

<b>I. PLEDGE OF ALLEGIANCE</b>	<b>2</b>
<b>II. ROLL CALL</b>	<b>2</b>
<b>III. BUSINESS MEETINGS</b>	<b>2</b>
<b>III-A. PUBLIC COMMUNICATIONS</b> and requests to address the Commission with non-agenda items	<b>2</b>
<b>III-B. OLD BUSINESS</b>	
1. <u>PERMIT-APPLICATION #08-10 MARSHALL MEADOWS SUBDIVISION – 151 NELLS ROCK ROAD.</u> Proposal to create a three-lot subdivision involving site line improvement within regulated area and sewer line construction within regulatory setbacks.	<b>2</b>
2. <u>PERMIT-APPLICATION #08-13, ROTKO PROPERTY – LONG HILL AVENUE.</u> Proposal to fill regulated area and buffer for construction of a single-family dwelling. Application previously denied without prejudice.	<b>3</b>
3. <u>PERMIT-APPLICATION #08-14, 168 GROVE STREET RE-SUBDIVISION – 168 Grove Street.</u> Proposal to create a three-lot subdivision involving fill to a regulated area and construction within regulatory setbacks.	<b>7</b>
<b>III-C. NEW BUSINESS</b>	
1. <u>PERMIT-APPLICATION #08-16, LONG HILL CROSS ROAD LLC – LONG HILL CROSS ROAD.</u> Proposal to construct two industrial buildings within regulated buffer and discharge to regulated area.	<b>8</b>
2. <u>APPLICATION #08-17, LANE STREET RECREATION PATH – LANE STREET.</u> Proposal to widen and extend recreation path involving installation of a street catch basin and pipe replacement.	<b>9</b>
<b>III-D OTHER BUSINESS</b>	<b>10</b>
1. Open & Ongoing <ul style="list-style-type: none"> <li>a. Dimarco Property – 11 Holly Lane</li> <li>b. Fortin Property – 220 Soundview Avenue</li> <li>c. Mauretti Property – 324 Meadow Street</li> <li>d. Gates Property – 24 Hunters Ridge Road</li> <li>e. Barrozo Property – 23 Mimosa Lane</li> </ul>	
2. Buffer-Application #08-12 RUBANO PROPERTY – 42 PEARMAIN ROAD. Proposal to Whom It May Concern: construct single-family dwelling involving driveway construction within review area.	
<b>IV. MINUTES</b>	<b>11</b>
June 12, 2008 – Regular Meeting	
<b>V. ADJOURNMENT</b>	<b>11</b>



CITY OF SHELTON  
INLAND WETLANDS COMMISSION  
REGULAR MEETING MINUTES  
Thursday, July 10, 2008  
7:00 P.M., Room 302

Chairman Zahornasky called the regular meeting of the Inland Wetlands Commission to order at 7:03 P.M.

**I. PLEDGE OF ALLEGIANCE**

All in attendance recited the Pledge of Allegiance.

**II. ROLL CALL:**

- Gary Zahornasky, Chairman
- Jack Goncalves, Commissioner
- Neil Hayes, Commissioner
- Ken Nappi, Commissioner
- Norman Santa, Commissioner
- Randy Szkola, Commissioner
- Charles Wilson, Jr, Commissioner

Absent: Celeste Beattie, Commissioner  
John Cook, WCEO

Also Present: Sophia Belade, Clerk

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

There was no public communication.

**III-B. OLD BUSINESS**

1. PERMIT-APPLICATION #08-10 MARSHALL MEADOWS SUBDIVISION – NELLS ROCK ROAD.  
Proposal to create a three-lot subdivision involving site line improvement within regulated area and sewer line construction within regulatory setbacks.

