

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. BUSINESS MEETINGS

III-A. PUBLIC COMMUNICATIONS and requests to address the Commission with non-agenda items:

III-B. OLD BUSINESS

III-C. NEW BUSINESS

1. CONCEPT-APPLICATION #12-15, COUNTRY CLUB OF CT – 550 RIVER ROAD. Concept application for 39-unit multi-family development involving regulated activities of road construction and building construction within regulated area and/or upland review area of Ivy Brook, and Butternut Hollow Brook. Recreation work within upland review area of Housatonic River.

VI. MINUTES

1. June 14, 2012 Regular Meeting

V. ADJOURNMENT



*CITY OF SHELTON
INLAND WETLANDS COMMISSION
REGULAR MEETING MINUTES
Thursday, July 12, 2012
7:00 P.M., Room 302*

Chairman Zahornasky called the Regular Meeting of the Inland Wetlands Commission to order at 7:02 P.M.

I. PLEDGE OF ALLEGIANCE

All in attendance recited the Pledge of Allegiance.

II. ROLL CALL: Celeste Beattie, Commissioner
Robert Dunford, Commissioner
Ken Nappi, Commissioner
Charlie Wilson, Vice-Chairman
Gary Zahornasky, Chairman

Absent: Jack Goncalves, Commissioner
Neil Hayes, Commissioner

Also Present: John Cook, WCEO
Sophia Belade, Clerk

III. BUSINESS MEETINGS

III-A. PUBLIC COMMUNICATIONS and requests to address the Commission with non-agenda items:

There was no public communication received.

III-B. OLD BUSINESS

There was no Old Business for discussion.

III-C. NEW BUSINESS

1. CONCEPT-APPLICATION #12-15, COUNTRY CLUB OF CT – 550 RIVER ROAD. Concept application for 39-unit multi-family development involving regulated activities of road construction and building construction within regulated area and/or upland review area of Ivy Brook, and Butternut Hollow Brook. Recreation work within upland review area of Housatonic River.

Peter Hughes
Planner-Wetland Agent

With me tonight is Dennis McMorrow, our Design Engineer, Alan Temkin and Mark Lampert, the principals of the project. First we'd like to thank you for putting us on the agenda in such a short notice. This is 550 River Road, this is the cemetery, Latex, back here is Riverdale Diner, Housatonic River, and the cap area which was recently restored is

off the map here. Looking at several different concepts, the 2 principals have set on a plan of duplex and tri-plex units. We looked at apartments to Town Houses to quad-plex, this seemed to fit the site. This plan as you see here, this is Ivy Brook, Butternut Hollow Brook, the river, the inlet pond, sanitary pump station, the well that feeds into the pump station, the current driveway as well. After meeting with staff, both John and Planning & Zoning and Rick Schultz whom I met with yesterday, we revised a plan to a 37 unit layout, moved some units around.

Commissioner Nappi stated before you go any further for the record what are these units. Are they apartment units, are they condominium units. Mr. Hughes responded they will be individually sold units with a common interest community with a private road system, not a rental, this is a home owner project. Commissioner Nappi continued so there will be an association. Mr. Hughes replied yes with covenants and restrictions as well as the home owners association.

Route 110 here, we're bringing in a 24' wood grove to the project. There is a crossing at the Ivy Brook with a bridge, we'll be using a similar bridge as at Murphy Road, a condominium project up the road, it would be a constant bridge. The abutments for the bridge would be set outside of the wetlands limits so there will be no direct impact to the system here with the exception that we would have to run some wall, but they should be outside the bounds of the stream and the associated wetlands. One of the reasons is the elevation, the brook is 10' deep here, we have to get up and pass the proper storm through so it will be a raised structure, about 7' above existing grade as you cross the watercourse. Again, there is no direct wetland impact, everything is outside the buffer.

Up here would be driveways to service these units. This is the 75' delineated area, this is the 50' delineated area and the watercourse and the wetlands. We're proposing to bring in a driveway with a 24-22 width here to service the units. Some guest parking, same thing over in here, they're tri-plex units with a wall, here and here we don't have to fill. All these units are walk out at grade so there's really no disturbance outside the back of the building except for 15' or so to maneuver around construction equipment. A porch is included in the building so there is no reason for decks, they are included in the footprint of the building.

