

TOWN OF HAMDEN

PLANNING DEPARTMENT

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MINUTES: THE INLAND WETLANDS COMMISSION, Town of Hamden, held a Public Hearing and Regular Meeting on Wednesday, June 3, 2009 at 7:00 PM in the 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 Milazzo
William Tito

Staff in attendance:

Dan Kops, Assistant Town Planner
Tom Vocelli, IW Enforcement Officer
Tim Lee, Assistant Town Attorney
Peggy Craft, Acting Commission Clerk
Lisa Raccio, Stenographer

Ms. Rosenbaum called the meeting to order at 7:00 p.m. and reviewed the meeting and public hearing procedures. She explained the Commission is responsible for the regulation and protection of wetlands and watercourses, and that comments from the public should be related to this topic. Roll call was done and there was a quorum.

I. Public Hearings

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

Attorney John Acampora of the Law Firm Cohen and Acampora addressed the Commission. Mr. Acampora introduced Stan Novak Professional Engineer with BL Companies in Meriden. Mr. Novak said that plans dated May 15, 2009 and the Drainage Summary Report Dated May 15 have been revised to address comments the Commission raised at the May 6, 2009 meeting.

Mr. Novak said the underground infiltration pipe has been replaced with an at-grade retention pond. The proposed pond by the hotel building has been revised so there are fewer white pines and more sugar maples and black gums. There will be four sugar maples and nine black gum trees.

Another item that was discussed by Mr. Novak was the top soil, and the present and future possibility of invasives being present on the site. Mr. Novak said any invasive vegetative matter will be removed. He added that this will require diligent landscaping if the species appear. This will require hand work, chemicals would not be appropriate. Regarding any phragmites found in the ponds during the tri-yearly inspections, they shall be pulled, including the roots, and removed from the pond.

The next item Mr. Novak discussed was the wooden walkway connecting to the Farmington Canal that crosses the wetlands. He addressed the Town Engineer's concerns that a 3 foot 8 inch walkway would not accommodate two wheel chairs or bicycles passing each other in opposite directions. This will be corrected to reflect a four foot walkway width. There will be no structural changes or change in the number of posts, which will be at a footing depth of 3 feet 6 inches.

Next, Mr. Novak stated that a note has been added to the maintenance schedule stating that the ponds shall be mowed three times yearly. There will also be a prohibition on washing or dumping dirty mop water, and cleaning of floor mats or other kitchen equipment is strictly prohibited outside the building.

Regarding the comments by the Town Engineer, the property owner of the Farmington Canal Greenway will be updated to the Town of Hamden. Also, the Site Plan geometry will be provided along the non-disturbance buffer, and coordinates will be provided so that the property can be properly staked out. Regarding the Stormwater Management Plan, it will be changed from the Hamden Engineering Department to the Regional Water Authority and forwarded there. Regarding the construction procedures for the 4 foot wide stone dust path, this will be done by hand and only minor digging will occur. The two retaining wall cross-sections will be at maximum height.

Chairperson Rosenbaum asked if there were any questions from the public. There were none.

Commissioner Montgomery expressed concern regarding phragmites and other invasive species. He said there were no plans for controlling artamesia which can be overwhelming. He asked if there is another way to do this, can the stock pile be covered with heavy black plastic. Mr. Novak said this can be done.

There was a discussion concerning water drainage. Mr. Novak discussed the perc rate. He said the proposed pond will have an area two to two and a half feet in depth, and the lower part of the pond can be used to remove pollutants. He said you don't necessarily need a fast perc rate.

Commissioner Montgomery next suggested that the mowing schedule of three times a year be reduced to once during the dry season. He also added that he would lean toward not putting the walkway through the wetlands area.

It was noted by the Commission that when the plan is done a Mylar as-built should be filed upon approval.

Mr. Guaglianone was asked if he had any comments. He had none.

Mr. Acampora said that this is in a basically heavy industrial area, and the walk way would provide an amenity for people staying at the hotel. He added that there are not many amenities that can be added in this area, and it would be good if the Commission could find a way to approve it.

The public hearing was closed at 7:37 p.m.

There was a short recess.

Chairperson Rosenbaum called the meeting back to order at 7:45 p.m.

II. Applications

A. New application – site inspection TBA

09-1148 50 Farmington Drive – Construction of a single-family home – Mike Cavallaro, Applicant

Dan Kroeber of Milone & MacBroom, 99 Reality Drive, Cheshire, representing the applicant, Mr. Cavallaro, addressed the Commission.

