

September 18, 2013, revised 10/4/13 per Commission review at the October 2, 2013 meeting

MINUTES: THE INLAND WETLANDS COMMISSION, Town of Hamden, held a Public Hearing & a Regular Meeting on Wednesday, September 11, 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
Mike Stone, arrived at 7:14 p.m
Bob Anastasio
Joan Lakin
Kirk Shadle
Kirsten Jensen

Staff in attendance:

Leslie Creane, Town Planner
Tim Lee, Assistant Town Attorney
Tom Vocelli, IW Enforcement Officer
Stacy Shellard, Commission Clerk
Genevieve Bertolini, Stenographer

Ms. Rosenbaum called the meeting to order at 7:07 p.m. Ms. Rosenbaum welcomed Ms. Kirsten Jensen to the Commission. 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. 13-1192** 135 & 145 Sanford Street-construction of a 33-unit multi-family building
New Haven Home Recovery, Inc, Applicant
Continued from 7/3/13 meeting

Mr. Gregg Burton, Attorney, addressed the Commission and stated that revised plans move the building 10 feet further from the corner of the intersection and create a 10 foot buffer from the sewer easement to the building. He said that the revised plan addresses the Planning Staff concerns and comments.

Mr. Bob Doane, Professional Engineer and Licensed Land Surveyor, addressed the Commission and reviewed the site and the revised plans(exhibit 5-sp1.2 revised 8/29/13). Mr. Doane reviewed the Staff comments and noted that two parking spaces (34-36) have been moved. The corner of the parking will be 27 feet away from Turner's Pond. Mr. Doane reviewed the Stormwater Management Plan and the Sediment and Erosion Plan which includes the maintenance schedule(SP3). Mr. Doane stated that a significant feature of the revision is two bio-retention areas and he described their functions and locations. He worked with Mr. Rich Snarski, Soil Scientist, on the design of the rain gardens(SB2) and noted that the details are the same as what was reviewed for Quinnipiac University. Mr. Doane reviewed the rain garden plans and plantings are noted on sheet 3 of the revised plans. Mr. Doane said that he had to keep the two recharge galleries for the recharge area adjacent to the building and also adjacent to the entrance off of Sanford Street. There was a concern with regards to the capacity of the 36 inch & 48 inch culvert pipes and that they will overtop with

a 100 year storm, and can accommodate a ten year storm. Mr. Doane was asked by the Town Engineer to provide the ability to handle overflow through the site. The catch basin near parking space 36 was moved to parking space catch basin number 3 and this will be at a low point and overflows into the rain garden and towards Shepard Brook. Mr. Doane stated that revisions were requested by Mr. Dan Kops, Assistant Town Planner because of the proximity of the building to the flood plain. The flood elevation of the FEMA map is 97, because immediately adjacent to the flood plain there is a concern that the building should be 2 feet above elevation or 99. This is noted on plan SP1.1a. An alternative is to raise the building 2 ½ feet to meet Mr. Kops' concerns with regard to the flood plain. This would also require a handicapped ramp to get into the building. Raising the building does not change the parking or the drainage grades. The drainage on sp1.2 and sp 1.2a is the same. The applicant has filed a CLOMA with FEMA, because they feel the building is not in the flood plain, and it takes about 60 days to receive an answer back. The request is backed up by an extensive analysis done by Milone and McBroom. The flow for a 100 year storm reached an elevation of 94.5 and not 97. If a CLOMA decision is not received the building will be put in at an elevation of 99. A maintenance plan schedule has been added to sheet 3. The planting criteria narrative was revised by Mr. Snarski on sheet 3 and includes the invasive species(exhibit 6-SP3) specified on the planting plan and eradication including the application of herbicide in September. The herbicide "Brush Be Gone" will be applied by a licensed person. There will be monitoring for a three year period of exotic species that will be eradicated as necessary. A planting schedule was added. Mr. Doane noted that Mr. Snarski will be present for the construction and planting of the rain gardens.

Mr. Montgomery asked if sheet SP 2.2 should be SP3.0. Mr. Doane said that the details are shown on sheet SP 2.0 and the narratives are shown on Sheet 3.0. A question was raised about Hurricane Sandy being a 100 year storm and there was not enough information to classify it as such.

