

January 10, 2011, Revised 1/9/13 per Commission review at the 3/7/12 meeting

MINUTES: THE INLAND WETLANDS COMMISSION, Town of Hamden, held a Regular Meeting on Wednesday, January 4, 2012 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
 Mike Milazzo
 Bob Gnida
 Mike Stone arrived at 8:00p.m.

Staff in attendance:

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

Ms. Rosenbaum called the meeting to order at 7:02. Mr. Brand called the roll and there was a quorum. Ms. Rosenbaum introduced the Commission and Staff.

I. Regular Meeting

1. Pending applications

- a. 11-1177** 2895 State St (rear)-relocation of facility & stockpile areas from Parcel B to Parcel C,

Modern Materials Corp, Applicant

Mr. David Sacco, Civil Engineer, addressed the Commission and reviewed the existing facility which is currently located on Parcel B and Parcel C. He explained that the activities on the southerly portion of Parcel B will be relocated to Parcel C to allow the State of Connecticut DEEP to close the tire pond and complete the remediation on Parcel B. Mr. Sacco stated that Modern Material is a resource reclamation operation which takes debris material and reprocesses it for reuse as construction materials. Mr. Sacco stated that an existing access roadway will be maintained and defined by using concrete New Jersey barriers in order to maintain access to the existing site and an area along the Quinnipiac River. An area has been designated for future use as a boat launch for small craft. There is an existing storage yard used for tractor trailers on the site and it is run by Andreucci Trucking Company. Mr. Sacco reviewed the proposed site and the schematic representation for the layout of the remainder of the site. He explained that the areas closest to the wetlands will be materials that are not subject to displacement. There are no inland wetlands on the

parcel itself and he reviewed the locations of the wetlands, the regulated areas and the tidal wetlands. He reviewed the stormwater management plan. Mr. Sacco addressed the comments from the Site Walk done on December 10, 2011 and explained how the stormwater management plan will address the Commission's concerns. He said that the plan is to minimize the level of disturbance and depth of excavation because of the shallow ground water on the site and keep the treatment as non invasive as possible. Mr. Sacco reviewed the topography of the site and the proposed plan to minimize the impact of water on the site. He said that stock piles will be kept away from the basins and reviewed where the equipment will be kept.

Mr. Gnida asked if the water quality basin will drain under the road and then to the swale or will it be diverted to the Quinnipiac River. Mr. Sacco reviewed the location of the existing catch basin which has an existing line to the river. He explained that the proposed overflow from the basin will tie into the catch basins and go through the existing pipe out as an overflow. There will also be an emergency spill way. In a severe water event the river level will be high and nothing will leave the site. Mr. Sacco reviewed where the water would pond on the site.

Mr. Gnida asked if there is a maintenance plan for the swale and the basins. Mr. Sacco said that Modern Materials is on site at all times and there will be a regular maintenance policy with a cleaning schedule.

Mr. Gnida asked who will own the boat launch and Mrs. Rosenbaum replied that the DEEP would own the launch.

Mr. Montgomery referred to the grass seeding diagram in the proposed plan and feels it may be misleading because it reads that 3 pounds of seed will be used and it should read approximately 15-18 pounds will be used. Mr. Sacco reviewed the seeding diagram with the Commission and stated that 35 pounds of seed per acre will be used.

Mr. Montgomery said a condition of approval should include a quarterly report and a maintenance plan and Mr. Sacco agreed.

Mr. Montgomery made the motion to approve Application 11-1177 with the following conditions:

1. A quarterly report will be provided for three years on the condition and functioning of the swales and stormwater quality basins. The maintenance plan should be included with the first report.
2. The reports should note stormwater events greater than one inch and duration of water in the swales and basins. The report should also include maintenance of the structures.

Mr. Annes stated that the first report should include the maintenance plan. Mr. Montgomery revised the motion to include: The maintenance plan should be included with the first report.

Mr. Milazzo seconded the motion. The motion passed unanimously.

b. 11-1178 70 Cobblestone Dr-single-family home, Jonathan Clapp & Katharine Lynch, Applicants

Mr. Jonathan Clapp and Ms. Katherine Lynch, Property Owners, addressed the Commission. Mr. Clapp stated that four lots were purchased and consolidated into 1 parcel with the intention of building a small house.

Mr. Chris Gagnon, Professional Civil Engineer, addressed the Commission and reviewed the application. He said that the original four lots were part of a sub-division and then consolidated into one lot. The proposal is to construct a single family house with a 700 foot access driveway. Mr. Gagnon explained that there will be two 12 inch plastic culverts that will go underneath the driveway and will convey the water runoff from the uphill to the downhill and then into the wetlands. Water runoff that does not collect into the drainage channels will sheet flow over the property. There will be a large parking/turn around area which is a requirement of the Fire Department to allow for access by emergency vehicles. The area will be flat with a

small retaining wall and will require minimal grading to the area. The house will be located up on a knoll and it will overhang from the foundation. Mr. Gagnon explained that the foundation and grading impacts will be farther away from the wetlands than the windows of the house. There will be underground utilities, and the property will have public water and public sewers.

