

June**, 2013

MINUTES: THE INLAND WETLANDS COMMISSION, Town of Hamden, held a Public Hearing & a Regular Meeting on Wednesday, June 5, 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, arrived at 7:06 p.m.
 Eric Annes,
 Bob Anastasio
 Joan Lakin
 Mike Stone, arrived at 7:15 p.m.
 Mike Milazzo, arrived at 7:09 p.m & left at
 11:00 p.m.
 Kirk Shadle, arrived at 7:03 p.m.

Staff in attendance:

Dan Kops, Assistant Town Planner
 Tim Lee, Assistant Town Attorney, left at
 11:00 p.m.
 Tom Vocelli, IW Enforcement Officer
 Stacy Shellard, Commission Clerk
 Genevieve Bertolini, Stenographer

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 and explained the Public Hearing procedure.

I. Public Hearing

- a. 13-1187** 170 Birchwood Drive- construction of a single-family house
 Alberto DiChello, Applicant
Public Hearing continued from the May 1, 2013 meeting

Mr. Jim Strub, Attorney, addressed the Commission and introduced the presenters for the application.

Mr. Brian Baker, Civil Engineer, addressed the Commission and reviewed the revised site plan. The plan was modified to incorporate planting areas A through D, the relocation of the rain garden, addition of seepage envelopes to the driveway plans and the processed gravel area was clarified.

Mr. David Lord, Soil Scientist, addressed the Commission and reviewed his letter dated May 28, 2013 that responds to issues and questions raised at the May 1, 2013 Public Hearing, the site walk with the Commission and the environmental review report prepared by Dr. Steven Danzer, dated May 7, 2013.

Mr. Strub feels that feasible and prudent alternatives have been addressed and that the relative potential impact of the two alternatives proposed relative potential impacts would be the same as what is being presented. Mr. Strub reviewed his letter to the Commission dated June 4, 2013.

Mr. Gnida asked what time of year Mr. Lord would provide the report for the conditions of the plantings. Mr. Lord said he would provide a written report with photographs by October 1st for five years. Mr. Annes asked who would be doing the monitoring. Mr. Lord said he would be doing the report.

The Commission had a lengthy discussion with Mr. Baker with regards to the proposed driveway and the proposed wetlands crossing.

Mr. Montgomery questioned the remediation activity that had occurred in 2004. He had an in depth conversation with Mr. Strub, Mr. Baker and Mr. Lord about what was approved and the work that was done. Mr. Montgomery discussed further with them the Category 1 Certification Form (exhibit 9) used by the US Army Corps of Engineers.

Mr. Steven Danzer, Soil Scientist, addressed the Commission and stated his qualifications. Dr. Danzer reviewed his report dated May 7, 2013. He discussed with the Commission the impacts the house, garage, septic system and water runoff would have on the wetlands.

Mr. Annes asked if there is an alternative to paving the driveway that would lessen the impact. Dr. Danzer stated that the use of pavers or pervious materials would have less impact on the wetlands.

Mr. Shadle discussed his concerns about the proposed plan and the potential for thermal loading with Dr. Danzer. Mr. Shadle reviewed and discussed with Dr. Danzer his reference to the use of seepage pads(envelopes).

Mr. Shadle said that on the proposed plan it refers to the total amount of wetlands on the site being 1.0 acres and the proposed amount of wetlands to be disturbed will be .098 acres. He asked if this statement was accurate. Dr. Danzer stated that in his opinion characterizing the amount of disturbance should include what has occurred and what will occur on the site.

Mr. Gnida expressed his concerns for amphibian migration across the proposed driveway. Dr. Danzer discussed the concerns about amphibian migration with the Commission and he feels that their concerns are valid. He reviewed the location of the wetlands located to the east of the site. Mr. Annes asked if an elevated road would be helpful to reduce the impact on amphibians and Dr. Danzer replied yes.

Mr. Shadle asked if the impacts to the area would be short term or long term. Dr. Danzer feels that the impacts should be short term. However, the vegetation impacts will be significant. The hydrology of the entire system will be sustained except for the driveway. The legacy will be permanent because there will be a road. It is difficult to address other impacts because it is suburban development. The taking down of trees and the impact of creating the road will be tricky because of the heavy machinery that must be brought in.

