

February 8, 2013

MINUTES: THE INLAND WETLANDS COMMISSION, Town of Hamden, held a Regular Meeting on Wednesday, February 6, 2013 at 7:00 p.m. in the Thornton Wilder Hall, Miller Memorial Library Complex, 2901 Dixwell Avenue, Hamden, CT with the following results:

Commissioners in attendance:

Nancy Rosenbaum, Chairperson
 Mike Montgomery
 Joan Lakin
 Andy Brand
 Bob Gnida,
 Eric Annes
 Bib Anastasio
 Mike Milazzo, arrived @ 7:04 p.m
 Kirk Shadle arrived @ 7:10 p.m
 Mike Stone arrived @7:15 p.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 7:00 p.m. Mr. Montgomery called the roll and there was a quorum. Ms. Rosenbaum introduced the Commission and Staff.

I. Regular Meeting

1. New Applications

- a. 13-1187** 170 Birchwood Drive-construction of a single-family house
 Alberto DiChello, Applicant

Mr. Tim Lee, Assistant Town Attorney advised the Commission that a petition requesting a public hearing for this application has been submitted. This application should be tabled and the formal presentation be given during the public hearing. He also noted the site inspection should be scheduled during the public hearing.

Mr. Brian Baker, Civil Engineer, addressed the Commission and discussed where they would like markers placed prior to the site inspection. He will consult further with Mr. Vocelli.

Mr. Jim Strub, Attorney, addressed the Commission and asked if the site visit would need to be part of the public hearing. Mr. Lee advised that a site inspection is not part of the public hearing. However, the public hearing does require that notices be sent to abutting property owners advising them that a public hearing will take place.

This application was tabled.

- b. 13-1188** 825 Hartford Turnpike-sanitary sewer and manhole rehabilitation activities
GNHWPCA, Applicant

Mr. Mario Ricoszi, GNHWPCA, addressed the Commission and reviewed the application and the locations where the work will take place. He submitted to the clerk proof of mailings to the abutting properties. Mr. Ricoszi described the work that will be done in the wetland and upland review areas. He said that there will be no equipment used in the wetland area and he explained the process that will be used to repair the existing pipes. Mr. Ricoszi reviewed the Sediment and Erosion Control Plan.

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

Mr. Mitch Baser, 118 Hesse Road, addressed the Commission and discussed with Mr. Ricoszi the location on Hesse Road where the work will take place. Mr. Baser asked what the time frame will be to complete the work. Mr. Ricoszi said that the work will start in the summer of 2013 and will be completed in the summer of 2014. The property owners affected will be notified and asked not to use their water when the work is being done.

2. Pending Applications

- a. 12-1184** 524 Brooksvale Avenue-construction of culvert-crossing at Brooksvale Park
Town of Hamden, Applicant

Mr. Elliott Fuller, Assistant Town Engineer, addressed the Commission and reviewed the application and the work that was already done at the site.

The Commission discussed with Mr. Fuller the existing conditions in the wetlands that appear to have been created by a Bobcat machine. It was determined that the damage done by the Bobcat will revert back to its original state if just left alone.

Mr. Annes made the motion to approve Application 12-1184. Mr. Gnida seconded the motion. The motion passed unanimously.

- b. 12-1185** 790 & 804 Still Hill Road-storm sewer improvements
Town of Hamden, Applicant

Mr. Elliott Fuller, Assistant Town Engineer, addressed the Commission and reviewed that application and the existing conditions. He reviewed the comments made Mr. Bob Brinton, Town Engineer and the Planting Plan. Mr. Fuller suggested that a vac truck be used to remove silt from the pipes.

Mr. Annes asked if the application is linked to a lawsuit against the Town. Mr. Fuller replied yes and stated that the work being proposed is a resolution and part of the settlement.

Ms. Rosenbaum noted that comments were received from the RWA.

Mr. Annes asked if there will be a maintenance plan in place when the work is completed. Mr. Fuller said that the Town will periodically go out and clean the area out.

Mr. Gnida made the motion to approve Application 12-1185. Ms. Lakin seconded the motion. The motion passed unanimously.

c. 12-1186 900 Whitney Avenue-storm pipe replacement
Town of Hamden, Applicant

Mr. Elliott Fuller, Assistant Town Engineer, addressed the Commission and reviewed that application and the existing conditions. He stated that Mr. Bob Brinton, Town Engineer, Mr. Larry Marcik, Project Engineer, RWA, have reviewed the proposed plans.

Mr. Anastasio asked where the water backs up on Armory Street. Mr. Fuller described the area and where the water backs up. He explained that when the swale builds up with water it has no place to go.

Mr. Anastasio made the motion to approve Application 12-1186. Ms. Lakin seconded the motion. The motion passed unanimously.

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

Mr. Tim Lee, Assistant Town Attorney, updated the commission with regard to the court case. This item remains tabled.