Mr. Kroeber said it is proposed to build a single family home at 50 Farmington Drive. A previous application was denied in 2008. An alternative plan has been done. A packet containing this plan was passed out to the Commissioners, and Mr. Kroeber described the new plan, including the engineer's report and the analysis of the watercourse and wetland impacts. He said he will have more details at the next meeting

One of their wetland specialists, Matt Sanford, said this is a great improvement from the previous plan. He said he has reviewed all the comments from the last application

Mr. Sanford described the property, which is 6.6 acres at the end of Farmington Drive. He said they will pave the cul-de-sac to Town standards. He added that he feels it is important to have a turn around at the end of this road. The driveway will lead into the property to a three-bedroom house. Mr. Sanford described how they have reduced the slope of the driveway by about 14%. It is now at 10% to reduce the impact on the wetlands. He described the grading and design of the driveway. He said all drainage will be filtered through a swale into a rain garden. He also described the buffer planting plan.

Chairperson Rosenbaum asked for a motion to table this application to the next meeting pending a site inspection.

Commissioner Anastasio moved to table Application 09-1148 to the next meeting with a site inspection to be performed during the month of June. Commissioner Brand seconded the motion that passed unanimously.

B. Pending Applications

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

Commissioner Lakin made a motion to approve application #09-1147 dated 05/20/09 with the following conditions:

- 1) The proposed walkway across the wetlands not be included in the project. The impact of constructing said walkway on the surrounding wetlands is unclear. Information pertaining to existing flora and fauna has not been provided.**
- 2) Length of the construction entrance anti-tracking pads be increased to 75 feet. The first 25 feet closest to the road shall be paved. 50 feet shall be gravel.**
- 3) The limits of disturbance (LOD) shown on sheets SU-1 and SU-2 shall be mathematically delineated – and shall be shown on the as-builts and filed on the Town land records.**
- 4) Any activity contemplated for the regulated area (as defined by the Regulations) and the non-disturbance buffer (also as defined by the Regulations) must come before the Commission. The LOD shown on the plans shall constitute a permanent non-disturbance buffer. An approval letter should be incorporated into the land records. Activity in the regulated area must have prior approval/permitting by the Hamden Inland Wetlands and Watercourses Commission.**
- 5) The Storm Water Management Pond shall be mowed no more than once per year, during the dormant season.**
- 6) Reference note 14 sheet EC3 “Disturbed areas are to be seeded and mulched...” If there is no activity in a disturbed area for more than two weeks, said area shall be seeded and mulched or otherwise protected to prevent erosion.**

- 7) **Planting plan - Trees between the Storm Water Management Pond and the hotel parking lot shall be sugar maples (3) with all other proposed trees surrounding the pond eliminated.**

Commissioner Tito seconded the motion.

It was added that all conditions raised by the Town Engineer shall be met except for those pertaining to the walkway.

The vote was unanimously in favor of the motion.

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

Chairperson Rosenbaum stated that revised plans were received yesterday and the Commission had not had the time to review them. She added that several pages were marked up, and several lacked clarity. She said the only person who had time to review them was Mike Guaglianone. Ms. Rosenbaum said since the plans came in late, and no one on the Commission had time to review them, the Commission would like to not address these new plans this evening.

Mr. Pellegrino asked if he could explain what they had prepared. Ms. Rosenbaum said he could, but added that the Commission would not deal with the plans at this meeting since no one had reviewed them.

Mr. Pellegrino said he had been in recent discussions about the plans for developing the property. He said the main issue was the site plan drainage system which was a proposed dry well system.

Mr. Pellegrino explained that the updated plan will handle stormwater management in a different fashion.

Next, David Lord addressed the Commission explaining details and recommendations regarding vegetation.

Mr. Lord distributed a plan dated June 2, 2009 showing the plan for expanded vegetation, identification of invasive species, and the plan to remove these and to replant with native trees and vegetation between the development and the wetlands.

Commissioner Montgomery said he has visited the site and noticed some unique things, he added that it seems like a glossary report is needed from a well qualified botanist to look at the area.

Commissioner Brand commented on invasive staghorn being the only state listed invasive species.

Mr. Gardner presented an updated report with respect to environmental matters. He discussed the decomposed batteries in the area and discussed the results from recent test pits.

Next, there was discussion regarding the ground water and wells.

Ms. Rosenbaum voiced a complaint that the Commission has just received what is now being discussed, and the members have never seen this before.

Mr. Gardner said the next step is to continue monitoring the wells and to have a meeting with DEP. There was a planned meeting last month which had to be rescheduled. They are trying to reschedule to June. He added that they should have their final report in time for the July Commission meeting.

Chairperson Rosenbaum asked if there were any questions. There were none.

Mr. Pellegrino thanked the Commission.

Commissioner Shadle moved to table 09-1146 to the July meeting. Commissioner Lakin seconded the motion.

Commissioner Shadle amended his motion to read “If the final report is submitted to the Commission on or before June 20, 2009 it will be heard for action. If not submitted on time it will automatically be moved to the August meeting.” Commissioner Lakin accepted this as a friendly amendment.

