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CITY OF SHELTON  
INLAND WETLANDS COMMISSION  
REGULAR MEETING MINUTES  
Thursday, December 11, 2008  
7:00 P.M., Room 302

Chairman Zahornasky called the Regular Meeting of the Inland Wetlands Commission to order at 7:06 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  
Randy Szkola, Commissioner  
Charlie Wilson, Commissioner

Absent: Ken Nappi, Commissioner

Also Present: John Cook, WCEO  
Sophia Belade, Clerk

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

There was no one from the public that addressed the Commission.

**Commissioner Szkola motioned to add the Meeting Dates for 2009 to #3 under Other Business. Commissioner Beattie seconded the motion.**

**A voice vote was taken; motion passed unanimously.**

**III-B. OLD BUSINESS**

**1. PERMIT-APPLICATION #08-31, PREMIER AMERICA REALTY – 42-44 BRIDGEPORT AVENUE.**  
Proposal to reconstruct a retaining wall along Burying Ground Brook and reconstruction of existing parking within regulated uplands and reconstruction/repair headwall discharge to Burying Ground Brook.

Mike O’Bymachow  
Land Surveyor

*I’m here tonight for, you’re probably familiar with this property, it’s on Bridgeport Avenue, and it’s the old Bondos Printing. Next door is Abate’s Car Care. What our client wants to do is renovate this building with offices upstairs for small business types. This shaded area here is an existing wall right now and what we’d like to do is put a new retaining wall here so we could have 4 parking spaces for the upper level and 2 spaces for the lower level and the garage entrance right here. Also there is an existing 10’ drainage right of way from the state that goes on the property line. There is a drainage pipe that comes through here, I don’t know if you’ve been to the site but it’s a site to see, this deteriorated throughout the years. The headwall is completely fallen over with the pipe sticking up in the air so it’s not functioning at all. Over the years, scouring has undermined the existing stone retaining wall and what we’re here for is to repair this wall and with the associated retaining wall here for associated parking. I just go this note from the City Engineer. We’re not going to go any further into the brook; we just want to hold the existing base of that wall and then build it back up again. Same stone work.*

City Engineer letter:



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

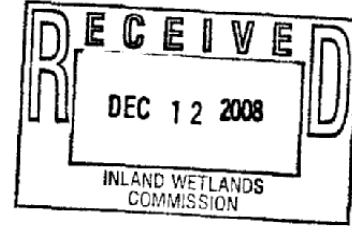
**City of Shelton**  
Office of the City Engineer  
54 Hill Street  
Shelton, Connecticut 06484-3207

Robert F. Kulacz, P.E.  
City Engineer

Rimas J. Balsys  
Assistant City Engineer

December 11, 2008

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



Re: Primer America Realty Corporation, 42-44 Bridgeport Avenue;  
Parking Plan Sheet 1 of 2 dated August 15, 2008, revised 10/16/08

Dear Mr. Cook:

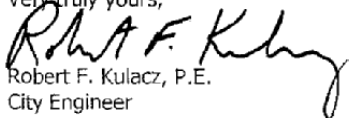
This office has reviewed the above referenced application to restore/repair the retaining wall along Burying Ground Brook. The entire width of Burying Ground Brook at this location is classified as "floodway" which severely restricts any construction activity.

The Flood Damage Prevention Ordinance requires any applicant to provide proof that any construction in the floodway does not reduce the capacity of the floodway and does not raise the base flood elevation. While this office has no objections to the repair of the wall, there is insufficient information to confirm the exact location of the repaired wall and whether it will encroach further into the floodway.

I recommend the Commission consider one of the two following options:

- Tabling the application in the event the property owner wishes to repair the wall before receiving Planning & Zoning approval of the site plan; This will give the applicant time to submit the required plan revisions and engineers certification regarding the floodway or
- Granting conditional approval with the stipulation that repairs of the wall cannot proceed until the Planning & Zoning Commission approves the site plan and the precise scope of retaining wall repair which must conform to the Flood Damage Prevention Ordinance.

Very truly yours,

  
Robert F. Kulacz, P.E.  
City Engineer

CC: Richard D. Schultz, Planning & Zoning Administrator  
File:

**WCEO REPORT**

**December 11, 2008**

**PERMIT-APPLICATION #08-31, PREMIER AMERICA REALTY – 42-44  
BRIDGEPORT AVENUE**

**STATUS:** 1. Application received November 13, 2008  
2. 65-day clock to decide action or schedule public hearing expires January 17, 2009.

**PLANS:** PRIMER AMERICA REALTY CORPORATION  
**Parking Plan Sheets 1&2 Aug. 15, 2008 rev. Oct. 16, 2008**  
**Property Map Aug. 15, 2008**

**COMMENTS:** City Engineer is reviewing the aforementioned plan with a focus on the retaining wall "restoration". A field visit confirms the significant failure of the retaining wall at the headwall location.

