the remaining SBC/SNET property runs through here and through a pipe and runs to the State property to Route 8. A very tiny portion of the pipe crosses over the line to the Griffin Hospital property. About 30 years ago there was a land swap between SNET and Griffin Hospital to adjust boundary lines. At that time they didn't realize this pipe was there. I have contacted Griffin Hospital and they have no problem granting the easement necessary to keep this pipe in place. The surveyor also discovered a water pipe from Aquarion that didn't have an easement

because it is probably in state property. I have contacted Aquarion but have not gotten any word back from them.

Jim Swift, Civil Engineer

Mr. Swift: I believe the only outstanding issue from last meeting was the issue of the City Engineer's letter and I believe that letter speaks for itself.

Chairman DaSilva: Let's make the first letter part of the record.

Mr. Cook: The first letter is dated 9/20/05 and will be made part of this record\*\*. In response to the recent revisions that were submitted in conjunction with the application the City Engineer was able to conduct another review of the plans and has issued a letter dated 10/13/05, received today. (Mr. Cook read the letter to the Commissioners\*).

**Commissioner Zahornasky MOVED to approve application #05-24 with the standard conditions and to include the City Engineer's request that ConnDOT District 3 Drainage Engineer be notified of the storm water discharge when the applicant applies to ConnDOT for the encroachment permit for Bridgeport Ave. The applicant shall provide a copy of the agreement from Griffin Hospital for the easement. SECONDED by Vice-Chairman Santa. A voice vote was taken and the MOTION PASSED, 5-0.**

3. PERMIT & PERMITTED USE APPLICATION #05-32, FAIRVIEW TREE FARM – WALNUT TREE HILL ROAD/SAW MILL CITY ROAD. Proposal to excavate a farm pond for irrigation as permitted use, withdrawal of stream water to supplement pond volume, and construction of a parking area within regulated area and associated setbacks for permit.

Jim Swift, Professional Engineer, Landscape Architect

Mr. Swift: We presented this last month. It is in two parts with a proposed farm on one side of the site and gravel parking lot on the other side. Both have wetland disturbances. We had a site walk with some of the Commission members and some of the comments that were made out of the site walk I will go over briefly. It was to reconfigure this gravel lot to use it more to the rear of the site and pull that disturbance further away from the creek. We have no problem with that. The other issue is how we route some of this water coming through this brook into the farm pond. Brad Wells and I did talk about it and don't have any problem with it in principal. The only issue on that is we have to apply to DEP as a water diversion permit. If it is important to the Commission we can start that permit process. We would like permission to start the pond prior to that.

Bradley Wells, applicant

Mr. Wells: If it's dry enough, otherwise we will hold off.

Chairman DaSilva: As an engineer, your recommendation would be to do what we requested for either you to connect the brook into the pond or to pick up with a structure during high flows in the brook.

Mr. Swift: Which is currently part of the proposal.

Chairman DaSilva: Our concern was that the pond would continue to have enough water in that wetland area. What is the flow in the brook year-round?

Mr. Wells: This is the first year in about 3 years that it was dry. Five or six years ago it was dry but only for a short period. There were some pools of water but no flow.

Mr. Swift: We have to classify it as a perennial stream as opposed to an intermittent watercourse.

Mr. Cook: The only other thing was the handling of the spoils. While the farm pond itself falls under the permitted use category those sub-soils that would be excavated from that pond and if they were to be re-deposited on site that they be deposited to be consistent with either agricultural uses or outside the jurisdictional limits of the Commission.

Mr. Swift: (Showed where they intended to deposit the spoils, well beyond any setbacks of regulated areas). We would be glad to stake and identify those areas for your approval prior to any work.

Chairman DaSilva: Do you have a new plan of the parking area across the street?

Mr. Swift: We didn't put it together but the principal is the same. The idea is that we talked about is a minimum of 20' from the brook and an equal equivalent wetland disturbance.

Vice-Chairman Santa: If you could find some boulders could you set them around the parking lot to delineate the area, and also some hay bales on the lower side before it goes into the wetlands?

Mr. Swift: One of the highlights of this plan is the edge of the gravel parking lot will be pitched away from the wetlands, so we won't sheet flow into the wetlands. We are going to pitch it back and have a little sediment basin planned.

Commissioner Zahornasky: Too bad you couldn't take the soils you are going to excavate and line the bottom of the pond.

Mr. Swift: We don't have a problem with that.

**Vice-Chairman Santa MOVED to approve application #05-32 with the condition to utilize the excavated soils in the bottom of the pond and the plan of the parking lot to be submitted. SECONDED by Commissioner Wilson. A voice vote was taken and the MOTION PASSED, 5-0.**

### C. NEW BUSINESS

#### 1. PERMIT-APPLICATION #05-35, MANGER PROPERTY – 7 BEACON HILL TERRACE.

Proposal to dredge existing pond and deposit material within regulated area and regulated uplands.

