

July 12, 2010

**MINUTES: THE INLAND WETLANDS COMMISSION**, Town of Hamden, held a Regular Meeting on Wednesday, July 7, 2010 at 7:00 p.m. in Thornton Wilder Hall, Miller Memorial Library Complex, 2901 Dixwell Avenue, Hamden, CT and the following items were reviewed:

***Commissioners in attendance:***

Nancy Rosenbaum, Chairperson  
 Mike Montgomery  
 Andrew Brand  
 Bob Anastasio  
 Mike Stone arrived at 7:35 p.m.  
 Eric Annes  
 Lynne Krynicki  
 Joan Lakin  
 Kirk Shadle

***Staff in attendance:***

Dan Kops, Assistant Town Planner  
 Tom Vocelli, IW Enforcement Officer  
 Stacy Shellard, Commission Clerk

Ms. Rosenbaum called the meeting to order at 7:00 p.m. and reviewed the meeting procedures. Mr. Montgomery called the roll and there was a quorum.

**I. Applications**

**Pending applications:**

- a) 10-1160** 4 Joseph Lane-installation of an in-ground pool, Paul Mendillo, Applicant

Mr. Victor Benni, Civil Engineer, addressed the Commission and stated that the applicant is replacing the above ground swimming pool and wood deck with an in-ground pool and cement patio. He explained that the subject parcel is .24 acres in size, and the existing pool is located at the rear of the parcel. Mr. Benni reviewed where the subject wetlands and buffer area are located and explained that there is a watercourse to the south of the property which is a tributary to Belden Brook. He reviewed with the Commission a topographic map from 1992 and the 1991 sub-division proposal for Wintergreen Farms. The vinyl fence that is being proposed will be placed around the limits of the patio. Mr. Benni reviewed with the Commission the Sediment & Erosion Control plan. The silt fence and hay bales will be placed along the edge of the wooded area, and silt fence will be placed at the limits of the driveway, equipment storage area and the stockpile area. Mr. Benni explained that the increase in the area of disturbance will be 400 square feet which includes the concrete patio. The in-ground pool will be placed closer to the house and there will be 18 feet between the watercourse and the proposed vinyl fence. The vinyl fence will act as a physical barrier between the maintained lawn area and the buffer area. Mr. Benni reviewed the Town Engineer comments and the Department of Environmental Protection comments. He reviewed the regulations regarding the discharge of waste water and explained that notes have been added to the plans with regard to the discharge of waste water. Mr. Benni said that cartridge filters will be used and do not require any discharge. The only time there would be water discharge would be when making a repair to the pool and at the end of the season to remove water when winterizing the pool.

Ms. Lakin asked what the lot coverage requirement is for an R-4 zone. Mr. Benni explained that the increase of 400 square feet of area coverage is below the 30 percent impervious surface requirement and it has been noted on the plan. He stated that if there is an increase in activity the size of the patio can be decreased.

Ms. Krynicki asked how they will intercept ground water during the excavation and construction of the pool. Mr. Benni said that the ground water is six to eight feet down from the top of the slope along the edge of the grass area, and he feels this is where the ground water table is located. He explained that the water would break down along the slope at the water table and this would give room for digging. Mr. Benni stated that if ground water is hit a dry well will be installed and it would function as an area to discharge and pump the water to it. When the work is completed, back filling would be done and the dry well would not be necessary. The pool is designed to withstand water pressure from the ground water and buoyancy. Mr. Benni said if groundwater is hit during construction, the Town Engineer would be notified. He noted that the pool will be installed during the dry weather. Mr. Anastasio asked how deep the pool will be. Mr. Benni said that the pool is small and will be six to eight feet at its deepest point.

Mr. Annes asked what the impact will be to the wetlands. Mr. Benni explained that the potential for impact would be during construction. He said if the construction sequence is followed and the silt fence is put back in place after each work day, he does not foresee any problems. Once the pool is completed and if there is any filter discharge it would be 25 feet way from the buffer area. Mr. Benni does not see a big increase in the effect on the quality of the wetlands. Mr. Annes asked what the effect on the water velocity will be when the excavating is being done. Mr. Benni does not feel that the overall increase of water velocity will be enough to have an effect. He said that the watercourse tributary that goes to Belden Brook is not always flowing and any increase to the pavement area will not have an overall effect.

Ms. Rosenbaum asked if people in the area would be made more aware of the wetlands if the wetland markers were placed on the vinyl fence.

Mr. Montgomery stated that the plans show a line with diagonal points coming off it behind the vinyl fence and asked if it is grass area. Mr. Benni reviewed the plan and the limits of the lawn area. He stated that the markers could be placed along the wooded area or along the vinyl fence.

Ms. Rosenbaum advised Mr. Benni that the plans state Cheshire under the applicant's name and it should be Hamden. Mr. Benni said he would make the correction to show Hamden.

