

January 14, 2014, revised 3/19/14 per Commission review at the March 5, 2014 meeting,

**MINUTES: THE INLAND WETLANDS COMMISSION**, Town of Hamden, held a Public Hearing & Regular Meeting on Wednesday, January 8, 2014 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  
 Kirk Shadle  
 Kirsten Jensen  
 Mike Milazzo arrived at 7:04 p.m.  
 Bob Anastasio  
 Mike Stone arrived at 7:24 p.m.

*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 7:03 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.***

Ms. Rosenbaum asked for a motion to hear Application 13-1199 prior to the public hearing.

***Mr. Montgomery made the motion to hear Application 13-1199 prior to the public hearing. Ms. Lakin seconded the motion. The motion passed unanimously.***

## **I. Public Hearing**

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

Mr. Bernard Pellegrino, Attorney, addressed the Commission and stated that revised plans have been submitted. They address the concerns that were raised during the December 4, 2013 meeting. He submitted Ms. Jodie Chase's resume (Exhibit N). Mr. Pellegrino reviewed the C.G.S. 22a-41 requiring an analysis of feasible and prudent alternatives. He noted that as previously discussed and presented there was a construction methodology considered and alternative designs relative to the proposed plans. Mr. Pellegrino explained the alternative plans that had been considered. He stated that the need to improve the existing athletic fields arose because the University is required to upgrade the athletic facilities in response to a Federal court order. Mr. Pellegrino reviewed C.G.S. 22a-38, which addresses what is

considered prudent. He also discussed the definition of feasible. Mr. Pellegrino stated that it is a prudent option because the fields already exist, and it is feasible to renovate the fields and construct the stadium within the development footprints provided.

Mr. Pellegrino reviewed the existing fields (Exhibit O) located on the other side of Hogan Road and stated that there are wetlands. He explained that there is no way to relocate the proposed fields and stadium without displacing the existing fields used for other sports and that there are no areas to relocate them that would be feasible or prudent. He asked that the Commission support a finding that the proposal satisfies the statutory requirement, and if applicable, it is the most feasible and prudent alternative.

Mr. Howard Pfrommer, Civil Engineer, addressed the Commission and reviewed the revised set of drawings submitted on December 20, 2013. A label for a boring was changed from 114 to 110. The proposed drainage outlet for the lower field was changed to meet where the existing outlet is. Mr. Pfrommer referred to Drawing Sheet C7.1 which shows the lower field and he noted there is an existing drainage outlet on the east side of the field. The existing underground detention will tie into the existing drain line. There is still a rip rap dissipater. This allows a 4 inch diameter bleed off from the underground detention basin to allow the area to be completely drained for the next storm. The outlet manhole invert coming in is a foot less than the invert going out. The 15 inch line leaving the underground detention basin is a foot higher than the bottom of the detention facility which will leave some water. Mr. Pfrommer would like this water drained before the next storm and would like a small outlet. The discharge will go back to where the existing discharge is on the east side. Also submitted were specification sections to support the discussion of the basalt type sub drainage stone beneath the field and the type of rubber used in the chrome rubber field.

Mr. Pfrommer reviewed Mr. Klein's letter. He said that the 1991 drawings were the approved drawings for the existing natural turf field. The existing south field is still the natural turf field built in 1992. The north field is an artificial field which was approved in 1991 and designed by a different engineer. The municipal drawings could not go out to bid as asked because they did not have enough construction detail. He stated that construction details were done in 1992. In the 1991 drawings the wetland to the active play area was to remain with a 25 foot minimum dimension and Mr. Pfrommer noted that the construction drawings comply with this requirement. Mr. Pfrommer does not disagree with Mr. Klein's finding that there had been some cutting and filling on his drawings that is different than the 1991 drawings approved by the Commission. In the 1991 drawings there were 10-12 feet of vertical drop and cut or fill had to be done on the sides of the fields to create a level playing field. However, they did comply with the 25 foot distance from the active play area to the wetland. The construction drawings were submitted for a Zoning Permit with the 1992 drawings and were approved. Mr. Pfrommer reviewed the earthwork operation done in 1991 in the fields. There may have been some piles of fill in the wetlands. When the area was surveyed in 1991 the piles were shown to be approximately 20 feet into the wetlands. The piles of fill have been removed. Mr. Pfrommer reviewed the various items located on the west side of the upper field that are not on the approval drawings in 2004 and he noted they will be removed or cleaned up.

