

CITY OF SHELTON
INLAND WETLANDS COMMISSION
SPECIAL PUBLIC HEARING
REGULAR MEETING MINUTES
Thursday, October 14, 2004, Room 303, 7:00 P.M.

I. ROLL CALL:

Alvaro DaSilva, Chairman
Gary Zahornasky, Commissioner
Celeste Beattie, Commissioner
Randy Szkola, Commissioner
Charles Wilson, Commissioner
Neil Hayes, Commissioner

Absent: Norman Santa, Vice Chairman

Also Present: John Cook, Wetlands Enforcement Officer

PUBLIC HEARING

Commissioner Zahornasky called the Public Hearing to order at approximately 7:00 P.M.

A. PUBLIC HEARING

SHELTON INLAND WETLANDS REGULATIONS SECTION 18 – FEES

Mr. Cook explained the changes in the fees, specifically section 18. The changes are noted on the fee schedule in bold type that was changed from the September meeting. The actual text of the section has not changed. The discussion was concerning items 18.5, 18.6 & 18.10. The changes noted that there is a maximum fee of \$5000 charged on an application and also on wetland certificates, it would not continue to increase and would be a flat fee. 18.10 stays the same as agreed at the September meeting to be three times higher than basic fees for the after-the-fact surcharge.

Chairman DaSilva arrived at the meeting at 7:05 P.M.

The fee schedule is available in the Inland Wetland office.

Chairman DaSilva asked if any member of the public wishes to address the Commission regarding the fee schedule. None came forward.

Commissioner Beattie MOVED to accept the fees as presented with an effective date of 1/01/05. SECONDED by Commissioner Wilson. All were in favor, MOTION PASSED.

B. ADJOURNMENT

Commissioner Zahornasky MOVED to adjourn the special meeting, SECONDED by Commissioner Wilson. Special public hearing adjourned at approximately 7:10 P.M.

REGULAR MEETING

Chairman DaSilva called the Regular Meeting to order at 7:10 P.M.

II. BUSINESS MEETING

A. PUBLIC COMMUNICATIONS

Chairman DaSilva asked if there was anyone who wishes to address the Commission with a non-agenda item.

No one came forward and the public portion was closed.

B. OLD BUSINESS

1. After-the-fact PERMIT – APPLICATION #04-36, MONTEIRO PROPERTY – 120 THOMPSON STREET. Proposal to construct new gravel driveway and shed within regulated setback, remove debris from regulated area and remove deposited fill from regulated area.

Joe Pereira, Pereira Engineering, representing the applicant

Mr. Cook: You have my comments in your packets plus a revised letter from Aquarion Water Company and a copy of the neighborhood comments that were submitted at the September meeting. The letter from Aquarion reads as follows:

Alvaro DaSilva, Chairman
Inland Wetland Commission
City of Shelton, Connecticut

Re: 120 Thompson Street, Shelton (Anibal Monteiro Property)

Dear Mr. DaSilva;

Our office has received requests for clarification of Aquarion's position on the applicants' proposal to construct a shed and an access driveway in a regulated wetland buffer area on the above referenced property. In view of the nature of the project, the absence of a significant watercourse at the site, and the minimal amount of excavation of soil required for the proposed construction, we believe the potential for this project to adversely affect the public water supply, both during and after construction is minimal. Aquarion, therefore, has no objection to the proposal nor seeks any safeguards, conditions, or restrictions beyond those depicted on the site plan and whatever may be deemed necessary and appropriate by the Shelton Inland Wetlands Commission and the applicant.

Aquarion appreciates the opportunity to comment on this project, and we thank you for your help in protecting the public drinking water supply. If you have questions or if I may be of further assistance, please feel free to call me at (203) 452-3508.

*Sincerely,
Brian T. Roach
Senior Environmental Analyst – Source Protection*

Mr. Pereira: Last month we came in with a proposal for a gravel driveway accessing a proposed 12'x20' shed. We took the feedback that the Commission had and went back, along with the concerns from the City Engineer about pushing the driveway west about 35'. What we have done is proposed two alternatives. The first is a revision of the last proposal pushing the driveway west and hugging the wetlands and basically leaving the rest of the driveway and shed in the same spot. We are proposing a footbridge across the wetlands along with a stonewall to demarcate the edge of the wetlands. We are calling this one alternative #1. Based on discussions from last month, took into consideration the length of the driveway and the access. We moved the shed away from the adjoining neighbor towards the owner's house, with the stonewall to demarcate the wetlands. We are proposing a gravel driveway to access the shed (shown on drawing), along with a row of white pines to shield and buffer the shed. We had some concerns from the neighbors having a view of the shed.

Chairman DaSilva: How far is the shed from the property line?

Mr. Pereira: 20' from one corner and 23' from the other.

Commissioner Szkola: Is this going to be a shed or a garage?

Mr. Pereira: It is going to be a shed. It was my mistake. He does not intend to put any of his trucks in it. He has a two-car garage and 3 cars, so he really doesn't have room to put in the garden tools.

Chairman DaSilva: To guarantee that it is not going to be a garage, what kind of doors are you going to be putting in?

Mr. Pereira: We are open to suggestions. We would agree to put in double swinging 3' doors, if the Commission feels comfortable that would alleviate the concern of a truck being able to be parked in there.

Chairman DaSilva: It is not really this Commission's issue. In order to satisfy some of the neighbors and Randy, who might think this is a garage, I was just asking.

Commissioner Szkola: In alternative #2, what is the square footage of the disturbance in the crossing of the wetland?

Mr. Pereira: I don't have the exact numbers on the disturbance. We are opened to making it a 10' driveway if the Commission prefers.

Commissioner Szkola: If it is going to be a shed and you are putting in a garden tractor, you could cut it down to 6'-8', it would cut the amount of disturbance in half.

Mr. Pereira: We would be open to make it 8' or so.

Commissioner Szkola: If you are not putting a truck there you don't need the access for a garden tractor, you would only need 6'; in my experience, since I deal with it everyday. I am not in favor of having to cross it at all.

Chairman DaSilva: I think what we are trying to do here is to satisfy the neighbors in keeping the driveway away from their property, moving the shed away from their property and creating a hedge so that the only visibility is from the applicant's property. Our responsibility here is whether we allow the crossing over the wetlands. Anything else in regards to the shed is a zoning issue, for example, asking that the doors be 6'.

Commissioner Beattie: We only ask in good faith to prove to us that it wasn't going to be a garage.

Chairman DaSilva: Right, we went further in requesting that he does that.

Mr. Pereira: We would certainly accept that as a condition of approval.

Commissioner Szkola: I might make a suggestion that, and I don't like either plan but alternative #2 is better, for the screening you might want to use hemlocks because of the amount of shade. You might also want to put in a little berm to bring it up a couple of feet.

Chairman DaSilva: Would it be possible, instead of the driveway in a straight line to curve it towards the narrow part of the wetlands. That is dry most of the time but this way you cross at the narrowest part of the wetland. You can almost start the driveway at the middle of the existing driveway so that you have a better entry into narrow piece of the wetland. That minimizes the disturbance quite a bit.

Commissioner Szkola: Does the City Engineer have any comments on the alternatives?

Mr. Cook: Not on the alternative plans. In the September meeting he did discuss shifting the driveway cut.

Commissioner Hayes: It seems like an enormous amount of work to get a shed on the property.

Chairman DaSilva: That wetland is very shallow and is not very big.

Commissioner Hayes: One of the first alternatives that John was looking at when it first came in was to put the shed near the house.

Chairman DaSilva: He is still going to have to disturb that wetland area.

Commissioner Szkola: I went out and looked at it today. In the existing garden area, if you put it between wetland flag 9 and the garden area, you would be out of the wetland area. If you are just going to use it for a garden tractor it is easy to put it in. Garden tractors are something you use to drive over the grass. I can't see the justification for a crossing.

