

September 12, 2016

MINUTES: THE INLAND WETLANDS COMMISSION, Town of Hamden, held a Public Hearing & Regular Meeting on Wednesday, September 7, 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, Chairperson
 Kirk Shadle
 Dan Liston
 Amanda Kallenbach
 Jonathan Clapp
 Lauren Wholey
 Mike Stone
 Mike Milazzo
 Lee Campo

Staff in attendance:

Dan Kops, Town Planner
 Tim Lee, Assistant Town Attorney
 Tom Vocelli, IW Enforcement Officer
 Stacy Shellard, Commission Clerk
 Genevieve Bertolini, Stenographer

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

I. Public Hearing:

1) New Applications

A. 16-1217 275 & 475 Mt. Carmel Avenue

South Field renovations and stadium construction
 Quinnipiac University, Applicant

Mr. Bernard Pellegrino, Attorney, addressed the Commission and reviewed the prior applications for the north and south fields. He submitted the Notice of Decision for Application #14-1202 (Exhibit #1). The south field was required to maintain a 25 foot buffer (condition #1), which could not be met and proposed changes to the required 25 foot buffer were not accepted by the Commission. Mr. Pellegrino reviewed the proposed south field renovations and stadium construction which will now have a 25 foot buffer area.

Mr. Pellegrino explained that if the application is approved it will allow the University to meet the requirements as set forth in a Consent Decree. The field improvements and new stadium will be home to the Women's Field Hockey Team. The decree requires that there be superior practice and competition facilities dedicated to the women's field hockey program.

Mr. Pellegrino stated that the field hockey surface will be knitted nylon which is the preferred choice of the NCAA. The proposed stadium will be 20 feet wide by 220 feet in length. There will be team locker rooms, training facilities, offices, and a room for the game officials and a building mechanical room. The stadium will seat 500 spectators. There is no lighting being proposed for the field itself. Mr. Pellegrino referred to Mr. Richard Snarski, Soil Scientist, and noted that he submitted a revised report that had no new findings that are relative to the current proposal vs. the previous proposal. The current proposal provides greater potential for protection of the wetlands during construction and will have no significant negative impact on the function and values of the wetlands.

Mr. Howard Pfrommer, Civil Engineer, addressed the Commission and reviewed the proposed South Field Location vs. the previous proposal. He reviewed an overlay of the proposed layout plan vs. the previous layout plan (Exhibit 2), an overlay of the proposed stormwater management plan vs. previous plan (Exhibit 3) and an overlay of the proposed pollution control plan vs. previous plan (Exhibit 4).

Mr. Pfrommer reviewed the South Field Grading and Civil Utility Plan (Sheet C6.1) and the South Field Stormwater Pollution Control Plan (Sheet C7.1). He referred to the Town Engineer's comments and noted that there will be no conflict between the proposed detention system and the invert existing storm line (comment #1). A note will be added to the drawings to address the temporary precast concrete barrier curbs (TPCBC) (comment #2). Comment #3 is just a statement with regard to the utility easement crossing on Hogan Road. Mr. Pfrommer addressed the RWA comments dated September 1, 2016 and said they were based on the revised plans Stream Site Demolition Plan (Sheet C4.2) and Stream Site-Site Plan (Sheet C5.2) submitted August 26, 2016 and address the crossing at Hogan Road. Mr. Pfrommer said that the Site Photometrics Plan-South Field (Sheet SU1.1) shows that there are 0 foot candles behind the building. He referred to the revision of the drainage report which coordinates the inverts on drains with the actual model. A revised letter from Mr. Richard Snarski, Soil Scientist was also submitted.

Mr. Clapp asked how the TPCBCs located within the 25 foot buffer area behind the stadium will be removed. Mr. Pfrommer replied that machinery will be used and enter the area from the east side and the west side.

Mr. Liston asked if the walkway in the back of the building will be lit. If so, how will the lighting impact the wetlands. Mr. Pfrommer replied that the architect will address Mr. Liston's question.

