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*CITY OF SHELTON
INLAND WETLANDS COMMISSION
REGULARE MEETING MINUTES
Thursday, February 14, 2008
7:00 P.M., Room 303*

I. PLEDGE OF ALLEGIANCE

All in attendance recited the Pledge of Allegiance.

II. ROLL CALL:

Gary Zahornasky, Vice-Chairman
Celeste Beattie, Commissioner
Jack Goncalves, Commissioner (arrived 7:11 P.M.)
Neil Hayes, Commissioner
Norman Santa, Commissioner (arrived 7:05 P.M.)
Charles Wilson, Jr, Commissioner

Absent: Al DaSilva, Chairman
Ken Nappi, Commissioner
Randy Szkola, Commissioner

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

Vice-Chairman Zahornasky called the regular meeting of the Inland Wetlands Commission to order at 7:00 P.M.

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

Terry Gallagher, 42 Judson Street on behalf of the Shelton Trails Committee, would like to be added to the agenda this evening – Application #08-06 Small Foot Bridge for Recreation Path, which would be a revision to Application #06-11.

Commissioner Wilson motioned to add Application #08-06, Revision to Application #06-11 to this evening's agenda under New Business. Commissioner Beattie 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.

BETH NESTERIAK
Professional Engineer
B&B ENGINEERING

Mrs. Nesteriak was here on behalf of the applicant located on Long Hill Avenue. She was here last month. This is a half acre lot with a proposed single dwelling family house. The lot has a large area of wetlands throughout the site. It totals approximately .2 acres of wetlands. In January, the original submission had their proposed dwelling in the back of the lot; we are here tonight with alternate plans. In the January meeting, there was a suggestion by the Commission to provide the property with a larger front yard as well as a larger side yard. The original proposal was for a 10' side yard and only a 25' front yard for the house. In this alternate plan, the house is moved towards the front of the lot about 40'. This will provide a larger side yard of about 25' and a front yard that is about 43'. It will provide a more useable site for the residence and give them a little more side and front yard. We have created a vegetative buffer along the existing wetlands to the south. We have added more shrubs to the area to create that buffer. In the rear of the lot, there is a mature vegetative buffer that will be maintained. That is where the industrial lot is. That was another suggestion that we maintain all the large trees. We are also going to re-grade the property. In the event of a large storm the water will flow as it does now to the north to the adjacent wetlands.

WCEO REPORT
February 14, 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: 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.

Commissioner Beattie asked if this application was being proposed for a 4-bedroom dwelling and what the footprint size would be. John Cook responded it would be based on how large they make those individual bedrooms. Commissioner Beattie stated that in this market and in this area that should be well defined. John Cook stated that he did have a question for the Engineers regarding this particular alternative, on the original plan it was .2 acres of total wetlands on site and .03 proposed to fill. This particular alternative, what did it increase it to? Beth Nesteriak responded .1. She also stated that the proposed dwelling is a walk-out and also if they need to go for a variance they will still need to fill in the back. John Cook agreed, that although we still have the walk-out, there still is encroachment. The variance would allow them closer to the street, which would allow the back portion of the house would have less likelihood to be on any type of unstable soil.

Brian Nesteriak, Professional Engineer, also works for B&B Engineering stated that one of the main goals of moving this forward is to create that buffer in the industrial area as mentioned before. All of the vegetation in the rear of that lot, basically about 30' from the property line, where we're keeping that row is where that mature vegetation is. Everything in front of that is small brush and saplings, it's not really anything of substance. There are some larger trees in the front and we're trying to keep most of them. We are trying to maintain that buffer, and we can do that with this plan. By moving it another 20' forward it's possible, but I don't think it's going to gain anything from a buffer point of view.

John Cook stated that 20' would be a bit much but possibly about 15' so that instead of having a 40' property line setback, in particularly the pavement itself is further from the property line then in terms of vegetation along the streetscape there will still be approximately 40' from the pavement to the property line and then there is no guarantee that ZBA would consider it. But in those circumstances where someone approached ZBA because of a wetlands restriction they have been quite favorable in that degree. Essentially keeping what you have here in terms of space or something along that line, this line becomes much closer and this becomes a wider band.

Mr. Nesteriak stated that in reality it can be done now. Right now there is a 45' strip from the back of the house to that line. I only did that because of the drainage. We could pull back on that and instead of a 30' strip make it a 40' strip or even a 45' strip.