The natural resources obviously are Ivy Brook, our goal is to retain as much of the natural canopy as we can across the brook where it needs to be supplemented with plantings, we've hired Kim Barbieri, a Landscape Architect who is also a Wetland Agent for the City of Torrington. She is our landscape designer so she is sensitive to all the resources on the site as both a landscape architect and a regulator.

The units are here, this is a bold site which has been partially excavated for those of you that have been out there, if you haven't there is an upland horseshoe here. We will remove that material and bring it back to the bottom and that's where we're raising the grade between 6 and 4'. So most of the material will stay on site within this envelope. These units again are at grade, walk out at grade, these 6 are garage under, this is a 9' wall, this is a 16' wall. We're proposing public access for the management, the existing driveway through the cemetery is on the site, we'll utilize the existing driveway and come up thru here. The principals are in discussions with Emhart to purchase the upland area that is clean. We will continue the walkway down here and give public access over here.

Commissioner Nappi asked him to explain public access. Mr. Hughes responded with Coastal Area Management Program you have to allow public access to the river, so we have to give a way for anyone that wants to come in and walk. We're providing parking; we're going to move the existing gate down to where the gabions are so we could put in some parallel parking off the street. We'll provide some parking in here. We have to go through the DEEP for this process as well. Emhart will own to the lagoon area, we would get an easement over this ledge, so this would be the access for the residents; this would be the access for the public. We have to provide to Emhart access to the cap for them to maintain the cap. We will use grass pavers. This is the current gate so we'll bring a 15' grass pavers down to the existing gate. They will have access to the cap area. This is the access we will use for the residents within the development as well.

Commissioner Nappi asked are there any restrictions for the right of way. Mr. Hughes responded no, whatever you permit is it. The principals are going to take the clean area and whatever has the contamination will stay with Emhart. Emhart will have an odd shape piece here and there.

The utilities, the sewer and the water will come thru the existing driveway. The existing driveway will also be retained for emergency access, so we'll put in another section of grass pavers. The existing driveway come right here and moves in, as far as the units again this is the 50' line and this is the 75' line, so when our units are in that area that required the adverse impact to the resources, the site we've done 13 test holes and it's sandy gravel. So we'll do total infiltrations of the roofs and put in an infiltration system for each building. We will use pervious pavement so we don't need any water quality basins. The only direct impact will be a mitigation restoration project. There is a bump here in the edge of the screen, there are 3 trees that blew in together and the roots are looped up and there is some other erosion. The gabions have been put in here. Michael Klein is our environmental consultant and wetland specialist he will prepare a plan which basically is to use about 2-3' of rock at the base by the stream and then above that we'll use a vegetative material and we will replant tree cover in the area where the trees fell after we remove them. So that is the only direct activity in a resource, everything else is outside. The pavement will be pervious. We have some work to do. We're just here to get your general comment on the layout. Dennis is here if you have any questions regarding engineering issues.

WCEO REPORT July 14, 2012

CONCEPT - APPLICATION #12-15, COUNTRY CLUB OF CT – 550 RIVER ROAD. Request for concept review of 39-unit multi-family development involving regulated activities of road construction and building construction within regulated area and/or upland review area of Ivy Brook, and Butternut Hollow Brook. Recreation work within upland review area of Housatonic River.

STATUS: 1. Application not submitted with plan package and fee.

PLANS: LAYOUT #1 - ATA REALTY June 26, 2012

COMMENTS: The request seeks preliminary advice and guidance to the above envisioned development. Comments are merely offered to identify early observations.

