

March 12, 2014

MINUTES: THE INLAND WETLANDS COMMISSION, Town of Hamden, held a Public Hearing & Regular Meeting on Wednesday, March 5, 2014 at 7:00 p.m. in the Legislative Council Chambers, Memorial Town Hall, 2372 Whitney 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
 Mike Stone arrived at 7:06 p.m.
 Bob Gnida
 Alan Piscitelli
 Stephanie Wilson

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.

Ms. Rosenbaum welcomed Mr. Piscitelli and Ms. Wilson to the Commission.

I. New Applications

- a. 14-1200** 801 Main St-construction of a single family house.
 Brian Banning, Applicant

Mr. Jim Galligan, Professional Engineer, addressed the Commission and reviewed the application for a single family house.

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

- b. 14-1201** 0 Putnam Avenue & 22 Hamden Park Drive Ext.(corner of Putnam & Gallagher)-construction of a self-storage facility.
 Casey Real Estate Investment, LLC, Applicant

Mr. Jason Mikrut, Professional Engineer, addressed the Commission and reviewed the application for a 76,255 square foot self-storage facility.

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

II. 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 questioned the format for this meeting. The intervener provided objections to what was submitted at the last meeting and a letter was sent to them addressing their concerns. Ms. Rosenbaum stated that variations of the plan had been presented at the last meeting held on January 8, 2014. The Commission needed time to review them and will be commenting on them at this meeting.

Mr. Pellegrino submitted resumes for Vincent McDermott, FASLA, AICP(Exhibit BB) and Scott Bristol, LEP(Exhibit CC). He also submitted copies of "Municipal Inland Wetlands Agency Comprehensive Training Program" certificates for John Copela & Thomas Negro, Quinnipiac University, Ground Supervisors.

Mr. Pellegrino stated that the photometric plan includes 50 foot-candles and 75 foot-candles. The lighting design will be used during the varsity athletic events on both fields. The fields will also be lit during practices held in the fall and early spring when dark sets in early. Mr. Pellegrino also noted that the lighting will be used for some recreational activities. The 50 foot candles lighting will be used other than when the varsity teams are using the fields. The lights are designed so that they can be used either for 50 foot-candles or 75 foot-candles. Mr. Pellegrino said that the fields will remain dark from mid May until September and mid November until February, which averages out to the lights not being used for 50 percent of the year. The fields will be used by five varsity men & women's teams. The teams include the men & women's varsity soccer, lacrosse teams, and the women's field hockey team. Mr. Pellegrino explained that the MAAC conference schedule for the varsity teams will include approximately 41 home games. He is anticipating that there will be a total of 12 night games combined for all the varsity teams. This means that the 75 foot-candle lighting will be utilized for two to three hours per day. He noted that the amount of practice time for varsity teams is limited by the NCAA. Practices for each varsity team will be held approximately 50-75 days depending on the time of year. In the fall lights will go on earlier, so 50 percent of the time the fields will be lit by sunlight and the remaining 50 percent of the time the lights will be on. Mr. Pellegrino reviewed the effects on the wetlands when using 50 foot-candles vs. 75 foot-candles. He said that the use of 75 foot-candles will be a small percentage of lighting on the fields. The duration and the intensity of its use relative to its effects on wetland species is noted in the reports presented and they refer to constant lighting such as what is found in parking lots.

Mr. Brand asked if it is required that every team within the MAAC have fields with lights. Mr. Pellegrino stated that not every team within the MAAC have lights. However, it is the trend to have lights available and the NCAA is looking for more teams to have lighting on their fields for games. He also noted that in the Northeast there are times of the year that practices are limited because it gets dark earlier. Also, the need for lights is for safety reasons. Mr. Brand stated that games require 75 foot-candles. Mr. Pellegrino replied that the total hours of 75 foot-candle lighting are 36 hours for the whole year. The impact on the wetlands is virtually non-existent. The lighting level will be for a small period of the time and will have a small to non-existent impact on the wetlands and species.

