

May 13, 2009, revised 8-5-09 per Commisison review at the 6-3-09 meeting

MINUTES: THE INLAND WETLANDS COMMISSION, Town of Hamden, held a Public Hearing and Regular Meeting on Wednesday, May 6, 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
 Mike Milazzo, arrived 7:05
 Mike Stone, arrived 8:15
 Annalisa Zinn, sitting for Bill Tito, arrived 7:15

Staff in attendance:

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

Ms. Rosenbaum called the meeting to order at 7:04 p.m. and reviewed the meeting and public hearing procedures. She explained that 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. Mr. Montgomery called the roll and there was a quorum.

I. Public Hearings

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

Mr. Stan Novak, Professional Engineer, addressed the Commission. He advised the members that BL Companies had met with the RWA, the Town Engineer, and the Planning Department to focus on the stormwater management system. He submitted a Plan Revision Summary (Exhibit #3) dated 5/6/09 which outlines the revisions that have been made. The stormwater management system has been revised to allow for the deletion of the underground pipes in the parking area. He reviewed the Plan Revision Summary with the Commission.

Mr. Novak advised that he had received the latest comments from the Town Engineer. He reviewed the comments and explained that manhole number 4 will be a 48 inch perforated pipe which will receive the roof runoff. The drainage calculations and perc testing will be provided when completed.

Mr. Novak reviewed the RWA comments. He stated that the technical runoff calculations are in the drainage report. The basin has been enlarged and it will combine water quality and stormwater management functions. He reviewed the construction design criteria and he noted that the RWA recommends the slopes be 3:1. There will be a 2:1 slope on the downstream side of the basin to minimize any further disturbance as you get closer to the wetlands. The plans can be revised to have a 3:1 slope. Mr. Novak advised that Comments 10 and 11 in the RWA letter will be addressed later.

Ms. Rosenbaum asked what the height of the retaining wall would be and if it were higher than the fill. Mr. Novak stated that the retaining wall should be at least 2 feet higher than the fill to allow for erosion. There will be a fence on top of the wall for safety purposes. He explained the different heights of the retaining wall and explained that it varies from 3 to 6 feet. Mr. Montgomery asked what the size of the wall blocks being used will be. Mr. Novak explained that the wall blocks will be 18 x 12 inches in depth and the construction would be a tie-back system called a geo-grid. Mr. Novak and the members discussed the grades going down to the detention pond. Mr. Novak offered some further comments on the retaining wall and he explained that the drop-off is greater adjacent to the parking area. There is a proposed fence is limited to the top of the retaining wall.

Mr. Novak stated to the members that he had received letters from the Fire Marshal (Exhibit 4) and from the Police Chief (Exhibit 5) regarding parking structures. He passed out the letters and then turned the podium over to Mr. Pierides.

Mr. Emile Pierides, Project Engineer, addressed the Commission regarding RWA Comment 10 and the parking garage alternative. He stated that the RWA had suggested the construction of a parking garage in a manner designed to limit land disturbance, to reduce the volume of fill, and to minimize impervious surface. Mr. Pierides reviewed the letters from the Fire Marshal and the Police Chief and he focused on the public safety challenges that could be presented by an enclosed parking garage as opposed to an open, single-level parking lot. Mr. Pierides stated that a garage alternative would cause a loss of parking spaces and a significant increase in project costs. In return for this there would be a gain in non-disturbance of only .08 acres. Emergency vehicles would have difficulty accessing the site with a parking garage. People do not like to park in garages because of the personal safety risk. There could also be a potential of flooding in the lower deck from the stream that runs from the north. The garage would be visible and seen first as people come down Sherman Avenue. Landscaping would also be difficult. The garage cost would be proportionally higher per space and it would add approximately 20 percent to the total cost of the project. The Town Engineer's comments regarding a parking garage are also significant --- a garage might crowd out the infiltration system for roof drainage, thereby necessitating an even larger pond that would push the limit-of-disturbance closer to the wetlands.

Mr. Novak reviewed Comment 11 from the RWA. He stated that the suggestion for a conservation easement might be beneficial, but that it would require further review and consideration. Mr. Novak then summarized for the Commission what has been revised based on all of the comments received from the different departments.

