

April 13, 2011

MINUTES: THE INLAND WETLANDS COMMISSION, Town of Hamden, held a Public Hearing & Regular Meeting on Wednesday, April 6, 2011, at 7:00 p.m. at Hamden Middle School, Auditorium, 2623 Dixwell Avenue, Hamden, CT and the following items were reviewed:

Commissioners in attendance:

Nancy Rosenbaum, Chairperson
Mike Montgomery, Vice Chair
Andrew Brand
Joan Lakin
Kirk Shadle
Mike Stone – arrived at 7:30 PM
William Tito

Staff in attendance: Dan Kops Assistant Town Planner
Tim Lee, Assistant Town Attorney - arrived at 7:30 PM
Tom Vocelli, IW Enforcement Officer
Peggy Craft, Acting Commission Clerk
Lisa Raccio, Stenographer

Ms. Rosenbaum called the meeting to order at 7:04 PM. Mr. Montgomery called the roll and Ms. Rosenbaum stated that there was a quorum.

Next, Ms. Rosenbaum explained the Public Hearing Process. She said 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 his or her name and address. After this process is completed the Commissioners would give their comments.

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

Ms. Rosenbaum informed all those present that the Commissioners' resumes were available if anyone wished to see them.

I. Public Hearing

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

Robert Brinton, Hamden Town Engineer addressed the Commission. Mr. Brinton provided a brief history of this project. Mr. Brinton said this is a bridge that is inspected annually by the Department of Transportation (DOT) as

required by the Federal Highway Administration. Mr. Brinton provided a description and dimensions of the bridge. He said the design minimizes the impact to the wetlands. The wing walls are designed parallel to the roadway because the road is being raised. There is some impact on the wetlands. In 1995-1996 DOT informed the Town that the bridge had degraded to poor condition. The Town applied for funds under the Federal Bridge Program. They were accepted into the program in 1999, and hired JKF Associates to perform the preliminary design. In 2004 the preliminary design was 30% complete and submitted to DOT. This was accepted and the Town proceeded on to the final design. The Engineer who did the design is not doing the presentation this evening. BL Companies was hired to do the Inland Wetlands presentation and the final design. Mr. Cicia explained the map of the bridge over the Mill River that runs north to south. The area of inland wetlands was pointed out

The existing bridge is 37 feet with a three-foot center pier in the middle of the river. DOT has determined that the bridge is deteriorated and the hydraulics and road are obsolete. This design will make the conditions better. The center pier will be removed. The addition of boulder clusters will enhance the fish environment. The installation of a root wad system down stream was also explained.

Mr. Cicia asked if there were any questions from the Commission members.

Commissioner Montgomery noted that creating more of a shoulder on the north side of the road entails the removal of several large trees on the north east side. He said there is an outfall of a 12-inch PVC pipe which runs into a swale with a berm behind it. He asked if they are going to cover the bank and the bottom of the new swale with riprap. He added that this seems unclear.

Mr. Cicia said he has not analyzed the berm, but with the shallow slope there will not be riprap installed.

Mr. Montgomery said he was still unclear on this point.

Next, Mr. Brinton introduced John Schmitz of BL Companies.

Mr. Schmitz said that what is missing in the design is that the end of the pipe needs to be extended.

Mr. Brinton said following a site inspection meeting with DOT regarding the grading plan there is not a pipe to the roadway. When the project is done they will close this off. There should be a call out to remove the 12-inch PVC pipe.

Mr. Montgomery discussed the slope that is being displaced. He added that the slope is riprap protected, and asked how far this will extend to the road.

Mr. Cicia said that if the slope were steeper than two to one, it would be riprap protected.

Next, Mr. Montgomery asked about the large trees abutting the wetlands. If they are removing the large trees and there is no mitigation for removal, what would be used.

Mr. Cicia said that in terms of this vegetation there would be a plan

Mr. Montgomery asked about routine maintenance on site. Mr. Cicia said there would be no routine maintenance on site, there would be fueling outside of the wetland area. It will be done 25 feet away. The Town is in agreement with this.

Regarding the northwest side, Mr. Montgomery asked if there is any material other than the geo-textile, that could be used so that the vegetation could grow. It was noted that it does not grow in riprap.

Mr. Cicia discussed options, and said he doesn't know if the Town wants to maintain such a steep slope.

Mr. Montgomery said if the pipe were removed, there would be no hillside drain.

