October 7, 2013

MINUTES: THE INLAND WETLANDS COMMISSION, Town of Hamden, held a Regular Meeting on Wednesday, October 2, 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 7:31 p.m
Andy Brand
Bob Gnida
Kirk Shadle
Kirsten Jensen
Mike Milazzo
Eric Annes, left at 8:06 p.m.

Staff in attendance:

Dan Kops, Assistant Town Planner
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. Brand called the roll and there was a quorum. Ms. Rosenbaum introduced the Commission and Staff.

I. Regular Meeting

1. New Applications

a. 13-1198 230 Wintergreen Avenue-construction of a place of worship
Saint Mary's Unison Church, Applicant

Mr. Michael Lambert, Project Engineer, addressed the Commission and reviewed the history, the site and the application.

Mr. Annes made the motion to table this item until November 6, 2013 for a public hearing. Mr. Milazzo seconded the motion. The motion passed unanimously.

Ms. Rosenbaum stated that a formal site inspection had been done in 2012 at 230 Wintergreen Avenue. Any Commissioner wishing to inspect the site should contact Mr. Tom Vocelli, Wetlands Enforcement Officer.

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 asked that the Commission have a discussion and incorporate the discussion into the motion. He distributed comments and a proposed motion to the Commission.

Mr. Montgomery read his comments and a proposed motion:

This application to construct a 33-unit multifamily building includes a reduction in total area of impervious surface, the renovation of an existing sump, and the addition of two bioretention basins and two underground galleries. These features are expected to improve the quality of stormwater entering Turner's Pond and Shepard Brook, which are on the subject property. During the public hearings, the Commission had difficulty understanding several aspects of the site plans and just before the end of the hearing, the applicant submitted sheet L-1.0, titled Planting Plan, which has raised additional questions.

1) Will all existing vegetation except for that along Turner's Pond be removed? Sheet L-1.0 indicates that existing vegetation will be removed from the areas north of the existing paved area that borders USA land, along Mill Pond Road and Sanford Street, and in the southwest corner between the proposed building and the public areas. Sheet SP 1.2 indicates that existing vegetation along Shepard Brook also will be removed. Considering the intrusion of invasive species and the otherwise poor condition of the vegetation along the northern, western and southern areas of the property, I have no objection to the removal of all existing vegetation in these areas, with the exception of the five large pine trees in the southwest corner noted on sheet SP 1.2. Although the removal of these trees is not a critical wetland issue, their removal would significantly alter the character of the property and increase the visual impact of the large building.

2) Will any species be retained, will all species be removed, and what vegetation will be added to the sump area (aka Area #2-where the stream crosses Mill Pond)? A sycamore already exists where a sycamore is proposed to be planted and there is also is a large red maple not shown on the plan and several invasive trees. Considering the needed construction clearances, the simplest approach may be to remove all vegetation. Replacement planting indicated on SP 3.0 indicate that will the sump area will be planted with 7 sugar maples, 8 red-twig dogwoods, and 8 winterberry; whereas L-1.0 shows one large sycamore. It is preferred that a large sugar maple be substituted for the sycamore and that rhododendron or Viburnum be substituted for the seven 3-4' sugar maple. Instead of red-twig dogwood, sedges, grasses, and other herbaceous materials may be used near the bottom of the basin and integrated among the existing rock. These changes would enhance erosion protection and increase aesthetics.

3) The next three bullets review how overall benefit in the wetland and human environment can be maximized by increasing recreational values in areas below the dam and increasing wildlife values in areas adjacent to Turner's Pond. This would be making tradeoffs that will benefit both the wetland and the occupants of the building.

a. For Area # 2 on SP 1.2 along Turner's Pond it is proposed to remove invasive species and plant the gaps created by the removal with native species; however, sheet L-1.0 shows that lawn is proposed for part of this area. Until the Commission received sheet L-1.0 there was no indication of how the area where existing pavement would be converted to pervious surface would be planted. The question is whether this area should be converted to lawn or to a conservation area. The existing buffer between the developed areas and the pond is only 10 to 20 feet in some areas. This narrow buffer is the only undeveloped area in the southern portion of Turner's Pond. If the proposed lawn area were included in the conservation buffer, the buffer width would be 30 to 80 feet from the edge of the pond. High grass meadow would be suitable for the area that was previously covered with asphalt.

