

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

I. ROLL CALL:

Alvaro DaSilva, Chairman
Celeste Beattie, Commissioner
Neil Hayes, Commissioner
Randy Szkola, Commissioner
Charles Wilson, Commissioner
Ken Nappi, Commissioner (arrived at 7:15 P.M.)

Absent:

Gary Zahornasky, Vice-Chairman
Norman Santa, Commissioner

Also Present:

John Cook, WCEO
Marianne Chaya, Inland Wetlands Clerk

II. PLEDGE OF ALLEGIANCE

All in attendance recited the Pledge of Allegiance.

III. BUSINESS MEETING

A. PUBLIC COMMUNICATIONS

None

B. OLD BUSINESS

1. PERMIT – APPLICATION #06-16 IANUCCI PROPERTY – PAWTUCKET AVENUE. Proposal to construct 8 single-family dwellings involving wetland fill, road construction and grading within regulated buffers.

Bernie Pellegrino – Pellegrino Law Firm, New Haven, representing the applicant

Mr. Pellegrino: Subsequent to the May meeting we are here to present the changes to the plan. There was a home proposed on a lot that has been eliminated. Mike Burturla, our engineer, will show that he was able to tighten up the grading to eliminate about 1000' of direct wetland impact. Our total impact went from 4600' of filling to 3600' of filling. We redesigned the stormwater system at the end of the road to put a water quality system unit in the road, eliminating the plunge pool; going with a low manhole drop level spreader. We are able to propose mitigation to wetland creation in this area at the end of the cul-de-sac.

Mike Burturla, Professional Engineer, Licensed Land Surveyor- Huntington Company- Fairfield

Mr. Burturla: Atty. Pellegrino pointed out most of the changes. The last plan that was before you, we had the slope of the road encroaching on the wetlands around lots 304 and 305. We also had further filling down in lot 303. We had a plunge pool at the discharge end of a proposed pipe; proposed for water quality. A big change on the plan is rather than going with a plunge pool we are going to install stormwater cleaner at the end of the road. We felt it would be easier for maintenance. It's maintained by opening the manhole and pumping it out as if it was a catch basin.

Chairman DaSilva: When you say stormwater cleaner, what kind are you talking about?

Commissioner Szkola: Is it like a swirl separator type thing; similar to a vortecnic unit?

Mr. Burturla: Yes. I will be using a V2B1 stormwater treatment system. CT Precast in Monroe distributes them.

Chairman DaSilva: What is specific about it – some are for oils and sediments?

Mr. Burturla: I have a spec on it. I could give it to John. Several towns have favorite ones they like to use. We would be willing to use the one you wish. That is the one big change; we won't be constructing a large plunge pool at the end. There will be a drop manhole after the stormwater cleaner. The pipe will empty to the wetlands at a flat slope so the velocity will be low and it will go

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into a level lift spreader rather than just a direct discharge out of a pipe. The pipe will empty into an inverted 24" high precast gallery that will be loaded with stone to spread the water length wise to not have a direct discharge out of the barrel of the pipe. What we would like to do at the end of this property is to take out all the invasive species and plant wetland plantings. The engineer's comments said that the road conformed to his standards and he suggested eliminating the one house at lot 317, which we agreed to do.

Chairman DaSilva: What about the wetlands in the center?

Mr. Burturla: The wetlands in the center is 3100 sq. ft. in size which shows up on our most recent soil flagging from Environmental Planning Services through Mike Klein. As we talked about the flagging two months ago and Mr. Cook pointed out in his comments had a wetlands line that was further up the hill. (Details of the two flagging areas were shown)

Chairman DaSilva: Have you had any other conversations with the City Engineer to change his mind with regards to his acceptance or approval of this application? As far as I remember from the last meeting he does not endorse the application. His last paragraph says "Due to the extent of the disturbance to the regulated areas, this office is not endorsing these plans for construction."

Mr. Burturla: The comments he made prior to that...

Commissioner Szkola: Have they had any correspondence to us regarding that John?

Mr. Cook: I did review this with him and he did not prepare a supplemental report. Based on a cursory review of the revised plans he did not see a need to change his report or his findings at the present time. That was as of this afternoon.

Chairman DaSilva: Let me try to clarify something else. It is my understanding that you are showing those parcels as lots. It is my understanding that they are not being taxed as improved lots; they are just referred to as parcels. This is not an approved subdivision. I just want to make sure the members of the Commission are getting the right information.

Commissioner Szkola: And that came from our City attorney, is that correct?

Mr. Cook: That is correct.

Mr. Pellegrino: The division of the property was based on the prior map that had been filed. I believe that these lots would not require zoning approval. I think his opinion is that you still have to judge this application as you would in any other situation but they are parcels eligible for building permits.

Chairman DaSilva: On that I don't disagree with you. I just want to make sure we don't refer to them as lots, that we can refer to them as parcels or proposed lots just like any other subdivision. The applicant has been referring to them as lots and I just want to make sure that the Commission understands that these are not approved lots from an old subdivision back in the 50's or 60's when these subdivisions were mapped out. They are strictly parcels being taxed as parcels and they still have to be approved and I believe also the extension of the road from what I understand from reading John's notes. The Board of Aldermen has to give the permission to extend the road.

Mr. Pellegrino: A slight clarification would be that these lots are lots that were laid out on a map that was recorded in the Town Clerk prior to passage of your subdivision and zoning regs. They do enjoy some non-conformance status. They have been taxed and taxes have been paid on separate parcel for many years. No building permit has been issued and obviously no homes were built; so they are not being taxed with those improvements. They are all taxed separately and created as separate parcels by virtue of the filing of a map prior to the passage of subdivision regulations.

Commissioner Szkola: Do they need to be issued a certificate of compliance?

Chairman DaSilva: That is correct.

Mr. Pellegrino: Before that step we would have to get the Board of Aldermen approval of the construction of the road. The road, as the town engineer points out, is proposed to town standards and is acceptable as proposed.

Commissioner Szkola: I would at this point based on what we have before us and based on John's comments I would like to make the following motion:

Commissioner Szkola MOVED to deny application #06-16, due to the fact that they proposed 3100 sq. ft. of wetlands filling and the reluctance to go against the City

Engineer's recommendations. In my opinion it is in violation from the previous sewer extension. SECONDED by Commissioner Beattie.

Commissioner Nappi: I am a little lost because I'm new. I thought at one time the City Engineer approved this road.

Commissioner Beattie: No, he says in his letter he doesn't.

Commissioner Nappi: He didn't approve it now but he did approve it years ago. Now he disapproves it.

Mr. Cook: I believe that goes back to a 1983 plan which this Commission also approved but that was only for a road and no lot development was approved with that.

Commissioner Nappi: We have no approved lot development here.

Mr. Cook: Right; but that was in the context of that..

