

7/16/09

**MINUTES:** THE INLAND WETLANDS COMMISSION, Town of Hamden, held a Regular Meeting on Wednesday, July 1, 2009 at 7:00 p.m. in Thornton Wilder Hall, Miller Memorial Library Complex, 2901 Dixwell Avenue, Hamden, CT and the following was reviewed:

*Commissioners in attendance:*

Nancy Rosenbaum, Chairperson  
Mike Montgomery  
Andrew Brand  
Kirk Shadle  
Joan Lakin  
Bob Anastasio  
Bill Tito  
Mike Milazzo, arrived at 7:12 p.m  
Mike Stone, arrived at 7:20 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  
9:27 p.m

Ms. Rosenbaum called the meeting to order at 7:03 p.m. and reviewed the meeting procedures. Mr. Montgomery called the roll and there was a quorum.

**I. Applications**

**A. New application – site inspection TBA**

**09-1150** 345 West Woods Road – Replacement of a storm pipe - Town of Hamden, Applicant

Mr. Bob Brinton, Town Engineer, addressed the Commission and reviewed the location of the existing storm drain catch basin easement that goes to Eaton Brook. He explained that there is a corrugated metal pipe that drops 30 feet near the brook. The pipe was installed in 1987 because of complaints from the residents. In 2005 the pipe broke loose at the bend and caused an erosion problem. It was temporarily fixed and the residents are asking for it to be replaced. Mr. Brinton reviewed with the Commission the plans to install reinforced concrete pipe and two drop manholes that would take some of the velocity. They would be installing approximately 150 feet of pipe. They would bypass the stormwater system during construction by placing a temporary pipe out of the existing manhole. Because of the steep slope they would build one section at a time and use erosion control fabric. There will be a silt fence around the perimeter of the project with a construction entrance. Mr. Montgomery asked why a private contractor was hired. Mr. Brinton advised the members that because of the depth of the manholes and the access issues, the Public Works Department would be unable to do the work.

Ms. Rosenbaum asked for additional comments and there were none.

***Mr. Shadle made a motion that Application #09-1150 be tabled until the August 5, 2009 meeting pending a site inspection to be conducted during the month of July. Mr. Anastasio seconded the motion. The motion passed unanimously.***

## **B. Pending applications**

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

Mr. John Paul Garcia, Professional Engineer & Land Surveyor, addressed the Commission and verified that the revised plan dated June 23, 2009 is the most current plan. He stated that he has received the comments from the Town Engineer dated June 26, 2009 regarding the outlet coming from the house to the septic tank. This is a corrugated pipe. The QVHD has tentatively approved the septic plan with conditions for receipt of the final house plans and for payment of the fee. Mr. Garcia stated that there is a discharge from an existing curtain drain into a swale on an adjacent property. According to state statute this intermittent stream is considered a regulated area. There are no wetlands on the property at 80 Tom Swamp Road.

Ms. Rosenbaum asked which curtain drain would be removed. Mr. Garcia stated that it is the curtain drain that goes from the end of the silt fence on the southern end of the property. It then goes diagonally across the property to where the new swale will be tied in. He reviewed the plans with the Commission. There is a discharge pipe that goes around the back of the property and discharges at the southeast corner of the property that will also be removed. QVHD refers to it as a curtain drain, but it is a 4 inch discharge pipe from the curtain drain proper. The existing plan for the house is a slab on grade with storage space. He does not anticipate problems with the ground water. Mr. Garcia reviewed the plans for the discharge pipes and the curtain drains. He explained that state statute requires that basements must have a foundation drain that free flows discharge or they must have a sump pump. They are using a tub as an emergency feature and there must be a discharge. The ground water flow parallels the surface water flow which goes northwest to southeast, and the curtain drain cuts off the majority of the site. The existing curtain drain is functioning. The garage/basement will be at existing grade. There is no expectation that de-watering will be necessary. If the project needs to be de-watered, this is covered in the 2002 Sediment & Erosion Control manual. The footings are 42 inches below grade, and would be at the water table. The Commission questioned if there would be a carport. Mr. Garcia advised that there is a structure that encroaches from the neighboring property. There is an agreement between the property owner and the neighboring property to have the structure removed. The existing curtain drain that goes through the house will be removed. The curtain drain that is located above the septic system will remain. The Commission asked if the dog pen is also encroaching on the property. Mr. Garcia advised that the dog pen has been removed. Mr. Montgomery stated that the plan has noted an existing service drain. Mr. Garcia said that it will be removed when the house is being built and can be noted on the final plans. Mr. Montgomery stated that there must be some provisions for de-watering. Mr. Garcia advised that this can be added as a condition of approval. At the back of the property where the end of the silt fence is located they can construct a well out of hay bales. Water can then be pumped into the well and filtered out. The amount of water would be minor.

