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*CITY OF SHELTON  
INLAND WETLANDS COMMISSION  
SPECIAL MEETING MINUTES  
Thursday, January 10, 2008  
7:00 P.M., Room 303*

**I. PLEDGE OF ALLEGIANCE**

All in attendance recited the Pledge of Allegiance.

**II. ROLL CALL:**

Al DaSilva, Chairman  
Gary Zahornasky, Vice-Chairman (arrived 7:51 pm)  
Celeste Beattie, Commissioner  
Jack Goncalves, Commissioner  
Neil Hayes, Commissioner  
Ken Nappi, Commissioner  
Norman Santa, Commissioner  
Randy Szkola, Commissioner  
Charles Wilson, Jr, Commissioner

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

Chairman DaSilva called the regular meeting of the Inland Wetlands Commission to order at 7:04 P.M.

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

There was no one from the public that wished to address the Commission.

**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 Nowakowski  
Land Surveyor  
NOWAKOWSKI-O'BYMACHOW KANE ASSOCIATES

Mr. Nowakowski 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. Nowakowski 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. Nowakowski 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. Nowakowski stated yes. Commissioner Szkola asked if the splash pad would be on the homeowner's property. Mr. Nowakowski replied yes. Commissioner Szkola questioned why not give them a backyard. Mr. Nowakowski 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. Nowakowski 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. Nowatowski 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. Nowakowski 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. Nowakowski 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. Nowakowski stated about 30'.

John Cook read his comments:

## **WCEO REPORT**

### **January 10, 2008**

#### **PERMIT-APPLICATION #07-34, KRILL PROPERTY – WEYBOSSET STREET**

- STATUS:** 1. Application received November 8, 2007  
2. 65-day clock to decide action or schedule public hearing expires January 12, 2008  
3. Staff field walk conducted

#### **PLANS: LILLIAN KRILL**

Site Plan Lots 59&60 July 27, 2007 rev. 10/11/07

Site Plan Lots 60&61 July 27, 2007 rev. 10/11/07

**COMMENTS:** After visiting the site staff recommends the following for the Commission's consideration:

1. Clean both proposed home sites of all manmade debris from within and adjacent to the regulated areas.
2. remove all invasive plants from the remaining regulated areas.
3. Mark the large tree approximately 10-15' from the wetland flag (marked on the plan at spot elevation 273.14) for possible protection. It does not lean towards the proposed dwelling but rather towards the regulated area.
4. Relocate the roof/footing drains to discharge at the same point as the easement splash pad. One discharge for such a small area may be the preferred approach.
5. Investigate discharge at the common line between the proposed home lots. If the grade works it will double the distance the splash pad will be from the proposed dwelling.

**COMMENTS FROM NOVEMBER:** This new application proposes to construct two-single family dwellings on four pre-existing non-conforming lots. There is a difference with this application compared to several of the other ones the Commission has considered within the Coram Gardens Development. On other applications the road did not exist. In this application there is already frontage on an existing street. Staff met with the applicant several times in preparation of the application and several changes were incorporated along the way.

The applicant is attempting to minimize their negative impacts with three primary techniques. The first is only trying for two dwellings rather than four. The second is that they have applied for a variance to pull the house closer to the street by 10-feet to reduce impact. the third is the creation of a conservation easement; which would adjoin existing City Open space at the back of the property. A conservation easement will reinforce the protection of the remaining area by eliminating potential encroachment by future owners. Any conservation easement would have to create the working and map to insure the intent is maintained.

In any event staff recommend a site visit either as a formal walk or an individual commissioners may have the opportunity to see the area proposed.

Chairman DaSilva stated that since the applicant is not doing much filling, why not just require them to clean it up and put a wall around the tree in question.

**Commissioner Santa motioned to approve John Cook's recommendations regarding APPLICATION #07-34, KRILL PROPERTY – WEYBOSSET STREET, proposal to construct (2) single-family dwellings involving construction within regulated buffers and regulated area. Commissioner Wilson seconded the motion.**

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

2. VIOLATION: LIPOVSKY PROPERTY – 10 FAR MILL STREET. Continuation of show cause hearing for driveway installation in regulated area without permit. Also: (APPLICATION #07-37 after-the-fact submittal to sustain driveway).

Chairman DaSilva stated this is the violation of a driveway; this has been going on for several years.

John Cook stated that in Commissioner's packets there are staff comments and response to the Show Cause Hearing that was reissued. Application was received last week along with the associated fees. the gentleman is here this evening.

