



Town of Hamden
Planning and Zoning
Department

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September 9, 2020

MINUTES: INLAND WETLANDS COMMISSION, Town of Hamden, held a Regular Meeting via Zoom teleconferencing technology on Wednesday, September 2, 2020 with the following results:

Commissioners in attendance:

- Joan Lakin, Chair
- Kirk Shadle
- George Schneider
- Michael Milazzo (Arrived late)
- Michael Stone
- Tim Mack
- Kristin Morico
- Jonathan Clapp

Staff in attendance:

- Dan Kops, Town Planner
- Thomas Vocelli, IW Enforcement Officer
- Tim Lee, Assistant Town Attorney
- Natalie Barletta, Clerk

Ms. Lakin opened the meeting at 7:02 p.m. Mr. Shadle took attendance and there was a quorum. Ms. Lakin went over electronic meeting procedures.

I. Applications

- a. 20-1233** Construction of a Wellness Center – 275 Mt. Carmel Avenue
Quinnipiac University – Applicant

Attorney Bernard Pellegrino, Pellegrino Law Firm, addressed the commission. Attorney Pellegrino gave a general introduction of the project to the Commission. Attorney Pellegrino said that the University is doing an addition to the recreation center for a wellness center that allows for exercise, and space for clinical evaluation for physical and mental health. Attorney Pellegrino added that that it would be constructed as a two story addition, and will be located on the Main Campus on Mt. Caramel Avenue on the south and west side of the building. Attorney Pellegrino added that wetlands are located south of the construction site.

Howard Pfrommer, Engineer representing Quinnipiac University, addressed the Commission. Mr. Pfrommer showed the plans of the Wellness Center. Mr. Pfrommer explained that there is a recreation area, and added that there is also a stream that runs through campus. Mr. Pfrommer added that in terms of existing conditions, it's well vegetated on campus. Mr. Pfrommer added that there will be no grading where the site is vegetated. Mr. Pfrommer then said that the addition is 56,000 square feet, has two stories and is L-shaped and will be attached to the southwest side of the existing building.

Mr. Pfrommer said that there is a short retaining wall on three sides, and some of that storm water falls to the pond, some of it falls into the stream, and there will be a number of storm pipes along the south side of the building that will discharge to the stream. Mr. Pfrommer added that there are bio-retention basins that add to the stream. Mr. Pfrommer said that the bottom is porous, and he anticipates that the plants are going to take some of that water, as there is a permanent pool of water that is six inches deep. Mr. Pfrommer said that this will tie the existing stormwater system into an existing pipe into a stream, and the University didn't want to get any closer to the stream so it wouldn't be disturbed. Mr. Pfrommer said Quinnipiac is looking to pick up site storm water, and over to the east there is a plaza that is consisting of large stones. Mr. Pfrommer added that there's gas, water, sanitary, and erosion control on the site.

Mr. Pfrommer said that the University is installing 20-foot long rows of hay bales, which were configured to preserve the trees near the library. Mr. Pfrommer said that access to the site is going to come off the northwest parking lot, and there will be a temporary stockpile area. Mr. Pfrommer added that as far as tennis courts are concerned, there needs to be a place to stockpile materials. Mr. Pfrommer added that stockpiling soil is the best use of the tennis courts.

Ms. Morico spoke in regards to the need for a general permit for construction activity, and added she was wondering about the staging activities. Ms. Morico asked if the disturbance would be over an acre, and if Mr. Pfrommer was pursuing a permit with the Department of Energy and Environmental Protection (DEEP). Mr. Pfrommer answered that his understanding was that the threshold was five acres if the Town had an Inland Wetlands Commission. Ms. Morico said that it was one. Mr. Pfrommer answered that if it is between 1 and 5 acres, it's not necessary if there is a local commission. Ms. Morico argued that it seemed to her like a permit was needed. Mr. Pfrommer said he'll check on it, and right now, 3.7 acres will be disturbed. Ms. Morico asked if this accounts for everything. Mr. Pfrommer said yes, and added that note into construction. Mr. Pfrommer showed the Natural Diversity Data Base (NDDB), which shows that the area is not of concern. Mr. Pfrommer said the rest of the drawings show utility details, and these are things that the Regional Water Authority was also concerned about. Mr. Pfrommer added that the RWA comments were on September 1, and they were positive. Mr. Pfrommer addressed the third comment, which the University reached out to them and addressed those concerns.