Mr. Allen Organschi, Architect, addressed the Commission and stated that the proposed plan is for a 2,000 square foot house. He reviewed the investigation of feasible and prudent alternatives of the site that were investigated for the placement of the house. Mr. Organschi reviewed the topography of the site and explained that there are steep grades that drain to the east into the wetlands. He said that to create a flat site for the house footprint would need cut and fill to make it accessible and allow use of the house and the property. Mr. Organschi reviewed the different sites that were investigated and the conclusions that were found.

Mr. Organschi explained that the owners would like a home that is a sustainable building that also protects the wetlands and the environment. Mr. Organschi explained that the roof will slope to the west and the outlet will go off the house to the south. He reviewed the proposed rain garden. Mr. Organschi referred to the site walk and reviewed the geological testing that will be done, the placement of the house and the location of the driveway. Mr. Organschi reviewed the site plan and the proposed foot print of the house. He explained the equipment and construction traffic that will be on the site. Mr. Organschi reviewed the schematic design of the proposed house.

Mr. Gnida is concerned with what the effect of the proposed house will have on the spring that is located near wetland flag number two. Mr. Organschi said there will be no basement and the superstructure of the framing to create space will not require footing drains. No water will be dumped into the spring. Mr. Organschi reviewed the site and explained that there would be no channelization of water to the area and if necessary they can test the stormwater runoff.

Mr. Gnida suggested that the site be monitored for two years after the construction is completed and if necessary do mitigation to the area. Mr. Organschi said that there is deep ground water and asked if Mr. Gnida is asking for benchmarks with relation to the spring. Mr. Gnida said that after several two to three inch rain storms a review could be done to determine if mitigation is necessary.

Mr. Gagnon said that any runoff from the structure will not infiltrate into the ground and will go into the rain garden. He reviewed the direction of water runoff that goes onto the property and into the wetland. Mr. Gagnon stated without having established benchmarks of water going into the spring he is comfortable saying that water runoff due to the construction of a house will have no negative impacts on the spring.

Ms. Lakin referred to the letter from the Hamden Historical Society dated December 6, 2011 that requests a Leatherman Cave easement. Mr. Milazzo stated that the IWC cannot consider this as part of an approval for this application. Mr. Tim Lee, Assistant Town Attorney, explained that the Commission cannot require the applicant to provide the easement, but an applicant can offer to do it on their own. Mr. Gagnon stated that they have had conversations with the applicant's attorney with regard to the legal issues of the easement.

Ms. Lakin asked if the RWA's comments regarding construction controls have been addressed. Mr. Gagnon stated that the RWA's comments can be added as a condition of approval.

Mr. Annes asked if the long gravel driveway would be an issue during snow storms. Mr. Gagnon said that it would be plowed and any maintenance necessary would be dealt with in the spring. Mr. Annes is concerned that a gravel driveway because of its size may be a problem in the future with the water flow. Mr. Gagnon

reviewed how the water will sheet flow over the driveway and does not feel it will have any effect on the vegetation or the wetlands.

Mr. Shadle asked if there would be a basement and if blasting would be necessary. Mr. Organschi said there would be a shallow crawl space and no blasting would be necessary. He reviewed the soil depth in the area and said that the soil test will determine if cross lines are needed.

Mr. Gnida asked if there is a tree removal plan. Mr. Organschi said the house will be placed high on the site and reviewed the site line of the trees in the area. He said there would be minimal tree removal.

Mr. Annes asked about the applicant considering a conservation easement. Mr. Organschi said that they are aware of the conservation easement and no action is planned at this time. Mr. Gagnon explained that there is no way to subdivide this property again for additional buildable lots. Mr. Lee said that it cannot be determined if the site can be subdivided because of the steep slopes.

Mr. Organschi stated that the entire site has been reviewed for feasible and prudent alternatives that would be allowed for development by the Planning and Zoning Commission. He further stated that all possible locations are encroached by wetlands.

Mr. Dan Kops, Assistant Town Planner, reviewed with the Commission the zoning regulations and the process necessary to create lots. This application involves 4 lots that were combined and they were rear lots. Mr. Gagnon stated that this location has defacto consequences.

Mr. Brand asked if the rain gardens will be 6 inches deep. Mr. Organschi said that there will be a 6 inch temporary basin and reviewed the proposed details for the basin.

Ms. Rosenbaum asked how much fill will be brought onto the site. Mr. Gagnon said that the applicant is trying not to do any excavating on site and if it were necessary he is not sure how much fill would be removed or replaced. He reviewed the materials that would be moved within the site.

