

INLAND WETLANDS COMMISSION
November 12, 2009 – Regular Meeting - Room 302 - 7:00 P.M.

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*CITY OF SHELTON
INLAND WETLANDS COMMISSION
REGULAR MEETING MINUTES
Thursday, November 12th, 2009
7:00 P.M., RM. 302*

Chairman Zahornasky called the Regular Meeting of the Inland Wetlands Commission to order at 7:00 P.M.

1. PLEDGE OF ALLEGIANCE

All in attendance recited the Pledge of Allegiance.

2. ROLL CALL

Gary Zahornasky, Chairman
Celeste Beattie, Commissioner
Robert Dunford, Commissioner
Charlie Wilson, Commissioner
Neil Hayes, Commissioner (arrived at 7:07)
Ken Nappi, Commissioner
Jack Goncalves, Commissioner

Absent:

Randy Szkola, Commissioner

Also Present:

John Cook, WCEO

3. BUSINESS MEETING

Commissioner Nappi motioned to add Item 3D-6/ Dimarco Property as referred by the corporation council and to add item 3C-2 Perry Property 09-24 to the agenda. Commissioner Wilson seconded the motion.
A voice vote was taken; motion passed unanimously.

3-A. PUBLIC COMMUNICATIONS and requests to address the Commission with non-agenda items: **None**

3-B. OLD BUSINESS

1. PERMIT- APPLICATION #09-16, DLUGAS SUBDIVISION – 88 VALLEY ROAD.
Proposal to excavate fire pond within regulated area and home construction within

regulated setback.

Jim Swift stated, good evening everyone, my name is Jim Swift landscape architect – professional engineer. Commission accepted application last month. Jim went over quick recap of last month's presentation. Jim explained why they wanted to build a second house for a family member and stated that the one issue that was outstanding from last month was that we are proposing a fire pond here. As some of you might remember, the house did burn down at one point because we didn't have any City water in this location. Therefore, Mr. Dlugas is proposing to build a fire pond on the other side of Walnut Brook. John Cook had commented and asked us to move the pond to the other side of the creek because this side is basically open farm land, it's a pasture. It's feasible, but because of the replenishment issue on the watercourse, we would still prefer it on this side, but we don't want to get hung up on this. If the Commission does not want the fire pond on that side, we would be willing to have a motion to delete the pond from the application at this time and we can deal with it another time.

John Cook stated, same comments as last month's October meeting. There is no record of subdivision plan that was submitted as part of application. (Jim Swift handed him two copies). Preliminary comment is that the fire pond should be located on the other side of the Walnut Brook on one of the lots or possibly between the lots. There is insufficient detail of the pond construction and sequencing, material handling and based on the cross section extensive material removal. Also, there should be confirmation that no public water is available from either side of Valley Road for establishment of fire pond necessity. Likewise the detail of the fire pond should show the provision for a hydrant, as is the case with most fire ponds. The proposed house and barn relocation is shown to attempt the least encroachment into the upland review area on lot #2. The only thing I would mention about replenishment, most times the water table is going to be there, hopefully you're not going to have to withdraw from the fire pond frequently.

Jim Swift stated, it is there.

Commissioner Beattie asked, I think one of the questions last time was size of this, do you have measurements?

Jim Swift stated, it's about 100 feet by 50 feet. It's about 6-8 feet deep. It's connected to Walnut Brook with a 15 inch pipe.

Commissioner Beattie asked, are there any safety features there? What if we have someone walking through that property with an 8 foot deep pond?

Jim Swift stated, this is something every commission is concerned with. I tend to look at this as if it was a natural pond. But again, if the commission feels strongly that it should be enclosed by a fence, we would be willing to do that.

Commissioner Nappi stated, just one question and it doesn't concern our jurisdiction, but do fire ponds usually have to be reviewed by the Fire Chief since it's built to protect the property and lack of water?

Jim Swift stated, we usually do this only if it's a public pond.

Commissioner Nappi stated, my only concern is that, god forbid, there should be another incident where that pond is supposed to be used by the City fire department and they get out there to use

it and something is inadequate about it. I would feel comfortable if the home owner consulted the Fire Chief.

William Dlugas stated, property owner, when the house burned down the first time there was a swimming pool right next to the house. They were afraid to bring the fire truck too close to the house, so they just watched the house burn down.