Commissioner Nappi: So what we are discussing now is the same thing that was discussed then and that's the road. And he did approve the road before. I am at a loss as to why he approved it then and hasn't approved it now. I think we need some clarification.

Mr. Cook: From the WCEO Comments*: This office received revised plans for the referenced proposal. The applicant is presently omitting one parcel from construction consideration compared to the original. They are also proposing grading changes and additional measures to help mitigate the negative aspects of the proposal. All the efforts should be commended. However, staff reiterates comments from the May meeting attached below. Particularly noteworthy is the scenario that if the size of the regulated area is presently significantly less than in 1995, this site represents a violation of that approval. The prime reason for granting the approval was the representation that sewer work was only a temporary impact. One may argue that before considering additional regulated activities this area should be restored in order to achieve the original soil scientist assertions. Additionally, while the revised plans show one parcel presently removed from consideration compared to the initial submittal there has not been any permanent commitment by the owners of this or the other lots owned by the same parties. Prior applications with similar encroachments have committed in fee, easement or deed restriction to provide an assured permanent protection to help achieve Commission goals. Specifically those are noted in paragraph 11 in the May report. Finally, the adjacent paper street, Providence Avenue involved 17-parcels. This application was denied in 1988 in part due to the lack of information regarding the entire wetland system and the unknowns of a fragmented approach to evaluating cumulative impacts. For this reason this present application may be held to be essentially incomplete. At that time in 1988 the Commission recognized that the paper streets that drained into this system was part of a larger wetland system and in order to look at the cumulative impact you have to evaluate the entire system because each extension that involves those wetland areas sets the stage for further applications of those remaining lots. That was part of the reason for the denial of 1988. Providence Ave. is to the north of that sheet of paper. While not a vote on the matter, as he is unavailable this evening Commissioner Santa expressed his concerns as to "opening Pandora's box" if the Commission issues a favorable decision on the present application. Essentially for that same reason, Pawtucket Ave. is just one fragment of multiple questions involving that entire system. For that reason Staff would believe that the approach would not be consistent of all these factors as far as looking at the bigger picture, looking at all these paper lots and to look at one right-of-way as well as apparently the loss of wetlands as compared to what was presented to the Board in 1995. Staff would also add the application does not represent a consistent approach when compared to the references of the May & April comments.

Chairman DaSilva: Let me try to clarify something regarding the question Commissioner Nappi asked about the City Engineer. If you look at the City Engineer's letter that is our package from May; he really has very little issue of the construction of the road but his objection to the application is stated in his last paragraph and that is the impact on the regulated areas. That's a comment that he can make but it is up to this Commission to make the decision.

Commissioner Nappi: With all due respect Commissioners, the motion was made based on the recommendation. These can be corrected based on what I read.

Commissioner Szkola: The way I look at it if that is the City Engineer recommends it – we always say, I am not an engineer; I cannot determine the impact on the wetlands, therefore we have to rely on upon the City Engineer.

Commissioner Nappi: Then we don't need the Board of Inland Wetlands Commission; we should just rely on the City Engineer to make the decision.

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Chairman DaSilva: That is what I wanted to clarify and that is where I was going and to explain to Randy and basing his motion solely on the letter from the City Engineer, he is expressing an opinion and not as an expert.

Commissioner Szkola: I truly agree with that. I am not an expert and I rely on the City Engineer.

Chairman DaSilva: That's fine; I just wanted to clarify that.

Clerk: Can you be a little bit more specific regarding your comment regarding the violation of the sewer?

Commissioner Szkola: The sewer extension that was referred to in John's report.

Chairman DaSilva: I think if you look at John's comments the violation he was talking about, and correct me if I'm wrong, the application is in violation now is because they are saying there is less wetlands now that what existed back in 1995 when the sewer was put in. Therefore if there are less wetlands then there is a violation there.

Mr. Cook: That's correct.

Chairman DaSilva: That's not something they have done. What he's saying is whoever did the extension of the sewer line before and reduced the wetlands and that was not part of the application. Technically there is a violation there but it's not their violation because they didn't do the extension.

Commissioner Szkola: In my motion I was reluctant to see 3100 sq. ft. of wetlands go.

Chairman DaSilva: That's fine; I just wanted to make sure everybody understood and that you understand that you should not strictly rely on the City Engineer's letter because he does approve the road but his comment at the end saying I wouldn't recommend it because of the impacts on the wetlands, but that is for this Commission to decide. He can have his opinion. There are other questions that the City Engineer does ask in his letter and the good one that I haven't thought about before is with all the filling that you're doing on the so-called lots or parcels and my understanding from the last meeting is that these parcels are all individually owned. Some might own two or three. Do you have permission to do this grading on those parcels from these individuals?

Mr. Pellegrino: All the people that we propose any work have signed the application.

Chairman DaSilva: You should submit that to the City Engineer because that is a concern of his.

Mr. Pellegrino: It has been submitted.

Chairman DaSilva: Ok, then he should be given the information because that was one of his comments in his letter. The motion has been made and seconded, is there any other comments that you have on this application?

Mr. Cook: In my report I talked about what had been done in other applications in this general vicinity and how certain techniques were used by either combining lots or putting on deed restrictions and providing some sort of permanent commitment to that end.

Chairman DaSilva: My concern with the application is that the wetland that is being totally eliminated in the center of the property, and these parcels are so small where these houses are going is that I don't know how deep those wetlands are and what type of soils. Do they show the type of wetland soils in the area?

Mr. Cook: Yes.

Eric Davidson, Soil Scientist, Environmental Planning Services

Eric Davidson: It's categorized as AQ. It's a catchall for disturbed wetland soil. It can vary from site to site or can vary on a particular site. Where a native soil you might be able to describe it and understand the percolation rate and textures. In order to classify it we would have to do some tests to describe the textures and horizons.

Chairman DaSilva: So you haven't done any test pits to see how deep you have to go to remove the soils and what you would bring in? You are 10-20' from the houses where you are going to be removing these soils and putting foundations.

Mr. Davidson: That is sort of one of the difficult things with wetland impacts is you don't go in and typically expect to get approval to do any analysis of the wetlands soils you're going to impact because you're impacting them to analyze and to go in and do bucket tests on those would be

just a small area. It would become a regulated activity to determine what the character of the soils are that you are proposing to remove.

Chairman DaSilva: I'm aware of that but strictly by rod you cannot determine the soils.

Mr. Davidson: We can do some more simple sampling by augers and by hand to give you more detail on the soil type. That is what the symbol AQ is and we don't usually go into more detail.

Mr. Cook pointed out the lots and the owners of the lots and discussed eliminating lots as a tradeoff.

There was discussion of the wetlands beyond the cul-de-sac.

Mr. Pellegrino: We had some discussion with our client to perhaps ease John's concern and if there is a concern of yours. We don't control all of this land but we do control these 3. We would be amenable to deeding those to the town as open space or permanently restricting them with a conservation easement if that would ease any concerns.