Vice Chairman Zahornasky asked if the 45' line would be to the property line or to the setback. Mr. Nesteriak responded that it is a 30' setback. I'm sorry it's 45' from the back of the house to the proposed limited clearing.

Commissioner Hayes asked that in this plan, you were trying to achieve wetland approval because you were trying to get as far out of the wetland as possible and then it was suggested that you have more of a rear lot and bring the house forward. John do you know the condition of the wetland? John Cook stated that it was a divide, that even though those two are separated and divided by lineation, physically when you walk out there's only about 1/10 of a foot difference in elevation in those two areas. Predominantly there is a flow that goes to the North, historically the flow on this portion actually went to the South which some of it still exists at the small farm that remains and you just barely see some of the open field in this particular photo which was here. However, that adjacent parcel they do have maintained yard space in that condition for how many decades. This location is where you have ponding along this line. SO there is still near surface or just below the surface flow that is actually traveling to the South. Regarding the ZBA, it has been implemented at times where there is a balance between ZBA granting somewhat of a variance for picking up some more room in this case the encroachment either in wetlands or in wetlands buffers.

Commissioner Hayes stated that he understands to bring the house forward to make it a bigger lot but going into the wetlands goes against the nature of this commission. John Cook stated that there is jurisdiction because the statutes for guaranteeing the encroachment expired in 1997. That's why any parcel can come in and be treated like any other. But by my comments, if there is no relief from municipal standards there isn't much that can be done. Mr. Nesteriak added that the people who owned it in the 1900's, their family still own it. The property owner has always owned this assuming that one day her kids would have it. All these houses here, most likely went to the South, but the reason it pond here is because this is filled and this is filled. So it has completely cut off the flow of water on the surface. Maybe it expanded over time. I can't say. It has no place to go so it sits here and in really high storms it might work its way over here. Commissioner Hayes stated so if we're going to move the house into the wetlands, can we try to extend it? John Cook stated that because of the nature of the soil it's not bedrock conditions. It may be possible in not lose the vegetation that's providing that buffer between the residential streetscape and rear of the property. Maybe there can be something creating that if it does go this route that by losing this area that this doesn't get super saturated and now becomes 2' deep.

Vice Chairman Zahornasky stated that on the other plan there is a culvert under gravel driveway, 16" of linear pipe. Mrs. Nesteriak responded that was to allow in case of large storm. Now we're proposing the grading so it will flow around this property. The lot in general is pretty dry throughout the year. It's not your typical soupy, wet, muddy ground. It's not wet all the time. Vice Chairman Zahornasky stated that in years if someone comes back and they have a real wet house or a real wet basement and they come back to us and state how did you allow this house to built in wetlands. If they see that there was an alternate plan maybe the house was pulled out of the wetland that is the only thing I am concerned about. Commissioner Hayes stated that in seeing the plans, the driveway goes up because you want to have a walk up. (Inaudible) Mr. Nesteriak continued, you'd have to fill even more to get the garage up.

Commissioner Santa asked if a swale could be put across the backline to allow for relief. Mr. Nesteriak stated that in grading that way towards the natural swale. Mr. Nesteriak continued that if we were talking about mitigation, the only logical place to mitigate would be in that back buffer zone, so we might be compromising the buffer. (Inaudible) John Cook stated then it goes back that the feeling was that one of the predominant values of this wetland and associated upland area was providing a buffering, so its function is the fact that it is helping to maintain that streetscape, from residential to this industrial usage. Even though its upland it is still part of that wetland buffer. It's still providing that function versus trying to create something. Commissioner Hayes asked it is was dry wells or solid. Mr. Nesteriak stated they are concrete. The pipe coming out of the galleys is the top. Commissioner Hayes wanted to know if they are going to stormwater there. Mr. Nesteriak stated both. (Inaudible)