Mr. Shadle questioned why the garage would have to be a separate structure and why it could not be under the hotel. Mr. Novak advised that it would affect the functionality of the hotel and for safety purposes it would need to have a ventilation system. If the garage were outside the hotel that would not be necessary. The members discussed with Mr. Novak the parking spaces and the amount of impervious surface if the garage were underground. Mr. Novak explained that access to the garage would be difficult and the parking would be limited. It would require a larger footprint and a different column location with an elevator placement. The Commission also asked what is the distance of the closest wetland flag to the edge of parking. Mr. Pierides advised that it would be 7 ½ feet and reviewed the site plan with the Commission.

Mr. Anastasio asked what quantified amount of fill would be needed for a parking garage on site, and if less fill were brought in what the reduction would be in the impervious surface. Mr. Pierides advised that he had not done the calculations for a reduction in the impervious surface. The calculation for the increase in the non-disturbance area was .08 acres. Mr. Anastasio asked why they seem to have rejected a conservation easement. Mr. Brandi stated that there had been no previous discussion and it would not be appropriate at this time. It may be considered in the future if there were to be additional changes to the property. At this time his client is not in favor of a conservation easement.

Mr. Brand asked how wide the walkway through the wetlands would be and how deep the footings would be. Mr. Pierides advised the walkway will be 4 feet wide and the footings will be 3 feet 6 inches. There would be no heavy equipment brought into the wetlands. They would chart the disturbance area, the access location, and the location of trees. If the trees are larger than 6 inches in diameter they would redirect the walkway. If the trees were small in nature, they would be cut by hand to bring out of the wetland area. They will install the posts with a two-man hand-held augur. The deck can be built one section at a time and walked in. The Commission asked if the walkway will be utilized in the winter and if it would be treated for snow and ice. Mr. Pierides stated the goal is not to close the walkway down in the winter, but no salt will be used. The stone dust walkway will be done by hand and there will be only a few inches put down. It is not meant for vehicles. They will use a wheelbarrow to bring the soil out and the stone dust in.

The members asked if the top soil that is stockpiled in the north east corner will be used and they raised questions about the control of weeds and invasives. Mr. Daniel Hageman, Soil Scientist, advised the Commission that the best means of control is to excavate the root system and to bring top soil from another source. The top soil can be sifted before it is applied, and regular mowing will serve to minimize growth. The hotel will contract a crew to do the landscaping. The Commission would like to see different

species of wetland shrubs and plantings on the plan. The Commission members would be able to make suggestions. Mr. Hageman advised the members that he would develop a planting plan and that he is open to suggestions.

Mr. Montgomery stated the Commission should decide if the slope should be 2:1 or 3:1. He would like to see a gradual slope to support the vegetation. He discussed phragmites control and he observed that the Amphenol Corporation has created an artificial wetland near Flag 13. The detention basin design to have more water on the bottom of the pond and digging 2 feet below the existing grade will leave standing water. Mr. Pierides discussed with the Commission the peak inflow during a storm and the approximate time it would take to drain, based on the length of time of a storm. Mr. Montgomery discussed the infiltration drain, and said it is important that it be on the existing grade. The soil that is being brought in will be compacted and may not drain. The pipe should be kept level and should have something underneath it. Mr. Pierides advised the Commission there will be 6 inches underneath it. The bottom of the pipe will be placed slightly below the existing grade. If it is placed below grade they would cut out a level trench at an elevation of 124 and then place 6 inches of gravel and put the pipe down. The bottom of the pipe would not be in the fill. The Commission members also discussed with Mr. Pierides the parking lot level and possible flooding from the stream. Mr. Pierides reviewed the flood plain and where it is located on the property.

The members discussed with Mr. Pierides their concerns about the walkway and about the use of the existing farm roads. Mr. Pierides advised that prior to construction, the location of the walkway could be roped out for the Commissioners to see the exact placement

Mr. Pierides discussed with the members their concerns about the swales and perforated pipe by the maintenance garage. The placement of the swales is a concern. Mr. Montgomery expressed his concerns in the areas around wetland Flags 10 and 11. He would like to see the swale going toward the wetland enlarged. Mr. Pierides and Mr. Montgomery discussed where the placement of the swale should be. Mr. Pierides explained that the design for the perforated pipe will help the rate control with the larger storms. The Commission reviewed pictures (Exhibits 6, 7, 8) which show the location of the outlet pipe in the area of #20. Mr. Pierides stated he is not opposed to enlarging the swale, but there would then be more disturbance. The members discussed with Mr. Pierides catch basin locations to address this concern..

Ms. Rosenbaum asked for comments in favor of the application or against the application. There were none. Ms. Rosenbaum asked for general comments about the application.

