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*CITY OF SHELTON  
INLAND WETLANDS COMMISSION  
REGULAR MEETING MINUTES  
Thursday, May 8, 2008  
7:00 P.M., Room 303*

Chairman Zahornasky called the regular meeting of the Inland Wetlands Commission to order at 7:06 P.M.

**I. PLEDGE OF ALLEGIANCE**

All in attendance recited the Pledge of Allegiance.

**II. ROLL CALL:**

Gary Zahornasky, Chairman  
Neil Hayes, Commissioner  
Ken Nappi, Commissioner  
Jack Goncalves, Commissioner (arrived 7:23 pm)  
Norman Santa, Commissioner

Absent: Celeste Beattie, Commissioner  
Randy Szkola, Commissioner  
Charles Wilson, Jr, Commissioner

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

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

There was no correspondence received by the Commission.

**III-B. OLD BUSINESS**

There was no Old Business for discussion.

**III-C. NEW BUSINESS**

1. APPLICATION #08-09E03-06 BERKSHIRE COMMONS – 2 MURPHY’S LANE.  
Request for extension.

Letter and copy sheet from original application attached:

May 8, 2008

Phoenix Housing of Shelton LLC  
2 Murphy's La.  
Shelton, CT 06484

RECEIVED  
MAY 8 - 2008


Inland Wetland Commission  
54 Hill Street  
Shelton CT, 06484

SHELTON INLAND WETLAND  
COMMISSION

Dear Members of the Commission:

I'm writing to request an extension of our approval for Berkshire Commons Project located at 2 Murphy's La., Shelton. The current approval is slated to expire May 28, 2008. We are still unable to progress and obtain a building permit due to the lack of cooperation between Shelton and Stratford WPCA. We are currently involved in legal proceedings with the town of Stratford WPCA. This will hopefully hasten the process towards final approval of our sewer application. Once we receive this approval we intend to break ground and complete the project posthaste. Our court date is scheduled May 21, 2008 therefore I ask you to grant a 5 year extension at the next commission meeting.

Regards,

  
Adam Zuckerman  
Managing Member  
Phoenix Housing of Shelton, LLC.  
203-231-8981

2 Murphy's Ln., Shelton, CT 06484 – Ph: 203-231-8981 – Fax: 203-513-2063

**SHELTON INLAND WETLANDS COMMISSION  
APPLICATION FOR PERMIT**



REF. # 08-095-03-00

CLOCK START: \_\_\_\_\_

FEES: \_\_\_\_\_

PAID: \_\_\_\_\_

for office use only

PLEASE TYPE OR PRINT NEATLY

== ATTACH EXTRA SHEETS IF NOT ENOUGH SPACE ==

1. APPLICATION NAME: 2 MURPHY'S LA (HICKS HILL COMMONS)

2a. APPLICANT: JONATHAN ZACKERMAN

CONTACT NAME: (if applicant is a company) \_\_\_\_\_

ADDRESS: 85 HURDIS RD Sheltonville, NY

TEL: \_\_\_\_\_ FAX: \_\_\_\_\_ CELL: 203-395-2966 EMAIL: \_\_\_\_\_

APPLICANT SIGNATURE & DATE: Jonathan Zackerman

2b. RECORD OWNER: Phoenix Housing of Shelton LLC

CONTACT NAME: (if owner is a company) \_\_\_\_\_

ADDRESS: 2 MURPHY'S LA, Shelton, CT 06484

TEL: 203-511-2003 FAX: \_\_\_\_\_ CELL: (203) 231-5981 EMAIL: 70629544@AOL.COM

OWNER SIGNATURE & DATE: Jonathan Zackerman

2c. AGENT NAME: \_\_\_\_\_

CONTACT NAME: (if agent is a company) \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TEL: \_\_\_\_\_ FAX: \_\_\_\_\_ CELL: \_\_\_\_\_ EMAIL: \_\_\_\_\_

AGENT SIGNATURE & DATE: \_\_\_\_\_

**3. PARCEL INFORMATION**

3a. STREET NUMBER & STREET NAME: 2 MURPHY'S LA

3b. AREA (acres): 1.6 3c. TAX MAP/LOT # 31/76 3d. ZONE CLASS # P1D

**4. REGULATED AREA & ACTIVITY QUESTIONS (Provide table with totals if multiple areas are involved)**

4a. AREA OF WETLANDS/WATERCOURSES ON PROPERTY: .06 (in acres)

4b. AREA OF WETLANDS/WATERCOURSES ALTERED: .01 (in acres)

4c. AREA OF DISTURBANCE WITHIN BUFFER/UPLAND: .10 (in acres)

4d. AREA RESTORED, ENHANCED OR CREATED: .10 (in acres)

4e. NUMBER OF STORMWATER DISCHARGE POINTS: \_\_\_\_\_

5. Located in public water supply watershed? N (Y or N) If Y, file copy of application with water company.

6. DESCRIBE REGULATED ACTIVITIES: (Attach additional sheets as needed)

CONSTRUCTION of a 4 unit Dwelling

OFFICE ONLY CIRCLE TYPE:

Rev. 2/04 [APPLICATION TYPES: PERMIT-P, BUFFER-B, CONCEPT-C, PERMITTED USE-M, REVISION-R, EXTENSION-E]

The regulated activities have started. They received permission to cross a stream with a bridge structure rather than a culvert. It had come in 2003 with statutory approvals for five (5) years and work had been initiated but was not able to proceed any further without securing a sewer permit. John Cook had the applicant submit a new plan package with the same plan package as previously referenced. Commissioner Hayes suggested that the Commission extend this application for a two (2) year period.