John Cook stated that the problem of that being at 327, it's almost like if the structure comes forward and gets rain, because at a high water table, 0-6" and the bottom of the infiltrator is a foot and a half below the bottom of the existing grade and you have a seasonal water table at 0, then the bottom of the infiltrator is going to be about a foot and a half below the water table for a good part of the year according to the Soil Scientist report. Mr. Nesteriak agreed with him. I think we could raise the house. I don't understand moving the house forward will gain anything. We're still going to lose this band of wetland. John Cook interjected then the grading itself, as this is raised and we have a 332 to 330. Mr. Nesteriak interjected it goes 332, 334, 336 so it goes down and it goes back up, so we could fill that in and move it up. John Cook continued your existing grade now is at 332 (Inaudible) the bottom of this is 5' below this. In essence this line to fill is trying to get this line of fill closer back this way. Vice Chairman Zahornasky stated that they could adjust that based on the best elevation for that. John Cook continued that at any time that is below the seasonal water table, then it's not infiltrated. It's just sitting there. If you're going to infiltrate, the bottom is going to have to be above that seasonal high water table. John Cook continued that one other problem that was not stated in his comments would be for the future owners in either event, but in this particular case, this alternative having so much of the structure within the regulated area, certainly vents the question of having a structural engineer sign off on all of the footings. Particularly in this case, where 95% of the structure is proposed in wetlands. There is already standing whereby there was a foundation settlement that was on a home that was built on top of 4' off fill and there were multiple suits involved. The statement was alleged that the City knew or should have known that the underlying soils underneath this 4' of gravel would not go barren. There were many cases over this one. (Inaudible)

Mr. Nesteriak stated that any contractor or developer should take the initiative. Any builder that puts a structure anywhere on wetlands should have the common sense to look at the soil. Vice Chairman Zahornasky wanted to see the original plan proposed. John Cook stated that the revision was to include a bigger side and front yard for the applicant. Down the road if the applicant wanted to sell the property it would be more appealing. On the other side of the property line, even though it's a "buffer of the industrial use", there really isn't much of vegetation. It's mowed lawn.

Commissioner Beattie asked if this proposal was for re-sale or part of the family that owned the land. Per John Cook, in staff's conversation with multiple parties that were looking at this, most people in its original form as is, most walked away from it. That's how it came about. In order to market it, they would like to have an approved site plan. In its present form, no less than 3 different entities have inquired about it.

Vice Chairman Zahornasky stated that in his opinion I just don't understand moving the house into the wetlands for the sake of producing yard space, when in numerous applications we've tried desperately to try to move them out of the wetlands. I'm not so concerned about yard space. Commissioner Hayes stated that both plans have the right idea. This one takes it as far out of wetlands as possible. If you bring the house closer, it gets it higher. So I think this one has less impact in the long run. It's a sketchy idea in terms of developing from a water perspective. Mr. Nesteriak stated that the current plan is certainly more aggressive but it controls it a little more, where as this one, yes we're only going 10' -15' and we're saving all these wetlands, but how do you control this in the future. I can't guarantee that. I can't guarantee that the homeowners aren't going to take it upon themselves. This way, yes we take out more wetlands but we have an opportunity to plant as much as we can over here to create a good buffer to save as much wetlands as we can. It depends on how you want to look at it. You'll definitely have more control over the wetlands with the latest plan.

John Cook stated that with the original plan, one of the things besides the wetlands regulations that do exist and monitoring, on the original plan the wetlands would be in the front. Be couple that with a Conservation Easement to restrict that to further the goal of the Commission it still provides use of the property. It may not be as big a house but they are only looking to market it. It's marketed with "What you see is what you get". With the Conservation Easement in the front of that, so that the front wetland is better attracted in the long term. Also being in the front, if there is an impact it's very visible. Anything that is going to change is also going to be picked up rather quickly. Long and short of it, if this was being proposed as a subdivision lot, they wouldn't qualify. It's either trying to come up with something that's palatable to the Board or the answer is no. Vice Chairman Zahornasky asked if there is still time for them to return for March 15. He would like the City Engineer to look at this and have him review which one would have less impact on the wetlands. Per John Cook, the City Engineer would predominately focus on whether the ramifications for either plan, mostly with the structure on those wetlands. Also, the easiest way to ensure there was a cross flow with a culvert on the first plan. This alternate plan here this evening is to ensure that 489 Long Hill Avenue doesn't come back and say I had a wet yard before now I have an inundation and they might not want to see it come up at all.

Mr. Nesteriak stated that the hydraulic aspect of it is what's limiting this wetland to flow is the elevation right here. That elevation is not changing. We may have to go around, go an extra 20' around, but that's not going to stop water. The elevation is still there, it's still holding this water back and it's still going to be there after we do this development. Vice Chairman Zahornasky stated that he would like to see a hydraulic analysis on how that's going to work. Based on the other plan, you still have that culvert to the driveway. This one you're having none. And you're telling me you don't need that cross culvert because we're going to shift everything up and around. I'd like to see how that's going to happen. Does there