Mr. Pfrommer reviewed the sequence of construction for the retaining walls along the east side of the lower fields (sheet C.7.1). He entered into the record and reviewed: Sheet C1.0-shows plan for two fields with two section locations for the southern field and two section locations for the northern field (Exhibit P). The drawings were altered to include multiple sections. Section AA-eastside of the lower field where the wetland is closest to the retaining wall (Exhibit Q), Section BB-east side of the upper field (Exhibit R), Section CC-west side of the upper field (Exhibit S), Section DD- located on west side of the upper field(Exhibit T), Section 1-located on the south side of the upper field (Exhibit U), Section 3-located on the east side of the lower field (Exhibit V), Section 4-east side of the lower field near the southern end of the field (Exhibit W). Also, included with the plans submitted on December 20, 2013 were some wetland bio-filter options. Mr. Pfrommer reviewed the options. Option one is based on ½ inch of water runoff of the entire upper field and option two is based on one inch of water runoff for the entire upper field.

Ms. Rosenbaum asked Mr. Pfrommer to review his comments that were sent via email regarding the November 6, 2013 and December 4, 2013 meeting minutes. Mr. Pfrommer read his emails that requested revisions to the minutes of the meetings.

Mr. Andrew Dyjak, Musco Lighting, addressed the Commission and gave a presentation of the proposed lighting for the fields. The presentation includes the different types of spill and glare lighting and its effects on and off the field. (Exhibit X)

Mr. Montgomery asked if it can be guaranteed that the light illumination on the wetlands will not exceed the threshold levels and Mr. Dyjack replied yes. Mr. Dyjak noted that if the lighting is not what it should be on and off the field the company guarantees for 25 years that the company will meet the design criteria. Mr. Dyjak discussed with the Commission the levels of lighting on and off the fields, but said he was not qualified to discuss the possible impacts to the wetlands and wildlife.

Ms. Jodie Chase, Wetland Ecologist, addressed the Commission. She referred to Mr. Michael Klein's report dated December 4, 2013 (Exhibit L). She reviewed item number 4 and stated that her research has found nothing regarding the effects and impacts of lighting on Eastern Box Turtles. Ms. Chase spoke with two experts and they were not aware of any studies on the impact of light on Eastern Box Turtles. She feels that Mr. Klein's comments have no scientific basis for his claims, nor did his list of citations discuss anything about Eastern Box turtles. Ms. Chase disagrees with Mr. Klein's finding that the intense use will affect the plants and animals. The proposed use will only take place for six months, several hours a day, several days a week. Ms. Chase stated that in her opinion the lighting will be less than half of the existing activities of the University and it will have no adverse impact on the wetlands, watercourses or the wildlife. Ms. Chase further referred to Mr. Klein's comments and discussed her findings.

Mr. Montgomery referred to the parking lot near the wetlands and Ms. Chase's statement that referred to the lighting level is much greater than the illumination levels previously discussed. Ms. Chase replied that she did not say the parking illumination levels would be greater, but that the duration is much longer because the parking lot is lit daily throughout the year. What is being proposed is lighting several hours, several days a week for six months a year. Mr. Montgomery asked Ms. Chase if she knows what the lighting levels are for the parking area and she replied she does not know.

Mr. Montgomery submitted and reviewed the "Recommended Lighting Levels for Exterior Lighting" (Exhibit Y). He also submitted and reviewed the "Studying the Ecological Impacts of Light Pollution on Wildlife: Amphibians As Models" and the "Effects of Artificial Night Lighting on the Nocturnal Activity of the Terrestrial Red-backed Salamander, *Plethodon cinereus*" (Exhibit Z). Ms. Chase stated that wildlife and wetlands are habituated to light due to the present activity. She disagrees that there is a substantial difference between lighting a parking lot all night vs. the several hours of lighting for several months. She said that the Wise study used extreme light conditions up to 24 hours at 100 lux and she reviewed their findings. Mr. Montgomery referred to lightning bugs and effects of lighting on them. He feels that artificial light does affect wildlife. Ms. Chase stated that she stands by her conclusions. She feels that there is impact on the wildlife because of lighting. But she does not feel that the proposed project will have negative impact on the wildlife.