Jim Swift, Landscape Architect, Professional Engineer

Mr. Swift: This property is located on the corner of Beacon Hill Terrace and Shelton Ave. This property has an existing house and pond. The wetlands and house were pointed out. This pond is controlled by a weir structure. The water level is consistent. What Mr. Manger is asking for is to be able to excavate out the pond and restore it to the depth from years ago. His interest is primarily in the water surface that you see on the plan. One of the aspects of the plan is he has a lawn area that does extend into the wetlands (pointed out). He wants to excavate the material from the pond and deposit it in the area shown to flatten it out and make a more usable lawn. There is a wetland filling proposed on the site.

Commissioner Zahornasky: Where does the water exit?

Mr. Swift: The weir (shown) that sets the elevation of where the water surface is. The only inflow into the pond is from a few drainage structures.

Commissioner Zahornasky: Where is the silt coming from?

Mr. Swift: Leaves and accumulation plus organics.

It was discussed that there was a plan years ago but was subject to coming in with a formal plan.

Chairman DaSilva: Does the Commission have any concerns about the fact that he wants to use the spoils to fill in the area as Jim as indicated, since it is wetland soils?

Commissioner Beattie: What is the square footage the area impacted?

Commissioner Zahornasky: Should we delineate the area with signs?

Mr. Swift: It's .09 acre of wetlands. He is giving back and taking a little bit. (The area was detailed for the Commissioners).

Mr. Cook: How is the amount shown as accumulated sediment determined? You mentioned it was primarily organics versus sediment, which leaves me to think it was road material, sands, etc. Which would make a distinction of how well the filled wetland would function afterwards.

Mr. Swift: He is looking for 6-8' depth in the pond. He does not want to go past the waterline. He is interested where there is a water surface is getting the depth back.

Mr. Cook: If it was decomposing leaves and organics and those were re-deposited, then that lawn area that is wetlands would still function as a wetland. The second point was, should the applicant consider using timber matting to support the equipment for dredging instead of a gravel fill? There is a photo reduction in the Commissioners packet and they talk about having a temporary gravel fill used to support the equipment that would be used for dredging. In the 1980's there was a timber matting used extensively over organic soil conditions over Means Brook. That worked quite effectively.

Mr. Swift: It depends on the contractor. We don't have any objection to any method assuming it is cost effective. In that regard if we don't use the gravel we should have you review our map.

Mr. Cook: Once you bring the gravel in it would be difficult to isolate it unless you have some sort of fabric to separate your temporary gravel material.

Chairman DaSilva: Jim, why don't you investigate the cost of doing what John suggested?

Commissioner Zahornasky: On the outlet, are you going to control the weir structure? I was concerned of the downstream siltation. What measures do you have to stop it?

Mr. Swift: We're a bit late. Probably a week ago it was probably 3' below that weir elevation. We have to pay attention to see if we can do it this fall or delay it to the summer.

Commissioner Zahornasky: Does it feed any pond downstream?

Mr. Swift: I'm sure it does. If this should happen at the point where this water elevation is at or near the weir we will clearly block off the area to isolate it. We would probably pump it down 3-5'.

Commissioner Zahornasky: How long do you think it will take?

Mr. Swift: It depends on how much trouble the contractor has getting the machinery in to access all the edges of the pond.

Chairman DaSilva: I think it's a good project for the summer.

Mr. Swift: That is the way I'm leaning.

**Vice-Chairman Santa MOVED to accept application # 05-35 for review. SECONDED by Commissioner Zahornasky. A voice vote was taken and the MOTION PASSED, 5-0.**

2. PERMIT-APPLICATION # 05-36, PICEA ESTATES – 115 BOOTH HILL ROAD. Proposal to create a 2-lot subdivision proposing to construct a single-family dwelling and associated improvements in regulated areas and regulated uplands.

Jim Swift, Landscape Architect, Professional Engineer

Mr. Swift: This is a two-lot subdivision on Booth Hill Rd. with the Monroe border running towards the back of the site. The drawing shown is the existing conditions with the parcel of approximately 2 acres (the existing conditions were detailed). Photos were shown and detailed. This parcel was clearly left to be divided in the future, with the right frontage and the right square, and everything set up to be cut into two lots at a future time. The first lot is pretty straightforward with the septic testing done. We will remove the existing house and put a new one in. I mentioned the sand and gravel and the testing turned out very well in the front, however in the back we did find a little clay. That is the reason the septic system is in the front. In looking at what we should propose to the Commission as to what is going on in the back yard there is a lot of history about people coming in with pools when we do subdivision plans and things of that nature. What we are asking for the Commission to consider approving is we would like to maintain the bulk of the lawn area that is back there right now. It is partially a wetland soil. We don't have any plans at this time grade it out or excavate it other than to mow and maintain it. He may also want to put a shed at some time. We provided a planting scheme that determines the line with some natural stonework and plantings along the line. Where the wetlands are we will relocate some of the spruce trees. In some respects we are asking to use some wetland soils and suggesting that some of the buffer area that was formerly lawn area we will give back as a habitat to the wetlands. The only trees that will be cut down to establish the driveway and house will be the Christmas trees. The major deciduous trees will remain.