Jim Lipovsky  
10 Far Mill Street

Mr. Lipovsky stated that he addressed the Commission's letter. As what was stated in the letter he had the report done on the wetlands impact and to remove the spur on the driveway.

Chairman DaSilva asked if he would show the Commission what he is proposing. Mr. Lipovsky stated that this was the spur that was addressed at the meeting. We already removed that but John hasn't been out there to check it yet. Chairman DaSilva asked John Cook to bring everyone up on this with what the violation is and what has been done.

John Cook stated that the home was constructed; they were utilizing the existing common driveway between the two brothers. Subsequent to the construction of the dwelling this driveway which has been in use for a number of years was installed through the wetlands without the benefit of a permit. there was a violation that was issued back in 1999, then as measured that were expected by the landowner to come forward never materialized. It went by the wayside. In the Spring of last year there was some new activity undertaken by the City Street department cleaning this culvert. That prompted the complaint to be filed and brought this matter back. After advice from counsel, we recommended that a new Stop Work Order be issued which was done and a new Show Cause Hearing would commence at that time.

John Cook read his comments:

**WCEO REPORT**  
**January 10, 2008**

**Violation: Lipovsky Property – 10 Far Mill Street**

**STATUS:** 1. Show cause hearing opened August 2007

**COMMENTS:** The following is the excerpt from the letter sent to Mr. Lipovsky specifying the requirement by the Commission at its September 13, 2007 meeting.

*....At its September 13, 2007 regular meeting the Inland Wetlands Commission voted to grant your request for extension on the aforementioned matter. Please identify your consultant(s) i.e. soil scientist and/or surveyor, and have them send the office said confirmation of hire.*

*Please insure that all previously requested items are included in your submittal. The submittal with the complete information is required within the 60-day extension on the matter.*

- 1. The full processing of an Inland Wetland Application.*
- 2. Include with it a proposal on how you intend to correct the impacts of fill to the regulated area.*
- 3. Proper payment of associated fees.*
- 4. The plan is to include as discussed with you the removal of the "spur" along the driveway.*
- 5. Your surveyor is to prepare the plan and meet with the Commission coordinator to review the proposed solution.*

*In the field please insure all the boundaries are properly staked to facilitate understanding of the affected areas. Specific reference is the property line between #10&14 Far Mill Street.*

*Please provide the requested confirmation within 15-days....*

While Mr. Lipovsky has been in contact with this office multiple times;

As of December 18, 2007 the only item that Mr. Lipovsky has provided was a report from the soil scientist. He has been previously advised the soil consultant report while detailed did not satisfy the items requested by the Commission.

As of January 3, 2008 Mr. Lipovsky has submitted an application, paid the fee and has indicated that some of the material from the spur fill is being removed. Staff has not had the opportunity to inspect the area of removal.

John Cook continued that on the older plan which is still on file, the area of wetland fill is highlighted in orange. In order to construct that secondary driveway thus abandoning the common driveway that was shared with his brother. The spur that is referred to was this projection here to the south side of the driveway. Commissioner Szkola asked why the entire spur isn't being removed. John Cook stated that it is up to the Commission's discretion on how much of that spur should be removed. Mr. Lipovsky stated that spurs are there so that we don't have to backup if someone comes in. If someone comes in the driveway they don't have to back out they could just pull over. Commissioner Beattie asked the area that is orange, is that not usable. Chairman DaSilva stated that is disturbance that is not being used. She continued that the house is way over there, which is happening after that color orange. John Cook responded that those were upland areas and there is a gravel drive, as shown here and another gravel drive shown here. Commissioner Nappi questioned if the first soil scientist report submitted was not satisfying to the Commission. Per John Cook was what was asked of the analysis was how it was going to address the loss of those wetlands which were filled for this driveway. The summary of the soil scientist report basically found that there was not an impact, not even to the wetlands before this construction. Commissioner Nappi questioned if he submitted a new report, so they are still not met. SO that issue is still not met by Mr. Lipovsky. You notified Mr. Lipovsky that that was incorrect. John Cook replied that is correct. Commissioner Nappi questioned is the Commission should be receiving a new report from a soil scientist. Mr. Lipovsky stated that is the new report. Per John Cook, that is the only report.

