

September 13, 2011

MINUTES: THE INLAND WETLANDS COMMISSION, Town of Hamden, held a Regular Meeting on Wednesday, September 7, 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
 Eric Annes
 Joan Lakin
 Kirk Shadle
 Andrew Brand
 Bob Gnida, Alternate
 Mike Stone arrived at 7:20

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 7:04. Mr. Brand called the roll and there was a quorum. Ms. Rosenbaum introduced the Commission and Staff.

I. Public Hearing

- a. 11-1171** 170 Birchwood Drive - driveway culvert-crossing
 Alberto DiChello, Applicant
Public Hearing continued from 7-6-2011 meeting

Ms. Rosenbaum stated that the applicant has requested that the Public Hearing be continued until the October 5, 2011 meeting.

Mr. Shadle made the motion to continue the Public Hearing until the October 5, 2011 meeting. Ms. Lakin seconded the motion. The motion passed unanimously.

II. Regular Meeting

1. Pending applications

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

Mr. Shadle made the motion to table this item until the October 5, 2011 meeting. Ms. Lakin seconded the motion the motion passed unanimously.

- b. 11-1173** Waite Street & Gordon Street – installation of an impermeable pond liner.
Regional Water Authority, Applicant

Ms. Lakin recused herself from this application.

Mr. Gino Troiano, Consulting Engineer for the RWA, addressed the Commission. Ms. Rosenbaum stated that the Commission has received two sets of plans dated August 3, 2011 and September 2, 2011. Mr. Troiano said that the property is owned by the RWA and five years ago an application was approved for a water improvement plan. The approved plan is to install sediment basins and storm water treatment systems upstream from Lake Whitney to improve the water quality going into Lake Whitney. The system will consist of primary forebay, an outlet control structure, secondary forebay, sediment basin, constructed wetlands and an overflow channel for high water conditions. The liner system is designed to improve the performance of the system and to take the sedimentation basin and turn it into additional wetlands similar to the one that was constructed for the original project. The work will be focused in the secondary forebay and sedimentation basin. There will be 2 feet of material excavated. Mr. Troiano explained that a 6 inch sand cushion layer will be placed and on top of it will be a geo synthetic clay liner which is a dual liner system that is impermeable. The dual liner system has a plastic high density polyethylene portion and bent knife clay that is needle punched and secured. If the liner is punctured it will swell when it gets wet and seal up. On top of the clay liner there will be a 12 inch sand cushion layer. In the primary sediment removal area there will be a 6 inch concrete slab that will protect it during the removal operations. The RWA has a maintenance program to remove the sediment every 6 months to a year depending on the amount of sedimentation getting into the secondary forebay and the slab will protect the liner during the removal process. In the sedimentation basin 6 inches of topsoil will be placed and 3 species of wetlands plant will be transplanted from the lower constructed wetlands. Mr. Troiano reviewed the types of plants to be transplanted and he said that upon establishment of the wetland plants the system will be used for its original intent. Currently the system in the out of control structure diverts all the water to the overflow channel that has been lined to prevent any detrimental effects to the local ground water. Mr. Troiano said that the revised plans dated September 2, 2011 address the Town Engineer's comments. There is an under drain along the western side of the site to prevent pressure from building up under the liner and a check valve will be installed and an in depth explanation of the impermeable liner was included. Mr. Troiano presented a sample of the liner that will be used.

Mr. Montgomery noted the native vegetation that is established and is a good example how restoration projects can be done. Mr. Montgomery reviewed the vegetation that exists and though he did not feel there is a need for a condition of approval he hopes that the previous restoration can be replicated. Mr. Montgomery feels that the work to date that was done would be a good example and an educational tool of restoration projects that can be done.

Mr. Larry Marcik, RWA, addressed the Commission and said that they will use Mr. Snarski for the project and he will continue using him until the wetlands are established. Mr. Montgomery said that Mr. Snarski has taken samples to determine the types of some of the vegetation as it presently exists. Mr. Montgomery reviewed the existing vegetation and noted that there is an existing willow tree that is being strangled by a wire.