Mr. Pereira: The applicant feels strongly that he has a small yard as it is. He has an acre but about 1/2 acre is taken up by the wetland. He would like to keep it as yard and has put some work in it. The other thing to keep in mind is his septic tank.

Commissioner Szkola: He has a woodpile almost the same size as the shed. If you take the woodpile and move it to the other side of the wetlands and put the shed where the woodpile is.

Chairman DaSilva: I believe you said that if you have a septic system you would have to have a reserve also.

Mr. Pereira: We would have to if he does any other work.

Chairman DaSilva: By putting the shed in there is limiting your reserve area also. I don't have a problem. If you've been out there and look at the wetlands it is a narrow wetland area and dry most of the time. Half of his property is on the other side of the wetland. He has moved the shed away from the neighbor's property and is going to buffer the property with the trees and the crossing doesn't bother me; it's nothing different than the crossings we allow in the wetlands all the time.

Commissioner Hayes: I think there's another alternative to keep the shed on the side.

Chairman DaSilva: You are crowding a lot of stuff by the house. You have a septic system and you have to have a reserve. I do respect the fact that they have a garden there. I am trying to respect the request of the applicant and allowing the crossing that we have allowed other applicants all the time. It is not a major crossing. It is not that critical. John was out there with me, and I think you agree that it is not a wetland that is not extreme.

Mr. Cook: Not a extremely physically substantial wetland. It does start just to the west.

Chairman DaSilva: My main concern was to satisfy also the neighbors. I think they did a good effort in moving the driveway and shed away from the neighbors property, and also the City Engineer's request. By also moving the driveway over to the narrow section of the wetlands that will reduce the impact. Any one from the public wishing to address the Commission?

Mr. Ken Chirsky

Mr. Chirsky: Thank you for giving us some time for comment. We do appreciate the changes in the plans regarding the driveway because we did have concerns regarding the bus stop. Our other comments are that there are 3 other options brought to light by the Commission and Mr. Cook. They were: 1) Put the shed at the end of the driveway. We do understand that could take away some of the yard. Some of the homes in Shelton have cliffs or no yards at all. He has a pretty expansive level yard and sometimes a homeowner has a choice. What is more important, my yard or the portion taken by a shed? We are saying the shed at the end of the driveway makes the most sense for accessibility and takes the risk away of leaks or spills and slight associated with this gentleman's business from a tucked and more hidden area. He would see right away if there is a problem. The shed at the end of the driveway would be the most ideal scenario. 2) The shed by the vegetable area. This Commission member brought up a good point. There is an extensive area of a woodpile. There is a whole lot of room by the house. There is a vegetable garden there but there is a choice. Maybe some of the plants could be moved. The shed could go in on the side out of the wetlands in a logical place and eliminate further issues. 3) Next to the driveway, but not in the yard there was some thought of putting in some fill and a little operation in the regulated area still gives them the shed. It eliminates the issues of driveways, neighbors and encroachments, you have it. It puts the shed in a logical place at the end of the driveway. We are asking that those 3 options that continue to not be acted on would seem to be in the best interest for all considerations that are there. Lastly, our point would be, in this proposal, is the shed moved 20' from where the pines and the fence is, rather than the 5' last time?

Mr. Pereira: It is 20' from the property line.

Mr. Chirsky: We appreciate that. There is a dense canopy of high trees and my experience is that if you put greenery there it would not grow without sun. Hemlocks, maybe, but you may end up with some shriveled up plants.

Chairman DaSilva: So you are saying that because of the canopy that exists that he doesn't need the buffer?

Mr. Chirsky: No, you need from the sightline but from the canopy you are not going to get things to grow. The canopy is high, but the sightline is a straight shot. I don't know how much the trees will help but we appreciate the accommodation. If there aren't going to be any tractors and vehicles, that was our big concern, do you really need a driveway? I think you were going there to ask for a 6' walkway for lawnmowers and such and would eliminate the vehicles possibly going there. If the doors were 6' that would not allow a truck or tractor to go in, it seems logical that there won't be the business' vehicles being taken from the parked driveway and putting it against the neighbors; and if there was some way to insure the width of the driveway and the width of the doors. We don't know how high it is? What material is it?

Chairman DaSilva: That is not our concern; you would have to go to zoning to get the permits.

Mr. Chirsky: We did have an incident at the corner and the police chief and Board of Aldermen Safety Committee were involved because there was almost a fatality due to the dangerous corner.

Chairman DaSilva: That is not our concern. What is your main objection?

Mr. Chirsky: The main objection is seeing the shed and what was deemed the eventual trucks and tractors that have always been there in this area before this application. No tractors or trucks; this is for rakes, lawnmowers, etc. This is a big difference from where we were an application or two ago. Some assurance or something in writing about how wide it is so that no trucks can get back there because it does create noise. None of this addresses the noise.

Chairman DaSilva: When he goes to zoning is where you have to address that.

Mr. Chirsky: I guess we would ask you to vote on this under the best to your knowledge that there will not be trucks and tractors there. There is a concern that there could be leakage of oils, which could be avoided by your decision if you are clear that is not the case.

Chairman DaSilva: If the leaks are going to occur, it is just as likely they could happen if it was at the end of the driveway, which is even closer to the wetlands.

Mr. Chirsky: In summary, thank you for the time and I think that the other 3 are more logical and practical.

Mr. Jeff Lutheran, 8 North Princeton Drive

Mr. Lutheran: My main objection is the location of the shed with the access of the driveway. I still like proposal by the vegetable garden. It is still away from the property line and line of sight of Mr. Chirsky's property. I am more affected by driving by every day and seeing a driveway with commercial equipment. I would ask that you consider the location by the vegetable garden since it is a shed where you park your lawnmowers and tractor. I still have a concern where it is located.

Chairman DaSilva: Specifically, what is your objection?

Mr. Lutheran: My objection is where the local is across the wetlands and the property owner has a history of pulling his trucks across the wetland area from a different angle where the driveway was. I am just concerned that the shed located where it is, that he will encroach the wetland area like he had done in the past and park his commercial equipment.

Chairman DaSilva: Isn't there a stonewall proposed along area of the wetlands?

Mr. Pereira: Yes, they are proposing a stonewall.

Commissioner Szkola: So you are saying that he will come in like he was on the old road?

Mr. Lutheran: Yes, the old road is still there. I can see into the woods 50'. I just don't see the red dump truck there. He did move that.

Mr. Pereira: He is lining it with white pines to have a natural barrier.

Mr. Lutheran: I am not a landscape architect, but the canopy is 60'.

Chairman DaSilva: We have a landscape architect and he has already suggested hemlocks and we will listen to him.

Commissioner Zahornasky: Getting into the crossing, we talked about that he can put the shed anywhere he wants, it just the crossing we are concerned with. If you abandon the old roadway and still puts the shed back there, then goes to P&Z, and they say ok. Our concern was that he was going to go across the wetlands to easier access. Our goal was to make the opening, make the crossing, and make him do it the right way to conform to the wetland regulation. That is why we are here.

Commissioner Beattie: His shed is 12'x20' and proposes a 12' width at the end of the driveway area anyway. So, if he put his shed of the end of proposed driveway, he would be into the wetlands but it would be half the amount of area of wetlands disrupted.

Commissioner Szkola: It is only common sense.

Chairman DaSilva: To me, for the neighbors, it makes more sense to give him that crossing over that little narrow piece of wetland, keep the shed away from the property line by 20' and buffered; they will never see it. If not, he could come back to meet the engineer's requirements to move the driveway to the other side and go ahead to P&Z to get the permit for the shed, which he will be allowed to do, and then use that driveway, the old driveway.

Commissioner Szkola: That is an assumption that zoning is going to permit it. We can't do that.

Chairman DaSilva: They can go 5' from the property line with a shed. The applicant and the neighbors have rights. We are trying to satisfy both of them here.