Michael O’Bymachow  
Surveyor

*I’m here tonight for a proposed 3 lot subdivision on Nells Rock Road. At last months meeting, you had some concerns about grading for lot 3 for our driveway. One of the suggestions from the Board was to possibly move the driveway uphill from what we had proposed earlier. We did look at that when we had our site walk. We did move it up. There is an existing gravel drive there now; basically it will be in that same location. We’re still going to have some road improvements in this area here within the buffer area. Basically what we want to there is to provide a grass shelf. The other concern was for lot 2, the septic at the easterly portion of the property, which is going to be a forced main system and concern with that to the wetlands. We did stake it, we did walk it, and it seems the Commission was fine with it. That’s what I’m here for.*

Commissioner Szkola and John Cook did do a walk thru. There is old machinery and rubbish there. Commissioner Szkola would like to have the removal of these as part of the permit approval.

*The other question too was the disturbance in the area. What we did do is modify that a little bit. We’ll have a grass area, a septic area and the rest will remain as natural. We did modify that.*

**WCEO REPORT**  
**July 10, 2008**

**PERMIT-APPLICATION #08-10, MARSHALL MEADOWS SUBDIVISION – NELLS ROCK ROAD**

STATUS: 1. **Application received June 12, 2008.**  
2. **65-day clock to decide action or schedule public hearing expires Aug. 16, 2008.**

**PLANS: MARSHALL MEADOWS – 151 NELLS ROCK ROAD**

Subdivision Plan 5/2/08  
Overall Site Plan 5/2/08  
Site Plan Sheets 1&2 5/2/08  
Details 5/2/08

**COMMENTS:** During the site visit the applicant's agent indicated that they would shift the driveway access along Nells Rock Road further from the regulated area (lot-3). With this change less regulated activated will be occurring. Also reviewed was the area in the back of the parcel (lot-2). The site plan should reflect a 25' offset from both sides of the regulated area to establish the formal yard space for this lot. Lastly, the parcel is the former homestead of the original farm. From the old farming operation, there are numerous pieces of farm and homestead articles and other debris. The Commission may require the applicant remove this material from any agency jurisdictional areas and dispose of properly. With the notations above staff has no further comment on the proposal.

**COMMENTS from June:** This new application is to create a 3-lot subdivision involving the construction of two additional dwellings. The application identifies two regulated activities: site-line improvement for lot-3 and force main sewer installation for lot-2.

The work is straightforward in concept. However, while the plan shows grading within the regulated buffer for site line improvement, it does not indicate the level of disturbance within the regulated area proper as noted in the application. Lot-2 shows all disturbances for the new dwelling outside of 50' however, unless this regulated area is classified also a watercourse, i.e. swamp, marsh etc. the regulations provide for the creation of yard space down to 25' off the regulated area boundary. The applicant should clarify the intent.

**Commissioner Szkola motioned to approve, with standard conditions and with stipulation that all rubbish and machinery on site be removed, PERMIT-APPLICATION #08-10 MARSHALL MEADOWS SUBDIVISION – NELLS ROCK ROAD. Proposal to create a three-lot subdivision involving site line improvement within regulated area and sewer line construction within regulatory setbacks. Commissioner Wilson seconded the motion.**

Discussion: Site line is part of the application.

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

2. PERMIT-APPLICATION #08-13, ROTKO PROPERTY – LONG HILL AVENUE. Proposal to fill regulated area and buffer for construction of a single-family dwelling. Application previously denied without prejudice.

*Bryan Nesteriak  
B&B Engineering*

*Good evening. The last time we spoke, John was going to be putting together his report as well as we did a site walk. We did a site walk with Mr. Cook as well as one Commissioner, I'm not sure if anyone else had a chance to get out there, the main thing that we noticed when we got there was that it was really dry, especially after such a wet Spring that we had. Anyway after that, Mr. Cook did provide a report. I'm not sure if you have seen it. I just received this yesterday.*

**WCEO REPORT**

July 10, 2008

**PERMIT-APPLICATION #08-13, ROTKO PROPERTY – LONG HILL AVENUE**

STATUS: 1. **Application received June 12, 2008.**  
 2. **Request for fee waiver as plan is the same as that denied with additional information submitted.**  
 3. **65-day clock to decide action or schedule public hearing expires Aug. 16, 2008.**

**PLANS: LOT 5 – LONG HILL AVENUE**

Proposed Site Plan 11/26/07

**COMMENTS:**

After additional review and the field-walk staff offers the following comments and recommendations:

1. Address applicant request for fee waiver. The amount is \$170.00 on the application fee. Any permit fees would not be due unless a favorable action is granted. In addition, if the Commission grants a favorable decision the value of the lot versus the City's time and fees for reviewing and processing is not significant.
2. Relative to the wetland evaluation used, and as stated during the meeting, there are many methods to evaluate a regulated resource. The problem or possibly better phrased, is the limitation of those methods is that most involve a comparative analysis of a local mean values to facilitate or understand whether an particular wetland is so low in value as to be expendable. In this case, there is not a question as to the findings but rather there is little other data within Shelton to compare it. Staff suggests a review of past proposals may aid in this determination. These techniques while not individually substantial cumulatively help demonstrate the effort to minimize adverse impact.
3.
  - a. Return to the original layout that had the least direct impact. (Least fill to wetland soils)
  - b. Reduce the footprint to something like 26'x40'. (Used on Lakeview Avenue and Fort Hill Avenue plus others)
  - c. Provide a conservation easement over portions of the remaining regulated areas to preserve the intent of the Commission, the engineer and applicant or deed restriction to prohibit expansion further into jurisdictional areas. (Oak Valley Road, Weybossett Street, Wells Avenue, Mohegan Road and others)
  - d. Require a plan that satisfies the City Engineer. The alternative and original plan triggered concerns on the part of the City Engineer. However, the original plan did have the least amount of structure in the regulated area.

**COMMENTS FROM JUNE:** At the outset, there are several points to address with this application.

1. There is a request to waive the application fee based on section 18.14 of the Commission regulations. Copy inserted below.
2. Staff understands the situation of the long-term ownership and existence of the parcel as stated during the previous proceeding (ref. February & March 2008 WCEO report).
3. Staff was not familiar the evaluation methodology submitted with the application used to help justify the encroachment. To this end, research is presently underway regarding the use of this method and it appears that a more detailed discussion is warranted.

***FROM THE COMMISSION REGULATIONS***

18.14 WAIVERS: The applicant may petition the Agency to Waive, reduce or allow delayed payment of the fee required by Section 18 of these regulations. Such petitions shall be in writing and shall state fully the facts and circumstances the Agency should consider in its determination under this section. The Agency may waive all or part of the application fee if the Agency determines that:

- 18.14a The activity applied for would clearly result in substantial public benefit to the environment or to the public health and safety and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee, or
- 18.14b The amount of the application fee is clearly excessive in relation to the cost to the City for reviewing and processing the application.

18.14c The applicant is a municipal, state or federal agency or for any organization existing exclusively for scientific, educational, literary, historical or other charitable purpose.

The Agency shall state upon its record the bases for all actions under this subsection.

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

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

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

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

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

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

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

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

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

**A final option** though doubtful it has been explored 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.

*I don't and neither do the owners of the property have any problems with these conditions that Mr. Cook has recommended. In the original plan, was pushing the house in the back. We could certainly reduce the size of the house a little bit, buffering around the disturbed area and providing the driveway along this side of the property.*

Commissioner Szkola went out and took a look it. Historically this was a farm, couldn't tell by walking the property that there were wetlands. The least amount of disturbance would be with the original plan. The Commission agreed that the original plan was better than the recent one. This is a very difficult lot. If the house could get shrink a bit, obviously getting away from the wetlands.

*There is rally no way to avoid high flow in storms. In a 25, 50 100 year storm you are going to have flooding on this property. You're still going to be above the water level with this house and the driveway. You are going to have some ponding, it will flow this way, it will flow back into the swale here. But during typical events you're going to have some minor ponding in the majority of the where the wetlands are. Over here it just looks like upland area. This has a full basement but it's above the water level. The basement and the garage are still above the 100 year water level. You won't have any flooding in the house itself even during a 100 year storm. The other issue he had was structural issue which can be addressed during construction. By looking at this area, I know we're not going to have any problems with it. Right now the footprint on the house is 28x45, and he recommended dropping it to 26x40. You're gaining an extra 5 feet over here and 2 feet back.*

Commissioner Szkola asked if the applicant would be willing, if the Commission wishes, to put a deed restriction on this house. This way if the applicant sells and the new owners come in and they want to add an addition to this they can't. Another question was if this is a good wetland.