The property is a small site, however, its use presently and likely in the future may include uses involving work vehicles and or other possible oil/pollutant generating operations. So, there may be a value to consider the use of oil/grit chamber device to minimize such potential. Presently there is two pipe leak offs directly into Burying Ground Brook. There is no catch basin. If the retaining wall requires significant repair, restoration or reconstruction, the installation of a catch basin would be most easily accomplished during this work.

The subject property side of Burying Ground Brook is highly urbanized so there is very little opportunity to make any improvements for vegetation but with the use of a narrow planting pocket along the top of the wall it may be possible to create a slight planting area for low maintenance materials to soften the look if the Commission desires.

Subject to the above comments and any recommendations of the City Engineer as the wall is a significant factor of the Burying Ground Brook floodway staff has no further comments.

*Mr. O'Bymachow stated I'd like to add one more thing, we also contacted the State, the State stated that yes there is a problem but the State doesn't have any money. They said that if we were willing to install it they would buy the material even though it's not on our property. I've also talked to Dave Abate he said the same thing. He has not problem as long as he doesn't have to pay for it. So we're willing to repair this on top of this. Now for question 2 from John's comments, I'd like to address also he suggested possibly doing some sort of an oil grid separator of some sort down in this area here. We just briefly looked at it today, what we were thinking was maybe we could because we have such a small grade because it's so flat. We know the garage elevation is 73.7, the bottom of wall here is 73.5, we only have 2/10<sup>th</sup> difference. What we were thinking was possibly making a little grass impression in this area here with a catch basin to pitch everything in that area with a hooded trap and discharge back into the river. We're trying to think of different things. Then we started looking at the flood, for a 100 year flood in this area is at an elevation level of 72. We're at 73 1/2, dropping down, what we're going to have is our outlet type is going to be below the flood. So when this floods up it's going to come back in here and flood the parking lot. We're toying with different things. If you've been out there it's all basically ledge. It's ledge exposed in this area.*

Chairman Zahornasky stated that we will table this to January 17 and to work out some plans in regards to City Engineer's comments and staff comments.

### III-C. NEW BUSINESS

1. BUFFER-APPLICATION #08-34, BOROWSKI PROPERTY – 93A INDIAN WELL ROAD. Proposal to construct new single-family dwelling within setback of Housatonic River.

Commissioner Hayes recused himself.

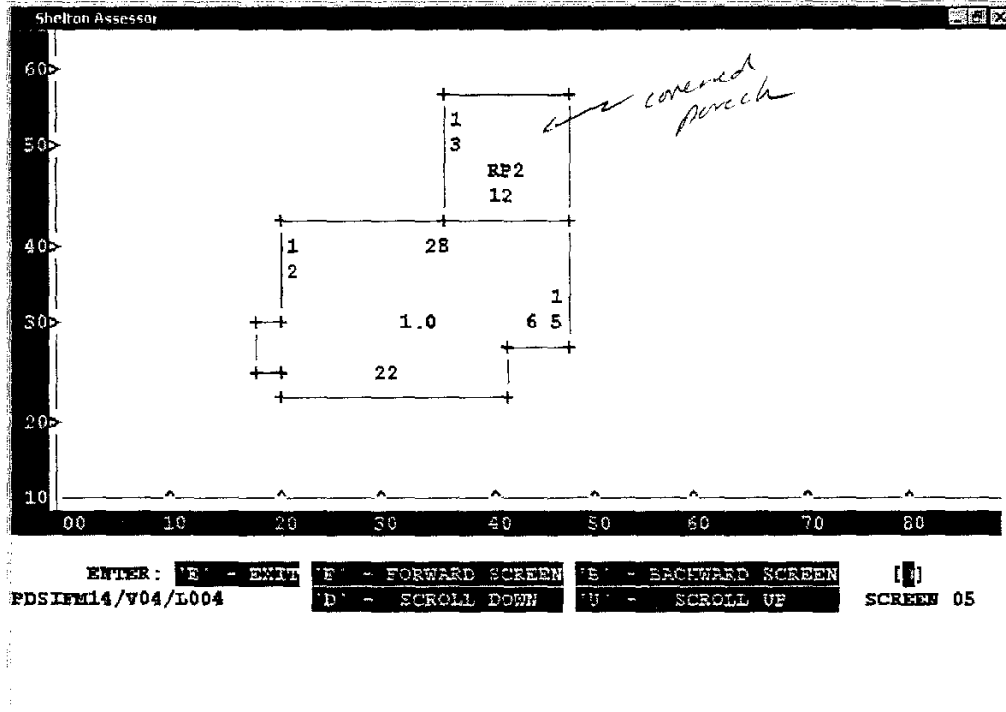
John Cook stated this is on the Maples one of which I would have in the past acted on as agent, but because of the sheer closeness of the existing structure to the river and the new structure is close to the river I wanted to bring it before the Board to have them render a decision on it. There is no report on this because it is new business. The broken line is the existing house and then on to the other side is the new house. The existing house is 0' from the edge of the river. It's a new existing screen porch. The new proposal is that they are pulling it further from the river but they are still only 3' 3" from the edge of the river. It is an improvement. They are not just adding on or repairing this house it's going to be a knock down and then it's a one-story dwelling that's going to be elevated to conform to the living quarters of the flood elevation. It's 10' from the street and they're at 11 ½'. This is a slight improvement than what is there now. Because this is a brand new structure if there is going to be any further tweaking, now would be the time to do it.