Ms. Jodie Chase, Wetland Ecologist, addressed the Commission and referred to Mr. Michael Klein's letter dated January 26, 2014 and stated that the information within the letter did not require a rebuttal. Ms. Chase went on to say that the proposed project does not have a direct impact on the wetlands. The lighting proposed will have a low impact. It will be low intensity lighting. Most of the studies presented by the opposition have no bearing on the proposed project. Reports presented by the opposition are often for high pressure sodium lighting such as street lighting, long term or extreme lighting, of which neither is being proposed. Ms. Chase stated that Mr. Klein's letter relies on speculation and his comments are riddled with the word "potential". His general statements are not site specific and in

Ms. Chase's opinion do not pass the test of substantial evidence. Ms. Chase gave as an example that Mr. Klein's report does not state which plants are present on the property. Similar general statements are made about animals, but does not state if they are present on the property. He also refers to an article referring to bats and the use of high pressure sodium lighting where the lights are on all night and the findings are based on 7 nights of research. Ms. Chase stated that this type of lighting is not in the proposed plan and she does not feel it qualifies as substantial evidence against this project. Ms. Chase stated another article was referenced, specifically the understanding of light and the impacts on song birds. The research was based on street lights which are high pressure sodium lighting and she noted it is not being proposed. Mr. Klein references the potential impact of night lighting on reptiles and amphibians and notes that there is a lack of information. Ms. Chase stated her position is that she & Mr. Richard Snarski have done site specific research. The project has no direct impact and it proposes short term lighting. This is completely different then the citations noted by the opposition and they have no direct impact on the proposed project.

Mr. Montgomery asked Ms. Chase if she is familiar with the importance of the crepuscular period of animals, specifically the impact on amphibians at night. Ms. Chase replied yes, but there is no evidence that the species are on the property. Mr. Snarski has indicated that the vernal pools are not in the vicinity of the proposed activity or within the area of wetlands being impacted. Mr. Montgomery asked what animals are known to be on the property. Ms. Chase stated that there are charts reviewing the wetland dependent species, which are primarily reptiles and amphibians. Mr. Snarski has said that they are not present and Ms Chase noted that she relies on his field expertise because the studies were done at the appropriate time of year. Mr. Montgomery replied that there are many birds within the wetlands. Ms. Chase explained that there has been no field research done on specific species.

Mr. Shadle asked Ms. Chase if her conclusions include the leachate runoff from the infill material. Ms. Chase replied her conclusions are based on studies conducted by Milone & MacBroom and she included their findings in her report. Mr. Shadle asked if she has a professional opinion on their findings. Ms. Chase said that she is not an expert on their findings, but that she takes the expert's word, the same as she takes the engineer's word on the hydrology of the site. Her expert opinion is based on wetland functions and values stated throughout her report.

Mr. Richard Snarski, Soil Scientist, addressed the Commission and stated that he was responding to Mr. Klein's comments regarding his findings during the vernal pool inspections. Mr. Snarski reviewed his field of expertise. He said that he is confident that there are no amphibian breeding areas in the vicinity of the proposed fields. His inspections of the vernal pools were done after the breeding season and there were no vernal pools found near the athletic fields. Mr. Snarski named the species of amphibians that he inspected for.

Mr. Stone asked if there had been a survey done and submitted that references the plant species on the site. Mr. Snarski stated that Ms. Chase included plant species in her report. Mr. Stone asked if this included animal species and Mr. Snarski replied no.

Mr. Montgomery stated that he agrees that there are no vernal pools. However, he disagrees that there are no wood frogs and he said that there are possibly salamanders. He asked Mr. Snarski if there are breeding areas. Mr. Snarski replied that there are areas for potential breeding. Mr. Montgomery said that there are watercourses and standing water. There is a potential for a vernal pool because of a retention basin near the parking lot where Mr. Montgomery feels that frogs breed and that there are amphibian species there. Mr. Montgomery said that other than vernal pool species there are fireflies, crane flies, along with other species of flies present that are live organisms. He asked Mr. Snarski if he agreed and Mr. Snarski replied yes. Mr. Montgomery stated that the focus has been on vernal species and breeding pools, however, his concern is the wetlands as a whole. Mr. Montgomery said that the testimony has been that none of the aquatic organisms in this habitat will be affected, but they have not been thought about specifically as to what they are. There are other aquatic organisms that are not in Mr. Snarski's report. He stated that there are potential impacts with this project.