Ms. Cindy Civitello, 61 Berkely Court, addressed the Commission. She asked why there was a need for 166 parking spaces in a hotel with 115 rooms. Mr. Brandi advised her that the requirement for the hotel is 1.5 spaces per room. She asked if the developers had contacted the Farmington Canal Commission for permission to cut into the trail. She feels visitors could access the trail past the Cascade facility.

Mr. Mike Guaglianone of the RWA addressed the Commission and reviewed his comments. He stated that 3:1 slopes are more stable. He had already corrected the CN values. He is concerned about the Police Chief's and the Fire Chief's comments and he feels that with the proposed new zoning regulations there will be a need for parking garages. Depending on the design of the garage there could be access to an underground garage which would shrink the impervious surface and would require less fill. Mr. Guaglianone referred to the Yale University facility on Leeder Hill and to their design for stormwater management. He also stated that a Conservation Easement would preserve the wetlands and protect them from abuse.

Mr. Dan Kops, Assistant Town Planner, advised the Commission that the Farmington Canal Commission has reviewed the application. They voted favorably to recommend that the Planning and Zoning Commission allow the access path to the Farmington Canal provided the property owner maintains the boardwalk.

Ms. Rosenbaum asked if the Commission would like to continue the Public Hearing or to close it. She feels there is more to be considered and revised. The Commissioners discussed with Mr. Brandi the need for sidewalks, swale structures near the maintenance garage, soil treatment, and possible alternatives for placement of boardwalks. Mr. Milazzo asked if there was a feasible and prudent alternative for the boardwalk or an easement from the neighbor. Ms. Lakin stated she would like to see revised plans before making a decision. Mr. Lee advised the Commission that the public hearing would need to stay open if they are asking for revised plans, and they must receive permission from the applicant. Mr. Kops reviewed appropriate public hearing procedures in this regard.

Ms. Rosenbaum asked Mr. Brandi for an extension of time to continue the public hearing until June 3, 2009. Mr. Brandi gave his consent.

The Public Hearing is continued until June 3, 2009. This evening's portion of the Public Hearing ended at 8:50 p.m.

B. Proposed update to Hamden Inland Wetlands & Watercourses Regulations - Add Sections 7.11 & 10.9 & 10.10

Ms. Rosenbaum reviewed the proposed updates to the Hamden Inland Wetlands & Watercourse Regulations. Ms. Rosenbaum asked for comments for or against the proposal. There were none.

The Public Hearing was closed.

II. Pending applications

A. Proposed update to Hamden Inland Wetlands & Watercourses Regulations - Add Sections 7.11 & 10.9 & 10.10

Ms. Lakin made a motion to amend the Hamden Inland Wetlands & Watercourses Regulations to add sections 7.11, 10.9 & 10.10. Mr. Anastasio seconded the motion. The motion passed unanimously.

The effective date of the amendment will be May 27, 2009

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

Mr. Brand made a motion to table this item until the June 3, 2009 meeting. Mr. Milazzo seconded the motion. The motion passed unanimously.

- C. 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. Bernard Pellegrino, Attorney, addressed the Commission and stated the application is for development on the site. There is ongoing testing in the field to determine the level and type of contaminants. The recent testing activity is pertinent to the application. A written report has been submitted.

Mr. Greg Gardner, Licensed Environmental Professional, reviewed the status of his ongoing testing and summarized his report.

Mr. Pellegrino advised the Commission that the site development plans have been revised by an engineer. He reviewed the application and plans with the Commission. There will be 62 parking spaces on the east side and in the rear of the existing building. The site would be landscaped and lighted. The area on the slope would be cleaned and grass planted. A wetland-friendly plan can be developed for a planting schedule along the slope. The roof drains would be put into 4 dry wells and it would infiltrate the clean water. The remainder of the site would utilize a dry well system to take care of the stormwater on the site. There will be a slight increase in the impervious surface. Mr. Pellegrino has received the comments from the Town Engineer and the RWA. He has received the IWC site inspection report. He said that all the comments can be accommodated as a condition of approval or notations in the final approved plans.

Mr. Pellegrino stated that the stormwater management design and dry well system for the non-roof water is appropriate for the environmental issues at the site. A conditional approval would be acceptable. If future environmental issues were confirmed or if ground water contamination is at a level where infiltration through a dry well system is not acceptable, they will be prepared to develop an alternative stormwater approach. Testing will continue through the redevelopment of this site to resolve any issues.

