

September 4, 2015

**MINUTES: THE INLAND WETLANDS COMMISSION**, Town of Hamden, held a Regular Meeting on Wednesday, September 2, 2015 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:*

Joan Lakin, Chairperson  
Kirk Shadle  
Stephanie Wilson  
Kirsten Jensen  
Mike Milazzo  
Amanda Kallenbach  
Mike Stone, arrived at 7:17p.m.

*Staff in attendance:*

Dan Kops, Assistant Town Planner  
Tom Vocelli, IW Enforcement Officer  
Stacy Shellard, Commission Clerk

Ms. Lakin called the meeting to order at 7:03 p.m. Mr. Shadle called the roll and there was a quorum. Ms. Lakin introduced the Commission and Staff.

## **I. Regular Meeting:**

### **1) Advisory Opinion:**

2510 Downes Road, 07-1114, Condition of Approval regarding the placement of woodchips, Francis Nelson, Owner

Mr. Francis Nelson, Owner, addressed the Commission and reviewed his request to modify a condition of approval that was previously granted for this site. He explained that a 25 foot x 17 foot area of woodchips is needed to control erosion in the area. Mr. Nelson stated that the condition of approval was to remove the woodchips within 50 feet of the wetlands and watercourses. He explained that if he had said no to the condition of approval he would not have received an approval for the original application. Mr. Nelson advised the Commission that he is willing to place an erosion control mat over the woodchips. The lot is 21 acres in size and a good portion of it is wetlands.

Mr. Shadle stated that he is familiar with the property and was on the Commission when the original approval was granted. He questioned if the area in question is near the driveway. Mr. Nelson replied that there are pipes located at the steepest part of the driveway. He has kept the property which is also a horse farm groomed and manicured for 20 years. Mr. Nelson reviewed the location of the driveway and noted that it is a 2-1 slope where he refreshed the woodchips. He reviewed the location of the woodchips in question with Mr. Shadle. Mr. Nelson noted that the remaining areas of woodchips are decomposing and there are Christmas trees growing there. He further reviewed the area. Mr. Shadle asked how many times he has had to refresh the woodchips. Mr. Nelson replied that the last time the woodchips were refreshed was two to three months ago. Mr. Shadle asked if there is any vegetation in the area of the woodchips and Mr. Nelson replied a little.

Ms. Lakin stated that the Commission needs to determine if a change should be made to the original conditions of approval. Mr. Nelson asked that due to past issues with Mr. Tom Vocelli, IW Enforcement Officer, he recuse himself. Ms. Lakin stated that Mr. Vocelli is not a voting member of the Commission and is participating in an advisory and staff capacity only.

Mr. Vocelli stated that the use of an erosion control blanket to be placed on top of the woodchips would be a good compromise. He feels that it makes more sense than scraping the woodchips off. If an approval is granted to install the erosion control blanket he would verify it has been done. Mr. Vocelli said that the Commission also needs to determine what is expected to be done in the area in the future and if no more woodchips should be placed on the stream bank.

Mr. Nelson stated that Mr. Vocelli has seen where the woodchips are placed on his property and that they are holding back the erosion. Mr. Nelson has seen where woodchips were allowed by the State of Connecticut and the RWA on other properties. There is currently a good base of woodchips on the area in question and he is willing to put an erosion control blanket over them.

Mr. Shadle asked if any foot traffic is expected in the area. Mr. Nelson replied no because the area is too steep. Mr. Shadle did a site walk for the original approval and he does not want to see the area have issues with erosion.

***Mr. Shadle made the motion to move that the Commission issue the following advisory ruling concerning 2510 Downes Road:***

*The owner shall install an erosion control blanket over the woodchip patch that remains on the stream bank.*

*The Wetlands Officer shall verify installation of the erosion control blanket and he shall also verify compliance with the terms and conditions of approval for IWC #07-1114.*

*The owner shall not deposit any more woodchips on the stream bank and he shall not deposit anymore woodchips within 50 feet of any wetlands or watercourses.*

Mr. Shadle asked Mr. Nelson if there has been any re-vegetation through the woodchips. Mr. Nelson replied a little and that he is getting a little silt runoff in the area but is not sure where it is coming from.

