

November 15, 2013, revised 3/19/14 per Commission review at the December 4, 2013 meeting

**MINUTES: THE INLAND WETLANDS COMMISSION**, Town of Hamden, held a Public Hearing & Regular Meeting on Wednesday, November 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  
 Kirk Shadle  
 Kirsten Jensen  
 Mike Milazzo, arrived at 7:05  
 Eric Annes  
 Bob Anastasio

*Staff in attendance:*

Dan Kops, Assistant 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 7:00 p.m. Mr. Brand 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. 13-1198** 230 Wintergreen Avenue - construction of a place of worship  
 Saint Mary's Unison Church, Applicant

Mr. Michael Lambert, Project Engineer, submitted to the clerk the abutter letter certified mailing receipts. He stated the proposed church will be 14,000 square feet in size. There will be no impact to the wetlands and minimal impact to the non-disturbance area. Within the 200 foot upland review area there will be two retention basins and parking area.

Mr. Thomas Pietras, Soil Scientist, addressed the Commission and reviewed the wetland delineation. The previous use of the property was an old farmstead and most of the property is abandoned fields and greenhouses that have been knocked down. Belden Brook is located on the western portion of the property and flows in a southerly direction and is contained within well defined banks that are 4-6 feet high. Flood plain soils are along the side of the brook with a narrow band of wetlands. The wetlands were delineated with flagging. At the northern portion of the property there is a shallow retention pond that holds water in it through out the year and has duck weed in it. Mr. Pietras described the soils in the area.

Mr. Montgomery stated that he had been out to the site several weeks ago and there was water flowing from the detention pond to the outlet. He asked if Mr. Pietras had seen no flow of water. Mr. Pietras replied that there was no flow of water out letting from the pond and that it was a dry time of year. Mr. Montgomery said that this has been a dry fall, but in the past he has seen water flowing from the detention basin. Mr. Pietras said that when he was flagging the area in August there was no flow of water along the southern side of the property other than a trickle of water coming from the pipe before the main ditch that percolated into the ground. Mr. Montgomery stated that in the past there has been water flowing out of the pond into the detention pond and that it may be spring water. Mr. Pietras said the pond does intercept ground water. Mr. Montgomery asked if Mr. Pietras knows where the ground water table is on the property. Mr. Pietras explained it ranges and at the western portion of the fields is the down slope side and during the wetter times of the year is when the water comes to the surface. Mr. Pietras believes that there have been borings done. To the east and north the soils become better drains and the water table goes down. Mr. Montgomery noted that the detention basins have a bottom of 54 and 55 and he asked if they will be at or below the water table. Mr. Pietras referred to survey plan (exhibit 1) and stated that there may be a potential for the detention basin to have a wet bottom.

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

Ms. Rosenbaum asked for comments against the application:

Mr. Ken Ginsberg, Fieldview Homeowners Association, addressed the Commission and stated that the detention pond was originally designed for seven lots with only five lots draining into it. His concern is that with the new development the detention pond would not be able to handle additional water runoff that would be coming from the roof and parking lots, causing water to over flow the pipes of the detention pond and go into the wetlands.

Mr. Michael Colaiacovo, 155 Mueller Drive, Seventh District Councilman, addressed the Commission and stated that he is concerned with the impact the project will have on Belden Brook and down the river. He asked the Commission to look at the impact the project would have on the wetlands and the wildlife in the area. He asked that the project be monitored closely.

Mr. Michael Hackenbruch, 55 Stanley Road, submitted to the Commission copies of a Google map(exhibit 2) and Mapquest map(exhibit 3) of the site. The Google map shows where the glass greenhouses had been located and the Mapquest map shows where they are located now. He stated that when the property was razed many were left in place, along with old materials. Mr. Hackenbruch reviewed the topography of the site. He said when it rains or snows the water runoff goes down to Belden Brook and also erodes into where the greenhouses and materials are leaching into the ground. He is concerned that the materials left on the site are not good for the soil and whom ever occupies the site. Mr. Hackenbruch is not opposed to the use of the property, but concerned for the occupants. He stated that the children attending church will go outside to play and could get hurt from the materials left from the farm.

Mr. Annes raised concerns about the size of the detention pond. Mr. Lambert stated that the existing detention pond will service the roadway. The drainage from the development will go down the street into the proposed basins which will be down gradient from the existing pond. Mr. Annes asked if there would be any ground water disturbance and Mr. Lambert replied no.

