Town of Hamden

Planning and Zoning Department

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July 8, 2016

MINUTES: THE INLAND WETLANDS COMMISSION, Town of Hamden, held a Regular Meeting on Wednesday, July 6, 2016 at 7:00 p.m. in the Legislative Council Chambers, Memorial Town Hall, 2372 Whitney Avenue, Hamden, CT, and the following items were reviewed:

Commissioners in attendance:

Joan Lakin, Chair
Kirk Shadle, Vice Chair
Michael Milazzo, Secretary
Daniel Liston
Kirsten Jensen
Jonathan Clapp
Amanda Kallenbach
Lauren Wholey
Dan Smolnik
Michael Stone, arrived 7:12pm

Staff in attendance:

Dan Kops, Acting Town Planner
Tom Vocelli, Inland Wetlands Enforcement Officer
Holly Masi, Acting Commission Clerk
Genevieve Bertolini, Stenographer

Ms. Lakin called the meeting to order at 7:00 p.m.; Mr. Shadle called the roll and noted that there was a quorum. Ms. Lakin then introduced the Staff in attendance and reviewed the Meeting procedures.

I. Regular Meeting:

1) Pending Applications:

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

Ms. Lakin called for discussion on the application. She noted that the Enforcement Officer has prepared two motions as a basis for discussion – a draft motion to approve and a draft motion to deny. Mr. Milazzo stated that based on what has been presented to the Commission; he is in favor of the application. He looked at the overall planting plan and the lack of evidence presented of there being adverse impact to the wetlands. He also noted that this is keeping in mind that this is all the Commission can go on when making their decision. Mr. Clapp said he doesn't find the average width of the buffer argument that was raised being persuasive, but he also didn't find the intervener's argument persuasive either. He stated he has to take the application on face value. He reviewed the past minutes from the original hearing and noted that they looked at feasible and prudent alternatives. Mr. Liston stated that the average encroachment notion is not something the Commission should support. He doesn't know if that is what their intent was to put that forth, but the Commission should be very clear about the way they address

buffers. If approved, they need to note that they are not approving encroachment. Mr. Milazzo agrees the average buffer argument did not do anything for him; he was looking at buffers as they exist today and what it would look like after the fact, which would show that it was better when completed than how it currently exists today.

Mr. Milazzo made a motion to approve the condition #1 Amendment Request with stipulations as follows:

(a) the retaining wall, storm drainage, and scoreboard encroachments described in the Pellegrino-to-Vocelli e-mail message dated 6-01-2016 may be installed in the 25-foot buffer area

(b) the field lighting foundations described in the aforementioned e-mail message shall <u>not</u> be installed in the 25-foot buffer area. Revised plans that eliminate the field lighting foundations shall be submitted for review and approval by the Enforcement Officer

(c) Any future field lighting proposal shall remain subject to Condition # 3 of IWC Permit # 14-1202

(d) As proffered by Attorney Pellegrino the University shall file upon the land records of the Town of Hamden a conservation easement deed restriction to secure and protect the wetlands surrounding the athletic fields. The form and content of the conservation easement deed restriction shall be subject to review and approval by the Enforcement Officer and by the Assistant Town Attorney prior to the filing

(e) It is the finding of the Commission that the authorized encroachments will not have an adverse impact upon the wetlands when installed in conjunction with previously- submitted planting enhancements (including the red cedar grove depicted on landscape drawings L1.0 and L1.2) and when installed in conjunction with conservation easement deed-restricted protections for the wetlands.