have to be a curtain drainage or some kind of drain on this side to pick up that water. Is it still going to come down and pump on the side of the house? I'd like to see how it's picked up and how it's diverted around. I'd feel safer if I knew how we were going to approach that so that the house remains in the spot it's supposed to be in. Commissioner Hayes stated that we just want to make sure that the house is protected and is better for the wetlands and not just benefiting the applicant for yard space. (Inaudible) Mr. Nesteriak stated that actually that whole backyard goes to the South. This whole area looks that way. Really the only area that this wetland sees is first the catch basin. Then this area right here. This water goes that way, this water goes towards the industrial park, the water comes off the road and this water goes to the South to the farm. It's a very limited area because of the development. I could certainly do a hydraulic analysis. I just want to understand what you want to see. Mrs. Nesteriak stated that if you go back to the original plan, there is less disturbance, the reason we altered the plan because it was the suggestion of the Board to have a 50' front yard. This one here and probably our best bet to minimize impact as well it will address this culvert with a lot of the hydraulic questions you have. Vice Chairman Zahornasky stated that that's correct, if this Commission asked you to leave this in here; I want to see the benefit to the wetlands. John Cook stated that in the soil report, occupying low linear or concave side slopes. Per Vice Chairman Zahornasky, from a wetland perspective the first plan is better. The hydraulic analysis should show how the water is going to flow in that area. John Cook will refer the two alternatives to City Engineer for input.

Commissioner Santa stated that the water is coming from the street; can you relocate that line that goes directly into the property? John Cook stated that when he was out there in November, it didn't at that time that was the predominant flow for the existence for this. Based on was seen what came out of that pipe, it only picks up from a couple of basins. I'm wondering if some of this existence is because there is movement of the bottom of that concave slope

END SIDE A – TAPE 1

Mr. Nesteriak stated that those basins pick up a large portion of Long Hill and almost all of Sharon Drive. Either way we will take a look at this. Thank you.

2. APPLICATION #08-02, WILHELM PROPERTY – RIVER ROAD. After-the-fact submittal to grade within regulated areas and buffers and correct. (Note: original application expired 2005. In 2007 grading work reactivated to include activities and beyond).

Michael H. Horbal
Registered Land Surveyor
52 Main Street
Seymour, CT

Mr. Horbal was here on behalf of the applicant. They are the property owners of 590 River Road. They had applied in December and in January this Commission looked at that application and at that time decided you wanted to take a site walk. In the interim, there have been discussions with Mr. Cook about the application fee. Here is a general overview of the project. Our client, Ray & Marian Wilhelm had received an approval for this site in 2000. At that time the site was approved to construct a house and a boat ramp to the Housatonic River. That permit expired in September of 2003 without Mr. Wilhelm completing the work. He had continued to do work. I can't say if it was continuously or intermittently until last year when he was stopped by order from your Commission. Then he contacted us again. Mr. Wilhelm submitted another letter dated January 29, I believe Commissioners have a copy. I believe he's on vacation, he was sorry he wasn't here this evening. He asked us to explain the plan to you this evening. Different from his initial application of 2000 to construct a house and a boat ramp, all he wants to do at this point is to stabilize the area and finish building the boat ramp. His then intention is to market the lot and sell it. To that end we have modified his original plan to remove the house and also move the boat ramp and change the grading of the boat ramp. The boat ramp remains essentially the same; the same type of gravel construction, the same location to the Housatonic River. The ramp will be a little bit closer to the former Sal Matto's property. During the last 7 years, he filled over the amount he was allowed. Our intention is to pull that illegal amount back to where the original slope was. He just wants to grass the area, fill the boat ramp and sell it.

WCEO REPORT
February 14, 2008**PERMIT-APPLICATION #08-02, WILHELM PROPERTY – RIVER ROAD**

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: MARIA WILHELM

Activity Comparison Map 10/19/07 rev. 12/5/07
Proposed Site Plan 10/19/07 rev. 12/12/07

COMMENTS: Attached to the member's packets are letters from the applicant and his agent. The applicant explains his actions and apologizes for the added encroachments. The agent letter requests a reduction from the surcharge on the fees and details the rationale behind that request. Some of the work was accomplished during the active basis of the original permit of 2000 and some work specified and applied for has not yet occurred. For those reasons staff suggests their request for a reduction of fees based on the analysis of the agent can be held fair and reasonable.

Regarding the deposited fill. Staff suggests given the nature of the fill material (granular) and its location (predominately over older fill) that as shown in cross-sections A-C that this material be pulled back to comply with the approved limits of 2000.