Ms. Morico stated that in section 3a, the DEEP general permit threshold is 1 acre of land, and that includes staging. Mr. Pfrommer said that it must have changed. Ms. Morico said that there is continuity with the University for a Construction Plan, and they have to connect it once the job is done. Mr. Pfrommer said that we've been involved in the prep of two other projects, and they are detailed documents. Ms. Morico expressed its importance. Mr. Pfrommer said if it's needed, the University will get it. Mr. Pfrommer then addressed comments from the town regarding lack of callouts, and it details a lot of things, and that's where you want to look in regards to that.

Mr. Pfrommer then asked if any Commissioners have any questions. Ms. Lakin asked if he can address all of the comments from the Engineering Department. Mr. Pfrommer said that the new plans address everything but 1b and 4a, and added that their intent was to provide comments prior to the Planning and Zoning Commission meeting.

Mr. Schneider said he wanted to ensure that the ideas for material staging on the south side are communicated with the construction company as he seemed unsure of that. Mr. Pfrommer answered that

the drawings are going to be part of the construction documents. Ms. Morico said the general contractor, would be responsible for the SWPPP as far as erosion control goes.

Mr. Shadle said he would like more information on the temporary stockpile, and you're looking at overlying and the temporary stockpile will have an additional heavy ring. Mr. Shadle then added that this is a fairly large area, and this is going to be a lot of material. Mr. Shadle then asked if it is going to be covered. Mr. Pfrommer said that it could be done. Mr. Shadle then added that if the pile is going to be there for over 3 months, it has to be vegetated or covered. Mr. Shadle said he did not see it on the plans. Ms. Wholey said that it's under preserve and conserve soil. Mr. Shadle added that it is only referencing the stockpile that you have in the north, but the south stockpile is going to be a little bit coarser material.

Mr. Pfrommer added that this part of campus has bank run gravel, and there is going to be a lot of smaller particles in that, and he is thinking more of a physical covering of some sort would be appropriate. Ms. Wholey asked about an erosion control mat. Mr. Shadle said he would be fine with that, as expecting grass to grow is a longshot. Mr. Pfrommer said they can do that.

Mr. Shadle asked if Mr. Pfrommer can share a timeline of the project. Mr. Pfrommer said he thinks that the material of the stockpile comes from the excavation and will come early on, until he vacates the tennis courts, and he's done encapsulating the building. Mr. Pfrommer added that it will be there for a number of months, up to a year. Mr. Shadle added that he thought an aggressive covering is going to be needed, especially if the pile is going to be there for over 60 days.

Ms. Morico asked if the University engaged with an environmental engineer. Mr. Pfrommer said that he is not aware if the University had done so.

Salvatore Filardi, Vice President for Facilities and Capital Planning for Quinnipiac University, said the team that you see on the drawings is the design team. Ms. Morico said that she is a practicing engineer, and it is 1 acre or more, and a DEEP permit will be needed. Ms. Morico stated she strongly suggested that the University get someone to consult in terms of compliance. Ms. Morico added her suggestion is to look at the regulations, and engage with someone professionally to make sure that the University follows it and said that the university needs to do it. Mr. Pfrommer said that he will take a look at the regulation. Mr. Pfrommer added that the university has its own storm water plan, but doesn't know who that is, but a firm was used. Mr. Pfrommer added that the firm takes care of the generators, and storm water. Ms. Morico stated that she is asking that the professional licensed engineer be sure to preclude any erosion during construction. Mr. Pfrommer repeated that he will take a look at it.

Mr. Clapp asked about the tennis courts, which Attorney Pellegrino said at the last meeting will be eliminated, and whether or not the tennis courts will be relocated, as the University has a Division One Tennis Team. Mr. Filardi said he thinks that it will have an impact on wetlands, as it is impervious surface, and they will be relocated. Mr. Filardi said that it will be a different application.