***Mr. Milazzo seconded the motion. The motion passed unanimously.***

## **2) New Applications**

- a. 15-1212** 700 Main Street-construct a single-family house  
David Thompson-Applicant

Mr. David Thompson, Architect, addressed the Commission and reviewed the property. He reviewed the proposed plan and the previous approval granted in 2006. Mr. Thompson noted that the proposed plan includes solar access and a gradual driveway that will follow the natural contours of the land vs. a steep driveway.

***Ms. Jensen made a motion to table this item for a site inspection. Ms. Kallenbach seconded the motion. Ms. Jensen, Ms. Kallenbach, Ms. Wilson, Mr. Stone and Mr. Shadle voted in favor of the motion. Mr. Milazzo abstained. Therefore, the motion passed 5-0-1.***

- b. 15-1213** 406 Ives Street-construct a single-family house  
Anthony Zammataro, Applicant

Mr. Michael Harkin, Professional Engineer, addressed the Commission and reviewed the history of the approved subdivision and this lot known as Lot 11. He explained that there is a 15 foot access strip that over time has become a

wetland. Mr. Harkin reviewed the proposed plan and the location of the access to the site. He noted that the applicant has received approval for a five bedroom house from the Health Department. Mr. Harkin reviewed the abutting lots and wetlands.

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

### **3) Pending Applications:**

- a. 15-1210** 560 Newhall Street-construct multi-family dwelling units  
Mutual Housing Association of SC CT, Inc,

Mr. John Schmitz, Civil Engineer, addressed the Commission and reviewed the location of the site and the surrounding properties. He reviewed the history of the site which was the former Middle School that was built on a filled in swamp. Prior to the school being built there had been dumping of hazardous material and this will be remediated as part of the proposed plan. Mr. Schmitz reviewed the existing site and the proposed plan for multi-family dwelling units.

Ms. Kim LeSay, Biologist, addressed the Commission and reviewed the locations of the wetlands and watercourses which are located off-site. Ms. LeSay reviewed the existing conditions of the proposed site, the wetlands and their functions. She explained the potential impacts to the wetlands and noted that there should be improvements to the area with the proposed plans.

Mr. Schmitz reviewed the existing and proposed Stormwater Management Plan, proposed parking areas and the Sediment and Erosion Control Plans. He noted that the rear portion of the parcel (approximately 10 acres) will be maintained for future use by the Town as athletic fields and green space. Mr. Schmitz reviewed a drainage study that was completed.

Mr. Shadle asked if the Mutual Housing Association will be the responsible party for the inspections and maintenance of the stormwater management. Mr. Schmitz replied yes for everything on the property except the leased area where the pipes cut through. He noted that the Town Engineer is requesting an easement for the 42 inch line that goes through the property and is maintained by the Town. Mr. Schmitz reviewed the proposed maintenance plan.

Mr. Stone asked how much soil will need to be removed as part of the remediation plan. Mr. Schmitz reviewed the consent order that is in place and the affected areas. Mr. Stone asked what the time frame is for the proposed remediation. Mr. Schmitz explained that funding for the project is being done through CHFA. He reviewed the timeline for the funding process and remediation process. The expected completion date for the proposed project is 2017.

Mr. Milazzo referred to the revised plans and asked if they were accepted or rejected by the RWA and the Town Engineer. Mr. Schmitz replied that the comments from the RWA were incorporated into the revised plans. He stated that he accepts the Town Engineer's comments and will be talking with Mr. Brinton how to best resolve the issues of the outfalls of the existing pipes and the 36 inch pipe at Mill Rock Road.

Mr. Shadle referred to the RWA comment #3 on the letter dated September 1, 2015 and questioned the location of the construction access to the site. Mr. Schmitz referred to Sheet 1.1. He reviewed the locations for construction access to the site. He noted that the RWA is responsible for the remediation plan and DEEP for approval of the plan. Mr. Schmitz will be working with the RWA to determine the removal and remediation of the area. There will be a contingency plan if needed.

