

March 16, 2009

MINUTES: THE INLAND WETLANDS COMMISSION, Town of Hamden, held a Regular Meeting on Wednesday, March 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
Andrew Brand
Kirk Shadle
Joan Lakin
Bob Anastasio
Mike Stone (arrived at 8:10 p.m.)

Staff in attendance:

Dan Kops, Assistant Town Planner
Tom Vocelli, IW Enforcement Officer
Stacy Shellard, Commission Clerk
Tim Lee, Assistant Town Attorney
(arrived at 9:00 p.m.)

Ia. New Applications (not yet site-inspected)

- A. 09-1146** 385 & 415 Putnam Avenue – Site modifications for residential apartment use - Bernard Pellegrino Jr., Applicant for Putnam Ave Assoc 385 LLC & Putnam Ave Assoc 415 LLC, Owners

Attorney Bernard Pellegrino, Jr. addressed the Commission and reviewed the application. There would be 39 apartments and a reduction in the impervious surface. He explained that the building had previously been used for offices, manufacturing, and assembly. The building has been abandoned for 15 years. The left hand side of the building has been demolished and the wetlands have been flagged. There is ongoing environmental cleanup at the site.

Mr. Shadle asked if there was a need to review the environmental conditions before accepting an application for residential dwellings. Mr. Kops advised that the Commission is obligated to accept the application officially at this meeting. The members then at their discretion can ask for additional information and discuss the issues as a review of the application. Mr. Pellegrino advised the Commission that there will be additional information provided for their review. He is anticipating that this will be available prior to the site walk. Ms. Rosenbaum stated that the plans provided are for current conditions only and are insufficient in several respects. This would make doing a site walk difficult. She stated her belief that scheduling a site walk should be contingent upon having plans with sufficient information for a proper review of the proposal.

Ms. Rosenbaum asked that the Commission table this item for a site inspection contingent upon receiving a new plan that addresses the deficiencies in the current application. If such plans are not received, the site walk would be canceled until new plans that address the deficiencies have been submitted. The Commission members also discussed remediation efforts at the site as well as the lack of specificity and clarity in the plans submitted with this application. Mr. Shadle stated that the applicant is aware that there are inland wetlands regulations and knows what is needed when submitting an application. Therefore, any motion should state that we would be taking action in accordance with our regulations.

Ms. Lakin made a motion to table IWC # 09-1146 for a site inspection contingent upon receipt of a new plan that addresses the deficiencies in the application in accordance with the our Inland Wetlands & Watercourse Regulations. If new and appropriate plans are not received, the site walk will be canceled until submission of such plans. Mr. Montgomery seconded the motion. The motion passed unanimously.

- B. 09-1147** 660 Sherman Avenue – Construction of a hotel & restaurant – Mankoff Developments LLC, Applicant - G R & J Corporation, Owner

Attorney Michael Brandi addressed the Commission and summarized the application to construct a hotel that would include a restaurant, parking areas, and a maintenance garage.

Professional Engineer Stanley Novak of BL Companies addressed the Commission and stated that the site consists of 10.6 acres located on Sherman Avenue opposite Corporate Ridge and Rocky Top Road. He reviewed the abutting properties and stated that it is a U-shaped parcel. The vacant site slopes gently down from Sherman Avenue towards the Farmington Canal Greenway. The site is approximately 61 percent wooded. The remainder of the site is a shrub & scrub meadow that is adjacent to Sherman Avenue. The site also contains dirt roads and a sanitary sewer easement in favor of the Town of Hamden. There are several streams that converge on the site. Located in the center of the site is a wetland area that includes approximately half of the 10.6 acres. The proposed plan calls for a 115 room, five-story hotel. There would also be a restaurant and parking. The northern portion of the U-shaped lot would have overflow parking and a 1,200 square foot maintenance garage. The proposed structures and parking areas would be located in the upland review area. There would be access to the Farmington Canal Greenway via a 120-foot crushed stone path and a wooden walkway that would cross the wetlands. Approximately 29 percent of the site would be disturbed. Development within 100 feet of the wetlands would include a portion of the parking lot and a corner of the building. Mr. Novak also reviewed the stormwater management system. The discharged flow would be diverted to the east and there would be a detention pond for water quality. The parking lot for the maintenance facility will have underground storage with a piping system and an oil water separator prior to discharge. This would reduce post development peak discharge by 5 to 6 percent. He explained that 71 percent of the site would remain undisturbed. Mr. Novak also stated that retaining walls would be utilized in order to minimize disturbance and that there would be a maintenance schedule for the stormwater management system..

Mr. Shadle made a motion to table IWC Application # 09-1147 until April 1, 2009 pending a site inspection. Mr. Anastasio seconded the motion. The motion passed unanimously.

Ms. Cindy Civitello submitted to Chairperson Rosenbaum a petition requesting that this application be docketed for a Public Hearing.