Commissioner Nappi asked if that report is satisfactory. John Cook stated no, it was not. Chairman DaSilva stated that some of the items on John's report have not been addressed by the applicant. He has yet to receive anything else that would address those items that are open. John Cook addressed the items that were not addressed by the applicant.

Specifically item #2:

*2. Include with it a proposal on how you intend to correct the impacts of fill to the regulated area.*

The report from William Kenny Associates states that there was not a significant impact. That is not what the Commission asked for in 1999 or 2007. Mr. Lipovsky stated that the report was to address the letter. John Cook stated that he does not believe the report addresses the Commission's concerns. Chairman DaSilva stated that this has to be resolved once and for all. It has been many years. Commissioner Nappi asked John Cook if he corresponded to the applicant in writing as to the deficiencies of what the Commission found. Chairman DaSilva asked if the report of November 9 a response to a letter that was sent to him. John Cook replied correct. On December 6 he advised the applicant verbally in conservation that the report did not satisfy those items 1-5. A copy of the Commission's Stop Work Order in reiteration of those items 1-5 to the soil scientist via email on October 9, 2007. Chairman DaSilva asked what those items were. John Cook responded: (1) submittal of application – done; (2) his plan is to remove a portion of the spur – that is to the Commission discretion; I believe that items (1), (3) and (4) he has not retained a new surveyor to meet with the Commission to review a proposed solution. I am willing to work with the homeowner if it works out. At this point items (2) and (5) have not been completed. Commissioner Szkola stated that with item (2), we asked him how he intended to correct the impact and the soil scientist stated there was no impact. So that is a response to item (2). The other item not addressed was item (5) which to have a surveyor see exactly what the impacts are. Chairman DaSilva stated that he does not want this to pass another 30 days. The applicant has had this thing for many years since 1999, we have been requesting information from you for all this time. By the next meeting, whatever this Commission wishes you to provide by the next meeting, if you do not have it by the next meeting we begin to penalize you on a daily basis in accordance with our regulations. You have had plenty of time to get this resolved. The Commission has worked with you and has given you plenty of time. Mr. Lipovsky replied that is what he did when he came in to give John the application. Commissioner Nappi stated that he would like correspondence sent to him outlining what he is deficient in with the timeline we established. Chairman DaSilva stated that item (2) states from his soil scientist that there was no impact. If the Commission wishes to make a decision and go along with the report provided by the soil scientist and just accept without a survey what he's proposing to fill on the spur, then fine. What is the wish of the Commission? My personal opinion that is after all these years if you begin to pull back you will be doing more damage. The applicant has had plenty of time to get this done and resolved. My recommendation is that you go ahead without the survey, decide how much you want him to fill on that cul-de-sac, accept the violations and have him pay some penalties that's fine, I want to get this off the table, it's been long enough.

John Cook stated that at this time it is the call of the Commission and as what he has provided is it adequate enough or with the intent of item (5), was that a survey would have prepared the plan to show the proposed removal of the spur or any other area to address the Commission's decision in 1999. He marked up one of his old plans to show how much he would like to remove of that spur and has already

started to remove it. Chairman DaSilva stated that his recommendation after all these years is to not have this go back and be re-surveyed. What's out here is well defined. The Commission agreed that they would be satisfied with the spur removal. Mr. Lipovsky stated that he removed what he and John Cook discussed. John told him to cut the trees down. Commissioner Szkola asked if he started removing the spur. Mr. Lipovsky stated that's done but that he and John couldn't meet out on the site. Commissioner Nappi interjected, this has been going on for two years, you've issued two Seize orders, property owner did not take any action, now the vegetation has grown back nothing can be corrected that should have been corrected and there is no penalty, I don't know if I can go along with that. Something has to be done or anybody can do this. Commissioner Szkola recommended that if the applicant has already started removing the spur; replant the area with a wetland vegetation. Mr. Lipovsky stated that he advised John that the City came out and took everything out and shoved it in the wetlands so he thought I did that because I had my own equipment. I keep the brook clean because it is constantly going over the road and the town just paved the road. I don't want it to wash over the street. Commissioner Nappi asked what the penalties are. Commissioner Beattie asked what kind of equipment is being brought in. Mr. Lipovsky stated it was a small rubber tired backhoe. Chairman DaSilva responded that what the intent from the Commission is the (1) remove the rest of the spur and replant the area with wetland vegetation; (2) is there a penalty on top of that that the applicant should have to pay with what he did without a permit. Per John Cook, the Commission had made the decision that they were willing to consider an application after-the-fact which did not materialize. With what would have been a \$520 normal application fee and permit fee for this work had it come before the board in proper protocol the surcharge was three times the base fee. It was \$1560, that fee has been paid which is the surcharge on coming in after-the-fact. The total he has paid is \$2080 for the penalty fee. Commissioner Beattie would like to see more plantings that would be beneficial in that area. Chairman DaSilva stated that in looking at the pictures it is well over vegetated.