Mr. Cicia said that prior to construction, all the plans will be available for the deconstruction of the bridge. He added that they will be able to answer these questions before deconstruction begins. It was noted that there is not a sequence of construction mapped out on the plan.

Mr. Montgomery asked where the water would run in the northeast corner of the quadrant. Mr. Brinton explained the drainage of water in the north quadrant.

It was asked if the Department of Public Health comments would be addressed at some point. Mr. Cicia said these comments would be addressed. RWA and the Department of Public Health are currently reviewing these plans.

Ms. Rosenbaum asked if note 13 on the plan would be taken care of.

Ms. Rosenbaum asked about a sequence of construction, and said it would be beneficial if the construction details could be spelled out.

Mr. Cicia said they could provide a sequence of notes on the plans verbatim, from the State's plan, that apply to all projects, and they would have no problem changing that note. He added that they are in agreement with all comments from DOT, RWA and the Health Department.

Mr. Montgomery discussed the notes that refer to the Engineer on site and asked who would make decisions regarding this project. Mr. Cicia said this would depend on whether the Town wants to hire a consultant or use their own Engineer. Mr. Brinton said the document says this will be the Town Engineer or his designee.

Mr. Montgomery discussed RWA's comments regarding the waterway, noting there is a reference about construction notes that is vague. Mr. Brinton said the Town is not in disagreement with the comments from RWA.

Mr. Brinton discussed comment #3 and explained how the silt fence changes during construction. He also discussed Comment #4, the dewatering plan, and said he agrees.

Next, Mr. Brinton discussed sediment bags. He said this would be up to the contractor. All will be submittals that the Town and RWA will review.

Mr. Montgomery discussed Note #9, and commented on the recommendations.

Mr. Cicia explained how they determine water elevation in a constricted channel. He said the contractor needs to be aware if a major storm is coming. Everything must be out of the construction zone. This will be based on a two-year storm plan.

Mr. Shadle said a lot of specific details would be based on what the contractor decides.

Mr. Cicia explained the limits that the contractor will have.

Mr. Shadle asked if a contractor had been selected, and what they are looking for in a contractor.

Mr. Brinton said the project would be put out to bid when all permits are in place.

Ms. Lakin said she would be more comfortable if these questions were answered on the application. She added that she is uncomfortable with the idea of approving something and waiting to see how the contractor will set up.

John Schmitz of BL Companies explained how the contractor could be directed and the supervision that would be given to him. He also discussed the coffer dam. Mr. Brinton asked if it would help if they provided an acceptable coffer dam sequence as long as someone could submit additional detail.

Ms. Lakin asked about the dewatering site if the contractor disagrees with the plan.

Mr. Cicia said if we disagree with the contractor when the dewatering plan is submitted, we can refuse it, and they would have to change it.

Ms. Rosenbaum asked if this would go before the Town Engineer, the RWA and the Department of Public Health.

Mr. Cicia said it would.

Ms. Rosenbaum said the Commission needs to have proof of this to approve.

Mr. Brinton said there would not be a problem providing a sequence but not in minute detail.

Ms. Rosenbaum invited all those in favor of this project to speak.

Mr. Aris Stolis of 256 Johnson Road came forward. Mr. Stolis supports this project, and said that Mr. Brinton has been very forthcoming in discussing the project.

Mr. Stolis has put together a sketch for Mr. Brinton to re-vegetate the area. He explained the sketch, and said this plan helps produce a street canopy. He discussed plans for reseeded, mowing four times over the next year. .

Laura Sarvay of 36 Tuttle Ave discussed erosion. Ms. Sarvay lives two houses away from the bridge, and has concerns about runoff from the east side. She said there is run off from the west side and erosion of the south west corner.

Ms. Sarvay asked if there is a safety plan for an accidental runoff from construction company fueling. She is also concerned about trees and feels there could be a significant disruption to the environment.

Ron Walters of the Regional Water Authority spoke in favor of the project. He said the bridge needs to be rebuilt. He discussed water activity and the coffer dam. He added, that how well this works out depends on the construction company. He added that it must be high-level quality work. He said being able to review and submit comments is important. He also asked who in Town could stop construction. He explained why this is necessary. He also said he does not consider refueling to be routine maintenance.

Rick Kamp of 2535 Dixwell Avenue said he received a call from a neighbor who is the closest neighbor to the project. This person is concerned. He agrees that a new bridge is needed but does not want to over regulate.