Ms. Rosenbaum asked what the effects will be to the northern wetland area because there is water coming up from the end of the road and there is point source because there are three pipes feeding it. Dr. Danzer said that the flow of water will be concentrated and it will go down grade with the potential to become erosive. The velocity of the flow of water can be erosive and the channel could become more stressed. The area is already stressed with some erosion that is coming from the existing houses above the area. Dr. Danzer recommends that the proposed planting plan include the replanting the entrenched man made channel.

Ms. Lakin asked Dr. Danzer if he would like to respond to Mr. Lord's responses made at the meeting tonight. Dr. Danzer is concerned with the level of Japanese Knot Weed and a step by step plan is needed to eradicate it, and should be a condition of approval. If there will be the use of herbicides then an aquatic permit is necessary. Mechanical removal of the Japanese Knot Weed will require a lot of labor and be costly. Dr. Danzer said when the final planting is done it should not out crowd the current vegetation.

Mr. Montgomery reviewed the existing vegetation and the proposed planting plan with Dr. Danzer. Mr. Montgomery is concerned with the proposed planting plan and questioned if there is a need for an expert that can develop a better planting plan.

Mr. Gnida asked if there is a better time of year to do the work that would lessen the impact. Dr. Danzer said that the best time of year to lessen the impact on the wetlands would be during the dry season, but because the climate has shifted it is hard to predict.

Ms. Rosenbaum asked for comments in favor of the application. There was none

Ms. Rosenbaum asked for comments against the application:

Dr. Richard Orson, Wetland Professional Scientist, addressed the Commission and reviewed his qualifications. He submitted and reviewed his comments(exhibit 10). Dr. Orson expressed his concern about monitoring the site for only five years, and feels it should be longer. Dr. Orson urged the Commission to reject the application.

Mr. Annes asked if the structure were to be raised, would it reduce the impact and Dr. Orson replied yes. Mr. Annes asked if the garage was eliminated would it lessen the impact and Dr. Orson replied it would be a benefit. The problem with the proposed plan is the impact that the road will have.

Mr. Fred D'Ambrose, 41 Post Falls Lane, addressed the Commission and stated that the lot has been listed as a non-buildable lot for 30 years. He read a statement of the negative impacts that he feels the project would have on the wetlands. He asked the Commission to reject the project.

Mr. George Coutts, 31 Post Falls Lane, addressed the Commission and he read a statement that details the damages he feels will occur in the wetlands. Mr. Coutts would like the Commission to reject the project.

Mr. Brand asked Mr. Lord if the Planting Plan dated May 28, 2013 negates the previous plans, and Mr. Lord replied yes. Mr. Brand and Mr. Lord had a lengthy discussion with regard to the existing vegetation and the chemicals that could be used to remove or control it and the effects that it could have on the existing animal habitat. Mr. Lord reviewed with the Commission the location of the site as it relates to the wetlands and abutting property owned by the Town.

Mr. Montgomery and Mr. Lord had an in depth discussion with regards to the 2004 remediation plan. They also discussed the need for a botanist to identify the existing vegetation and for an expert to prepare and execute a planting plan.

Mr. Montgomery and Mr. Baker discussed the use of seepage envelopes and the details on the placement of the stone and the placement of the fabric. Mr. Montgomery is concerned with the possible spread of the Japanese Knot Weed and would like a construction sequence for the removal of fill and trees. He noted that the conservation boundaries need to be defined, and he advised Mr. Baker where he would like medallions placed. Mr. Montgomery would also like to have land use restrictions put on the Town land records.

Mr. Strub stated that he will work with Mr. Tim Lee, Assistant Town Attorney to determine wetland boundaries, non disturbance areas, and the language for restrictions.

The Commission discussed with Mr. Baker the amount of the impervious surface in the proposed plan, the rain garden and the velocity of the water that will pass through the pipe to the rain garden. Mr. Shadle would like a long term maintenance agreement for the rain garden and also that the agreement should be placed on the land records. Mr. Baker said the request for a maintenance agreement can be a condition of approval.

Mr. Annes noted that the A-2 survey submitted was not signed and certified. Mr. Baker advised that the final map would be signed and certified.

Mr. Strub summarized the presentation by stating that the most feasible & prudent alternative was presented. The rain garden is sized and designed to take all of the water runoff and to get it treated before entering the wetlands. Dr. Danzer had referenced how the storm water runoff mechanism functioned. The impact of the garage area will be minimal. Mr. Strub noted that it had been mentioned that the length of crossing is longer than most and he acknowledged that the driveway crossing is a direct & significant impact. However, it is in compliance with the jurisdiction's requirements.