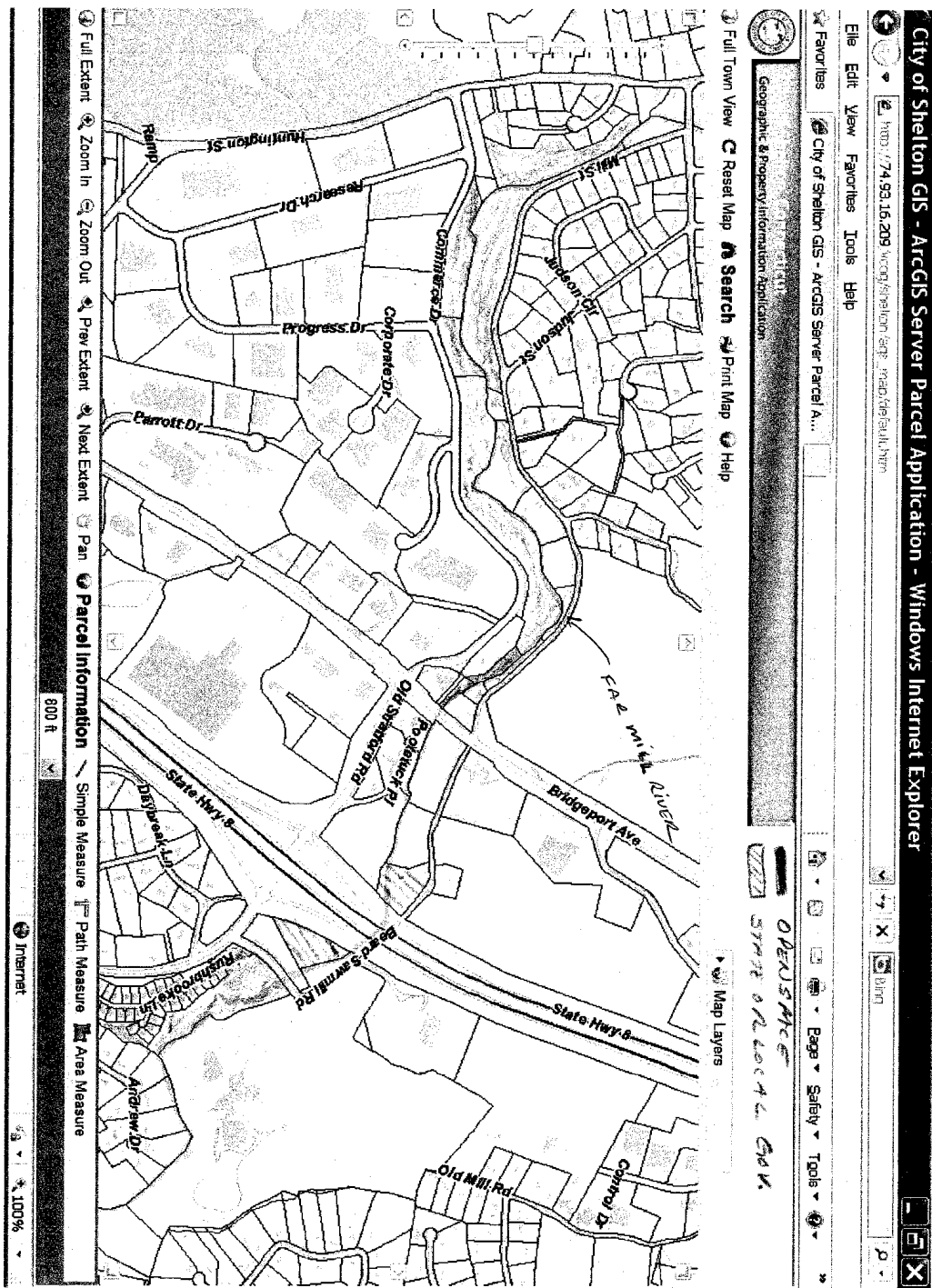
The schematic plan is significantly more intensive than the 6-lot proposal withdrawn in 2005. It is not possible to determine the level of regulated activity at present as the two versions of the current layout, 36 & 39 units, presented to staff incorrectly plot the Commission construction upland review area (buffer) designations for Ivy Brook and Butternut Hollow Brook. This fact is identified only because they mentioned their review of the earlier development and that plan indicated the correct distances and staff mentioned twice informally the plotting error. These limits establish the regulated activities.