Ms. Rosenbaum asked for any further comments and there were none.

***Mr. Brand made a motion to approve Application 09-1149 with the condition that the recommendations in the Town Engineer's letter dated June 26, 2009 and in the RWA's letter dated June 3, 2009 be incorporated into the plans. Mr. Tito seconded the motion. Mr. Montgomery, Mr. Brand, Mr. Shadle, Ms. Lakin, Mr. Anastasio, Mr. Tito, Mr. Milazzo voted in favor of the motion. Mr. Stone abstained. The motion passed 7-0-1.***

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

Mr. Dan Kroeber, Professional Engineer from Milone and MacBroom, addressed the Commission and stated they have received comments from the Town Engineer and from the RWA. A formal approval has been received from the QVHD for a sub-surface sewage control system. The plans have been revised using the comments received at the June 15, 2009 site inspection, and the comments from the Town Engineer. He reviewed with the Commission the changes that were made. He has received a letter from the Town Engineer dated June 26, 2009 approving the changes that were made to the plans. They have changed the 7th note for the conservation restriction language to read: upon approval of the plan the conservation language will be added on to the deed of the property. A note has been added to the construction sequence which reads: Before construction begins on the property, all tree clearing will be flagged on the property and the Wetlands Enforcement Officer will be notified prior to any clearing on the property. The Wetlands Enforcement Officer would then do an inspection to verify that it is being done in accordance with the plan. The depth of the proposed grass swale has been added to call out that the swale is at least 8 inches at minimum depth. They will reuse existing stones on site for the rip rap spillway for the rain gardens. The second rain garden by the cul-de-sac will have boulders placed along the edge of it, and this would reduce the need for a 3:1 slope. The silt fence could be backed by wood chips from wood located on the site, or they can use silt socks that are manufactured by Filtrexx. He explained that a silt sock is a geo textile tube with a compost material blown into it. The size is based on the contributing watershed. He discussed with the members where the details for this product are located on the plan. If wood chips were used there would be a stack 12 to 18 inches high. The rain garden detail was added to the plan. The berm being constructed to maintain the stream corridor would be 18 to 24 inches high. There is a concern about erosion when the stream comes in. He explained the materials that will be placed and compacted to 95 percent. There is a specific call out on the plan. The toe of the berm will be keyed into the existing soils to avoid soil washing away.

Mr. Matt Sanford, Professional Soil Scientist, addressed the Commission and reviewed the revised planting plan. He reviewed the rain garden located near the house; they will use a New England wildlife conservation seed mix and herbaceous plantings. He discussed with the Commission the rain garden details. Mr. Sanford reviewed the soil test that was done during the site walk. There is 450 square feet of wetlands impacted along the cul-de-sac. During storm events water overtops the stream and goes on to the cul-de-sac. The plan is to construct an 18 to 24 inch high earthen berm to be anchored on the northern side of the stream and to be planted with a New England wildlife conservation seed mix and with shrubs. Mr. Sanford reviewed the stormwater management plan and the pitch of the driveway that is near wetland flag 110. There are several large trees, and they will place the driveway so that the trees can remain.

Mr. Anastasio asked where on the plan the swale detail was located. Mr. Kroeber advised that the swale detail is on the driveway cross section. There is a large watershed to the swale and the plan calls for a permanent erosion control blanket to be placed at the base of the swale. Mr. Montgomery asked if at the cross section the grading to the swale goes up and then down to the swale. He asked if the rise is intended or will it just go down. Mr. Kroeber advised that it would go down to the swale. Mr. Montgomery asked if the scale used there is 2 feet on each side of the road before the swale begins. He asked about 23.5 feet that would be disturbed. Mr. Kroeber advised that the rail could be closer to the driveway. Mr. Montgomery feels that they are being aggressive with the amount of shrubs being planted and there should be more clearance on the driveway. He feels there may be a problem where the stream perpendicularly meets the other stream off the property. He stated that the plans seems to clarify this with the details.