Mr. Mack asked about where it said C5 Grading and Civil Utility plans Item 3 in the corrected memorandum that was sent out on August 14, 2020, if the existing 12-inch pipe was listed as a 24-inch pipe or a 12-inch one, and if it will be 12-inches or 24-inches. Mr. Pfrommer said that the pipe is located at the northwestern corner of the property, which is the southwest corner of the parking lot. Mr. Pfrommer said that it's an existing pipe of 12-inches, but a 24-inch pipe will be replaced.

Ms. Wholey said that she is curious about the mound that's going to be created if soil is going to be generated onsite. Mr. Pfrommer said that it is balanced, and it's a 300 yard surplus, and the material used will be excavated and replaced and the material will be moved to that mound. Mr. Pfrommer added that it is going to be balanced and has some offsite disposal, which is a small amount to remove. Ms. Wholey pointed out that it sounds like it is going to be the reverse, and Mr. Pfrommer said that he thinks that there is going to be special gavel.

Mr. Shadle asked about feeding contaminants into the pond, and whether or not he will be increasing filtration for any potential nutrient loading going into the pond. Mr. Pfrommer said he had not considered that, but knows that the discharge post-development is slightly less than pre-construction.

Ms. Wholey said that she wanted clarification of the concrete barrier with the hay bales in between as the only lines of defense. Mr. Pfrommer said that it is extremely heavy, and will put hay bales in between every other, and the contractor will stuff gaps with hay. Mr. Pfrommer added that the runoff will go into the vent, and there wouldn't be a second line of defense, as this seemed like a good barrier.

Mr. Shadle said that item 4A in the Town Engineer's Memo was not addressed, and from a wetlands perspective, it would need to be developed quickly because of safety, and it is an item that needs to be incorporated soon. Mr. Pfrommer said that the University had planned to address it, and there is a lot of value that could limit the potential foot traffic.

Ms. Morico said that is an extraordinarily good point to bring up, which is why she feels that an environmental engineer should be consulted to ensure the appropriate measures have been taken. Mr. Pfrommer said the campus architects have been consulted and this is something he can complete sooner rather than later. Ms. Morico said she is looking at it holistically from the actual disturbance itself. Ms. Morico repeated that she thinks that the University should get engineers to look at this project, especially from an environmental perspective.

Ms. Lakin then asked for a motion if there were no other comments.

Ms. Morico made a motion to have the university hire a professional environmental engineering firm to look at this activity and develop a storm water management plan to minimize and eliminate any effects from the construction. Mr. Shadle seconded the motion.

Mr. Shadle said that just for a point of clarification the motion is to table the application until the next meeting until such time as an adequate storm water plan is developed.

Ms. Morico said that what she is trying to say is that the University needs a professional engineer to look at the process to see if a DEEP permit is needed, and to mitigate storm water issues. Mr. Shadle said that would be a requirement for approval for this application. Ms. Morico said that it can be a condition. Mr. Shadle said this can be approved with this condition.

This motion was then withdrawn by Ms. Morico.

Ms. Morico then made a motion to approve with the condition that Quinnipiac University hires a professional engineer/engineering firm for permit issues and storm water mitigation.

Mr. Shadle then asked if the commission has the authority to require it. Attorney Lee answered that if the Commission feels that there is enough information they can act or they can table and ask Quinnipiac to come back. Attorney Lee suggested that they decide if there is enough information for approval or denial, or if they should table it. Ms. Wholey said that she thinks that maybe it can be tabled, and she would be in favor of doing so.

Mr. Shadle said that he thought that in terms of clarity, he thinks it might be best to withdraw the motion. Mr. Milazzo agreed, and added that it makes him uncomfortable if the Commission were to require this. Mr. Milazzo added that he thought for clarity, he is leaning towards withdrawing that motion.

Ms. Morico then withdrew the motion. Mr. Shadle then withdrew his second of the motion.

Mr. Milazzo then made a motion to table this matter to give Quinnipiac University the time to make the assessment in regards to sediment controls and leaving it open to them in regards to an engineering firm. It was seconded by Mr. Shadle.