Chairman DaSilva: I don't want to speak for the rest of the members but for me and Commissioner Santa who could not be here this evening, however he expressed his comments and that's one of his concerns. By giving approval here that we are not putting ourselves in a situation where that we are offering ourselves to continue on and force ourselves to give approvals to other parcels beyond the cul-de-sac. For myself I would like to see those other parcels either given to the City if the City wishes to take it.

Mr. Pellegrino: The City does own land here (pointed out).

Chairman DaSilva: So if they wish to take possession for open space or through the Conservation Commission or the Land Trust and eliminate the possibility of the road ever being continued, that would help me in this decision for this application a lot more than the way I feel right now. As far as the wetlands disturbance on this application, and I tend to agree with the soil scientist, unfortunately the wetland has been disturbed and it is no longer the original wetland. In looking at what this Commission has done in the past and being consistent with other applications even though I am not in favor these small lots, but that is not a decision that this Commission can make here. It's up to P&Z and the Board of Aldermen if they so wish to give you permission to continue that road. We have to deal strictly with the facts on wetlands. If we were to give you approval in disturbing that 3100 sq. ft. which is no longer an original wetland, I would not feel that would be unusual or that would be different than what the Commission has done in the past. However, I am concerned, as Commissioner Santa is concerned, about opening up Pandora's box to perhaps continue little by little extend and destroy more wetlands. What I would recommend at this point if Randy is willing to withdraw his motion and the second would be for the applicant to see what they can do with the rest of the parcels beyond this subdivision. See if you can get some Conservation easement, talk to the City to see if they want to take possession of those lots. Perhaps that would help this Commission to look at this application in a different way.

Commissioner Szkola: I'm going to argue the point with you Al. Again, I've said it before; I can't see why anybody in the Open Space Committee or anybody would want to take the wetland as open space. It is protected under the wetlands regulations anyway.

Chairman DaSilva: There are lots in there that are not wetlands but that's not for them to decide. Give them the opportunity to decide if they want to pursue it.

Commissioner Beattie: Do they still have time on the clock?

Mr. Cook: The initial 65-day clock was lapsing June 17th. The matter was not on the June 17th agenda because it wasn't sufficient time to get the revised plans back to the Board and the office at that time. It is possible to extend for approximately 35 more days.

Commissioner Beattie: The only thing we are talking about here is we are allowing the 3100 sq. ft. of filling.

Chairman DaSilva: You don't have to. You can vote now on it.

Commissioner Szkola: I am not withdrawing my motion. I am going to ask for a vote if Celeste will agree.

Commissioner Beattie: I don't see that we as Commissioners of Inland Wetlands are gaining anything by all this "can I do this or do that" back and forth. There have been violations before. It had been denied in 88, and we are going way back here and the questions before us and we decided this land wasn't to be developed.

Commissioner Nappi: That's not necessarily true because they have (?) as an extension of that road.

Mr. Cook: In 83 there was a plan that was approved by the Board for a road with no lot development. In 95 a sewer line was approved with no laterals. In 95 the wetland line was about the 270 contour (each 270 contour was pointed out for each application).

Chairman DaSilva: If we approve the subdivision and the filling of that wetland we are approving the extension of the road and the construction.

Commissioner Nappi: It still has to go to P&Z.

Chairman DaSilva: Absolutely, just like any other application and in this case they also have to go to the BOA to get the approval of the extension of the road.

Commissioner Szkola: If they hadn't botched the sewer line that 3100 sq. ft. wetland would have been restored to a viable wetland.

Commissioner Beattie: These are the headwaters for Ivy Brook. We need to keep what we can keep.

Commissioner Szkola: Every time we do this we give up more and more. I have a motion on the table.

Chairman DaSilva: We have a motion on the table that has been seconded to deny the application and I am going to take a roll call vote:

Commissioner Hayes: Yes. Commissioner Szkola: Yes. Commissioner Beattie: Yes. Commissioner Wilson: No. Commissioner Nappi: No. Chairman DaSilva: No. The vote is tied 3-3. No action.

It stands as is and we will have to wait and we will need an extension from the applicant. Please provide that in writing to John.

My vote against the motion is not that I am in favor of the application it's strictly to give the applicant another opportunity to do something with the City and the City Engineer.

Commissioner Szkola MOVED to request an extension of application #06-16 for 65 days from June 17, 2006. SECONDED by Commissioner Hayes. A voice vote was taken; all were in favor, MOTION PASSED.

Members of the public wished to address the Commission regarding this application.

David Lazar, 93 Cranston Ave.

Mr. Lazar: The contention is that the sewer line compromised the wetland; is that correct?

Commissioner Szkola: I contended that.

Chairman DaSilva: That's not their contention.

Mr. Lazar: That's what the soil scientist is saying. If that is a fact, what are 7 houses in a row going to do to this definite wetland down here?

Chairman DaSilva: What is your question?

Mr. Lazar: A sewer line compromises the existing wetland.

Chairman DaSilva: The sewer line compromised those wetlands and went right through the middle. When they dug it and dug up the soils.

Mr. Lazar: None of this will compromise any wetland. It's going to ruin this – that's gone.

Chairman DaSilva: It's basically going to be eliminated and it's already disturbed and no longer the wetland that it used to be.

Mr. Lazar: Although the sewer line compromised it you don't feel the houses and everything you're going to put in here....

Chairman DaSilva: The houses are not going to be built in the wetland area. The road is.

Mr. Lazar: The road is and that won't compromise more wetlands?

Chairman DaSilva: No.

Mr. Lazar: I don't understand that.

Chairman DaSilva: The disturbance that has taken place there was when they put the sewer line in. Those houses are not in a wetland that is further beyond there so there should be no disturbance from those houses being there. First of all you have drainage going out into the road from the houses. You have the sewer going into the sewer line. There should be no disturbance.

Mr. Lazar: You guys can approve this being eliminated?

Chairman DaSilva: We can approve or deny. That is why we are here. It's called regulations, to regulate the wetlands.

Deirdre Lazar, 93 Cranston Ave.

Mrs. Lazar: I understand the whole concept that back in 95 Salemme built the houses and brought the sewer line down. When they build the houses are they going to run another sewer line? (Chairman DaSilva answered no). What was the purpose of the sewer line then? Why did they extend that into the wetlands for those houses and they are not going to for these houses?

Chairman DaSilva: The sewer line is there already. They are not extending the sewer line anymore.

Mrs. Lazar: For the houses that they did on Pawtucket, why did they put in the sewer line? They didn't put "T's" on it.

Chairman DaSilva: These are not lots; they have to be approved as lots by P&Z Commission first.

