

January 13, 2008

Minutes: THE INLAND WETLANDS COMMISSION, Town of Hamden, held a Regular Meeting on Wednesday, January 7, 2009 at 7:00 p.m. in Legislative Council Chambers, 2372 Whitney Avenue, Hamden, CT and the following was reviewed:

Commissioners in attendance:

Nancy Rosenbaum, Chairperson
Andrew Brand
Kirk Shadle
Paul Murray, alternate for Bill Tito
Joan Lakin
Mike Milazzo, arrived at 7:11 pm
Mike Stone, arrived at 8:09 pm

Staff in attendance:

Dan Kops, Assistant Town Planner
Tom Vocelli, IW Enforcement Officer
Tim Lee, Assistant Town Attorney
Stacy Shellard, Commission Clerk

I. New applications (not yet site-inspected)

- A. 08-1144** 3379 Whitney Ave – Pond Hollow sanitary sewer relocation – Greater NHWPCA, Applicant

Civil Engineer Howard Pfrommer reviewed the application on behalf of the Greater New Haven WPCA. He explained to the Commission the proposed placement of the sewer line and the need for an upsize in sewer capacity. He advised the members that 50 percent of the sanitary sewer bypass line would be outside the 100 foot buffer and that much of the line would run along a paved driveway at the condominium complex. The duration of the project would be approximately one month in the spring.

Mr. Shadle asked if the project was being done in conjunction with the Mill River sanitary sewer project. Mr. Pfrommer advised it was not and he briefly reviewed the Mill River sewer project with the members. He stated that these are two separate projects and that they are not dependent on each other.

Mr. Shadle made a motion that Application #08-1144 be tabled until the February 4, 2009 meeting pending a site inspection to be conducted during the month of January. Mr. Anastasio seconded the motion. The motion passed unanimously.

II. Pending applications

- A. 08-1143** 0 Downes Road – installation of a curtain drain – BERL Associates, Owner/Applicant

Mr. John Paul Garcia, Professional Engineer & Land Surveyor, addressed the Commission. He advised the members that the review memo from the Town Engineer, the Inland Wetland Commission site inspection report, and the Regional Water Authority comment letter were all received after he had submitted his revised drawings. He distributed a memo with responses to the various documents and he reviewed it with the members. The Commission had requested a potential site development plan which he also reviewed with the members. The proposed curtain drain is designed to monitor and to lower the water table sufficiently so that septic systems can be installed in conformance with QVHD requirements. He advised the Commission that his revised plans bring the proposed curtain drain outside the 100 foot buffer.

The members discussed whether the existing curtain drain was working properly, and Commissioner Murray asked if it would be possible to utilize the existing drain rather than to install a new one. Mr. Garcia advised that the existing curtain drain is only three

feet deep and does not impact ground water that is 35 feet away. The site is poorly graded and it would not be feasible to use the existing curtain drain.

Commissioner Shadle said he had observed that a test pit or dug-out area on the western portion of the property had about 4 inches of standing water. There is a berm that is constructed on the property but it is not shown on the plans. Mr. Garcia stated that the existing berm was constructed improperly and the grading in that area is poor. The members asked if this would create a negative impact, and a suggestion was made that the berm be removed to allow the water to flow to the brook. Mr. Garcia reviewed the stream flow and he stated the area is dense and there is a substantial bank and it is hard and rocky. The stream channel does not act as a vacuum and it takes the water only by gravity. The members asked if the ground water were removed would this leave a void. Mr. Garcia stated that if this were the case you would see springs bubbling out of the ground and out of the bank; the stream is being fed primarily by surface flow rather than by ground water. The proposed pipe would not deprive the ecosystem of water. Mr. Garcia and the members also discussed the amount and at what rate the water moves through the existing pipe.

The members and Mr. Garcia discussed the RWA comment letter at some length, and it was noted that the RWA Environmental Analyst was unable to be present this evening to explain his concerns. Commissioner Milazzo observed that the RWA Analyst had expressed some concerns in his letter, but that no one had presented expert testimony this evening in rebuttal to the professional opinions and responses offered by Mr. Garcia in his presentation. Commissioner Murray asked if it would be feasible to wait until the Commission could hear from Mr. Guaglianone of the RWA. Mr. Garcia agreed to grant an extension until the February 4, 2009 meeting in order to allow the RWA Environmental Analyst to be present.

Mr. Murray made a motion to table IWC Application # 08-1143 until February 4, 2009 when an RWA Environmental Analyst can be present to comment and elaborate on the issues raised in the letter dated January 7th, 2009. Ms. Lakin seconded the motion. The motion passed unanimously.