Other developments of recent years provided open space or other restrictions along the regulated area of both Ivy Brook and Butternut Hollow Brook. Specifically nearly 6000' of the Ivy Brook riparian corridor is protected in this fashion. In fact it appears every previous development provided protection along Ivy Brook. There are two pieces remaining, is a church and the other is an oversized residential lot. This piece is the last of the watershed/riparian system. Butternut Hollow Brook watercourse system has also been largely protected during recent development proposals. Nearly 3000' of this system has been protected. The protection percentage is not as large as older historic developments as the regulatory programs did not exist at that time. We also reference the section of the Far Mill River from Huntington Street to Beard Saw Mill Road. Riparian protection of the watercourse has been consistent with recent years here as well. A basic sketch demonstrates the extent of the Commission's efforts in this regard. Both Ivy Brook and Butternut Hollow Brook are considered Class A water quality streams from the Connecticut Water Quality Classification map and the protection efforts provided riparian protection. A quick review of riparian protection and its benefits is an extremely important attribute of water quality protection. Literally there are hundreds of articles and citations attesting to this value and feature. We have only copied a few,

not to distribute tonight but to verbally make the point. The confluence of these two streams with the Housatonic River and a tidal freshwater lagoon make it a very unique regulated area in Shelton.

In summary the applicant stated a certain level of openness to input, hopefully to establish a certain amount of flexibility. Staff offers the following at this time.

1. A formal proposal should provide similar and consistent efforts in the above riparian efforts.
2. Since envisioned as a PDD the applicant can create its own zoning standards focusing to the riparian protection efforts.
3. Provide in the legend icons for I/W, watercourse edges, 75' & 50' & 100' upland review areas including grading and construction.
4. Investigate consolidation of buildings, reduction of units, and shifting of construction to better protect the riparian system.



Print Map

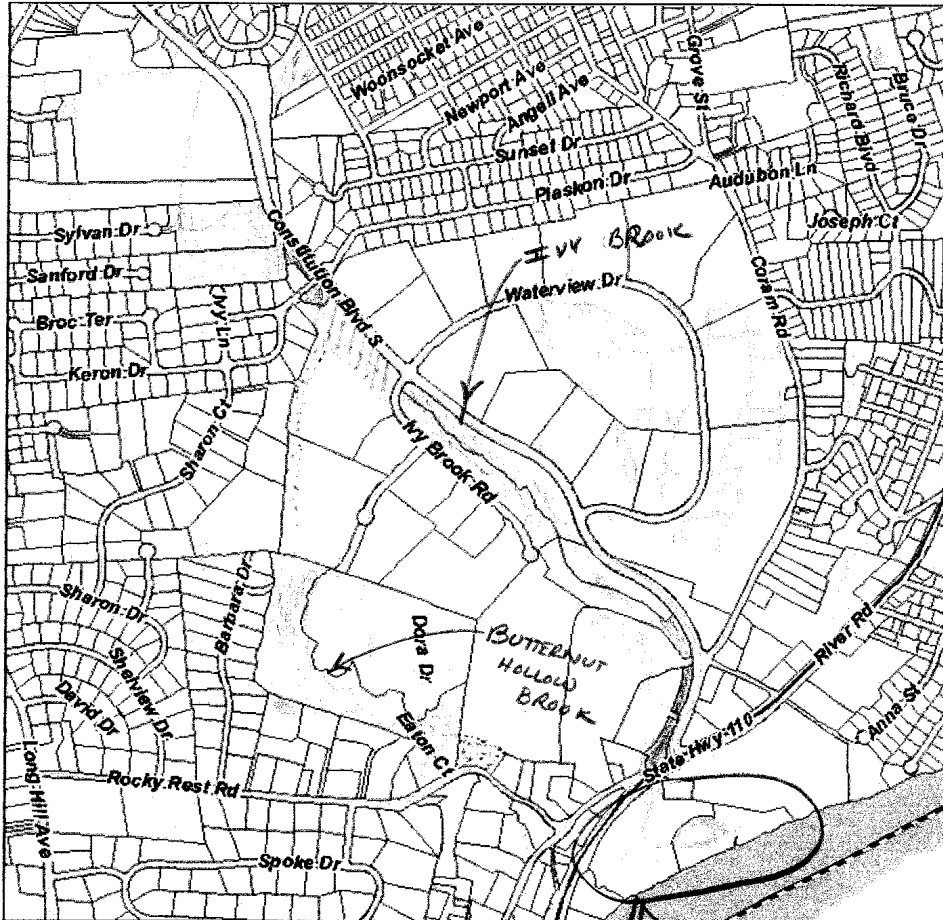
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City of Shelton