*Adam Zuckerman*

*We stopped work about 2 years ago. After we couldn't get our building permit back then, we went to our lawyer and we're scheduled for May 26. I'm not sure how long the proceeding takes but last time it took over a year to get a result back.*

John Cook stated that the actual building construction was approved outside the Wetlands Commission but came here because they need access over the brook. The original permit is valid until the 28<sup>th</sup> of May. Mr. Zuckerman stated that he asked for an extension through the P&Z Commission as well.

**Commissioner Hayes motioned to approve Application #08-09E03-06 Berkshire Commons – 2 Murphy's Lane, request for extension for a one (1) year period commencing on May 28, 2008 which can be renewed up to a maximum of five (5) years with no additional fees. Commissioner Nappi seconded the motion.**

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

### III-D OTHER BUSINESS

1. Buffer-Application #08-08, Branco Property – 40 Keron Drive. Proposal to construct aboveground pool and deck and sustain 2-sheds constructed without benefit of permit.

Per John Cook this application is for an above-ground swimming pool and deck. It is approved, however the general soil mapping that we had on file showed nearly the entire property as wetlands, but the property was developed ten (10) years or so before there were regulations. it was a generalized mapping. The suggestion was that the homeowners hire a soil scientist so that the commission could work with accurate boundaries. In discovery, the homeowners had built two small sheds without benefit of permit, so they would have to incorporate that with the application fee of the pool and deck. The owners have worked with the accurate boundaries as well as paying the base fee and a surcharge. The decks are not permanent structures and the sheds are located on what seems to be comprised of yard space.

### IV. MINUTES

(page 6 of March 11, 2008 minutes):

*Commissioner Hayes stated that he recognized that the lot was established before all the regulations; we don't want to send anybody out of here without giving them an opportunity to develop. My question last time was what type of quality is the wetland. Looking at the big picture of Shelton, is it something that we can possibly get rid of the wetland and let it be worked on and developed and earn taxes off of it, or is it something we should protect for the benefit of a wetland environment. Commissioner Beattie stated that we should also protect the future homeowners that would be impacted by this. Commissioner Hayes included that he agreed with Mr. Nesteriak, you can engineer anything. Mr. Nesteriak stated that in looking at the property and all the other properties around it, this was part of a larger wetland. It's been developed on. I use that as my backing. There's a fill on here, there's a fill on here, there's lawn on each side and then there is a cleared area that was put in when they put in the power lines. If I can address the quality wetland, I'm not a oil scientist but yes it's right next to a larger wetlands, but in my opinion it's isolated from the fact that you have three sides that are developed around it and a clearing here. I look at it as two separate things and Mr. Cook looks at it as one. You have development literally five feet from the wetlands. I understand that it's a tough decision. There is going to be different elevations for different developments.*

*Should read:*

*Commissioner Hayes stated that he recognized that the lot was established before all the regulations; we don't want to send anybody out of here without giving them an opportunity to develop. My question last time was what type of quality is the wetland. Looking at the big picture of Shelton, is it something that we can possibly get rid of the wetland and let it be worked on and developed and earn taxes off of it, or is it something we should protect for the benefit of a wetland environment. Commissioner Beattie stated that we should also protect the future homeowners that would be impacted by this. Commissioner Hayes*

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(page 6, next paragraph):

*There was discussion regarding what could be done with ZBA. John Cook stated that he suggested that because of what was recently done at the end of '07 for Weybosset. They did get a variance. On this particular case this has a forty foot setback even if it came up twenty-five feet off the property line. How far from the road would it be? Mr. Nesteriak responded it would be seven feet from the road. Compared to this plan, it would create more disturbances to the area. Yes, the buffer could be larger in the back but you would be disturbing more wetland area.*

For the record, the edge of the pavement is almost 40' from the property line. The home would not be 7' from the road, but almost 65' from the road.

**Commissioner Santa motioned to approve the minutes of March 11, 2008 with the corrections. Commissioner Hayes seconded the motion.**

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

OPEN AND ONGOING:

1. Mauretti Property – 324 Meadow Street (replanting plan).
2. Gates Property – 24 Hunters Ridge Road (concrete chunk wall removal).
3. Fortin property – 220 Soundview Avenue. Awaiting application.
4. Barrozo Property – 23 Mimosa Lane. Awaiting more detailed proposal.

## **V. ADJOURNMENT**

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

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

**MEETING ADJOURNED at 7:31 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 ARE NOT INCLUDED ON WEBSITE. FULL COPY OF MINUTES WITH ATTACHMENTS IS AVAILABLE IN THE TOWN CLERK'S OFFICE.