Mr. Shadle seconded the motion. He suggested that they add "sign-off by the Chair" to stipulation (b). Mr. Milazzo accepted this. Mr. Shadle also added that there be a "no mow" zone behind the retaining wall unless it pertains to the planting plan or to the invasives removal plan. Mr. Millazo accepted this amendment. Mr. Liston then stated reasons for not supporting the approval of the Amendment Request. He feels the way the Applicant brought this request put the Commission in a procedurally difficult position. He noted that the Commission was told initially that there were no feasible and prudent alternatives. Then, months later, after the Application proceeded through, they received a revised plan and it was a better application. He said that if the analysis of feasible and prudent alternatives had been done correctly, they would have seen this plan initially. He noted that they are being enticed with a conservation easement and a better planting plan that should have come to them initially instead of when the Commission is being asked for buffer relief. It is incumbent on the applicants to do their very, very best and the Commission owes it to the Town to make sure the applicants are diligent. Mr. Smolnik, for the reasons Mr. Liston stated, is not going to support approval. Mr. Stone joins Mr. Liston supporting his points for not supporting approval.
The amended motion failed 4-5 with Mr. Clapp, Ms. Wholey, Mr. Shadle and Mr. Milazzo voting in favor and Mr. Stone, Mr. Liston, Mr. Smolnik, Ms. Kallenbach, and Ms. Jensen voting against.

Mr. Liston then made a motion to deny the Condition #1 Amendment Request without prejudice reading the following draft into the record:

Draft motion to deny the Condition # 1 Amendment Request…..

……move that the Commission deny without prejudice the request to amend Condition #1 for reasons including but not necessarily limited to the following:

(a) the applicant has failed to demonstrate through substantial evidence in the record that the proposed encroachments into the buffer area will not have an adverse impact on the adjacent wetlands

(b) there has been no demonstration of a substantial change in circumstance warranting the proposed encroachments and resulting alteration of the buffer area

(c) the applicant has not sufficiently investigated a feasible and prudent alternative that could restore and maintain the 25-foot buffer by rotating the placement of the proposed stadia infrastructure

Mr. Shadle seconded the motion. Mr. Liston raised a concern about reason (a) and asked if the Commission made a statement on adverse impact in the original approval. Mr. Vocelli clarified that the original approval did not accept the encroachments and that the Commission took exception to the encroachments. The Commission did not accept the encroachments in the first place and this Amendment Request seeks to restore them. There was further discussion. **Mr. Liston then amended his motion to remove reason (a) while retaining the other two reasons; Mr. Shadle seconded the amended motion. The amended motion passed 5-4 with Mr. Stone, Mr. Liston, Mr. Smolnik, Ms. Kallenbach, and Ms. Jensen voting in favor and Mr. Clapp, Ms. Wholey, Mr. Shadle and Mr. Milazzo voting against.**

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

      There was nothing to report on this matter. **The N.O.V. remains tabled.**

   b. **N.O.V.** Lot 10-Benham Hill Estates (aka 0 Benham Hill Place)
      Failure to repair & maintain stormwater detention basin

   Mr. Vocelli did not have anything to report on this matter. **The N.O.V. remains tabled.**

2. **Review Site Inspection Schedule**

There are no applications currently that require a Site Inspection.

3. **Old/New Business**

   1. Quinnipiac University athletic fields-compliance review of Condition #2

Mr. Shadle reviewed the letter in the Commissioners' packets from Professor Cook regarding consideration of potential chemical impact of proposed cork-coir turf installation proximate to Inland Wetlands. There were no adverse impacts noted.

Mr. Shadle made a motion that the applicant has satisfied condition 2 with regard to the proposed material to be used for the field; Mr. Liston seconded the motion. Mr. Liston noted that they still have not received conclusive evidence as to the impact of this material used adjacent to wetlands; however, if the material is not used, there will not be an ability to study impacts so now they are in a tough position. **The motion passed unanimously with 9 voting in favor and none opposed.**

Mr. Milazzo made a motion that the Commission will not hold a Regular Meeting in August; Mr. Liston seconded the motion. The motion passed unanimously.

4. **Review of June 1, 2016 Meeting Minutes**

Mr. Milazzo made a motion to approve the June 1, 2016 Meeting Minutes; Mr. Stone seconded the motion. The motion passed unanimously.

5. **Adjournment**

Mr. Milazzo made a motion to adjourn; Mr. Stone seconded the motion. The motion passed unanimously.

The meeting adjourned at 7:32pm

Submitted by: _____
Holly Masi, Acting Clerk of the Commission