b. The part of Area #3 (below the dam on Turner's Pond) that is westerly of the dam and north of the proposed concrete walk has only minor grading proposed near the walk. This area is a thicket of Robinea, sumac, exotic elm and autumn olive with an understory of mugwort and crown vetch. This area also has an existing concrete Retwall, Channel to Pond, and also abuts the spillway of the dam—all of which may be hazards and need control of access. The applicant has not proposed alteration of this area except perhaps removal of some of the invasive species and seeding with a conservation mix. P&Z has jurisdiction over the need of the safety measures, but their addition would be a regulated activity under IWC jurisdiction. My feeling is that the area south of the retaining wall and an imaginary line extending from the wall to the upstream edge of the channel could be cleared and developed as lawn. The area behind the wall and imaginary line could be cleared and planted with low growing shrubs and perennials.

c. The remaining part of Area #3 westerly of Shepard Brook as shown on SP 1.2 is to be graded to the edge of Shepard Brook and seeded with a conservation mix; whereas L-1.0 shows that the existing canopy will remain near the

brook and the area between the walkway and basin planted with trees and shrubs. Recognizing that this area will have high passive recreational use, it may be better to place shrubs and perennials in mulched semi-formal plantings between the walk and brook, with defined access points to the brook, with the primary goal of minimizing erosion of the bank.

4) The planting plan for the retention basin (aka rain garden) calls for three species of perennials, two are obligate wetland species and one is an obligate dryland species, neither of which is likely to thrive in the basins. The basins are engineered to hold storm water for less than 48 hours at most. Thus, they will experience periods of brief inundation followed by longer dry periods. Facultative species (FACW to FACU) would grow much better in this situation. The three shrub species are suitable. It would be appropriate to seed the basin in Area 1 with a conservation mix and supplement this with a more varied planting of potted perennials. This would tie it in with the surrounding meadow and could be maintained by annual mowing in early spring. The basin in Area 3(closer to Shepard Brook) could be made more attractive to both humans and pollinators by planting a high diversity of facultative species consisting of pot-size grasses, shrubs and forbs.

Mr. Montgomery stated that he would like a discussion and some guidance for the planting plan. Mr. Montgomery wants to make sure that the Commission has the same understanding as to what he is proposing and what the applicant is proposing. The Commission and Mr. Kops had a lengthy discussion.

Mr. Montgomery made the motion to approve Application 13-1192 with the following conditions:

1) The sump in the stream that enters the property from Mill Pond Road and the twin pipes that outlet it shall be cleaned of sediment before the start of other construction activities. A path to access the sump for cleaning and appropriate protection of the bank shall be designated on the site plan. A floating boom shall be placed in the channel of the stream and a shallow pool excavated before it enters Turner's Pond to prevent sediment entering the pond. This will be done prior to clean out activity of the first time only.

2) The concrete blocks installed to re-establish a functional forebay in the sump shall be placed with their tops are no lower than 92.0 feet elevation. A gauge should be placed in the sump showing distance from the bottom to the top of the sump. Sediment shall be removed from the basin before it reaches 18 inches from the top of the block spill way. The basin shall be cleaned of all sediment at least annually during low water flow.

3) The sump and catch basins and outlet pipes from all basins shall be inspected monthly for obstructions and accumulated sediment. Catch basins shall be cleaned at least annually or whenever their sumps are more than half-full, whichever is sooner. Sediment from the sump and catch basins shall be transported off-site for disposal. A log shall be kept of monthly inspections, cleaning and other activities associated with the maintenance of all stormwater structures. The log will be made available on request and an annual report of maintenance sent to the Commission's agent. The party responsible for inspections and maintenance of the basins shall be provided to the Commission.

4) Herbicide may be used only as topical application to the stubs of freshly cut of stems of invasive species that are more than 2 feet from any body of water. Invasive species within 2 feet of water should be mechanically removed by pulling or digging of roots. Triclopyr or glyphospate may be used. Application may be made from July 1 to November 15. Directions on the manufacturer's label must be followed. Application must be made by a person licensed by the State of Connecticut. Selection and cutting of the stems must be made under the direct supervision of Richard Snarski or other person who can identify invasive and native species approved by the Commission's agent. Unused herbicide may not be disposed of on site. A log shall be kept of the application date, type, amount, dilution of herbicide used and the names of the personnel involved and sent to the Commission within 5 days of application.

