

Nancy Rosenbaum, Chair
Michael Montgomery, Vice Chair
Joan Lakin
Andrew Brand
Michael Stone – arrived at 7:29 PM
Michael Milazzo
Kirk Shadle
Bob Anastasio
Eric Annes

Others in Attendance:

Dan Kops, Assistant Town Planner
Thomas Vocelli, Inland/Wetlands Officer
Peggy Craft, Acting Commission Clerk
Lisa Raccio, Stenographer

June 10, 2011

<p>MINUTES: THE INLAND WETLANDS COMMISSION, Town of Hamden held a Public Hearing & Regular Meeting on Wednesday, June 1, 2011 at 7:00 p.m. in The Thornton Wilder Auditorium, Miller Memorial Library, Dixwell Avenue, Hamden, CT and the following items were reviewed:</p>

Chairwoman Rosenbaum called the meeting to order at 7:03 PM.

Attendance was taken by Vice Chair Montgomery.

Ms. Rosenbaum stated that a quorum had been established.

Next, Ms. Rosenbaum explained the Public Hearing Process. She said that first the applicant would speak. Next, the public would be invited to speak for or against the application. The applicant would then have an opportunity for rebuttal. Ms. Rosenbaum asked that each speaker state their name and address. After this process was completed the Commissioners would give their comments.

Ms. Rosenbaum further stated that the purpose of this Commission is the preservation of inland wetlands and water courses. The Commission has no jurisdiction over bridge aesthetics, scenic roads, etc. She asked all speakers to please address their comments to inland wetlands and water courses.

Ms. Rosenbaum said the Commissioners' resumes are part of the proceedings and are on file if anyone wishes to see them.

I. Public Hearing

- a. 11-1171** 170 Birchwood Drive - driveway culvert-crossing
Alberto DiChello, Applicant

Albert DiChello, 100 Birchwood Drive, the applicant addressed the Commission. Mr. DiChello said he would like to plant a vegetable garden at 170 Birchwood Drive. He said there is a driveway leading to this area, but it would be necessary to extend the driveway through the wetlands.

Mr. DiChello introduced Soil Scientist David Lord. Mr. Lord said he has offices in Meriden.

Mr. Lord provided the Commission with documents in response to questions that were generated from the site walk and the panel.

The document presented was dated May 30, 2003 addressed to the applicant about the delineation and proposed activities that impact the wetlands.

He said he originally flagged the wetlands on this property in 2004. He displayed a map prepared by Godfrey-Hoffman in July 2004 showing the approximate locations based on a field survey.

He said the property has a single source of entry from Birchwood Drive. He explained the planned construction of the roadway.

Ms. Rosenbaum asked if he was basing this on the Godfrey Hoffman map of 2004. Mr. Lord said he was, and added that this is not an activities map just a base map. She asked why he was not using the Donofrio map that was prepared in 2009 and signed in 2011. She asked why he was using a 2004 map that has nothing to do with this application. Ms. Rosenbaum said the letter presented was the 2004 letter; she read from rules and regulations that have bearing on this. Mr. Lord explained why he is using the previous map.

Ms. Lakin asked if the old map should be entered as an exhibit.

Mr. Kops said if this is an exhibit that Mr. Lord wants the Commission to understand, no one on the Commission could see it. He added that it is different from the map the Commissioners have.

Mr. Lord said this drawing is no different; it is an historical document.

Ms. Rosenbaum said the Commissioners only have the May 5, 2009 map, and that is the one that he should use.

Mr. Lord agreed.

Mr. Lord said he has an additional alternate map that is relative to the application, which shows a different configuration for the driveway that was in the previous drawing.

Ms. Rosenbaum asked why Mr. Lord is showing the Commissioners an alternative first. Adding that there has been no discussion regarding this.

Mr. Lord displayed a drawing to the Commissioners dated May 5, 2009 and signed on April 18, 2011. Ms. Rosenbaum asked why there was a discrepancy in the dates from 2009 to 2011.

Mr. Lord said the map was signed and dated by the engineer who prepared the map.

Mr. Milazzo said Mr. Lord is presenting this at his own risk; if it is presented later as an exhibit the Commission can then make a determination or they can accept it now or ask for further documentation.

Ms. Rosenbaum agreed with Commissioner Milazzo.