Ib. Pending applications

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

Engineer Brian Kuta addressed the Commission and reviewed the application for the replacement of Bridge #4127 on Skiff Street over the Mill River. He explained to the members the previous work that has been done on the bridge that was built in 1931 and he then reviewed the current conditions. The new bridge would be approximately 63 feet wide and it would have 4 lanes of traffic with sidewalks and a 90 foot long span. Mr. Kuta stated that during the site walk they discussed measures to be adopted for sedimentation control. Some of the abutting property is owned by the Regional Water Authority and the river ultimately discharges into the Lake Whitney reservoir. Catch basin, manhole, and sump modifications have been made in the drainage plan and a plunge pool would be installed at the southwest corner. It would have 3:1 side slopes on all edges and it would be lined with rip rap. Mr. Kuta advised the members that these features can be incorporated on the southeast side as well. Mr. Kuta then reviewed the planting plan with the Commission.

The existing bridge is structurally and functionally deficient. It is hydraulically inadequate for a 100 year flood elevation. Mr. Kuta reviewed the current flood elevation and the surrounding properties. The State Bridge Program allows for improvement of functional and structural deficiencies, but general flood control cannot be done under this program.

Mr. Ron Walters of the RWA addressed the Commission and stated that the Water Authority does support the reconstruction of the bridge with some important plan modifications that he summarized for the members. He stated there is a need for a project narrative for the proposed plans. The RWA property needs to be defined. There needs to be a spill response plan with notification numbers. A refueling plan with schematics and equipment storage locations will be needed. The RWA's Bridge Construction Guidelines should be included in the plan. The RWA would also like provisions for an oil-absorbent boom across the river in the event of any spills. He would like a bigger retention area on the south side because of the disturbance to the wetland area and because of the need for pre- treatment.

Mr. Kuta advised the Commission that specifications which include guidelines required by the RWA are generally incorporated into the bridge bidding process. He reviewed details of the stormwater management plan, after which Mr. Walters stated that a revocable license agreement needs to be signed by the Town in order to address environmental issues. The State Health Department will need to review and issue a change-of-use permit where work is being done. The State Health Department would most likely have any of their concerns addressed at that stage of the permitting process.

The Commission members asked if Item #6 on the RWA letter dated 3/04/2009 has been addressed. Mr. Walters advised the members that the plan needs some enhancement on the southwest side. Mr. Kuta stated that he can review these issues with Town Engineer Brinton and with Mr. Walters. The Commission members then discussed with Mr. Kuta the need to address all of the RWA comments, to prepare a project narrative, to address best management practices, and to develop a sequence of construction in consultation with the Town Engineer and the RWA.

Ms. Lakin made a motion to approve IWC Application # 09-1145 with the following conditions: 1) the applicant's representative shall prepare and submit a project narrative 2) the plans shall incorporate and address the six items listed in the RWA comment letter dated 3/04/2009. 3) On Sheet S16, General Note 1 will be changed to read in the last part...submitted to the Town Engineer and the RWA for approval. Mr. Anastasio 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

Ms. Rosenbaum advised the Commission that the owners' representative has been unable to complete a soils evaluation and an Existing Conditions Survey because of inclement weather and frozen ground conditions.

Mr. Anastasio made a motion to table this matter until the April 1, 2009 meeting. Mr. Brand seconded the motion. The motion passed unanimously.

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

Mr. Shadle made a motion to table this item for discussion in Executive Session at the end of the meeting. Ms. Lakin seconded the motion. The motion passed unanimously.

Mr. Shadle made a motion to enter into Executive Session at 9:32 p.m. Mr. Brand seconded the motion. The motion passed unanimously. The Commission emerged from Executive Session at 9:48 p.m.

A motion to table this matter until April 1, 2009 was made and seconded and it passed unanimously.

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

Attorney Bernard Pellegrino, Jr. again addressed the Commission. He advised the members that the roof replacement work is complete, that improvements in the overall sediment and erosion controls have been made, and that sampling of the debris piles has begun. Test results for asbestos in the demolished roofing (negative) and for lead in the concrete blocks from the demolished section of the building (negative) have also been submitted to the Building Department and to the Enforcement Officer. Mr. Pellegrino then yielded the floor to Mr. Greg Gardner for additional discussion of the exposed soil, the construction and demolition debris, and various aspects of the testing regime that will be required for the overall site.

Greg Gardner, Licensed Environmental Professional, addressed the Commission and reviewed the site and the testing procedures that have been initiated to date. Piles of batteries have been removed from the wetlands and placed in a roll off container, although more remains to be done in this regard. Printed circuit boards were manufactured at the site for a number of years, and there was chlorinated solvent usage in the western portion of the building which has now been demolished. The demolished debris is currently piled on the site. A previous investigation in the late 1980's showed there were impacts to ground water on the western portion of the site. The current testing will show what contaminants are present and will demonstrate the impacts to shallow ground water versus deep ground water. The quantity and the depths of the test wells were also reviewed. Mr. Gardner then discussed with the members what materials are on the site and where they are stored. The testing will be designed among other things to determine if contaminants from the batteries have migrated. He reviewed with the members the different types of testing protocols that will be used. There is a concern about possible recharge events and the impacts that these could have on the wetlands. The testing procedures will resume in approximately 2 weeks.