There was an extensive discussion regarding the time frames and type of report to be submitted. Ms. Rosenbaum thought that tabling the application until the August 5th meeting would be more appropriate. Mr. Pellegrino stated that these sites are brown fields, and there are not that many in Town. He feels that we should continue to work together on these sites, adding that a two month delay will not help get us closer to the finish line.

There was further discussion regarding the time line for the final report, and what would be contained in the final report. The discussion included addressing areas regarding remediation, and a recommendation to carve out and modify the scope of work regarding the impact on wetlands.

Ms. Rosenbaum asked if the Commissioners would be comfortable entertaining a report submitted by June 20th. Ms. Rosenbaum also stated that there needs to be more data then what was presented tonight by the June 20th date. Mr. Gardner said he will have additional data but will need to meet with DEP before they come back before the Commission.

It was recommended that it would be in everyone’s best interest if a draft or progress report was submitted.

Chairperson Rosenbaum stated that an hour has been spent on this and we have not moved forward.

After further discussion it was decided to call for a vote on the original motion:

Commissioner Shadle moved to table 09-1146 to the July meeting with submission of the report by June 20, 2009. Commissioner Lakin seconded the motion. The vote was unanimously in favor of the motion.

C. New application – site inspected on 5-28-2009

09-1149 80 Tom Swamp Road – Construction of a single family home – Robert Carranzo, Owner/Applicant

Robert Carranzo of East Haven addressed the Commission. He said he has been trying to build a house on Tom Swamp Road for four years.

It was explained that Mr. Carranzo’s Engineer, John Paul Garcia, was held up at a previous meeting and would try to attend this one later in the evening. It was added that it is necessary for Mr. Garcia to be in attendance.

Commissioner Milazzo made a motion to move on to the next order of business in order to allow Mr. Garcia time to arrive. Commissioner Anastasio seconded the motion that passed unanimously.

After Mr. Garcia failed to appear by the end of the meeting, Commissioner Anastasio moved to table Application 09-1149 to the July 1st meeting. Commissioner Lakin seconded the motion that passed unanimously.

III. Notices-of-Violation, Cease & Desist & Restore Orders, Notices-to-Appear & Other Business

- a. C.&D. --- 186 and 196 Denslow Hill Rd – Dumping & deposition of fill in or near wetlands ---** Mr. Vocelli said that he still has no feedback on the Existing Conditions Survey from Paul Siciliano (owner of # 196 and owners'-agent for # 186). Mr. Siciliano's engineer-of-record has received no communication or instructions from his client concerning this requirement.
- b. N.O.V. --- 64 Rocky Top – clearing of trees & removal of vegetation ---** Mr. Lee's office received a re-vegetation proposal from Carlie Capital LLC at the close of business today. He will have the information e-mailed to all IWC members
- c. C.&D. --- 415 Putnam Avenue – unpermitted activity in a regulated area ---** testing and remediation issues were discussed during tonight's review of the apartment application

Commissioner Anastasio moved to table these items to the July meeting. Commissioner Milazzo seconded the motion that passed unanimously.

- d. 2 Sherman Lane – interim S & E control plan –** J.T. Furrey Vice President Mike Copeland has informed Mr. Vocelli that his company is in dire financial straits. Mr. Copeland is hoping to defer the submission and implementation of an updated site management plan.

Commissioner Lakin moved to table the above item to the July meeting. Commissioner Anastasio seconded the motion that passed unanimously.

IV. Review Site Inspection Schedule

A site inspection will be scheduled at 50 Farmington Drive for a Monday evening at 6:00 (June 15th is the preferred date). Mr. Vocelli will e-mail the Notice of Site Inspection to all Commission members.

V. Review May 6, 2009 meeting minutes

Chairperson Rosenbaum asked if there were any additions, corrections or deletions to the Minutes of the May 6, 2009 Meeting.

It was noted that on page 2, first paragraph, the last sentence needs to be revised. It was suggested that it be changed from *“There is a proposed fence that is not around the entire site.”* To *“The proposed fence is limited to the top of the retaining wall.”*

Commissioner Milazzo moved to accept the Minutes of the May 6, 2009 meeting as amended. Commissioner Brand seconded the motion that passed unanimously.

VI. Election of Officers

Commissioner Brand moved to retain the present Chair and Vice Chair and Secretary (Rosenbaum-Montgomery-Milazzo). Commissioner Lakin seconded the motion which passed unanimously.

VII. Adjournment

There was no further business to come before the Commission and Chairperson Rosenbaum called for a motion to adjourn. **Commissioner Anastasio made a motion for adjournment. Commissioner Lakin seconded the motion that passed unanimously. The meeting was adjourned at 9:23 p.m.**

Submitted by Peggy Craft, Acting Clerk of the Commission