Ms. Rosenbaum asked if the label "barn" on the plan will be used as a barn or a garage. Mr. Organschi said the intention is to use the building as storage and the house will have an attached carport. Ms. Rosenbaum asked that the word "barn" be removed from the plan. There was a further discussion as to the intended use of the building.

Mr. Annes asked if the location of the carport on the site will be able to support the weight of a car. Mr. Organschi said that the carport will be built at a later date and is noted on the plans as a place holder for a structure near the retaining wall. Mr. Montgomery reviewed his site visit after a rain event. He is concerned that a silt fence may be difficult to install properly on the site and he would like silt socks to be used. Mr. Organschi said that he would accept the use of silt socks as a condition of approval.

Mr. Organschi reviewed the proposed rain garden and the planting plan with the Commission.

Mr. Kops said that a calculation is needed for the amount of fill to be excavated to determine if a Special Permit or Site Plan approval would be needed. Mr. Kops asked if any calculations will be done for the drainage under the driveway if it were to be paved. Mr. Gagnon said that no calculations were done, but that gravel vs. pavement water runoff numbers are negligible. He further stated that the Town Engineer did not have any comments with the proposed application. Mr. Milazzo said that a condition of approval should be that the applicant must come back before the Commission if they decide to pave the driveway.

Mr. Shadle asked how the locations of the pipes going under the driveway were determined. Mr. Gagnon said that the locations were determined by the existing topography of the site and the site walks. Stakes were placed where the pipes are and they coincide with existing natural drainage channels. The proposal will include some excavation to

create the inlets to get the water into the pipe, but are within the natural drainage channel. Mr. Shadle asked if there were calculations for the volume of water that the pipes will be handling. Mr. Gagnon believes that 12 inch pipes are adequate. Mr. Shadle asked what the volume of water going through the pipes would be and the path the water would take. Mr. Gagnon reviewed with the Commission the proposed location of the rip rap and the natural channelization of the water runoff. He said that they would not be adding any additional impervious surface. There was a further discussion on the steep slopes in the area and the natural flow of the water. Mr. Gagnon discussed with the Commission the proposed Sediment and Erosion Plan and the need for a maintenance plan.

Mr. Shadle said he is concerned with the amount of water the proposed pipes can handle. Mr. Gagnon reviewed the proposed stormwater management plan and he stated that the Town Engineer has reviewed the plans and has no concerns.

The Commission had a discussion with regard to conditions needed for an approval.

Mr. Montgomery made the motion to approve application 11-1178 with the following conditions:

1. A detail of the rain garden will be submitted
2. Compost filled tubes, or the equivalent, will be used in rocky areas as an alternative to silt fence where appropriate.
3. Calculations of filled removed and reused on the site will be submitted
4. The driveway cannot be paved without the approval of the Commission
5. Clarify that the proposed building labeled barn will have the use clarified as barn or relabeled with the intended use.

Mr. Annes seconded the motion.

Mr. Annes referred to condition 4 and asked if the applicant would need to come back to the Commission with an application or just get permission. The Commission discussed with Mr. Lee if it should be changed to Commission approval or if it could be a deminimis.

Mr. Montgomery amended condition 4 to read: The driveway cannot be paved without the approval of the Commission.

The motion passed unanimously.

2. 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, updated the commission with regard to the court case.

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

Ms. Rosenbaum advised the members that an update on 251 Welton Street is included in their packet.

3. Review Site Inspection Schedule

There are none.

If any new applications are submitted during the month of January the Commissioners will be notified and a site walk will be scheduled.

4. Review of November 2, 2011 meeting minutes

Mr. Montgomery made the motion to accept the minutes of the November 2, 2011 meeting as revised and with the clarification of the motion (see attached). Mr. Gnida seconded the motion. The motion passed unanimously.

Review of December 7, 2011 meeting minutes

Ms. Rosenbaum stated that on page 2, item 2.a., line 7 should read : The grade is very tight. Remove: and there are conditions where in a 100-year flood, water could flow back. There is a valve that will be place to prevent this. It would then meet DPH conditions Add: An existing valve to prevent back flow would be used in case of 100 year flood. This would then meet DPH conditions.

Mr. Annes made the motion to accept the minutes of the December 7, 2011 meeting as amended. Mr. Brand seconded the motion. Ms. Rosenbaum, Mr. Montgomery, Mr. Annes, Mr. Brand and Mr. Stone voted in favor of the motion. Mr. Gnida and Mr. Shadle abstained. The motion passed 5-0-2.

5. Other Business

Ms. Rosenbaum welcomed back Mr. Gnida to the Commission as a full member. She thanked Ms. Lakin and Mr. Montgomery for their site walk reports.

6. 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 8:30 p.m

Submitted by: _____
Stacy Shellard, Clerk of the Commission