Commissioner Nappi stated, we are supposed to judge the impact on the Wetlands but in judging this we also have to judge the public safety aspect too. But I go back and say I would feel better if the Fire Chief reviewed it.

Commissioner Beattie stated, I hate to belabor the point, but I do want to be concerned about the safety factor. Can we do something about that?

Jim Swift stated, sure, yes.

Commissioner Wilson motioned to approve application #09-16 Dlugas Subdivision without the fire pond. Commissioner Goncalves seconded the motion. A voice vote was taken; motion passed unanimously.

3-C. NEW BUSINESS

1. PERMIT-APPLICATION #09-21, CALANDRO PROPERTY – 97 MILL STREET.

Proposal to install force main sanitary sewer in and adjacent to regulated areas for residential service.

John Cook stated, the property owner is here tonight but the engineer is not here this evening. Staff recommended receipt for review. The plan entails the serpentine installation of a force sewer line to service a residential dwelling. The existing system has deteriorated per the homeowner and engineering consultant. Several possible scenarios exist for the line location. Staff requested the applicant have his agent address the alternatives as to why the proposed location was chosen. The proposed location at first glance appears to have greater regulated activity and could potentially affect the upper pond water level by possibly severing subsurface flow to the pond.

Commissioner Nappi asked, and you said his agent did discuss it with you? And do you have any information on the discussion?

John Cook stated, correct. He had some concerns that there might be some pipes from the upper pond. But there hasn't been any documented analysis. I guess the house is older and there is not much knowledge to what's underground.

Chairman Zahornasky asked, is there anything they can do to research if there are underground pipes out there? Is there some type of studies they can do?

Matthew Calandro stated, property owner, I think my main concern is that there is an overflow here about 5 feet deep from that pond. We were unable to figure out where it goes. At the same time, if you guys are concerned, I can go this way, I just don't know where this drain is. It's an older drain made out of stone.

Commissioner Nappi asked, John you're not convinced that this way is a bad way?

John Cook stated, no, I'm not convinced that the proposed way is bad either. The question arises is it the best way in the eyes of the Commission? Normally straight shot is usually least impact.

Commissioner Nappi asked, have you secured all the right of ways necessary in order to accomplish this?

Matthew Calandro stated, I have, I've met with the Conservation Commission about four months ago.

Commissioner Wilson stated, John would we have any other issues if his system totally deteriorates now with the leeching fields and everything else causing more damage if we don't let him get this done. How bad is it?

Matthew Calandro stated, it's pretty bad. Its three wells and they are all failing.

Chairman Zahornasky stated, it needs to be fixed, there's no question there. We have to let the homeowner access that sewer line; it's just how we're going to do it. John recommended it for receipt, I think we need a little bit more information from your engineer to address John's concerns. Just come back next meeting with all the information that John asked for.

Commissioner Nappi asked, I just have a couple questions. The septic system is not failing now?

Matthew Calandro stated, it is failing now.

Commissioner Nappi asked, are we taking any action to safeguard the area now?

Chairman Zahornasky stated, there is not much we can do.

Commissioner Nappi asked, I feel comfortable approving it upon John's review so we don't have to wait. I mean, do you feel that comfortable John if we did that?

John Cook stated, yeah, but if the decision is to approve it in this fashion subject to certain things being verified or alternately if the board felt that they should have them look at it another way...

Commissioner Nappi asked, is the septic failing now?

Matthew Calandro stated, yes.

John Cook asked, just to clarify, was there a letter that the Commission wishes sent out to WPCA? Is it necessary?

Commissioner Nappi stated, yes, I think you can convey it; I don't think we need a letter.

John Cook stated, OK, just convey it through inter-office memo.

Commissioner Nappi motioned to approve application #09-21 based on submission of proper engineering information to the enforcement officer and consideration of the alternative route put in. Commissioner Wilson seconded the motion.

A voice vote was taken; motion passed unanimously.

2. Perry #09-24 (added to agenda).

Salvatore Perry stated, Sal Perry representing 34 Sharon Drive & 5 Raymond Lane, last meeting on October 8th, we came to the conclusion on what we were going to do as far as remedying the fill removal or movement at my parent's property. I came to the conclusion that I was going to move up the fill to the Howden property, which is next door. I met with Marty on October 14th, we walked his property to his liking on Sunday the 18th to agree on location of fill and how he wanted it to look when it was done. We called Tracy Lewis on Monday the 19th, to move forward with the plans. He said it should take about one and a half weeks, I called Tracy on the 30th, he said he had to send field crews back out to locate Howden's house. So basically Tracy had a problem with the field maps and he said he had to relocate Marty Howden's house to the plan and he said he should have it all wrapped up by Wednesday of next week. So I can come in here as soon as he calls me with the plan, which is far before the next meeting. And basically submit the completed application. It's just a matter of getting the second part of the plans.