III. Notices of Violation, Cease & Desist Orders, Notices to Appear:

a. Cease & Desist & Restore Hearing

186 Denslow Hill Rd and 196 Denslow Hill Rd - Dumping & deposition of fill in or near wetlands

Mr. John Paul Garcia, Professional Engineer & Land Surveyor, stated to the Commission that he has been retained by Mr. Paul Siciliano, the owner of 196 Denslow Hill Road and the owners' agent for 186 Denslow Hill Road. Mr. Garcia had previously done an as-built for 196 Denslow Hill Road and he also stated that the wetlands were flagged in November of 2005. There has been no additional work done on the premises and it is his understanding that all dumping activity ceased sometime last year. He advised the members that he will review the documents that were copied from the file-folder and given to him by Mr. Vocelli. Chairperson Rosenbaum advised Mr. Garcia that the Commission needs an Existing Conditions Survey that incorporates all pertinent information about the parcels, including debris, fill lines, and wetland delineations. Mr. Vocelli pointed out to Mr. Garcia that # 186 as well as # 196 is of concern to the Commission. Mr. Garcia stated to the Commission that he will have an Existing Conditions Survey completed for the February 4, 2009 meeting.

Mr. Milazzo made a motion to table this matter until the February 4, 2009 meeting. Mr. Anastasio seconded the motion. The motion passed unanimously.

b. N.O.V. 64 Rocky Top Road –clearing of trees & removal of vegetation

Mr. Tim Lee, Assistant Town Attorney, advised the Commission that a hearing on the Town's lawsuit regarding the tree-clearing has been scheduled for February 26, 2009.

Mr. Milazzo made a motion to table this matter until the March 4, 2009 meeting. Mr. Murray seconded the motion. The motion passed unanimously.

c. C. & D. 415 Putnam Avenue – unpermitted activity in a regulated area

Chairperson Rosenbaum advised the Commission that a request from the property-owner to table this matter to the February 4, 2009 meeting was received by Mr. Vocelli and included in the meeting packet. The owner expects to have RGP funding for site testing activity in place by the next meeting.

Mr. Murray made a motion to table this matter until the February 4, 2009 meeting at the request of the owner. Ms. Lakin seconded the motion. The motion passed unanimously.

IV. Other Business

a. 2 Sherman Lane - interim S & E control plan – J.T. Furrey

Mr. Michael Copeland, Vice President of J.T. Furrey, Inc. addressed the Commission and reviewed the Enforcement Officer's suggestion that he submit an interim sediment & erosion control plan. The IWC had approved new construction on the property in March of 2008. That approval had included a Phase I Stormwater Management Plan to be followed by a Phase II Construction of Garage and Office Space. Given the current economic downturn, there is no date set at this time to proceed with the approved project. Mr. Copeland advised the Commission that he was therefore submitting an interim S & E control plan to ensure that the site is properly managed and maintained in its present condition. Ms. Rosenbaum asked if the Phase I Stormwater Management Plan from last year's permit has been completed. Mr. Copeland stated that the Phase I plans were designed for the construction of additional buildings and for the control of additional runoff from impervious areas that would be associated with the new site plan. Phase I was not completed because the new development authorized by the permit has not been undertaken. There is a small plunge pool to catch any sediment that may be generated under existing site conditions. Ms. Rosenbaum asked if a portion of the property is being rented to Recycling Services and if there are full and empty dumpsters on site. Mr. Copeland advised the members that he is renting a portion of the property to Recycling Services, but there are no full dumpsters on the property. He then reviewed his January 2, 2009 Interim Site Management blueprint that was distributed to the members. There is a silt fence along the east side of the paved driveway. There is a 10 foot wide stone tracking pad on the west side to keep soil off the driveway. A rip rap plunge pool with a rip rap berm was placed as a precautionary measure where the water flows toward the slope that pitches down to the wetlands. The paved bins are used for soil storage and they are supplemented with silt fences and hay bales.

Chairperson Rosenbaum read some excerpts from the Phase I Stormwater Management Plan that was approved in 2008 and asked Mr. Copeland if various features such as a vegetated swale and a stormwater detention pond have been constructed. He replied that none of these new Phase I items had been built because none of the Phase II garage and office construction had taken place. The Chairperson pointed out that items such as the detention pond and the vegetated swale were designed to protect Shepard Brook and its abutting wetlands, and that the absence of such stormwater management tools could be cause for concern..