Mr. Montgomery noted that the placement of the medallions along the boundary of the 100 foot wide conservation buffer for the watercourse are lacking on the plan. He stated that the sanitary sewer within the 100 foot buffer cannot be avoided. As a condition of approval Mr. Montgomery would accept the establishment of a 100 foot wide conservation buffer except for the sanitary sewer which will be within the 100 foot buffer. There will not be a ban on agricultural use because it is allowed as of right and the church may want to have a community garden in the future. Existing plantings can remain undisturbed around the detention pond. When the property was used for agricultural use there was a dense mass of invasive species growth that was mowed. Mr. Montgomery would like the conservation area rehabbed using native species. He feels it is important that there be no lawn placed around the detention basin to minimize the amount of chemicals getting into the detention basin. Mr. Lambert replied that he would discuss Mr. Montgomery's requests with his client, but feels they would accept them as conditions of approvals. Mr. Pietras

clarified that the 100 foot conservation area would have exceptions made for agricultural use, otherwise native plantings would need to be used. Mr. Montgomery stated the area could be a meadow. Mr. Lambert discussed the placement of the medallions as required by the IW regulations with Mr. Montgomery. Also, discussed was the type of plantings to be used. Mr. Montgomery stated he does not want the area within the 100 foot buffer to be converted to a lawn.

Mr. Montgomery reviewed with Mr. Lambert the stormwater management plan which is shown on PS1 of the Sediment and Erosion Control plans.

Mr. Brand stated that the removal of the greenhouses is shown on the plans. Mr. Hackenbruch is concerned with hazardous waste and he asked how far down into the soil the applicant will go when removing the greenhouses. Mr. Lambert explained that the foundation depth for the entire building will be 3 ½ feet. The existing pavement will be dug out to a depth of approximately 1 ½ feet and the storm pipe catch basin will be at a depth of at least four feet. Mr. Lambert said that borings were done for the previous application and ground water was found at three to four feet. No testing was done for hazardous waste and materials. If there is anything dangerous in the soil it will be determined during the construction because they are unsure what is on the site without digging up the entire site. Ms. Rosenbaum stated there should be no soil exposure where the parking lot and church are to be located and Mr. Lambert agreed. Mr. Lambert also agreed to placing medallions along the conservation area boundary and will add a note that there be no lawns around the existing detention basin or within the conservation area.

Mr. Gnida stated that at detention basin #2 located on the west side of the spill way there is no velocity dissipater or level spreader. He is concerned that during a heavy rain the water will spill over and create a channel. Mr. Lambert stated that the detention basin has a holding capacity for a 100 year storm and if there is an overflow, a level spreader will be able to dissipate the majority of any water overflow.

Mr. Annes asked what types of plantings will be around the detention basin. Mr. Lambert stated he will add the types of plantings to the plan.

Mr. Shadle asked if there is any content still in the concrete tank that is proposed to be removed and Mr. Lambert replied no. Mr. Shadle asked if there would be no agriculture chemical mixing done on the site and Mr. Lambert stated that none would be done on the site.

Ms. Rosenbaum closed the Public Hearing.

***Mr. Montgomery made the motion to change the order of the agenda and go to the regular meeting for Application #13-1198. Ms. Lakin seconded the motion. The motion passed unanimously.***

**b. 13-1196** 275 & 475 Mt Carmel Avenue - reconstruction of athletic fields  
Quinnipiac University, Applicant

Ms. Rosenbaum reviewed the procedure for the Public Hearing and she stated that a request was received for an intervener. Mr. Tim Lee, Assistant Town Attorney reviewed the role of an intervener under C.G.S. 22.a.19.

Mr. Bernard Pellegrino, Attorney, addressed the Commission and reviewed the existing athletic field located at the eastern side of the Mount Carmel Campus. He reviewed an aerial photo (exhibit 1) of the existing turf athletic field (upper field) and the existing grass athletic field (lower field) which were approved by the IWC in 1991. In 2004 a request to turf the upper field with amenities was approved. Currently the upper field is used by the women's field hockey team and the women's and men's lacrosse teams. The lower field is home to the women's rugby team. Both fields are also used as recreational fields for other students. Mr. Pellegrino reviewed the proposed site plans for the athletic fields, field rooms, restrooms and a small stadium. He stated that the upgrade of the athletic facilities is part of a consent decree because of a Title IX complaint and a settlement for a lawsuit.

