

April 13, 2016

**MINUTES: THE INLAND WETLANDS COMMISSION**, Town of Hamden, held a Regular Meeting on Wednesday, April 6, 2016 at 7:00 p.m. in Thornton Wilder Hall, Miller Memorial Library, 2901 Dixwell Avenue, Hamden, CT, with the following results:

*Commissioners in attendance:*

Joan Lakin, Chairperson  
 Kirk Shadle, arrived at 7:06 p.m.  
 Dan Liston  
 Amanda Kallenbach  
 Jonathan Clapp  
 Kirsten Jensen  
 Mike Stone  
 Mike Milazzo, arrived at 7:05 p.m.

*Staff in attendance:*

Dan Kops, Acting Town Planner  
 Tim Lee, Assistant Town Attorney, arrived at 8:12 p.m.  
 Tom Vocelli, IW Enforcement Officer  
 Stacy Shellard, Commission Clerk

Ms. Lakin called the meeting to order at 7:01 p.m. Ms. Kallenbach called the roll and there was a quorum. Ms. Lakin introduced the Commission and Staff.

## **I. Regular Meeting:**

### **1) New Applications & Amendment Requests**

- a. 09-1145** Skiff Street Replacement Bridge over the Mill River  
 Amendment request concerning the updated design of the bridge  
 Town of Hamden, Applicant

Mr. John Schmitz, Engineer, addressed the Commission and reviewed the 2009 approval for the replacement bridge. He noted that the proposed design will reduce the impacts to the Mill River.

Mr. David Cicia, Engineer, addressed the Commission and stated that the proposed bridge will decrease in size and be approximately a 67 foot clear span. The reduction in size will reduce the impacts to the wetlands and surrounding businesses. When completed, the bridge will have two lanes in each direction with a sidewalk going across the bridge. During construction pedestrian access across the bridge will be moved. Mr. Cicia reviewed the proposed Stormwater Management Plan which involves approximately 1,000 square feet of wetland impacts during construction. He reviewed impacts to the wetlands noting that most of the impacts will be to the watercourse.

Mr. Cicia reviewed the proposed Sediment and Erosion Control Plan and the construction sequence. He stated that the existing bridge has a 100 year storm design. Under the existing conditions during the 100 year storm design there is an area to the east of the bridge that over tops by 2.9 feet. A hydraulically adequate structure cannot be provided because it would require a large increase in the vertical profile of the road and would require taking properties from the east and

west of the river. The proposed bridge would decrease the flooding during a 100 year storm from 2.9 feet to 0.8 feet over the high point.

Mr. Schmitz stated that the RWA and DPH have been notified. He said that the bridge construction will occur in two stages and the road will remain open. He reviewed the temporary pedestrian bridge that will span the river during construction.

Mr. Clapp asked what the time table will be to complete the work. Mr. Schmitz said that construction should start in the fall of 2016 and be completed by the summer of 2019.

***Mr. Liston made the motion to table this item for a site inspection. Ms. Kallenbach seconded the motion.***

Mr. Dan Kops, Acting Town Planner, explained that the project has already been approved and the Engineering Department would like an approval of the amendment without a site visit because of the time table necessary to avoid the risk of losing federal funding.

Mr. Cicia reviewed the original bridge design vs. the amended bridge design.

Mr. Liston withdrew his motion and Ms. Kallenbach withdrew her second.

***Mr. Milazzo made the motion to approve the amendment to Application 09-1145. Mr. Clapp seconded the motion. Mr. Stone, Mr. Clapp, Ms. Jensen, Ms. Kallenbach, Mr. Liston and Mr. Milazzo voted in favor of the motion. Mr. Shadle abstained. Therefore, the motion passed 6-0-1.***

## 2) Pending Applications

- a. **16-1215** 2200 Shepard Avenue - resubdivision of 36 acres into two residential lots  
William Colwell, Applicant

Ms. Rosalind Page, Professional Land Surveyor, addressed the Commission and stated that the existing lot is 36 acres in size and has two single family houses on it. She reviewed the existing site and its location. The applicant would like to divide the lot so that each house sits independently of the other. Ms. Page explained that no activity is being proposed. In order to do the re-subdivision it must be demonstrated that there are areas on the property to place new septic systems should the existing systems fail. Ms. Page reviewed the proposed areas and stated that the design and locations have been approved by QVHD.