Commissioner Szkola: Here I am, appointed to protect the wetlands and common sense tells me, I have a 12'x20' shed and put it at the end of the driveway; it's in the wetlands by about 240'. Allow him to fill versus the 500'.

Chairman DaSilva: How many crossings have you allowed and we are debating this small crossing because you have the people behind you that don't want this shed next to their property. Let's not vote on emotions like other Commissions have done. Let's be consistent on what we have done over the last 20-30 years.

Commissioner Szkola: It doesn't matter if it is 10,000 sq. ft or 10 sq. ft., common sense dictates.

Chairman DaSilva: We are trying to satisfy the applicant and the homeowners. I think this will help the homeowners more than if goes back and meets the engineer's requirement to move the driveway and continues to use the old driveway and goes to P&Z to get permission to put the shed where he had it before.

There was more conversation regarding the old plan versus the new plan.

Mr. Chirsky: Last comment. Fundamentally, why can't the shed go at the end of the driveway?

Chairman DaSilva: The applicant has a septic system there and has a small yard. He has a right to put it on the other side, which doesn't bother you, why can't he do that? Why are you in such a fight?

Mr. Chirsky: Because of 2 years.

Chairman DaSilva: If he is trying to resolve the issue, why not work together?

Mr. Chirsky: I guess because we are trying to have our cake and eat it too. There is a choice.

Chairman DaSilva: But he has rights too, and so do you.

Commissioner Hayes: Put the shed at the crossing. These folks are saying, get the shed as far away as possible.

Chairman DaSilva: Design the crossing and that's it. Minimize the crossing like it's shown.

Mr. Chirsky: I guess I want to say, please don't cross.

There were many people talking and the discussion was to maybe shift the shed around.

Commissioner Zahornasky MOVED to approve application #04-36 based on alternative #2, which moves the driveway to the narrowest point of the wetland to minimize the crossing of the wetland. Also, to flip the shed around so that the entrance to the shed will face the driveway, hugging it closer to the wetlands. The stone wall is to be installed along the edge of the wetland. The crossing is to be limited to no larger than 8' and a revised planting plan to be submitted using hemlocks.

David Hyde, 30 North Princeton Drive

Mr. Hyde: Who insures that those stipulations are met?

Chairman DaSilva: Mr. Cook, the WCEO officer.

They discussed what Wetlands is responsible for.

Mr. Lutheran: Can we make sure that there is a cap on the driveway he made on North Princeton? That is where the bus stop is and I am concerned that he will drive over it.

Chairman DaSilva: Talk to zoning, which is not our area of concern.

Commissioner Wilson SECONDED the motion. All were in favor, except Commissioner Szkola. MOTION PASSED.

2. PERMIT-APPLICATION #04-37, SHELTON TECHNOLOGY CENTER – LOT 32 IVY BROOK LANE/ROCKY REST ROAD. Proposal to construct (2) commercial buildings of 190,000 square feet involving discharge of stormwater to a regulated area.

Jim Rotondo, Licensed Professional Engineer, Shelton

Mr. Rotondo: I was here to present this to the Commission two meetings ago. The site location was detailed for the Commissioners. The site is 26 acres, of which 17 acres is proposed for the development. We are proposing to deed 4 acres to the City of Shelton for open space. There is open space to the east side of Ivy Brook. This will put Ivy Brook through the middle of the open space area. Our storm water management system is divided into 2 areas. The southern portion of the site will discharge into Butternut Hollow brook. The north side of the site will be piped into the existing Ivy Brook system and discharge into the existing discharge point to Ivy Brook Rd. Since the last meeting I have had several conversations with Bob Kulacz and submitted our drainage report. We are providing detention at the southern end of the site with oversized piping. The configuration remains as it is, using 48" and 60" pipe with throttle down outlets at the catch basin areas. That reduces the discharge point to Butternut Hollow brook to the predevelopment

flow. The northerly portion discharges to Ivy Brook. The high point in the road is at Mountain View Dr., which is 600' to the north. There are several developments to the west of Ivy Brook. This discharges into the existing system into a plunge pool and into a riprap ditch into Ivy Brook. We performed an analysis of the Ivy Brook system and added our flow into this and we do have sufficient capacity within the outlet pipe to handle the existing plus the proposed flow. The shape of the existing plunge pool is maintained, however, there is some maintenance required on the riprap. We will go in there, reinforce and add additional riprap in that plunge pool area and also in the area that goes down to Ivy brook. Bob Kulacz reviewed this and I believe he did forward a memo to John Cook.

Mr. Cook: My report was prepared before the memo came in this afternoon. His memo is attached in the Commissioners packets.

Mr. Rotondo: From stormwater management standpoint we are proposing at each of the outlet points prior to discharge at Butternut Hollow brook and prior to discharge at Ivy Brook Rd. stormceptor structures. We are finalizing sizing on these.

Chairman DaSilva: These are the oil separators?

Mr. Rotondo: Right; at both ends. The basins are all sumps.

Chairman DaSilva: This is a huge parking lot and it is not that far from the brook, but do we need to store and cool the first couple of inches of water before it gets to the brooks?

Mr. Rotondo: With the detention that is proposed and we could possibly do this to the northern portion also, beyond the oversized pipes, what we could do...

Chairman DaSilva: They are going directly into the brook.

Mr. Rotondo: That's right, to raise the outlet to provide that dead storage with perforations in the pipe. That first flush can infiltrate it to the ground or will sit there and not be the initial flow down to the brook.

Commissioner Szkola: How about introducing a bio filter?

Side B

Mr. Rotondo: There is a pretty significant depression through the wetland that is natural drainage prior to getting to Butternut Hollow brook. There will be overland flow prior to discharging into the brook.

Commissioner Szkola: Can you do plantings in the swale to make it more of a bio filter?

Mr. Rotondo: Yes, we can.

Chairman DaSilva: Go over how you will use the pipe to store that first ½ or 1".

Mr. Rotondo: We have routed the piping system like an underground detention system. We have an oversized pipe. At the junction point of the catch basin there is an orifice, which can be a pipe that is put into the catch basin. In the higher areas there may be a 6" orifice. I believe it changes from the largest, a 60" pipe down to a 15" release point. Currently this is located right at the same invert right at the oversized pipe just providing total detention. With the thought of possible retaining some of that for cooling and infiltration into the soils, we raised that outlet orifice to determine what that volume is in that section of the pipe that is required and raise that so that volume is provided below there so those lower storms and the first flush gets into the pipe and sits there and then goes out.

Commissioner Szkola: Chairman DaSilva was talking about the first inch of a heavy storm.

Chairman DaSilva: Can you give us some numbers, because you know the size of the pipes that you have there. Calculate the capacity of those pipes with orifices you are putting in and how much those pipes will hold, will it be the first ¼" or ½"? I don't think in this size parking lot, with those pipes, and I assume they are 15", that you won't have the capacity in the catch basins.

Mr. Rotondo: The oversize pipe is 60" pipe that is acting as your reservoir, with your smaller pipe as your outlet.

Chairman DaSilva: I think you can do it with the pipes, and that is fine by me, and we need the capacity once you design that and where you are going to place the orifice. Will that take care of the first ½" of a heavy storm that allows for the water to cool and dissipate into the ground before it goes out?

Commissioner Szkola: You might want to look into using the perforated pipes and gravel so that the water goes up and stays in the gravel to give you more capacity.

Mr. Rotondo: Typically when we design those types of systems we do wrap the pipes in stone.

Chairman DaSilva: Take a look at computing that and get back to us.

Mr. Rotondo: We are in a situation with Planning & Zoning that their meetings are falling before the Inland Wetland meetings. Is this something that could be a condition of approval that we set our criteria here? I will perform the calculations and will work with the town engineer.