Mr. Marcik stated that the disturbed areas will be within the basin and they will try to minimize the disturbance. Mr. Montgomery said that between now through the vegetation growing season it would be a good idea to mark areas that should not be disturbed.

Mr. Annes asked if pictures can be taken so that they could be used for a demonstration at the Earth Day event. Mr. Marcik explained that they do take pictures throughout the project and will forward them to the IWC.

Mr. Gnida asked if the excavated material will be taken off site and if controls will be undertaken for invasive species. Mr. Marcik said yes and it will be disposed of offsite and clean sands will be brought back in to protect the liner.

Mr. Annes made the motion to approve Application 11-1173. Mr. Gnida seconded the motion.

Ms. Rosebaum asked if the RWA would give permission for the public to speak and the RWA granted the request.

Ms. Eileen O'Neill, 62 Gordon Street, addressed the Commission and asked if the project is not operational because of the ground water and if an engineering study was done to determine if the project will lower the water table in the area. She asked why the liner to be used is not permeable.

Ms. Mary Maloney, 56 Gordon Street, addressed the Commission and stated that her neighbors have difficulties with flooding since the completion of the original project and they are excited that the RWA is doing something to resolve the problem. She stated that when she purchased her home she had been told that the flowing water would go through the artificial bridge through a filter and then be pumped into Lake Whitney. Ms. Maloney said that she is concerned that the proposed wetland will be across from her house and will be a breeding ground for mosquitoes with West Niles Virus.

Mr. Marcik stated that existing soils are pervious and the liner will act as a swimming pool liner to prevent waters from upstream from infiltrating the ground water. Mr. Marcik said an engineer's study has not been done because there is no water flowing through the pond and they do not want water to go through the pond and raise the water table.

Ms. O'Neill asked if the project will change the natural habitat. Mr. Marcik said that they have diverted over to emergency overflow and once the liner is installed the system will work as originally approved with the liner being added.

Ms. Rosenbaum advised Ms. O'Neill that she should contact the RWA to have any additional concerns addressed.

Mr. Marcik said because there is an existing wetland if there were to be a mosquito problem it would already exist. There was further discussion with Mr. Marcik regarding the existing conditions and the mosquito population.

Ms. Rosenbaum called for a vote on the motion made.

The motion passed unanimously.

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

Ms. Rosenbaum stated that items a, b, and c. should be tabled indefinitely until the Commission is ready to take action on them. She explained that this would help to reduce the cost of legal notices done by the Planning Staff.

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

Mr. Montgomery made the motion to table items a, b and c indefinitely until an action is taken by the Commission. All orders are upheld and remain in effect. Mr. Brand seconded the motion. The motion passed unanimously.

- b. **N.O.V.** 790 Main Street – wetland conservation area encroachments
(ref IWC #06-1095)

Mr. Montgomery made the motion to table items a, b and c indefinitely until an action is taken by the Commission. All orders are upheld and remain in effect. Mr. Brand seconded the motion. The motion passed unanimously.

Mr. Shadle asked Mr. Vocelli if there had been any other communication with the owner other than the email that was in the IWC packet. Mr. Vocelli replied that there will be an update given at the next meeting.

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

Mr. Montgomery made the motion to table items a, b and c indefinitely until an action is taken by the Commission. All orders are upheld and remain in effect. Mr. Brand seconded the motion. The motion passed unanimously.

d. C & D 114 Colony Street & 125 Thompson Street-retaining wall

Mr. Tom Bellonio addressed the Commission and said that the retaining wall has been constructed and the yard at 125 Thompson Street has been leveled off and topsoil and seed has been put down. He said that the area next to the water needs to be completed and Mr. Vocelli had recommended a conservation seed or perennial rye. Mr. Bellonio said that he will use rye seed and will plant tomorrow. He is in the process of hiring someone to level off the piles of soil, but due to the storm he is being told it could be 3 weeks to a month.