Chairman DaSilva: Do you have the ability to move the house closer to the road?

Mr. Swift: We do. We need a 25' setback for the septic system to the front of the house. The house would not move a lot but we could move the line (shown) closer to the house.

Chairman DaSilva: I was looking to move the house closer.

Mr. Swift: There isn't a lot of room. We are at the minimum distance for the leaching fields.

Vice-Chairman Santa: Could you widen it and shorten it?

Mr. Swift: No, there is a new provision in the health code called a minimum leaching system spread. It tells you how wide the system has to be.

**Vice-Chairman Santa MOVED to accept application #05-26 for review. SECONDED by Commissioner Zahornasky. All were in favor, MOTION PASSED.**

Mr. Cook: From the WCEO Report: The parcel is within 500' of the boundary of Monroe in directly adjacent to the corporate boundary. The applicant and this agency needs to make referral to the town of Monroe.

Staff does recommend a shift of the dwelling closer to the road. If accomplished provides greater separation distance from the regulated area. You did mention there was much sand and gravel and over the same distance they generally like to orient the system completely in line with the contours of the existing grade. However, there is only a 2' grade differential. The trench is about 75' long. If you were to rotate it, still on top of the same gravel and sand testing, you'd only have about a 2' differential. Is it possible?

Mr. Swift: Even though there is sand and gravel we did find mottling at 40" in one hole.

Mr. Cook: The only reason I suggested it is, if it could be accomplished and the house could be brought forth, it frees up additional space behind the dwelling so the Commission is not faced with another request several years later.

The other item I mentioned is, it is proposed as a subdivision. Why wouldn't it be a free-spilt or a re-subdivision if it was already part of the subdivision? On the Assessor's map it is shown as an existing lot. Was the lot oversized back in 1966 or 1975? If it was oversized because of a wetness condition, that is why it was oversized back then.

The map shows it as a drainage ditch, however, I attached a copy of a letter I received back in 1990 from the owner and even back then they were referring to it as a watercourse. The map should show as intermittent. Intermittent watercourses do fall under the realm artificial or natural. The application or plan is inaccurate because it does list two owners of record. The applicant is shown to be the owner but on the subdivision map it is a different party. Please correct that.

Mr. Swift: Ok.

They discussed the area that crosses Monroe.

**3. PERMIT-APPLICATION #05-38, PORTOBELLO RESTAURANT – 66 HUNTINGTON STREET.** Proposal to construct a commercial building addition within regulated uplands to Means Brook and stormwater discharge improvements.

Attorney Dominick Thomas, representing Portobello

Mr. Thomas: We have an application pending for an expansion to the restaurant.

Mario Paniccia, Architect

Mr. Paniccia: (Showed the existing building and conditions). I reviewed some maps that are on file in P&Z that indicated when this was designed that there was another building adjacent to it shown. I imagine when the stormwater retention system was designed at that time by Mr. Sherback it took into account the second building. That is moot because the existing area is paved so the calculations would remain the same. (Means Brook and the existing retaining wall, and existing catch basins were pointed out). What we propose is to take the existing Portobello Restaurant and make it the kitchen and new toilet area. The addition itself would be the restaurant. The dining room is a two-story building. We relocated some of the parking and in the process will lose 5 spaces. (The entrance areas were detailed).

The existing drainage (shown) where the water flows into a retention system and we will have to eliminate one catch basin that would be where the restaurant will go. All the roof leaders are connected to the new roof area. We propose to add a swirl type oil/grit chamber. We assume that the retention system is calculated for the site.

Chairman DaSilva: Where is the grit chamber located?

Mr. Paniccia: John and I discussed it and would be open to whatever location would be advantageous.

Chairman DaSilva: The capacity would be the same because of the pavement and all you are doing is changing from the pavement to the roof. There is no need to change that. I don't have any problems and John recommends that we act on this application because it is a very simple application. I would want to see a sediment control plan.

Mr. Paniccia: Essentially we would provide a silt fence and hay bales for the catch basins.

Mr. Cook: To summarize my comments\*, the proposed work should be considered an improvement over the existing measures by the addition of a best management structure, though it is not designed as yet. To that end, staff suggested acting on the application as submitted subject to design confirmation of the oil/grit chamber or receive the application and refer it to the City Engineer for that same purpose.

Chairman DaSilva: I would suggest approving it subject to the City Engineer's approval.

**Vice-Chairman Santa MOVED to approve application #05-38 subject to the City Engineer's approval of the plan. SECONDED by Commissioner Wilson. A voice vote was taken and the MOTION PASSED, 5-0.**

4. PERMIT-APPLICATION #05-40, OPITZ PROPERTY – 16 SAGAMORE ROAD. Proposal to construct a swale within a regulated area and adjacent uplands.