Chairman DaSilva: If that is the only concern but John has not had a chance to review the changes just came in this morning. If the Commission feels they want to give a conditional approval subject to his comments and subject to you getting that information back to us so that you can go to P&Z. Or we can give P&Z a letter of comfort saying that these are the only two things that we are still resolving, otherwise they can continue with P&Z. By statute they are not supposed to do anything until we have given approval.

Commissioner Hayes: What could these plans reveal, John?

Mr. Cook: Just in concert with the City Engineer. Earlier the Chairman asked about considering the cooling effect in the first flush condition similar to other large sites in time. I don't know if the City Engineer had discussions about that with the design engineer. Fundamentally the site itself is on a rock hillside, however, the two streams that are involved with the receiving waters are in fact both class A streams of high residual value as far as some of the developments that has taken place over on Ivy Brook over the last 25 years. Butternut Hollow brook predominately is a low intensity residential development on that watershed. To try and maintain the integrity of those 2 streams because of their grading and reach the confluence of the Housatonic River in a short order. Where these two streams meet is one of the more unique wetland areas along the Housatonic River because you have influence from tidal action but its not salt water. You have both of those two streams and the wetlands on the river.

Commissioner Hayes: This proposal has always been about water quality, I think.

Commissioner Zahornasky: I think we send P&Z a letter saying that we have no problem with this application and the only thing we are working on is the method of water quality discharge.

Commissioner Szkola: What is the total acreage and what is the area that is being disturbed? If we have 17 acres open, is it possible to do it in phases? 17 acres open all at once considering the recent storms we have had just kind of scares me. If we can split it; because we had several instances where it was a major headache. We had several of these in town. I would like to see some type of timetable.

Mr. Rotondo: This property has been granted a special permit for excavation purposes. There is grading being performed right now.

Commissioner Szkola: By us?

Mr. Rotondo: By P&Z.

Commissioner Szkola: How can they do that prior to our approval?

Mr. Rotondo: That was obtained prior to me getting into the project. I want to say in the Spring it was granted.

Commissioner Szkola: I don't like that, first of all. We're we aware of this, John?

Mr. Cook: I am trying to remember if this came to us in any way, shape, or form. There are some other sites involved with the landowner.

Commissioner Szkola: Who gets called every time we have a heavy rain and everything comes down?

Mr. Cook: It might have been a site plan review but not a formal application.

Commissioner Szkola: Well, it's done anyway. I would like to see a timetable of the phases, something like we have done with Split Rock.

Chairman DaSilva: We want the areas protected wherever the drainage is going close to the wetlands and the brook.

Commissioner Szkola: We have been assured in the past on other sites.

Mr. Rotondo: There are already erosion controls in place right now. This site is somewhat unique in that there is a lot of rock. What they are doing now is blasting. A lot of the water is filling into the ground and into the voids of the rock, so you are not getting surface runoff.

Chairman DaSilva: John, look back in the minutes. I seem to remember something about this and I am not sure if it was from here or from P&Z.

Commissioner Beattie: How long ago was it?

Mr. Cook: I think it was when Sure Source was doing their grading and it may have involved this property. I will look back.

Chairman DaSilva: What are the Commission's wishes? Do you want to write a letter to P&Z saying that they should go ahead and continue subject to us getting these things addressed? If that is the case then they need to consent to an extension.

Mr. Rotondo: Can I do that verbally and then get it to John in writing? Yes.

Commissioner Szkola MOVED to accept an extension of 60 days on application # 04-37. SECONDED by Commissioner Zahornasky. All were in favor, MOTION PASSED.

Mr. Rotondo: Just for clarification, it was decided that word will be given to P&Z?

Chairman DaSilva: We don't need a motion but we will send a letter to P&Z saying overall we have no problem with the site and as far as we are concerned, P&Z can continue dealing with you. He can mention the items we need clarification on and expect to have resolved by the next meeting.

Commissioner Szkola: I would like to add that the soil and erosion control, that P&Z has purview, I would like them to pay particular attention, since they granted the excavation.

3. PERMIT-APPLICATION #04-41, BROWNSON COUNTRY CLUB – 15 SOUNDVIEW AVENUE/LANE STREET/OLD SHELTON ROAD. Proposal to excavate a pond within and adjacent to wetland regulated areas.

Jim Swift, Landscape Architect, Civil Engineer

Mr. Swift: This was presented last meeting for acceptance. This in the area of the back 9 course of the Brownson Country Club. The problem in the fairway that is fairly wet and our proposal is to dig a pond, much like we did on the front 9. We have a wetland that runs along a ditch that runs along side the hole. This entire area is maintained on both sides. It is mostly herbaceous materials. We are going to do a planting shelf with wetland enhancing plants. I have a detailed planting plan. I think John had a question on this last month and we since walked the site.

Mr. Cook: From the WCEO Report*: Staff has completed a site visit with the applicant's engineer and review of the materials submitted. Staff believes the creation of the pond and wetland planting shelf will minimize any potential negatives due to the potential dewatering along the east edge of the work area. While there are no major concerns with the proposal the following additional questions do exist. 1. As the area of the proposed swale filling does not appear large enough to handle the excavated spoils, what is the purpose of having the construction accessed by Old Shelton Rd. with material haulage of 1000' compared to approximately 200' to reach Lane St.? 2. Where is the material going to be hauled? If on other course property then those areas should be shown.

Mr. Swift: As you pass through the area there is a swale that is a couple of feet deep and is a result of an old deteriorated pipe that connects the pond on the Country Club condos and the creek. The pipe is falling apart. We are going to take a lot of the excavated material and fill that swale in so it is level. It is inside the buffer area. The reason we have the haul going out in that direction is there is new tee construction in there. We would have to rip that up in order to get the vehicles out that way. This is the prime playing area of the course. The area around the 17th green where there is a very steep slope, and a lot of members are pushing to take the material and create an embankment.

Commissioner Zahornasky: Will you need a wall?

Mr. Swift: If it gets to the point where we need a wall, we will re-think this.

Commissioner Zahornasky: The pipe, where does it go from there?

Mr. Swift: It runs down along the side of the fairway to Lane St.

Commissioner Zahornasky: My concern is, if that pipe that is there now is so badly corroded, if it ceases to function, is it possible the water is going to flood the fairway? If you replace the pipe, are you going to dry out your fairway? Are you going to have enough water to keep the pond viable?

Mr. Swift: This is not a very large watershed. It comes up to Old Shelton Rd. and a little way up Country Club Village and up the hill a bit. The first question was, do we have enough water to maintain a pond. My answer was, we don't have wet areas in here because we have a large watershed. We have wet areas because of the ground water system. I have never seen that pond drop more than an inch. It is not because the pipe is clogged. This will be a pipe running underground coming up to a riser and catch basin top that is adjustable so we can maintain this water elevation.

Commissioner Hayes: At the inlet swale, does any water evaporate out of the pond?

Mr. Swift: This area is so small, that in a huge storm it fills up and you don't get a massive amount of flooding across fairway. There is a huge flat wetland. This pond is going to be maintained by the groundwater that is there.

Commissioner Szkola MOVED to approve application #04-41 as submitted. SECONDED by Commissioner Zahornasky. All were in favor, MOTION PASSED.

4. REVISION-APPLICATION #04-42, THE VISTAS AT WHITE HILLS – EAST VILLAGE ROAD/WABUDA PLACE. Proposal to fill and pipe regulated area for road construction not previously part of original subdivision. Revisions to regulated activities from road changes.

Commissioner Szkola asked to excuse himself from the discussion.

Jim Swift, Landscape Architect, Civil Engineer

Chairman DaSilva: John and I were called to and attended a work session. The City and the Conservation Commission reached an agreement with the Wabuda's to extend the road along Wabuda Place to East Village Rd. The open space that the City wants adjoins the open space from French's Farm. They had to move some lots around to do that and there are some buffer encroachments and that is why it is here for the revision.

