

February 11, 2009

MINUTES: THE INLAND WETLANDS COMMISSION, Town of Hamden, held a Regular Meeting on Wednesday, February 4, 2009 at 7:00 p.m. in Legislative Council Chambers, Memorial Town Hall, 2372 Whitney Avenue, Hamden, CT and the following was reviewed:

Commissioners in attendance:

Nancy Rosenbaum, Chairperson
Mike Montgomery
Bill Tito
Bob Gnida
Andrew Brand
Kirk Shadle
Joan Lakin
Mike Milazzo
Bob Anastasio
Paul Murray, sitting for vacancy
Mike Stone, arrived at 7:47 pm

Staff in attendance:

Dan Kops, Assistant Town Planner
Tom Vocelli, IW Enforcement Officer
Tim Lee, Assistant Town Attorney, arrived at 8:15 pm
Stacy Shellard, Commission Clerk

Ia. New Applications (not yet site-inspected)

- A. 09-1145** Skiff Street Bridge replacement over the Mill River – Town of Hamden, Applicant

Town Engineer Bob Brinton spoke on behalf of the Town of Hamden, the applicant-of-record. Engineer Brian Kuta of BL Companies, the Town's bridge consultant for this proposal, addressed the Commission and reviewed the application to replace Bridge # 4127 on Skiff Street over the Mill River. He explained that there is no geometric efficiency from curb to curb on the existing bridge that was built in 1931. The Town also needs to address structural deficiencies that can no longer be handled by simple repairs. The roadway plan is to realign and widen the bridge with minor slope and fill easements at the four corners of the bridge. The bridge will be widened from 55 feet to 57 feet. Construction will begin with the south side of the bridge. The traffic flow will have one lane open in each direction during construction. The members asked how long the project would take and if it would change the path of the rails-to-trails and what would be the ultimate impact on the river. Mr. Kuta stated to the members that the project could begin as early as April, 2009 and end in November, 2009. The rails-to-trails path would not be affected and temporary impacts on the river can be reviewed in the field during the Commission's site inspection.

Mr. Milazzo made a motion that Application 09-1145 be tabled until the March 4, 2009 meeting pending a site inspection to be conducted during the month of February. Mr. Murray seconded the motion. The motion passed unanimously.

Ib. 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 stated to the members that he had met with Mr. Mike Guaglianone of the RWA to review his concerns. They came to a compromise and the plans have been

modified to reflect the changes that both gentlemen can live with. The original proposal for a new curtain drain has been modified so that the drain would be shorter in length and located further from the wetlands.

Mr. Mike Guaglianone of the RWA discussed udorthents and a pocket of disturbed soil at the site. He is unsure of what has happened to the soil in the pocket that was previously (but is no longer) identified as wetlands. When a curtain drain pulls water out of an area the wetland soils can be removed, and there is reason to believe that the existing curtain drain installed many years ago may have drained what was originally a pocket of wetlands soil. He reviewed his new comment letter with the Commission. Mr. Guaglianone discussed the location of the existing curtain drain and the flow direction. He advised the members that he had done several site walks of this property over the years. He stated that the draw from the existing curtain drain that he measured in the field was 4 gallons per minute. He stated to the Commission that a compromise was reached that would abandon the existing curtain drain, as well as shorten the proposed new drain that is the subject of this application. Mr. Guaglianone reviewed the maps showing the depths of the proposed curtain drain and of the existing curtain drain. He would prefer that the existing drain be abandoned by actual removal. He also doubts that the proposed new drain would successfully render the property suitable for septic.

The Commission discussed the site inspection and questioned why there was no swale built for the water coming through the conduits. Mr. Garcia explained that the existing curtain drain was installed in the 1990's and was only 3 feet deep. The site was poorly graded, and the project was not properly completed. The proposed new curtain drain would be installed at a greater depth and it should demonstrate whether or not the property can be made suitable for septic. If the proposed new curtain drain fails to work as intended, it can always be abandoned or removed.

The members asked Mr. Garcia what water is coming through the curtain drain and where it is coming from. Mr. Garcia advised that some is surface water and some is ground water. The new curtain drain would go in approximately 8 feet deep. Water will be drawn down from 494 at the invert and the existing grade is 502. The depth of a septic system would be 18 to 24 inches and the elevation would be approximately 494-496. Mr. Shadle asked what would stop waste water from being drawn away from the bottom of the septic system. Mr. Garcia advised that the flow would not go backwards to the curtain drain. The members were reminded that the public health code has separating distances that are required for ground water structures and activities. After the curtain drain was installed Mr. Garcia would have to do testing in order to determine if the site is acceptable from the standpoint of the public health code and the requirements of the Health District. Mr. Guaglianone again expressed his doubts that the area would be deemed acceptable for a septic system.