Mr. Pellegrino stated that legally, potential impact is not enough to deny an application. The Commission must base its finding on significant impact related to the evidence presented in the record. He said that no evidence has been presented that shows that the light levels and the kind of light has significant impact on the species mentioned.

Mr. Howard Pfrommer, Civil Engineer, stated that he checked the DEEP data base and found no threat or danger to the species shown on the last DEEP map of the area of the project. Mr. Pfrommer said that he does not have any civil engineering rebuttal to the intervener's comments.

Mr. Montgomery referred to the potential impact sheet SU1.0(original application). It shows the utility lines crossing over an unnamed brook. The description is of the communication and power lines encased in concrete. The work will be done during the low flow period and use sand bags, and they will pump the flow around the site where they are working. Mr. Pfrommer replied that typically the stream dries up. Mr. Montgomery said that last year was one of the driest years but that stream can be very wet. Ms. Chase has said that the work will be done in one day. Mr. Pfrommer replied that the University previously crossed the stream when installing the sanitary sewer and the work took one day. Mr. Montgomery replied that there is a disruption when pouring the concrete and waiting for it to dry. Mr. Pfrommer said that the concrete can be poured early in the morning and they then can come back on the same day after it dries. The rip rap on the banks can be put in the following day. Mr. Montgomery confirmed that the stream will be crossed once each day for two days. He referred to the proposed stream crossing plan (SU1.1) and asked if the intention is to rip rap the stream. Mr. Pfrommer said the intention is to rip rap the stream's bank. Mr. Montgomery asked if there were any planting plans associated with the crossing plan and Mr. Pfrommer replied no.

Mr. Montgomery said that the plan shows that five trees will be cut down in the first cutting. Mr. Pfrommer was unaware of the number of trees to be removed. Mr. Montgomery said the trees are present in a photograph that was submitted by Ms. Chase and are also part of the plan. He assumes that the trees will be removed. Mr. Pfrommer believed that the trees to be removed are at the southern portion of the crossing. Mr. Montgomery stated that the other crossing is finely vegetated. Ms. Chase had said that when the project is done, it will look the same as it did. He sees that the banks will be riprap and no longer have trees or grass. Mr. Pfrommer replied that they had put in rip rap when the stream was crossed for the sanitary system installation and the vegetation was replaced. Mr. Montgomery feels that it is different than prior work. He asked if it is feasible to bore under the stream, as was done when the RWA put a water main across the stream. Mr. Pfrommer replied that there had been issues that needed to be mitigated due to the disturbance and he had been hired to mitigate them. Mr. Pfrommer and Mr. Montgomery further discussed the work that had been done. Mr. Montgomery feels that there will be a feasible and significant impact to the vegetation and aquatic vegetation when replacing it with riprap. Mr. Pfrommer asked Mr. Montgomery if he had any suggestions for alternatives to the mitigation. Mr. Montgomery stated that he was not suggesting alternatives. Mr. Pfrommer feels that there will be a small impact compared to the work that had been done by the University when putting in the sanitary sewer line. The proposed work is being done during a dry time of year and will not be a problem. Mr. Montgomery is worried about what is being proposed.