Mr. Mike Manolakas, reviewed the proposed plans for the existing and proposed grades as it relates to the remediation plans. There will be land restrictions once the remediation is completed. He noted that the remediation work will be similar to work already done in the area.

Ms. Jensen asked what the contaminants were that are of concern. Mr. Manolakas reviewed the contaminants found on the site. He noted that the ground water quality is good. He reviewed the history of the contaminants on the site with the Commission and the remediation that will be done before and during the demolition and construction of the proposed plan.

Mr. Milazzo questioned the proposed plan to move the 36 inch drainage pipe as noted in the Town Engineer's comments (#4). Mr. Schmitz stated that he will review where the pipe should be placed with the Town Engineer.

Ms. Wilson questioned the existing and proposed planting plans. Mr. Schmitz stated that the existing vegetation will all be removed as part of the remediation plan and that he is unsure of what the RWA will do to restore it. Mr. \*\*\* stated that a restoration plan can be submitted for review.

Mr. Ron Walters, RWA addressed the Commission and stated that his comments were based on the original plans. However, he is expecting to receive revised plans for review and will be addressing his comments from a watershed (Lake Whitney) protection point of view.

Mr. Dan Kops, Assistant Town Planner, reviewed the title search that was done. He noted that it did not include the access area on the Mill Rock Road extension that is not part of the Middle School property. Mr. Tim Lee, Assistant Town Attorney has recommended that the portion of the site that was part of the Middle School can be approved, but that the portion involving property not owned by the Town should be tabled until ownership is determined.

The Commission determined that they would like a resolution of the engineering issues, additional information with regard to ownership of the property in question, the construction access, and additional information addressing the remediation and restoration of the vegetation in the buffer.

***Mr. Shadle made the motion to table this item until the October 7, 2015 meeting. Mr. Milazzo seconded the motion. The motion passed unanimously.***

- b. 15-1211** 303 & 311 Highland Avenue, 124, 128 & 132 Edgewood Avenue  
Consolidation of 5 lots into 2 lots & construct 2 single-family homes  
James Wrzosek, Applicant

Mr. Dan Kops, Assistant Town Planner, stated there is a question of ownership on a portion of the property that would be used as an access way. He explained that the applicant requested that this item be tabled via an email to Mr. Tim Lee, Assistant Town Attorney.

***Mr. Milazzo made the motion to table this application until the October 7, 2015 meeting. Mr. Stone seconded the motion. The motion passed unanimously.***

*Files available for review in the Planning Office*

## **II. Other Business**

### **1. 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.** Lot 10-Benham Hill Estates (aka 0 Benham Hill Place)  
Failure to repair & maintain stormwater detention basin

***Mr. Milazzo made the motion to table the N.O.V's until the October 7, 2015 meeting. Mr. Stone seconded the motion the motion passed unanimously.***

### **2. Review Site Inspection Schedule**

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Mr. Tom Vocelli, IW Enforcement Officer will schedule the site inspections for Applications 15-1212 and 15-1213, and notify the Commission and Applicants.

### **3. Review of July 1, 2015 Meeting Minutes**

Ms. Lakin asked that the minutes to be amended to show that “Schmidt” should be “Schmitz”. She stated that Ms. Kallenbach asked that the minutes be amended to read as follows: Page 1, last paragraph, after the 7<sup>th</sup> sentence add: Ms. Kallenbach asked if Mr. Schmitz knew if the soil remediation would be done concurrently or beforehand. Mr. Schmitz said it would be done after the demolition, but before the building.

*Mr. Milazzo made the motion to approve the minutes of the July 1, 2015 meeting as amended. Ms. Kallenbach seconded the motion. The motion passed unanimously.*

### **4. Adjournment**

*A motion to adjourn was made by Mr. Milazzo and seconded by Mr. Stone. It passed with no dissenting votes.*

The meeting adjourned at 8:15 p.m.

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