Mr. Swift: We did have the revision filed last month primarily for the new road extension and there is a wetland impact crossing and the application was properly filed. We discussed this in detail last month. We are here to finalize any issues that have to do with this crossing. Because of the actions of Planning & Zoning and the activities that have taken place in the last month, we have come back to hopefully put this project to bed. There is a wetlands approval now and we are talking about some modifications. The City Engineer didn't want the road going out to East Village Rd. on the first plan, the Conservation Commission wanted the land, and everybody wanted to keep this clean and expand French's Farm. We took the lots and redistributed them. The lot revisions were detailed noting that the building is no closer than 50' and any disturbance inside the 50' review area is no more than 25'.

Chairman DaSilva: Jim, John and I talked about taking the footprint of that house and changing it to a different footprint that is not as wide, but deeper.

Mr. Swift: That is feasible. The building is where it is because of the power lines on one side and my tendency is to show a worst case scenario that is reasonable so that when a buyer comes to Toll Bros. and asks for that house, with all the options, that it is not a surprise and that you have seen it before. If the Commission examines this lot in detail and feels an importance of something about that lot, there is room to do what you suggest.

Chairman DaSilva: Within the encroachment of 25' into the buffer, what are the contours and what is the grade like?

Mr. Swift: It is fairly flat. It is a gently rising slope from the wetlands up through the location pointed out.

Chairman DaSilva: You need to create a stone wall along that 25' area to keep it from the rest of the buffer. (Mr. Swift said it is doable.) What I would suggest for the Commission to do is, those lots once the Commission approves it is to have them come back when they go for the actual building lots, to come back with the footprint of the house to make sure they are meeting what we are looking for.

Mr. Swift: The other change is around lot 20. P&Z wanted some lots moved around. (The movement of the lots were detailed along with showing a new road). The house on lot 20 is

within the 50' buffer. Pictures were shown and detailed for the Commissioners of the hedgerow by lot 20. Lot 19 is one where we are requesting to build within the 50' buffer. It is a minimum square lot because of the rock all around the area. We are proposing to build a farm wall at lot 19. A picture was shown of the massive overgrowth in the wetland area around lot 19. The area that we are proposing to disturb is in the buffer, none in the wetlands.

Commissioner Hayes: The area you were discussing, lot 19, are those houses, that have different shapes, why don't you take the narrow one and put it into that lot?

Mr. Swift: In this lot the front of the house is facing the street. These are actual composites of the houses Toll Bros. is intending to build. A lot of the models have a narrow width and are deeper and some are wider and shallower. These two lots demand this type of model.

Mr. Cook: From the WCEO Report*: Since the September meeting the revision plans have been revised further to provide a relocation of lots from the former Sachem Drive to a new unnamed stub road. These changes create additional disturbances adjacent to the regulated areas. The 13-sheet revisions to the revisions package, was submitted on October 13, 2004. On October 8, 2004, there was a brief meeting to discuss the changes. These added disturbances, drainage details, retention basin (lot 16), have not as yet been compared in detail to the previous authorization. On a side note, I raise the question, referring to the plans dated 10/12/04, referred to approval conditions, I ask what approval or what agency required these additional regulated activities? To my knowledge, there wasn't approval conditions that specified additional regulated activities. I do not believe the City Engineer has had an opportunity to review the revised plans with the additional stub road.

Chairman DaSilva: This is the design that he has been looking for, right?

Mr. Cook: The extension of Wabuda Place.

Mr. Swift: On lot 16, it is the same. There was a similar basin on lot 18 but it is no longer necessary. I think it is improved and we were able to put a storm drain in that ties into the drainage on Sachem Pl. We are further protecting some of the downstream owners. There was no condition of approval that said take the lots and put them here or there. What happened was, P&Z, being mindful of how long it took for us to get to this point of approvals, was good enough to say, we've given you conditional approval on the subdivision subject to you relocating a couple of lots in other areas (shown and explained to the Commissioners). P&Z did not say, put a stub road in and put two lots here, this is our opinion of the least impact as to how to accomplish what P&Z was trying to accomplish.

Chairman DaSilva: On lot 20, how far back from the beginning of the hedge is the stonewall.

Mr. Swift: It varies because it moves in and out because of the briars. I'm going to say anywhere from 10-15'.

Chairman DaSilva: So it is into the wetlands.

Mr. Swift: The wetlands don't go beyond the wall. These wetlands approach the wall and stop short of about 5'.

Tape 2, Side A

Chairman DaSilva: What I was going to suggest is a split rail fence to be put along that hedge to make sure it does not get cleared and they go into the wetlands. On the other lot you are going to put the stone wall to protect that area. On lot 36 where you are going 25' into the buffer that you put a 2-3' wall depending on the grading. You will put a wall all along that 25' buffer so that it gives you 25' from the wall to the house for a side yard. All these lots come back to John with a foundation as-built. The crossing of the road, down below, at the last meeting, did we approve it?

Mr. Swift: You didn't approve it.

Chairman DaSilva: We had already realigned the road in that area in case it materialized and it did materialize.

Mr. Swift: We are putting in retaining walls to minimize and do everything we can. We did off-set it to this wetland and I showed photos to show it was a fairly natural red maple swamp.

Chairman DaSilva: You have retaining walls mark the 50' easement for the road, is that what you are doing?

Mr. Swift: Actually they are even inside that with 5' shoulders.

Commissioner Zahornasky: What actually happened down where Wabuda's house is that they were able to connect where they couldn't before?

Mr. Swift: The City decided to take the property by eminent domain. A lot of the property was on the Wasilewski side because Joe and Lorraine Wabuda's house was so close to the road. They had to take some from the Wabuda's as well even though they didn't want to give up any of this property. I understand the City is working on a friendly eminent domain taking.

Commissioner Zahornasky MOVED to approve #04-42 with conditions of a wall at lot 19, a split rail fence at the existing vegetation line on lot 20, on lot 36, depending on the grading is to have a 2-3' wall to demarcate the 25' buffer. Submit a footing as-built on the wetland lots. SECONDED by Commissioner Wilson. All were in favor, MOTION PASSED.

Commissioner Szkola returned to the meeting.

5. PERMITTED USE APPLICATION #04-43, LATEX FOAM INTERNATIONAL – 510 RIVER ROAD. Proposal to reconstruct a drainage outfall, which discharges to a regulated area.

John Schlosky, Pustola Associates

Mr. Schlosky: Last month we presented this application. The proposal adds the snout. There is already a snout in place and a letter was submitted to us dated 4/12/02 to the Commission that says that they approve the use of the snout and it is already in use in Shelton. We forwarded that to you and requested its use and proposing the same thing. We are happy with its performance and so is the client.

Mr. Cook: From the WCEO Comments: The copy of the drainage computations, "Best Management Products, Inc." literature, the supplier of that device, and the Pustola & Assoc. letter, dated 4/12/02 were forwarded to the City Engineer. He has reviewed the material for the proposed application and endorses the use of the Snout subject to regular inspections and maintenance by the landowner. A copy of his report is attached to staff comments. Staff has no concerns or comments subject to that regular inspection and maintenance. The letter from the City Engineer is as follows:
October 13, 2004

Dear Mr. Cook:

This office has reviewed the above referenced documents prepared for the repair and retrofitting of the existing storm sewer system and outfall pipe. We endorse the use of "The Snout" with the condition that the catch basins conform to the snout design requirements and that the property owner inspect and clean the catch basin sumps on a regular basis.

*Very Truly yours,
Robert F. Kulacz, P.E.
City Engineer*

Commissioner Szkola MOVED to approve application # 04-43, as submitted. SECONDED by Commissioner Wilson. All were in favor, MOTION PASSED.

6. PERMIT-APPLICATION #04-44, SPLIT ROCK CORNER PHASE 1 – BRIDGEPORT AVENUE/OLD STRATFORD ROAD. Proposal to construct a multi-faceted commercial facility involving filling, excavation, discharge of stormwater, and grading within and adjacent to regulated areas. Review of detailed development documents.