Mike Opitz, Applicant and homeowner of 16 Sagamore Road

Mr. Opitz: You are probably familiar with me when the Toll Brothers application. This is my part of it with the application for a swale. (The water flow was detailed). The subdivision was built by Baldwin in 1978-79 timeframe. If you look at the contour lines there are no watercourses marked and there was no wetlands noted when this development was made. When Jim Baldwin put the lots in he saw there was surface flow and he dug trenches in between the lots and behind to try to divert some of the water and manage the water. When I bought the house in 1982 I had a ditch that joined another ditch. I don't know if it was considered wetlands at that time, historically speaking.

The original plot plan shows the ditch which comes about 30' into my property. According to deed all the drainage stuff is supposed to be within 10' of the property line. It was not in compliance. Back in the mid-80's I put in a 15" culvert in and gained access to my property. It goes into a drainage swale that is about 3-4' deep and about 10-15' across. I have never had any problems with the volume of flow.

Chairman DaSilva: What are you requesting of us?

Mr. Opitz: Just to have it in compliance.

Mr. Cook: It would be for the piping and for the construction of the swale.

Mr. Opitz: This is the swale we discussed during the Toll Brothers application. (The details of the swale were shown and explained).

**Vice-Chairman Santa MOVED to approve application #05-40 subject to the City Engineer's approval. SECONDED by Commissioner Zahornasky. A voice vote was taken and the MOTION PASSED, 5-0.**

5. PERMIT-APPLICATION #05-41, RESERVOIR CORPORATE CENTER – RESEARCH DRIVE. Proposal to construct the remaining portion of a 275,000 square foot office facility involving wetland fill, grading and discharge to a regulated area. New applicant; permit for the same regulated activities expired in 2003.

Jim Swift, Landscape Architect, Professional Engineer

Mr. Cook: From the WCEO Report\*: As the Commission may recall this site had a substantial violation of permit shortly after initiation of first building site. There was an extensive landscaping plan required along with monitoring and maintenance program for several years thereafter. This submittal is to apply for the same regulated activities as approved with I/W permit #97-38. This permit expired in 2003 and was only partially completed as far as the overall site was concerned. Subsequent to the first building construction, all remaining work ceased and a new lot was created as was envisioned by the final design plans of record. The applicant is proposing to stay within the permit conditions as established at that time and the regulated activities associated with the authorization granted by the Commission. Based on those findings: same plans, same regulated activities, and permit conditions as apply, staff have no further comments.

Chairman DaSilva: This is basically a reinstatement or extension of the old permit, right?

Mr. Swift: Essentially, in principal it is. We submitted the old plans two weeks ago in order to get a place on the agenda. In the meantime we have been working to get our own plans as far as what we want to develop on the site. We have an updated application form that reflects the limit of our disturbances. It is a reduction in feet. I understand that the check was already submitted to Finance.

Mr. Cook: Yes, the check has already been submitted.

Mr. Swift: I would like if the Commission would act on this to recognize that this fee is more applicable to the one that was submitted two weeks ago. We have the updated application and the updated application fee and drawings.

This area was rough graded and there was a disturbance. They built an underground detention system and a surface detention pond and placed fill along the edges where they intended to place the fill in order to construct their parking lots. The only thing they didn't do was to actually put the detention ponds or sub-surface detention systems in. We have some minor re-location of the building and parking lot. Everything that happens along the wetland limit line is exactly the same as what was proposed by the previous applicant. We located the disturbance limit line and can confirm it is substantially the same as what the old approval had been. The only difference is the old approval contemplated a little more disturbance in the corner. We are requesting no impact to any regulated soils. With that exception all of the form of all the outlet structure, the form of the detention pond, the form of the underground detention is all precisely the same as the old application.

**Vice-Chairman Santa MOVED to accept application #05-41. SECONDED by Commissioner Zahornasky. A voice vote was taken, the MOTION PASSED, 5-0.**

Commissioner Beattie: Have the requirements for grit chambers changed from the original plans to this time?

Mr. Cook: This site, when envisioned, had close to 4000 or 5000' of galley systems.

Commissioner Beattie: I just wanted to make sure that between then and now our regulations haven't called for more.

**Vice-Chairman Santa MOVED to approve application #05-41. SECONDED by Commissioner Zahornasky. A voice vote was taken and the MOTION PASSED, 5-0.**

Chairman DaSilva: Write a letter to Finance requesting a refund for the first check and this check submitted tonight is the correct amount.

#### **D. OTHER BUSINESS**

Chairman DaSilva: Vice-Chairman Santa has to leave so we will take his agenda item next.

**Vice-Chairman Santa MOVED to nominate Commissioner Gary Zahornasky as Vice-Chairman to replace him. SECONDED by Commissioner Wilson. A voice vote was taken and the MOTION PASSED, 4-0-1 (Commissioner Zahornasky abstained).**

Chairman DaSilva thanked Norman Santa for his service as Vice-Chairman and said that he would continue to be on the Commission.