Mr. Montgomery asked with regard to the northern most parking area spaces 21 to 26 if the existing asphalt is along the line of the silt fence and if it will be moved back 40 feet from the wetlands. He also questioned that where the asphalt will be removed there appears to be a swale proposed and that it will run to the bio detention basin along bituminous curb and create sheet flow. Mr. Doane was concerned about maintaining the sheet flow into the swale. He feels it will be more efficient to get the runoff to the stone diffuser instead of the swale. Mr. Montgomery feels there is an over use of stone and said he would prefer vegetation in the area and Mr. Doane agreed. Mr. Montgomery said that an area over towards the pond is a conservation area that is not noted on the plan and it should be marked with a wetland marker.

Mr. Montgomery stated that the proposed plan is an improvement over the existing conditions. He stated that it needs to be noted on the plans where the conservation area near the pond is and then mark it with wetland markers. The edge of the pavement delineates the pond and where the channel opens there are no restrictions except for one timber rail and the timber rail should run all the way along the flood area. He feels that there is a better way to mark the entire area. There is an existing concrete retaining wall that is a hazard. Mr. Montgomery would like the conservation buffer with limited use clearly identified. The Planning and Zoning Commission will address the concerns about the dam and safety issues. Mr. Montgomery discussed with Mr. Doane where the settling basin and existing sump is located. The previous approval required that the catch basin be cleaned two times a year and it was only cleaned out once. A condition of approval will be needed to clearly state that the maintenance of the catch basins are the owner's responsibility. The elevation of the existing sump should be specified. Mr. Doane stated that there are two 30 inch pipes near the invert and it can be specified that the 30 inch pipe inverts match coming into the sump. Mr. Montgomery stated that the plan should specify what the elevation will be for the sump and what is will be below the sump. Mr. Doane said that the elevation will be 92 at the top of the concrete and when the sand is removed it will go down to an elevation of 90. Mr. Doane said the forebay will be used to get the sediment out of the water before it goes into the retention area. The bottom of the forebay will be elevation 90 and at the top of the concrete will be an elevation of 92.

Mr. Montgomery does not like the gallery so close to the building, but this issue would be addressed by the Town Engineer. He feels with a 10 year or 25 year storm the sump will fill up and dump into the gallery and possibly the detention basin. Mr. Montgomery reviewed the stormwater management plan and noted that he would like a check valve installed. Mr. Doane does not want to use a check valve because it could get stuck and force the valve to close backing water up. Mr. Doane does not feel that water will back up into the building. If the underground gallery stays

filled up until the storm has ended then it would drain. Mr. Doane stated that an alternative for the northern rain garden could be to re-pipe to the system on Sanford Street. Mr. Montgomery would prefer an outlet that goes down in the direction of the stream.

Mr. Montgomery is not satisfied with the planting plan. There are trees being removed and nothing shown on the plan to replace them. The plans do not show a landscape architect and the sheet needs to be titled landscaping. Mr. Montgomery said that he can place these issues in the conditions of approval.

Mr. Doane submitted a planting plan(exhibit 7-I1.0 and I2.0)and reviewed it with the Commission. Mr. Montgomery stated that areas 1 and 2 are not shown on the planting plan. Mr. Doane stated that area 1 and 2 are shown on SP1.2(exhibit 5) and reviewed it with the Commission. Mr. Montgomery said that when the work is done it should be seeded and vegetated asap. Mr. Montgomery discussed with Mr. Doane the planting plan for area 1. Mr. Montgomery stated that the planting plans need to be clarified.

Mr. Burton submitted Mr. Doane's resume(exhibit 8).

Mr. Montgomery asked if the sediment that is clogging the pipe will be removed. Mr. Doane stated that the pipe has been dug out and was full of sediment. Mr. Doane said that the pipe has been dug out enough that the velocity of water should clear it. In the future it will be cleaned when the cleaning of the sumps occurs. Mr. Montgomery reviewed the cleaning schedule.