Ms. Page explained that the lots will be numbered 1 & 6 as shown on the original sub-division. She stated that there are no wetlands on lot 6. Ms. Page reviewed the proposed plans. She reviewed the Town Engineer's comments and asked that his third comment that once a buffer limit is established it be tied geometrically to the boundary lines be part of the final revision of the plans if approval is received from the Planning & Zoning Commission. Ms. Page reviewed the site inspection report.

Mr. Clapp asked who and how it is determined if there is a need for a septic reserve. Ms. Page replied that if a septic system fails, QVHD requires a reserve septic be designed and a site plan submitted for approval. It would also need to be approved by the Town Planner.

***Mr. Milazzo made the motion to approve Application 16-1215 with the following conditions: 1) The location of the existing medallions will be denoted on the final plans 2) The geometry of the buffer boundary shall be included on the final plan per the recommendation of the Town Engineer and after the Planning & Zoning approval and submitted and approved by here.***

Ms. Stacy Shellard, Commission Clerk, asked for clarification on "approved by here". Mr. Milazzo stated that it should read: ***and approved by Mr. Tom Vocelli, Wetland Enforcement Officer.***

*Ms. Kallenbach seconded the motion.*

Mr. Shadle asked that the motion to be amended to include: *Chair sign off if any changes are required by the Planning & Zoning Commission.*

Mr. Milazzo and Ms. Kallenbach accepted the change.

*Mr. Shadle, Mr. Clapp, Ms. Jensen, Mr. Milazzo, Mr. Stone and Ms. Kallenbach voted in favor of the motion. Mr. Liston abstained. Therefore, the motion passed 6-0-1.*

- b. 16-1216** 2300 & 2330 Whitney Avenue Rear, 2308 & 2320 Whitney Avenue  
Access driveway and mixed-use improvements  
2308 Whitney Avenue LLC, Applicant

Mr. Milazzo recused himself.

Mr. Ryan McEvoy, Professional Engineer, addressed the Commission and reviewed the revised plans which address the site inspection comments and the Town Engineer's comments. A traffic engineer from Milone & MacBroom met with the Town Engineer and Police Chief with regard to the access to/from and circulation throughout the site. The Police Chief asked that the site's access way on Worth Avenue Ave be an exit only driveway. Mr. McEvoy reviewed the proposed driveway and its location. He reviewed the Town Engineer's comments and noted that the RWA comments have been added to the Title Sheet.

Ms. Kallenbach asked if access to enter the site will be on Whitney Avenue. Mr. McEvoy reviewed the Worth Avenue exit-only access and the primary entrance to the site on Whitney Avenue.

Mr. Clapp questioned if the Japanese knot weed will be removed from the wetland area. Mr. McEvoy reviewed the planting plan and noted that the Japanese knot weed will be removed by mechanical means.

Ms. Lakin asked if reducing the width of the driveway would be done on the wetland side of the property. Mr. McEvoy replied yes.

Mr. Shadle questioned the locations of temporary stock piles on the site and if they would be top soil. Mr. McEvoy reviewed the proposed location of the top soil stock piles. He noted that the fill is necessary to construct the proposed civic space and that the piles will be surrounded by silt fencing. Mr. Shadle questioned the time table necessary to remove excavated material and where the construction access will be on the site. Mr. McEvoy replied that the construction access to/from the site will be on Whitney Avenue. Mr. Shadle asked if there are details addressing the phases of construction. Mr. McEvoy stated that the construction of the driveway will be integrated with the construction of the driveway and hotel.