Mr. Baker stated that the elevated roadway is not appropriate for this site. An elevated roadway would require footings and abutment piles and any span of significant size would require a crane to place it. The area is not adequate for a crane and it would create a larger impact. This area has an intermittent watercourse and the proposed plan has pipes that will be adequately sized and placed. It will also have the proper erosion control. The driveway will not be a potential barrier to wildlife with the proposed driveway and house. Mr. Baker referred to Dr. Danzer's comments and said the difference between a paved or stone driveway is minimal. The potential impact down gradient to the pond on Brooksvale Avenue when the limits of disturbance will be 6/10 of acre means there will be no perceivable impact.

Mr. Strub thanked the Commission for their concerns and he complemented Dr. Danzer for his professional reports.

Ms. Marilyn D'Ambrose, 41 Post Falls Lane, addressed the Commission and stated that Mr. DiChello bought the lot for \$20,000.00 when Mr. DePodesta could not build on the property because it never perc'd out. Ms. D'Ambrose said that two soil scientists gave testimony explaining that the problem is not the house but the driveway. Ms. D'Ambrose feels that the wetlands will be impacted and destroyed and she would like the Commission to reject the application.

Ms. Rosenbaum closed the Public Hearing.

II. New Applications & Amendments

- a. 09-1146** 385 & 415 Putnam Avenue-Amendment Request
Design & installation of a water quality basin
Joseph Natale, Applicant

Mr. Bernard Pellegrino, Attorney, addressed the Commission and stated that the request to design and install a water quality basin was to satisfy a condition of approval for the original application.

Ms. Lakin made the motion to table this item for site inspection. Mr. Anastasio seconded the motion.

Mr. Shadle questioned if there has been a recent report on the environmental concerns at the property. Mr. Pellegrino explained that the basin will be outside the affected area on the property. The environmental specialist is preparing a final report to the DEEP. Mr. Shadle would like a copy of the final report and Mr. Pellegrino agreed.

The motion passed unanimously.

- b. 13-1192** 135 & 145 Sanford Street-construction of a 33-unit
multi-family building
New Haven Home Recovery, Inc, Applicant

Ms. Rosenbaum accepted a petition from a resident requesting a public hearing.

Mr. Greg Burton, Attorney, addressed the Commission and reviewed an approval that was granted by the IWC in 2000-2001, and the current application. Mr. Tim Lee, Assistant Town Attorney, requested that Mr. Burton include the site inspection date when sending out the required Public Hearing abutter letters, and Mr. Burton agreed.

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

- c. **13-1193** 4135 Whitney Avenue(aka 0 Willow Street)
Installation of ground mounted solar panels
Solar City Corporation, Applicant

Mr. Rob Miller, Solar City Corporation, addressed the Commission and stated that the application is a request to place 4,000 solar panels on five acres of the RWA property. Mr. Miller reviewed the location of the wetland areas.

Mr. Anastasio made the motion to table this item for site inspection. Mr. Milazzo seconded the motion. The motion passed unanimously.

- d. **13-1194** Whitney Avenue at Eaton Brook-installation of a water main
South Central CT Regional Water Authority, Applicant

Mr. Mike Wilson, Project Engineer, addressed the Commission and reviewed the application.

Mr. Ron Walters, RWA, requested that the site inspection be scheduled in conjunction with the application for 4135 Whitney Avenue.

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

III. Regular Meeting

1. Pending Applications

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

Mr. Milazzo made the motion to table this item until the July 3, 2013 meeting. Ms. Lakin seconded the motion. The motion passed unanimously.

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

Mr. Bernard Pellegrino, addressed the Commission and reviewed the history of the project.

Mr. Mark Papa, Landscape Architect, addressed the Commission and reviewed the existing conditions on the site. The revised plans relocate the proposed trail and playground area. The trail will be ADA accessible. Mr. Papa reviewed the proposed planting plan. Mr. Annes asked if the trail would be open to the public. Mr. Papa said that they will not discourage public access to the trail.

Mr. Jim Rotondo, Licensed Engineer, addressed the Commission and reviewed the S&E Control Plan. Mr. Montgomery is concerned with the location of the silt fence. Mr. Rotondo stated he would add wings to the silt fence so that there would not be a channel. Mr. Montgomery asked if all the Norway Maples are being removed. Mr. Papa replied that any Norway Maple that is six inches or greater would be removed. Also, he will add to the plan the construction materials being used for the pathway.