Mrs. Lazar: No, I don't think you understand what I am saying. They didn't put laterals on the sewer at the time. What I am saying is, when they ran the sewers, they extended it out past where the road was built. I am assuming there was a reason they did that; they knew they couldn't build back there because you didn't approve it even though Salemme wanted to build. There was a reason the sewers had to go back far. If you approve this new area, why wouldn't they need to extend the sewers just like Salemme had to for the homes he built?

Chairman DaSilva: Because the sewer line is already in front of these parcels.

Mr. Cook: The sewer line extends from Manton St. all the way down to Weybossett. The reason for installing that sewer line was so they didn't have to pump up over by Toas and get into a gravity line going down the other direction. There were no laterals put in at time because the soils map that was delineated showed wetlands other than the very upper most 3, 4 or 5 lots, and the rest of it was substantially wet. The current proposal is, from an engineering standpoint, they can still access that existing sewer line even though there are no laterals or tie-ins.

Mrs. Lazar: I understand that. They won't have to go down and extend for new houses?

Mr. Cook: No. They will use that existing line that doesn't have laterals and they will make laterals for that existing line. In other words, they will tap into the existing line.

Mrs. Lazar: Why did Salemme put it back there to begin with?

Chairman DaSilva: In order to bring it up to his lots.

Mrs. Lazar: My only thing is that you had wetlands that were disrupted and now you are saying, since it's already been disrupted you will let them – you might let them take it away completely if they give you something, some land to the town.

Chairman DaSilva: We didn't say that and I want to make sure that it's clear.

Side B

Chairman DaSilva: When we vote to approve this application if that's the way the Commission decided to go I would feel more comfortable knowing that in the future I am not going to be facing another application to move this road forward into more wetlands that have not been disturbed. I have no idea how the Commission is going to vote.

Christina Ramos, 81 Cranston Ave.

Mrs. Ramos: What you are saying is the sewer line was put in and it disturbed the wetlands. Oh, too bad; the wetlands have been disturbed; lets fill them in again.

Chairman DaSilva: Please don't begin to put words in what we are saying.

Mrs. Ramos: That's exactly the way it sounds. Let's fill them in again and now we have further wetlands that are below that and it's ok to ruin some of the wetlands because you are willing to fill it in. It's still considered wetlands, whether it's partial wetlands, its still wetlands. What you are saying you may give them permission to fill in what little wetland in that area is left.

Chairman DaSilva: If you look back in our history of 34 years that I have been here we have allowed wetlands to be filled. This is not the first time. If this is to happen, and I'm not saying it will.

Mrs. Ramos: Right; and that's what we're saying it shouldn't because every little wetland around town is being filled.

Chairman DaSilva: I respect your opinion but please don't say that we're saying is because a wetland is being disturbed they we're already decided to fill it.

Mrs. Ramos: No, I didn't say that you already decided. I'm saying it's up in the air that it is a possibility that those wetlands. In order to build there you have to fill those.

Chairman DaSilva: Absolutely.

Commissioner Szkola: But you would prefer that we didn't.

Mrs. Ramos: Exactly.

Chairman DaSilva: Ok, that's fine. Thank you. Anyone else either in favor or against the application?

Terry Alves, 97 Cranston Ave.

Mrs. Alves: We just wanted to say that we are against the filling of the wetland.

Mr. Cook: There was a piece of correspondence in the Commissioner's packet and the homeowner requested that it be entered into the record.

Mr. Al DaSilva, Chairperson
Inland Wetlands Commission
City of Shelton

Dear Mr. DaSilva,

My name is Barbara Lombardi and I reside at 85 Cranston Avenue, Shelton, CT, I wish to be entered into the record at your meeting on July 13 as opposing the proposed construction of eight homes on Pawtucket Avenue. I am concerned about the area defined as wetlands and feel that a thorough evaluation of the area should take place before extending the road and building new houses. My concern is relevant to drainage, flooding and erosion.

Wetlands intercept storm runoff and release floodwaters gradually to downstream systems. Since this area was defined previously as "wetlands", the risk of developing it even with water retention systems may affect surrounding areas with potential increase in flooding and in drainage problems. With this in mind and in question, I support restoring the land as "wetlands" for evaluation.

I appreciate the Commission's work and review of this proposal; and I also appreciate the opportunity to provide input.

Thank you.
Barbara Lombardi

2. PERMIT – APPLICATION #06-20, FARRELL POND – 122 BUDDINGTON ROAD. Proposal to remove sediment from pond accumulated by adjacent construction.

Mike O'Bymachow, Land Surveyor, NOK

Mr. O'Bymachow: I have some revised drawings that I would like to submit. I would like to address some of the comments from the last meeting. One of the concerns was in the area where the pond is. You wanted a profile of how much silt you have there. I went out there yesterday and did some soil borings with an auger. I did 4. It was pretty mucky and I was going in up to my knees so I didn't go any further. In this area (shown) I had 2" to leaf litter and from 2" to 21 1/2" I had a canned medium coarse sand silt and it was very mottled. Auger 2, 3 & 4, basically you had an average of 2" to 3 1/4" of leaf matter and plant. After that it was just a dark brown fine sand silt. The average depth to as far as I could go was 32 1/2", 30" and one was 18". I kept on going so that was my last recording was. I do have a sample of that material to give you

an idea of what it looked like (passed around a sample). When Mr. Farrell and Mr. Grasso agreed if we took 3' of material out of there that everybody would be satisfied.

Chairman DaSilva: How big of a pond is this?

Mr. O'Bymachow: About 68' long and about 30' wide.

Chairman DaSilva: So there is no question that siltation has taken place there. Am I correct John?

Mr. Cook: Yes. During construction activities it happened.

Mr. O'Bymachow: Here is a sample of the septic sand (shown to Commissioners). What we do this for is to define different layers of finds. (described the findings)

Bob Farrell, Homeowner

Mr. Farrell: The pond for about the last 50 years has been about 3-4' deep. From the construction of Heritage Point the upper part where the detention pond is where the majority of the mud and water came from in the beginning. After they brought that somewhat under control on the far end of the project where the circular road is the water started to come from that direction. When it came through there it took all the mud that was in the wetland and brought that to the pond. So now the pond is probably a 1'.

Chairman DaSilva: How are you proposing to excavate this?

Mr. O'Bymachow: I wanted to address some of the comments from John. There is a driveway here and I did not show it as recommended by John. There is a driveway that comes down through here (shown) and runs parallel with the pond. We are proposing to come in with an excavator. What I am proposing to do is from the outlet side remove the material.

Chairman DaSilva: So you can reach both sides?

Mr. O'Bymachow: I want to stay on the roadside. I can reach both sides with no problem. What I would like to do is stockpile in this area here (pointed out). We will put the proper siltation barriers – hay bales and silt fences. John was questioning what structures these are. These are garden sheds. We are going to put the material in.

Commissioner Szkola: Are you going to truck it or walk it in?

Mr. Farrell: You don't have to truck it. The excavator will walk it over or swing it over to the area.