Mr. Kops, Assistant Town Planner, asked what the Notice of Violation was for. Mr. Vocelli, IW Enforcement Officer, advised the members that a Notice of Violation has not been issued. Mr. Copeland was asked to come before the Commission after Mr. Vocelli visited the site with the RWA Environmental Analyst and with the Zoning Enforcement Officer. He was concerned about the site because they observed "less than best management practices" and saw some backsliding on the maintenance of existing controls. There was a pile of salt stored near the edge of the slope that pitches down toward the wetlands and a portion of the silt fence was down. Mr. Copeland was therefore asked to propose an interim S & E control plan that would be implemented until such time as he can take action on the previously-issued permit. Mr. Kops reported that the Planning Department has an issue with the recently-initiated storage of equipment and containers on the premises and with the possibility that this rental operation involves the transfer of materials or the filling and emptying of dumpsters. Tonight's plans do not include or depict this recent new development at the site. Mr. Vocelli said that Mr. Copeland will be requesting a *de minimis* (minimal impact) review of the outdoor storage of trucks and equipment, and that he has agreed to submit the written request and marked-up print by Monday, January 12th. This *de minimis* request will then be evaluated by Chairperson Rosenbaum and Commissioner Gnida, both of whom have some previous familiarity with the site. In addition to this *de minimis* review of outdoor equipment storage, the Chairperson suggested that a site inspection of the interim sediment & erosion controls should be conducted by the full Commission.

Mr. Brand made a motion to table the 2 Sherman Lane interim S & E control plan until February 4, 2009 so that the Commission can conduct an informational site inspection. Mr. Milazzo seconded the motion. When the Chairperson called for discussion on the motion, some of the members questioned the timetable for the Stormwater Management Plan that was approved as Phase I of the garage and office space permit. Mr. Lee, Assistant Town Attorney, advised that wetlands permits and the terms & conditions therein run for a period of five years. Commissioner Shadle asked if the salt pile observed by Mr. Vocelli is exposed. Mr. Copeland advised the members that the pile has been covered and moved. Chairperson Rosenbaum then called for a vote on the motion. ***The motion passed unanimously.***

b. Kimberly Road & York Hill - erosion control update – Quinnipiac University

Civil Engineer Howard Pfrommer addressed the Commission and updated the members on the erosion control measures that have been instituted since the last meeting. He advised the members that the erosion control check list format was revised and then transmitted to Mr. Vocelli for distribution to the Commission members. The Chairperson evaluated the revised format, consulted with Town staff and with various IWC members, and then issued her recommendations for further refinement of the form. Mr.

Pfrommer and Mr. Mortensen then submitted a final version of the erosion control checklist as well as their responses to the Town Engineer's site concerns on 12/31/2008. Mr. Pfrommer reviewed with the Commission the Sediment and Erosion Control Plan that is now in place. The members asked if that S & E plan is working. Mr. Pfrommer advised the members that silted and sedimented water was observed at the West Woods Road outfall during a recent storm event, but he was not sure what portion of that was due to road sanding for snow and ice and what portion was due to Kimberly Road/York Hill soil disturbance. Mr. Vocelli stated that Commissioner Montgomery had asked Mr. Pfrommer to investigate the silted runoff that appeared to be discharging from York Hill down a rip rapped slope and into a swale near West Woods Road and Whitney Avenue. Mr. Pfrommer said he believes that much of this sedimentation is naturally occurring and originates in the wooded area. Mr. Vocelli also asked about the frequency of the Vortechnic sediment chamber cleanouts. More specifically, Chairperson Rosenbaum asked if inspections of the Vortechnic units shouldn't be done more frequently during periods of heavy construction. Mr. Pfrommer stated to the members that this could be done. Mr. Pfrommer also reviewed the differences between hydroseeding and a bonding matrix as techniques for the prevention of erosion. He advised the members that the contractor could periodically shut down its construction operations if this becomes necessary due to winter freezes and thaws. There is a field house used by employees of the contractor who can do inspections and observe any issues that come up. The contractor has a separate work crew for the implementation of S&E measures so they should then be able to repair any problems as they occur.

Chairperson Rosenbaum thanked Mr. Pfrommer for the time and attention he has given to these problems and for the quick response the University is now bringing to bear on these issues. Stormwater quality in this area has a direct impact on the Mill River and on our drinking water, so the University's vigilance is very much appreciated and its rapid responses are expected to continue.

c. Amend Inland Wetlands Regulations

The Chairperson advised the Commission that a request from DEP that all municipal wetlands agencies amend their regulations needs to be addressed. She stated that the minor modifications and additions to bring Hamden's IWC regulations into conformance with state statute are included in the meeting packet. Mr. Lee, Assistant Town Attorney, reviewed the amendment procedure with the members and advised them that there would need to be a public hearing. Chairperson Rosenbaum said that the public hearing could be held in May on the same evening as the regular monthly meeting..

V. Review Inspection Schedule for New Applications and for Other Sites

Mr. Vocelli will schedule the Commission site inspections for 3379 Whitney Avenue and for 2 Sherman Lane.

VI. Review meeting minutes for 12/03/2008

Mr. Brand made a motion to accept the minutes as written. Mr. Anastasio seconded the motion. The motion carried unanimously.

VII. Adjournment

A motion to adjourn was made by Mr. Milazzo and seconded by Mr. Anastasio. It passed with no dissenting votes. The meeting ended at 9:00 p.m.

Submitted by: _____
Stacy Shellard – Clerk of the Commission