The Commission members asked how long it would take for testing to determine whether there are environmental health risks. Mr. Gardner advised that testing results should be completed by the summer and he reviewed with the members the process of testing. Mr. Shadle asked Mr. Gardner if he is now under contract with the owners to perform the testing and evaluation of this site. Mr. Gardner advised the Commission that the contract documents will be executed next week. He will be the lead LEP for this site. He explained that when the current owners obtained the site, it was a under the Transfer Act which involves a voluntary remediation program with the Connecticut DEP.

Mr. Gardner advised the Commission that there could be surface contamination encapsulated with the building and the pavement, and that the wetland area was also at potential risk for exposure. The exposed soil and debris piles will be evaluated first and then a decision can be made on what the next step will be as testing of the overall site proceeds. There are also underground tanks that will be tested and analyzed.

Some of the members indicated that they would like to get monthly reports as the testing proceeds. They alluded to past commitments made by the owners and they said there must be a definitive timeline for the completion of tests and for the reporting of results insofar as they impact the wetlands and the watercourse.

Mr. Shadle made a motion that by the April 1, 2009 meeting the test results as required at the February 4, 2009 meeting will be presented as final for all exposed soil and construction and demolition debris. A comprehensive written environmental evaluation and restoration plan is to be presented by the owners' LEP. Mr. Stone seconded the motion.

Mr. Gardner stated that he would be able to give written updates as to what has been done, but the monthly information and reports may not be final and conclusive in every respect. Mr. Pellegrino asked if they were seeking test results by April 1st for just the piles or for the overall site. Mr. Shadle advised that it was for the piles of soil and construction and demolition debris.

Mr. Shadle amended the second part of his motion to read: A phased written environmental evaluation and restoration plan is also to be presented by the owners' LEP. Mr. Stone accepted the amendment.

The motion as amended passed unanimously.

III. Other Business

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

Mr. Mike Copeland addressed the Commission and stated that he has removed the tanks that had previously been located along the bank. He has also started to move construction supplies away from the bank. He advised the members that the weather has made working in the area difficult. As soon as the weather permits he will move more debris away from the edge of the bank along the driveway and he will widen and replenish the 10 foot wide stone anti-tracking pad. He also intends to use wood chip-filled socks where necessary and advisable. He stated that he will also create and seed a non-disturbance buffer along the bank. Mr. Montgomery suggested the type of seed mix that should be used and said that he will forward the information to Mr. Copeland.

Ms. Rosenbaum reviewed the recent visit to the site made by her and Mr. Vocelli and she discussed what has been done to date. Mr. Vocelli suggested to the members and to Mr. Copeland that there ought to be wetland conservation medallions along the boundary of the buffer and he alluded to some measures that Mike Guaglianone of the RWA believed would be appropriate.

Mr. Montgomery made a motion to table this item with the stipulation that the owner will submit to the Planning Office prior to May 1, 2009 a revised plan delineating the non-disturbance buffer area, depicting the interim S&E controls, and portraying the location of wetland conservation medallions at 35 foot intervals along the buffer boundary. The Commission will then re-visit the site prior to the June 3, 2009 meeting. Mr. Anastasio seconded the motion. The motion passed unanimously.

The Commission then turned to some additional Other Business items, whereupon Mr. Vocelli confirmed that Engineer John Paul Garcia has instructed excavator Paul Rebesch to remove the southerly portion of the old curtain drain at 0 Downes Road as called for in the recently-issued permit.

Ms. Rosenbaum advised the Commissioners that the Town will be celebrating Earth Day on Saturday, April 25 this year. She would like some volunteers to set up and to help run an Inland Wetlands booth. She also advised the members that the CT DEP has announced the schedule for this year's Municipal Inland Wetlands Commissioner training program. Anyone who is interested should contact Mr. Vocelli for further information.

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

Mr. Vocelli will schedule the Commission site inspections for 385 & 415 Putnam Avenue (if appropriate plans are available) and for 660 Sherman Avenue.

V. Review February 4, 2009 meeting minutes

Mr. Anastasio made a motion to accept the February 4, 2009 minutes as written. Mr. Brand seconded the motion. The motion passed unanimously.

VI. Adjournment

A motion to adjourn was made by Ms. Lakin and seconded by Mr. Shadle. It passed with no dissenting votes. The meeting ended at 9:51 p.m.

Submitted by: _____
Stacy Shellard, Clerk of the Commission