Mr. Brand asked if the swale has an eight-inch minimum or if they anticipate going deeper could they damage the roots of trees. Mr. Sanford stated that the swale would be eight inches and they do not want it any shallower. Mr. Brand asked what material would be used for the driveway during construction. Mr. Sanford stated that the driveway needs to be stabilized during construction with a sub base and gravel specified in the plans. Mr. Brand asked to clarify if top soil will be on top of the berm. Mr. Sanford stated that the existing top soil would be used and reviewed the planting plan with the Commission.

Mr. Shadle stated that in the previous application there was an issue regarding the driveway and soil stability closest to the wetlands. He asked how the grade to the area near wetland flag 15 and 110 would be maintained. Mr. Sanford explained that there would not be a problem because a gravel base is being put in, and it would be partially compacted. He reviewed the pitch and the grade of the driveway and how the watercourse would be affected. The water will go to the swale that is adjacent to the driveway. The swale has been sized so it will be capable of handling the entire contributing watershed.

Mr. Shadle referred to the Town Engineer's comments and asked what impact future paving would have on the swale. Mr. Kroeber advised that a global analysis of the watershed was done and he reviewed the plans. The entire 134-acre watershed drains down through several watercourses and goes underneath the road into the swale. The small size of the property to be developed is less than 1 percent of the watershed area. If the driveway is paved there would be no impact on the stormwater. Mr. Shadle said that the grass swale is 2 ½ feet and the wetland buffer in the area near the driveway is about 5 feet and he asked if there would be an erosion issue. Mr. Kroeber stated that they feel the swale is sized adequately, and that the erosion control fabric located on the bottom will reduce the scour in the swale.

Mr. Montgomery discussed with Mr. Kroeber the stone to be used and the amount of grading. He stated that the plan indicates the driveway will be 340 feet, but he does not see a turnaround. Mr. Kroeber advised that there is no turn around but it could be added as a hammerhead type. Mr. Montgomery discussed the turnaround and how it would affect the swale with Mr. Kroeber. Mr. Montgomery discussed the size and steepness of the driveway towards the stream with Mr. Kroeber. Applicant Mike Cavallaro stated that the house will be a ranch and that the garage will be on an angle like a boomerang. Mr. Montgomery and Ms. Rosenbaum both stated that they would like the house and swale and driveway staked out for a site walk. There is concern about the slopes going towards the wetlands. Mr. Montgomery discussed with Mr. Kroeber the location of the medallions and reviewed where he would like to see them moved to. Mr. Kroeber reviewed the planting plan and the rain gardens with the Commission.

Mr. Sanford reviewed the planting plans and his recommendations. Mr. Brand asked that the Commission be consulted if any changes are made. Mr. Montgomery stated that an inspection will be needed for the last 10 feet before the cul-de-sac. He reviewed with Mr. Kroeber the plans for the pavers to be used around the house.

Ms. Rosenbaum asked for comments from Intervener Michael Rosenthal.

Michael Rosenthal of 39 Farmington Drive addressed the Commission and explained that he has gathered additional information which may affect the final decision regarding construction of this project. He explained that his son, Seth Rosenthal, would be presenting the information.

Seth Rosenthal of 86 Heloise Street asked Mr. Kroeber to review the watershed and where it feeds into the stream that ends at 39 Farmington Drive. He asked Mr. Kroeber to explain the peak time and he asked if every portion of the watershed would flow equally at the same rate to the stream. Mr. Kroeber advised that it would not and he explained the calculations for the runoff.

Mr. Rosenthal addressed the Commission and he submitted to the Clerk of the Commission a copy of his presentation:

I would like to thank members of the Commission for their time and consideration.

I'm Seth Rosenthal, 86 Heloise Street, son of Michael Rosenthal, who is the owner and occupant of 39 Farmington Drive. 39 Farmington Drive abuts the property under consideration at 50 Farmington Drive. It contains a year-round stream that first runs the length of the property at 50 Farmington Drive near much of the planned construction and then runs across my father's property from front to back and across the back yard diagonally, and I believe feeds downstream into the local water supply. This stream is an important natural resource for the Town of Hamden and for the State of Connecticut, and is an integral part of the beauty and value of my father's property. It hosts numerous

forms of wildlife including plants and insects, as well as larger animals including frogs, turtles, small fish, migrating ducks, and an occasional heron. Both Farmington Drive properties also host wild turkeys and deer.

Last summer, we hired a consultant from the firm of Godfrey-Hoffman Associates during the course of the first series of Wetlands Commission hearings about the property. Our initial intention was simply to make sure that the wetlands in the area, and the watercourse that runs through the two properties, were properly protected. As most of you know, last year's application contained many problems. Enough of those problems were not addressed at the time that the application was rejected as "incomplete." This is part of the reason we have decided to express our concerns about the current application process.