Mr. Shadle referred to the grading and utility plan(sheet 6.1) for the south field. He asked if there used to be a level spreader at the end of the detention system. Mr. Pfrommer replied yes. Mr. Shadle said that the plan now shows the level spreader will be removed and he asked what the new flow of water will be. Mr. Pfrommer stated that the water will now go through an underground detention center and travel north to the existing field. It will then connect to the existing storm pipe and connect to a pipe outside the wetlands to avoid any temporary impact to them. Mr. Shadle asked Mr. Pfrommer to review the initial design and need for the level spreader and why they are using the proposed alternative. Mr. Pfrommer reviewed the proposed plan and stated that it was based on comments from the Town Engineer with regards to post development discharge and finding another way to tie into the pipe near the field. Mr. Pfrommer reviewed the Town Engineer's comments dated October 27, 2013. Mr. Shadle asked if the comments were based on the onset of the underground detention system or removing the level spreader. Mr. Pfrommer replied it was the onset of the underground detention system. Mr. Shadle asked if the volume of water will be the same as the amount that was being diverted to the level spreader and Mr. Pfrommer replied yes. Mr. Shadle asked if the initial discharge was outside the wetlands and Mr. Pfrommer replied yes. Mr. Shadle asked if the new discharge point is directly in the wetlands. Mr. Pfrommer said that the new discharge point is an existing discharge point in the wetlands. Mr. Shadle asked if there has been a discussion about the peak discharge over time and if the water will be directly discharged into the wetlands. Mr. Pfrommer discussed with Mr. Shadle the flow of water and that there is no flow of water going to the lower field.

Mr. Montgomery stated that the description of the fields needs to be clarified. He said that there had been a long discussion about the use of cryogenic rubber and the use of it being prohibited.

Mr. Gnida referred to page 15 of the geotechnical report and noted that it did not address the erosion controls in the stormwater plans. There is no reference to the removal of bedrock in the Sediment & Erosion Control Plans (sheet C7.2). Mr. Pfrommer said that there is a note on the original submission (sheet C10.5). He reviewed note 24 and stated that it does not forbid the use of chemicals. He reviewed the process to excavate rock.

Mr. Gnida asked if there would be fences placed on the retaining walls. Mr. Pfrommer replied that there would be fences and the retaining wall in the north field will have a guard to prevent falls. The top of the wall is 42 inches above grade (sheet C9.0). He explained that the south field will not need the guard.

Mr. Shadle asked if the water being discharged out of the underground storage refers to the existing pipe and the new connection to the pipe relevant to the current conditions of water coming out of the pipe. He asked what is the anticipated peak flow and percentage of increase when watering the fields. Mr. Pfrommer said there would be a decrease in water flow. Mr. Shadle asked if the well defined channels are from the discharge of the pipe or are existing. Mr. Pfrommer said it exists and reviewed sheet C6.1 with Mr. Shadle. They discussed the percentage of water for the two year storm which is 1.66, the 100 year storm is 6.39 percent, and the proposed 3.91. Mr. Shadle asked what the water activity will be. Mr. Pfrommer did not have the water activity information. Mr. Shadle asked about the watering activity for the fields. Mr. Pfrommer said the architect would provide that information. Mr. Shadle said that the proposed plan with the amount of watering of the fields changes the dynamic of water going into the wetland environment. Mr. Pfrommer replied that the water going into the wetlands would be less because of the underground detention system.

Mr. Montgomery clarified the use of the different types of rubber.

Scott Bristol, Licensed Environmental Professional, Milone & MacBroom, addressed the Commission and stated his resume. He referred to the submissions (Exhibit AA) by Ms. Nancy Alderman at the January 8, 2014 meeting and he reviewed his findings. Mr. Bristol gave his rebuttal with regards to the documents submitted by the intervener on January 27, 2014. He summarized by saying that all the studies have been inconclusive relative to the environment.

Mr. Bristol explained that the north field is currently used for field hockey, and it is a knitted nylon field. The southern field is currently a grass field and post construction will be a new generation synthetic turf field with crumb rubber infill. The north field will have SBR under the carpet and is not bound up with any urethane agents and is similar to a running track but coarser.

Mr. Montgomery asked for clarification that the basalt underneath is not zinc. He asked if they are using very clean gravel specifications and Mr. Bristol replied yes. Mr. Montgomery stated that he is concerned with all the things that will go onto the fields and that there should be bio-remediation for all the fields. The underground gallery drains under the field, but it appears to be receding north of the field towards the Public Affairs Building. He asked Mr. Pfrommer if the stormwater that goes into the galleries is from the fields or from north of the fields. Mr. Pfrommer stated that there is no underground drain under the proposed southern field and discharge is to the subsurface drainage system. Mr. Pfrommer discussed the design of the subsurface drainage system.