*Matt Coshilo, I am the applicant's nephew. As you can see when she got the property, the City of Shelton came and did the road and put a drain on her property. That aggravated the wetlands. The drain comes from Long Hill Avenue onto her property.*

*Mr. Nesteriak continued, if this drain wasn't here, there used to be wetlands here, there's no doubt but this building was built and it was filled in, and this was built and that was filled in. Part of this subdivision the father deeded this to his kids. This area has definitely been filled because its landscaped area, so it basically trapped this water and the only source of this water right now is this drain. If they hadn't gone and put that in, this would probably be a drier area.*

Commissioner Hayes stated, here's the problem, if someone buys the house from them and sell it for a profit, that person is now going to be saddled with some kind of water problem. That is what this Commission is concerned about because we don't want them coming back to us five years from now saying you approved this.

*Mr. Nesteriak responded, that's why I think a Deed Restriction can help you with that. It's also the reason why I raised it up almost 2 feet above 100 year storm. So even in a 100 year storm which we haven't seen since the 70's, it's still won't see any water. This is the first time this has come up. The applicant has never tried to develop it.*

Commissioner Nappi asked if the Commission has received the City Engineer's Report. It has not.

**Commissioner Santa motioned to approve the original plan submitted, named Proposed Site Development Plan 11/26/07, PERMIT-APPLICATION #08-13, ROTKO PROPERTY – LONG HILL AVENUE. Proposal to fill regulated area and buffer for construction of a single-family dwelling. Application previously denied without prejudice contingent to the City Engineer's Report and Certification of the Engineer. A Conservation Easement over the portion of the remaining regulated areas as well as a Deed Restriction to prohibit expansion will also be necessary for submittal.**

Discussion: City Engineer Report was not received. This needs to be tabled to next month so that the Commission can receive and review the comments from the City Engineer. The cause of the wetland is because of the City catch basin that was put in.

Motion was withdrawn.

This will be tabled for next month and the Commission will need to get the City Engineer's Report ASAP so that all Commissioners and John Cook can review it and be prepared for next month.

**3. PERMIT-APPLICATION #08-14, GROVE STREET SUBDIVISION – 168 GROVE STREET.** Proposal to create a three-lot subdivision involving fill to a regulated area and construction within regulatory setbacks.

*Attorney Stephen Bellis  
Representing the Applicant*

*We're back here tonight. As you may recall we were here last month. We have an existing home and then there is going to be 2 additional lots. The existing home is going to be remodeled and then there is going to be 2 additional lots. As you may recall on this one there was an in ground pool with a concrete patio. It was a big mess. It was broken and in disrepair for many years. That was in the buffer. That's been removed with a permit that the applicant sought from the Wetlands Department. That's been cleaned up. We're proposing to give this to Open Space over here and a Conservation Easement all along the brook that is along the back of the property. That's a channeled brook, what I mean by that is that it has stones and the issue for wetlands is that the orange area, that's the area that we're seeking to fill. Just to bring you back to speed, the issue on this was that there had been a prior map that had it extended a bit further towards Grove Street. We had, at the last meeting you said you liked everything that we did on the project however; you wanted us to go out in the field with a representative of the Commission and John Cook. I wasn't there but I believe Randy went I believe you have John's report. Basically what I understand is that the staff was satisfied that the soil boundaries are as our Soil Scientist showed it. So we're asking for the application to be approved.*

Commissioner Szkola went out there and looked at it. The area that is in question has been built and rebuilt. He didn't see any problem

## **WCEO REPORT**

### **June 12, 2008**

## **PERMIT-APPLICATION #08-14, 168 GROVE STREET SUBDIVISION**

**STATUS:** 1. Application received June 12, 2008  
2. 65-day clock to decide action or schedule public hearing expires August 16, 2008

**PLANS: E&E QUALITY HOMES LLC – 168 GROVE STREET**  
Topographic & Boundary Survey 5/23/08  
Record Subdivision Map 5/23/08  
Site Development Plan 5/23/08