Geographic Information System (GIS)



Date Printed: 7/12/2012

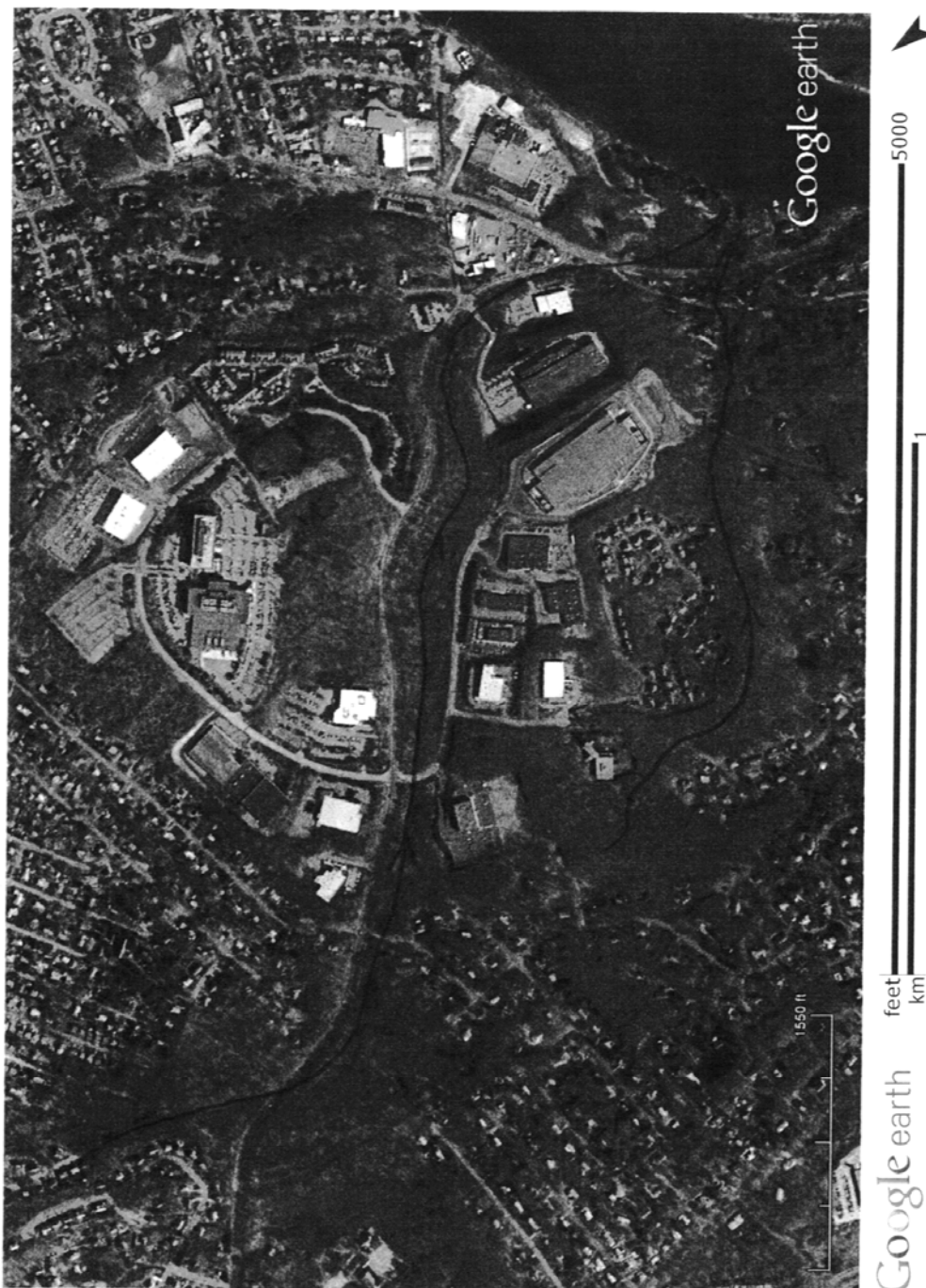


OPEN SPACE
DETENTION BASIN
SITE RESTRICTIONS

MAP DISCLAIMER - NOTICE OF LIABILITY

This map is for assessment purposes only. It is not for legal description or conveyances. All information is subject to verification by any user. The City of Shelton and its mapping contractors assume no legal responsibility for the information contained herein.