He asked that the Commission be sensitive toward this project. He said this is the last spot on the Mill River that has not been trashed. He asked that the Commission pay attention to not letting this get out of hand as some other similar projects have. He discussed past problems with silt from the Mount Carmel Avenue project during a thunderstorm.

He asked the Commission to consider a macroscopic approach regarding storm events.

Mr. Kamp also said there is no indication as to what time of the year this will take place. He feels the best time is in the summer when water levels are low.

Mr. Kamp also discussed the unstable ground around the bridge, soil disturbance, and suggested looking at the acres around the bridge area.

He said he hopes this section of the river will not be trashed.

John Judd of Squire Lane said he was surprised and confused because he thought this was a hearing to approve putting a bridge on Tuttle Avenue. He asked if the project is approved, how would it be funded. Ms. Rosenbaum said this would be answered during the applicant's rebuttal.

Mr. Judd said that having lived there for 50 years he has watched the bridge survive torrential rains. He said the road is damaged, and added that Tuttle Avenue needs to be repaired. He said regarding the bridge being considered unsafe by the State in 1996, why were the people in the area not notified. He wants to know what is unsafe in the bridge.

He said the bridge is solid as a rock, and he has never seen a traffic problem at the bridge. He asked why it is being replaced.

Next, Ms. Rosenbaum invited those who are opposed to this project to speak.

Sarah Clark read a statement from a resident of Squire Lane who could not be present.

Cindy Civitello 61 Berkley Court said she is concerned about silt and sediment. She said if this is not monitored it could pollute the river. She discussed EPA regulations, and said, hopefully, we will see these regulations enforced.

There were no further comments from the public.

Rebuttal:

Mr. Brinton said the funding is proposed to be 80% Federal and 20% Town. The request for construction has not been made but is in the Mayor's Capital Plan

Mr. Brinton said in 1996 the State deemed the bridge structurally deficient. He added that this does not mean the bridge is unsafe. He explained what is involved in rating the bridge and explained the bridge's history and why the Town should consider replacing it. He added that it is not unsafe for driving and will not fall down tomorrow.

Mr. Montgomery discussed the possibility of there being a vernal pool in the area. He said he is not sure if it is a vernal pool or not. He added that the site inspection showed standing water, and there were frogs. He asked if precautions are being taken.

Mr. Brinton said he is not an expert on vernal pools, but thinks this is not technically a vernal pool. He said he could have an expert look at it.

Mr. Montgomery asked Mr. Brinton to be sure that this is addressed to minimize impact to that area.

Mr. Brinton said the recommendation calls for a silt fence to prevent box turtles from getting into the work area.

Commissioner Brand would like an expert to look at the possible vernal pool to determine if it is, in fact, a vernal pool.

Commissioner Lakin asked if it is necessary to have this determination, since care needs to be taken throughout the wetlands area.

Mr. Montgomery said that perhaps the Commission should keep the Public Hearing open.

Mr. Montgomery said there should be a mitigation plan and a construction sequence. He also said that it is not clear if concerns of the RWA are resolved, and the letter from the Connecticut Department of Public Health should be addressed. There should also be a plan to indicate who will be notified if an emergency occurs. Also, the Town Engineer should determine if the area northeast of the bridge is a vernal pool, and this should be addressed in terms of what will be done to minimize impact.

Commissioner Tito motioned to continue the Public Hearing to May 4th. Commissioner Lakin seconded the motion that passed unanimously.

II. Regular Meeting

1. Pending applications

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

Commissioner Shadle motioned to table Application 11-1167. Commissioner Lakin seconded the motion that passed unanimously.

2. New Applications & Amendment Request

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

Commissioner Brand recused himself.

John Schmitz explained the project to replace the Brooksvale Avenue Bridge. This is an amendment to a plan that was previously approved. He explained that this amendment is to change the approved double box culvert to a single box. Mr. Schmitz explained the changes, and gave the history of the bridge. The bridge is 20 foot long and is under the jurisdiction of the Town not the DOT. Mr. Schmitz submitted a mailing that was sent out concerning the bridge replacement. He asked the Commission to accept the amendment request and schedule a site walk if deemed necessary

Commissioner Shadle asked what the rationale is for this project.

Town Engineer Robert Brinton explained the study that was done and the reasons for the bridge replacement and the advantage of the larger opening with a single box that will not be as critical to maintain.

Mr. Montgomery said he is aware of the problem of water backing up to the canal. He pointed out that the request from the Town Engineer is not only better for the wetlands, but also maintains the existing roadway.