**COMMENTS:** During the site visit we discussed the variation between the two flagged delineations. Soil Scientist Pietras explained his findings and how he believed the site conditions changed over the years. Part of the change may be due to channeling the watercourse many decades ago and over time led to the change of soil chemistry. The sample holes were open to observe the soil samples. These observations along with the scientist statements demonstrated the lack of indicators to classify the area as wetlands. Another possible situation occurred to staff. The shape of the soil boundary and type of soil is consistent with the 1989 plan. The original soil scientist is deceased and the firm that prepared the map forfeited their business in 1992 so there was no way to verify any information. Nevertheless, it is possible that the firm plotted the numbered wetland flags from the soil scientist sketch. This would explain the similar plotting but different locations.

Staff is satisfied that the soil boundary, as definitively evaluated addresses the question. As stated previously the other components of the proposal add to the benefits including the open space, conservation easement, and removal of defunct swimming pool.

**COMMENTS FROM JUNE:** This new application is to create a 3-lot subdivision involving the construction of two additional dwellings. The application identifies several regulated activities: filling a regulated area for house grading along with construction and grading within the regulated setbacks. There are also several beneficial components with the application. These include the creation of a conservation easement along the small stream including uplands. It also includes the removal of a former in-ground swimming pool.

The site is also the location of an application in 1989. This application #89-4, Grove Street Subdivision showed the same type of regulated areas but more extensive. In both cases, the applicants generated soil reports. The applicant should clarify the matter of the differing boundaries at this time.

Staff suggests a staff or Commission field visit with the present soil scientist to demonstrate his findings of UD non-wetland versus the LC wetland soil certified with the other report. This confirmation establishes a clear record for any pending actions.

**Commissioner Szkola motioned to approve along with a Conservation Easement PERMIT-APPLICATION #08-14, GROVE STREET SUBDIVISION – 168 GROVE STREET. Proposal to create a three-lot subdivision involving fill to a regulated area and construction within regulatory setbacks. Commissioner Santa seconded the motion.**

Discussion: *Bill Dyer from the Conservation Commission, we met last night and drafted a letter; you might not have gotten it yet on this property. Basically, the brook is protected anyway; there is no particular advantage of having Open Space in the corner over there.*

Commissioner Szkola stated that is a Planning and Zoning concern.

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

### III-C. NEW BUSINESS

#### 1. PERMIT-APPLICATION #08-16, LONG HILL CROSS ROAD LLC – LONG HILL CROSS ROAD.

Proposal to construct two industrial buildings within regulated buffer and discharge to regulated area.

*Attorney Steve Bellis  
Representing the Applicant*

*I'm Attorney Steve Bellis for the applicant. This is Mike Salemm, owner of MJS Builders. This is on Long Hill Crossroads.*

*Mike Salemm  
40 Golden Hill Lane*

*This is across from the old Shelton Scientific towards Long Hill.*

*Attorney Bellis continued, this is a 3 acre parcel that is a PDD application pending before the Planning and Zoning Commission and the reason for that is that this line here is a split zone. In the back is R1 and towards the front is light industrial. Mike Salemm and his family have owned this property at least 20 years. They didn't know what they wanted to do with it for a long time. They had several work sessions with the Town and what they came up with now is to have two buildings that will be in the front on Long Hill Crossroads. One would be for light manufacturing and that is the Swagelock Company. They are already on Long Hill Crossroads. They need more space. One building is going to be 9,200 square feet and that is going to be for light precision manufacturing. Everything will be inside the building, everything will be contained.*

*Commissioner Szkola asked if the 2 buildings were by the applicant choice or by P&Z.*

*Mike Salemm responded that during one of the work sessions we had originally come in with one building. Someone on the Board suggested we split it. Not sure what their reasoning for it was but this is what we ended up with.*