Mr. Pellegrino stated that there will be minimal impact to the wetlands. He reviewed the wetlands on the site. Retaining walls were deemed necessary and will be built to eliminate encroachment into the wetland areas. Mr. Pellegrino reviewed the history of the site.

Mr. Richard Snarski, Soil Scientist, addressed the Commission and stated that in March of 2004 he had done an original wetland delineation. He reviewed the boundaries of the wetlands and noted that they remain the same as the March, 2004 delineation. Mr. Snarski reviewed the two wetlands (exhibit 1), existing plantings on the site and the drainage swales. He said that there is heavy browsing by deer and rabbits in the area.

Mr. Howard Pfrommer, Civil Engineer, addressed the Commission and reviewed an area photo (exhibit 2). He reviewed an existing C.1-CAD drawing(exhibit 3) that includes the location of the existing southern field, proposed southern field and the proposed structure that will be located on the south side of the field. Mr. Pfrommer reviewed the northern field C-6 (exhibit 4), drawing C6.1 (exhibit 5) southern field, and the S&E controls C7.01(exhibit 6). Mr. Pfrommer said that a proposed retaining wall will be built early to act as a dam-C.7.1(exhibit 7).

Mr. Lee stated that a letter from Attorney Marjorie Shansky who is representing Johanne Mangi, Intervener, was hand delivered and it requested the public hearing to be continued until December 4, 2013, because she was unable to attend tonight's meeting.

Ms. Johanne Mangi, Intervener, 5061 Ridge Road, addressed the Commission and asked that her soil scientist be allowed to make a statement.

Mr. Mike Klein, Soil Scientist addressed the Commission and stated his resume. He said that he will provide a written copy of his resume to the Commission. He reserved detailed comments until he receives a copy of the revised plans.

Mr. Pfrommer noted that the original plans were submitted on August 15, 2013 and revised on October 4, 2013 to reflect the building's finished floor space that was reduced in size. On October 25, 2013 revised plans for the photometric plan and two drawings that reflect the utility work were submitted. Mr. Pfrommer anticipates addressing the Town Engineer's comments about the storm drainage and plans on submitting revised plans on November 22, 2013.

Mr. Klein stated that the intervener has a civil engineer who will be reviewing the revised plans for the storm drainage. He said that as proposed, the project will cause unreasonable pollution and adverse impact to the wetlands. Also, that there are elements missing from the plans in respect to Section 7 of the IW regulations. Mr. Klein has concerns about the means and methods of construction near the wetlands. Limits of the proposed retaining wall will be within three feet of the wetlands and the foundation for the wall will go onto the wetlands by six inches. Mr. Klein feels that the machinery needed to construct the retaining wall will have an impact on the wetlands. He is concerned that the permanent wetland preservation areas established in 1991 and again in 2004 will be affected. Mr. Klein submitted to the clerk petitions (exhibit 8) in opposition to the application.

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

Ms. Rosebaum asked for comments against the application:

Mr. Calvin Demarsilis, 311 Hogan Road, addressed the Commission and asked if the wetlands are crucial to the ground water. He stated that 90 percent of his neighbors have well water and they are concerned if there were to be anything that hampers or disrupts them. Mr. Demarsilis' understanding is that water that flows from Sleeping Giant State Park and the water runoff helps feed the marshes and the wetlands. He noted that during the site walk it appeared that the fields encroached at the border of the wetlands. He asked if the fields had already been permitted to expand in 2004.

Ms. Carla Roussel, 590 Mt. Carmel Avenue, addressed the Commission and stated that she is against Quinnipiac University being allowed to do any additional work. Sleeping Giant is Ms. Roussel's back yard and she feels the proposed application will affect the wetlands and the wildlife in the area.

Ms. Susan Dannenhoffer, 1277 Mt. Carmel Avenue, North Haven, addressed the Commission and stated that she agrees with the previous speakers' comments and the intervener's expert,. She is opposed to the application.

Ms. Susan Nally, 445 Hogan Road, addressed the Commission and stated that she agrees with the previous speakers' comments and she is against the project.

Mr. Michael Martucci, 720 Mt. Carmel Avenue, addressed the Commission and stated that he agrees with Mr. Klein's findings and is opposed to the application.

