

March 8, 2011

MINUTES: THE INLAND WETLANDS COMMISSION, Town of Hamden, held a Regular Meeting on Wednesday, March 2, 2011, 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
 Lynne Krynicki
 Eric Annes
 Joan Lakin
 Kirk Shadle
 Mike Stone, arrived at 7:58 p.m.

Staff in attendance:

Dan Kops, Assistant Town Planner
 Tim Lee, Assistant Town Attorney arrived at
 7:08 p.m.
 Tom Vocelli, IW Enforcement Officer
 Stacy Shellard, Commission Clerk

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 Applications & renewel request

- a. 05-1065** Permit Extension- Brooksvale Avenue over Jepp Brook Bridge Replacement
 Town of Hamden, Applicant

Mr. Bob Brinton, Town Engineer, addressed the Commission and reviewed the request to extend the existing permit.

Ms. Lakin made the motion to approve the request to renew IWC Permit 05-1065 for a period of five years. Mr. Annes seconded the motion. Mr. Montgomery asked that the motion be amended to read: ***with the expiration date April 5, 2016. The motion as amended passed unanimously.***

- b. 11-1167** Tuttle Avenue over Mill River Bridge Replacement
 Town Of Hamden, Applicant

Ms. Rosenbaum explained that the abutter letters that were sent out had the incorrect date of the IWC meeting. She said that the official receipt date is today, but that there would be no discussion and the application should be tabled for a site inspection.

Mr. Shadle made the motion to table this item for a site inspection. Ms. Lakin seconded the motion. The motion passed unanimously.

B. Pending applications

- a. **11-1166** 160 Hartford Turnpike-Lake Whitney Tree Removal & Buffer Area management Plan
New Haven Country Club, Applicant

Mr. Carl Porto, Attorney, addressed the Commission and reviewed the application and the site inspection report. He explained that a de minimis had been granted for the removal of trees and that the Commission had determined before any additional trees are removed a formal application was necessary. Mr. Porto reviewed the locations of the trees that the applicant is asking to remove within the buffer area and the wetland areas. He said that there were no comments from the Town Engineer. The RWA comments stated that they would support the removal of the trees and the proposed maintenance program, and they have asked that no herbicides or pesticides be used within the 100 foot buffer area.

Mr. Ron Walters, RWA, addressed the Commission and reviewed the site inspection. He stated that expanding the buffer area would improve the water quality and that the planting of tall grass would help to improve the drainage into the lake.

Mr. Brand said that he is in agreement with Mr. Walters and that the proposed plan will not have any detrimental effect to the area. He would like area "B" to be left alone. There is a lone pine tree that he feels is picturesque and adds to the view of the area going out to the lake. Mr. Brand stated that the other species of trees and vegetation in the area are valuable to the wildlife in the area.

Mr. Montgomery reviewed the site inspection that was done and feels that the proposed management plan is good. He reviewed the species of trees and vegetation in the area and also what the Forest Service recommends. Mr. Montgomery agrees that the lone white pine tree should not be removed.

Mr. Porto stated that if in the future the white pine tree, the maple or willow trees need to be removed the applicant will come back before the IWC.

Mr. Montgomery made the motion to approve Application 11-1166 with the following conditions: Except for the activity in the wetland that is noted as area "B" on the plan is not permitted. Activities consisting of tree removal in areas A, C, and D is permitted and the plan for conversion of uplands adjacent to the fairways and the swimming pool to the tall grass meadow is permitted. The management plan is accepted with the exception that there will be no cutting of trees, shrubs or other disturbance in the wetland. Mr. Brand seconded the motion.

Mr. Annes asked if area "B" as it reads in the motion would include the whole area proper. Mr. Montgomery said that a small area adjacent to area "B" on the proposed plan would be short cut grass but can be converted to tall meadow grass, and there can be no activity in the wetlands. Mr. Montgomery said that when the weather is better the Commission can go to the site to identify the wetlands and then ask the applicant to place wetland markers.

Mr. Annes asked Mr. Porto if he understood the motion and Mr. Porto replied yes.

The motion passed unanimously.

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

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

Mr. Tim Lee, Assistant Town Attorney, advised the Commission that the trial date has been postponed until April 12, 2011.

Ms. Lakin made the motion to table this item until the May 4, 2011 meeting. Mr. Annes seconded the motion. The motion passed unanimously.

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

Mr. Herman Woodard, Attorney, addressed the Commission and reviewed what work has been completed on the property. He stated that Mr. Steven Danzer was retained to determine the impact of the fence that still remains.

Mr. Steven Danzer, Soil Scientist, addressed the Commission and reviewed his report. He stated that he came to the conclusion that the functions of the wetlands will not be impeded by the fence.

The Commission discussed with Mr. Danzer the accuracy of the map submitted and that the location of the watercourse may not be accurately depicted on the map. Mr Danzer reviewed the location of the watercourse and the effect that it has on the hydrology of the area, the direction of the water run-off and the wildlife in the area.

The Commission noted that they that are not familiar with the property and the surrounding areas, and that a site inspection should be done in the spring when the vegetation is active. Mr. Woodard stated that he has no objections.

Mr. Brand made the motion that the Notice-of-Violation remain in effect and that a site walk be scheduled. Ms. Lakin seconded the motion. The motion passed unanimously.

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

Ms. Rosenbaum reviewed with the Commission the email sent to Mr. Vocelli from Mr. Jeffrey Brown, Engineer, Environmental Compliance Services, Inc..

Ms. Lakin made the motion to table. Mr. Annes seconded the motion. The motion passed unanimously.

III. Review Site Inspection Schedule

Mr. Vocelli will schedule the site inspection for Tuttle Avenue Bridge and for 790 Main Street. The Commission discussed meeting during the week because Daylight Savings Time begins on March 13, 2011.

IV. Review January 5, 2011 meeting minutes

Mr. Brand made the motion to accept the minutes of January 5, 2011 as written. Ms. Lakin seconded the motion. The motion passed unanimously.

V. Other Business

Ms. Rosenbaum advised the Commissioners that Earth Day will be held on April 30, 2011.

Ms. Rosenbaum asked why the re-appointment of Commissioners whose terms have expired has not been addressed by the Mayor. Mr. Kops, Assistant Town Planner said that he has had discussions with the Mayor, but will again address the issue of re-appointments with him. Mr. Lee explained that any Commissioner whose term has expired may continue to serve until such time that a decision is made to re-appoint or not re-appoint the commissioner.

Ms. Rosenbaum reviewed the de minimis reports with Mr. Vocelli.

VI. Adjournment

A motion to adjourn was made by Mr. Brand and seconded by Mr. Annes. It passed with no dissenting votes. The meeting ended at 8:05 p.m

Submitted by: _____
Stacy Shellard, Commission Clerk