Mr. Richard Snarski, Soil Scientist, addressed the Commission and reviewed the proposal to remove the exotic invasive vegetation in the wetlands. The removal will be done by hand. He reviewed the planting plan that will create a wetland buffer. Mr. Snarski inspected the vernal pool April 20, 2014 and reviewed his findings.

Mr. Montgomery noted that Mr. Snarski had stated that the invasive species would be removed by hand. However, in the plans it is proposed that herbicides will be used. Mr. Snarski stated that the invasives will be cut and the re-sprouts will be sprayed with a herbicide. Mr. Montgomery stated that it was mentioned that there would be cutting with a chainsaw. Mr. Snarski replied yes. Mr. Montgomery asked if the herbicide would be Rodeo and Mr. Snarski replied yes. Mr. Montgomery discussed the application of Rodeo and its non-target effects with Mr. Snarski. Mr. Montgomery is concerned with protecting the deer that browse in the area. Mr. Snarski stated that they can be protected by using deer netting.

Mr. Brand asked why in the western wetland there is no invasive eradication proposed. Mr. Snarski explained that it is a low value wetland. Mr. Brand discussed with Mr. Snarski the existing wisteria. Removing it would improve the wetland with eradication and enhancements. Mr. Snarki stated that the wisteria could be eradicated.

Ms. Marjorie Shansky, Attorney, addressed the Commission and stated that there was new information and new exhibits provided at this meeting that were not seen by her team. She asked for a recess to allow time to review the documents.

Ms. Nancy Alderman, 1191 Ridge Road, North Haven, addressed the Commission. She submitted and reviewed the following: (Exhibit AA) Cover letter and five attachments addressing concerns about synthetic turf fields. Ms. Alderman stated her resume. She noted that the EPA no longer will claim that such fields are safe.

Ms. Rosenbaum granted a recess.

Ms. Shansky asked that the public hearing be continued until February 5, 2014 to allow review and response to the information presented at this meeting. The Commission, the Applicant's representatives and the Intervenor's representatives discussed the information and exhibits presented and discussed at this meeting.

Mr. Tim Lee, Assistant Town Attorney, stated that the applicant would need to grant an extension to continue the public hearing until the February 5, 2014 meeting.

Mr. Pellegrino and Ms. Shansky further discussed continuing the public hearing and limiting what can be addressed.

Mr. Montgomery questioned the justification of the Title 9 requirement and the proposed project.

Mr. Pellegrino stated that he is not trying to use or justify Title 9, but the University is under court order to upgrade the athletic facility. He feels that the proposed placement of the project is logical and would have no negative impact on the wetlands. Mr. Montgomery stated that Mr. Pellegrino is arguing that there is no impact to the wetlands. Mr. Milazzo said that if there were no further impact to the wetlands there would not be a need for an application. Mr. Pellegrino stated that the location is the most feasible and prudent alternative for what the applicant is requesting. The Commission further discussed what the applicant has proposed.

Mr. Pellegrino and Ms. Shansky discussed continuing the public hearing or granting an extension to continue until the February 5, 2014 meeting. Mr. Pellegrino would grant the extension, if the Intervenor is willing to submit their rebuttal to the materials provided 20 days before the next meeting. Ms. Shansky replied that she does not have copies of the plans yet and will be able to provide a rebuttal 10 days prior to the meeting. Mr. Pellegrino agreed.

***Mr. Brand made the motion to continue the Public Hearing until the February 5, 2014 meeting. Ms. Lakin seconded the motion. Mr. Brand, Ms. Lakin, Ms. Jenkins, Mr. Anastasio, Mr. Milazzo, Mr. Shadle and Mr. Stone voted in favor of the motion. Mr. Montgomery voted against the motion. Therefore, the motion passed 7-1.***

## II. Regular Meeting

### 1. Pending Applications

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

Tabled until the February 5, 2014 meeting.