Using the 2009 Site Plan drawing, Mr. Lord explained that the driveway has poorly draining soil. He also discussed the flow of the surface runoff, and pointed out the direction of the flow on the map. He said there are secondary surface flow areas running in a westerly direction to a point where it turns to the north and flows off site.

Next, he discussed the wood type in the wetlands and said there are a number of invasive species present. He said there are at least three means for surface water to run through the site. He added that additional areas were identified during the site walk.

Mr. Lord presented a drawing that shows the wetlands bisect the property. He said the property is part of an approved sub-division known as Heritage Woods. He explained the access road that leads to this lot off the Town road.

The proposed project would continue the existing access drive through the wetlands and enter the upland portion of the property gaining access to a garden area.

Mr. Lord said there would be a 15 foot access drive. He said it is his belief that this would be the most favorable means of access to the upland site. He added that vehicles needing access to the garden area would be safer. He said the access drive would terminate 20 to 28 feet west of approx 160 feet of wetland. He said crossing the wetlands would be the impact.

Mr. Lord described the culvert system that would be upgraded, adding three 24 inch PVC pipes to the existing 12 inch pipe. He noted that a fifth pipe has been added to the drawing. He distributed a modification to the plan that had been previously submitted. This shows the fifth pipe and where it is located. He said the only change is the addition of the fifth culvert pipe on the far west side.

Mr. Lord said the Town Engineer's comments questioned the need for four culvert pipes when the discharge is coming via an 18 inch culvert pipe. The Town Engineer is requesting a hydrology study to prove the need for the five pipes. It is not his belief that the pipes are needed for the passing of the hydrology, it is necessary to move the flow through the wetland and spread out the flow through the wetlands rather than pinching it down to a series of culvert so as not to starve the wetlands, and to continue the hydrology of the wetland similar to what they are today.

Mr. Lord said it is his belief the design of five culverts is a better design to spread out the flow.

Mr. Lord read his professional opinion into the record. He stated that the construction of this driveway would not adversely affect the wetlands. It does not have an adverse effect on wetlands animals, and will not decrease or increase the flow of wetlands waters through the property.

Ms. Rosenbaum asked if there were any comments or questions from the Commissioners.

Commissioner Lakin asked if this property is going to be used for commercial or personal farming. Mr. DiChello said it could be both.

Mr. DiChello was asked how he would irrigate. He said he would bring in a hose if necessary.

Mr. Annes asked what kind of gardening would be done. Mr. DiChello said he would be planting tomatoes, peppers, everything. He was asked who would do the work. Mr. DiChello said right now it would be him.

Ms. Lakin asked if he would be using a hose or would he dig for underground irrigation.

Mr. DiChello said he has a tap on his property from the Water Company.

Ms. Lakin said she is concerned that he is going to dig a trench to bring in water and cause further disturbance to the wetlands. She asked if he is planning on putting in underground pipes and proposing additional disturbance.

Mr. Lord said it would be an above ground system.

Mr. Shadle asked where on the plan the current water connection is shown. Mr. DiChello and Mr. Lord explained where the water access is available and pointed this out on the map.

Ms. Rosenbaum said it would be necessary for a hose to go from Birchwood Drive all the way to the farm field. She said that the distance is approximately 600 to 700 feet for water access from Birchwood Drive to the garden area.

Mr. Montgomery said in a May 30th letter it stated this property is adjacent to the DeNardis and Heinemann properties but what he is referring to is not shown on the map. Mr. Lord said it is the drainage between the DeNardis and O'Connor properties. Mr. Montgomery said the drainage easement is in favor of the Town of Hamden. Mr. Montgomery added that on the site walk there were four inch pipes on the Kycia property.

Mr. Montgomery said he did observe water flow across the garden area and across the proposed road and outside the most defined channel.

Mr. Lord said he did not personally walk to the top point on the property.

Mr. Montgomery said he did walk this area and found that it was outside the main channel.

It was noted that there is a large amount of water flowing across the proposed farming area. It was asked if it would lead to pollution of the wetlands area. Mr. Lord said this is a drainage problem between this property and the people who are discharging water onto this property. Mr. Lord said he would take the appropriate measures in the future to correct this.

