

July 16, 2012, Revised 1/9/13 per Commission review at the 9/5/12 meeting

MINUTES: THE INLAND WETLANDS COMMISSION, Town of Hamden, held a Regular Meeting on Wednesday, July 11, 2012 at 7:00 p.m. in Thornton Wilder Hall, Miller Memorial Library Complex, 2901 Dixwell Avenue, Hamden, CT with the following results:

Commissioners in attendance:

Nancy Rosenbaum, Chairperson
 Joan Lakin
 Bob Anastasio, arrived at 7:20
 Andy Brand
 Mike Milazzo
 Kirk Shadle
 Eric Annes

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 7:03. Ms. Lakin called the roll and there was a quorum. Ms. Rosenbaum introduced the Commission and Staff.

I. Regular Meeting

1. New Applications

- a. 12-1183** 0 Benham Hill Place(Lot 10-Benham Hill Estates), Repair & Upgrade of stormwater detention basin
 Benham Hill Estates Association, Inc., Applicant

Mr. Victor Benni, Professional Civil Engineer, addressed the Commission and reviewed the history of the 1.6 acre parcel. He explained the the parcel was being used as a detention basin for the runoff from the sub-division known as Benham Hill Estates and the Homeowners Association was not aware that the detention basin had breached. Mr. Benni reviewed the proposed S&E Control Plan which has measures to re-establish the flow of water in the outlet structure and divert the water that is exiting the detention basin. He explained that the failure of the stormwater detention basin occurred because the berm was made up of organic silt material and placed on top soil. The proposed plan calls for the organic material to removed and replaced with clean fill material. The clean fill material used will be approved by an engineer. Mr. Benni's hope is that the applicant will retain him as the engineer on the project and he will be able to work with the Contractor and Mr. Tom Vocelli, Wetland Enforcement Officer. Mr. Benni stated that the proposed plan for the sediment forebay and the berm, and elevations have been included.

Ms. Rosenbaum asked if there would be a maintenance plan put in place. Mr. Benni reviewed the proposed stormwater management plan. Ms. Rosenbaum asked how the site would be accessed. Mr. Benni reviewed the access

to the site and the maintenance plan. He told the Commission that no heavy equipment would be used on the site and the vegetation would be removed by hand. If any repairs are needed in the future the applicant would need to come back to the IWC for approval.

Mr. Annes asked who would be doing the inspections on the site and he said they should be done three times a year. Mr. Benni explained that the Homeowners Association would be responsible for the inspections. The proposed plan does not state if the Homeowners Association would do the inspections or if they would hire someone. Mr. Annes would like a report submitted to the IWC for several years when the inspections are done. Mr. Benni said it would be in the best interest of the homeowners to have a contractor do the inspections yearly.

Mr. Vocelli asked if the responsibility for the stormwater management plan and for the maintenance inspections should be placed in the by-laws of the Homeowners Association. Mr. Lee explained that the Homeowners Association would have to amend their by-laws which as added protection should include that they give the Town of Hamden permission to do the maintenance work and to charge back for it if the work is not done by the Association.

Ms. Lakin would like a condition that states: Inspections will be done every four months. Mr. Benni stated he would agree to the inspections being done every four months.

Ms. Rosenbaum asked Mr. Benni if a resident could speak regarding this matter and Mr. Benni agreed.

Mr. Bill Bitz, 175 Building Brook Road, addressed the Commission and stated that the abutter letter that he received indicated that the stormwater should flow down Brinsmade Road.

Mr. Benni reviewed the current flow of storm water that is flowing through the failed section of the stormwater detention basin. He reviewed the proposed plan to reestablish the proper flow of water. Mr. Bitz asked if the water will not flow onto 185 Building Brook Road. He is concerned because the water ends up on his property and it has created a crater in his yard. Ms. Rosenbaum advised Mr. Bitz that the repairs should resolve the issue of water on his property.