Mr. Montgomery reviewed the DEEP Statement of a 2010 study and he noted that it should be followed. He is concerned with the use of the chemicals on the fields. Mr. Bristol stated that the fields get groomed on a regular basis with sweepers. He has never seen the use of treatments on these types of fields. Mr. Montgomery questioned if the fields can grow mold, algae, or can be just dirty. Mr. Bristol replied that he spends time on fields with his children and has never seen mold or algae on them. Mr. Montgomery stated that there is no maintenance plan for the fields and asked if there is a need for cleaning the fields with chemicals. Mr. Bristol said that the fields drain and there is no need for chemicals.

Mr. Gnida noted that the north field is very clean and asked how the snow was removed. Mr. Bristol reviewed the process he observed to have snow and ice removed off an artificial surface field.

Ms. Lakin asked for an explanation of what Title IX, what the current fields do have, and what they are adding with the new fields.

Ms. Pellegrino stated that the consent decree requires substantial improvement to facilities that will be used for women's athletics. The decree uses the word "first class". Mr. Pellegrino stated that he was unsure if he had submitted the consent decree, but if not, he would do so. Ms. Rosenbaum stated that he had not submitted the consent decree. The decree talks of improving locker and team facilities with a substantial improvement for the facilities of women's athletics. Ms. Lakin asked if there is a specificity to what improvement means. Mr. Pellegrino stated that it means that the facilities should be first class, utilization of specific team rooms for female athletics, with substantial improvements that are up to NCAA standards. Ms. Lakin asked if the decree requires that the University have certain items. Mr. Pellegrino replied no, just substantial improvements. Ms. Rosenbaum asked if the decree requires the fields must be synthetic field and Mr. Pellegrino replied no. Ms. Lakin asked what has to be approved to meet the Title IX requirements.

Mr. Sal Filardi, Vice President for Facilities, addressed the Commission and stated that the consent decree states superior facilities consistent with Division I NCAA standards. When the University looked at other teams they have played against, the grass fields were not considered superior. The University is proposing state of the art, turf fields which is what a Division I school expects to play on. Mr. Filardi stated that there is not a written accounting in the decree, but that it talks about the NCAA Division I athletic facilities being superior. When looking at the competitors and other NCAA schools the proposed fields are consistent with theirs. Ms. Lakin asked if the University will be exceeding the standards or meeting the standards. Mr. Filardi replied that Title IX is vague with the standard; there are specific standards for the fields. The size is based on what sport will be played and what is needed to meet NCAA requirements. Ms. Lakin asked if the stadium seating was specified in the decree. Mr. Filardi stated that the building underneath the seating is kind of specified with the needed locker rooms and space required for each team. There is no seating requirement for the stadium.

Mr. Milazzo stated that high schools are upgrading to synthetic fields. Mr. Filardi said that an artificial field is faster and easy to maintain.

Mr. Brand asked how Quinnipiac removes the snow. Mr. Filardi reviewed the process to remove the snow, and stated that no chemicals are used.

Ms. Jensen asked if the MAAC requires lighting. There are schools that do not have lighting. She asked if the proposed lighting meets the NCAA standards or is the state of the art lighting improvement not needed to meet the standard.

Mr. Filardi replied that in his opinion you do not see teams building first class fields and not put lighting up. There will be four teams using the fields into the evening hours and it gets dark early in the fall and early spring. The lighting allows for all the sports to practice. During practice the lighting is reduced to 50 foot-candles. In the future the 75 foot candles will be the NCAA requirement, but it is required now for high level games. Championship games would not be held using 50 foot-candles. However, mobile lighting can be used. Because of the expense mobile lighting would not be used for practices.