Commissioner Beattie: Are you going to level it off?

Mr. O'Bymachow: What they recommend to do is in 3" lifts and spread it out.

Commissioner Szkola: What gets me is you have all these silt fences and everything else and sediment and erosion comes under P&Z and here we are looking at pictures of mud sitting on top of the ice. It happens all the time. I'm not blaming anyone here I am just making comment. Write a letter to P&Z or something. This is terrible.

Commissioner Wilson MOVED to approve #06-20 with John Cook's guidance to insure the depth of the pond is no more than 3'. This is to be done in the dry season. SECONDED by Commissioner Szkola. All were in favor, MOTION PASSED.

Commissioner Nappi: I believe Commissioner Santa at the last meeting requested a letter be obtained from Mr. Farrell.

Mr. Cook: That is correct, and the letter has been received.

3. PERMIT – APPLICATION #06-25, FARRELL SUBDIVISION – 122 BUDDINGTON ROAD.
Proposal to create a 3-lot subdivision involving .27 acres of fill within regulated buffers.

Keith Budda, Engineer with Rotondo Engineering

Mr. Budda: The last meeting Mr. Rotondo was here and did his presentation and unfortunately could not be here this evening.

Mr. Cook: From WCEO Report: From paragraph 3 of the June comments, staff reiterates the possibility of including with the application those regulated activities that occurred between 1973 and 1988 or provide some area of restoration for consideration those past and the current regulated activities.

Keith, do you have the soil boundary map that would show the different wetland soil types?

Mr. Budda: It is on this map and also on the site plan.

Mr. Cook: There are areas of disturbed wetlands and also areas of disturbed soil that was most likely wetlands that was not in the wetland category any longer.

Chairman DaSilva: Where were the disturbances?

Mr. Cook: From what is now the pond to what still remains as wetlands. The pond was constructed before 1973. The aerial photos from 1973 demonstrated that. However, it was also evident from review of those 1973 and 1988 photos that activities took place over a period of years and those would have constituted regulated activities and in recognizing the desire to do a regulated activity now to build the subdivision this would be an opportunity if the Commission so desires to look at some of that and try to determine if there is any suitable locations to do some enhancement.

There appeared to be a band of wetlands running north to south.

Chairman DaSilva: Can you show me where you are saying that wetland existed?

Mr. Cook pointed it out to the Commissioners and Mr. Budda pointed out the wetlands.

Mrs. Farrell: I lived there for 55 years and my father originally had a garden here (pointed out). When Buddington Park came in it got a little wetter here because of all the drains from all the condos came down and it moved to the middle. Eventually we moved the garden here (shown).

Mr. Farrell: This whole area right here (pointed out) from the pond to the tree line at Buddington Park is grass. There is the picture and you can see it. The garden, as far as I can remember, and I've known my wife since 1964, that garden went from the roadway to almost the tree line at Buddington Park. There is a headwall that people are somewhat concerned about. Here is a picture of the pipe and the headwall. The original concrete pipe my father-in-law put in when the Horesco's owned the property that is now Buddington Park. This area (pointed out) was wetlands. It was filled by Mr. Horesco from the road. He kept dumping in and pushing this way. It finally got to the point where it was starting to encroach on my father-in-law's property and Horesco said that if we put a pipe we can get rid of the loss. I don't know when they did this. The concrete pipe they put in started to deteriorate and some time in the 70's a plastic pipe was put in to replace it. Then when Buddington Park came in they built an enormous dry wall and piped all their roof drains into it. Had the pipe not been there we probably would be under water. The pipe goes down and bleeds out to the back of Wal-Mart. All of this area is lawn and I cut the grass.

Commissioner Szkola: That would be the front lawns to the new houses, right?

Mr. Farrell: Yes. The plan is to put our house here (pointed out) and another one to defray the cost of putting in the 800' driveway. Part of the driveway is paved and the other is gravel. The hill has to come down a little bit to make the curve. As far as any disturbance in the wetlands is where the driveway is. I am not going to touch anything else.

Mr. Cook: The point I was making is that multiple sources showed those regulated areas north and south of the property and evidence by the deep organics in one end of the pond that is presently there. There was a corridor of wetland there and all I could look at was the aerial photos and I'm not trying to make more out of this than what it was. Simply, if you have an altered wetland restoration is a common practice.

Chairman DaSilva: Even if that's the case there's no restoration that I would say to go dig another so many sq. ft. along the wetland. That wouldn't make any sense in this case.

Mr. Budda: I wasn't disputing that. I was merely stating that what we are proposing to do now with this plan does not disturb within what's existing there now. I'm not saying it hadn't occurred in the past. I am just saying how it applies to this.

Commissioner Szkola: John do you want to review this anymore?

Mr. Cook: No. I am all set with the review. I was just pointing those things out and it is up to the Commission to do what they want.

Mrs. Farrell: I have the original maps and there is nothing there except the pond.

Commissioner Beattie MOVED to approve application #06-25. Commissioner Nappi SECONDED the motion. All were in favor, MOTION PASSED.

Commissioner Hayes: When they do the aerial photos, are they typically done at a certain time of year?

Mr. Cook: Typically in the spring – March/April.

4. AFTER-THE-FACT PERMIT #05-34, RIVER RIDGE CONDOMINIUMS – 600 RIVER ROAD.
Failure to pay surcharge application fee, failure to initiate plantings. Staff request for direction from Commission.

Mr. Cook: As the Commission recalls the application for tree cutting was approved in September 2005. They had requested a fee waiver – the surcharge on the application. That was denied March 2006.

From WCEO Report: COMMENTS: While the permit holder has not refused to pay the fee nor refused to implement the landscape plan, last fall and this spring growing season have past with no attempt to satisfy the Commission's approval. In personal conversation the permit holder also alluded to a possible request for modifying the approved restoration plan as some natural growth is now occurring. However, it is doubtful that the Commission in granting the after-the-fact permit was consenting to using the full 5-years to implementing a restoration plan or waiting until natural vegetation took root.

The goal of a restoration plan or landscaping plan is to enhance and accelerate nature's efforts and to minimize aggressive invasive plant establishment. Staff is requesting direction on this matter from the Commission.

Commissioner Szkola: I am under the opinion that we direct him to start work immediately. Therefore since we have already lost 2 planting seasons I recommend that we double the size of the plants required, that we issue a stop-work order, write a letter to P&Z that they not remove any bonds and that we take the matter to court. If we can we also institute a fine for violation because he has not complied.

Chairman DaSilva: To do all the things that you are saying he would have to refuse to do what was requested by this Commission. I don't think legally we can go there. When John brought this to my attention what I recommended to him if I was not going to be here is to recommend to the Commission is with town counsel's guidance to send him a letter to give him a specific date by the fall when it has to be done. If not done then a specific penalty be assigned if he goes beyond that date. As far as not having paid the penalty give him a specific date – 15 days or whatever you want to give him – if he doesn't pay and with town counsel's recommendation that each week or month that the fine increases by a certain amount. He's not refusing to do the work but it's obvious he's not doing it.