- b. 13-1199 1950 Dixwell Avenue – construction of a self-storage facility  
Visit us at [www.hamden.com](http://www.hamden.com)

## BRB Development, LLC, Applicant

Mr. Robert Baltramaitis, Professional Engineer, addressed the Commission and reviewed the application. He stated that the revised plans that were submitted show the proposed conservation area delineation and the wetland markers will be placed on each side of the watercourse. Also, the stream has been depicted as it leaves the site from the north where it enters the property, and that was delineated using the Town's GIS data. The invasive species will be eliminated by creating from above a new vegetated canopy that will choke them out from above by blocking the sun. This will be done by planting Maple trees. As an alternative, herbicides can be applied at the Commission's discretion. Mr. Baltramaitis stated that the Town Engineer's comments have been addressed.

Mr. Montgomery asked where the idea came from to apply herbicides when the plants are in bloom. Mr. Baltramaitis stated that it was suggested by Mr. Pietrus to apply the herbicides when plants are in bloom, which is in the late summer and early fall. Mr. Montgomery likes the plan. However, he is concerned that the plants will be high and the herbicide could drip down. Mr. Montgomery does not want to see the use of herbicides. He feels that the use of mulch will help to establish the plantings. Mr. Montgomery would like flowering plants and grasses used to fill the area until the vegetated canopy is established. Mr. Baltramaitis stated that the application of herbicide has been proposed as an option to allow time for the trees to grow. Mr. Montgomery stated that if herbicides are to be used it would need to be brought to the Inland Wetland Enforcement Officer prior to the application of the chemical. He also discussed the types of herbicides he would like to see used. Mr. Baltramaitis will accept this as a condition of approval.

***Mr. Montgomery made the motion to approve Application 13-1199 with the following conditions: 1) The prohibition that herbicides are not to be used except with the expressed consent and consultation of the Inland Wetland Enforcement Officer. 2) The area that will be planted with Maple trees be mulched four inches deep. Additional native grass and perennial flowering plants may be added to the plantings. Mr. Anastasio seconded the motion. The motion passed unanimously.***

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

- 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

Mr. Lee explained that the owner is out of the country and will give the Town an easement to access lot 10 upon his return.

All Notices-of-Violation remain tabled.

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

There are none

## **4. Review of December 4, 2013 Meeting Minutes**

Ms. Rosenbaum stated that on page 4, second and fourth paragraph, the word “salt” should be replaced with “basalt”. The Commission discussed Mr. Pfrommer's comments regarding the minutes of the November 6, 2013 and December 4, 2013 meetings. It was determined the only change to be made was on the December 4, 2013 minutes, page 2, 4<sup>th</sup> paragraph up from the bottom, “three inch” was referenced two times and should be “three foot”. Mr. Shadle asked that on page 4, 3<sup>rd</sup> paragraph, the last sentence, “The overall DEEP conclusion is that the fields are acceptable and safe.” should be removed. The Commission discussed on page 1, under Application 13-1196, 2<sup>nd</sup> paragraph, the 1<sup>st</sup> and

2<sup>nd</sup> sentence. It was determined that they should read: Mr. Howard Pfrommer, Civil Engineer, addressed the Commission and reviewed the history of the site starting with the original application in 1990 and the original approval in 1991. He reviewed comparisons of the original approvals of the fields starting in 1991...

*Mr. Anastasio made the motion to approve the minutes of the December 4, 2013 meeting as amended. Mr. Montgomery seconded the motion. The motion passed unanimously.*

#### **5. Other Business**

*Mr. Brand made the motion to enter into executive session at 9:38 p.m. Mr. Milazzo seconded the motion. The motion passed unanimously.*

*Ms. Lakin made the motion to exit the executive session at 9:50 p.m. Mr. Anastasio seconded the motion. The motion passed unanimously.*

#### **6. 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 9:50 p.m.*

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