5) The entire area between Turner's Pond and the proposed parking area shall be designated as a conservation buffer. The area previously covered by asphalt pavement may be converted to a high grass meadow, mowed annually in early spring, or a mixture of native meadow, trees and shrubs. Medallions per IWC regulations will be placed at 25 feet intervals between the parking and conservation buffer.

6) A revised planting plan shall be submitted and approved by the Inland Wetland Commission Chairperson prior to the start of construction. All plantings, including landscaping of upland areas, basins and conservation areas shall be shown on a single sheet, with details and narratives cross referenced on additional sheets as needed.

7) Monitoring for the presence and removal of invasive species and the survival of new plantings will be made annually for three years and a report provided to the Commission annually.
8) During construction, all oil, paint, or other hazardous materials should be stored in a secondary container and removed to a locked indoor area with an impervious floor during non-work hours.
9) The applicant may install fencing if required by either the Planning & Zoning Commission or the Hamden Building Department. The fencing should not be chain link fence and should allow the flow of water in a storm.

The Commission & Mr. Kops discussed and the amended motion.

Mr. Gnida seconded the motion. Mr. Montogomery, Mr. Brand, Mr. Shadle, Mr. Gnida, Mr. Stone, Mr. Milazzo, and Ms. Jensen voted in favor of the motion as amended. Mr. Annes abstained. Therefore, the motion passed 7-0-1.

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

Mr. Elliott Fuller, Assistant Town Engineer addressed the Commission and reviewed the site and the application. He said that Mr. Anthony Sudol, Owner, had contacted the Town because he had sink holes in his side yard and his back yard was wet. Mr. Fuller reviewed the existing conditions and noted that a video camera had been placed into the pipe and it was determined that there were cracks, debris and standing water. Mr. Fuller discussed with the Commission the proposed plan to improve the drainage.

Mr. Montgomery stated he would like the following conditions: 1)Sediment removed from the area should not be deposited in the wetlands or the adjacent properties, and be moved off the site. 2) Work is to be done during the low water period, August through November.

Mr. Gnida made the motion to approve the application with the following conditions:

1. Sediment removed from the area should not be deposited in the wetlands or the adjacent properties, and be moved off the site.

2.Work is to be done during the low water period, August through November.

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

Mr. Anthony Sudol, Owner, addressed the Commission and stated that there are 14 drains which go into the pipe along with a lot of debris. He stated that he can take care of the pipe on his property. Each year the Public Works Department should run water through the pipes to clean them, and the debris that comes out should be removed. Mr. Fuller agreed that the Town benefits from Mr. Sudol monitoring the situation. If Mr. Sudol continues to see a build up of debris he should refer it to Mr. Fuller and the Town will go out to clean.

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 advised the Commission that Mr. Tim Lee, Assistant Town Attorney, as requested, sent a letter to Mr. Pasquale Trofa addressing the N.O.V. For Lot 10-Benham Hill Estates.

4. Review Site Inspection Schedule

The Commission will inspect 275 & 475 Mount Carmel Avenue, Quinnipiac University, Athletic Fields on October 9, 2013 at 5:00 p.m.

Ms. Rosenbaum stated that a formal site inspection had been done in 2012 at 230 Wintergreen Avenue. Any Commissioner wishing to inspect the site should contact Mr. Tom Vocelli, Wetlands Enforcement Officer.

5. Review of September 11, 2013 Meeting Minutes

Mr. Montgomery asked that on page two, fourth paragraph, fifth sentence "There is a safety concern existing where the channel drops off." be removed.

Mr. Milazzo made the motion to approve the minutes of September 11, 2013 as amended. Ms. Jensen seconded the motion. Mr. Montgomery, Mr. Stone, Mr. Shadle and Ms. Jensen voted in favor of the motion. Mr. Brand and Mr. Milazzo abstained. Therefore, the motion passed 4-0-2.

6. Other Business

Mr. Brand thanked the Commission for the get well card they had sent to him.

7. Adjournment

A motion to adjourn was made by Mr. Milazzo and seconded by Mr. Gnida. It passed with no dissenting votes. The meeting ended at 8:26 p.m.

Submitted by: _____
Stacy Shellard-Clerk of the Commission