Ms. Patricia Martucci, 720 Mt. Carmel Avenue, addressed the Commission and stated that she agrees with comments and expert testimony made by Mr. Klein. She is opposed to future development.

Mr. Gary DeSimone, 5200 Ridge Road, North Haven, addressed the Commission and stated that he is opposed to further development on the property. He agrees with the previous comments made, especially by Mr. Klein.

Mr. John Acampora, 5036 Ridge Road, North Haven, addressed the Commission and stated that he is opposed to the application.

Mr. Richard Fennelly, 3711 Whitney Avenue, addressed the Commission and stated that he agrees with the comments made by the intervener's soil scientist. He is opposed to the application.

Mr. Danny Brass, Livingston Street, New Haven, addressed the Commission and stated that it was indicated during the last application that there was a requirement for a 100 foot buffer area. He asked if the same requirement was necessary for this application and if there is a 100 foot buffer area proposed between the construction and the wetlands.

Mr. Tim Lee explained that the wetlands regulations show a preference for a 100 foot buffer area. The applicant can ask the Commission to reduce the 100 foot buffer in the event that they can show the reason for the reduction.

Mr. Brass said that it was indicated that the wetland area is of poor quality and the area is also a habitat for wildlife. During the previous application to improve the field it was indicated that the applicant was required to maintain a buffer zone. Mr. Montgomery stated that he will address questions he had with regard to adherence to the boundaries established in 2004.

Ms. Elizabeth DeSimone, 5200 Ridge Road, North Haven, addressed the Commission and stated she is opposed to the application.

Mr. Ross Lanius, 4200 Ridge Road, addressed the Commission and stated that he is opposed to the application. Also, he is shocked that the applicant is proposing to cut down Black Walnut Trees because they are valuable trees and should be saved.

Mr. Jim Reilly, 4500 Ridge Road, North Haven, addressed the Commission and stated that he is opposed to the application.

Ms. Kirsten Jensen, Commissioner, addressed the Commission and stated for the record that she attended Quinnipiac Law School from 2005 to 2008 and graduated with a JD. She has not contributed financially to the University subsequent to her graduation. Ms. Jensen does not feel she will be biased in anyway and she can make an impartial decision. She does not have any personal or financial interest in the application.

Mr. Gnida asked Mr. Pfrommer if the borings mentioned were for a previous application or referred to the proposed plans. Mr. Pfrommer replied that the borings were done specifically for this application. Mr. Gnida asked if on sheet

C-12 (exhibit 9) does not depict the boundary of the wetlands on each retaining wall cross sections. Mr. Pfrommer replied no and reviewed the wetland boundaries. Mr. Gnida said there is to be excavation of the present fields for drainage piping and asked if there would be a lot of disturbance to the underlying soils. He also asked where the soil would be stockpiled during construction. Mr. Pfrommer reviewed the grades of the fields and the proposed elevations of them. He reviewed the calculations and the total excavation (Exhibit 10-Sheet C.10.4). He noted that the calculations of how long to remove the material will be based on the amount and the size of the trucks being used to remove it. He is unsure where the fill will be stockpiled or if it will be removed from the site.

Ms. Rosenbaum asked how many cubic yards of material will be removed. Mr. Pfrommer stated a total surplus of fill to be removed was calculated at 14,300 cubic yards.

Ms. Lakin asked if because of the proximity to the wetlands were any other locations or configurations of the fields looked at. Mr. Pfrommer said the proposed location is best for the University. Other locations would require a huge amount of earthwork.

Mr. Pellegrino reviewed the locations considered and stated that the proposed location is the University's first choice. He stated that the University is also looking to add facilities that meet the NCAA standards.

Mr. Anastasio said it was mentioned that the south and north fields are being shifted. He asked how close and away from the wetlands the fields will be. Mr. Pfrommer reviewed the locations of the fields (exhibits 4 & 5) relative to the wetlands. Mr. Anastasio referred to the access road and its location. Mr. Pfrommer reviewed the proposed road and proximity to the wetlands.

Mr. Annes asked Mr. Snarski from start to finish of the project what the impact to the wetlands will be. Mr. Snarski stated that the work to be done will not encroach on the natural wetland boundaries. He reviewed the Sediment and Erosion Control Plan. Mr. Snarski stated that if necessary to enter into the wetlands, all work will be done by hand. Mr. Annes asked if there would be any impact to the function of the wetlands and Mr. Snarski replied no. Mr. Snarski reviewed the previously filled area and the proposed removal of trees.