The Commission further discussed with Mr. Benni and Mr. Tom Vocelli where the placement of the wetland markers should be.

***Ms. Lakin made the motion to approve Application 10-1160 with the condition that the wetland medallions are to be placed at 35 foot intervals along the line that shows the edge of the grass and the wooded area is to remain undisturbed. Mr. Annes seconded the motion.***

Ms. Rosenbaum asked if there was any discussion.

Mr. Montgomery said that a condition should be: ***markers should be mathematically delineated on the site plan.*** Mr. Anastasio stated a condition should be: ***The work should be completed during the low flow period between June 30 and September 15, 2010.***

***Ms. Lakin and Mr. Annes accept the motion as amended.***

***Ms. Rosenbaum asked for a vote on the amended motion. The motion passed unanimously.***

## **II. Notices-of-Violation, Cease & Desist & Restore Orders, Notices-to-Appear**

- a. **C.&D.** 186 & 196 Denslow Hill Rd - Dumping & deposition of fill in or near wetlands

Mr. Paul Siciliano, owner, submitted to the Commission pictures of the site and a receipt showing a deposit for a split rail fence. Mr. Siciliano reviewed the pictures of the site and explained that the area in question has been re-soiled and hydro seeded with stabilization material, and that the fence has been ordered. Mr. Siciliano stated that he has complied with the Commission's request, but he would like to place the wetland medallions on the split rail fence instead of having to go down the embankment. He said that nothing further has been dumped down the embankment and that it has re-vegetated.

Ms. Rosenbaum reviewed the restoration plan and stated that the wetland flags are to be located at the bottom of the slope. Mr. Siciliano feels that the medallions would not be seen at the bottom of the slope. Ms. Rosenbaum would like to have the medallions placed at the bottom of the slope and on the fence. This would allow anyone coming in from the bottom of slope or the top of the slope to see them. Mr. Siciliano stated that he has never seen anyone come in from the bottom of the slope because they would have to come through a swamp. Ms. Rosenbaum stated that during her site visit she had entered at the bottom of the slope. Mr. Siciliano stated that he would comply with the Commission's request.

Mr. Siciliano discussed with the Commission the work that has been completed. He explained that the pictures he submitted were an aerial view and taken from a bucket truck.

Ms. Rosenbaum reviewed the restoration plan. Ms. Rosenbaum asked if the split rail fence goes across both 186 and 196 Denslow Hill Road and Mr. Siciliano replied that it did. Mr. Annes asked how tall the fence would be and if it would have two rails. Mr. Siciliano replied that it is five feet tall and it would be a triple rail fence. Mr. Brand asked when the fence would be installed. Mr. Siciliano said he has put a deposit down and it should be installed in the next couple of weeks. Mr. Brand asked when the hydro seed was put down. Mr. Siciliano stated it was put down in May 2010, and some areas were redone. He is happy with the results and the wildlife in the area. Mr. Siciliano invited the Commission to the properties to see the results of the work done.

Ms. Rosenbaum asked if the septic system has been put in. Mr. Siciliano said that he has received approval from QVHD and is now working with the Town to receive approvals for the septic system.

Ms. Rosenbaum said that the letter of June 1, 2010 from Mr. Tim Lee, Assistant Town Attorney, imposed additional fines which would be waived if the restoration work was completed. Mr. Dan Kops, Assistant Town Planner, stated that the Commission should table this matter until the September 1, 2010 meeting and that Mr. Vocelli should do a site visit to verify the work has been completed.

Mr. Vocelli reviewed the work that has been done. He said that the hydro seeding was redone because there was erosion in a chute that was caused by the PVC pipes being dragged upslope. Mr. Siciliano said several areas were re-seeded and that tarps were placed.

Ms. Rosenbaum stated this item should be tabled until September 1, 2010 and if the work is completed and the medallions placed the last fines placed on the properties will be waived. She stated that Mr. Vocelli should do a site visit to verify the work is completed and wetland medallions have been put in place. Mr. Vocelli asked for clarification of where the medallions should be placed.

Mr. Montgomery said that the medallions are usually placed at the wetland boundaries and if placed with the wetland flags it could be confusing where the wetlands are located. Mr. Montgomery stated the medallions should be placed where Mr. Siciliano's property meets the Town property at the north side and the south side. Mr. Siciliano feels he should place the medallions at the top of the embankment and the Town should place them at the bottom of the slope because they own the property. Mr. Montgomery stated that the placement of the medallions would define where Mr. Siciliano's property and the Town property lines are located, so if something is left on the Town's property it would not be Mr. Siciliano's responsibility. Mr. Montgomery asked who placed the wetland flags on the property and Mr. Siciliano replied his engineer. The Commission further discussed with Mr. Siciliano the placement of the medallions

both on the fence and at the bottom of the slope. Ms. Rosenbaum advised Mr. Siciliano to contact Mr. Vocelli for medallion information

***Mr. Montgomery made the motion to table the Cease & Desist matter for 186 and 196 Denslow Hill Road until the September 1, 2010 meeting. Mr. Siciliano should contact Mr. Vocelli when the fence has been installed. Mr. Vocelli will verify that all the work has been done. Mr. Anastasio seconded the motion. The motion passed unanimously.***

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

The Commission tabled this item.