Mr. Lord said if the Commission wants some means of controlling the flow from these pipes it could be provided at the next meeting.

Next, Mr. Montgomery discussed the map received by the Town of Hamden in 2011 from the August 2004 Report. Mr. Lord said this is the same report; it is the original report. Mr. Lord said he would provide a narrative of this map.

Mr. Montgomery said the point of the five pipes is spreading the flow. He said these are 24 inch pipes, and there needs to be fill over these pipes. He said the plan does not show the amount of fill being provided. He added that this application seems very incomplete.

Mr. Lord said the fill is shown on the site plan. There will be 482 cubic yards of material. He said this is shown on Page 2 of 2 on the right hand side. Mr. Anastasio said this would require 24 tri-axle trucks. Mr. Lord added that once the material is there, big machinery would be used. He was asked what would be used to get material to the site. He said pay loaders and tractors. Mr. Anastasio said he would like to see what is being brought in.

Mr. Lord said they would bring in a sequence of construction at the next submittal

Mr. Montgomery asked what the depth of the fill would be.

Mr. Lord said he measured the depth of fill on the cross sections that are clearly shown at the crossing of the roadway. He said the maximum height of the roadway is 5.7 feet.

Next, Mr. Lord was asked what type of fill would be used. Mr. Lord said the he will get the answer on the type of materials that will be used.

Mr. Montgomery asked if the fill will be from on site or will it be brought in from off site. Mr. Lord said it would be from off site.

Mr. Milazzo asked if the grading on the proposed vegetable garden is shown of the drawing. Mr. Lord said he would provide the Commission with one drawing showing all parts of the proposed garden.

Mr. Brand said regarding the space between the end of the driveway and the garden, where will large trucks turn around when they get to the garden. Mr. Lord said the driveway stops at the end of the wetlands; he will show this on a future drawing.

Mr. Brand said he should also show how many trees would be removed. He added that it would need to be substantial to accommodate trucks. Mr. Brand also asked what type of trucks would be used. Mr. Lord said 10 wheel trucks and bulldozers, and vehicles to haul away trees stumps.

Mr. Brand asked if the driveway would be paved, and if so why. Mr. Lord said it would be paved, and this is necessary because it would have to be plowed in the winter, and also because of rain.

Mr. Shadle asked what would be done with the trees that are removed. Mr. DiChello said he would bring the wood to friends to use in brick ovens.

Mr. Shadle asked if there is a forestry plan. Mr. Lord said the wood is going to be used in a forestry aspect. There was a discussion regarding a forestry plan. Mr. Lord said that they plan to

clear the area for a garden. Mr. Shadle said they don't need a 15 foot driveway to bring material to a garden. Mr. Shadle also said if they are clear cutting, is the driveway crossing the wetlands the best spot to drag the trees across. He also questioned the need for a 15 foot driveway to accommodate equipment for an 80 foot by 80 foot garden.

Mr. Brand said he is concerned about the fill that will be used. He said if you look at part of road there is Japanese Knot Wood that came in with the fill, right along the edge of the road. He added that now more fill would be coming in, and coming from unknown sources. He said Japanese Knot Wood spreads and could be a danger to the wetlands. He said he would like better knowledge of the fill material that could add to the problem of invasive Japanese Knot Wood.

Mr. Lord said he would get information on that material. He added that this is an issue any time you bring in fill.

Mr. Brand said Japanese Knot Wood could spread up to the garden area and into neighbor's yards.

Mr. Lord said they would have to monitor what comes in.

Ms. Rosenbaum asked if there was anyone who wished to speak in favor of this application.

There was no one who wished to speak.

Ms. Rosenbaum asked if there was anyone who wished to speak against this application.

Dr Richard Orson, 70 Waverly Park Road, Branford, a representative for the neighbors addressed the Commission.

Dr. Orson said he has a Bachelors Degree in Biology and a Masters in Botany. He is also a Certified Wetlands Specialist, he also teaches on an under-graduate and graduate level.

Dr. Orson said the right to farm does not include the right to fill or cover the wetlands. He said the Commission should pay attention to the roadway. He said you couldn't put in a culvert and install rip rap without digging. He said this application does not have merit and digging in the wetlands is not a right. He said he would keep to those aspects.