Mr. Montgomery noted that the University's web site describes the athletic fields used for field hockey and lacrosse which as state of the art and capable of holding an NCAA tournament. The natural turf field is 110 x 70 yards of natural grass. That is 5 yards short of the NCAA requirement for a field, but the existing field is grandfathered. He asked why 10,000 plus cubic yards of soil is being moved. Also, why the University is moving a field that is already state of the art to another area instead of using the existing soccer field to build a new field. The decree does require a new rugby field and Mr. Montgomery asked where the rugby team plays now. Mr. Filardi stated that the rugby field currently plays in the southern field. The future for rugby is the natural grass soccer field located on the other side of

Hogan Road. Mr. Montgomery said this will leave a natural grass soccer field that will not be used for varsity sports. Mr. Filardi reviewed the existing fields vs. the proposed fields. Mr. Montgomery does not understand why the state of an art field is being torn down and rebuilt. It is unusual to build facilities under a stadium, and to build two stadia. He asked why the field hockey cannot remain where it is and use the Public Affairs building for the needed facilities. This would leave room to move away from the wetlands. Mr. Montgomery feels that instead the University is trading risks of natural resources, which are resources that the University does not control. He feels that the proposed project is complicated and unnecessary.

Mr. Filardi stated that NCAA Division I is competitive. It is not just competitive during competition, but also for recruiting athletes. The current field used for field hockey is falling apart and needs to be replaced. When looking at what is needed from a competitive standpoint there is a new generation of stitch nylons and infills. The court appointed referee is giving guidance as to what is acceptable to the court. When the TB Bank facility was built it was a state of the art, NCAA facility with enough locker rooms for both men & women. This is a standard that the court is holding the University to. It is necessary to build a facility with a stadium and to provide a state of the art facility. Other locations were looked at and use of the existing fields, but it would not fit. These locations also have wetlands in the area.

Mr. Montgomery stated that the proposed project would encroach further into the wetlands. There is currently a 25 foot non-disturbance zone since 1991 with a list of violations. The University is now proposing to go within 7 feet of the wetlands with a stone wall that water will run over. There will no longer be 25 feet of steep vegetation. Mr. Montgomery is asking that the University look at the possible use of the existing buildings for facilities. Mr. Filardi stated that they have tried to use the existing buildings but it does not work because they are historic buildings. He understands that there are setbacks and has tried to design the new facilities to stay away from the wetlands as to not disturb them. The retaining wall is an expensive venture to make sure the field stops at the line so there is not a one to one slope that flows into the wetlands. Mr. Filardi stated that a previous comment asked what the wetland management plans were going to be. He does not feel that the facilities group was well prepared to provide support that the Commission would like. He had his top two grounds people get certification on inland wetlands management so that the wetlands can be properly maintained. The project does everything to stay out of the wetlands. The wetlands buffer goes through the middle of the field as it exists. The University is trying to improve the facility and stay out of the wetlands completely. Mr. Filardi stated that they are trying to fix the wrongs as it relates to the invasive species and do as the IWC feels appropriate.

Ms. Marjorie Shansky, Attorney, addressed the Commission and stated that her letter of January 27, 2014 was appended to include Mr. Jeff Loureiro's letter dated January 24, 2014 and Mr. Michael Klein's Letter of January 26, 2014.

Mr. Michael Klein, Soil Scientist, addressed the Commission and stated that he has reviewed all the information provided by the applicant. Mr. Klein said that in order to assess alternatives, he would need to see a sketch to understand why it was rejected. The court order is the basis for the objective the applicant presented. Mr. Klein said that he has not seen a copy of it. Mr. Klein reviewed his letter of January 26, 2014 that stated his findings on the previous testimony. He also stated that based on the testimony presented this evening his conclusions have not changed. He concluded that it is likely that there will be unmitigated impacts and that will lead to impacts to the wetlands and unreasonable pollution of the waters and natural resources.