Commissioner Nappi: I think you should turn the whole matter to Corporation Counsel and ask him for direction rather than setting it. He may take care of it and tell us what to do rather us setting it.

Mr. Cook: I know town counsel is away on vacation but I wanted to bring it before the Commission.

Commissioner Wilson: We can direct him when to do it.

Chairman DaSilva: We can direct him under town counsel's direction so that if we have to go to court he would have the proper basis to go to court with. We can impose fines and have the right to do that. Let's give him dates and the fines attached to the dates.

Commissioner Beattie: I like Randy's idea of doubling the size of the plantings since we have lost 2 planting seasons.

Commissioner Szkola MOVED to instruct the permit holder of permit #05-34, River Ridge Condominiums, to pay the surcharge (\$2080.00) within 15 days of receipt of letter from the Commission. If not paid then there would be a fine doubling the surcharge every 30 days. The restoration plantings should commence on September 1, 2006 and should be completed by September 30, 2006. If the plantings are not done to the specifications imposed by the Commission then a fine would be imposed in the amount of \$5000.00. SECONDED by Commissioner Beattie. A voice vote was taken; 4 Commissioners voting yes with Commissioner Hayes and Nappi abstaining. MOTION PASSED.

C. NEW BUSINESS

1. PERMIT – APPLICATION #06-28, JOSE MOTA/PRIMROSE DEVELOPMENT, LLC – 86 WALNUT AVENUE EXTENSION. Proposal to create a 3-lot subdivision involving sewer line installation through wetland regulated area.

Joe Pereira, Pereira Engineering, Shelton

Mr. Pereira: I am here tonight representing Joe Mota and Primrose Development. The site itself is the old German Club. We are here seeking approval for a 3-lot subdivision involving a sanitary sewer extension. I have half sizes of the drawings to make it easier to read to pass out. The reduced ones have been revised to show the actual wetlands on the abutting property.

Chairman DaSilva: Where are the wetlands?

Mr. Pereira: The wetlands are shown in red.

Chairman DaSilva: Go to a map that hasn't been colored in. I just want to see the relationship of the lots of the wetlands. The houses you are proposing, are they impacting on the wetlands at all?

Mr. Pereira: No. The houses and all grading and anything associated with the development is outside of the 50' regulated buffer.

Chairman DaSilva: Is this an approved subdivision.

Mr. Pereira: We were at P&Z earlier this week and word is that the Commission does plan to approve it as of right.

Chairman DaSilva: You are not supposed to do that you know.

Mr. Pereira: Well, as of right is the verdict they discussed and the clock is ticking. The 3 lots have not officially been approved but we did receive good feedback.

Chairman DaSilva: Then you had a work session w/P&Z?

Mr. Pereira: Yes.

Commissioner Szkola: What is the square footage of the wetlands?

Chairman DaSilva: Let me understand the application. The application is not for any disturbance for the subdivision, it's strictly for the sewer line crossing through the wetlands to take care of these 3 lots.

Mr. Pereira: Correct.

Commissioner Szkola: The line will terminate on Walnut?

Mr. Pereira: Yes. We are going to extend it out to Walnut with an 8" sanitary sewer main.

Chairman DaSilva: I thought there was also disturbance from the houses.

Mr. Pereira: No. With that in mind what we can do is take a step back and look at what was done to give the Commissioners some background. Back in 1999 there was a subdivision before P&Z and I assume Wetlands for a 5-lot subdivision. With that proposal they originally intended on bringing sanitary sewer out to Perry Hill Rd. At some point they must have gone to WPCA and they had recommended that they extend the sanitary sewer main onsite and bring it to the end of the site with a sanitary sewer easement. That was done some time between approval and the filing of the record map. What I did last night was to go to the WPCA meeting to try to get some history of this. I would like to pass out Tom Sym's letter. My understanding from last night is exactly what they wanted. There are about 24 homes on Walnut Ave. Ext that currently serviced by septic system. This is really the only out that these people have for achieving gravity sewer service in the future if their septic systems fail.

Chairman DaSilva: Is the sewer Commission looking to bring the line up to Walnut Ave. so they can in the future service other homes?

Mr. Pereira: Yes.

Commissioner Szkola: Would that service the Mas property?

Mr. Cook: No. What it will service is fairly limited. It will service 2 newer homes plus about 8 homes and then you reach the drainage divide.

Mr. Pereira: Tom Sym did mention that there would be about 2 dozen homes to be able to be serviced by this. I would like to come back next month with a mitigation plan for the wetlands that we own.

INLAND WETLANDS COMMISSION

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Chairman DaSilva: I think also that the way the sewer line is going to be constructed that you show how you propose to limit construction within that easement, removal of soils, restoration and replanting above the sewer line which is something that has always been lacking. John, I think that there is another piece where the sewer line end and I think I told you also that needs to be taken care of where Ken Schiable built homes. They had left piles there.

Mr. Cook: It has been restored.

Chairman DaSilva: In the future when this comes up we have to pay a lot more attention and request that the easements be replanted and reseeded. John has comments. Instead of reading the whole two pages just summarize for the meeting.

Mr. Cook: Summarized the comments but they are as follows:

Recommend receipt for review. Please note that a record subdivision plan is absent from the package. The proposed homes meet the regulated setback areas.

The only significant issue with the proposal is the sewer line. In 1999 the Commission approved a 5-lot subdivision (Highland Acres-Perry Hill Road) involving driveway crossings and sewer lines to access only those lots. The individual lines terminated approximately 350' from this subject property line. After the Commission approved the Highland Acres Subdivision the developer & his engineer apparently went to the WPCA. A sewer easement was created. The creation of an easement singularly is not a regulated activity, however, in order to use the easement significant regulated activities would be anticipated. No applications were ever submitted to the I/W Commission for such consideration.

Staff submits it was fundamentally wrong for the Highland Acres developer, and his engineer to craft an easement knowing full well of the extensive regulated activities that would be assumed by such an installation. Multiple practical gravity flow alternatives exist due to the 50'+/- elevation difference between the parcel and a hook in point. In addition, no apparent testing was done on this subject property to determine suitability for onsite sewage disposal. Office discussion with the owner of the two adjacent dwellings on Walnut Avenue Extension indicates no apparent problems with their onsite systems.

There was a previous party considering a subdivision on the subject parcel; when presented with the above knowledge they did not apparently act on their option to execute the purchase. It is easily understood that the present owner when seeing an easement terminate at the property line could assume authorization existed to install sewers. However, the easement alignment fully maximizes the amount of disturbance by running parallel to and over the watercourse and wetland.