Mr. Gardner discussed with the Commission the contaminants that may be located within the interior of the building. He stated any testing within the building or outside the building must be done to Department of Environmental Protection criteria; remediation action would then have to be taken. The Commission is concerned about the potential mobility of toxins to the wetlands. Mr. Gardner advised that everything is being done to assess the wetlands and to protect the integrity of the wetlands. They are also testing to determine whether there are any contaminants underneath the pavement or in the existing upland fill. Extensive test results for soil, ground water, and battery debris should be available at the June meeting.

Mr. Pellegrino stated that approval from the IWC is needed before they can go to the Planning and Zoning Commission. They would like an approval with conditions so that they can start the interior work. Any environmental findings must be reviewed by the Department of Environmental Protection and may have to come back to the IWC.

Owner Joe Natale advised the Commission that construction materials for any interior work will be stored within the building on site. There are no open floor drains inside the building. The existing paved driveway would be used for any exterior activity or deliveries associated with interior work.

Mr. Gardner stated to the Commission they will be meeting with the DEP in May and they will be able to provide additional information in June and July. Remedial action plans will be developed in light of test results and submitted to DEP. The Commission discussed with Mr. Lee what can be allowed and if any precedents would be set for future applicants. The members discussed if a *de minimis* ruling for interior work could be requested by the owner, with the application to be tabled. A written request for a minimal-impact review of work within the building would need to be submitted to Mr. Vocelli.

Mr. Shadle made a motion to table IWC Application 09-1146 until the June 3, 2009 meeting. Mr. Anastasio seconded the motion. The motion passed unanimously.

D. 02-983 Morningview/ Talmadge Road - Permit renewal request - Ravenswood Construction

Mr. Dean Fiske of Ravenswood Construction addressed the Commission and reviewed his request for an extension of his permit. Mr. Vocelli, Inland Wetlands Enforcement Officer, stated to the Commission that he did visit the site to see the remaining undeveloped areas. He feels the request for renewal is appropriate. He would recommend, however, that prior to the remaining lots being developed the erosion controls be approved by the Enforcement Officer. He also believes there should be no tree clearing on the undeveloped sites until zoning permits are issued.

Mr. Milazzo made a motion to renew IWC Permit # 02-983 for a period of four years with a final expiration date of May 7, 2013 subject to the following conditions:

- 1. There shall be no additional tree clearing on either of the remaining lots until zoning permits are issued.**
- 2. There shall be no site development on either of the remaining lots until the erosion controls have been inspected and approved by the Inland Wetlands Enforcement Officer.**

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. Paul Siciliano, owner of # 196 and owners' agent for # 186, addressed the Commission and stated that Mr. John Paul Garcia would start the Existing Conditions Survey next week. Mr. Vocelli advised the Commission that he had also spoken with Mr. Garcia, who had stated that the Survey should be completed prior to the June 3, 2009 meeting. Ms. Rosenbaum advised Mr. Siciliano that the Survey should be submitted by May 26, 2009.

The Commission members also discussed with Mr. Siciliano the work that he has done in the wetland area. He has removed some rep piping and some asphalt chunks. The Commission advised him that no further work is to be done until the Survey is completed and reviewed by the Commission. Mr. Siciliano agreed.

Mr. Milazzo made a motion to table this item until the June 3, 2009 meeting with the proviso that the requested Survey information be received by May 26, 2009. If that information is not received by May 26, 2009, then this item will be tabled until the following month with the proviso that there be no further work in the wetlands until Mr. Siciliano comes back to the IWC. Mr. Anastasio seconded the motion. The motion passed unanimously.

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

Mr. Tim Lee, Assistant Town Attorney, advised the Commission that Ferrucci & Walicki have been hired by the owner as the consulting foresters who will prepare a proposal for re-vegetation. The next pre-trial conference will take place on May 15, 2009, and Mr. Lee will continue to push for completion of the plan.

Mr. Shadle made a motion to table this item until the June 3, 2009 meeting. Ms. Lakin seconded the motion. The motion passed unanimously.

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

Ms. Zinn made a motion to table this item until the June 3, 2009 meeting. Mr. Anastasio seconded the motion. The motion passed unanimously.

- d. **N.O.V.** 2801 State Street – failure to maintain S & E controls

Mr. Richard D'Antonio, Owner, addressed the Commission and advised that the list provided by the Enforcement Officer is close to completion. They have removed the debris around the foundation and they have installed a new silt fence and pulled it back 25 feet from the wetlands. The new hay bales have been ordered but are not all received yet. The plan is to resume the construction of a new building. They are trying to get new financing because their credit line was pulled on account of the poor economy.

