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*CITY OF SHELTON
INLAND WETLANDS COMMISSION
REGULAR MEETING MINUTES
Thursday, March 11, 2008
7:00 P.M., Room 303*

Chairman Zahornasky called the regular meeting of the Inland Wetlands Commission to order at 7:08 P.M.

I. PLEDGE OF ALLEGIANCE

All in attendance recited the Pledge of Allegiance.

II. ROLL CALL:

Gary Zahornasky, Chairman
Celeste Beattie, Commissioner
Jack Goncalves, Commissioner
Neil Hayes, Commissioner
Norman Santa, Commissioner
Ken Nappi, Commissioner (arrived 7:33 pm)

Absent: Randy Szkola, Commissioner
Charles Wilson, Jr, Commissioner

Also Present: John Cook, WCEO
Sophia Belade, Inland Wetlands Clerk

III-A. PUBLIC COMMUNICATIONS and request to addressed the Commission with non-agenda items.

Correspondence was received by the Inland Wetlands Commission from the Parks and Recreation Department. It is a general letter that will be going out as an attachment for an application to construct a floating dock at the Sunnyside Boat Launch.

Commissioner Beattie motioned to add this item for the Parks and Recreation Department to this evening's agenda under Other Business #5. Commissioner Santa seconded the motion.

A voice vote was taken; motion passed unanimously.

III-B. OLD BUSINESS

1. APPLICATION #07-35, ROTKO PROPERTY – LONG HILL AVENUE. Proposal to construct a single-family dwelling involving construction within regulated buffers and regulated area.

BRIAN NESTERIAK
Professional Engineer
B&B ENGINEERING

Mr. Nesteriak was here on behalf of the applicant located on Long Hill Avenue. As per the Commission's request last month, it was requested that the applicant bring a Hydraulic Analysis at the next meeting. The analysis was given to John Cook earlier in the week. He calculated this for a 2-year and 100-year storm. What you are seeing is the ponding for the storms for that event. The least amount of impact would be the alternate plan, mainly because of the filling line. There is no denying that there will be ponding that occurs during a storm event, however, it is safely out of the range of the proposed house.

WCEO REPORT
March 13, 2008**PERMIT-APPLICATION #07-35, ROTKO PROPERTY – LONG HILL AVENUE**

STATUS: 1. Application received January 10, 2008
2. 65-day clock to decide action or schedule public hearing expires March 15, 2008
3. Staff field walk conducted

PLANS: LOT 5 – LONG HILL AVENUE
Proposed Site Plan 11/26/07

COMMENTS: This office received the hydraulic analysis report on March 11, 2008. A copy of the report was provided to City Engineers office for his review of the two plans. He will attempt to complete his analysis for the meeting.

The applicant presented an alternative at the February meeting out of the discussion in January. At the Commission review in February some reservation was expressed towards this option. Pending the review of the City Engineer if the Commission prefers the first plan staff asks the Commission review the 2nd and 3rd options noted below. The second option may serve the long-term protection of the remaining resource by placing a conservation easement over the wetland instead of along the back property line. The third option would require a deed restriction for no further home expansion or reducing the size from that proposed as a condition of approval. This option recognizes the right to attempt developing the parcel but a reduced footprint helps reduce impact.

Alternately, there is the 1st and 4th options as well as a **5th no fill alternative**. The no fill option essentially precludes use of the parcel for development based on the existing zone. As stated by the applicant's agent the parcel was subdivided before there were any zoning or wetlands regulations. By the standards of today this property would not qualify for a building parcel. However, as stated in the past Corporation Counsel has advised the Commission apply its regulations, and if the Commission does not authorize a regulated activity it is for other entities to deal with the issue of that restriction or denial not the Commission. If the Commission chooses this option then specific references should be made to the regulations for the limitation.

COMMENTS FROM FEBRUARY: As noted during the last meeting the narrow band of regulated area is separated per the soil delineation mapping.

However, it fundamentally may be evaluated as one unit. In so much as the horizontal distance is less than 50' and the elevation difference is approximately 0.1' between the two areas. It is also noted that in addition to the standard functions that may be associated with the regulated area its prominent function may in fact be serving as a buffer between the residential uses along Long Hill Avenue and the industrial use accessed from Forest Parkway. The Google Earth image attached demonstrates this feature.