The applicant does not wish to attempt negotiating an easement with the current adjacent owner(s), nor investigate the possibility of onsite sewage disposal. These are both options to reduce impact. However, the current easement owner has not consented to the regulated activities assumed through the easement, therefore the application is presently flawed. Apparently the easement was created to placate the WPCA request for an easement through Highland Acres Subdivision. The WPCA did not grant a wetlands permit. If the Seller represented to the current owner such authorization did exist then there are serious representation issues at hand.

The applicant wishes to assure the disturbance is only temporary. Again the Commission need only refer back to this evenings earlier Application #06-16 Pawtucket Avenue Road, when discussed with #95-39 Pawtucket Avenue Sewer. The applicant contented is that questioned area was no longer a regulated area due to the sewer line installation. If so the impact should then be evaluated as a permanent impact.

Chairman DaSilva: Is there an area across from the wetlands that would be less impact than where the easement currently is? If the easement is not in the right location then why not move it where it's less of an impact?

Commissioner Szkola: It could but it wouldn't go through the northwest corner there where there is only 20' slot, maybe.

Mr. Cook pointed out the upland areas and the Highland Golf course and where the easement is.

Mr. Pereira: The unfortunate part is these houses are built. I read your letter John and it's not that we don't want to approach the neighbors but if you have an existing homeowner that has an easement on his property we would have to approach a completely different neighbor and ask if we could transfer an easement from one property to another. That might get a little touchy with the neighbors.

Tape 2, Side A

Mr. Cook: The elevation of the low corner of the property in the uplands here and compare it to the outlet of the sewer line as it leaves the individual lots. What I am asking is the elevation which is outside the wetlands and compare it relative to these properties (pointed out) in terms of showing how much pitch you have from the proposed house sites down to that particular corner.

While there is an existing easement the owner of that property has not consented to the regulated activities; the person that owns that easement presently. Right now the application, should you work on that person's property hasn't endorsed it.

Commissioner Wilson: Who owns the easement?

Mr. Pereira: It's an easement that I believe was deeded to WPCA or to the City of Shelton.

Mr. Cook: I think he is correct without going through the records.

Chairman DaSilva: If the easement is given to WPCA then you would need authorization from the WPCA, not the property owner.

Commissioner Beattie: Has the seller of the property indicated that this easement is correct?

Mr. Pereira: It is. The easement has been recorded. Now it is a question of that it's been recorded but there was never any action or application filed to extend that sanitary sewer with this Commission.

Mr. Cook: There was no regulated activity, just the easement on the map.

Mr. Pereira: Just to clarify the previous question on the survey. We do have documented that it is to the City of Shelton.

Mr. Cook: The other purpose to my question was to get the understanding and Mr. Pereira and I have spoken at length, the difficulty of either that existing property owner granting a new easement or the other property owner. But if it was possible to have a less impactful technique and thereby going through the golf course property, which is uplands. I don't know if that's ever been explored. According to the maps as I understand none of those are wetlands. If there is a way of skirting getting over to that upland side that might be just another avenue.

Chairman DaSilva: Do the elevations work that way?

Mr. Pereira: It may. We can always explore it but we are adding another entity to deal with. They may not be amicable to do that.

Mr. Cook: Your point is well taken. Earlier this evening we discussed where there was a temporary disturbance for a sewer line that wasn't so temporary.

Commissioner Szkola: Just because there is an easement doesn't mean we have to approve it.

Mr. Pereira: We realize that.

Chairman DaSilva: Any other questions for the applicant this evening?

No. Ok, thank you.

2. PERMIT – APPLICATION #06-30, MDC OFFICE DEVELOPMENT – 1 WATERVIEW DRIVE/CONSTITUTION BOULEVARD. Proposal to construct a 120,000 sq. ft office development involving filling, grading, constructing within regulated areas and stormwater discharge to a regulated area.

Engineer was not readily available so Commissioner Szkola asked to go to Other Business.

B. OTHER BUSINESS

Commissioner Szkola: At Split Rock, and I know it's under the purview of P&Z but they had a blowout of the stone wall. I asked John for about 3 months to have someone correct.

Mr. Cook: It was a boulder wall that collapsed. From what I understand the owner said they would take care of it later on. I did look at it and can see what Commissioner Szkola is talking about.

Commissioner Szkola: Every time it rains it washes into that pond. It needs to be cleaned and fix the wall.

Commissioner Beattie: Going back to the minutes you will find that was supposed to have an aerator in the pond.

Chairman DaSilva: You can't put it in until the construction is finished.

Commissioner Beattie: You have to make sure that is still in the works.

Commissioner Szkola: The way I see it is if we have issue a stop-work order to get his attention. He has promised for two or three months and this is ridiculous.

Chairman DaSilva: We are getting silt from that blowout?

Mr. Cook: I can do it as either a formal violation notice which is one level below a stop-work order. Whatever the Commission wishes.

Commissioner Szkola: Whatever would get his attention.

Chairman DaSilva: Issue a violation notice and give him either 15 or 30 days notice.

Commissioner Beattie: 15 days.

Chairman DaSilva: At the same time have him clean out the pond to the original depth so it can continue to function the way it's supposed to.

Going back to:

B. NEW BUSINESS

2. PERMIT – APPLICATION #06-30, MDC OFFICE DEVELOPMENT – 1 WATERVIEW DRIVE/CONSTITUTION BOULEVARD. Proposal to construct a 120,000 sq. ft office development involving filling, grading, constructing within regulated areas and stormwater discharge to a regulated area.

Manny Silva, Rose Tiso & Co., Fairfield CT

Mr. Silva: We have an application by Mountain Development. There is an existing subdivision on Constitution Blvd. with an existing office building on 1 Waterview Dr. Pitney Bowes is to the north of us and Route 8 is to your left and Riverdale Diner is to your right on Rte. 110. Currently the site has parking to the west side. The site we are developing now is relatively undeveloped. Currently Pitney Bowes has a drainage outfall over this property that comes down to an existing wetland. This wetland is part of a larger wetland that was here prior the construction of Constitution Blvd. What we are proposing is construction of a 120,000 sq. ft. data center. We have to build it as if it were an office building so we have to have the parking to support an office of this size. The building will be a two-story building with 60,000 sq. ft on each floor. The number of parking spaces will be 848. This building is not intended to be an office use; it will be a data center housing computer equipment.

Chairman DaSilva: Do you have to put in the parking lot now even though you don't need it?

Mr. Silva: Correct. I believe P&Z will require us to build the parking lot because the building is classified as office. This is in case the data center were not going to be there after a period of time.

Chairman DaSilva: It is absolutely ridiculous to see 3-4 acres of parking area picking up water and heating up that will be sent to the wetlands if it is not necessary for the employees that you are going to have in the data center. Do the lot but leave it gravel and just pave the area around the building. Put something in that is porous.

Mr. Silva: I am sure they wouldn't mind not building all that parking, right?