Jim Swift, Landscape Architect, Professional Engineer

Mr. Swift: This was accepted at last month's meeting. Our original application was a conceptual PDD that proposed piping a section of an existing brook, which was pretty much man-made along Bridgeport Ave. The Commission seemed to be receptive to that subject to plans submitted later on. One thing that was suggested was a decorative pond. Some months later we submitted an application for earth works removal permit in which we again said we wanted to put that pipe in, which you were receptive. Now we have specific detail plans for this area for a wetland permit. This plan shows the entire area. The plans were detailed for the Commissioner. The State Traffic Commission has taken an intense interest in the twin 42" culverts that cross Old Stratford Rd. They had me run through an extensive amount of calculations. I submitted them to John and to the City Engineer. They are looking at it as we are proposing it to them as we are to you. They asked me to change the way I computed the time of concentration for this watershed which extends all the way to the hotel and the end of the UI property. It moved the water through the watershed much faster and made stormwater detention feasible in this project. When I originally presented this project I said that stormwater detention was not practical because by the time the peak hit up gradient our peak would be going down the pipe and we would be just hurting the

situation. The Dept. of Transportation is requiring me to provide stormwater detention. This impacts this Commission because you asked me to design a stormwater cooling system for this site. This changes that process. We don't have a place on this site for a large detention pond. The pond is on-line for the main drainage for the entire watershed so we can't use that. We are going to use an underground concrete facility. It will be fairly large because we have to detain up to a 50 yr. storm. It is 8'x8' chambers underground, 5 rows. We are going bring all our drainage down to the chamber.

Chairman DaSilva: For the office condos as well?

Mr. Swift: The office condos will have the exact same concept and design system. That is our solution to how we get the volume somewhere.

Chairman DaSilva: So you are not storing anything in the pipes, you are strictly storing everything in the chamber.

Mr. Swift: That is correct. Now we get to the issue of water quality and cooling. Inside the 8'x8' chambers we are going to build baffles on the inside. They will be 4' high baffles and what will happen, as the water will come in, it will have to build up 4' before it can get into the rest of the system. These 5 chambers are connected by doorways or openings.

Chairman DaSilva: That baffle will control all the chambers.

Mr. Swift: It only has to be in the chamber where the pipe comes in. The reason for the chamber is grits and solids settling out. It is like a big snout.

Commissioner Szkola: Is it accessible to be cleaned out?

Mr. Swift: Yes. The other thing we are doing in the chamber is we are not putting a concrete bottom on it. We are going to line the bottom with 1' crushed stone. This is the solution to keep this water and cool it down and pay attention to the water quality.

Chairman DaSilva: How much capacity do you hold?

Mr. Swift: It is 8'x40'x10'. That aspect of the design is more for the grit.

Commissioner Hayes: How does the water get from chamber to chamber?

Mr. Swift: There will be arches cut between the chambers.

Commissioner Zahornasky: What do your numbers look like pre-development versus post development runoff?

Mr. Swift: Runoff is calculated for a 2 yr. storm is pre - 98 cfs, post - 93 cfs. 10 yr. - 159 pre, 148 post, 50 yr. 237 pre, 224 post, 100 yr. - 294 pre, to 257 post.

Commissioner Beattie: Are the pipes able to handle the 257?

Mr. Swift: Yes.

Commissioner Zahornasky: Where does it leave?

Mr. Swift: All the water comes into the system, makes its way into the baffles, with the outlet chamber in the corner (shown), and the water will be fed into the pond. The pond is also a cleaning facility.

Commissioner Beattie: Isn't it going uphill?

Mr. Swift: It is going uphill on the surface but downhill underground. The pond is also fed by the main watershed coming down from the UI and the hotel.

Commissioner Beattie: Are you putting in an aerator?

Mr. Swift: We are thinking of putting one in. This pond will have a lot of water running through it.

Commissioner Beattie: We were thinking that for ascetic views as well as for practical views. There are other establishments that have it as well. It was wanted for show.

Chairman DaSilva: What is the base that you are putting these things in, is it all ledge?

Mr. Swift: No, some will be fill. The material we are making on site is granular.

Chairman DaSilva: The slope from that edge towards the brook, how fast are you sloping? How fast are you dropping towards the brook? What is the elevation of the edge of the brook and the bottom of the chamber?

Mr. Swift: It drops 14-15' from the parking lot to where the road was. The existing brook is 126 and the chamber is 136.5.

Chairman DaSilva: I just want to make sure we don't have seepage.

Monty Blakeman, Applicant

Mr. Blakeman: We are proposing to pipe this and the elevation in the piping and the grades will be raised. The outside chamber can be sealed. We have constructed these types of chambers before.

Chairman DaSilva: I don't have a problem with it but depending on the soils that you put in there; if you put clay so you don't have seepage or if you put gravel and the water is going to start seeping. Either you do what you suggested at the last chamber and put a concrete bottom on it so the seepage is further away or the materials that you use in that bank is clay to seal some of the water coming from below. If you get a big storm like we just had you will get a lot of water in those chambers.

Mr. Swift: It will leave though.

Chairman DaSilva: In that gravel you begin to soften those grounds and the slope as I see it, begins right at the edge of those chambers, you are not going to have a big distance of material and you will get seepage.

Mr. Swift: We will have the ability to take this chamber and pull it back up. Right now the bottom of the chamber is on about 3-3 1/2' of fill. We may be able to pull it up the hill a bit.

Mr. Blakeman: We could reconfigure the chamber by making it longer and narrower.

Chairman DaSilva: It is something you should be concerned with.

Commissioner Szkola: What happens in really cold weather?

Mr. Swift: They are underground. They have a steady temperature.

Chairman DaSilva: How do you handle oils in a big parking lot like this?

Mr. Swift: Perhaps we could put another wall in from the top down to trap the oils. You have to make sure you have plenty of flow-through.

Commissioner Szkola: Back where it goes into the pond I would rather see another 10' into the wetlands, enlarge the pond and make two chambers, so it enters a bio filter first and then the pond.

Mr. Swift: We are really squeezed in here and wanted to do as generous of a pond as we could.

Commissioner Szkola: Is it written in stone where the entrance from DOT is going to go?

Mr. Swift: Yes. I think any discharge from this chamber to the pond, I don't think you are going to get anything with any kind of siltation is going to get past that structure.

Commissioner Szkola: I am more concerned with oils, toxins and salts. I am saying go to the south side of the pond and maintain the capacity of the pond for esthetics and take the north side and give yourself a bio filter.

Mr. Blakeman: That possibly could insure that the pond will have water in it.

Mr. Swift: In order to hold up the elevation of this pond where I need it to be we are going to take the existing grade of the brook and flatten it to get into the pond. That is going to help this wetland because this brook is cutting its way into the ground slowly but surely and by raising this up and armoring it with riprap is getting a bit more water in the wetland. We would like to request to be able to place some riprap in the existing channel as it comes up to these existing outflows. (The landscape plan was detailed for the Commissioners)

Commissioner Szkola: What is the velocity of that water and the peak storm coming out of the pipe from the chamber?

Mr. Swift: I could calculate it but I don't have the numbers.

Chairman DaSilva: Can you show us the drainage for the gas station?

Mr. Swift showed the drainage to the Commissioners.

Chairman DaSilva: So you are draining the gas station directly to the brook?

Mr. Swift: (Showed where it drains from the gas pumps).

Commissioner Szkola: Why can't you put in all in a catch basin?

Mr. Swift: I could probably get this basin to take it. It is 2' lower on the pump side.

Chairman DaSilva: You could take drain everything towards the pump side. I would prefer to see it. Where are your tanks?

Mr. Swift showed where it is likely to be.