*Attorney Bellis continues, the building I'm talking about is this one. Basically you can see it's mostly a one story building. It has access to a parking lot via garage on Long Hill Crossroads. In the middle would be the parking and then the second building which is 8,000 square feet, that building is similar in design, one story high. This building has some what of a unique use, both an office/storage for small contractors. i.e.: landscapers, excavators where they could get their equipment inside each one of these units with the overhead garage door and they can do their work inside on a particular machine or for just storing of their equipment and not in someone's yard. You won't have bulldozers or backhoes.*

*Mike Salemm stated this was a recommendation at the work sessions to get them out of residential areas. Both buildings were originally designed to accommodate that user. Since we started, Chris Jones the owner of Swagelock contacted me and was interested so we switched over one of the buildings and kept the second one as what was recommended by the Board.*

Attorney Bellis continues, so that is so you have a feel of what's going on. On this site there is a significant amount of wetlands to the rear of the property. Some Open Space has been donated by the Salemm family prior to this. I believe this is owned by the City of Shelton as well. What the applicant is proposing to do is to put a Conservation Easement all across the back of the property and as far as this area it's all dry. You'll see in the application that they are only looking to build within the buffer. They're not moving into the wetlands.

Mike Salemm stated that when we donated this area back we put a minimum of 30 feet. I think this land was required by the Town after. There is no actual buffer line.

Commissioner Hayes stated that he knows about these places where you have dumpsters on site.

Attorney Bellis stated that there is a trash area with an 8 foot stockade fence. It was recommended from the beginning that there be no outside work and no dumpsters on the premises.

Chairman Zahornasky asked about something that was brought to his attention by John Cook regarding cutting off a corner of a building. Which building is he referring to or maybe he was referring to the workshop area.

Mike Salemm answered, we were talking about both buildings originally. This building when I first talked to him was about 10,400 square feet because it was closer to the wetland line. Since then we took about 10 feet and dropped this corner off which would have been the closest area. So that distance he seemed to be happy with. His concern was more than anything this area of wetland right here which is probably only 12 feet or so. Attorney Bellis interjected, because this is industrial, I don't think people are going to go back there and utilize the area. We could put some boulders to delineate the wetlands area. The good thing about this property is that there is a big drop at this point so it almost created a fence in itself.

Chairman Zahornasky stated that we cannot accept it because John Cook hasn't had a chance to review it. He will also be looking at oil separators. A walk through will need to be taken. Please flag the area. This will be tabled until next month for further action.

## END SIDE A, TAPE 1

2. APPLICATION #08-17, LANE STREET RECREATION PATH – LANE STREET. Proposal to widen and extend recreation path involving installation of a street catch basin and pipe replacement.

Bill Dyer  
Terry Gallagher  
Trails Committee

We're here as part of the Trails Committee which is part of the Conservation Commission. Basically, we've been working on the Recreation Path on Lane Street. It's finally starting to move, we have most of it laid out. Both ends are coming together well. This is basically the area of Lane Street, Huntington Center is here. The 10<sup>th</sup> tee is here and the cemetery is here. The trail now goes in here. What we're trying to do is a recreation path and makes it handicapped accessible to make it wide enough for people on bikes and baby carriages can walk. So we're looking at this area for an eight foot gravel path. In any case, what we want to do is, the wetlands that we have, anyway Jim Swift did this for us pro bono and Tracy Lewis did a lot of the work also. There are many wetlands flags out here. This is Mean Brook and basically this is wetland area. Terry and some other folks pulled a lot of trash out of it. We're trying to make good for that.

Terry Gallagher

The stretch that Bill is talking about is where it states end of road, and there here are pictures of my daughter's Girl Scout Troops in April pulling out garbage and also for Clean Sweep and pictures from Trails Day. This is open as a hiking trail all through here. The existing trail goes all the way through to the boardwalk that was built two years ago with the Land Trust and Trails Committee. We would like to extend it to 8 feet.

It was asked of the Trails Committee what the impact of bringing down to Lane Street.

Bill Dyer responded that Jim brought it all the way down here to the hedge, we're not really sure it needs to go that far. We'd like to bring it around here; basically you have to cross the street here, cross Lane Street to the sidewalk to get to Huntington Center. Right now it basically come here and stops. We thought effectively build a sidewalk but probably end it in here rather than all the way down here. This is Shelton property, this is Land Trust property. This is swamp. I have signed the application and Joe has

signed it because of the Land Trust. We have a formal submittal. This slopes down here and there is already a culvert underneath, it goes to behind the 10<sup>th</sup> tee under Lane Street.