Joe Coci – Mountain Development

Mr. Coci: We certainly wouldn't mind but P&Z has to be ok with it.

Chairman DaSilva: It is a request we can make. I understand their concern but as long as they design for it and the base is there they can either leave it as fines or gravel or put grass on it so that in the future if they bring in another tenant in they can pave it then. Why have pavement there just sitting there?

Mr. Silva: It is highly unlikely the data center will leave because they are going to invest a lot of money in bringing in two sources of power from two different substations here plus with all the fiber optics needed to maintain the data center.

Chairman DaSilva: Even if in 3-5 years from now a new tenant comes in, let them put it in at that time.

Commissioner Szkola: They did that where Health Net is now.

Mr. Silva: The application is for the filling of .058 acres. We are going to be cutting a little out of the hill and filling. The embankment we will be filling is at a 1/1 slope and brings us down to the

wetland. Currently there is a sewer line that comes from Pitney Bowes through the property along the wetlands. What we want to do is realign the sewer line around our building and hook it back in to a minor or temporary disturbance back into the existing manhole.

Chairman DaSilva: How are you dealing with all your drainage coming down from that elevation to the wetlands?

Mr. Silva: Over the parking lot we are collecting it all into a catch basin system and bring it into a controlled structure area with a 4' weir wall with orifice to control its outflow. At the 50-year storm we actually decrease the discharge slightly by 3.2%.

Chairman DaSilva: Are you retaining any of that water in the parking lot?

Mr. Silva: Yes, we are going to retain most of the increase in discharge in 350 linear feet of 4' pipe that is perforated. It will be underneath the parking lot.

Chairman DaSilva: Without getting into technical numbers, with that size parking lot would you be able to pick up the first 1" of rain from a heavy storm?

Mr. Silva: Yes. We are taking the 50-year storm, which is 25.3 cu. ft. per second in a 24-hour period. That is the existing discharge from the site. I didn't design it for a 1" or a 2", I actually designed it for a 6" storm. If we didn't already, we could make it a condition of approval to collect the first inch of rainfall.

Chairman DaSilva: Particularly if you are going to pave the entire lot I want to make sure that the water on a hot day in the summer and we get a storm I don't want to discharge the heated water into the river. We want the water to be retained and to cool off or at least to dissipate if it is a just a heavy thunderstorm that produces either ½" or 1".

Mr. Silva: One thing that we can do is raise the orifice in the bottom of the weir wall so that even the smaller storm amounts don't go past the control structure at all until you get a higher amount of rain. Right now it's just designed to control a very large 24-hour storm but we can also accommodate the smaller ones by raising the orifice ½'.

Mr. Cook: Right across the other side of Constitution Blvd. is Ivy Brook which is a Class A stream. It is a high-quality designated classification by the State of CT.

Chairman DaSilva: Do you also have oil separators?

Mr. Silva: We have a down-stream defender prior to discharge which will take out the 1st inch of rain and treat it in a swirl concentrator. It is a type of vortecnic unit except it is a one-silo instead of a two-silo system.

Chairman DaSilva: With a lot that size I would want something in there that picks up and separates the oils.

Mr. Silva: One thing we propose in addition to the pre-treatment is put in catch basins which cause floatables to stay in there instead of being transferred though the system. We can make the snout part of the condition also.

Chairman DaSilva: We are bringing these up now because this is what we typically look for.

Mr. Silva: I can revise the plans and submit them early next week.

Mr. Coci: The perspective tenant we are talking to that wants the data center building would like on occasion to use this as disaster recovery operations meaning that there would be a full complement of people in the building. We might need to build a full parking lot.

Mr. Cook: That disaster recovery; how often could something like that scenario take place?

Mr. Coci: It would really depend on what happens. If it was a terrorist attack or a power failure or some event were to occur it would necessitate a full complement of people being transferred to this building. Generally these operations might have 20 people but could be up to hundreds of people.

Mr. Cook: The reason I was asking that was following up with the Commission's earlier comments about having something more porous there are different products out there that would allow the support of the vehicles and yet still be completely permeable. There are pre-cast concrete units to achieve your parking but still get protection.

Mr. Silva: Would your tenant be acceptable to have gravel?

Mr. Coci: It would be subject to the tenants plan of that structure.

Chairman DaSilva: Our concern here, and I will ask John to make it clear to P&Z also, and you can discuss this with your tenant, is there is a stream right across the road that is a class A stream and we would protect that. If there is a way for the excess parking and I understand what the function is for the data center. Let's explore to see if there is any other way that you can do something other than just paving the parking lot with asphalt to look at some other method. That is going to be a ton of water going out of there into that stream. If you do have to put in the parking lot then we would have to be really careful in how we store that water and contain it before it goes into the stream.

Mr. Silva: To intercept the Pitney Bowes discharge onto our property they are creating kind of a waterfall. We are going to create a little pit for it and headwall. There will be a waterfall coming down into this hole and we will transfer it back into the wetland in its existing state.

Chairman DaSilva: Ok, we will accept it for review.

D. OTHER BUSINESS

Clerk: I have asked most of the Commissioners who wants paper copies of the minutes since I email them to all.

Commissioner Nappi and Chairman DaSilva said they would just take email copies.

Chairman DaSilva said that he is not getting his packet delivery and Commissioner Nappi is not getting anything either.

John Cook said he would check into it.

Commissioner Nappi asked about 9 Brookfield Dr.

Mr. Cook: I did meet with him and the Commission authorized some temporary activity regarding simple cleanup. I did go through that with Mr. DaSilva. It is not on tonight's agenda because after going to the site I wanted to have the engineer re-stake the wetland limits so that physically they can see what they have to work with for a re-planting plan. There were some old piles of rock that goes back at least 30 years and I allowed him to remove them as well as remaining brush and a compost area.

Also regarding the Woods @ Lake Road. There was a pile left when the sewer line was put in. I authorized them to remove the pile of screened loam around the wetland area plus they put some plantings in.

Chairman DaSilva: Regarding the violation of the tree cutting at Holly Lane. I had appointed Randy and Gary as a committee to have a work session with them rather than having a special meeting. They reviewed the mitigation planting plan and your recommendations have been accepted by them.

Mr. Cook: These have not gone out to the homeowner.

Chairman DaSilva: You should send a letter with the recommendations for them to put into their plans. So when they come back we will see the plan that is a result of the work sessions.

Commissioner Szkola: Did we recommend arborists?

Mr. Cook: Yes, we submitted 6 to them that were certified and consulting arborists that can come up with a value of that material that came out.

IV. MINUTES

Commissioner Szkola MOVED to approve the June 8, 2006 minutes. SECONDED by Commissioner Wilson. All were in favor, MOTION PASSED.

Commissioner Szkola MOVED to adjourn. SECONDED by Commissioner Hayes. All were in favor, MEETING ADJOURNED at 9:07 P.M.

Respectfully submitted,

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