Ms. Rosenbaum referred to the underground infiltration system noted in the Town Engineer's comments dated June 5, 2013. Mr. Rotondo stated that there will be an underground infiltration system and he is currently working with the manufacturer to finalize it. The Commission further discussed the materials to be used and the grade of the proposed boardwalk.

Ms. Lakin made the motion to approve Application 13-1189 with the following conditions:

- 1) Address the Town Engineer's comments of June 5, 2013.***
- 2) Walkway be pervious material.***
- 3) Silt Fencing be added or adjusted for erosion occurring down slope that leads to Worth Avenue.***

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

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

Mr. Bob Brinton, Town Engineer, addressed the Commission and reviewed the proposed site plan for a 6,000 square foot addition. Mr. Anastasio asked what the structure will be made of. Mr. Cesare said that the current structure is made of 12 inch block with a brick veneer. He is working with the Purchasing Department and the Legislative Council on an RFP to go out to bid. Mr. Cesare explained that the plan as it is currently is a 4 foot wall of brick and a Butler illumination building. The final proposed building will have to be cost efficient. The storage of equipment inside will lengthen the lifespan of the equipment. The Commission discussed the existing site, structure and proposed addition with Mr. Cesare and Mr. Siciliano.

Mr. Montgomery asked if any leaks of lubricants will be contained. Mr. Cesare reviewed the proposed oil/water separator and the proposed drainage inside the building. Mr. Brinton said any contaminants will go through a pretreatment system and then to the sanitary sewer.

Mr. Annes made the motion to approve Application 13-1190. Mr. Anastasio seconded the motion. The motion passed unanimously.

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

Mr. Bob Brinton, Town Engineer, addressed the Commission and reviewed the existing site and the existing condition of the site. He said the proposed plan would provide definite limits of outside storage to avoid going into the wetlands.

Mr. Gnida said he continues to see piles of fill on the site. Mr. Mike Siciliano, Deputy Public Works Director, explained the pile of fill in question is considered clean fill. Mr. Anastasio asked what is the clean fill material. Mr. Siciliano explained that clean fill is made up of crushed stone, processed stone and topsoil.

Mr. Montgomery asked if the Timberwood Trail wood side of the concrete barrier will be grassed and Mr. Siciliano replied yes. Mr. Montgomery asked if the grass would be mowed and Mr. Siciliano said no and the plan is to let nature take its course. Mr. Montgomery is concerned with the spread of Japanese Knot Weed. Mr. Craig Cesare, Public Works Director, addressed the Commission and said that the site can be visited for inspections by the Commission after it is determined what will happen with the vegetation. Mr. Montgomery asked if the dumpster and old sander that were stored in the area of the wetlands have been removed and Mr. Siciliano replied yes. Mr. Montgomery said the gravel near the bank needs to be removed and Mr. Cesare agreed.

Mr. Anastasio made the motion to approve Application 13-1191. Mr. Brand seconded the motion. 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
- 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

All N.O.V.'s remain tabled

3. Review Site Inspection Schedule

The Commission will conduct site inspections on Monday, May 17, 2013 and Thursday May 20, 2013.

4. Review of May 1, 2013 Meeting Minutes

Ms. Rosenbaum asked that on page 1, third line from the bottom be amended to read “Mr. Vocelli will email the consultant's plant to the Public if they would like a copy. She also asked that on page 2, second paragraph from the bottom, line 7, “Japanese Knot Wood” should be “Japanese Knot Weed”.

Mr. Annes made the motion to approve the May 1, 2013 Meeting Minutes as amended. Mr. Gnida seconded the motion. The motion passed unanimously.

5. Other Business

There was none

6. Election of Officers

Mr. Montgomery asked that he not be nominated to be Vice-Chair, and explained that he will be resigning from the IWC in 2014 when his term expires.

Ms. Lakin made the motion that Ms. Rosenbaum remain as Chairperson. Mr. Anastasio seconded the motion. The motion passed unanimously.

The election for Vice-chair and Secretary will take place at the July 3, 2013 meeting.

7. Adjournment

A motion to adjourn was made by Mr. Shadle and seconded by Mr. Stone. It passed with no dissenting votes. The meeting ended at 11:24 p.m.

Submitted by: _____
Stacy Shellard-Clerk of the Commission