He discussed the 15 foot wide roadway and the stability of the side slopes. He questioned if there would be additional sloping. He said this could cause erosion, and asked what the total amount of area would be disturbed, and how much of the wetlands would be filled. He said when the culverts are put in rip rap will extend from both sides and add to the area of disturbance.

Next Dr. Orson said the hydrology of the wetlands is not as simple as it seems. He said right now there is no roadway in the wetland. He described the flow of water across the wetlands. He said this is a sheet flow, a slow moving body of water, and has maintained the type of wetlands we have. He said moving the flow through the five pipes will eliminate the sheet flow; each culvert will change the hydrology across the roadway where there was sheet flow. He said the flow would not be a single point source discharge; it will not be sheet flow.

Dr. Orson said he has not seen that the study shows that five culverts are enough. He said he couldn't understand it from these drawings. He said the Commissioners should be careful how they proceed. He said there will be changes to the hydrology system, and asked if pipes are needed to transport the flow.

Next he discussed 100 year storms, and asked what level of storm the Commission wants this road to handle. He said he has not seen this.

Dr. Orson also questioned the sequence of the plan. He said it is necessary to make sure the construction sequence is adequate. He said it is necessary to use low pressure to walk over the wetlands and not compact it.

Next, he discussed ground water. He said any roadway with stone fill is going to sink and is going to compact the soil below. He said this would interfere with the ability of the groundwater to move. He said the estimate of area to be filled should include any disturbance. He added that this should be accounted for and presented to the Commission.

Dr. Orson said this is going to be for a small farming operation. He said there are a number of better alternatives to this and the Commission could ask for these alternatives.

Dr. Orson also said one of abutters was not notified of the site walk.

He said there is an extensive amount of fill and many technical issues to be addressed. He said he has reviewed the original plan submission. He said there is a note dated May 2, 2011 showing a defined water course with two inches of rip rap. He said rip rapping an existing wetland for a garden is wrong.

Dr. Orson questioned the maintenance plan for the culverts that will be exposed to leaves and twigs and sediment.

He said the road should be as low as possible and water should be allowed to flow over not under.

Next, he said paving requires a different kind of bedding that causes more impact on the area.

He said due to the amount of fill and the impact on the wetlands soil, this application should be rejected.

Marylyn D'Ambrose, 41 Post Falls Lane said her property abuts the proposed garden. She stressed the importance of not disturbing such a large wetland and watercourse. She said an improper disturbance could affect the Mill River. She strongly recommends a hydrology study be done, and this application should not be approved without it. She also asked what would happen if the culverts clog, or if the property is abandoned. She said the proposed roadway is excessive for a garden. She said the applicant should not be allowed to adversely affect the trees and plants in the neighborhood. She recommended that the Commission reject this application.

Fred D'Ambrose, 41 Post Falls Lane said many points have been made. He said he couldn't help but wonder why a 518 foot roadway with five pipes underneath is necessary for a garden. He said this appears to be a very expensive project for a garden in your own backyard. He said if this is a commercial garden it does not belong in the middle of an upscale neighborhood.

He said a study is needed to see how much water there would be during a storm and the rate of flow. Mr. D'Ambrose said if water backs up on this road it would flood his yard. He asked who would maintain the pipes; and if they become plugged with branches where will the water go. He also asked what impact oil and gas would have on the wetlands. He asked about the trees in the wetlands, and how many would need to be removed. He next questioned what would happen to the wetlands animals. He is concerned about privacy issues. He said he would have a road in front and in back of his house. He said he will now look out his windows at a road and farm workers, and added that this is not what he wants to look at. He asked what this farm brings to the neighborhood. He said it would remove too many trees, destroy the wetlands, restrict the water flow, eliminate wildlife and destroy ferns. He recommended that this application be denied.

Barbara Coutts, 31 Post Falls Lane discussed the impact on the environment. She said this is a natural wetlands that supports many forms of wildlife, including deer, turkeys, foxes and turtles. She said this property should remain in its present state, and this application should be rejected.

George Coutts, 31 Post Falls Lane said this is a very expensive project, and will cost up to \$50,000 for an engineer, soil specialist, Town meetings, extensive fill, gravel, blacktop, clear cutting, stump removal and installing a sprinkler system. He is concerned about pesticides and other chemicals on the wetlands. He said the access road will change the natural flow of water across this parcel, and could cause damming and overflow. He said this is a lovely residential area not set up for commercial farming. He said there are no other gardens in the area, and questions if this is the first step to a larger goal.