- c. **N.O.V.** 790 Main Street – wetland conservation area encroachments

Ms. Rosenbaum reviewed a letter from Attorney Woodard which states that the dogs and buildings will be removed from the property. Mr. Montgomery stated that the owner is looking for guidance regarding the placement of the fence. Mr. Montgomery feels that the fence could be placed along the buffer boundary. Mr. Vocelli said that the owner is considering their options to have a vinyl fence, split rail fence or medallion posts. Mr. Vocelli stated he has told the owner that they must place wetland medallions along the buffer boundary. Ms. Rosenbaum asked Mr. Vocelli to update the Commission on the status of the owner's decision regarding what work will be done.

***Mr. Montgomery made the motion to table the Notice of Violation regarding 790 Main Street until the September 1, 2010 meeting. Mr. Brand seconded the motion. The motion passed unanimously.***

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

There are none for this month.

### **IV. Review June 2, 2010 meeting minutes**

Mr. Montgomery stated that on page 5, line 3 should read: had addressed the commissioner's concerns. Mr. Annes said that on page 3, 4<sup>th</sup> line from the bottom should read: address issues on their properties.

***Mr. Anastasio made the motion to accept the minutes of June 2, 2010 as amended. Mr. Shadle seconded the motion.***

### **V. Other Business**

- a) 2906, 2932, 2950 State Street-Modify the buffer boundary-Hamden Farms Condominium Association

Mr. Montgomery asked Mr. Ort, President of the Hamden Farms Condominium Association, if he had reviewed his letter of July 7, 2010. Mr. Ort advised he did not have the letter. Mr. Montgomery gave Mr. Ort a copy of the letter and Mr. Montgomery read the letter.

Mr. Annes asked if moving the road allowed mowing to be done. Mr. Montgomery said the boundary was moved. He said that mowing is already being done in the flat area. The problem had become when they were constructing they had not put topsoil down and there has been a poor establishment of vegetation. Mr. Montgomery said when the work is completed the 3 wetland markers will be parallel to the road.

***Mr. Montgomery made the motion to accept the letter and map into the record to be approved as a de minimis activity. Mr. Annes seconded the motion. The motion passed unanimously.***

Ms. Ort asked who has the authority to move the wetland marker. Mr. Montgomery stated that the Homeowners Association has the authority because the Commission granted the request to move the marker.

Ms. Rosenbaum thanked Mr. Tito and Ms. Lakin for all the work they have done with the de minimis reviews. Ms. Rosenbaum asked the Commission to review the Code of Ethics that was given to them.

Ms. Rosenbaum stated that a letter was received May 26, 2010 regarding land near 91 Goebel Road. It was sent by Robert and Dawn Flanagan. Mr. Vocelli said that site is a wooded wetland between Goebel Road and Paradise Avenue. He said that the Town Attorney's position historically has been that Linehan Realty owns it. The duck pond has been maintained by the town. The property is privately owned open space. Mr. Vocelli had done a site visit, and stated that the neighbors want the pond dredged, but he had advised that a wetland permit is needed. Mr. Vocelli said he will check with the Mayor's office to see if they had responded to the letter.

Ms. Rosenbaum advised the commissioners that she would like the wetland brochure updated. She would like to form a subcommittee and receive suggestions from all the commissioners. Mr. Montgomery said that the committee should check with the Town Engineer to determine how the wetlands are determined for the Hamden GIS and who would maintain the GIS. Mr. Vocelli said that the GIS layers are received from the State. Mr. Kops said that the GIS system is maintained by the Town Engineer and does not have symbols for wetlands. There is an online system that is maintained by a consultant but is still a work in progress. Mr. Kops will investigate to determine how the wetlands are determined and marked on the online system. Mr. Montgomery said that before the committee proceeds the map records should be reviewed and determined how they are maintained so that they are more precise. Mr. Vocelli said that only a soil scientist can make a final determination of where wetlands are located.

Ms. Rosenbaum stated that there would be no August 4, 2010 meeting.

## **VI. Adjournment**

***A motion to adjourn was made by Ms. Lakin and seconded by Mr. Brand. It passed with no dissenting votes. The meeting ended at 7:56 p.m***

Submitted by: \_\_\_\_\_  
Stacy Shellard, Clerk of the Commission