Mr. Montgomery said this plan has many good points and feels that the Commission can approve these amendments tonight.

Ms. Rosenbaum said this seems to be an improvement.

Mr. Montgomery motioned to accept the amendment Mr. Tito seconded the motion.

There was a comment by Jeff Campbell, 1125 Still Hill Road. Mr. Campbell's property backs up to Jepp Brook. He said his property floods several times each year because water does not stay in Jepp Brook. He said the water has come to within three feet of his house. He said he doesn't understand the hydraulics, and asked if this could be addressed.

Mr. Brinton explained that the existing bridge is a 12-foot span. What is proposed is a 20-foot span. He said this would drop the upstream water levels. Mr. Brinton said he is not sure exactly how much the water level will drop.

There was no further discussion, and Ms. Rosenbaum called for a vote. The vote was unanimously in favor of the motion.

- b. 11-1168** Todd Street over Eaton Brook Bridge-Deck Replacement
Town of Hamden, Applicant

Mr. Schmitz of BL Companies spoke on behalf of the Applicant, the Town of Hamden. Mr. Schmitz said an inspection of the bridge structure showed that the bridge had deteriorated on the superstructure and on the decking substructure. The project proposes to take off the decking and replace it. He said there will be very little impact to the wetlands. Mr. Schmitz asked the commission to accept this application and schedule a site walk if they felt it was necessary.

Commissioner Lakin motioned to table this application for a site inspection. Commissioner Brand seconded the motion. The motion passed with a unanimous vote.

- c. 11-1169** 903 Whitney Avenue-Addition to Eli Whitney Museum Workshop Building
Eli Whitney Museum, Applicant

Mr. Brown said the applicant proposes to add a small studio to the building that was formerly an Amoco Station. This would increase the area of the studio near the edge of the wetlands. He added that this is a simple construction project. They would like to begin work in September.

Commissioner Lakin motioned to table this application for a site inspection. Commissioner Brand seconded the motion. The motion passed with a unanimous vote.

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

The Town's lawsuit will be heard in court later this month. **The N.O.V. was tabled to the May 4, 2011 Meeting.**

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

Ms Rosenbaum said it would be good to have a soil specialist there for the site inspection, and Mr. Vocelli has indicated this to Attorney Woodard.

Mr. Tito motioned to have a soil specialist present for the site inspection. Ms. Lakin seconded the motion that passed unanimously.

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

Mr. Vocelli said an e-mailed update is included in the packet.

The order remains in effect and the N.O.V. was tabled to the May 4th meeting.

4. Review Site Inspection Schedule

Mr. Vocelli will work out dates for the three pending site inspections.

5. Review March 2, 2011 meeting minutes

There were several corrections to the Minutes. Ms. Rosenbaum gave the Acting Clerk a copy of the corrected Minutes.

Ms. Rosenbaum said Mr. Montgomery had suggested these revisions and Ms. Rosenbaum agreed. Mr. Montgomery listed the corrections to be made.

Commissioner Brand motioned to accept the corrected Minutes. Commissioner Lakin seconded the motion that passed with one abstention.

6. Other Business

Ms. Rosenbaum said that Commissioners Montgomery, Stone and Lakin's appointments are up at the end of April. Ms. Rosenbaum suggested that they send letters to the Mayor if they wish to continue serving on this Commission.

Next, Ms. Rosenbaum said that Commissioner Lynne Krynicki has resigned from this Commission. Also, Stacy Shellard has accepted a promotion and has left her position as Clerk of the Commissions. Ms. Rosenbaum thanked both for their service to the Commission and said both will be missed.

Earth Day will be held on April 30th. The Inland Wetlands Commission has always had an exhibit at this event, and Ms. Rosenbaum said that any help from the Commissioners would be appreciated.

Ms. Rosenbaum thanked Commissioners Lakin and Tito for their help with the *de minimis* reviews.

Mr. Kops said the Mayor would be recommending the reappointment of the sitting Commission members whose terms have previously expired.

7. ADJOURNMENT

There was no further business to come before the Commission and Chairperson Rosenbaum called for a motion to adjourn. **Commissioner Lakin motioned to adjourn. Commissioner Shadle seconded the motion that passed unanimously. Ms. Rosenbaum adjourned the meeting at 9:08 PM.**

Submitted by:

Peggy Craft, Acting Clerk of the Commission