To this end the Commission stressed the applicant look to shift the proposed dwelling closer to Long Hill Avenue and provide an opportunity to protect vegetation along the rear property line. This goal also serves to minimize a potential problem for future owners. Along with this effort exist several other opportunities as follows:

First, have the applicant approach the ZBA for a street variance. At first glance a question arises as to why. The answer is that it serves to help minimize encroachment into or adjacent to regulated areas. The dwelling may be kept at a higher elevation with a walkout to minimize fill and or retaining walls. It also allows greater opportunity to save vegetation along the rear property line buffering the residential use from the industrial use both for a future homeowner and the streetscape. This approach was most recently used just last month on Weybossett Street for a similar effort. Another benefit is to minimize building on unstable wetland soils.

Secondly, establish a conservation easement along a portion of the back property line to further guarantee the long-term commitment to maintain the remaining buffer in recognition for any authorizations given. This technique was also used on the previous application mentioned and others the Commission has considered recently and over the years.

Thirdly, restrict the size of the dwelling footprint to the size proposed or smaller for the future via a deed restriction. This technique also has been used several times to further the Commission goals. While the above measures have certain benefits there are drawbacks as well. However, if the goal is to provide use of a property, per today's standards would not likely be considered as a viable lot, then these efforts may be fruitful. Ultimately, this lot has existed over multiple decades and without relief from the municipal regulations it becomes extremely limited for residential development.

A final option though doubtful it has been explored as yet would be to market the parcel to the owner of the industrial land west and north to expand the use as a buffer between the Long Hill Avenue residential uses and the industrial Forest Parkway uses.

City Engineer's letter:



203-924-1555 Ext 17
Fax: 203-924-1136
Email: shelton.eng@cityofshelton.org

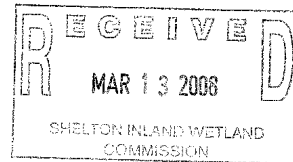
City of Shelton
Office of the City Engineer
54 Hill Street
Shelton, Connecticut 06484-3207

07-35
Robert F. Kulacz, P.E.
City Engineer

Rimas J. Balsys
Assistant City Engineer

March 12, 2008

John R. Cook
Wetlands Coordinator
City of Shelton
54 Hill Street
Shelton, CT 06484-3207



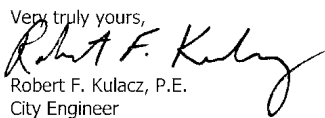
Re: Rotko Property, 485 Long Hill Avenue;
Hydraulic Analysis Report dated March 6, 2008

Dear Mr. Cook:

Please be advised that this office does not recommend the construction of a home on this property due to the extensive wetlands located on the parcel and the potential for foundation settlement.

While the original site plan has the least impact on the regulated areas, the potential for a wet garage and ground floor is high.

Lastly, we do not concur with the hydrographs presented in the report. The time for the peak flow to reach zero on the hydrograph should be twice the time of concentration (the time to reach its peak.) In any event, the Commission should be more concerned with construction of a house in a regulated area with the potential for settlement.

Very truly yours,

Robert F. Kulacz, P.E.
City Engineer

File:

Mr. Nesteriak responded that this brings up the two issues. One is the suitability of building on this parcel and the second is the hydrant pass. These are standard things we use in everyday; the fact of the matter is there's only an acre and three quarters draining to this parcel. So the flow is very low. So this is really the only area that is going to be affected. The second thing is not really a wetland issue. Suitability of soil for building is a building issue. You can build on anything. It all depends on what kind of engineering that you use. I don't see that as a wetland issue. It's more of determining of what kind of impact you may or may not allow for this parcel. If there are any questions we're willing to answer them.