Per John Cook, when they calculated the fees associated with this application, it was based on all the work that was proposed in 2000 as well as the additional encroachments. That's why the fee came up to the amount of what it did, making the adjustment from \$2880 to \$1620. Vice Chairman Zahornasky stated that Mr. Wilhelm has broken it down and John has gone over that and some of that work should not have been charged onto this permit.

Commissioner Wilson motioned that the Commission revise the fee from \$2880.00 to \$1620.00 for Application #08-02, Wilhelm Property – River Road. Commissioner Beattie seconded the motion.

A voice vote was taken; motion passed unanimously.

Vice Chairman Zahornasky stated that the next portion of this will be the actual issuance of a new permit regarding the removal of the fill that was not approved from the 2000 permit. The boat ramp is the same. Per John Cook, yes, the boat ramp is the same, there are slight changes to that proposed boat ramp. As far as the grading that was done through the bulk of the site, the reason why I support from my viewpoint, the removal of it is that it is on other fill that was already brought in but still too close to the wetland area, the house that was originally envisioned in 2000 was a substantial house. There was a lot of time spent getting it to that stage. It's my understanding that the applicant just wants to market the property so he's not proposing a house any longer. Someone is going to buy this piece of property and will be coming in with a proposal to build a house. Whether or not it is consistent with that plan, they could still submit something different. The Board has spent a lot of time looking at something that was recognizing its location next to the River. I don't remember the dimensions of the house that were proposed but something like immediately downstream. Vice Chairman Zahornasky stated that the Commission did approve a house based on that level of fill. We want to go back to that level of fill. John Cook stated that there is no reason why, should this lot be marketed and purchased by somebody; they would have to come back to this Board and say I can't get a house to fit there. All that work has already been done.

Mr. Horbal stated that the house is about 60-65' long and 45' deep. It's a good sized house. Per John this fill hasn't been sitting there that long. There should be no reason why it can't be simply pulled back. Commissioner Beattie stated that there has been a great deal of discussion on the traverse down to the river and so forth, is that consistent. John stated that is unchanged. Mr. Horbal added that it is gravel, stone. John added that the owners and the agent stated that was their intent as far as selling their house lot that has a boat ramp to the river. Commissioner Beattie asked what work would be completed as far as the boat ramp. John Cook stated that either the owner will have to complete the boat ramp or he may market it because he can transfer the permit. He can market it with an approved site plan for this lot with a boat ramp. Whoever buys it will then put that boat ramp in per that approved plan which is will be a new permit should the Commission decide to approve it.

Mr. Horbal stated that Mr. Wilhelm has represented that he intends to build the boat ramp and do this work himself. He is an owner/operator or a one man construction company. He works at a slower pace than most. He intends to do this himself.

Commissioner Santa motioned to approve the application of the construction of the boat ramp and the removal of the fill back to the 2000 permit. Commissioner Wilson seconded the motion.

A voice vote was taken; motion passed unanimously.

III-C. NEW BUSINESS

1. APPLICATION #08-06, REVISION OF APPLICATION #06-11 SHELTON LAKE RECREATION PATH

Terry Gallagher
42 Judson Street
Member of Shelton Trails Committee

What was submitted was an application to amend our existing permit for the Shelton Recreation Path. The area we're talking about is across the street from the Intermediate School and the west side of Constitution Boulevard where the dam is and the bridge with the railing on top. Our current hiking trail comes down off the top of the dam, circles over the wooden foot bridge and eventually comes out to the traffic light on the corner of Knells Rock Road. That's our ultimate destination for the Shelton Recreation Path, which ultimately is going to be crushed stone path, similar to what we have on top. This is like what is going to be on top (showing picture). In looking at our original approval, we originally had the path coming off of the top of the dam and then going out onto the Route 108 right of way for about 700-800' down to that intersection and in looking at the use that's gone into there, we've had a lot of work with the Cross Country kids from the High School, and everyone else going out and using it, we want to pull that path in about 175' off of Route 108 to get the people away from cars. It would still come out about where the path is now at the traffic light, but it would mean that we would have to cross Curtis Brook, so we picked one spot that was at a narrow spot on Curtis Brook and that's in the photos here. The Brook at that point is literally 5-7' wide. We're proposing a 20' clear span pedestrian bridge, 8' wide built out of dimensional lumber, by hand, no machinery. All done by volunteers, so we wouldn't be filling any wetlands or clearing any vegetation. What it would allow us to do is bring the trail in off the busy road. So that's what we're asking for tonight is to build that wooden foot bridge 20' long by 8' wide. The sketch that was submitted shows the original location of the path and it shows where we're pulling it in.