Mr. Klein noted that while the upper field synthetic turf is being moved away from the wetlands there is a 1500 foot stadium and retaining wall that moves closer to the wetlands which will indirectly impact and have effects on the wetlands. He said that there is no detailed procedure in place for the activity of the construction. Mr. Klein reviewed sheet C6.1(exhibit 5) and stated there is significant potential for adverse effects in the area. He stated that the wetland buffer established in 2004 by the IWC is being moved substantially along the eastern side of the lower field. He reviewed C6.0 (exhibit 4) and said that along the southern side of the upper field the movement of the buffer would be between 15 feet up to 50 feet.

Mr. Annes asked Mr. Klein what the significant impact to the character of the existing wetlands would be. Mr. Klein stated that the wetlands have already been impacted and there is a high level of invasive plants. Mr. Annes asked what Mr. Klein expects to happen if the proposed application is approved. Mr. Klein expects to see increased levels of invasive plants, increased avoidance of the area by wetland special species and disturbance of sensitive species. Also, he expects to see sediment and erosion impact from the construction process. Mr. Klein has not seen a detailed restoration plan. He reviewed the surveys and reports he feels should have been included in the application.

Mr. Shadle asked what leaching chemicals would come from the southern field.

Mr. Vincent McDermott, Landscaper Architect, addressed the Commission and stated that the field hockey field will be a knitted nylon product referred to as astro turf. The leaching of fields is no longer a problem because of the manufacturing process. He reviewed the manufacturing process. Mr. Shadle asked what the expected life span of the field would be. Mr. McDermott said it depends on the use and maintenance of the field, but is approximately 10 years. Mr. Shadle asked what an indicator would be that the field is failing. Mr. McDermott said the nap will have worn down overtime. Mr. Shadle asked what the leaching profile is. Mr. McDermott reviewed the materials used in the

synthetic turf and will provide the manufacturers specifications and composition of the materials. Mr. Shadle is concerned with the risks to the wetlands.

The Commission further discussed with Mr. McDermott leaching potentials, degradation of the fields having an impact to the wetland, and maintenance required for the fields.

Mr. Gnida said there is an array of flat drains that are underneath the field and he asked if they were changed from a perpendicular array to a herring bone for the flow or velocity. Mr. McDermott said the subgrade of the fields is pitched to one percent of the side and the herring bone is easy to install and follows the contour of the grade. Mr. Gnida said a drainage calculation report received shows only a 10 year storm event. Mr. Pfrommer stated that the storm drain calculations were to size the pipes. The Town Engineer asked that up to a 100 year storm event be addressed in the storm drain calculations and a revision will be submitted.

Mr. Brand asked Mr. Snarski what criteria was used to determine what the impact will be to the wetlands. Mr. Snarski stated that the activity is happening in an area that is filled land. There will be activity on the side slope and the wildlife is using the fields that already exist. Mr. Brand said the southern edge of the field has the most invasive species and its because of the existing fields. Mr. Snarski reviewed the wetlands(exhibit 1) and the existing invasive species with Mr. Brand. Mr. Brand asked how will the invasive species be stopped with the disturbance to the slope. Mr. Snarski said an exotic invasive species removal plan can be done and available for the next meeting. Mr. Brand noted the last page of Mr. Snarski's revised report dated August 1, 2013 does not include the plantings on the proposed plans. Mr. Snarski will revise the planting plan.

Mr. Montgomery asked Mr. Pellegrino which University official is responsible for the wetlands and for adhering to the IW regulations. Mr. Pellegrino stated Mr. Sal Filardi and previously it was Joe Rubertone.

Mr. Salvatore Filardi, Vice President for Facilities, addressed the Commission. Mr. Montgomery asked if there was a management plan in place for the extensive wetlands and the developed areas on the property. Mr. Filardi said that being new to his position he is not familiar with the written plans for the wetlands, but will develop plans for facility maintenance. The grounds team maintains the campus. Mr. Montgomery asked when Mr. Filardi assumed his current position. Mr. Filardi replied one year ago.