I first want to present a report prepared by Christopher Gagnon from Godfrey-Hoffman Associates regarding the current application. You should all have copies of the report in your packet. The most important section of the report details the encroachment in the current plans on the 100 foot Non-Disturbance area, which is not encouraged by Town regulations. The report submits to the Wetlands Commission that your determination of whether these encroachments are grounds for denial of the application is crucial.

I also want to take a step back to stress the two overarching types of concerns about the project that we have. The first major concern is that the site may simply not be suitable for the type and scope of building project that is proposed or for any similar type of project. This was the determination made by a Town regulatory body in 1979 when they denied a building permit on the property due to soil-related concerns covering the entirety of the lot. We distributed copies of the record of that determination and a cover letter at the site inspection last month, and it should be included in your packet. It states "building permit refused, lot would not perk, cannot build."

It is clear that the property is complicated, fragile, and difficult to develop from a wetlands perspective. Section 10.2.8 of Hamden's Wetland Regulations states that among the criteria that *shall* be considered by the Commission in its standards and criteria for decision is the "suitability of the activity to the area for which it is proposed." The notes from the June 15<sup>th</sup> site inspection state that the stream on the property under consideration "is one of the most pristine 1<sup>st</sup>-order watercourses in Hamden." Perhaps this suggests that this is not a suitable location to build the proposed structures. We would like the Commission to consider that the presence and location of the stream, along with the abundance and distribution of wetlands on the site may make it impossible to meet the Commission's "suitability" criterion when attempting to build a large house, garage, septic system, and long driveway on this property.

The second overarching concern is, that if the application *is* approved, that the applicant and his representatives actually follow the extremely conservative and detailed plans that they have submitted. During the first application process last summer, it was not necessarily clear that the procedures of the Wetlands Commission and the importance

of taking careful measures to protect the wetlands on this property were taken as seriously by the applicant as they should be. This concern was echoed in a letter from Ronald Walters from the Regional Water Authority dated September 3, 2008, in which he expressed his concern that building restrictions proposed by the applicant at that time “would be difficult to enforce and may not be followed.” It is clear that the set of plans currently submitted attempt to meet the spirit and letter of the Wetlands Commission’s regulations and mission. But given our earlier experiences, we are still left with concern that not only do the plans need to look good on paper, but, if approved, they also must be carefully followed and monitored as well. To that end, Chris Gagnon from Godfrey-Hoffman has recommended regular and careful inspection and maintenance of the Sedimentation and Erosion Control Plans, as is echoed in the letter of June 15, 2009, from the Regional Water Authority.

But there’s more to it than that. If this application is approved, the adherence to and monitoring of the restraints proposed in the plan wouldn’t end at the completion of construction. Given that the applicant has included numerous items in his plans to satisfy the Wetlands Commission guidelines such as a conservation area with stringent restrictions, and a rain garden that must be maintained, even in severe dry, wet, hot, or cold weather, we can’t help but be concerned that the careful monitoring and maintenance that will be necessary far into the future, to again quote the Regional Water Authority letter, “would be difficult to enforce and may not be followed.”

In summary, Chapter 404 of the Connecticut General Statutes states that it is Connecticut’s “public policy...to preserve the wetlands and to prevent the despoliation and destruction thereof.” We believe that the project proposed at 50 Farmington Drive may not meet the state’s and Wetlands Commission’s “suitability” criterion for approval because of the abundant and fragile wetlands and watercourses on the site. Second, we also express our concern that if the application *is* approved, the highly restrictive guidelines proposed by the applicant be adhered to during and after construction. We hope the Commission will take our concerns into consideration. Thank you all for your time.

Mr. Kroeber asked to comment on Mr. Rosenthal's presentation and he referred to the 1979 finding where the building permit refusal stated that the “lot would not perk.” There is a need to do percolation testing for a septic system. The septic system has been approved by QVHD and there is percolation on the site. Regarding comments about erosion controls made in the Godfrey-Hoffman letter, it is important to note that Sheet 3 of the plans contains a comprehensive sediment and erosion control regime that will be stringently enforced. There is also a new review letter from the RWA wherein Mr. Ron Walters stated that the revised plans contain several improvements and that the erosion controls appear to be sufficient. Mr. Kroeber stated that they are aware that the site is fragile and he stated that his client, Mr. Cavallaro, will be doing the landscaping.