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

Ms. Rosenbaum advised the Commission that no updates have been received and that this item remains tabled.

c. N.O.V. Lot 10-Benham Hill Estates(aka 0 Benham Hill Place)
Failure to repair & maintain stormwater detention basin

Ms. Rosenbaum stated that the Homeowner's Association has granted permission for the Town to access the property if the detention basin is in need of repair. Permission from Mr. Trofa, property owner, has not been received. Mr. Vocelli said that he received an email from the homeowner's attorney that a document has been drafted and he is hoping to get it signed by Mr. Trofa. The N.O.V. Remains in effect until receipt of owner's permission.

d. N.O.V. 777 Gaylord Mt. Road-unauthorized earthwork in or near regulated areas

Ms. Rosenbaum advised the Commisison that the DEEP, Inland Fisheries, has stated that they have no concerns. Ms. Rosenbaum reviewed the correspondence received from Mr. Victor Benni, Engineer, which states the Sediment & Erosion Control Measures have been addressed.

Ms. Rosenbaum stated that the N.O.V. will remain in effect until the Planting Plan is completed in the spring of 2013.

e. N.O.V. 119 Thompson Street-unauthorized relocation of a watercourse

Ms. Rosenbaum stated that she went to the site with Mr. Kops, Mr. Vocelli and Mr. Brinton. She described the conditions found in the area of concern. Ms. Rosenbaum explained that the owner has signed an agreement not to do any additional work in or near the watercourse without the approval of the IWC and that they do some plantings. Ms. Rosenbaum recommends that the N.O.V. be removed.

Mr. Tom Vocelli, Wetlands Enforcement Officer, advised the Commission that the agreement was signed and received today. The agreement requires restoration of the vegetative buffer and forbids additional earthwork without IWC approvals.

Mr. Milazzo made the motion to vacate the N.O.V at 119 Thompson Steet. Mr. Brand seconded the motion.

Mr. Shadle asked if a condition should be included to assure that the planting suggested will be completed. Ms. Rosenbaum explained that if the existing plantings remain and no additional planting done it will not further impact the area. Mr. Vocelli noted that allowing natural grow back would restore the buffer.

The motion passed unanimously.

4. Review Site Inspection Schedule

Mr. Tim Lee, Assistant Town Attorney discussed with the Commission site inspection protocol when a public hearing is involved.

Mr. Vocelli will issue the site inspection notices for 825 Hartford Turnpike and for the corner of Timberwood Trail and Shepard Avenue.

5. Review of December 5, 2012 Meeting Minutes

Mr. Milazzo made the motion to approve the meeting minutes of December 5, 2012. Mr. Brand seconded the motion. Ms. Rosenbaum, Mr. Montgomery, Ms. Lakin, Mr. Brand, Mr. Gnida, Mr. Shadle and Mr. Milazzo voted in favor of the motion. Mr. Stone and Mr. Anastasio abstained. Therefore, the motion passed 7-0-2.

6. Other Business

450 Benham Street

Mr. Gnida reviewed the deminimus ruling that allowed a 10 feet x 6 feet portion of the driveway to be paved with pervious material and he noted that the homeowner deposited crushed asphalt on 110 feet. He feels that the homeowner should amend the original conditions of approval because the work that was done is within 48 feet of the the stream bank.

The Commission discussed with Mr. Lee and Mr. Kops what determines impervious vs. pervious material and evaluated Mr. Montgomery's research. The discussion also included that the property is not being properly maintained. The Commission would like a letter sent to the homeowner advising any future work be done within the scope of the IW regulations.

Mr. Gnida made the motion authorizing Mr. Tim Lee, Assistant Town Attorney, to send a letter to Mr. DeLuca stating that "all future activity on the property be within the IW regulations".

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

Ms. Rosenbaum described the conditions at the corner of Shepard Avenue and Timberwood. The Commission and Mr. Lee discussed the existing conditions and it was determined that if the Town is in violation a request will be sent requesting that they remediate the situation. A site inspection will be scheduled.

Ms. Rosenbaum described the work that has been done in the area of the ice skating pond at Brooksvale Park. The work has been done with out notifying the IWC. A complaint was received about the work being done. The Commission decided that a request should be made to the Town requesting clarification on the work being done and

then a determination can be made if the work should stop or be allowed to continue. There should be no further vegetative removal until receipt of clarification or an application.

Ms. Rosenbaum said that a complaint was received about the conditions at the parking lot at Moretti Field. The Commission discussed the existing conditions and if a deminimis is needed. Mr. Montgomery described the different types of milling and its uses as asphalt. Ms. Rosenbaum directed Mr. Vocelli to work with the Town Engineer to determine what should be done at the site. A deminimis review will be conducted.

Ms. Rosenbaum advised the Commission that Earth Day will be held on April 20 2013.

Ms. Rosenbaum extended her thanks to Mr. Brand, Mr. Gnida and Mr. Montgomery for their site inspection reports.

Ms. Lakin advised the Commission that the September 4, 2013 meeting is the beginning of Rosh Hashanah. The clerk was directed to revised the schedule to reflect that the September meeting will be held on September 11, 2013.

7. Adjournment

A motion to adjourn was made by Mr. Milazzo and seconded by Mr. Anastasio. It passed with no dissenting votes. The meeting ended at 8:02 p.m

Submitted by: _____
Stacy Shellard, Clerk of the Commission