Mr. Montgomery stated that when the site inspection was taking place, near the parking lot of the alumni house he saw wetland markers required as a condition of approval for a 2004 approval. He referred to exhibit 1 and said there was a park path that went into the wetlands and brush was dumped in the wetlands. He also wondered why there were so many invasive species in the wetlands on the side of the activity building. Mr. Montgomery reviewed the site where there are invasive species and does not feel they are natural because when materials are being blown off the turf they are going into the wetlands. Mr. Montgomery would like to determine how to prevent materials from going into the wetlands. When on site he also noticed the area where the sewer that was approved in 2003 crosses over the wetlands on Hogan Road. It is roped off; however, it has been mowed, compacted and is no longer functioning as wetland. As a condition of approval the area was to be enhanced. Thirty six shrubs were planted and there are only eleven left. Mr. Montgomery does not feel the university is respecting the conditions of approval that were imposed.

Mr. Montgomery noticed piles of sand left on the east side of Hogan Road where the stream crosses over, and he is concerned they will wash into the stream. There had been discussion in 2003 and 2004 about mowing along the stream parallel to Hogan Road and it was determined the University should keep a further distance away and instead they went closer to the center of the stream. The Commission was reluctant to impose a fence because of the playing field and concern someone could run into it. Mr. Montgomery suggested that high grass be planted to develop a no mow line. Since 2008 there have been many additional problems and Mr. Montgomery stated that there is a need for a management plan to sustain the wetlands and the University is losing some of its natural beauty.

Mr. Filardi stated that he cannot defend the past, but can address issues created since his arrival. He said that he put up the rope on Hogan Road when he was aware it was a wetland area. Mr. Filardi said the University is committed to

protecting the wetlands. Typically on a project jersey barriers are placed. However, near the wetlands it can cause more damage and they now use haybales and silt fencing. He oversees capital planning and facility maintenance. Mr. Filardi stated that the University will commit to develop plans that the IWC would like to protect the wetlands. This could include identifying invasive species and an eradication program to be proactive in the management of the area.

Mr. Montgomery addressed Mr. Pfrommer regarding the application for the artificial turf being installed. He said that jersey barriers were up against the now existing fence and the 2004 plan showed wetlands markers were on the fence. Lines were drawn on the 2004 IWC approved drawings to represent an area to remain in its naturally vegetated state. Mr. Pfrommer read the hand written note on the 2004 IWC approved drawings regarding the area to remain in its naturally vegetated state "No activities, actions, or uses of the land shall be permitted and it shall remain in its naturally vegetated state. J. Howard Pfrommer, 22-3-2004". Mr. Pfrommer reviewed the conditions. Mr. Montgomery said that there is now a mow area between the fence and the medallions that were shown on the fence and clearly not placed there. There is a flag pole with a fence and the area was graded without a permit. There is a control panel for pumps and valves that are used for the synthetic fields and they were not approved. There is a waterline shown on the proposed plan that is a regulated activity and it was not approved. Many of the existing conditions depicted on the proposed plans were not granted approvals.

Mr. Montgomery addressed Mr. Pellegrino regarding approvals for 1991 and 2002. Mr. Montgomery said the approvals were done before CAD. The 2002 drawings show field grade sloping down from the north to the south. In the 2004 plans the drawing shows the fields as flat with a crown to the middle and sloping to the sides. Most importantly, there are steep banks which it appears were not approved by the Commission. Mr. Montgomery asked that the University should figure out what activity took place and find in their records the approvals for the activities. Mr. Pellegrino stated that he will do research to see what took place. He noted the he nor Mr. Pfrommer were involved with the activities. Mr. Montgomery said they are involved now. He tried to review the IW history and explored the area between the fence on the south side of the field and the boundary line. Mr. Montgomery feels that it was originally all field, but now there is a playing field and a whole lot of gravel that is used to move portable bleachers. He is unable to find an approval for this area. There appears to be a lack of current management plan and in the past liberties taken with considerable changes made. Mr. Montgomery feels that it is hard for the Commission to move forward with additional changes until the past is straightened out. Mr. Pellegrino stated he will do the research to try and determine when the changes were done.

Mr. Pellegrino stated that the issues mentioned will be looked into. For future proceedings the intervener will be provided with information. However, not much was heard at this meeting from the intervener and Mr. Pellegrino would like them to provide their information ten days prior to the next meeting so that the issues are known before hand. Mr. Lee explained that Quinnipiac should submit their revised plans 20 days prior to the next meeting to allow the intervener to respond 10 days prior to the meeting.