Mr. Montgomery said tarps have been placed over the piles to prevent them from washing way. He asked if the area behind the wall that needs to be planted receives full sun and Mr. Bellonio replied it gets partial sun. Mr. Montgomery said that rye grass should be suitable for the area and will have a quick establishment and conservation seed mix takes time to establish. The area down slope to the water should not be lawn. Mr. Bellonio said he has placed a temporary stone barrier and it is a 5 foot by 15 foot area. Mr. Montgomery suggested that the area be mulched and perennials be planted and said that a list of acceptable plantings will be sent to Mr. Belloni, and he should let the neighboring property owner select what they would like planted.

Ms. Elissa Nevola, 125 Thompson Street, addressed the Commission and reviewed current pictures she had taken of the area.

Ms. Rosenbaum stated that Mr. Vocelli has recommended that the order remain in effect until all work is completed and that she is in agreement.

4. Review Site Inspection Schedule

Mr. Vocelli will schedule the site inspection for 235b Johnson Road and 715 Gaylord Mt. Road. The Commissioners discussed meeting no later than 5:30 p.m on a week night.

5. Review June 1, 2011 and July 6, 2011 meeting minutes

The Commission reviewed the suggested changes that had been submitted by Mr. Montgomery for the minutes of the June 1, 2011 meeting.

Mr. Brand made the motion to approve the minutes of the June 1, 2011 meeting as amended by Mr. Montgomery. Mr. Annes seconded the motion. Mr. Montgomery, Ms. Lakin, Mr. Brand, Mr. Stone, Mr. Shadle and Mr. Annes voted in favor of the motion. The motion passed.

Mr. Gnida asked that the minutes of July 6, 2011 be amended to reflect that he was in attendance.

Ms. Lakin made the motion to approve the minutes of July 6, 2011 as amended. Mr. Gnida seconded the motion. Mr. Montgomery, Mr. Gnida, Mr. Annes, Ms. Lakin, Mr. Shadle, Mr. Stone and Mr. Shadle voted in favor of the motion.

6. Other Business

Ms. Rosenbaum asked for a motion to add to the agenda Application 11-1174 for a single family home at 235b Johnson Road.

Ms. Lakin made the motion to add Application 11-1174 to the agenda and table it for a site inspection. Mr. Annes seconded the motion. The motion passed unanimously.

Mr. Ryan Salsbury, 715 Gaylord Mt. Road, addressed the Commission and stated that he had submitted plans and an application to replace culvert pipes and repair the culvert-crossing and fix the bridge. He explained that part of the culvert-crossing has washed out with the recent storms. Mr. Stone asked if the bridge was an access to the Broken Arrow Tree Farm. Mr. Salsbury replied that it used to be and they now access the farm at Broken Arrow Road. The application he submitted needs to be completed and he will contact the RWA. Mr. Salsbury said that he cannot afford to hire a professional engineer. He has reviewed his plans with the Town Engineer and will make the changes as suggested.

Ms. Rosenbaum said it was recommended that Mr. Salsbury come before the board with a completed IW application and plans completed by an engineer. Mr. Salsbury said that he has invested over \$10,000.00 on the property repair materials and cannot afford a professional engineer. He said the problem is a Town water problem that has caused the problems on his property and he has not gone to the Town for repairs. Mr. Salsbury said it is a dangerous situation and is a safety issue. The Mayor, Town Engineer, Enforcement Officer and four members from the IWC have been out to the property.