Mary Beth Ganucheau, 51 Post Falls Lane said she bought this property believing there would not be anything behind her house, except deer, red foxes and birds. She said she is concerned with weed control. She also questioned how Mr. DiChello is going to water this garden. She said pipes above or below ground will have an impact on the surrounding properties from pump noise. She said a 6,400 square foot vegetable garden will require hired help. She asked what hours the help would work and where their vehicles would be parked. She said she understands his right to use his property, but the Commission should question his reasons.

Cheryl Cartier 150 Birchwood Drive said she wanted to add her concerns regarding the five pipes under the driveway. She asked what would happen if the pipes become clogged. She is concerned that the overflow would run into her yard. She questioned what limitations would be placed on the number of trees cut down, and what happens in the future when more trees need to be cut for light. She also asked who would monitor the use of pesticides and insecticides.

Marilyn D'Ambrose, 41 Post Falls Lane again addressed the Commission. She said five years ago the applicant was here trying to get a house built in that area. She said this is the same area he now wants to put a garden in. She said the applicant's son has told people that he is going to build a 2,200 square foot home back there. She said the applicant has found a loop hole, and his ultimate goal is to build a house there. She said she believes he will be back in a year to do so. She said if this Commission approves this application it will destroy the wetlands.

Lawrence DeNardis, 790 Still Hill Road said he has lived in this area for 38 years. He said there is a high water table. He said the Town has done their best to drain the area. He said he has experienced flooding, most recently on February 8th, when he had eight inches of water in his basement. He added that the Hamden Fire Department responded immediately and pumped out his basement. He said there have been a number of homes flooded over the years, and this will

exacerbate the problem, and have a serious impact on one of the most precious wetlands in Hamden. He said he recommends that the Commission reject this application.

Bernie Kycia, 774 Still Hill Road agrees with what has been said. He said he sees no benefit in approving this application.

The resident at 141 Birchwood Drive said she resides at this address with husband and daughter, and will not let her child out if trucks are traveling to and from the garden. She said she comes from a country that cut down many trees. This caused the temperature to rise. She said she doesn't want to experience this again. She asked how the ecology would change with this driveway.

Ms. Rosenbaum asked if the applicant wished to make a rebuttal.

Mr. Lord said on behalf of the applicant he has already presented one plan, and plans to address all comments made by neighbors. He said he is not ready to present a rebuttal at this time.

Commissioner Milazzo motioned to table this application and to continue the Public Hearing to the next meeting. Commissioner Anastasio seconded the motion.

Commissioner Annes asked if it is necessary to table this application or should the Commission vote. He said he feels the Commission has the information necessary and should vote and not make the public come back

Assistant Town Attorney Lee said he understands Mr. Annes' point, but historically the Commission has allowed a hearing be continued to allow the applicant to get whatever information is necessary.

Ms. Rosenbaum called for a vote. **The vote was seven in favor one opposed. The motion passed and the Public Hearing was continued to the next month.**

II. Regular Meeting

1. Pending Applications

- a. **11-1171** 170 Birchwood Drive - driveway culvert-crossing
Alberto DiChello, Applicant

Application tabled to next meeting.

- b. **11-1170** 2623 Dixwell Avenue – Pardee Brook Diversion Channel
Maintenance Activities – Town of Hamden, Applicant

Scott Bristol of Milone & McBroom representing the Town of Hamden addressed the Commission.

Mr. Bristol said this application is for maintenance activities on the Pardee Brook Diversion Channel. He said this Channel was created in 1983 and has not been maintained. This has affected the flow through the channel.

Mr. Bristol described the channel which is about 220 feet long. He said it is proposed to clear the accumulated brush in the channel. He said in 2007 the Town submitted the original

application to clear and remove the sediment. The application was approved in October 2007 to do far more extensive work. Mr. Bristol added that this work never took place. He said the current plan calls for the removal of two golf cart crossings. He said he didn't know when the crossings were installed. He said these crossings were never maintained. He said the plan is to remove them, and re-grade the area where they were. The plan also calls for cutting brush and the removal of tress in keeping with the original application. He said they will maintain the visual barrier.