Mr. Stone asked if reducing the width of the driveway will reduce the amount of the impervious surface. Mr. McEvoy replied that the access way will be approximately 1,200 square feet of impervious surface.

Mr. Tom Vocelli, Wetland Enforcement Officer, asked Mr. McEvoy if on the final plans and as a condition of approval he would be able to put the non-disturbance restrictions as a list drawn from the regulations. Mr. McEvoy replied yes.

*Mr. Clapp made the motion to approve Application 16-1216.* Mr. Vocelli suggested that a condition of approval should read: *Include non-disturbance buffer restrictions in the final plans.* Mr. Clapp accepted the amendment. *Ms. Kallenbach seconded the motion. Mr. Clapp, Ms. Kallenbach, Ms. Jensen, Mr. Milazzo, Mr. Shadle and Mr. Stone voted in favor of the motion. Mr. Liston abstained. Therefore, the motion passed 5-0-1.*

## 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

All N.O.V.'s remain in place

### 2. Review Site Inspection Schedule

There were none

### 3. Old/New Business

- 1. Quinnipiac University athletic fields - discussion and review

Ms. Lakin stated that this is an informational session and public testimony will not be heard.

Mr. Bernard Pellegrino, Attorney, addressed the Commission and reviewed the Notice of Decision for Application 14-1202. He explained that a Special Permit application has been filed and the sheet sets submitted are relevant to the IWC approval. Mr. Pellegrino stated that the applicant is looking to have Condition #1 modified. He noted that crumb rubber will not be used as stated in Condition #2.

John Lavey, Centerbrook Architects, addressed the Commission and presented a sample of an artificial turf product called Geofill which is produced and manufactured by Shaw's Sports Turf. It is 100 percent organic and is made up of coconut husk and cork.

Mr. Shadle asked what the anticipated workable life of the coconut husk material. Mr. Lavey stated that it must be re-raked every two years by a machine to redistribute the product and layer the organic material where it has been blown off or removed from the field. Mr. Shadle asked if the material is an underlay or the actual field itself. Mr. Lavey replied that it sits in the fiber of the field and plays more like a natural grass field. The material is more expansive installation up front and more maintenance. Mr. Shadle asked if this is the material shown in detail #2 on Sheet TF-1 (Turf Cross Sections). Mr. Lavey replied yes.

Mr. Shadle asked if the coconut husk material requires the same amount of irrigation that crumb rubber requires. Mr. Lavey said that the crumb rubber does not require irrigation because it becomes steamy and hot and cannot be played on. The proposed material when used in the Northeast is irrigated through natural precipitation. To prevent the material from blowing away during a dry period a large sprinkler will be provided. Mr. Lavey explained that the field hockey field requires irrigation because it improves play. Mr. Shadle asked if all the associated drainage and volume will remain as originally proposed. Mr. Lavey replied it will be for field hockey.

Mr. Pellegrino stated that the south field will be used for field hockey and will remain as originally approved. It was never proposed as crumb rubber.

Mr. Shadle reviewed Sheet TF-1 (Turf Cross Sections), Detail 1, as it relates to the IW approval with Mr. Pellegrino. Mr. Pellegrino stated that crumb rubber was originally proposed for the North Field.

Mr. Pellegrino stated that Condition #3 relates to the photometric design. He noted that the field lighting has been eliminated and the revision only shows the stadium lighting necessary for safety. No temporary lighting will be used as required in Condition #4.

Mr. Mike Cegan, Landscape Architect, addressed the Commission and referred to Conditions #5 and #6. He reviewed the planting plans shown on the L1 (Sheet L1.0,-Overall Landscape and Wetland Enhancement Plan, Sheet L1.1-North Field Landscape and Site Lighting Plan- L1.2-South Field Landscape and Site Lighting Plan). Mr. Cegan reviewed Sheet L2.0 (Landscape Details) that address planting plans and the invasive species within the wetlands.