Mr. Montgomery said that the last page of the application has a map of the Town assessment parcel which shows a gap in the stream and shows where the water crosses Mr. Salsbury's driveway. The gap measures out to be 40 feet where the existing pipe is located. There is 15 feet of fill placed above the existing pipe over the years and it has a 10 foot wide driveway above it. The driveway comes up higher where it goes across the pipe and is being drained back across the pipe. The bank goes down a slope of 1 to 1 or worse and it appears that the pipe is shorter than the existing fill on the upstream side and maybe plugged because there is pooling water. Mr. Montgomery said Mr. Salsbury had stated that during the hurricane the water was 8 feet from the top. Mr. Salsbury replied that the water was 2 feet from the top of the roadway. Mr. Montgomery asked how much water pooled last night. Mr. Salsbury said that he had not looked. Mr. Montgomery stated that there is a similar situation happening at Tom Swamp Road because the culvert is too small and the water is backing up approximately 6 feet deep because of the heavy rains last night. Mr. Montgomery said that the pipe is plugged and that the proposal is complex and he would like the applicant to get an engineered drawing. He understands that the applicant is trying to resolve the issue, but there is currently a very high crossing and fill has been placed to make the area level across the top. There is a problem with the water draining onto the paved portion of the road and he is not sure who is responsible for the water coming off the road because it may not be a Town accepted road. Mr. Montgomery said rip rap fill may stabilize the area and he discussed with Mr. Salsbury what work has been done to date to deal with the water coming off the roadway and driveway. Mr. Montgomery understands the problem as it exists and feels that there are many questions still to be answered and a professional engineer's input is needed because there are 2 to 1 slopes, 15 feet of pipe which needs to be replaced which must be placed at a 2 percent to 4 percent slope and follow the existing stream. Mr. Salsbury said he does not know what will be needed until he starts to dig and will adjust the grade with 1 ¼ inch stone as needed when he gets to the bottom of the trench. The Town Engineer prefers that a smaller stone be used when back filling the pipe. Mr. Montgomery and Mr. Salsbury further discussed what could be done. Mr. Montgomery said that there are still many questions and professional input is needed. Mr. Salsbury stated he cannot afford a professional engineer and he wants to create a safe environment for his family and anyone crossing the bridge.

Ms. Rosenbaum stated that because of the amount of fill that needs to be removed to open the pipe and the fill needed to close it up Mr. Salsbury needs a design done by a professional engineer and it is not the Town Engineer's responsibility to tell an applicant how to do the job.

Mr. Kops asked Ms. Rosenbaum if plan drawings by an engineer were submitted would a site inspection be scheduled and Ms. Rosenbaum stated yes. Mr. Kops said that it is the applicant's choice what he provides and if the IWC is looking for additional information the application can be rejected. He stated that the Commission can table the application and recommend that the applicant provide drawings by a professional engineer in order to make a decision.

Mr. Salsbury said that he went on line and the State guidelines say that it is the Town's decision what should be provided. However, the State guidelines state that a simple culvert crossing may not need engineered plans and it would depend on the IWC. He stated that he wants to replace the culvert pipe and the driveway will be 10 to 15 feet in width with a guardrail for safety. He would increase the size of the pipe to increase the water flow. Mr. Salsbury explained that he cannot afford an engineer and has already spent \$10,000.00 dollars to date on repair materials. He reviewed the water flow and the damage that has already occurred. He feels it is an emergency situation and that he cannot go into the winter without fixing the problems. Mr. Salsbury stated that he wants safe access to his house and is willing to work with the Commission. He gave his approval for a site visit.

Ms. Rosenbaum reviewed with Mr. Salsbury what needs to be done to complete the application. Mr. Salsbury said that due to the hurricane and his work schedule he had been unable to submit a completed application but will submit all the necessary documents. Mr. Salsbury submitted and discussed with the Commission pictures of the site and a letter from a neighboring property owner.

The Commission continued to discuss an appropriate way to handle Mr. Salsbury's application.

Ms. Rosenbaum asked for a motion to accept Application 11-1175 and table it because it is incomplete and schedule a site inspection.

Mr. Annes made a motion to accept Application 11-1175 and table it until the October 5, 2011 meeting with the understanding that the application is incomplete and a site inspection will be scheduled.

Mr. Brand stated that the site walk should be scheduled as soon as possible because of the seriousness of the conditions that exist and it is hurricane season. The Commission discussed when they should visit the site. Mr. Salsbury stated that for the Commissioners that cannot attend the scheduled site visit, if they call him he can set up a separate time for them to see the property.

Ms. Lakin seconded the motion. The motion passed unanimously.

Mr. Montgomery reminded Mr. Salsbury that he still needs to submit the RWA, DEP and the DPH notification forms.

7. Adjournment

A motion to adjourn was made by Ms. Lakin and seconded by Mr. Annes . It passed with no dissenting votes. The meeting ended at 8:20 p.m

Submitted by: _____
Stacy Shellard, Clerk of the Commission