

May 15, 2013

MINUTES: THE INLAND WETLANDS COMMISSION, Town of Hamden, held a Public Hearing & a Regular Meeting on Wednesday, May 1, 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
Bob Gnida
Eric Annes
Joan Lakin
Andrew Brand
Kirk Shadle
Michael Stone, arrived at 7:15 PM

Staff in attendance:

Dan Kops, Assistant Town Planner
Tim Lee, Assistant Town Attorney
Tom Vocelli, IW Enforcement Officer
Peggy Craft, Acting Commission Clerk
Genevieve Bertolini, Stenographer

Chairman Rosenbaum called the meeting to order at 7:02 PM.

Vice Chairman Montgomery called the roll, and stated that a quorum was established.

Chairman Rosenbaum introduced the staff in attendance, and explained the procedure for the Public Hearing.

I. Public Hearing

- a. 13-1187** 170 Birchwood Drive- construction of a single-family house
Alberto DiChello, Applicant
Public Hearing continued from the April 3, 2013 meeting

Ms. Rosenbaum said the applicant would do a limited presentation of the revised plans. She said there are copies of the plans available for the public to review. There has been an Environmental Consultant, Steven Danzer, hired and he will be going out to the site this week. She said there would be an initial presentation by the applicant; there would then be questions and comments from the Commissioners, followed by questions and comments from public. She added that the Commission had only recently received plans from the applicant, and they don't have the environmental consultant's plan yet. Mr. Vocelli will e-mail the consultant's plan to the Commissioners if they would like a copy. Ms. Rosenbaum also encouraged the public to hold their questions to the next meeting due to the new information that had been received. Another site walk will be scheduled, and the public is invited to attend.

Attorney James Strub appeared on behalf of the applicant. He presented a letter to the Commission for a 35-day extension. He said at the last meeting they were given 30 days. He said this would bring them to the next Commission meeting on June 5th. He added that 100 days would bring them to June 13th. He said given their procedural history, they might need to request two additional hearing sessions. He explained that when the applications were submitted the neighbors submitted a petition that required a Public Hearing. At that time, Assistant Town Attorney Lee advised the Commission to table the application to a Public Hearing.

Mr. Strub said the application was submitted on January 15, 2013; it was accepted at the February 6, 2013 meeting. He discussed the March 6th Public Hearing and the Site Walk on March 23rd. He said on April 3rd the Public Hearing was resumed. He discussed the commentary regarding procedural and substantive issues. Commissioner Montgomery suggested hiring a third party to analyze the ecological function of the wetland. It was suggested that three names be submitted to select from. Mr. Danzer was chosen by the Town on April 22nd. The revised plans were submitted and forwarded to Mr. Danzer. Soil Specialist Mr. Lord submitted further reports to Mr. Danzer. Mr. Strub again discussed the letter requesting an extension to June 5th. He added that the applicant believes that two additional sessions may be needed, and explained the reasons. He said this is due to the site walk not being held until after the opening of the Public Hearing. He feels these issue are unusual. He said the opinion of the consultant hired by the town is important to them. He said they were able to get the transcript of the former meetings and were able to review the substantive issues. This led to a better plan including the relocation of the driveway. He said the current trajectory would have them closing on June 5th and depending on what the consultant reports, a second meeting may be necessary. He said there are two ways to go. There could be a Public Hearing Session held the week before the 5th. A meeting could be held on the 5th and a special meeting could be scheduled the next week on the 13th.

Commissioner Michael Stone arrived at 7:15 PM.

Next, Soil Scientist David Lord addressed the Commissioners on behalf of the applicant Alberto DiChello.

Ms. Rosenbaum said the Commissioners have not had a chance to read the reports he submitted, and this should be discussed and questions answered at the next meeting.

Mr. Lord listed his credentials, and said he would submit his resume if the Commission wished. Ms. Rosenbaum said this would be fine. Mr. Lord's resume was marked as Exhibit 7.

Mr. Lord said the Ecological Evaluation has two parts, and he explained the two parts and how they are used.