Chairman DaSilva: I am concerned because if there is a spill that it will at least into the chambers and bio filter. I want to see grooves in the concrete. If they are 1"x1" grooves will hold over 200 gallons. This is for your own protection. I would like to see that drainage changed over.

Mr. Cook: WCEO Report Comments: Final plans were submitted to staff 10/14/04. No review of this submittal was possible before the meeting. Reiterate paragraph 2 from September regarding landscape plans. Presently there has not been a landscaping plan prepared. This should be prepared and submitted with particular emphasis on the watercourse and proposed pond portion of the property. Final stormwater design plans, water quality improvement structures need to be reviewed along with computations reviewed and commented upon by the City Engineer. I received a letter from the City Engineer today and I will read it into the record:

October 14, 2004

Dear Mr. Cook:

The above reference drawings and documents were delivered to this office, earlier today, the date of the Wetlands meeting. It would be premature for this Commission to approve the application, with our without conditions at this time.

Besides the fact that there was no time to review this proposal, there is currently no approval from the Connecticut Department of Transportation (ConnDOT) Division of Traffic Engineering for two new curb cuts, one on Bridgeport Ave (Route 714) and Old Stratford Rd. This office is on record that there should be no new curb cut on Old Stratford Rd since it would adversely impact the Bridgeport Ave/Commerce Drive/Old Stratford Rd intersection "level of service".

I strongly recommend that this application be tabled until ConnDOT and the State Traffic Commission make their decision on the access points to this development.

If the applicant insists on a decision from the Commission tonight, then I recommend that this application be denied due to the fact that the plans and report were submitted earlier today and no detailed stormwater management plan has been submitted with this application.

Very truly yours,
Robert F. Kulacz, P.E.
City Engineer

Commissioner Szkola: Do you have a permit on that driveway from DOT?

Mr. Swift: The STC has been going through a process with Barkan & Mess and all the departments put together their comments from STC including the hydrological department. They all have to be satisfied before the STC will make a decision. We are informed as of last Friday that there are no outstanding comments left on this proposal. We have every indication that the STC is going to approve this project on Tuesday.

Commissioner Szkola: Is that the same situation for Bridgeport Ave.?

Mr. Swift: It is all the same package. What you see represented on this plan represents the changes that were made for the DOT to satisfy every comment that they had. You should know STC doesn't deny projects unless the developer and the engineer refuse to accommodate their requests.

Chairman DaSilva: But Bob Kulacz has not reviewed at this new drainage system?

Mr. Swift: I have not prepared a drainage report for Bob because the STC hasn't been satisfied yet. Since it is their system, they had to be satisfied first. It was late last week that I satisfied their last comments. As far as drainage in this area it is a state issue.

Mr. Cook: Is your design on the chambers proprietary or is it something that is out there on the market and you used that to create your design?

Mr. Blakeman: We are going to pour this in place and it is a concrete structure to any specification that we deem necessary.

Mr. Cook: Monty was this used in a commercial application or for a subdivision?

Mr. Blakeman: We built water storage tanks for fire. This is a larger version of our storage tanks in reverse.

Chairman DaSilva: Which intersection is the City Engineer objecting to?

Mr. Blakeman: I am not sure he is taking in consideration the extensive amount of widening of the road and improvements.

Chairman DaSilva: I would hope he does.

Side B

Commissioner Szkola: What point are we at as far as stabilization?

Mr. Cook: There are site monitors as well as Planning & Zoning and myself going out to the site on a frequent basis since the remnants of Hurricane Ivan.

Mr. Cook reported on some of the items he observed at the site for the Commissioners.

Commissioner Szkola: My concern is what is going to happen to the site over the winter.

Mr. Blakeman: This is where I would request to be able to continue to get this area filled so it can be stabilized. We can't get it up to standard unless we are able to go to work.

Commissioner Zahornasky: I don't think our decision is based where those roads are going to go. It is the drainage. Even if we approve it, it would still have to be based on the City Engineer's review of the galley system and the stormwater calculations. We don't do that, he does.

Commissioner Szkola: Why can't you go forward with more grading right now?

Mr. Swift: We have from our last approval for the special permit. It is not enough to just put the pipe in; it's got to be bigger than that. It has to be putting the pipe in with a good comprehensive plan. This is what we put together.

Chairman DaSilva: You can't make that connection to the State pipe without their approval.

Commissioner Zahornasky: So we could approve this subject to the State and City Engineer's approval.

Mr. Blakeman: This is a State regulated thing.

Mr. Cook: What Gary is saying, you haven't submitted a stormwater full computations to the City Engineer.

Mr. Swift: I did this morning and he has not had an opportunity to review it.

Mr. Cook: In terms of the City Engineer's assistance to the Commission regarding the site drainage, now that he has that, and as far as the connection with DOT; they approve the connection and he has the report, for the record, he will probably always object to the connection down on Old Stratford, but at least for the Commission's concern, which is the stormwater management; those are separate and distinct engineering.

They discussed what has been approved so far by P&Z and what needs to be done next.

Commissioner Zahornasky: We looked at all the drainage, where the gas pumps are and where the drainage is going, to connect into the other one to the galley system, extending the pond; and that is the realm of what we have to be concerned with. Now we need the City Engineer to approve the stormwater calculations.

**Commissioner Zahornasky MOVED to approve application #04-44 subject to:
Approval from the City Engineer and the State Transportation Commission**

**The gas station runoff to be pitched towards the pond
4' deep sumps shall be provided in all catch basins
Biofilter on the north side of the pond and lengthen pond as needed to provide Biofilter
Design a baffle to address oil containment
Design gas station catch basins to drain to the chambers
Grooves installed at the gas station by the pump pad
Aerator installed in the pond
The bottom of the last chamber is to be designed so as to prevent seepage
Riprap the watercourse that is parallel to Bridgeport Ave. subject to field authorization by
WCEO
Landscaping plan subject to review and to incorporate wall obscuring plant material
SECONDED by Commissioner Szkola for discussion.**

Commissioner Szkola asked Mr. Swift how much he has been working with the City Engineer and Mr. Swift discussed where he was in the process. Discussion followed.

Mr. Cook: In regards to the wall next to the pond, which is very tall, to put some type of upright specimen to hide the wall.

The Commissioners discussed types of plant material that could be used and what had been used in the area. Chairman DaSilva asked for Jim to work with John and Commissioner Szkola with the appropriate plant material.

A vote was taken; all were in favor, MOTION PASSED.

C. NEW BUSINESS

1. REVISION-APPLICATION #04-46R-04-09, THE WOODS AT LAKE ROAD – LAKE ROAD/NELLS ROCK ROAD. Proposal to revise development involving the same or reduced regulated activities from prior approval.

Mr. Cook: This is a revision on an existing application. There are no staff comments, there is just a report from the applicant's engineer.

Mike O'Bymachow, Land Surveyor, Nowakowski, O'Bymachow, Kane & Associates

Mr. O'Bymachow: We reduced the number of lots and increased the size of the lots. (The revision to the roads were detailed).

Chairman DaSilva: You are further away from the wetlands.

Mr. O'Bymachow: Correct, in this area here (shown). The proposed house and decks are still out of the 50' area. There is less impervious area and eliminating W. Greyrock Ct, which is approx. 170 of road. It is the same configuration of the main road coming into the site. We are keeping the drainage the same.

Commissioner Zahornasky: You are just shifting the units?

Chairman DaSilva: No, it is fewer units. They did not get the approval for the PDD. That doesn't matter to us.

Commissioner Szkola: So you are going with the same drainage report showing zero net increase?

Mr. O'Bymachow: That is correct. It is more conservative. It is less impervious and we are still maintaining the nice wet pond area. There are some specific trees people wanted to keep and they will remain.

Commissioner Szkola: I am just concerned because it is a bigger lot and with tree cutting you will have more drainage. I just want to hold him to the zero net increase.

