

May 11, 2016

MINUTES: THE INLAND WETLANDS COMMISSION, Town of Hamden, held a Regular Meeting on Wednesday, May 4, 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
 Dan Liston
 Amanda Kallenbach
 Jonathan Clapp
 Lauren Wholey
 Dan Smolnik
 Mike Stone
 Mike Milazzo, arrived at 7:41

Staff in attendance:

Dan Kops, Acting Town Planner
 Tom Vocelli, IW Enforcement Officer
 Stacy Shellard, Commission Clerk
 Genevieve Bertolini, Stenographer

Ms. Lakin called the meeting to order at 7:00 p.m. Mr. Shadle called the roll and there was a quorum. Ms. Lakin introduced the Commission and Staff.

I. Regular Meeting:

1) New Applications & Amendment Requests

- A. 14-1202 275 & 475 Mt. Carmel Avenue**, Amendment request-Condition #1
 referencing the 25 foot buffer
 Quinnipiac University, Applicant

Mr. Bernard Pellegrino addressed the Commission and reviewed the amendment request to modify the condition that requires a 25 foot buffer area. The area in question is located on the south field and the request is to allow a buffer area that is slightly less than 25 feet. Mr. Pellegrino requested that the amendment request be scheduled as a public hearing. He understands that Mr. Keith Ainsworth, Attorney, will be filing an intervener petition. The area of the buffer zone where the retaining wall will be located relative to the requested modification has been flagged for the site inspection.

Mr. Shadle made the motion to table this item for a site inspection. Mr. Liston seconded the motion. The motion passed unanimously.

Mr. Pellegrino asked that the site inspection not be scheduled for May 14, 2016. Mr. Tom Vocelli, Wetland Enforcement Officer, stated that the site inspection will not be scheduled on a Saturday.

Ms. Lakin asked for a motion to docket this item for a public hearing.

Mr. Liston made the motion to docket this item for a public hearing on June 1, 2016. Mr. Clapp seconded the motion. The motion passed unanimously.

Mr. Dan Kops, Acting Town Planner, advised the Commission that Mr. Ainsworth submitted an intervener status notification. Mr. Tim Lee, Assistant Town Attorney, will verify the paperwork to make sure that it is in order. Mr. Ainsworth submitted the intervener's request to the clerk.

Ms. Lakin stated that during the Public Hearing comments must address wetland issues only.

Ms. Lakin stated that the remainder of the agenda would be taken out of order and Item #1 under Old/New business would be heard next.

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 Notices-of-Violation remain tabled.

2. Review Site Inspection Schedule

The Commission discussed times and availability to attend the site inspection for 275 & 475 Mt. Carmel Avenue. It was determined that the site inspection be scheduled on May 16, 2016 at 5:30 pm. Mr. Vocelli stated that he will advise the members of the meeting location when he sends out the Site Inspection Notification.

Mr. Clapp asked if only the Commissioners can attend the site inspections. Ms. Lakin explained that the applicant, interveners and the public are allowed to attend a site inspection. She reviewed the site inspection procedures. Mr. Vocelli stated that no decisions are made during the site inspection. It is used for fact finding and informational purposes only. Ms. Lakin explained that notes are taken during the inspection and then distributed to the applicant and the interveners via Mr. Vocelli.

3. Old/New Business

- 1. Quinnipiac University athletic fields-compliance review & discussion of Condition #'s 2 thru 9

Mr. Bernard Pellegrino, Applicant, reviewed the conditions of approval # 2 through #9 which he stated have been met.

Mr. Liston asked if the applicant has done any research to determine if the use of coconut husk and cork would have any impacts on the wetlands. Mr. Pellegrino replied that nothing has been uncovered. He is not aware of any research that has been done to show if the use of coconut husk infill would have a negative impact on the wetlands.

Mr. Shadle asked the applicant if the footings for the lighting have been incorporated into the amendment under Condition #1. Mr. Pellegrino stated that the footings are relevant to Condition #1. However, the 0 foot-candle requirement (Condition #3) has been met. Mr. Shadle agreed with Mr. Pellegrino, but he would like to keep Condition #3 open until a final lighting plan is presented. Mr. Pellegrino replied that the revised lighting plan shows that there are 0 foot-candles at the edge of the 25 foot buffer, so Condition #3 has been met. If in the future a new lighting plan is approved by the Planning & Zoning Commission, the applicant would need to show 0 foot candles at the 25 foot buffer. Mr. Shadle advised Mr. Pellegrino that the Commission would need to sign off on any plan for lighting that involves the wetlands. Mr. Stone stated that the finding for Condition #3 as written is straight forward and states that

the applicant must come back to the Commission when the University submits a field lighting proposal. Mr. Kops stated that the findings done by Mr. Tom Vocelli, Wetland Enforcement Officer addresses Condition # 3 and the Commission's concerns about lighting.