**Commissioner Santa motioned to approve VIOLATION: LIPOVSKY PROPERTY – 10 FAR MILL STREET. Continuation of show cause hearing for driveway installation in regulated area without permit. Also: (APPLICATION #07-37 after-the-fact submittal to sustain driveway) correction that the applicant paid the 3 times fee penalty which was considered. The condition is that the applicant pull the entire spur back to the dotted line at the driveway and have it replanted with wetlands shrubs to be determined by Commissioner Szkola and John Cook by June 1, 2008. Commissioner Nappi seconded the motion.**

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

Commissioner Nappi suggested that John Cook keep this as an open item.

### **III-C. NEW BUSINESS**

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

Beth Nesteriak  
Professional Engineer  
B&B Engineering

Mrs. Nesteriak was there representing the applicant. This is a flat ½ acre of land across from Sharon Drive. Commissioner Beattie questioned what other boundaries are there. Mrs. Nesteriak stated north of Shellview. The Rocco family has owned this ½ acre property since the early 1800's. They have been taxed as a building lot since 1948. The lot is located in a residential area. There is a residential house to the South and an industrial area to the West. The property has approximately .21 acres of wetlands on site. It was picked up by a soil scientist of May 07'. The applicant is interested in building a 2500 square foot house on the property. We have located it here because we have building setback lines. There is a 30' setback from the side property and a 40' setback from the North. This location is the most feasible to stay out of the wetlands. The Northwest corner of the property is the largest area on the property outside of the wetlands and within the setback lines. By doing this we are proposing to fill 1460 square feet of wetlands. It is 0.3 acres of wetlands and 1.8 acres in the buffer area. This will fill 10' to the South of the house and 15' to the North. There will be silt fence installed along the line of disturbance. We are also proposing to plant trees and shrubs. This will help encourage wetland efficiencies and also provide a buffer. We will be detaining the impervious areas, the roof drains will be lead to a rip rap apron and the footing drains will be put to an underground detention system that's been designed for a 25 year storm. Finally we are proposing a culvert under a gravel driveway at 16 linear feet of a 12 inch HDPE pipe. This is in case of high flows that this wetland tends to rise, it will flow this way. Typically it is only wet when it's raining, actually moist of the water that feeds this wetland area is coming from the drainage system off Long Hill Avenue. Commissioner Szkola asked if the water is from the left. Mrs. Nesteriak replied that it actually flows this way. Commissioner Szkola asked if Long Hill Crossroads is to the left. John Cook replied that this is between Crossroads and Platt Road. It is kind of unique. It's a long section of flat area, there is some housing to the South or to the left of the proposed lot and it appears that when I was doing my research, it is a long slender regulated area. Right at this location it is very difficult to tell, while the soil report shows two separate wetlands, as you walk out there, the elevation changes, not much more than half of a foot between those two areas. Chairman DaSilva is seems like an old farm field with a great deal of topsoil. Per John Cook that as far as the discharge, it probably doesn't pick up more than 2 or 3 basins and where they show a drain swale, there is no sand deposits. It is dry all the way through. There may be some correlations between those two basins and that extent of wetlands but it is probably because Long Hill exists so literally as a discharge from that terrace.

Chairman DaSilva asked about the elevation. Mrs. Nesteriak replied that the garage elevation will be 2-3 feet higher. Chairman DaSilva questioned about the side yard and the front yard. Mrs. Nesteriak stated it was 15 and that they have proposed shrubs all along the line of disturbance. Chairman DaSilva asked if they are proposing to put shrubs to create a buffer from the wetland. So is the distance 10' from the house. Mrs. Nesteriak replied yes, and it is 10' from the house. We've tried to move the house as far back as possible and leave the wetlands in the front yard versus the back. We have not gone to ZBA yet, that is an option

#### **END SIDE 1 – TAPE 1**

Chairman DaSilva recommended that the Commission look at this at the next meeting once John takes a look at this. I think that you should give the applicant a decent size yard and more of a front yard rather than limiting as she has suggested. Give them a front yard and give them a side yard. Then out the shrubs in and put some heavier. You should go at least 25-30' and go 50' on the front, or 40' on the front.