Terry Gallagher continued, what Jim was saying the runoff from Lane Street, and what he was thinking of if he had extend this, on the other side of the road opposite of where the trail ends now, there are some Sugar Maples along the stone wall where the cemetery and the golf course are. Because Lane Street is one of Shelton's scenic designated roads, we're trying to get something that fits in without doing radical grading that uproots the Sugar Maples. As you brought the trail down, there are remains of a barb wire fence where it used to be pasture. We brought the trail down the street a little bit. The shoulder actually flattens out along the cemetery and you can actually view a trail that would hook up with the Huntington Center sidewalk project which the City is going to be doing, without doing a lot of re-grading. It will require a little bit of re-grading near the wetlands but we're thinking something that was small equipment for small impact.

Commissioner Szkola asked if the City Engineer is involved.

Bill Dyer responded only if we go this far. We're pretty sure we don't have to. Terry Gallagher stated that the grades as you come off the street; it actually dips down into a hole and then goes back up. What we're proposing is a low retaining structure, about this tall, 3 feet or so, to get the handicap accessible grades in through there and we'd probably be going right up to the ledge. That's where we pulled the garbage prior. There's a lot of evasive species. One of the nice things that happened last year was when the Land Trust did all their work for evasive species control; we would be willing to do the same thing. The boardwalk is in here further. Basically we have to build some support. We're thinking stone or concrete. The wetlands will support the growth of whatever we out in there or it will disappear in a year. Basically, this is where the meadow starts. We will be staying here, actually push the trail a little bit further from the property owner's corner and come down a little bit here and come right into the boardwalk. The goal for this project is to make the entire 4 ½ mile stretch so that it's useable for everyone. The terrain gets a bit steeper. The part from the meadow basically to the next part of Lane Street, we talked with John and he said that there was nothing there.

Everyone talking at once

Bill Dyer continued, sometimes you actually can have steep spots and then level areas and then steep spots and level areas. When we say handicap we're talking ADA, but it's really more for bikes and baby carriages.

Commissioner Szkola offered that he would pull out the boulders and heavy objects needed to be taken out from the area once he slows down.

**Commissioner Wilson motioned to approve APPLICATION #08-17, LANE STREET RECREATION PATH – LANE STREET. Proposal to widen and extend recreation path involving installation of a street catch basin and pipe replacement, starting above where there was talk about putting the catch basin and contingent upon John Cook's approval of minimizing the impact. Commissioner Santa seconded the motion.**

A voice vote was taken; motions passed with Commissioner Szkola abstaining.

### III-D OTHER BUSINESS

#### 1. Open & Ongoing

- f. Dimarco Property – 11 Holly Lane – Commissioner Szkola will go out to the site and verify was has been completed. The Commission had requested Mr. DiMarco to be present, he ahs been in contact and there is no need for his presence.
- g. Fortin Property – 220 Soundview Avenue – Chairman Zahornasky and John Cook had a conversation. Mr. Fortin has returned John's call and stated something would be forthcoming.
- h. Mauretti Property – 324 Meadow Street
- i. Gates Property – 24 Hunters Ridge Road
- j. Barrozo Property – 23 Mimosa Lane

Commissioner Nappi will contact John Cook regarding what the status is and should be regarding these ongoing and open items.

2. Buffer-Application #08-12 RUBANO PROPERTY – 42 PEARMAN ROAD. Proposal to Whom It May Concern: construct single-family dwelling involving driveway construction within review area.

John Cook sent letter to the applicant to approve application.

#### IV. MINUTES

The minutes will be table to next month's meeting should John Cook have any corrections.

#### V. ADJOURNMENT

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

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

**MEETING ADJOURNED at 8:10 PM.**

Respectfully submitted,

*Sophia V. Belade*

Sophia V. Belade  
Clerk – Inland Wetlands

1 tape on file in Town Clerk's office

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