**Commissioner Wilson motioned to approve BUFFER-APPLICATION #08-34, BOROWSKI PROPERTY – 93A INDIAN WELL ROAD. Proposal to construct new single-family dwelling within setback of Housatonic River. Commissioner Goncalves seconded the motion.**

**A voice vote was taken; motion passed unanimously.**

Commissioner Hayes returned to the meeting.

*The MAPLES 08-34*  
*93 INDIAN WELLS ROAD*



*Charlaine Borowski*

**III-D OTHER BUSINESS**

**1. Open & Ongoing**

- a. DiMarco Property – 11 Holly Lane VIOLATION, as of 12/08 letter from Corporation Counsel was sent advising client. Received correspondence from DiMarco counsel. Jim Rotondo has been retained. Commission requests as built from client and to deal directly with Corporation Counsel.
- b. Fortin Property – 220 Soundview Avenue VIOLATION, as of 12/08 no response since September of 2008. Assistant Counsel sent letter to client. Assistant Counsel to handle.
- c. Mauretti Property – 324 Meadow Street VIOLATION, as of 12/08 Corporation Counsel handling. Mr. Witkowski has been retained by client for planting. He will submit planting plan. Letter to be sent to Mr. Witkowski to advise the Commission is requesting a planting plan by January 2009 meeting. Should there be no response Corporation Counsel to handle.
- d. Gates Property – 24 Hunters Ridge Road VIOLATION, as of 12/08 letter sent by Corporation Counsel and response from client counsel. Client to remove slab. Commission needs to advise Mr. Gates of timeline to remove the slab.
- e. Perry Property – 34 Sharon Drive – as of 12/08 waiting for documents. This has not been cited as a violation. Tracy Lewis, local surveyor will be advised that Commission would like some plan by January 2009 meeting otherwise Corporation Counsel to handle.
- f. Paiva Property – 49 Blacks Hill Road – as of 12/08 agent met with Joe Pereira and reviewed necessary paperwork needed. Some kind of detailed update to be submitted for the January 2009 meeting.

**END SIDE 1, TAPE 1**

- 2. Buffer-Application #08-30, SCHIFF PROPERTY – 76 North Street. Proposal to sustain deck within regulated upland area. – 12/08 Staff reviewed and issued permit.

3. Meeting Dates for 2009 (attached)

To: Marge Domorod, Acting Town Clerk  
 From: Sophia Belade, Clerk – Inland Wetlands  
 CC: Inland Wetlands Commission  
 Date: 12/21/2008  
 Re: Meeting Dates for 2009

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The Inland Wetlands Commission meeting dates for 2009 are as follows:

- January 8, 2009 – Public Hearing – Aquifer Protection Regulations
- February 19, 2009
- March 12, 2009
- April 9, 2009
- May 14, 2009
- June 11, 2009
- July 9, 2009
- August 13, 2009
- September 10, 2009
- October 8, 2009
- November 12, 2009
- December 10, 2009

**Commissioner Szkola motioned to accept the meeting dates for 2009 and have them submitted to the Town Clerk’s office. Commissioner Wilson seconded the motion.**

A voice vote was taken; motion passed unanimously.

**IV. MINUTES**

October 30, 2008 Special Meeting

**Commissioner Szkola motioned to approve the minutes of the Special Meeting of October 30, 2008. Commission Beattie seconded the motion.**

A voice vote was taken; motion passed unanimously.

November 13, 2008 regular Meeting

**Commissioner Szkola motioned to accept the minutes of the Regular Meeting of November 13, 2008. Commission Hayes seconded the motion.**

A voice vote was taken; motion passed unanimously.

**V. ADJOURNMENT**

**Commissioner Szkola motioned to adjourn. Commissioner Wilson seconded the motion.**

A voice vote was taken; motion passed unanimously.

**MEETING ADJOURNED AT 7:51 p.m.**

Respectfully submitted,

*Sophia V. Belade*

Sophia V. Belade  
Clerk – Inland Wetlands

1 TAPE ON FILE IN TOWN CLERK’S OFFICE