He explained the changes in the driveway design. He said this is one of the driving forces in the request by Mr. Montgomery that we stay out of the seepage area. He further described the driveway design and the impact on the wetlands area. He described the flow of water along the driveway

Next, he discussed the Rain Garden Restoration Plan. He said he has made revisions and clarifications in this plan. He explained the work that will be done. He discussed the area that was formerly used as a driveway. He said there are invasive plants in that area that would be removed and the woody area restored. He said there is also a description of how the invasive plants will be removed after construction. These include Japanese Knot Wood and Barberry. He also discussed what has been done to correct the noted problems. He described the steps that have been taken, and the remediation work. He also discussed pipes that have been removed. He discussed pictures and documents that were previously submitted in 2004. He said he no longer has copies of the pictures, but added that they were submitted and should be in the file.

Mr. Montgomery asked Mr. Lord about areas A and B on page two of the area map. Mr. Lord explained what these areas are, and said his printer did not pick up the color. He said they are enhancement areas and pointed them out on the plan. He discussed the work planned for this area. Ms. Rosenbaum noted that Mr. Lord is saying that this is an

obsolete map. Mr. Lord said there is one area that is not shown on the map. Ms. Rosenbaum also noted that there are three planting enhancement areas, and asked if he made them bigger. He said that he added an area that is not on the map.

Mr. Gnida noted that there are 4,274 square feet of disturbed wetland, and asked if the enhancement and restoration plan balances the square footage that would be disturbed. Mr. Lord said on this site they do not have the ability to create new wetlands. He described the work that could be done to provide a compensation area on a one to one or two to one basis, but said that these areas are not usually used for wetland creation. He said what they are proposing, is to make the wetlands function at a higher level than they are today.

Ms. Rosenbaum thanked Mr. Lord.

Commissioner Shadle asked what on the site has changed over time to now make the Quinnipiac Valley Health District grant septic approval. Mr. Lord described the testing done on the site by the Quinnipiac Valley Health District and said they met the State requirements. He added that all the testing was within the guidelines of the Health Department.

There was further discussion regarding the testing and approval by the QVHD. Mr. Montgomery pointed out that QVHD conducted the testing on November 15, 2012. He noted that it was a very dry autumn, and it was surprising that they did not put in a monitoring well. Civil Engineer Brian Baker explained how the testing was done and when a monitoring well is necessary. He said there was clear evidence that the water level remained at 18 to 20 inches.

Brian Baker, Civil Engineer, P.E., appeared on behalf of the applicant Alberto DiChello

Mr. Baker said he did the most recent testing on the site. He said the testing that had been done in the past, the mapping, etc. was sketchy at best. He said they did completely new testing with the QVHD Head Sanitarian John Laudano, the results of which are shown on the current plan as satisfactory and meeting the Health Code.

There was further discussion regarding the testing for the septic system.

Next, Mr. Baker discussed the new plan. He said there is an overlay that shows the new plan over the old plan. He explained the new plan and the changes to the direction of the driveway. He said the house has been flipped, and the driveway follows where there is less seepage. He also said the Rain Garden locations have been changed and split in two. He described the work that is proposed. He said the swale originally shown has been eliminated. A catch basin would be installed. There would also be a small swale to bring water to the catch basin that would be discharged to the wetlands. He also said there would be a designated area of wetland buffer that would be staked with placards and would be a permanent buffer area. There will also be a sole stockpile location, and a wetland enhancement area added to the plan. He said shifting the driveway direction lessens the impact on the wetland from 4,570 square feet to 4,270 square feet. He added that this is a better driveway location. He also explained the improved drainage.

Commissioner Annes discussed alternatives for the driveway design and asked if a raised driveway or bridge had been considered. Mr. Strub said this is not feasible for a three family home. He said a bridge structure is not prudent for use on this site. He said a bridge has not been designed but he will get figures for the next meeting.

Commissioner Montgomery said he thought it better to run the road closer to the swale and then turn and end where it did. He said it would be a little more curved and slightly longer. He feels this would be a better route. He said running it closer to the swale would do the least ecological damage. He would like them to think about this.

Commissioner Annes asked Mr. Lord for a yes or no answer regarding his opinion on whether this proposal would have a significant impact on the wetlands.