Mr. Annes made the motion to approve Application 12-1183 with the plans as submitted with the following conditions:

- 1) The Town Engineer's comments be incorporated into the plan.***
- 2) The Homeowners Association will prepare a document to give the legal right to the Town to go onto the property to maintain the detention basin in the event that the Homeowners Association does not maintain it itself. It should also give the Town the right to furthermore charge back to the Homeowners Association the cost of performing of such work. The document should be subject to the approval of the Town Attorney.***
- 3) The Homeowners Association's Attorney should work with the Town Attorney to amend the plan to have the inspections three times a year at least once every four months. For the first three years a report should be submitted once a year to the Commission that states when the inspection occurred, who did the inspection and the results of the inspection. Ms. Lakin seconded the motion.***

Ms. Lakin asked Mr. Lee if there should be a condition allowing the Commission to come on the property in the event of a failure or would they need the permission of the Homeowners Association. Mr. Lee explained that in the event of a failure the Town would only get involved if the problem is not resolved. Mr. Annes asked how the Town would find the failure. Mr. Lee asked Mr. Benni if he objects to a condition that states:

- 4) Allow the Town the right to go on the property to inspect the detention basin upon reasonable notice to the Association.***

Mr. Benni agreed to the condition.

Mr. Annes discussed the documentation being submitted prior to the repair work being done with Mr. Lee. Mr. Lee explained that a zoning permit must be approved prior to the work being done and it will not be approved if the documentation has not been completed.

Ms. Lakin and Mr. Annes both accepted the motion as amended. Ms. Lakin, Mr. Annes, Mr. Brand, Mr. Milazzo, Mr. Shadle and Ms. Rosenbaum voted in favor of the application. Mr. Anastasio abstained. The motion passed 6-0-1.

2. Pending Applications

a. 12-1180 160 Hartford Tpk, Updated Tree Removal & Buffer Area Management Plan New Haven Country Club Inc, Applicant

Mr. Carl Porto, Attorney, addressed the Commission and stated that he met with the Planning Staff today. It was indicated that after the site inspection the IWC had concerns about the proposal, conservation easement and license agreement. He stated that he would be willing to table the application for the receipt of additional information to be submitted to the Commission. Mr. Porto said that he has met with the RWA and has an agreement with his client.

Mr. Porto stated that a report was submitted that discusses the sectors and what will happen. The project is a continuation of a management program that involves the removal of trees. He is now asking to clean an area up and along the length of Lake Whitney and open the view of the lake to the Country Club. He further stated that the RWA is in agreement with the conservation easement and the licensing agreement. Mr. Porto reviewed with the Commission what the conservation easement and license agreement entails.

Mr. Ron Walters, RWA, addressed the Commission and stated that the RWA will submit a letter in support of the proposed conservation easement and revocable license agreement. He stated that the agreements would allow more property to be preserved in its natural state, increase the buffer along Lake Whitney and improve water quality.

Mr. Annes asked if the easement and license agreement would be recorded on the Town Land Records. Mr. Porto said the conservation easement would be recorded, but that the revocable license would be granted by the RWA. Mr. Porto reviewed the terms of the license agreement.

Ms. Rosenbaum stated that the application is incomplete because a written plan was submitted without a site plan. She was confused at the site walk because the pictures that were submitted were mislabeled. She did not know which trees would come down. Also she could not determine the edge of the lake, or measure the property boundary between the RWA and the Country Club. Ms. Rosenbaum said that the application is incomplete and additional information required includes a Site Plan of areas A-E. The site plan should include, but is not limited to:

Current conditions vs. proposed alterations

Lake Whitney shoreline

Property ownership: NHCC and RWA

Proposed buffer areas

Building locations and details about removal of two pump houses (one appears to be at the Lake edge)

Two pipes were noted on the site walk, one in area B emptying into a wetland and one in area E.

Sedimentation and erosion controls

IWC 100 foot non-disturbance buffer and 200 foot upland review area (IWC regulation Section 7.5g)

Ms. Rosenbaum asked how many mature trees (and their location) will be removed and how many immature trees will be removed. She further said that according to the Michigan State University research paper "Buffer strip basics for golf courses", riparian buffers needed to maintain wildlife habitat should be no less than 100 feet. What is the justification for not providing this buffer although "enhancing wildlife habitat diversity" was given as a function of the buffer?