Ms. Rosenbaum asked for comments in favor and against the application:

Ms. Diane Perrone, 29 Bromley Court, addressed the Commission and stated that the velocity of water from the cul de sacs goes down Mill Pond Road and has eroded the sidewalks and the basins. Some remediation has been done by the Town. She is concerned if the culverts are not maintained, including the sumps, it will create a problem where the road dips prior to the stop sign at Mill Pond Road and Sanford Street. It is the only means of egress from Mill Pond Road. Ms. Perrone asked if the Brush Be Gone should be used so close to the pond. She is also concerned that the heavy equipment that will be used on the property will impede the residents in the area as they enter and exit their homes. Mr. Doane said the drainage on Mill Pond Road is a problem and will be addressed in the comments that are to be modified. The applicant will place the catch basin in the best possible location to all appropriate drainage. However the basin that Ms. Perrone is speaking about is the Town's responsibility. Mr. Doane stated that the Brush Be Gone will be used by a licensed applicator. The construction equipment should not impede the entrance to Millpond Road and will be located and maintained on the site. When the equipment is coming on to the site there will be traffic control.

Ms. Lakin referred to the RWA letter and asked if all the concerns are addressed in the plans. Mr. Burton reviewed the RWA comments and advised the Commission that he would accept them as a condition of approval.

Ms. Lakin made the motion to close the Public Hearing. Mr. Shadle seconded the motion. The motion passed unanimously

II. Regular Meeting

1. New Applications

- a. 13-1196 275 Mt Carmel Avenue-reconstruction of athletic fields**
Quinnipiac University, Applicant

Ms. Rosenbaum stated that the Commission has received an application for Intervenor Status and a petition for a public hearing. The Public Hearing will be held on November 6, 2013 to allow abutter notices to be sent out giving the date of the site inspection and the public hearing.

Mr. Bernard Pellegrino, Attorney, addressed the Commission and stated that he will contact Mr. Vocelli to get the date of the site inspection to include in the notification with the hearing date.

**b. 13-1197 400 & 468 Ridge Road-drainage improvements
Town of Hamden, Applicant**

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

2. Pending Applications

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

Mr. Montgomery made the motion to table this item until the October 2, 2013 meeting to allow time for the Commission to review the additional information that it received. Ms. Lakin seconded the motion. The motion passed unanimously.

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

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

- 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

Ms. Rosenbaum stated that the N.O.V. for Benham Hill Estates has been on the agenda for one year and nine months and that the Commission is waiting for permission from the owner for the Town to access the property. Mr. Bernard Pellegrino advised the Commission that he has on behalf of the Homeowner's Association sent numerous notices to the property owner to get consent to access the property. The Commission discussed with Mr. Tim Lee, Assistant Town Attorney what actions can be taken to try to resolve this N.O.V. Mr. Lee will send a letter to the owner of the property citing the violation and what is necessary from him to resolve this N.O.V.

4. Review Site Inspection Schedule

Mr. Anthony Sudol, 468 Ridge Road, addressed the Commission and stated that a pipe for the drainage improvements goes through his property. There is an old fence that can to be cut for access to the neighboring backyard. He will advise his neighbor the date that the site inspection is scheduled for.

The Commission will site inspect 400 & 468 Ridge Road on Wednesday, September 25, 2013 at 3:00 p.m., and 275 Mt. Carmel Avenue on Wednesday, October 9, 2013 at 5:00 p.m.

5. Review of July 3, 2013 Meeting Minutes

Ms. Rosenbaum stated that on Page 3, comments by Mr. Paul Jobmann, 5th sentence, replace “sea level” with “water table”. Also on page 12, 1st line, should read: Mr. Montgomery made the motion to uphold the de minimis ruling. Mr. Milazzo seconded the motion.

Mr. Anastasio made the motion to approve the July 3, 2013 Meeting Minutes as amended. Ms. Lakin seconded the motion. The motion passed unanimously.

6. Other Business

Mr. Shadle stated that he has been reappointed to the Commission.

Ms. Rosenbaum reviewed a letter sent to the Commission from Mr. Larry DeNardis.

7. Adjournment

A motion to adjourn was made by Ms. Lakin and seconded by Mr. Anastasio. It passed with no dissenting votes. The meeting ended at 8:38 p.m.

Submitted by: _____
Stacy Shellard-Clerk of the Commission