Mr. Lord said he couldn't say yes or no. He said his opinion is that the wetland system will continue to operate at its current level. To him, this means not having a significant impact on the wetland.

There was a lengthy exchange between Commissioner Annes and Mr. Lord regarding this question.

Commissioner Gnida inquired about the trees removed from the canopy, and if it would impact the drying of the wetlands. He also asked if there would be any compensation for the trees along the driveway route.

Mr. Lord discussed the trees removed from the driveway. He said there were 14 trees to be removed under the present plan. He said they could plant trees and enclose the driveway with vegetation if that's what the Commission proposed.

Commissioner Shadle asked about the limit of disturbance line on the plan. Mr. Baker explained this.

Mr. Montgomery said he is happy about the discussion regarding compensatory mitigation. He also asked Mr. Baker to give a synopsis on his knowledge of compensatory mitigation.

Mr. Strub said Mr. Baker did not have to answer that question.

Mr. Baker explained the work they have done in other communities, and their work with the Army Corp of Engineers.

Assistant Town Planner Kops asked Mr. Baker to provide data on earthwork that indicates they would import 880 cubic yards of fill. Mr. Kops asked what would be taken off the site. Mr. Baker said there would be none taken off. He said what is excavated will be used elsewhere on the site. He will get the exact figures, but said that it would be in the neighborhood of 150 yards that will be moved. Mr. Baker said they are not going to remove the thin layer of organics on top of the wetlands. He explained what the process would be. Mr. Montgomery asked if this would include the seepage envelope. Mr. Baker said it would.

Marilyn DeAmbrose of 41 Post Falls Lane asked what "wetland enhancement" is.

Mr. Lord explained that all the plantings that are proposed are going into existing soil. He said the only things removed would be invasive plants.

Commissioner Annes asked what would be put in.

Mr. Lord said there would be shrubs under the trees and there will be a canopy and ground cover. He added that all the plants would be native.

Ms. Rosenbaum said a site walk will be scheduled, and the Consultant's report will be submitted. E-mail addresses may be given to Mr. Vocelli if anyone wishes to receive a copy of the Consultant's report and learn the date of the site walk. All information should be available at least a week before the next scheduled meeting.

Commissioner Annes motioned that the Commission find that this application would have a significant impact on the wetlands and the applicant be required to provide alternative plans, including the possibility of a raised driveway, a bridge or a different location and size of the house.

Mr. Lee said the Commission should wait to make the motion until there is discussion on the application. He said when the Commission deliberates the application the motion can then be made.

Commissioner Annes withdrew the motion.

Commissioner Brand motioned to continue the Public Hearing on Application 13-1187, 170 Birchwood Drive-construction of a single-family house, to the June Meeting. Commissioner Lakin seconded the motion that passed unanimously.

II. Regular Meeting

1. Pending Applications

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

Commissioner Brand motioned to table the application to the next meeting. Commissioner Lakin seconded the motion that passed unanimously.

At this point, Commissioner Brand left the meeting.

- b. **13-1189** 2300R Whitney Avenue-recreational & commercial improvements
NU Development, LLC, Applicant

Attorney Bernard Pellegrino appeared on behalf of the Applicant, NU Development, LLC. Mr. Pellegrino said John Maturo, the Developer, Jim Rotondo of Godfrey Hoffman, and Mark Papa, a Landscape Architect were also present.

He said his client has the properties shown on a map that he refers to as Center Village under contract to purchase. He said there are four parcels comprising 5 ½ acres. He said the ultimate goal is to redevelop the site, take down most of the existing buildings on the property and construct a hotel development in the rear of the property with 120 units. There would also be a mixed-used building on Whitney Avenue, and a small addition in the Centerville Lumber building in front to make that building more compliant under the regulations. He said the property would be accessed from Whitney Avenue. There would be parking in the middle. The parcel in question is the site where two wetlands are located. He said these are isolated wetlands on the road that leads to the Hamden Middle School and the Hamden Housing Authority. He said this is the focus of the application. There would be no impact on wetlands except for the path they are proposing and the playground that will be an amenity for the hotel and the residents of the mixed-use building. He added that the mixed-use building would have six or eight residential units.