Somehow lay out differently so that you end up with more of a front yard. If the drainage is from left to right then you have to be concerned how far you bring that front yard and to make sure the grading is done correctly. But I do not want to see a house with a 15' front yard. Let's create it correctly from the beginning, put in enough shrubs. That is my recommendation. The Commission is willing to work with the client within the wetlands to make sure you have a decent yard. Commissioner Szkola asked John if the area is flagged. Per John Cook it is and the flags are numbered. Commissioner Szkola would like to walk through it.

2. APPLICATION #07-36 R05-41, SHELTON RESEARCH PARK-RESEARCH DRIVE. Proposal to modify existing permit to delete open detention/mitigation basins and install subsurface stormwater detention for the purpose of additional parking.

Commissioner Szkola recused himself.

Jim Swift  
Professional Engineer

This is a previously approved project on Research Drive. This is the office building going up now. The way that it is approved presently is that the existing building here feeds an underground system in an existing detention basin on this corner. There is proposed parking around it with another pipe detention system and a surface stormwater detention pond in this location to be built. This is proposed, this is proposed and this exists. We have a request to get more parking on this site so what we're here to propose to the Commission is that we replace the detention pond with underground detention, large vault style detention. We would propose to take this area, this existing detention pond and take an equal volume in a concrete structure here and then in this location combine the surface detention pond and the underground piping system into a large concrete vault type of a system. This makes no change to the stormwater discharge. To make sure that we're not grading the stormwater runoff quality in any way, these are similar of what is used at Split Rock. This is a very large system, about 46' x 93' and 8' tall. It's a large volume; it is divided on 8' on center. What is done, between all these areas that are open, we do not have a concrete body to it. It's crushed stone so what we're doing is we're using that bottom area as sort of a filtration. In a small rain, chances are the water won't leave the system. It would soak into the ground.

Another proposal is to build a water treatment system inside this chamber, the pipe discharges in, there's a wall here for sediment, so you have an area of 10' x 8' and 2' deep for sediment. All that will get trapped in there along with the 4' deep catch basin sumps. There's a wall that extends about 12" behind that and what that is floatable trash oil separator type of a system. The water has to rise up; it comes down in that gap there and flows to these two little orphisms to the main structure. We have a tremendous amount of capacity for oil storage and floatable trash or that sort of thing. Chairman DaSilva asked how that compared to the capacity holding the water. Mr. Swift replied that it was the same. All drainage comes in at that point and then fills in the system. Commissioner Wilson asked how many more parking spaces will be created. Mr. Swift responded that the overall parking will be 564 spaces. There will be 68 new parking spaces added.

Commissioner Zahornasky asked behind the building there is one catch basin, wondering how the drainage works. Mr. Swift responded that this system in here takes a little bit of drainage from the back of

the existing building, comes into this pipe system and discharges into the detention pond. Basically this system here takes from here back, the roof drainage. Commissioner Zahornasky questioned if another basin would be introduced for that bottom section. Mr. Swift stated that it's a matter of economy to some extent but you have an area of just gravel. Commissioner Zahornasky stated that maybe one more basin might be the key to do this. Mr. Swift stated that rather than to have two structures to maintain we have three. Chairman DaSilva stated that the key is that you maintain. Where does this drain? Mr. Swift stated that this is the main wetland and basically is comes through a pipe that exists here and then crosses there. There is an existing discharge here and we will maintain that. There are manholes built in above each chambers, one at the outlet. This whole structure has six manhole access points.

Commissioner Hayes questioned if this system has ever been tested. Is it working? Mr. Swift replied yes. He stated that he has looked at the quality of water running out of the pipe and in the structure. There is no siltation, no evidence of any sand or siltation coming out of that pipe from Split Rock. This is fabulous for siltation. Chairman DaSilva asked at what elevation is the cross section that shows the outflow. Mr. Swift replied that this is an elevation outlet and that elevation is 289. At this point, the bottom of this structure is 289 and it is very flat out to the wetland. Chairman DaSilva stated that when the Commission approved the previous application, there was a great deal of concern specifically from the Land Trust because of the problems that have existed of the scarring of the banks of the Far Mill River as this drains down on the other side. I believe that the basins that were approved by the City Engineer, I believe that there was no increase of outflow going out from that side to ensure that there was no more scarring, no more destruction of the river. I believe that was one of their concerns and I believe that they have already talked to John regarding that. We want to make sure that we don't get anymore velocity of water. Mr. Swift replied that this proposal is proposing existing status quo.