Mr. Vocelli stated to the Commission that he had been out to the site and the new silt fencing has been relocated. Mr. D'Antonio stated to him that the surveyor has checked it and verified that the location is now correct. The new hay bales have not yet been installed. Mr. Vocelli suggested that the Chair could appoint either him or a subcommittee to verify full compliance when Mr. D'Antonio reports that the work is completed. Mr. D'Antonio advised that 40 haybales are en route and that the rest are to be delivered Friday. Mr. Montgomery asked if the old hay has been removed from the wetlands. Mr. D'Antonio will remove the old hay from the wetlands and he will speak with Mr. Vocelli when everything is done.

Mr. Milazzo made a motion to table this item until the June 3, 2009 meeting. If the old hay is removed from the wetlands and if the new hay bales are installed to the satisfaction of the Enforcement Officer the violation will be lifted before the next meeting and Mr. D'Antonio will not have to return to the IWC. Mr. Brand seconded the motion. The motion passed unanimously.

- e. **N.O.V.** 214 Skiff Street - failure to complete buffer zone requirements

Mr. Greg Gallo, Attorney, addressed the Commission and thanked them for doing a site walk. He stated that Parkya Chevy/Mazda is having financial difficulties due to the economy. The cars have been pulled back from the area beyond the buffer zone and they have taped off the area. There is no imminent threat to the wetlands. He said that a letter was submitted on April 2, 2009 requesting a six month extension or deferral for completion of the permit terms and conditions. There has been some work done and the gravel will be pulled back and seed will be put down. The Commission members discussed the original plan which called for the construction of a new swale parallel to the river. The construction of such a swale would serve no purpose and could be detrimental. They owner should, however, rehabilitate the existing swale and plunge pool as called for in the permit. The rehabilitated swale would run easterly to the plunge pool. They can delete the previous requirement for a new swale that would be parallel to the Mill River. The grass should be done by the end of September and the wetland conservation medallions must be installed.

Mr. Lee Partyka addressed the Commission and advised he has ordered top soil and can have the area hydroseeded by next week. Mr. Gallo asked if an amended plan will need to be done or should they just report on their actions to the Enforcement Officer. Mr. Lee advised Mr. Gallo that it would be a remediation plan and that a formal plan amendment would not be needed. Ms. Rosenbaum advised Mr. Partyka to call Mr. Vocelli in order to get information on where to order the wetland conservation medallions.

Mr. Montgomery made a motion to approve the remediation plan that addresses the points of Mr. Vocelli's letter of April 28, 2009, except that the proposed new swale(s) and level spreader be eliminated and that the existing swale and plunge pool be remediated. All of this work (as well as the installation of the wetland conservation medallions) shall be done by September 30, 2009. Mr. Anastasio seconded the motion. The motion passed unanimously.

Ms. Rosenbaum advised that this item may be removed from the agenda.

IV. Other Business

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

Ms. Rosenbaum advised the Commission that Mr. Copeland had sent a letter advising he was unable to attend this evening's meeting because of a family situation that has arisen. He stated that he has been rectifying the issues on the property. Ms. Rosenbaum observed that the Commission had previously decided to conduct a site walk during the month of May.

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

Mr. Vocelli will schedule the Commission site inspection for 2 Sherman Lane.

Members were also urged to visit Kimberly Road on an individual basis. Because of the busy nature of the site, this is perhaps best done after workers have left for the day. Mr. Montgomery advised the Commission he will be going to the Kimberly Road site tomorrow after the rain to view what is going into the stream. Members also noted that the University needs to accelerate the improvement of its erosion controls. Ms. Rosenbaum and Mr. Montgomery noted that enforcement action would be necessary in the absence of such improvement. Mr. Montgomery advised that the Kimberly Road area is a steep site with exposed and disturbed soils. Vehicular oil leaks on such a busy construction site are also of constant concern. The weekly monitoring reports that Quinnipiac submits have not been as effective as either the University or the Commission had hoped. Mr. Montgomery thinks there may be a need for an engineer to oversee this project.

VI. Review April 1, 2009 meeting minutes

Ms. Lakin advised that on page 4, Mr. Lakin should read Ms. Lakin in the motion for application 09-1147.

Mr. Montgomery made a motion to accept the minutes of April 1, 2009 as amended. Ms. Lakin seconded the motion. The motion passed unanimously.

VII. Adjournment

A motion to adjourn was made by Mr. Montgomery and seconded by Mr. Brand. It passed with no dissenting votes. The meeting ended at 10:30 p.m

Submitted by: _____
Stacy Shellard - Clerk of the Commissions