#### **1. BUFFER PERMIT-APPLICATION #05-37, HOTCHKISS PROPERTY – OAK HILL LANE.**

Proposal to construct a single-family residence and associated grading and retaining wall within regulated upland.

(Previously listed as #5)

Tracey Lewis, Licensed Land Surveyor

Mr. Lewis: This is a leftover lot in the Oak Hill subdivision that was created back in the 1950's. Mrs. Hotchkiss owns the lot and is the adjoining house (#20). Pole Brook is in the rear that bisects the property with a higher land beyond the other side of the brook. We did mark and flag the wetlands. She wants to sell the lot and is having a hard time with the issue of the brook. We are here to get some type of approval from the Commission so there is some degree of confidence.

Chairman DaSilva: Is this an existing approved lot from an old subdivision?

Mr. Lewis: Yes. We are not proposing a new subdivision. I have proposed a house and a dry stone retaining wall to demarcate the edge of the lawn area in the back. The retaining wall is proposed 10' off the wetland. There is a silt fence 5' from the wetland to build the retaining wall. The retaining wall on the low side is about 6 1/2' high and eventually blends into the natural grade on the uphill side. Mrs. Hotchkiss' driveway crosses a portion of the existing lot on the side and is framed by a stone retaining wall. This is the best proposal with the least disturbance. It does have City sewers but no City water.

Mr. Cook: This is a buffer application with an existing lot that is somewhat challenging. The first paragraph of my comments I tried to relay the reasons for bringing it before the Board and I would like it received for review and possibly have some of the Commissioners take a look at the lot.

**Commissioner Wilson MOVED to accept the application for review. SECONDED by Commissioner Beattie. A voice vote was taken and the MOTION PASSED, 4-0.**

2. PERMIT-APPLICATION #05-43, DISANTO TECHNOLOGY (added to the agenda)

Attorney Dominick Thomas, representing the DiSanto Technology

Mr. Thomas: This is the parcel of 20+ acres which is known as 20 Constitution Blvd., which is now known as 10-20 Constitution Blvd. When PDD 29 was initially done it was owned by Griffin Hospital. Griffin Hospital bought it with the purposes of putting a fitness center on it. The plan fell through and then they sold the property to TH Real Estate, Shelton, who brought a company in called Sure Source, which is currently located on the upper portion of the property. It is located on the corner of Constitution Blvd. and River Rd. It was contemplated at the time that when PDD 29 was amended that the front portion of the property would be subdivided. At that time a portion of the property was deeded to the town for a conservation easement and a portion was deeded to the town in fee for the Ivy Brook greenway. We now have a buyer for the property, which is DiSanto Technology and Octavio DiSanto is the owner of DiSanto Technology. DiSanto Technology is a high-tech light manufacturing facility currently in Stamford with intention to move to Shelton to build a 25,000 sq. ft. building expandable to 30,000 sq. ft. They will bring 70-75 employees with the intention to expand to 90 employees.

We are seeking to approve it tonight since they are on a short time frame. P&Z has concluded its hearing and at its Sept. meeting they authorized a positive vote on the modifications of the detailed development plans which will be accomplished we hope at the October 25<sup>th</sup> meeting. The Board of Alderman have approved a land swap at the entrance way in order to align the 50' entrance with the existing pavement.

Joseph Wren, Professional Engineer

Mr. Wren: Last month we were here for concept review. The plans really haven't changed much. The size has not changed much but the shape has to be able to pull it away from the brook a little more. The parking lot is configured a little different with less parking spaces, so there will be less impervious area. (The wetland and buffer areas were pointed out). The brook has no wetland soils associated with it. The dumpster location is now located at the rear of the site, plenty of distance away from the Ivy Brook corridor and the wetlands. There is approximately .5 acre of upland area that will be disturbed for construction and another .17 acres that would be needed to be cleared for sightline. This is for traffic safety issues. The open space area was shown and stated that they would not be going into and disturbing the area. The conservation easement was also shown.

Mr. Cook: What is the size of the easement?

Mr. Wren: .43 acres and is on the map. At the concept review it seemed all the concerns were acceptable. The one recommendation you gave me was to focus on storm water quality. There was a CAM (Coastal Area Management) application that was needed and we have submitted that. It was approved and was forwarded to the State DEP for their review. They had similar storm water quality concerns. There is no stormwater detention needed due to the proximity of the Housatonic River and the Ivy Brook and was not part of the original plan of the PDD. We can't really get any infiltration to the ground because the whole site is rock. We have to do it with other BMP measures. We are proposing catch basins with 4' sumps. The last catch basins in the series have three separate systems and three separate outfalls to come to a pre-formed riprap scour hole. The last catch basin will have a plastic hood over the outlet pipe to separate the oils and floatables. In the large pavement area is directed to an oil grit separator at this location. The DEP recommended that the separator be installed off-line.