John Cook stated that in the Commissioners packet you will find a list of basin plantings. When this project was approved, they may recall that there was a great deal of wetlands impact and the basins were asked to provide in two-fold function; stormwater management and also mitigation. The list of plant materials is the list of plant materials that was in the basin and directly adjacent to it. These are wetland type plants. These would be lost with this particular proposal. As I mentioned to Mr. Swift when he was submitting the application we had a brief opportunity to go over it. In losing, while the engineering part of the stormwater management can be designed with such structures, how do they address the change of what was part of that mitigation from the original approval. Mr. Swift replied that he believed those plantings were wetlands itself. John Cook replied no, that was a different landscape plan. What I did was go through the entire plan, just within the basin and just within the immediate periphery of those two basins. Mr. Swift replied that they might have been lost in the shuffle because he did not provide the wetland plantings.

Bob Scinto  
1 Corporate Drive

Mr. Scinto stated to John Cook two things; (1) they would like to have an engineered system. You have this one in front of you but we may come back with a different modification of it if we can find another way to achieve no more runoff and no more velocity. We'd like to get approval based on that. I still want to study these retention areas. I believe that there is another way to do that, that on the engineering side. (2) on the planting side, anything that is on your list, I'd be willing to go into this wetland area and clean it up, because it is mucky there. Replanting what's on your list there or thereabouts, we could look at it together. As far as mitigation, you have the same amount of planting, you have no more runoff, and we

won't have any quicker runoff you had before. If we could get it done that way, it would be very much appreciated.

Chairman DaSilva asked if John Cook had any more comments. He replied no. Chairman DaSilva asked Mr. Swift if he received anything from the City Engineer. He replied no.

**Commissioner Santa motioned to approve APPLICATION #07-36 R05-41, SHELTON RESEARCH PARK-RESEARCH DRIVE - proposal to modify existing permit to delete open detention/mitigation basins and install subsurface stormwater detention for the purpose of additional parking subject to City Engineer approval and any recommendations John Cook has in regards to the plantings, that the applicant work with the City Engineer to verify that there is no increase in flow, and to verify maintenance program. Commissioner Zahornasky seconded the motion.**

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

Commissioner Szkola returned to the meeting.

Chairman DaSilva recused himself from the meeting. Vice Chairman Gary Zahornasky chaired this portion of the meeting.

**3. APPLICATION #08-01, RADCLIFFE PARK – CANAL STREET.** Proposal to construct a multi-family development involving construction within regulated buffers and discharges of stormwater to regulated area.

Ted Hart  
Milone & MacBroom

Mr. Hart is here representing Primrose Companies. This site is on Canal Street by the Housatonic River and Bridge Street. South of the property is the Birmingham Building and Canal Street runs along the wet side of the property. What is shown here is a number of buildings on this side which have been removed and the site has been remediated. Over the Fall the site was cleaned up and hazardous material removed under the supervision of a licensed bio professional. What is being proposed is 250 apartments with an internal parking garage. Most of the parking is going to be covered parking because there is 5 ½ floors of parking along the top surface is exposed. Also shown is the proposed River Walk. This is something that the City is trying to construct. They are looking at the design plans right now. This is shown conceptually what could be done.

This is part of a PDD60 which was approved in February of 2007. This is an open canal, it has been blocked off here and here. This is open water and we're showing an upland review area which extends across Canal Street to the edge of our property and there is an upland review area on the backside. Here there will be some disturbance. It is already disturbed now, this whole site has been disturbed by removing some buildings already. The overhaul disturbance in these two locations is approximately one (1) acre. In the upland review area there is no direct wetland impact. There is some drainage on site but it is somewhat limited. We have two (2) catch basins internal for the building they are open but the shafts are open on three (3) sides. These two (2) catch basins that will drain out. There is an existing 30" outfall that we will connect into with a crystal screen sediment chamber before our drainage discharges. There shouldn't be any sediment generated by lawn area. Commissioner Szkola asked if that is where you have

the swale on the landscape plans. Mr. Hart replied yes, there is a swale here. This isn't really a swale but any water coming down here would be directed to this catch basin. One of the reasons why we put these in is if we need to get across the River Walk. So we're planning ahead to go underneath the River Walk with small pipes of discharge. All this is lined with stone right now.