Mr. Bristol said the horizontal measurement to the top of the slope is arbitrary. At the southern end of the diversion channel the depth is less than at the northern end. He said there are fewer trees in the southern end. He said the trees will be cut flush and dragged out; the roots will be left to maintain the channel. He said this is in line with what was approved in 2007, but less intensive.

Mr. Stone said the channel was not maintained by the Town, and Meadowbrook residents complained. Mr. Bristol said the vegetation was allowed to grow. He added that this is a step in the right direction.

Mr. Stone asked if this would be an ongoing process. Mr. Bristol said maintenance would be done every five years. Commissioner Brand asked what time of year this will take place. Mr. Bristol said at the end of summer or early fall.

Mr. Brand said this is a great area for nesting birds, and said late summer or early fall would be the best time for this to take place.

Mr. Montgomery said he walked the site today, and there is no doubt that there are large trees in the channel. He added that all the work that is needed is in the channel. He said there is no need to go up the slope. Mr. Montgomery also discussed the types of vegetation in the channel. He said he passed the golf cart crossing and could see the original rip rap. He also said he saw a white pipe running across the stream between the two crossings. He said it is necessary to figure out what this pipe is.

Mr. Montgomery said he sees no reason why all activity can't be restricted to two feet above the channel. Mr. Bristol said this is probably workable.

Next, there was a discussion regarding the trees to be removed. It was noted that if the stumps are not removed they will re-sprout and there would be a bigger barrier; this is something that is not wanted. Mr. Bristol said a brush cutter would be used. Mr. Bristol said they will first cut with a chain saw.

Mr. Montgomery said this will cause re-sprouting and this is his concern. He added that if the cutting is done close to ground they would not re-sprout.

Mr. Bristol said he would prefer not to bring big equipment in or to remove the root balls.

Mr. Montgomery said they need to prevent the willows from re-sprouting.

Ron Walters of the Regional Water Authority said he could provide guidance regarding herbicides. He said in the site walk it was mentioned that the reason to not remove the gravel was because it has a low level of contamination. Mr. Bristol said it was determined through

testing that this is indicative of road runoff. He added that, essentially, the removed matter could not be reused. He said that DEP could not come up with a way to dispose of this material.

Mr. Bristol was asked if the golf cart crossings would be removed when the channel is dry. Mr. Bristol said once the brush is removed the crossings and the pipes could be easily removed.

Mr. Montgomery said no work should be done above three feet of the channel floor.

Mr. Montgomery asked if the channel was rip rapped above. Mr. Bristol said the original plans called for rip rap, and he assumed it was the whole channel.

Mr. Anastasio asked when the channel was originally constructed. Mr. Bristol said in 1983.

Robert Brinton, Hamden Town Engineer said he has seen the design drawings, but has not seen as-builts.

Mr. Montgomery said in the present situation there is no maintenance plan. He said the Commission needs something from the Town stating that they will be doing some sort of maintenance.

Mr. Brinton said he would not argue with this, but he doesn't have the "Brush Cleaning Department" under his direction. He added that he could request that the Public Works Department do regular cutting of brush in the channel.

Mr. Brinton was asked who is in charge of keeping waterways clear. He said this is under the Public Works Department. Mr. Kops said this could be made a condition of approval.

Commissioner Anastasio motioned to approve application 11-1170 2623 Dixwell Avenue – Pardee Brook Diversion Channel with the following conditions: the work to be done in July, August and September; work limited to three foot vertical height above the stream channel floor; a plan for yearly maintenance be provided by the appropriate Town department to the Commission before work commences. Commissioner Lakin seconded the motion.

Commissioner Annes informed the Commission that his brother-in-law works for Milone & McBroom in Vermont.

Chairwoman Rosenbaum called for a vote on the motion. The vote was unanimously in favor of the motion.

2. New Applications

- a. **11-1172** Tom Swamp Road near Julian Drive – culvert replacement – Town of Hamden, Applicant

Ms. Rosenbaum said this is an emergency situation.