***Mr. Milazzo made a motion to table this item until the August 5, 2009 meeting. Mr. Brand seconded the motion. Ms. Rosenbaum stated that the visit to the site is open to all commissioners. Mr. Milazzo advised that the item was tabled provided that the driveway and swale and house area will be staked out. Ms. Rosenbaum asked for a vote. The motion passed unanimously.***

- 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

***Mr. Milazzo made a motion to table this item to the end of the agenda. Mr. Anastasio seconded the motion. The motion passed unanimously.***

Attorney Bernard Pellegrino, Jr. addressed the Commission and reviewed the application. He advised the members that his clients want to work with the Commission to clean up the area and to protect the wetlands, so that the property can be put back onto the tax rolls. He hopes that the information that has been submitted within the last 30 days would allow the project to move forward. He reviewed with the Commission the test results and the reports from Mr. Greg Gardner, Licensed Environmental Professional. He explained that Mr. Gardner has been working with CT DEP, and that Mr. Pellegrino and his clients have met with the Town Engineer and with the Planning Office regarding the changes made on the most recent version of the plans.

Ms. Rosenbaum asked if DEP has approved the contamination and debris removal, the beneficial reuse of material, the remediation plan, and the site restoration. Mr. Pellegrino said that there is no approval and he explained the process and the involvement of DEP. They have assigned this remediation project to Mr. Gardner. Acting in his capacity as a Licensed Environmental Professional, Mr. Gardner in effect has a dual role as an agent of his clients and as an agent of DEP. It will be his responsibility to submit a Remedial Action Plan (RAP), but the process cannot move forward to a final DEP resolution until local approvals are forthcoming.

Mr. Milazzo asked if the reuse of beneficial material on site is within IWC jurisdiction. Mr. Pellegrino said that some of the piles on site are not contaminated and he gave examples of how they could be used. Mr. Milazzo asked if the cement on the site could be reused. Mr. Pellegrino stated that Mr. Gardner would make such determinations on behalf of the DEP. The DEP has given Mr. Gardner the authority to make decisions, and to remediate the site in accordance with state standards. The goal is to clean up the site, which has been ignored for the last 20 years and which has been dumped on and contaminated. They need approvals from the IWC and from the P&Z Commission in order to continue addressing these issues and in order to move the process forward. The DEP is willing to be a sounding board for developers regarding the acceptability of plans, so there have been ongoing discussions with DEP and with state brownfield remediation specialists. The Commission discussed with Mr. Pellegrino the plans to remove the impacted soil and to replace it with fill and vegetation that is wetlands compatible. Initially there was a plan to create a water quality basin and now the plan calls for a Contech separator. Mr. Pellegrino explained that the water quality basin would've gone into the wetlands. The size and the slope would've had a direct impact on the abutting wetland. Mr. Montgomery explained that the water quality basin is important to the wetlands and that there may need to be a small encroachment. Mr. Pellegrino stated that in lieu of the water quality basin they went with the Contech treatment unit in order to avoid any encroachment. Mr. Pellegrino would be receptive to an alternative proposal. Mr. Montgomery is not happy with the Contech separator; this underground unit does not do what a water quality basin can do. Mr. Pellegrino stated that Mike Guaglianone of the RWA attended a June 2<sup>nd</sup> on-site meeting that addressed these issues. Mr. Montgomery feels that the water quality basin is the way to go and he then noted there is no engineer present this evening to discuss the matter. Mr. Pellegrino said a water quality basin could be a condition-of-approval if this would allow the application to move forward.

Ms. Rosenbaum mentioned the report and the data that has been received from Mr. Gardner and said she is not certain what some of the numbers mean. Mr. Shadle stated that the report does not address remediation timelines or post construction issues.

Mr. Greg Gardner, Licensed Environmental Professional, addressed the Commission and reviewed the process to determine what steps are necessary for remediation. He stated that the Remedial Action Plan (RAP) will be submitted to the DEP by the end of July. The battery piles do have the greatest impact. He also explained the post-construction process.

The members discussed with Mr. Gardner and Mr. Pellegrino the possibility of the owners walking away from the project. Mr. Pellegrino stated that no one can walk away, because construction is tied into the Remedial Action Plan. There will be monitoring of the property for several years and his clients will be responsible for future remediation.