Mr. Cegan reviewed the expansion of the buffer areas as they relate to Condition #5 and shown on Sheet L1.1 (North Field Landscape and Site Lighting Plan) and Sheet L1.2 (South Field Landscape and Site Lighting Plan).

Ms. Lakin asked if Condition #7 will be addressed because of the planting that is involved. Mr. Pellegrino explained that Mr. Howard Pfrommer will address Condition #7.

Mr. Clapp asked what method will be used to remove invasive species. Mr. Cegan reviewed the process to remove the invasive species

Mr. Stone asked if the coconut husk is used in the form as previously presented to the Commission. Mr. Lavey replied yes.

Mr. Howard Pfrommer, Civil Engineer, addressed the Commission and reviewed Condition #7. He stated that the drawing submitted to the IWC was from the plans submitted as part of the approval and the note was already on it. Mr. Pfrommer referred to Sheet C7.0 and the note indicates that the swale must be constructed prior to the field being done to handle drainage coming from the roadway. He reviewed the construction schedule shown on Sheet C7.2.

Mr. Pellegrino reviewed Conditions #8 and #9. He stated that Conditions #2 through #9 have been met. He stated that Condition #1 requires that a 25 foot buffer be maintained around both fields and the wetlands. Mr. Pellegrino said that improvements have been made to the south field which is adjacent to the wetland located to the east. However, the 25 foot buffer has not been met.

Mr. Pfrommer referred to the plans that are both labeled Sheet C5.1 (South Field Layout Plan). He said that one of the drawings was approved by the IWC and the other drawing addresses the Condition #1 and was submitted to the Planning & Zoning Commission. He noted that the drawing with a revision date of 3/30/16 was approved by the IWC and the drawing with a revision date of 12/15/15 was submitted to the Planning & Zoning Commission which addresses Condition #1. Mr. Pfrommer reviewed the drawings and the amount of the south field that will now be within the 25 foot buffer limit. He said that the drawing submitted to the IWC and approved for the south field showed a 16 foot average setback and now is being increased to an average of 30 feet.

Ms. Lakin said that the IWC approval was for a 25 foot buffer and not a 16 foot buffer area. Mr. Pfrommer replied that the 16 foot buffer is what actually exists on the plans. There is a 25 foot proposed buffer on the entire project. What is provided on the drawings that were approved by the IWC was a 16 foot average. He reviewed how the average setback was determined.

Mr. Pellegrino stated that the new plan submitted has an average of 30 feet with a couple of areas that are less than 25 feet. He reviewed the proposed plans and what was done to try and meet the condition set by the IWC.

Mr. Lavey explained that they met with the Building Department and the Fire Marshal. He reviewed the changes made to the stadiums.

Mr. Shadle stated for the record that the condition requiring a 25 foot buffer area has not been met.

Mr. Sal Filardi, Vice President of Facilities and Capitol Planning, addressed the Commission and stated that he understands that the 25 foot buffer area has not been met. However, the NCAA standards for a field are that it must be so wide. The stadium building must be a certain width to accommodate locker rooms and yet maintain the required distance from existing buildings. The Building Department and Fire Marshal have agreed to a code modification to allow a closer distance between the existing buildings and proposed stadium. The 25 feet cannot be met without making changes that would have the bleachers facing the street and the stadium building right on the wetlands. Mr. Filardi feels that the design proposed will be aesthetically pleasing and the average buffer distance is 30 feet even though there is areas less than the 25 feet requirement. He feels that the proposed plan and planting plan will improve the wetlands.

Mr. Milazzo asked if it is known what the square footage is of the entire perimeter of the wetlands vs. what the amount being asked to have waived. Mr. Pfrommer said the length of the wetland line on the eastern side of the project is approximately 800-900 feet long. The area length of the lower field and less than 25 feet from the wetland line to the wall is approximately 250-300 feet.