Robert Brinton, Hamden Town Engineer, said the culvert on Tom Swamp Road was not on the radar until it washed out in March. The Public Works Department repaired the culvert, but three weeks ago it washed out again. Mr. Brinton said he was asked to look at this pipe, and found that it is not big enough and the north end of the pipe may be crushed. There is also a lot of

erosion. He added that a four foot by six foot precast concrete box culvert would be a simple solution to this problem. He said the work could be done by the Public Works Department if they have the equipment. He said the work is proposed to be done during dry weather. A 24 inch pipe will be used to take the stream flow during construction. He said this is a short duration project; it should be done in a week.

It was noted that there was one mistake in the construction sequence that will be corrected.

Commissioner Brand asked if the Public Works Department can perform this work. Mr. Brinton said he thinks they can do the work. He added that they may have to rent equipment. He also said it will depend on whether or not they have the time and the manpower; if not a contractor will have to be hired.

Mr. Anastasio asked how Mr. Brinton determined the size of the box culvert. Mr. Brinton said he looked at the drainage and size and came up with a 50 year storm plan.

Ron Walters of the Regional Water Authority said RWA will need a dewatering plan before they begin work. He added that it would also be necessary to have RWA on the plan if there is a need for dewatering. He said they would require two days notice.

Mr. Montgomery motioned to approve 11-1172 Tom Swamp Road near Julian Drive – culvert replacement with a dewatering plan and a modification to the construction sequence in agreement with the Regional Water Authority, and a clarification in the re-vegetation plan. Commissioner Lakin seconded the motion. The motion passed unanimously.

3. Notices-of-Violation, Cease & Desist & Restore Orders, Notices-to-Appear

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

Commissioner Brand motioned that the N.O.V. remain in effect and that N.O.V. 64 Rocky Top Road be tabled to the next meeting. Commissioner Annes seconded the motion that passed unanimously.

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

Commissioner Milazzo motioned that the N.O.V. remain in effect and that N.O.V. 790 Main Street be tabled to the next meeting. Commissioner Lakin seconded the motion that passed unanimously.

- c. **N.O.V.** 251 Welton Street – oil spill or discharge

Commissioner Anastasio motioned that the N.O.V. remain in effect and that N.O.V. 251 Welton Street be tabled to the next meeting. Commissioner Annes seconded the motion that passed unanimously.

4. Review Site Inspection Schedule

There are no Commission inspections scheduled for June.

5. Review May 5, 2011 meeting minutes

Commissioner Brand motioned to accept the Minutes of May 4, 2011 as presented. Commissioner Lakin seconded the motion. The motion passed unanimously.

6. Other Business

The Commissioners discussed the deminimis findings as well as information to be reported and presented in the monthly format.

Mr. Vocelli discussed 114 Colony Street. Mr. Vocelli said at a previous meeting the N.O.V. was lifted, and Mr. Bellonio was advised to get a building permit and do the retaining wall correctly. Mr. Vocelli reported that Mr. Bellonio initiated the process in the Building Department this morning. If the work is not done correctly, a Cease & Desist Order will be issued 10 days before the July meeting.

Next, Mr. Annes discussed the recommendations by the Charter Revision Commission regarding term limits. He said the Charter Revision Commission has sent recommendations to the Legislative Council. He said the recommendations include increasing the Mayor's term from two years to four years.

The recommendations also include limiting Commissioner's to two terms. Mr. Annes said he thinks this is a horrible idea. He said a great deal of expertise would be lost if this were to go into effect. Mr. Annes recommended that the Commissioners send letters and speak to Council Members regarding this proposal. He added that he will be at the Public Hearing regarding this.

7. Election of Officers

Commissioner Annes motioned to nominate the present slate of Officers to continue in these positions. Commissioner Lakin seconded the motion.

Commissioner Brand asked if the parties are willing to accept the nomination. The nominees said they would.

The vote was unanimously in favor of the nominations. (Nancy Rosenbaum for Chair, Michael Montgomery for Vice Chair and Michael Milazzo for Secretary)

7. Adjournment

There was no further business to come before the Commission, and Chairwoman Rosenbaum called for a motion to adjourn. Commissioner Milazzo motioned to adjourn. The motion was seconded by Commissioner Brand and passed with a unanimous vote. Chairwoman Rosenbaum adjourned the meeting at 9:48 PM.

Submitted by: _____
Peggy Craft, Acting Commission Clerk