The impervious cover from what existed there originally and with this plan, was in between these buildings are all paved so we are actually reducing the amount of impervious coverage from existing 3.2 acres to 3 acres. That's about a 5% reduction. One other thing I'd like to point out is that we have a sediment erosion control plan that I've highlighted here at the construction entrance is at the center of the site. We have also provided for hay bails and silt fence, we've provided sediment traps at both ends of the site. This is just during construction. That is an overview and we're looking for acceptance of the application.

Vice Chairman Zahornasky stated that the work that has been is for the benefit of the City, with removing of the contaminated soil from a previous application. So you are going to treat the water from your parking area. The lawn area you're just going there. Commissioner Szkola stated you said that there was no sediment erosion, actually the lawn, grass is your best filter. Mr. Hart stated that regarding fertilizers, as you can see we don't have extensive lawns. Vice Chairman Zahornasky asked John Cook if he had any comments.

Per John Cook, even though it is adjacent to the prominent resource, it's actually an improvement over what has been there over the past 100 years. Looking at the water quality and the discharge of the three (3) locations, there wasn't any considerations years back. One question he did have was if the landscaping along the river front would be done at a later time, by the City. Mr. Hart stated that what is shown to be done as the application which is basically shrubs adjacent to the building and some shade trees and flowering trees. John Cook questioned if the River Walk itself is the City's responsibility. Mr. Hart replied yes. Commissioner Szkola asked if the City is proposing their own or is this part of it. You are not going to be cutting anything down along the River Walk. Mr. Hart replied no. John Cook asked if there was going to be rough grading the River Walk area. Mr. Hart stated that this area is at grade where it needs to be right now. We will probably do some grading adjacent to the River Walk. We are not changing the grade specifically. John Cook asked if there would be a need for any temporary stabilization. Mr. Hart stated that anything that is disturbed back here will be vegetated. Commissioner Szkola asked what the timeline of the City was. Al DaSilva stated that he is not speaking on behalf of the applicant but he can give some information. The applicant and the City are working along side each other. There have been meetings with the Engineer for the River Walk and they are possibly considering redoing a section behind the building at the same time the applicant start the building which would be within the next two (2) years. The applicant is encouraging the City to do it that is why they did the cleanup for them. If they get the funds it will be done. It would be cheaper for them to do it at this point. Mr. Hart stated that he hoped to have people moving in next summer. We would love to have this built at the same time. We don't want construction right behind a brand new building. We are working with the City and are trying our best.

**Commissioner Wilson motioned for acceptance of APPLICATION #08-01, RADCLIFFE PARK – CANAL STREET. Proposal to construct a multi-family development involving construction within regulated buffers and discharges of stormwater to regulated area contingent to review of discharge by John Cook and City Engineer. Commissioner Szkola seconded the motion.**

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

Chairman DaSilva returned to the meeting.

4. 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 original activities and beyond).

Marcus Puttock  
Michael H. Horbal Land Surveyors  
52 Main Street  
Seymour, CT

This is an application to rectify a new application. there was a previous application filed and received approval for this site in 2000 to build a single family home and a boat ramp to the Housatonic River on the River Road. The application was approved in 2000 and expired in 2005. Some work was done while the approval was in place, the owner of the property fell ill and couldn't do anymore work for quite a while. Just recently, within the last year, did some more work and did not realize that his permit had expired. There are some fillings where the buffer and what was impacted that was not permitted. This area has received some fill in the neighborhood of 1-2' of fill. That was not approved to be disturbed. This area, the ground is disturbed but our elevations from before to now show to be the same. As you can see that it was disturbed, it doesn't appear as though.

Chairman DaSilva stated that John has been there how extensive are the violations. Per John Cook since a great time of time was spent on this application in 2000, in order to provide for a house size that would be represented of its location, in addition to providing a river access which would be along the southerly boundary of the property, that I suggested to the applicant's agent was to stay with what the original approval was for or re-apply for that, but along that embankment, there was a series of encroachments over a period of years that it took quite a while just to get the application in 2000. My suggestion to them was to anticipate and I would recommend removing that material beyond the Commission's 2000 approval. Just simply pull that grade back. It's all fresh. Stay within those original limits and go from there. That is my recommendation. Commissioner Zahornasky recommend a walk thru. Chairman DaSilva stated that this will be scheduled for a walk thru. Per John Cook, with this application, they are still asking for permission for the boat ramp, they are no longer asking for permission to build a house. It was stated by the other agent for the applicant that they wished to get approval to have this as a marketable piece of property without actually building a house. Commissioner Beattie questioned if this was the application regarding the driveway from River Road. Per John Cook, there might have been some discussion but that was far outside, it might have been negotiating the grade down to get to the River for the boat ramp. That part still remains as part of the application.