Mr. Vocelli asked about the methodology being used to average the wetland setbacks. Mr. Pfrommer said that the area being defined is the wall that runs along the edge of the field to the wetland line and back to the wall. He reviewed the process used to determine the average buffer area. Mr. Vocelli asked if a drainage pipe running along the base of the retaining wall would be considered an intrusion. Mr. Pfrommer replied no because the pipe would be placed underground. Mr. Vocelli said that to put a pipe underground would require digging within the wetland buffer. Mr. Pfrommer agreed. Mr. Vocelli stated that the computation of averages does not address all of the intrusions into the buffer. Mr. Pellegrino stated that there would be temporary activity within the buffer. However, the buffer will remain as the permanent buffer to the wetlands after the project is completed. Some utilities and drainage will be placed within the buffer, but the buffer will protect the wetlands when the work is completed. Mr. Vocelli replied that there are construction and post construction buffers, but he is not certain that digging so close to the wetland comports with the spirit and the reasons for having a buffer. A buffer is designed to filter and provide a protective band around the wetlands. Mr. Pellegrino stated that the project goes within the protected band but the planting plan will significantly enhance the buffer and protect the wetlands.

Mr. Pellegrino stated that the calculations for the 25 foot buffer in total can be provided. The plan being shown does not specifically comply with Condition #1. He understands that an amendment to the condition will be necessary.

Mr. Shadle asked if an underground conduit will be put in place for future lighting. Mr. Pfrommer stated that it will be done at the same time because it will be placed in the trench with the storm line. Mr. Shadle and Mr. Pfrommer further discussed the conduit and storm trench.

Mr. Liston asked if there is any research on the potential wetland impacts with the use of the coconut husk and cork. Mr. Lavey said he is not aware of any research and the product being used is 100 percent organic.

Mr. Clapp stated that in 2009 he was represented by Mr. Pellegrino and does not plan on recusing himself. He asked who has used the Geofill. Mr. Lavey will acquire a list, but knows it has been used at several high schools in New York and Massachusetts. Mr. Clapp asked if it is being used in Connecticut. Mr. Lavey replied that he did not know, but the product is being used more.

Mr. Stone asked if the argument being made is that the proposal violates the 25 foot setback but would be of a de minimis nature. He asked if the applicant is asking for a de minimis ruling. Mr. Pellegrino replied that the presentation has shown that they have attempted to satisfy Condition #1 by minimizing the amount of intrusion and

that they went above and beyond with the mitigation plan for the wetlands. After discussions with the Planning Staff it was determined that an amendment to the original approval was necessary.

Mr. Shadle stated that the lights have been removed from the application which satisfies conditions #3 & 4. However, because footings will be placed for future lighting they would not satisfy Condition #3 and a photometric plan would be necessary. Mr. Pellegrino agreed if lights were permitted by the Planning & Zoning Commission Condition #3 would need to be met.

Ms. Lakin stated that there are several new members on the Commission and a site walk has been requested. Mr. Tim Lee, Assistant Town Attorney, asked that it wait until an application to amend the conditions of approval is received.

Ms. Lakin stated that a site walk will be scheduled after an application to amend the condition is received.

## 2. Earth Day preparations

The Commission discussed the staffing needs for Earth Day.

Ms. Lakin thanked Mr. Clapp and Ms. Kallenbach for their site inspection reports. She extended her appreciation to Ms. Kallenbach & Ms. Shellard for preparing the IW brochure.

## 4. Review of March 2, 2016 Meeting Minutes

*Mr. Liston made the motion to approve the March 2, 2016 Meeting Minutes. Ms. Kallenbach seconded the motion. Mr. Liston, Ms. Kallenbach, Mr. Stone, Mr. Shadle, Ms. Jensen and Mr. Clapp voted in favor of the motion. Mr. Milazzo abstained. Therefore, the motion passed 6-0-1.*

## 5. Adjournment

*A motion to adjourn was made by Mr. Liston and seconded by Ms. Kallenbach. It passed with no dissenting votes.*

The meeting adjourned at 8:37 p.m.

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