Chairman DaSilva: What is the benefit of having it off-line?

Mr. Wren: Generally the separators are designed for smaller flows. 90% of CT rains are 1" or less. It's the first cleansing of the pavements. When you have a 25-year storm the water acts as kind of a dam and back floods the system and can't treat the water fast enough. If it's off-line it gets the lower flows into it with a little weir structure. The higher flows can go up and go through. At the outlet itself there is a pre-formed scour hole and there is a detail given for that. There are three outflows that come there, so it wouldn't be just a single one for a single outflow, it would essentially be two combined. That will act as a final settling basin before it goes overland into the brook. As far as BMP's during construction, I don't really see a significant sediment erosion problem because of the rock. There is not a lot of silts or fine materials that would detriment Ivy Brook. We show silts fences to protect any areas on the down-slope side and stone check dams

every 75 feet, where the areas we have swales, whether they drain the pavement or not during construction. There is no direct discharge to Ivy Brook itself, it's off of the property anyway. It would all be overland before it hits the brook. Today we did receive comments from the City Engineer. What he wanted to see was a little bit of sediment fence added along the entrance driveway. We could do it and the reason we didn't do is it is currently there now and is not being constructed and is paved. We will be ripping up the pavement that is there and resurface and re-grade once we get into the site a little bit. There is not a lot of silt potential but we can run the silt fence along the edges. He wants to see a little bit more drainage added at the entrance, which is not a problem.

Commissioner Beattie: What is the size of the pipe that you are going to put under the entrance?

Mr. Wren: The entrance already exists and there are two culverts already there.  
(Mr. Wren detailed the reason for property swap at the entrance)

Commissioner Beattie: Have you talked to the Open Space Committee?

Mr. Wren & Mr. Thomas: It went through the Board of Aldermen and referred it to whomever they needed to refer it to. Corporation Counsel said they would refer it to P&Z and Open Space.

Commissioner Beattie: As far as Open Space I am the delegate for it and it hasn't come across there.

There was discussion of the Open Space area and the swap.

Mr. Cook: No further questions. The plan package had been submitted and it was not on the agenda nor was it logged in because it wasn't complete. All the Commissioner's plans are still rolled up or assigned.

Chairman DaSilva: What is the urgency?

Mr. Thomas: We need your approval for P&Z's approval. At the last P&Z meeting they instructed Mr. Panico to draft a positive approval which they would like to get done on the 25<sup>th</sup> so they could close immediately thereafter.

- Vice-Chairman Zahornasky MOVED to approve application #05-43 subject to the following:**
- 1) Adhering to the City Engineer's recommendations**
  - 2) The oil/grit separator to be built off-line**
  - 3) Review by the WCEO of the plans and any recommendations**
  - 4) Submittal of the CAM (Coastal Area Management) approval**

**SECONDED by Commissioner Wilson. A voice vote was taken and the MOTION PASSED, 4-0.**

Application #05-44, River Ridge will be tabled until the November meeting.

3. BUFFER-APPLICATION #05-25, GERACI PROPERTY – 117 YUTAKA TRAIL. Proposal to construct a garage addition and entryway within Far Mill River setback.

Mr. Cook: This was a proposal to construct a garage addition and entry within the Far Mill River setback. Staff acted on it as submitted without any discreet stipulation as it was within 100' of the Far Mill River except it was on the other side of Yutaka Trail.

4. BUFFER-APPLICATION #05-26, SIGNORE PROPERTY – 28 HORSE STABLE CIRCLE. Proposal to construct a shed within regulated setbacks.

Mr. Cook: This was a proposal for a 10'x20' shed on existing lawn. There was an application received for a sizeable addition last year and some components of that have been accomplished, others are on the back burner. They will be removing one shed that was put up without benefit of a permit. While it was close, it was farther from the wetland than the existing shed that was built without a permit and on existing lawn. Staff acted on it as submitted.

5. BUFFER-APPLICATION #05-29, STEVENS PROPERTY – 158 INDIAN WELL ROAD. Proposal to construct a deck within Housatonic River setback.

Mr. Cook: This was a deck within the Housatonic River setback at the Maples. As the Commission recalls there was a property now or formerly owned by Gilormino. It came in as a reconstruction violation and had multiple decks. This particular deck as with any of the sites in the Maples, none of them meet any of the standards. This deck was on the side of the existing of

the reconstructed dwelling. This is on line with the building. There was no formal stipulations on that. It was acted on as submitted.

6. BUFFER-APPLICATION #05-31, BEECHER PROPERTY – 125 INDIAN WELL ROAD.

Proposal to construct a new home within Housatonic River setback.

Mr. Cook: This was another administrative application. This was a demo job and new construction. This stayed within the existing footprint of the approved plan. It was going upwards. I did act on it but some of the lines represented was not a very good portrayal and it took some figuring to find out what was existing.