Commissioner Hayes stated that he recognized that the lot was established before all the regulations; we don't want to send anybody out of here without giving them an opportunity to develop. My question last time was what type of quality is the wetland. Looking at the big picture of Shelton, is it something that we can possibly get rid of the wetland and let it be worked on and developed and earn taxes off of it, or is it something we should protect for the benefit of a wetland environment. Commissioner Beattie stated that we should also protect the future homeowners that would be impacted by this. Commissioner Hayes included that he agreed with Mr. Nesteriak, you can engineer anything. Mr. Nesteriak stated that in looking at the property and all the other properties around it, this was part of a larger wetland. It's been developed on. I use that as my backing. There's a fill on here, there's a fill on here, there's lawn on each side and then there is a cleared area that was put in when they put in the power lines. If I can address the quality wetland, I'm not a soil scientist but yes it's right next to a larger wetlands, but in my opinion it's isolated from the fact that you have three sides that are developed around it and a clearing here. I look at it as two separate things and Mr. Cook looks at it as one. You have development literally five feet from the wetlands. I understand that it's a tough decision. There is going to be different elevations for different developments.

There was discussion regarding what could be done with ZBA. John Cook stated that he suggested that because of what was recently done at the end of '07 for Weybosset. They did get a variance. On this particular case this has a forty foot setback even if it came up twenty-five feet off the property line. How far from the road would it be? Mr. Nesteriak responded it would be seven feet from the road. Compared to this plan, it would create more disturbances to the area. Yes, the buffer could be larger in the back but you would be disturbing more wetland area.

At this time John Cook showed some photographs to the Commission of the area. It was to give the Commission an idea of the surrounding developments and vegetation. Commissioner Hayes asked if this would be a hardship. John Cook responded that if it wasn't for a wetland consideration or constriction it wouldn't be a hardship. They'd be able to put it wherever they wanted to. The hardship would be to try to satisfy this Board.

*Donald Sosenko
497 Long Hill Avenue
Shelton, CT*

I own property two houses down from this. Also I own the farm that's on Long Hill Cross Roads. We do have a lot of problems with water coming down off of this drain. It does pond, it floods all in the back of here. Our yards are flooded even after a minor rain. I know that this Commission doesn't have too much to say about the drainage there but some of the water should go, I mean this wetland here too. I feel that this is like a bog here, this goes this way. We are getting flooded very badly from all the water run off. Anything that would help alleviating the water downstream would be a big help. This is my concern. Thank you.

Commissioner Beattie asked if she thinks they are creating a bigger problem to the right. Mr. Nesteriak responded that he didn't know, considering the size of the wetland or just the proximity. It is a 10 acre piece of all wetlands. When you compare what we're doing here to the size of this wetland, I think it's a very minimal impact. Commissioner Beattie responded that even over time, Mr. Sosenko's land is going to get worse. I don't see this as an easy solution.

Commissioner Hayes stated that he has a hard time saying no, but he has a hard time saying yes based on these plans. If I understood that the quality of the wetland was not that good, if we look at the entire picture of Shelton, how much impact does this have on the whole idea of what this Commission is trying to accomplish.

Commissioner Santa motioned to deny Application #07-35, Rotko Property – Long Hill Avenue. Commissioner Beattie seconded the motion.

Discussion: There has to be a reason why the Commission is denying this application. The reason would be the regulations. This doesn't prevent the applicant coming back with information that this Commission is looking for. Based on the standards and criteria for this decision to deny is in regards to section 10.2 of the regulations.

Commissioner Santa motioned to deny Application #07-35, Rotko Property – Long Hill Avenue without prejudice. Commissioner Beattie seconded the motion.

A voice vote was taken; motion passed unanimously.

III-C. NEW BUSINESS

No items

III-D OTHER BUSINESS

5. Correspondence – Parks and Recreation Department – application for a grant to construct a floating dock at the Sunnyside Boat Launch.

This is a letter received from the Parks and Recreation Department that is being sent as a cover letter to the DEP for an application of a grant to construct this floating dock. They are giving the Commission the courtesy of receiving a copy of this.

letter attached:



City of Shelton
Parks & Recreation Department
41 Church Street, Shelton, CT 06484-0668
Fax: (203) 929-3692
(203) 925-8422
Info/Cancellation (203) 331-4120
www.cityofshelton.org, Community Services

RECEIVED
MAR 13 2008

SHELTON INLAND WETLAND
COMMISSION

March 12, 2008

The Shelton Parks and Recreation Department is currently proposing construction of a floating dock to the existing Sunnyside Boat Ramp at 418 River Road, Shelton, CT. Currently, this is the only public boat launch available on the Housatonic River in Shelton providing access to Long Island Sound. If approved funding would be provided by the Department of Environmental Protection Long Island Sound License Plate Program. The DEP is providing grants with a recommended limit of \$25,000 in support of increased or enhanced public access to Long Island Sound through the acquisition of property, easements or other permanent rights to coastal, tidal, or navigable waters and the development of boardwalks, walkways and fishing piers.