Discussion: Mr. Clapp said he was worried that by asking Quinnipiac University to hire a consultant, it would be in turn setting a precedent that might not be financially supported, and he added that this was a comprehensive proposal and that he was not sure what else could be needed. Ms. Wholey said that she would like to get a response on the SWPPP requirements, and believes that it would be the same as a residential property. Ms. Wholey added that the Commission would want to follow the guidelines.

Mr. Milazzo said that he wanted to ask Mr. Pfrommer if he is comfortable with addressing the issue during the meeting. Mr. Pfrommer said that he thinks that this is a project that can be approved by the local Inland Wetlands Commission as long as the University puts together a plan that complies with the storm water DEEP requirements. Mr. Pfrommer added that he would like to double check, but doesn't believe that the University would have to submit a plan to DEEP.

Mr. Stone said that he would just like to retrace a step back that Mr. Clapp and Ms. Wholey raised, and wanted to ask Attorney Lee for his thoughts on the issue. Mr. Stone added that Ms. Wholey raised the issue of the SWPPP, but he doesn't recall this being an issue on any other application. Mr. Stone then asked if this would be triggered, and wanted to know how this would affect applications going forward. Attorney Lee answered that it would affect other applications, and he is not familiar with the requirement, and the Commission needs to get an answer to that. Ms. Morico said that it's the general permit for storm water construction for the State of Connecticut

Mr. Milazzo asked if this was required or optional. Ms. Morico said that this is required. Mr. Milazzo asked if this affected all properties with 1 acre or more of disturbance. Ms. Morico replied that it was. Mr. Milazzo asked if this needs to go through an engineer. Ms. Morico said that general permits have to be stamped by a professional engineer, and it has to be within their discipline and it also can be stamped by a civil or environmental engineer. Ms. Morico added that it's an environmental engineer she's seeking.

Mr. Vocelli asked if it's the responsibility of the local wetlands agency to enforce DEEP permitting requirements. Attorney Lee answered that it is up to DEEP. Mr. Vocelli then asked if the Commission has the responsibility or even the ability to make sure that the permit gets filed. Ms. Lakin asked if it is possible to just have a condition that all of these requirements shall be met, and is it okay for those involved to determine it. Attorney Lee said it is not up to the Hamden Inland Wetlands Commission to enforce this, but it can be made a condition of approval. Mr. Milazzo asked if this is something that is left up to the Applicant or does this need to get tabled until it gets filed. Attorney Lee said that he recommends approval of the application and the commission will have done its work and the applicant can do their work.

Mr. Milazzo said that based on this requirement, would we leave that up to the applicant to report back or would it get tabled. Attorney Lee said that his inclination would be to recommend approval of the application subject to the condition to get a determination on whether or not a DEEP submittal needs to be made. Attorney Lee added that this way, the Commission will have done its work on the application. Ms. Morico said that if not, add what other applications are required.

Mr. Milazzo then withdrew his motion. Mr. Shadle then withdrew his second to this motion.

Ms. Lakin then asked for a motion to approve with the conditions.

Ms. Morico made a motion to approve the application with the condition that Quinnipiac University assess the applicability of the DEEP storm water general permit for construction activity or any obligations associated therewith.

Ms. Wholey then asked if she can suggest modifications to Ms. Morico's motion by adding suggestions sent to the Commission by Mr. Vocelli, and Ms. Morico accepted.

Ms. Wholey then added the following conditions:

- 1) Drainage slots at the bottom of the precast concrete barrier and gaps between segments of the precast concrete barrier shall be plugged with straw, hay or hay bales;
- 2) No wood chips shall be deposited within 50 feet of any wetland or watercourse;
- 3) Inlets and storm drainage structures with grates shall be secured with silt sacks as shown on Sheet C-6.2;
- 4) In order to achieve a sufficient level of dust control, exposed soil surfaces shall be moistened periodically with water or covered with crushed stone as needed;
- 5) The pond adjacent to the southeast section of the project work area is teaming with habitat value. It shall be demarcated with Inland Wetland Conservation Area medallions mounted at 35-foot intervals on a split-rail fence or on pressure-treated posts installed along the entire northern length of the pond;

- 6) Prior to removal of the precast concrete barrier the applicant shall install silt fencing to protect the pond and the brook if any disturbed areas are not fully stabilized;
- 7) When responding to the Engineering Department memo dated 7-22-2020, the applicant shall address Comment 1.a (regarding the precast concrete barrier) and Comment 1.b (regarding foot traffic near waterbodies) to the satisfaction of the Town Engineer;
- 8) The applicant shall establish inspection and maintenance procedures for the bio-retention basins, and on-going inspection & maintenance responsibilities shall be assigned to a specific party or department.