***Mr. Milazzo made the motion to continue the Public Hearing until the December 4, 2013 meeting. Mr. Anastasio seconded the motion. The motion passed unanimously.***

Ms. Rosenbaum asked Mr. Pellegrino if he were willing to grant an extension to continue the Public Hearing and Mr. Pellegrino agreed.

## **II. Regular Meeting**

### **1. Pending Applications and Amendments**

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

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

1. A 100 foot wide conservation buffer be established along the stream, except for the easement over the sanitary sewer line; This condition does not exclude agricultural uses that are as of right.
2. A plan to rehabilitate this conservation buffer be provided and approved by the chair person of the Commission.
3. Medallions per IWC regulations be placed along the perimeter of the conservation area.
4. Existing plantings within six feet of the detention basin shall remain except for the removal of invasive species. No lawn will be placed within six feet of the existing basin. Organic mulch and native species may be added.

***Mr. Anastasio seconded the motion.***

Mr. Annes asked if the conditions of approval should include a list of recommended plantings within the 100 foot conservation buffer. Mr. Montgomery reviewed condition #2.

***The motion passed unanimously.***

- b. 13-1196** 275 & 475 Mt Carmel Avenue - reconstruction of athletic fields  
Quinnipiac University, Applicant

Tabled until the December 4, 2013 meeting.

- c. 11-1178** 70 Cobblestone Drive – *de minimis* amendment  
Request for authorization to pave the outer driveway  
Jonathan Clapp, Applicant

Mr. James Rotondo, Civil Engineer, addressed the Commission and stated that the original approval was granted in January, 2012. The approval was for a gravel driveway with a condition that the driveway cannot be paved without the approval of the Commission. The Zoning Enforcement Officer had received a call from an abutting property owner because sediment was coming from the driveway. Mr. Rotondo stated that it was determined that paving a portion of the driveway would minimize the potential of sediment repelling. Mr. Rotondo submitted to the Commission SP1.1 which is a partial site plan and SP1.2 which depicts the 100 foot buffer area, and the 200 foot upland review area. He noted that water runoff would drain to the road. There would be no adverse impact on the wetlands. There is a developed area between the wetlands and the area to be paved.

Mr. Brand asked if when paved would water drain to the roadway. Mr. Rotondo stated that it currently flows that way. Mr. Brand asked what direction the sediment material goes in when it rains. Mr. Rotondo replied that it goes onto the road and down Cobblestone Drive.

Mr. Shadle asked if consideration was taken to use a coarser material instead of paving. Mr. Rotondo explained that processed stone was used and if a coarser material were used it would need a binder of finer material. Mr. Shadle asked if because of the slope water runoff would speed up because the area is sloped. Mr. Rotondo replied that each side of the driveway is seeded and established and where the driveway levels off it will act as a trap.

Mr. Montgomery stated that he visited the site and that he was impressed with the management of the maintenance and erosion controls taken on the property. He feels that the request to pave a portion of the driveway is a good solution to the problem of sediment coming off the driveway. Mr. Montgomery would like the condition that the driveway cannot be paved without the approval of the Commission be removed. However, there is to be no paving in the area above the septic system.

*Mr. Annes made the motion to recommend amending the 2012 approval to allow for the paving of the first 100 feet of driveways, as depicted on plan SP1.2. Mr. Gnida seconded the motion. The motion passed unanimously.*

## **2. Notices-of-Violation, Cease & Desist & Restore Orders, Notices-to-Appear**

Ms. Rosenbaum stated that all the N.O.V. 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

## **3. Review Site Inspection Schedule**

There were none.

## **4. Review of October 2, 2013 Meeting Minutes**

*Mr. Milazzo made the motion to approve the minutes of October 2, 2013. Mr. Shadle seconded the motion. Ms. Lakin and Mr. Anastasio abstained. Therefore, the motion passed 7-0-2.*

## **5. Other Business**

Ms. Rosenbaum congratulated Mr. Annes on being elected a Legislative Council Member. Mr. Annes will submit a letter to the Mayor resigning his position on the IWC.

Ms. Lakin noted that she had been approached by members of the public, and they stated that they felt that the IWC had their best interest at heart.

## **6. Adjournment**

*A motion to adjourn was made by Mr. Brand and seconded by Mr. Anastasio. It passed with no dissenting votes. The meeting ended at 10:19 p.m.*

Submitted by: \_\_\_\_\_  
Stacy Shellard-Clerk of the Commission