Jim Rotondo, P.E. of Godfrey Hoffman appeared on behalf of the Applicant.

Mr. Rotondo said Mark Beroz, their Soil Scientist conducted a soil investigation on the site. He identified wetland areas and watercourses located along the most southerly property line along Worth Avenue. He described these areas and their size. Since they submitted the drawings they have gone back out and identified larger trees on the property. He said there is no site development planned on this parcel. He said they are proposing a pathway for recreational purposes. He explained the parts of the buffer area, the review area and the playground that are within this parcel. He described the location of these areas on the map, and explained the drainage on the site. He said there was, or is, a system on the location that discharges to a small swale area located along the easterly property line.

Mark Papa, Landscape Architect appeared on behalf of the Applicant.

Mr. Papa said he is a licensed Landscape Architect. He said he was brought on to this job last week. He has spent the last two afternoons walking this site. He has read the report on the site walk, and said his findings are similar. He discussed the invasive plants on the property, and the quality of the plants that are there. He said he is looking for feedback from the Commission. His plan is what he would like the property to look like. He explained his plan, and said it would require remediation in the form of landscaping. He said he proposed to keep the organic vegetation intact. He described the proposed pathway and its direction. He said the areas around the perimeter have upland invasive species. Mr. Papa said he anticipates a return visit to the Commission at which time he will submit more detail on his plan.

Mr. Montgomery said in terms of the landscape plan, there is some rubble that needs to be removed. He added that he likes the proposal. He also asked how Mr. Papa plans to get rid of the invasive plants. Mr. Papa said this would be a project onto itself. There was also a discussion regarding what to do in the area below the pipe outlet. Mr. Papa said there is a depression in the land. He said he will investigate and a cover for that area would be chosen.

Mr. Papa said he anticipates a return visit to the Commission at which time he will submit more details on his plan.

Commissioner Shadle asked Mr. Papa if he received a copy of the plan that the Commission required from the N.O.V. several years ago. Mr. Papa said they have it, but he hasn't seen it yet. Mr. Shadle asked if they plan to expand on that, and asked Mr. Papa to explain. Mr. Papa said he would review it and address this at the next meeting.

Mr. Gnida said if they are exploring the recommended pathway as passive recreation, should there be an island for trash receptacles, etc. Mr. Papa said they need to think about benches and trash receptacles.

Commissioner Lakin said the Commission has received Town Engineer Robert Brinton's report and asked if they would comply. Mr. Rotondo said they did receive the report and will take care of all items.

Ms. Lakin asked why the path isn't connected and moved back onto it self. Mr. Papa said it does on his board, and pointed out the area.

Commissioner Stone asked what the total impervious surface area is for the total parcel. Mr. Rotondo will get this information for the next meeting.

Mr. Montgomery asked Town Engineer Robert Brinton about previous storm water retention in the wetlands. Mr. Brinton said he doesn't know the total history of the site. Mr. Montgomery also asked about catch basins on Town roads. Mr. Rotondo will check with surveyors to get a better idea of the exact flow into the wetlands.

Mr. Montgomery asked if this plan would change the amount of water the wetlands are receiving. Mr. Rotondo said any water that is coming off the roadways would not be affected.

Mr. Montgomery said he is concerned with changing the hydrology of the wetlands. Town Engineer Brinton said he is more concerned with the problems on the other side of the road.

Mr. Pellegrino said he would take questions and send Mr. Papa out to have a more detailed plan before the next meeting.

Commissioner Lakin motioned to table Application 13-1189 2300R Whitney Avenue-recreational & commercial improvement to the June 5, 2013 Meeting. Commissioner Gnida seconded the motion that passed unanimously.