Per John Cook, it was his recommendation that they apply for this under a revision to the existing recreation path permit rather than re-inventing the wheel, because there are regulated activities with that original recreation path permit, staff felt that was the most appropriate avenue for protocol for documentation.

Commissioner Beattie asked if this bridge will be the same height all over the dam. Mr. Gallagher stated that it would be a smaller version but will be very similar to the boardwalk that was built over Lane Street. It will be a lower bridge.

Commissioner Wilson motioned to approve Application #08-06 – Revision of Application #06-11 – Shelton Lake Recreation Path. Commissioner Santa seconded the motion.

A voice vote was taken; motion passed unanimously.

III-D OTHER BUSINESS

1. McCallum Enterprises – Not application, just information. Letters are with Commissioner's packets. John Cook to verify with Corporation Counsel for clarification on how to handle correspondence.

2. Open and Ongoing

- a. Unum Provident – Letter from Corporation Counsel regarding contamination of City property. (letter in Commissioner's packets)

IV. MINUTES

Corrections to minutes of January 10, 2008: * Changes reflect Michael O'Bymachow correct name**

III-B. OLD BUSINESS

1. APPLICATION #07-34, KRILL PROPERTY – WEYBOSSET STREET. Proposal to construct (2) single-family dwellings involving construction within regulated buffers and regulated area.

Michael O'Bymachow
Land Surveyor
NOWAKOWSKI-O'BYMACHOW KANE ASSOCIATES

Mr. O'Bymachow was representing the applicant Vern Krill. This particular property is a series of four (4) lots in the old Coram Garden section, lots 59, 60, 61 and 62. What the applicant would like to do is a build one (1) house on lots 59 and 60 and also one (1) on lots 61 and 62. There are associated wetlands.

Chairman DaSilva asked how many houses are proposed to be built. Mr. O'Bymachow stated 2 lots. They are combining lots 59 and 60 for one lot and combining lots 61 and 62 for another lot. Commissioner Szkola questioned four (4) lots for two (2) houses? Mr. O'Bymachow stated correct. When combining lots 61 and 62, because of the wetlands at the rear of the property, the applicant went in front of the Board of Zoning Appeals to have the house closer to the road. The applicant received a 14' variance from ZBA. One of the recommendations from the ZBA and Wetlands Board was for a Conservation Easement at the rear of the property and also provide a drainage easement to provide existing drainage. So what we're going to do is put in another basin and provide a splash pad to get the drainage from that area. Chairman DaSilva asked because of the wetland? Mr. O'Bymachow stated yes. Commissioner Szkola asked if the splash pad would be on the homeowner's property. Mr. O'Bymachow replied yes. Commissioner Szkola questioned why not give them a backyard. Mr. O'Bymachow replied that this is the extent of the grading in this area here, that area we want to protect a little. We could extend that further back if you'd like. Commissioner Szkola stated that it doesn't matter to us, we looking at it as giving them a bigger backyard.

Chairman DaSilva was in agreement with Commissioner Szkola. If we don't give the people a backyard that is big enough for them to use, they'll start encroaching into the property eventually, so let's give them a yard that functions right now and then put some barriers along that line so that there is no further encroachment after what we have given them. Mr. O'Bymachow stated that is what they were trying to do, is to put a one-to-one stone silt barmier so that it would protect that encroaching into that backyard.

Chairman DaSilva questioned how big of a drop, is there a problem with grading. Mr. O'Bymachow replied no; basically what they were thinking of was a basic raised ranch type house. They are raising the house up and the only filling would be in the back. They would be able to walk out to an existing grade out back. Commissioner Szkola stated why not get it over now. Chairman DaSilva stated it will be encroached on anyway. Commissioner Beattie questioned why not do it. Give the Commission a reason. Mr. O'Bymachow replied they were trying to stay out of the wetlands as much as possible. Commissioner Szkola asked with a conservation easement you could that. The answer was yes. Mr. O'Bymachow replied that it would be approximately 30' from the house. So they will have a 30' backyard. Chairman DaSilva asked what the distance from the corner of the house to the conservation easement. Mr. O'Bymachow stated about 30'.

Commissioner Santa motioned to accept the minutes of the Special Meeting of January 10, 2008 as amended. Commissioner Wilson seconded the motion.

A voice vote was taken; motion passed unanimously.

V. ADJOURNMENT

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

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

MEETING ADJOURNED at 8:07PM.

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.