The members asked Mr. Garcia what the functional life expectancy is for a curtain drain. Mr. Garcia feels it would be approximately 50 years. The maintenance would be a screen on the end to keep animals out. The design makes it easy to control ground water, and if the curtain drain functions properly it will handle the ground water. He explained to the members that the public health code has strict guidelines for a septic system to function safely.

The members asked Mr. Guaglianone if he is satisfied with the proposed plan as revised by Mr. Garcia. He stated to the members that the compromise made with Mr. Garcia is better than the existing curtain drain, but he does not feel the site will support a septic system.

Mr. Montgomery asked Mr. Garcia if the monitoring wells would be 10 feet from the end of the drain for possible rebound events as stated in a QVHD letter dated 11/26/2008, because this is not shown in the revised plans. Mr. Garcia advised that there will be 2 to 3 drains up gradient of the drain for base line flow. There will be a series of drains down gradient. He reviewed with the members where the pipes will be placed. QVHD will take the readings and Mr. Garcia will shoot the elevations. The readings will be a matter of public record.

Mr. Montgomery made a motion to approve Application 08-1143 with conditions. There was discussion among the members and the following conditions were then incorporated into the motion:

- 1) The existing section of curtain drain that is southerly of the proposed deeper new drain will be removed and the remaining existing drain that extends to the north will be capped.***
- 2) The location of the stand pipes must be approved by QVHD***
- 3) In the event that a septic system is not approved, all the curtain drains will be removed or capped as required.***
- 4) A bond shall be posted in an amount to be approved by the Town Planner and by the Town Engineer to ensure that curtain drains are removed in a timely fashion if a septic system is not approved.***

Ms. Lakin seconded the motion to approve with conditions. Mr. Stone, Mr. Murray, Ms. Lakin, Mr. Montgomery, Mr. Milazzo, Mr. Anastasio voted in favor of the motion. Mr. Shadle, Mr. Tito, Mr. Gnida, Mr. Brand voted against the motion. The motion carried 6-4.

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

Attorney Bernard Pellegrino Jr. addressed the Commission and reviewed the application. He stated to the members that one of the conditions of approval for the York Hill Campus at Quinnipiac University was a sewer upgrade.

Mr. Howard Pfrommer, Civil Engineer, reviewed the application on behalf of the Greater New Haven WPCA. The original plan dated 12/12/08 was revised to 1/20/09 and had only minor revisions. The existing sewer pipe is 12 inches in diameter and it will be upgraded to 18 inches because of the capacity needed for the York Hill Campus. He reviewed the maps and the setbacks for the proposed sanitary sewer relocation. He stated to the members that the work for the project would take place along the driveway. He stated that there is a plan for the traffic flow during construction. He reviewed with the members the proposed erosion controls. There would be provisions for a de-watering basin as requested by the RWA and they would be using dirt bags.

Mr. Pfrommer stated that the RWA comments have been addressed with the revised plans. He advised the members that the Town Engineer's comments and recommendations could be handled as a condition-of-approval if the Commission believed that to be appropriate. The work would take place during April and May and would take approximately one month to complete. Seven wetland conservation markers can be installed before the start of the construction on the wetland side of the sidewalks. He discussed with the members the topographic surface flow and some details of the stormwater management plan.

Ms. Lakin asked Ms. Azalea Mitch of the Greater New Haven WPCA if there is a need to sanitize the section of the sewer line that will be capped. Ms. Lakin and some other members wondered if the pipe that is being capped would have raw sewage remaining in close proximity to the pond. Ms. Mitch advised the members that there is not a standard procedure for disinfecting abandoned pipes. The normal practice in such situations is to drain the pipe and to cap it at both ends, and there is no expectation that bacteria would present a problem. Mr. Pfrommer stated to the Commission that sanitizing the pipe could be a condition-of-approval if the members still had concerns about this point.

Mr. Milazzo made a motion to approve Application # 08-1144 with the following conditions:

- 1) The wetland conservation markers indicated on the plans will be installed prior to construction.***
- 2) Final documentation will include or address the Town Engineer's comments and recommendations.***

Mr. Brand seconded the motion. The motion passed unanimously.