2. New applications

- a. 13-1190** 1125 Shepard Avenue-construction of a building addition
Town of Hamden/Department of Public Works, Applicant

Town Engineer Robert Brinton addressed the Commission on behalf of the Town. He noted that Public Works Director Craig Cesare was also in attendance. Mr. Brinton explained that the Town is proposing to construct a building addition behind the existing Public Works Garage. He said the Public Works Department now includes the Parks & Recreation maintenance crew. The P&R vehicles had previously been housed in the old Town garage, but since the demolition of that building they have been parked outdoors. He said his department was asked to put together a plan for an addition to the existing building. He said this would be a 50 by 120 foot addition. Mr. Brinton described the wetland area and said he hopes the Commission will schedule a site visit.

Commissioner Annes motioned to table New Application 13-1190 1125 Shepard Avenue-construction of a building addition for a site walk. Commission Lakin seconded the motion that passed unanimously.

- b. 13-1191** 1125 Shepard Avenue-materials storage & stockpiling plan
Town of Hamden/Department of Public Works, Applicant

Town Engineer Robert Brinton addressed the Commission on behalf of the Town. He noted that Public Works Director Craig Cesare was also in attendance. Mr. Brinton said this is the same site as the previous application and concerns the garage parking area in front of the brook behind the rear portion of the site. He said this is the existing storage area for materials that come and go over time such as crushed stone, millings, catch basin tops and sand. Improvement is proposed to extend the berm to keep matter from going into the wetlands area near Timberwood Trail. It is proposed to put in large concrete blocks to define the area further away from the wetlands to create a defined storage area.

Commissioner Lakin motioned to table New Application 13-1191 1125 Shepard Avenue-materials storage & stockpiling plan for a site walk. Commission Annes seconded the motion that 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

There was a discussion regarding the N.O.V. at 64 Rocky Top Road. Mr. Lee said an injunction was granted, and the Town is waiting for a report. Mr. Lee further explained this procedure. The N.O.V. remains tabled.

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

- c. N.O.V.** Lot 10-Benham Hill Estates (aka 0 Benham Hill Place)
Failure to repair & maintain stormwater detention basin
Mr. Vocelli said there is still no word from owner Trofa regarding access authorization.
The N.O.V. remains tabled.

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

Ms. Rosenbaum said this has been substantially completed. She said there is a letter from Roman Mrozinski that states the plantings are in place. Ms. Rosenbaum read from Mr. Mrozinski's letter. She added that it seems reasonable to lift the N.O.V. Mr. Montgomery said that the stumps should remain in place(reference Page 1-Item 2 of the Mrozinski letter).

Mr. Gnida motioned to lift the N.O.V. for 777 Gaylord Mt. Road. Mr. Annes seconded the motion that passed unanimously. Mr. Vocelli will inform the owner or his attorney that the stumps must remain.

4. Review Site Inspection Schedule

The site walk for the Public Works applications will be scheduled for Wednesday May 8, 2013 at 5:00 PM.

The site walk for Birchwood Drive will be scheduled for Monday May 6, 2013 at 6:00 PM.

5. Review of April 3, 2013 Meeting Minutes

Ms. Rosenbaum noted the following corrections:

Page 2, 2nd paragraph states: “He observed no water from the pipe” – it should state: “He observed no water from the adjacent property pipe.”

Page 3, 2nd paragraph, line 7 it states “He noted that as trees dome down.” It should state “He noted that as trees come down”.

Page 4, 1) **Mitigation.** “URZ enhancement” Ms. Rosenbaum asked what URZ means. It was explained that it means Upland Review Zone.

Page 4, 1) **Mitigation.** 4 lines up from bottom of paragraph – strike RR

In addition, Ms. Rosenbaum also sent corrections to the Clerk.

Commissioner Annes motioned to approve the Minutes of the April 3, 2013 Meeting as corrected. Commissioner Stone seconded the motion that passed unanimously.

6. Other Business

Ms. Rosenbaum thanked Commissioners Montgomery and Gnida for their work on the deminimis and the site walks. She also thanked all the Commissioners who donated their time for the Earth Day Celebration.

7. Adjournment

Commissioner Lakin motioned to adjourn the meeting. Commissioner Annes seconded the motion and it passed unanimously. Chairman Rosenbaum adjourned the meeting at 9:40 PM.

Submitted by: _____
Peggy Craft, Acting Clerk of the Commission