Ms. Shansky clarified the legal standard for substantial evidence from *River Bend Associates vs. Simsbury*, 269, Connecticut, 57, page 74. Ms. Shansky reviewed her findings in her letter of January 27, 2014 and the testimony presented at this meeting. In her conclusion, Ms. Shansky quoted from Kevin Costner "If you build it, they will come". She stated that fields being created will wait for people to find them to sit down. The testimony presented was not about the seating, but the lockers. Nothing was heard about alternative locations. This application is an unnecessary project. Ms. Shansky stated that the applicant has not met their burden of proof. But the intervenor has established a reasonable doubt based on the proposed activity. She urged that the application be denied.

Ms. Rosenbaum asked for public comments:

Mr. Calvin Demarsilis, 311 Hogan Road, addressed the Commission and stated that he is a lifelong resident of Hamden. Quinnipiac is a learning institution that did not follow the guidelines given by the Commission on previous applications. Work was done without permits. West of the proposed field used to be a wetland. Mr. Demasilis stated that the University has not made one prudent decision involving this area. They are asking to be trusted with a large scale project. Mr. Demasilis asked who will police this project. He stated that he is against the project, as are many of his friends and neighbors.

Mr. Pellegrino stated that the applicant differs from the intervenor over the vision of what is trying to be done. The applicant is not trying to build or create fields as if they are not already there. The overall plan was to first look at where the current field exists. The fields are there and an area is not being disturbed because they are already developed and used for athletic events. The facilities are being improved by adding a locker facility with seating that sits on top of it and within the building footprint. The University has worked hard to maintain the proposed activity to an area within the existing footprint. Mr. Pellegrino referred to Ms. Shansky's letter and said the question is "is there significant impact?". He stated his reasons as to why he does not feel that the proposed project will have a substantial impact on the wetlands, watercourses or wildlife.

Mr. Pellegrino stated that the University has had a history of a good relationship with the Commission. The University is willing to work with the Commission if reasonable conditions of approval are suggested and incorporated into a motion to approve the application. The request being made is for minimal improvements for a facility that already works. The Court order suggests improvements need to be made. The location proposed is the most prudent and feasible location and the evidence submitted is that there will not be a significant impact. Mr. Pellegrino requested that the public hearing remain open to allow the consent decree to be submitted and considered during deliberations.

The Commission and the Planning Staff discussed continuing the public hearing to allow for the consent decree to be submitted.

Mr. Montgomery made the motion to close the Public Hearing. Mr. Brand seconded the motion. Mr. Brand, Mr. Gnida, Ms. Lakin, Mr. Montgomery and Ms. Rosenbaum voted in favor of the motion. Mr. Stone, Ms. Jensen, Mr. Shadle and Mr. Milazzo voted against the motion. Mr. Piscitelli and Ms. Wilson abstained. Therefore, the motion passed 5-4-2.

The Public hearing was closed.

III. Regular Meeting

1. Pending Applications

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

Mr. Brand made the motion to table this item until the April 2, 2014 meeting. Ms. Lakin 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

Mr. Lee updated the Commission and stated that he is still waiting for the owner to complete and sign the easement for Town access to the lot 10-Benham Hill Estates.

All Notices-of-Violation remain tabled.

3. Review Site Inspection Schedule

The Commission will site inspect 801 Main Street on Wednesday, March 26, 2014 at 5:00 p.m., and 0 Putnam Avenue & 22 Hamden Park Drive Ext.(corner of Putnam & Gallagher) on Wednesday March 26, 2014 at 5:45 p.m.

4. Review of January 8, 2014 Meeting Minutes

Mr. Montgomery asked that the minutes be amended as follows: On page 3, 2nd paragraph, the last sentence should read: 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. On page 3, 5th paragraph, 7th sentence should read: Mr. Montgomery discussed the application of Rodeo and its non-target effects with Mr. Snarski.

5. Other Business

Ms. Rosenbaum reminded Commissioners about the Town's Annual Earth Day Celebration, which will be held on April 12, 2014.

Ms. Rosenbaum extended her gratitude to Mr. Anastasio who has resigned from the IWC and will now be serving on the P&Z Commission.

6. Adjournment

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

Submitted by: _____
Stacy Shellard-Clerk of the Commission