II. 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. Milazzo made a motion to table this matter until the March 4, 2009 meeting because inclement weather and frozen ground conditions have prevented the performance of soils and survey work. If the weather does not permit the Existing Conditions Survey to be completed by the March 4, 2009 meeting, Mr. Siciliano or his engineer (Mr. John Paul Garcia) can call Enforcement Officer Vocelli and have the matter tabled until the April 1, 2009 meeting. Mr. Tito seconded the motion. The motion passed unanimously.

b. N.O.V. 64 Rocky Top –clearing of trees & removal of vegetation - **TABLED to 3-04-09**

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

Attorney Bernard Pellegrino Jr. addressed the Commission and stated that his clients have finally received the RGP funding. He advised the members that when the weather allows it the site-testing for contaminants-of-concern will begin. They are currently demolishing the left side of the building. The roof and that side of the building were collapsing and they were issued a demolition permit and a zoning permit. A new roof will be installed and the walls are being secured. The testing for environmental contaminants should actually be easier with the demolition that is taking place. The fill that has been removed from the demolished foundation is being stored on site and some additional erosion controls have been installed. The design plans for redevelopment of the site should be submitted to the Planning Office by the middle of February. They will be proposing site modifications and conversion of the building to residential apartment use.

The members asked Mr. Pellegrino where the battery debris was relocated. Mr. Pellegrino stated that the batteries had been removed from the downslope wetland area and are now being stored in a roll-off container in the parking lot. He reviewed with the members where the batteries had originally been located and he reviewed the property lines. The containerized battery debris will be removed from the site after the testing is completed and when DEP authorizes the removal. There may be a request to excavate additional debris based upon the results of the testing. The Commission members discussed with Mr. Pellegrino what would be affected and the cost to clean the area if metal or plating contaminants are found in the ground water or in surface water.

Michael Guaglianone of the RWA addressed the Commission. He stated that the RWA owns property located to the south and across the street on Putnam Avenue, and that the watercourse flows northerly. If constituents-of-concern were found on RWA property there would have to be remediation. He submitted an aerial photograph for the files. He would like to review information on any pollutants associated with the partial demolition of the building or on any contaminants detected by the site testing .

Mr. Milazzo noted the current work being done on the premises and he said the applicant had previously stated to the members that there was no money available, and that they needed the RGP funding before testing could be done . Mr. Pellegrino indicated that the partial demolition and the shoring up of the walls was a structural imperative. Mr. Vocelli conceded Mr. Pellegrino's point that a demolition permit and a zoning permit had been issued, but he expressed his frustration that no one saw fit to contact the Commission or its agent when it became apparent that the site work would have to include some soil disturbance and stockpiling. Mr. Pellegrino reiterated his belief that the work being done is allowed under Town demolition procedures, that they had gone through the appropriate department reviews, and that site conditions are gradually being enhanced over time. The Commission members focused on possible environmental risks from the fill and the demolition debris. They concluded that recently-installed and recently-promised erosion controls need to be supplemented and that the long-awaited site testing needs to be expedited with regard to the piles of fill and debris .

Mr. Milazzo made a motion to table this matter with conditions until the March 4, 2009 meeting. There was discussion among the members and the following conditions were then incorporated into the motion:

- 1) All exposed soil and construction and demolition debris shall be tested for environmental contaminants within 10 days.***
- 2) A report of the test results will be delivered to the Inland Wetlands Enforcement Officer within 1 week after the testing is completed.***
- 3) All exposed piles of fill and construction and demolition debris will be covered and secured with tarps by February 10, 2009***

Mr. Anastasio seconded the motion to table with conditions. The motion passed unanimously.

Mr. Vocelli then stated to Mr. Pellegrino that the erosion control and stormwater management assumptions listed in the January 30, 2009 *de minimis* review letter to Mr. Natale should also remain in full force and effect. Mr. Pellegrino said that he agreed.

III. Other Business

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

Ms. Rosenbaum stated that the Commission received an e-mail request submitted by Mr. Michael Copeland to table this matter until March 4, 2009. Mr. Milazzo suggested that any motion-to-table include the interim measures that Mr. Copeland described in his e-mail request.

Mr. Anastasio made a motion to table this matter until the March 4, 2009 meeting with the following conditions:

In the interim Mr. Copeland will 1) Relocate the two fuel tanks and pull them away from the bank. 2) Remove all the construction supplies away from the bank along the driveway to make room for a 10 foot non disturbance zone near the bank.

Mr. Stone seconded the motion to table with conditions. The motion passed unanimously.

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

Mr. Vocelli will schedule the Commission site inspection for the Skiff Street Bridge.

V. Review January 7, 2009 meeting minutes

Ms. Rosenbaum stated that Mr. Anastasio was in attendance at the January 7th meeting. Also, on page 2 the sentence at the end of the 5th line in the 1st paragraph should read: The curtain drain does not act as a vacuum and it takes the water only by gravity.

Mr. Brand made the motion to accept the minutes as amended by Ms. Rosenbaum. Mr. Shadle seconded the motion. The motion passed unanimously.

VI. 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 9:35 p.m.

Submitted by: _____
Stacy Shellard – Clerk of the Commission