The motion was then seconded by Mr. Milazzo.

DISCUSSION: Mr. Shadle added that he would include the following additions: separate the top soil stockpile to the north and the debris stockpile/fill stockpile to the south as the two need to be identified on the plans as separate bodies and the erosion control blanket needs to be monitored, detour plan of foot traffic needs to be completed prior to any other activity, and all final site plans and construction notes are to signed off by the Chair or the Wetlands Enforcement Officer.

Ms. Lakin asked if Ms. Morico, Ms. Wholey and Mr. Milazzo accept these changes. Ms. Morico, Ms. Wholey, and Mr. Milazzo agreed.

A roll call vote was taken, and this application was approved unanimously. The application was approved with the following conditions:

- 1) Drainage slots at the bottom of the precast concrete barrier and gaps between segments of the precast concrete barrier shall be plugged with straw, hay or hay bales;
- 2) No wood chips shall be deposited within 50 feet of any wetland or watercourse;
- 3) Inlets and storm drainage structures with grates shall be secured with silt sacks as shown on Sheet C-6.2;
- 4) In order to achieve a sufficient level of dust control, exposed soil surfaces shall be moistened periodically with water or covered with crushed stone as needed;
- 5) The pond adjacent to the southeast section of the project work area is teeming with habitat value. It shall be demarcated with Inland Wetland Conservation Area medallions mounted at 35-foot intervals on a split-rail fence or on pressure-treated posts installed along the entire northern length of the pond;
- 6) Prior to removal of the precast concrete barrier the applicant shall install silt fencing to protect the pond and the brook if any disturbed areas are not fully stabilized;

- 7) When responding to the Engineering Department memo dated 7-22-2020, the applicant shall address Comment 1.a (regarding the precast concrete barrier) and Comment 1.b (regarding foot traffic near waterbodies) to the satisfaction of the Town Engineer;
- 8) The applicant shall establish inspection and maintenance procedures for the bio-retention basins, and on-going inspection & maintenance responsibilities shall be assigned to a specific party or department;
- 9) Quinnipiac University shall assess the applicability of the CT DEEP storm water general permit for construction activity or any obligations associated therewith, and shall obtain that permit if it is required;
- 10) The applicant shall separate the top soil stockpile to the north and the debris stockpile/fill stockpile to the south as the two need to be identified on the plans as separate bodies. The stockpiles will need aggressive covering and the erosion control blanket(s) shall be closely monitored;
- 11) A detour plan for foot traffic needs to be completed prior to the onset of any other activity;
- 12) All final site plans and construction notes are subject to sign-off by the Chair or by the Wetlands Enforcement Officer.

At this time, Ms. Morico excused herself from the meeting.

II. Other Business:

a. Review Site Inspection Schedule

There were none.

b. Review July 1, 2020 Meeting Minutes

Mr. Schneider made a motion to accept the July 1, 2020 minutes. It was seconded by Mr. Stone, and passed with two abstentions from Ms. Wholey and Ms. Morico.

c. Storm water catch-basins

Ron Walters, Regional Water Authority, addressed the Commission. Mr. Walters announced that the MRWA was awarded the grant for the project. Mr. Walters added that right now, the Community Foundation is in the process of writing out a check, and the Mill River Watershed Association has a meeting on next Tuesday, September 8th. Mr. Walters continued that there will be enough for 500 medallions with the grant money. Ms. Lakin thanked Mr. Walters for his work.