John Cook continued, I did include an aerial map, it's tough to see but it does show the vegetative corridor of Ivy Brook and Butternut Hollow Brook.

Chairman Zahornasky asked Mr. Hughes if he would like to respond to John's comments. Mr. Hughes stated that I absolutely agree with everything he said. Commissioner nappies stated if you agree how would you adjust the plans. Mr. Hughes responded right now we came with a very preliminary plan, there will definitely be easements areas around the resources and we're just getting to the point where we had preliminary meetings, we don't jump the gun and assume anything. With the application process we want to go through informally with the Commissions and make sure we all have an understanding of the parameters that we need to follow, and we understood from the beginning that this is a resource, this is the key resource, we have done some consolidations in moving to triplexes, dropping a few units, we are looking at the plan more, we are having discussions about this every day. In the end there will be easement areas, there will be canopy area where the canopy is lacking today we'll supplement it. As far as the confluence area it will remain undisturbed. This is the area that needs to be examined.

Chairman Zahornasky stated further up on this map, this is the corridor, it's about 75' right? Mr. Cook responded at the very bottom of the illustration, next to River Road and Constitution Boulevard that's 75', up in this vicinity its 200-400. It's very wide. Chairman Zahornasky stated so we would be looking at a minimum of 75'. If we could realistically try to achieve 75' I wouldn't have a problem with that. Obviously the more you can give us the more we'll take.

Mr. Hughes responded that 75' would be very tough because it's not there today. Chairman Zahornasky stated from the edge of the stream could you get 37 ½'. Mr. Hughes stated we could try to get very close to that.

Mr. Cook stated he is correct about the exisating accessway which they will be eliminating a section of it. The other possibility is again the shifting or relocating and try to create a configuration where whatever can be shifted from this side to this side, so maybe there's only 20' from this side and you could create 50' on that side. Mr. Hughes stated we met with John and talked about the flexibility with zoning as well, Dennis will look at it a little more. Dennis can go over this.

Dennis McMorrow
Engineer

The driveway, it might have to be filled down here to level that up. The grade is sloping down towards Ivy Brook so I put the driveway on the high side and using a walk out basement to get the foundation to work with the terrain. I'd rather have the back of the units next to the brook. I thought I'd do more grading the other way around. I only looked at it quickly but I don't have a definitive answer for you yet. Chairman Zahornasky stated because this is conceptual I think you know what we're looking for. Mr. Hughes stated that when we come in with an application we will come in and show you what we've changed. Mr. Cook stated as long as you're standing at the easel, I do have a question, what is the cost of the pervious pavement for a roadway driveway construction as opposed to the cost of regular pavement. Do you have a figure off the top of your head in terms of percentages? Mr. McMorrow stated we are investigating that. Initially I heard that it was about 50% more for the pervious. Mr. Cook continued the reason why I ask that question is because I did speak with the City Engineer, he doubts very much that there doesn't seem to be much of detention for quality. If it is all sand and gravel as the test holes have confirmed well then do you need the pervious pavement because getting a little bit out of the regulatory question but on the development side do you have a figure you'd like to make for profit, but you have to incur many costs to build a road that has pervious pavement and 50% greater to do that but if you use regular pavement if you could achieve the same bottom line with less expenditures that can be realized in the ability or the flexibility of tweaking some of the encroachments of the Commission's jurisdictions. Commissioner Nappi stated not that I'm in the business about what the developer makes per site but how it affects the wetland. I'd like to get back to the 75'. Chairman Zahornasky stated I believe what his point was that if you go from 39 to 35 units you're still going to make a profit and have less impact. Mr. Cook continued if you have less impact then you could widen out and use that benefit to widen out that corridor that the Commission is concerned about. That's where I was going with that.