**Mr. Montgomery made a motion to approve Application 09-1146 with the following conditions:**

- 1) **Revised plans will be submitted that a) omit the Contech separator b) add a water quality basin showing details of depth, contours, forebays, outlets, plantings, etc. that is acceptable to the Commission.**
- 2) **Details of activities for remediation of the two battery piles must be provided, even though they may be subject to revision by the DEP.**
- 3) **Except for the remediation of the decomposed battery areas and except for construction of the water quality basin, the area westerly of the proposed timber guard rail shall not be disturbed, unless specifically authorized by the Commission or by its agent.**
- 4) **The Town Engineer's memo and comments of June 30, 2009 shall be incorporated into the plan.**
- 5) **Erosion controls shall be incorporated into a specific sequence, acceptable to the Commission or to its agent after a review by the Town Engineer.**
- 6) **Wetland markers will be placed at 35 foot intervals along the timber rail and then northerly to the end of the property.**
- 7) **Any changes in the site plan or in the remediation plans required by the DEP or by its authorized agent and any changes proposed by the applicant that fall within the jurisdiction of the Inland Wetlands Commission must be approved by the Commission or by its agent.**
- 8) **A bond subject to approval by the Town Engineer shall be provided for post-construction environmental monitoring of the property.**

Mr. Shadle asked if a value can be set for the bond. Mr. Lee advised that it should be an amount to be determined. The Commission would need to get something from the applicant by way of a cost estimate. The motion could say "a bond in an amount to be determined by the Town Planner and the Wetlands Enforcement Officer." Mr. Kops suggested that the bond be subject to approval by the Town Engineer. The Commission discussed and amended Conditions 5, 7, and 8. Mr. Montgomery and Mr. Milazzo accepted the motion as amended. **The motion passed unanimously.**

## **II. 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

Ms. Rosenbaum advised the Commissioners that Mr. John Paul Garcia has been contacted by Mr. Siciliano, and will meet with him this week. If payment is received, Mr. Garcia will be doing an Existing Conditions Survey.

**Mr. Brand made a motion to table this item until the August 5, 2009 meeting. Mr. Stone seconded the motion. The motion passed unanimously.**

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

**Mr. Milazzo made a motion to table this item and to hear it after Application 09-1146. Mr. Stone seconded the motion. The motion passed unanimously.**

**Mr. Milazzo made a motion that Mr. Tim Lee, Assistant Town Attorney, continue with the litigation and reject the plan presented to him in settlement. The plan is unacceptable and deficient. Mr. Tito seconded the motion. The motion passed unanimously.**

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

Mr. Tim Lee, Assistant Town Attorney, noted that this property will now have permitted activities. The Cease & Desist Order can be lifted. Ms. Rosenbaum indicated that a motion to vacate the order would be appropriate.

***Mr. Milazzo made a motion to lift the Cease and Desist Order. Mr. Anastasio seconded the motion. The motion passed unanimously.***

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

Mr. William Copeland, owner of 2 Sherman Lane, stated that a letter requesting an indefinite deferral of the interim S&E control plan has been submitted to the Commission. The J.T. Furrey Company is currently confronted with unprecedented economic challenges. Ms. Rosenbaum noted that he has until March of 2013 to put any plans required by the current permit into effect. She recommends that this item be removed from the agenda. She suggested to Mr. Copeland that he periodically call Mr. Tom Vocelli, the Wetlands Enforcement Officer. Mr. Montgomery suggested that he and Mr. Vocelli meet on site to discuss any future problems and how to alleviate them.

***Mr. Milazzo made a motion to remove this item from the agenda. Mr. Montgomery seconded the motion. The motion passed unanimously.***

***Mr. Milazzo made a motion to enter into Executive Session at 8:50 p.m. Mr. Anastasio seconded the motion. The motion passed unanimously. Mr. Milazzo made a motion to end the Executive Session. Mr. Brand seconded the motion. The motion passed unanimously. The Commission emerged from Executive Session at 9:10 p.m.***

### **III. Review Site Inspection Schedule**

Mr. Vocelli will schedule the Commission site inspection for 345 West Woods Road.

### **IV. Review June 3, 2009 meeting minutes**

Ms. Rosenbaum stated that on page 3, 3<sup>rd</sup> paragraph, the first sentence should read: Mr. Kroeber described the property. The fifth sentence should read: Mr. Kroeber described how they have reduced the slope of the driveway from 14 to 10 percent to reduce the impact on the wetlands.

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

### **V. Adjournment**

A motion to adjourn was made by Mr. Montgomery and seconded by Mr. Anastasio. It passed with no dissenting votes. The meeting ended at 10:50 p.m

Submitted by: \_\_\_\_\_  
Stacy Shellard - Clerk of the Commissions