Mr. Cook discussed the removal of a tree and the replacement.

7. AFTER-THE-FACT APPLICATION #05-39, SIMONETTI PROPERTY – 70 CENTER STREET.

Update from Special Meeting

Mr. Cook: It was voted on with the engineered drawings. When they poured the new footing and started laying the blocks the Commission had voted to go no higher than 1' above existing grade. However, in doing so because of the size of the blocks and they cut the holes for drainage in addition to having the pavement drain, they took out the corners to allow for the flow, but it is about 20" high.

The Commissioners said they saw it and the 20" is fine.

Mr. Cook: I have a couple of other items. Ortiz vs. City of Shelton. This was a court case involving the P&Z Commission. The property is located on Ashwood Terr. In Stratford. They came before the Board a couple of years for an after-the-fact proposal for a large pool cabana house. The Commission rejected the application because they never fulfilled the conditions of approval from their 1997 application. In addition to that they built a detached 2-car garage with an apartment upstairs. P&Z took them to court and they lost. The stipulation was and Corporation Counsel said until this court case gets resolved don't do anything further for wetlands issues. The house is in Stratford but the town line goes through the middle of the lot. The cabana, pool and yard are in Shelton. They appealed P&Z's decision and lost. One of the stipulations in the court decision was to apply for wetland permits which is now being executed. I relayed to their attorney about fulfilling the conditions of the original wetlands permit for the pool and clear-cutting right up to the Black Brook that runs parallel to Route 8. That was a violation at that time.

Vice-Chairman Zahornasky: Where does Black Brook end up?

Mr. Cook: In the Far Mill River.

The other item was the Francini Property on Bridgeport Ave. where there was the tree cutting. I did meet with them this morning. He never followed up on his application and I just got the letter to him last week. He has no problems with the shrubs and mulch. The condition of approval was to have it by this meeting but I just got the letter to him last week.

Chairman DaSilva: Since you just got the letter out to him just work it out with him.

Mr. Cook: The next item is Crescent Village, formerly the Pinecrest site. In 2003 they came in for concept review. Then there were basic development plans with P&Z. The developer who originally had the approval from the planning dept. sold it to this entity from Newtown. They came in to make a change on an overflow swale from the pipe that the watercourse is piped to the brook. They wanted to delete the swale and just pipe it. I went to check the permit file and the maps and all I came up with was the concept plan. We went to the P&Z file. We were never copied on the basic or detailed plans. They approved the detailed development plans September of 2004. The City Engineer reviewed it in February 2005 and issued a permit. I looked at the resolution that was drafted by the Planning Consultant. In his report to P&Z, he stated in September 2004 that the Wetlands Commission had approved the encroachments. They have no permit from this Commission.

Chairman DaSilva: Is there a letter from us approving the project?

Mr. Cook: No. All they had was concept. I think there was a series of successional errors and omissions because I work very closely with Rick Schultz. I went to the file looking for the permit because there were so many intermediate sessions with P&Z. I, myself had the mistaken belief that it had gone through the final step. I spoke with the current developer principal and relayed to him that there is some administrative work to be taken care of. He said Corporation Counsel said everything was all set. I called Tom Welch who was reviewing all the easement maps. He verified to me this afternoon that all he was looking for was proper documentation on easement maps. He wasn't checking to see if they had all their regulatory permits in order. They also never registered their site with DEP. Apparently this person from Newtown bought into this project thinking that everything was satisfied. I did speak with Tom Welch and he said no matter how it

happened, if they don't have a permit they don't have approval from this Commission. They will have to submit an application based on the final plans and hopefully they are consistent with the concept direction that the Board had given them in 2003.

Vice-Chairman Zahornasky: The water that was coming off the site was mud the other day.

Mr. Cook: DEP will be coming down because they have gotten complaints.

Chairman DaSilva: Don't they have erosion control and silt fences?

Mr. Cook: They do but they have opened up the entire site all at once. The entire property is being regarded as a platform.

The Commissioners discussed the fact that they don't know what measures the property owners are taking in regards to erosion control and what to do next.

Chairman DaSilva: I recommend that tomorrow John to contact them and see if they can build some berms and some temporary silt basins to direct the water into them. Improve the erosion control so we don't have all the muddy water coming down into the river. Give them a week to do it and if they don't put a stop work order on the project. We need plans from them by next month to be submitted for approval.

Mr. Cook: Permit #05-06 Avalon II. We don't have enough members for a vote but I wanted to bring it up.

Chairman DaSilva excused himself from the discussion.