Ms. Lakin asked Mr. Walters if there had been any prior conservation easements and Mr. Walters replied not with the Country Club, but the RWA has had them for other projects. Mr. Walters explained that the Lake Whitney property is considered a utility property and is regulated by the State Health Department and the RWA cannot give away any interest in the property. Mr. Walters reviewed with the Commission the proposed agreements and work that would be done. He also explained how the agreements and work would benefit the RWA property.

Mr. Porto reviewed the history of the Country Club and stated that they would like it to be returned to its original conditions. He said that they are good neighbors and understand their responsibilities to the RWA .

Mr. Milazzo said that the RWA would be active in monitoring the area because the lake is their property and it would be to their benefit.

Mr. Brand stated he would like to see other alternatives to removing trees and wetland shrubs. He feels an alternate planting plan would benefit the wildlife by creating a diverse buffer and habitat. He discussed his concerns with Mr. Porto. Mr. Porto stated that the revised plans would be more specific. He reviewed issues that have occurred in the past and stated that the conservation easement would allow the RWA more control in the area. A list of existing shrubbery was also requested (especially for Sectors B and E).

The Commission continued a discussion with regards to the Conservation Easement and Revocable License Agreement. The discussion included the need for the revised site plan to show the wetlands, elevations and the existing pipes that need to be clarified.

Ms. Rosenbaum asked Mr. Porto if a member of the public could speak. Mr. Porto agreed.

Mr. Randall Miller, 1175B Whitney Avenue, addressed the Commission and read and submitted a letter stating his opposition to Sector E of the proposed plans.

Mr. Lee asked Mr. Porto if he would grant an extension until the September 5, 2012 meeting. Mr. Porto said yes and he would submit a letter to the Clerk of the Commission.

Mr. Annes made the motion to table this application until the September 5, 2012 meeting. Mr. Anastasio seconded the motion. The motion passed unanimously.

- b. 12-1181** 230 Wintergreen Ave-Construction of a Place of Worship
PDS Engineering & Construction Inc, Applicant

Ms. Rosenbaum stated that this application should be tabled until the September 5, 2012 meeting because a petition was received for it to be heard as a Public Hearing.

Mr. Milazzo made the motion to table this item until the September 5, 2012 meeting. Ms. Lakin seconded the motion. The motion passed unanimously.

- c. 12-1182** 777 Gaylord Mt. Road-Watercourse & pond alterations; earthwork in regulated areas
Jonathan & Constance Crosby, Applicants

Ms. Rosenbaum stated that the applicant has asked that this item be tabled until the September 5, 2012 meeting.

Mr. Anastasio made the motion to table this item until the September 5, 2012 meeting. Mr. Milazzo seconded the motion. The motion passed unanimously.

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

Ms. Rosenbaum stated that all the N.O.V.'s remain in effect.

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- a. **N.O.V.** 64 Rocky Top Road – clearing of trees & removal of vegetation
- b. **N.O.V.** 251 Welton Street – oil spill or discharge
- c. **N.O.V.** Lot 10-Benham Hill Estates(aka 0 Benham Hill Place)
Failure to repair & maintain stormwater detention basin
- d. **N.O.V.** 777 Gaylord Mt. Road-unauthorized earthwork in or near regulated areas

4. Review Site Inspection Schedule

There are none.

5. Review of June 6, 2012 Meeting Minutes

Mr. Brand made the motion to approve the minutes of the June 6, 2012 meeting as written. Ms. Lakin seconded the motion. The motion passed unanimously.

6. Other Business

Ms. Rosenbaum thanked the Commissioners who wrote the site inspection reports. Ms. Rosenbaum advised the Commissioners that there will be no meeting held in August.

7. Adjournment

A motion to adjourn was made by Mr. Brand and seconded by Mr. Anastasio. It passed with no dissenting votes. The meeting ended at 8:03 p.m

Submitted by: _____
Stacy Shellard, Clerk of the Commission