Mr. Shadle asked about the scouts, and what neighborhood the Eagle Scout should start with. Mr. Walters said that they can start at any time. Mr. Shadle said he would like to get the scout in direct contact to get going, and he said that he will give him Mr. Walters' email. Mr. Walters answered that it

will be a month or two. Mr. Shadle said that he doesn't think that it will be a problem, as the Eagle Scout needs to put together his plan, and his guess is it will be done in the spring. Mr. Walters agreed. Ms. Wholey asked if Mr. Walters is willing, she can help out with planning, and figure out a plan of what he needs help with. Mr. Mack added that he is more than willing to help, as he knows what they have to go through, and typically they start a year ahead of time. Mr. Mack added that since the funding is secure, it may move quicker. Mr. Mack then said that this is a great COVID-19 project. Mr. Shadle asked if he would take 250, and he contacted the Eagle Scout and he would contact other troop leaders. Mr. Milazzo commented that he assumed that someone would notify the neighborhood. Mr. Mack said that will be part of the project.

Mr. Schneider added that a part of the educational opportunity would be the reporting. Mr. Shadle said it wouldn't be out of the realm of what the Scout has to do. Mr. Walters said the Watershed Association will be grateful for the Scout's presentation. Mr. Schneider said he liked the idea, because it shows where the money went.

Ms. Lakin asked if it will be a part of their plan of publicity. Mr. Walters said he can get in contact with the communications person for the Regional Water Authority. Mr. Kops said that they can do something on the town website.

d. 360 Gaylord Mt. Road --- solar farm update

Mr. Kops said he and Brendan Sharkey prepared a letter with the Mayor's signature to the Siting Council recommending a delay in expiration of the public comment period, since it was originally scheduled for September 6, 2020 and the application was received on August 12, 2020. Mr. Kops added that they also recommended a site visit, which is on the agenda for the next Siting Council meeting. Mr. Kops said that he is currently drafting a statement for the Planning and Zoning Commission as well. Ms. Lakin mentioned Mr. Vocelli's letter that she submitted on behalf of the Inland Wetlands Commission, which the Siting Council did receive. Mr. Kops mentioned a petition with 800 names.

Mr. Walters added that the RWA is concerned about this Siting Council application as well.

Turning to other topics, Mr. Walters then added that two *de minimis* approvals were done for pollinator gardens, which are 20 x 30 feet. Mr. Walters commented that he is impressed with the growth of the gardens despite the dry summer.

Ms. Lakin thanked Mr. Walters for his efforts.

Ms. Wholey asked if leaf mulch is more acceptable on top of cardboard than wood chips. Mr. Vocelli said that generally speaking, the Commission's concern would be less with leaf mulch than with the interaction of water and wood chips. Ms. Wholey said that woodchips generally mold and match, versus the other which is compost. Ms. Wholey added that she doesn't want anything that goes into the waterways, but rather she prefers what breaks down into soil. Ms. Wholey concluded that she would like the solution to knotweed.

e. Election of Officers

Attorney Lee announced that the commission needs to elect a chairman, vice-chairman, and secretary.

Mr. Milazzo nominated Ms. Lakin as chair for another term. Ms. Wholey seconded the nomination. Attorney Lee asked for any other nominations. There was a call to question, and her nomination was approved, with one abstention from Ms. Morico. Ms. Lakin was elected as chair.

Ms. Lakin then asked for nominations for the position of vice-chair. Mr. Milazzo nominated Mr. Shadle. It was seconded by Ms. Wholey. Ms. Lakin asked for any other nominations. There was a call to question, and the vote passed, with one abstention from Ms. Morico.

Ms. Lakin asked for nominations for secretary. Mr. Stone nominated Mr. Milazzo, and it was seconded by Mr. Shadle. There was a call to question, and the vote passed, with one abstention from Ms. Morico.

Ms. Wholey wanted to know if everyone had the option for both speaker and gallery view on their Zoom screen, and asked how that was done. Ms. Lakin then demonstrated how that was done.

f. Adjournment

Mr. Milazzo made a motion to adjourn. It was seconded by Mr. Mack, and unanimous in favor. The meeting was adjourned at 8:52 p.m.

Submitted by: _____
Natalie Barletta, Clerk of the Commission