Mr. Cook: I think I did send some of the Commissioners emails about this. The representatives of Beaver Dam Lake Assoc. appealed the Commission's approval of Avalon II. They retained services of their own engineer, Don Ballou. He reviewed it and made recommendations for his clients as far as additional measures that should be undertaken by Avalon to improve water quality and stormwater management. If those measures are undertaken, Beaver Dam Lake is willing to consent to a resolution on their appeal of the approval. To that end, representatives of Avalon II contacted myself asking if these changes would be acceptable on this permit or do they need a revised application or can it be handled in house. Typically if there are reductions of impacts or eliminations of impacts or field changes, those are routinely reviewed by staff. It is involving engineering changes. This goes back to June 14, 2005, Don Ballou prepared a 7 page document regarding those changes. In September, Shipman & Goodwin did a response to that design. They worked out some additional changes and in October, there is a supplement to those responses. On September 14, I do have a letter from the City Engineer in which he states that the proposed modifications would not impact the regulated areas. These measures would require maintenance on a regular schedule and has no objection to the site plan being modified to implement the changes. He also noted that P&Z rejected the site plan. Shipman & Goodwin prepared changes on October 5 and those have yet to be reviewed by the City Engineer. The reason I wanted to mention this to the Commission is that they have several choices. They could apply for a revision even though it is less impact. The other way is to allow Ray Sous, Corporation Counsel, to authorize him to agree to a stipulated resolution. What Ray was soliciting from the Commission is if he is authorized to agree to a stipulated resolution whereby Beaver Dam says they will drop the appeal if Avalon puts in these additional measures. Ray needs the authorization from the Commission to agree to those. One of the primary things is more sediment containment. Their goals are to take those water quality enhancements and stormwater measures further than the plan.

Vice-Chairman Zahornasky: Why don't you tell Corporation Counsel, although we don't have a formal vote, the consensus of the members present say its fine for him to conduct those negotiations. He needs a formal action then we will bring it up when we have enough members to vote.

#### IV. MINUTES

1. August 11, 2005 Regular
2. September 8, 2005 Regular
3. September 29, 2005 Special Meeting

Mr. Cook had the following notations:

The September minutes where it was questioned by the clerk to Mr. Thomas's comment about a location Mr. Cook said he referred to as "Pond Lilly", which is part of the DOT headquarters. On page 3 there isn't necessarily a correction, it's just leaving something unverified. Mr. Thomas states that if you go out 16' from the edge of the road you are in water. This is regarding the River Ridge matter. This is far from the case. After 16' DOT doesn't really care what is planted there, it's just the first 16'. There is at least 50-60'. For the record I just wanted to state that was an incorrect statement on Mr. Thomas' part.

**Vice-Chairman Zahornasky MOVED to approve the August 11, 2005, September 8, 2005 and the September 29, 2005 meeting minutes with the corrections as noted by Mr. Cook. SECONDED by Commissioner Beattie. A voice vote was taken and the MOTION PASSED, 4-0.**

**V. Adjournment**

**Vice-Chairman Zahornasky MOVED to adjourn. SECONDED by Commissioner Wilson. A voice vote was taken and the MEETING ADJOURNED at 9:10 P.M.**

Respectfully submitted,

Marianne Chaya  
Clerk, Inland Wetlands Commission  
2 tapes are on file in the City/Town Clerk  
\*WCEO Report is on file in the Inland/Wetlands Office  
\*\*September 20, 2005 letter from the City Engineer attached

**City of Shelton**  
**Office of the City Engineer**  
**54 Hill Street Shelton, Connecticut 06484-3267**  
**203-924-1555 Ext 17**  
**Fax: 203-924-1136**

September 20, 2005

Richard D. Schultz  
Planning & Zoning Administrator  
City of Shelton  
54 Hill Street  
Shelton, CT 06484-3267

SHELTON INLAND WETLAND COMMISSION  
Re: Kings Point Center, 350 Bridgeport Avenue;  
Detailed Development Plans dated July 26, 2005, revised 8/8/05  
Dear Mr. Schultz:

This office has reviewed the above referenced application to construct another retail plaza on Bridgeport Avenue. The application is incomplete since there is no A-2 Property Survey to confirm the boundaries and area of the parcel. The land records currently shows the land to be a single 7.8 Acre lot occupied by the SBC (formerly SNET) garage facility.

The plans show a subsurface stormwater detention system as well as a water quality chamber. No drainage computations for the stormwater collection system have been provided to this office.

There is an existing 24" RCP storm sewer located at the easterly corner of this property. This storm sewer may be part of the state drainage system for Bridgeport Avenue. The northerly corner of the proposed building may conflict with this utility. Coordination with the ConnDOT District 3 Drainage Engineer is highly recommended.

The proposed new curb cut and stormwater discharge onto State property and into Burying Ground Brook on State property will need to be approved by ConnDOT.

I do not endorse this application for approval at this time due to the aforementioned deficiencies.

Very truly yours,

Robert F. Kulacz, P.E. City Engineer  
CC: John R. Cook, Wetlands Coordinator  
Thomas E. Sym, Sewer Administrator  
James Tortora, Fire Marshal  
Neil Creem, ConnDOT District 3  
James Swift, P.E.  
File