Mr. Hughes continued we're 80' with about 10-15' behind each unit right now, again our thought is to supplement where it's thinner and augment and trade and here, John really made a good point when we met. We had a unit sitting right here, we can tweak some of those buildings. Chairman Zahornasky stated in tweaking some of the buildings here or there you might increase your ability to make it even wider. It's a doable project.

Commissioner Nappi asked Mr. Cook if he had any problems with the bridge. Mr. Cook responded no it's typically a preferred method over the culvert treatment. Commissioner Nappi asked where Rocky Rest Road is on the map. Mr. McMorrow stated it's here, this is the intersection. The constand bridge for this site is ideal because we'll bring the driveway in and we also have access on this side so you can come in and work on both sides of the

stream without ever crossing it with equipment. We'll dig the footings, set the bridge and start filling over. Commissioner Nappi asked if there were underground utilities. Mc. McMorrow stated there is a water sleeve coming underneath the road, we're going to bring the water in to the site through the existing driveway and then we'll be crossing over, the water will be over the bridge so we're not anticipating digging under to get the water to serve these units here. The sewer, there's a manhole here before the pump station and we'll be doing a gravity line up the road and bringing the sewer line in to the site along that driveway. It's going to be a low pressure sewer system. We will bring as many of the utilities through the driveway that we can. If we can make it the utility corridor it would be our preference.

Mr. Cook stated that on the previous plan you had 1 4-unit building here you have none. Is it possible by going from a 2-2 to a 4 trying to facilitate shifting, just throwing it out. Mr. Hughes stated that when we met with the planning people they wanted some auxiliary parking so the only way we could provide a few parking spaces was doing it like this. I think keeping this a 75' canopy swap is very doable. Questions that I have is that we're going to have to do a little removal to get to the stream, are there any objections. I know we'll have to replant and that will be part of the plan. Are there any issues with that? Mr. Cook stated stabilization is rather typical type of work in terms of how it's going to be prepared and then subsequently re-stabilized, I'm not that familiar with that little bump out in the road and certainly in between meetings I will take a look at it. Mr. Hughes asked the Commission if they see any issues just raising the canopy. Commissioner Beattie stated I have a question have you searched the velocity of the 50 year storm. Mr. McMorrow stated I can't answer that yet. The goal with the bridge is to not increase velocity and the elevation. Commissioner Beattie stated I just don't want to see them get flooded out. Mr. McMorrow stated no we're figuring about 16'. FEMA flood line is 16' and the bridge will be above that 16', which is the 100 year flood line.

Mr. Cook stated when you do your formal application for the permit in discussing the repairing values and the canopy values that it would probably be beneficial to have on the survey map either existing plan all the significant trees. Obviously when you get to the lagoon area there isn't any, it's all small stuff. Trees of significance within that particular area of concern then that also helps to establish, in a gravel condition it might be able to tweak the location. Mr. McMorrow stated do you want me to locate the threshold for the 24" trees. Mr. Cook responded I would typically say more of a range of a 12" tree with the sunken 12" and above it what I would suggest but I think that would be a call for the commission. Mr. McMorrow continued if I'm out there locating the trees we don't need to locate the 12" trees up here do we? Mr. Cook responded no. So just in the corridor.

So we will get together and come in and submit a permit application and see you in August

Thank you.

VI. MINUTES

1. June 14, 2012 Regular Meeting

Vice-Chairman Wilson motioned to approve the minutes of the Regular Meeting of the Inland Wetlands Commission of June 14, 2012. Commissioner Beattie seconded the motion.

A voice vote was taken; motion passed unanimously.

V. ADJOURNMENT

Commissioner Beattie motioned to adjourn. Commissioner Dunford seconded the motion.

A voice vote was taken; motion passed unanimously.

Chairman Zahornasky adjourned the Regular Meeting of the Inland Wetlands Commission at 7:44 P.M.

Respectfully submitted,

Sophia V. Belade

Sophia V. Belade

Clerk – Inland Wetlands

1 TAPE ON FILE IN TOWN CLERK'S OFFICE