Chairman Zahornasky stated, so we can expect a formal application next meeting?

Salvatore Perry stated, second half of plan, no problem.

Commissioner Beattie asked, but it will come back to us next month?

Chairman Zahornasky stated, a formal application next month.

(OK, we will see you next month)

3-D. OTHER BUSINESS

1. Application #09-17, DaSilva Property – 8 Brookfield Drive. Owner appeal on agent review of shed construction within regulated upland area.

Manny DaSilva stated, good evening, I'm Manny DaSilva and I want to build a second shed. I have pictures that show the existing shed just to get a reference in relations to the wetlands. John gave me approval to put it to the right side or in front of that one, but it will ruin the yard, so I want to put it directly behind the existing shed. It is not Wetlands in that area. It's fenced in; I clearly defined the Wetlands with that fence, so I'm not going to be encroaching into that area anyways.

Chairman Zahornasky stated, let me try and clarify this a little bit. You (John) gave him approval to put the shed in front or to the right of existing shed. OK, so that is what you are appealing when it says 'appealing agent review'.

Manny DaSilva stated, Correct.

Commissioner Nappi asked, the location he wants now is not encroaching or in Wetlands?

Manny DaSilva stated, it's out of the Wetlands, but it's within the 50 foot regulated area.

Chairman Zahornasky asked, why two separate sheds, why not just an extension or addition to the existing one?

Manny DaSilva stated, because then it doesn't comply. I'd have to be 30 feet from property line. Otherwise I would, I'd rather not have two separate sheds.

Commissioner Dunford motioned to approve application #09-17 DaSilva Property. Commissioner Wilson seconded the motion.
A voice vote was taken; motion passed unanimously.

2. Application #09-19, Carlucci Property – 39 Great Oak Road. Agent review on after-the-fact deck construction within regulated upland area.

Existing deck was taken down to build a new deck by the homeowner. John approved it as submitted. No problems from Commission.

3. Application #09-20, Fernandes Property – 27 Millbrook Road. Agent review on home addition within regulated upland area.

This is for a garage addition. The amount of disturbance was extremely small. John approved it as submitted. No problems from Commission.

4. Application #09-22, Frascatore Property – 43 Quaker Ridge Road. Agent review On after-the-fact grading within regulated upland area.

The homeowner had executed substantial filling and grading on their property. We don't know how much or any is in our jurisdiction. This one is after-the-fact. Once it came back, it was a small amount. Commission has no problem.

5. Application #09-23R09-14, Hunt Property – 56 Birchbank Road. Agent review on retaining wall replacement within regulated upland area.

This one John has not made decision yet. Treat it as a revision. John went through and made notations.

6. Dimarco Property (added to agenda)

Mr. Welch had come in this afternoon. Everything that you have is what they submitted to Council. Attorney Welch stated this is what he received. He asked Commission how they would like to proceed. His restoration plan is not up to what we had agreed upon. Now Mr. Dimarco has hired a new attorney and now they wish to discuss the situation at hand.

Commissioner Nappi motioned that John Cook, Gary Zahornasky, Attorney Welch, and Randy Szkola meet with the applicant and his attorney to get more details and to see if there is significant plantings for the wetlands. Commissioner Wilson seconded the motion.
A voice vote was taken; motion passed unanimously.

4. MINUTES October 8th, 2009 Regular Meeting

Commissioner Beattie motioned to approve the minutes of the October 8th, 2009 Regular Meeting. Commissioner Hayes seconded the motion.
A voice vote was taken; motion passed unanimously.

5. ADJOURNMENT

Commissioner Wilson motioned to adjourn. Commissioner Goncalves seconded the motion.
A voice vote was taken; motion passed unanimously.

MEETING ADJOURNED AT 8:27 P.M.

Respectfully submitted,

Kimberly Wells

Kimberly Wells, Clerk

1 TAPE ON FILE IN TOWN CLERK'S OFFICE