Ms. Lakin asked if there are any changes to the proposed findings prepared by Mr. Tom Vocelli, Wetland Enforcement Officer. Mr. Liston stated that he would like to keep Condition #2 open because he does not feel that there has been extensive research on the use of coconut husks and the impacts to the wetlands.

Mr. Liston made the motion to approve the findings of Conditions #3 through #9. Ms. Wholey seconded the motion.

Mr. Liston read the findings into the record as follows:

- Condition # 3 - The Commission will evaluate compliance with the 0 foot-candle requirement if or when the University submits a field lighting proposal.
- Condition # 4 - The University has stated on the record that no temporary lighting will be used on the athletic fields, and this condition remains in full force and effect.
- Condition # 5 – The University has submitted revised and substantially expanded planting plans that include a variety of native vegetation. The Commission approves the 12/15/2015 revisions of Sheet L1.0, Sheet L1.1, Sheet L1.2, and Sheet L2.0, and the Commission furthermore deems the University to be in compliance with Condition # 5.
- Condition # 6 – The aforementioned landscape plans include revised planting mitigation that utilizes a diverse plant palette in the areas of invasive species removal. The Commission deems the University to be in compliance with Condition # 6.
- Condition # 7 – the construction and timeline requirements for the North Field drainage swale remain in full force and effect.
- Condition # 8 - submission of a revised set of plans incorporating all required changes and listing all conditions-of-approval can await the results of the application to amend Condition #1 and #2.
- Condition # 9 – the Hamden Inland Wetlands Commission has made no endorsement concerning the erection of light poles and the height thereof, and this condition remains in full force and effect.

Mr. Clapp asked if at the meeting to be held on June 1, 2016, items 3 through 9 will not be under consideration. Ms. Lakin replied yes.

Mr. Stone asked Mr. Shadle if he is satisfied with his understanding of the issue that addresses the footings of the light poles. Mr. Shadle stated that the footings will be addressed when the Commission entertains the amendment application at the June 1, 2016 meeting.

Ms. Wholey asked if Condition #5 could be affected or changed due to Condition #1. Mr. Shadle replied that Condition #8 addresses Ms. Wholey's concern.

Ms. Lakin called for a vote on Mr. Liston's motion. ***The motion passed unanimously.***

Ms. Lakin stated that Conditions #1 and #2 are still left open for discussion. Ms. Lakin questioned if Condition #2 is part of the public hearing.

Mr. Pellegrino stated that Condition #2 will not be part of the public hearing because only Condition #1 was noticed. He said that to satisfy Condition #2, additional information will be provided to Mr. Vocelli to answer the Commissioners' questions and then present to the members. Mr. Vocelli said that the June 1, 2016 meeting agenda can have an item under Old/New business: Review of Condition #2.

Mr. Liston asked if when Quinnipiac University submits research on the impact of coconut husk and cork on the wetlands if the Commission will determine if it satisfies Condition #2. He asked how the Commission proceeds to evaluate the information provided.

Mr. Vocelli stated that when information is provided there are Commissioners with different expertise that helps to evaluate the information submitted. This is what was done with compliance reviews of Conditions #3 through #9. Mr. Liston asked if there is any opportunity for the public to submit its research with regard to the topic. Mr. Vocelli stated that Condition #2 was part of the original approval and the Commission only needs to determine if the condition has been met. Mr. Kops said that there is no provision for the public to comment.

2. Earth Day debriefing

Ms. Lakin discussed the Earth Day event and the staffing of the IW booth with the Commission. Ms. Kallenbach stated that she felt the booth was beneficial. The visual aids engaged the public and the scavenger hunt engaged the children at the event. The Commission further discussed the booth and the benefits of having it. It was the consensus of the Commission that having the IW booth at the event is beneficial and should continue. Ms. Lakin stated that to continue with the booth all the members must commit their time to staffing it. Ms. Lakin thanked Ms. Kallenbach for taking the lead at this year's event.

Mr. Vocelli stated that a de minimis request was received from the GNHWPCA. The request is to allow the clearing of access pads for the sanitary sewer infrastructure located on the easterly part of the Partyka property at 214 Skiff Street and allow for an annual mowing of a 10 foot wide strip area the 50 foot buffer. The Commission discussed the de minimis request. Ms. Lakin asked the Commission if there was any objection to the de minimis request and there was none.

Ms. Lakin welcomed Mr. Dan Smolnik to the Commission.

4. Review of April 6, 2016 Meeting Minutes

Mr. Shadle asked that on page 4, 5th paragraph, "not required" be changed to read "require" under item 1 of Old/New Business.

Dan Liston made the motion to approve the April 6, 2016 Meeting Minutes as amended. Mr. Stone seconded the motion. Mr. Stone, Mr. Milazzo, Mr. Shadle, Mr. Liston, Ms. Kallenbach, and Mr. Clapp voted in favor of the motion. Ms. Wholey and Mr. Smolnik abstained. Therefore, the motion passed 6-0-2.

5. Adjournment

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

The meeting adjourned at 7:46 p.m.

Submitted by: _____
Stacy Shellard-Clerk of the Commission