Mr. Puttock questioned the application fee, we are not sure how to break it down. I would like to know what the Commission felt would be an appropriate fee. We provided for the basic fee plus a 3x's surcharge on the entire application even though some work that was approved previously, and we are now re-applying for work that hasn't been done and no disturbance has taken place. Some of the work that was done was done under the old application at that time. We were wondering if the Commission would work with the applicant on that.

**END SIDE B, TAPE 1**

Chairman DaSilva stated regarding the fee, it will have to be worked on, there is going to be a walk thru with some of the Commissioners. A walk thru will be set up with John Cook.

**III-D OTHER BUSINESS****a. OPEN OR ONGOING**

1. Update: DaSilva Property – 8 Brookfield Drive (replanting).

Per John Cook, looking for some feedback from the Commission. This is a homeowner's encroachment last year and the decision was granted. Some of the things have been done, he is nearly finishing up. There has been a survey done on the wetland area. What was stipulated by the Commission's decision and the field meeting with the homeowner was to re-establish and stake the boundaries. That has been completed. The homeowner was given permission to remove the branches to facilitate the cleanup; he cleaned up more than what was asked of him. He had a surveyor prepare a plan showing a conservation easement to make up for this wetland area that he would like to keep as lawn. John Cook stated that he doesn't see the value of creating this conservation easement; it doesn't tie into anything else. There is no public access. He does have a series of small willow plantings. Commission's suggestion would be to have more heavy plantings along the property line, possibly some white pines to create a buffer. Commission decided to have staff continue work with the applicant.

2. Update: Avalon Shelton II – Bridgeport Avenue Temporary Stream Crossing

Per John Cook, the applicant had come to him to ask for a temporary crossing of the upper stream crossing closest to Huntington Street. It has been authorized. It is in the same location as the permanent crossing will be.

3. McCallum Enterprises – Housatonic Canal filling issue

Per John Cook, there was a meeting in the Mayor's office. This is the filling of the canal that was in the paper. The Mayor is looking to try to put a proposal together and has asked all the staff members to give him some information that he will in turn propose to the core of engineers. He would like a ruling from the Board, that the Commission finds this waterway is a regulated area. The Commission recommended that John Cook check with Town Counsel on how to handle this situation. Commissioner Szkola suggested that this be included on next month's agenda as a formal review for determination. Chairman DaSilva recommended that John Cook write a letter to the Mayor stating that it is the opinion of this Commission that this falls under review of the Wetlands Commission.

Commissioner Nappi recommended that all open items should be included on the agendas so that the Commission is aware of what progress has been made if any; as well as any action that needs to be taken.

b. ESTABLISH 2008 MEETING SCHEDULE

(2008 Meeting dates list attached)

**Commissioner Zahornasky motioned to accept the 2008 Meeting schedule and submit to the Town Clerk's office. Commissioner Santa seconded the motion.**

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

**IV. MINUTES**

October 11, 2007 Regular Meeting

**Commissioner Santa motioned to accept the minutes of October 11, 2007 Regular Meeting of the Inland Wetlands Commission. Commissioner Zahornasky seconded the motion.**

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

**V. CHAIRMAN'S COMMENTS**

Chairman DaSilva announced that he will be retiring from the Commission effective March 1, 2008. He stated that he has been proud to serve on this Commission for over 30 years and proud to serve with the men and women on this Commission.

Chairman DaSilva nominated Vice Chairman Gary Zahornasky to serve as Chairman of the Inland Wetlands Commission and Charles Wilson, Jr. to serve as Vice Chairman of the Commission.

**Commissioner Nappi motioned to elect Gary Zahornasky as Chairman and Charles Wilson Jr. as Vice Chairman of the Inland Wetlands Commission. Commissioner Santa seconded the motion.**

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

**VI. ADJOURNMENT**

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

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

**MEETING ADJOURNED at 9:07PM.**

Respectfully submitted,

*Sophia V. Belade*

Sophia V. Belade  
Clerk – Inland Wetlands

**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.**