The floating dock would consist of an 8' x 3' concrete ramp (see attached photo) connecting to a 90' floating dock anchored by four to six pilings. Metal rings secured to the dock around the pilings will control the dock height/depth according to the tidal movements. Pavement rehabilitation to the existing area would also be necessary.

A floating dock at Sunnyside Boat Ramp would benefit the City of Shelton and permit holders as follows:

- The floating dock would reduce potential liability to the City of Shelton. For example, in 1995 the City was sued when a boater lost a finger exiting their boat at the existing ramp. The result was a \$38,000 settlement paid to the injured party.
- Having a floating dock would eliminate permit holders from having to dock their boats on the asphalt ramp. Therefore, limiting damage to their hull and outdrives.
- A floating dock would attract more public use, in turn generating more income for the City of Shelton.

The Parks and Recreation Commission is looking for the Inlands/Wetlands Commission to give any needed approvals for this proposal.

If you have any questions please feel free to contact me at the Parks and Recreation Department.

James Mastrony
Recreation Supervisor

Commissioner Nappi motioned to approve the concept subject to submitted plans and conformance to applicable Inland Wetland regulations. Commissioner Santa seconded the motion.

A voice vote was taken; motion passed unanimously.

1. Buffer-Application #08-03, Tyrell Property – 18 Dogwood Drive.
Proposal to replace and expand deck with ADA ramp within watercourse setback.

John Cook acted upon and has approved this.

2. Buffer-Application #08-04, Marsilio Property – 335 Buddington Road.
Proposal to construct home addition and driveway expansion within setback to a regulated area.

John Cook acted upon and has approved this within time line.

3. Buffer-Application #08-05, Martinelli Property – 99 Indian Well Road.
Proposal to rebuild single-family dwelling within setback of Housatonic River.

John Cook will be issuing permit.

END SIDE A, TAPE 1

4. Buffer-Application #08-07, Prendergast Property – 50 Cedarwood Lane.
Proposal to construct deck for above ground pool within setback to a regulated area.

John Cook will be issuing permit.

John Cook to check with Webmaster if posting of the Buffer Applications can be placed, for viewing, on the website.

Commissioner Nappi suggested that the Open and Ongoing Issues be visited and also included with the agenda as to the status of each listed. He also advised the Commission that the Charter Revision Commission has again been appointed should there be any changes that the Inland Wetlands Commission wants to address.

IV. MINUTES

John Cook has asked the clerk to re-visit the fourth paragraph on page 5 from the February 14, 2008 minutes for clarification.

Commissioner Santa motioned to approve the minutes of the Regular Meeting of February 14, 2008 based on the clerk determining authenticity of John Cook's comments. Commissioner Hayes seconded the motion.

A voice vote was taken; motion passed unanimously.

*****VERBATIM FROM TAPE OF 2-14-08:**

John Cook stated, one opportunity and Al referred to the agents for the applicant, because of the nature of the soil, it's not bedrock conditions. That rear portion is, I forget the soil scientist, leister, which is basically a very sandy type of condition, seasonally saturated at or near the surface, just below the surface and it may be possible in not, lose the vegetation that's providing the buffer the residential streetscape and the rear of the property, but there may also be a, creating something, if it goes this route that there's not going to be, by losing this area, that this doesn't get super saturated where now it becomes 2" deep.

V. ADJOURNMENT

Commissioner Santa motioned to adjourn. Commissioner Hayes seconded the motion.

A voice vote was taken; all were in favor. Motion passed unanimously.

MEETING ADJOURNED at 8:10 PM.

Respectfully submitted,

Sophia V. Belade

Sophia V. Belade
Clerk – Inland Wetlands

1 tape on file in Town Clerk's office

TAPES ARE AVAILABLE IN THE TOWN CLERK'S OFFICE; ATTACHMENTS ARE NOT INCLUDED ON WEBSITE. FULL COPY OF MINUTES WITH ATTACHMENTS IS AVAILABLE IN THE TOWN CLERK'S OFFICE.