Commissioner Hayes: For John's file, he would have a drainage report that does not really reflect the real plan. We should really re-do.

Chairman DaSilva: Have them re-do the drainage to show the runoff continues to be the same or less as previously approved. The numbers don't mean anything to us; it's the runoff or the impact on the wetlands.

Commissioner Szkola MOVED to approve application #04-46R-04-09, subject to submitting the computations to the Commission showing that the revision does not increase the runoff and that it will be maintained at the same level as previously approved. SECONDED by Commissioner Zahornasky. All were in favor, MOTION PASSED.

2. EXTENSION-APPLICATION #04-48E-99-52, SHELTON YACHT & CABANA – WINTERGREEN LANE. Proposal to extend permit for prior approved application with the same regulated activities.

Chairman DaSilva: There is a letter requesting an extension.

Mr. Cook: They are looking for an additional 5 years. This was first granted in 1999 and has been tied up in court with P&Z since then. He is asking for the extension based on the previous approval with no changes to or associated with the site plans. The only thing about this one is, it is a 4-lot development off of Long Hill Ave. on Wintergreen, with smaller lots outside the regulated areas. Some of the lots had some of the buffers. I have the original overall plan and I indicated to the applicant that he should get a hold of his designer and get a fresh print because they were dated and received in 1999.

Commissioner Hayes: Is there any protocol of how many extensions we can grant?

Mr. Cook: It is all spelled out in the state statutes. Statutorily for wetlands permits are for 5 years, the regulated activities for those permits. They can be extended for an additional 5 years.

The Commissioners discussed how long extensions should be.

Commissioner Zahornasky MOVED to approve the extension on application #04-48E-99-52 with the condition that the applicant submits updated plans, for an additional 5 years. SECONDED by Commissioner Wilson. All were in favor, MOTION PASSED.

Commissioner Szkola MOVED to add item #3 to NEW BUSINESS, Application #04-49, Longmeadow Road Sewer Extension. SECONDED by Commissioner Wilson. All were in favor, MOTION PASSED.

3. APPLICATION – 04-49 LONGMEADOW RD, SEWER EXTENSION

Willetta Capelle, Assistant City Engineer, City of Shelton

Ms. Capelle: (Showed where the existing storm sewer terminates on Longmeadow Rd and has no outlet). What we are proposing to do is extend the pipe to Means Brook. Right now it backs up on the road and floods the adjacent properties, primarily on #89 and some on #87. They have filed several complaints. It now terminates at an open pit.

Commissioner Zahornasky: How long has it been like that?

Ms. Capelle: I have the 1988 topo; it has been at least as long as that.

Commissioner Szkola: When did the problems begin?

Ms. Capelle: I am not sure but we have had complaints for about 2 years.

Mr. Cook: There is a letter from the City Engineer's office, dated 10/13/04:

Dear Mr. Cook:

There is a serious drainage deficiency on Longmeadow Rd., which adversely affects the homes located at 87 and 89 Longmeadow Rd. For some unknown reason, the storm sewer pipe which conveys an intermittent watercourse simply terminates in a depression located in our drainage easement at 83 Longmeadow Rd. This condition causes the storm sewer system to back up and overflow onto the adjacent properties located downgradient.

We cannot confirm whether an open channel previously existed from the present storm sewer outfall to Means Brook. In any case, the construction of an open channel will have an adverse affect on the existing property which is significantly inundated by the man made Means Brook Pond. The only prudent solution is to extend the conduit.

I respectfully request that the Commission receive and approve our application to convey this intermittent watercourse directly to Means Brook. This work will eliminate the disruptive flooding of the downstream properties which included damage to an inground pool on more than one occasion.

Thank you for your consideration.

*Very truly yours,
Robert F. Kulacz, P.E.*

Chairman DaSilva: what is the pitch on that pipe?

Ms. Capelle: 1%

Chairman DaSilva: Are you putting a flared end and what is the size of the pipe? How much riprap are you putting in?

Ms. Capelle: Yes, and it is 15". Highways & Bridges are going to construct it. I have 6' of riprap.

Mr. Cook: There is a terminus from the end of the pipe to the nominal edge of the stream. The difference between the water level and the end of the pipe is 1.8' over a difference of 6'.

Commissioner Zahornasky: There is no swale, someone just filled it in?

Ms. Capelle: It did show in 1973 there was a swale but was filled in over the years. I have the data from the topo of 1988.

Chairman DaSilva: Is what they are doing sufficient so you don't have erosion down at the end?

Mr. Cook: The size of the riprap would need to be considered and should be rip rapped, and not just material from the excavation.

Ms. Capelle: We are calling for a 6" riprap and also geo-textile fabric.

Ms. Cook: On some of the piping problems, in solving one situation another is created. Because of those existing grades on 87 and 83, in order to get an open swale, at one point will have to excavate about 5', so you are looking at a fairly wide channel. That is why they are looking to pipe it.

Commissioner Zahornasky: The problem is, someone filled it in illegally and now the City has to pay for it.

Commissioner Szkola: It could have been 5 homeowners ago.

Commissioner Szkola MOVED to approve application #04-49 with the conditions is that the riprap be constructed exactly as detailed and called for by the Assistant City Engineer. This note is to be clearly (in bold) noted on the plans. SECONDED by Commissioner Wilson. All were in favor except Commissioner Zahornasky. MOTION PASSED.

D. OTHER BUSINESS

1. FEE SCHEDULE: Discussion from public hearing
The Commissioners agreed that it would begin 1/1/05.

2. BUFFER-APPLICATION #04-45, JANKURA PROPERTY – 50 BOOTH HILL ROAD. Proposal to construct home addition adjacent to regulated area.

Mr. Cook: This is a minor application. The existing dwelling has been there a number of years. The addition is going to be built directly adjacent to the existing driveway pad. It is all within existing yard space and existing development. I will approve it as submitted with the stipulation of the installation of the protection signs.

Commissioner Szkola said he had an item to add for discussion. It is regarding the Spinelli application on Independence Dr. Mr. Spinelli stated that he had a DEP or EPA permit in place.

Chairman DaSilva said there was nothing in the minutes.

Commissioner Szkola asked what was his permit; can we get a copy of that from him? Did we see it?

There was discussion looking back at the August and September minutes.

Commissioner Szkola said that the same attorney said he researched it and what he understood was the permit was only to cap the land from the DEP. He said I have a permit here for that cap. It was not a permit to build a house on.

Mr. Cook said that is also correct. I did go over that with Roger Spinelli. He was not aware when he came into engineering to get prints made of the as-builts that were submitted to this office of

the cap. He was not aware that the proposed house he was showing is actually in the capped area.

Commissioner Szkola said he should come back to us to revise the application because when he said I have a permit to put a house on this capped thing, that influenced my vote. Because he is putting the house there, maybe we could have moved the driveway one way or the other closer to the property line. Maybe he can't put a house there now. Maybe we could move the driveway, I don't know.

There was continued discussion of the as-built plans.

Tape 3

E. MINUTES

1. September 9, 2004 Regular Meeting

Mr. Cook said on page 23 the statement by Mr. Cook regarding statements that may have been made in error. It should read as follows:

Mr. Cook: Just as a side note, to what Chairman DaSilva mentioned earlier about an application where items gets stated by the applicant or others; if the Commissioners know the statement made may be in error, just to make the record clear, if it is left unchallenged and you know it may not be correct, it should be brought up. Later on, if not challenged then it *may* become the truth.

Commissioner Beattie MOVED to approve the September 9, 2004 minutes with the correction as noted above. SECONDED by Commissioner Zahornasky. All were in favor, MOTION PASSED.

F. ADJOURNMENT

Commissioner Szkola MOVED to adjourn. SECONDED by Commissioner Wilson. All were in favor, MEETING ADJOURNED at 10:12 P.M.

Respectfully submitted,

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