Mr. Shadle asked if once the TBCBCs are removed the planting will take place. Mr. Pfrommer replied yes. Mr. Shadle asked if in the planting plan the area of potential disturbance show's being cleaned up. Mr. Pfrommer replied yes. Mr. Shadle asked if the TBCBCs will be lifted out of the area by a crane or if they will be dragged out. Mr. Pfrommer replied that a crane will be used to lift the TBCBCs out, the same as it was done on the York Hill Campus. Mr. Shadle asked if just the crane arm will go into the area or if the actual vehicle will enter the buffer area or wetlands. Mr. Pfrommer replied that the crane will only go into the buffer area. It will not be allowed to go into the wetlands. The machinery will be a crawler type piece of equipment, perhaps a hydraulic excavator. Mr. Kirk asked if there will be any S&E controls between the wetlands and where the TBCBCs will be removed, and if the S&E controls will remain in place until the planting is done. Mr. Pfrommer replied that there are no S&E Controls between the wetlands and the barriers, but it can be added. Mr. Shadle envisions substantial soil disturbance while the machine is being used.

Mr. Jon Lavy, Architect, addressed the Commission and stated that the walkway behind the building will be lit by low placed lights within the wall. He reviewed the Prudent and Feasible Alternative Site Analysis' (Sheets C1.1 and C1.2). Four factors were used to determine if an alternative site was feasible and prudent. The first factor is the location to determine if the site is within reasonable proximity to the student populations, athletic facilities and parking. Also the construction of the athletic facilities remote from existing parking or athletic facility infrastructure would necessitate a duplication of the services. Sites that were remote from the Mt. Carmel and York Hill Campuses were not considered

prudent. The size of the site needed to accommodate the facility and the field for field hockey. The topography must be flat. Existing buildings, parking, and environmental resources or sites designated for future essential University buildings were not considered. The sites considered needed to be within reasonable walking distance. He further reviewed the alternative site analysis (Sheets C1.1 and C1.2) and MCC Athletic Facilities (Sheet C1.3) that were used to determine the most feasible site.

Mr. Lavy reviewed the architectural site plan (Site-sheet A.01). He submitted a sample of the knitted nylon (Exhibit 5) that will be used on the field. Mr. Lavy reviewed the Grade Level Plan (Sheet A2.1F), Grandstand Level Plans (Sheet A2.2F), Upper and Roof Level Floor Plans (Sheet A2.3F), Exterior Elevations (Sheet A2.4F-wetland side of bldg.), Exterior Elevations (Sheet A2.5F-facade from field) and MCC Event Parking (Sheet A0.3).

Mr. Liston asked if the lighting from the bleachers will have the potential to spill over. Mr. Lavy said that the lighting is located along the press box and placed low along the seating section.

Mr. Stone asked if there are rooms that are below the ground. Mr. Lavey replied that there are rooms located two feet below grade.

Ms. Lakin asked if there is any other screening, other than the four foot wall to prevent trash from being thrown off the back of the stadium. Mr. Lavy replied no. He said that there is nothing higher than a 48 inch high wall on the concourse level and a 42 inch high wall with small openings at the press box area. After a game someone will police for trash in the buffer area. There is no way to prevent someone from dropping trash over the side.

Mr. Mike Seegan, Landscape Architect, addressed the Commission and reviewed the Overall Landscape and Wetland Enhancement Plan (Sheet L1.0), South Field Landscape and Site Lighting Plan (Sheet L1.2) Landscape Details (Sheet 2.0). Mr. Seegan stated that Mr. Snarski's report concludes that the reconstruction of the south field as proposed will not have a significant impact on the functions and values of the wetlands.

Mr. Liston referred to Mr. Snarski's report of the evaluation done on August 1, 2016. Mr. Seegan said the revised report dated August 23, 2016 is part of the Commission's packet. Mr. Liston said that in the revised report Mr. Snarski refers to the description of the wetlands and evaluation done July 22, 2013 and then revised August 13, 2016. He asked if Mr. Snarski reviewed or came to any conclusion based on the planting plan developed by Mr. Seegan. Mr. Seegan stated that the updated evaluation of the proposed plan is dated August 23, 2016 and he worked in conjunction with Mr. Snarski, especially on the work within the wetland area.

Mr. Liston referred to page 2 of the August 1, 2013 revision, 4th paragraph, and asked if the CPE pipe is being removed. Mr. Pfrommer replied that a portion of the pipe is being removed, but not from an area in the buffer setback or wetlands.

Ms. Lakin stated that comments from the public should be limited to items pertaining to wetland issues.

Ms. Lakin asked for comments in favor of the application. There were none.

Ms. Lakin asked for comments against the application:

Mr. Keith Ainsworth, Attorney, addressed the Commission and stated that he represents Mr. Ross Lanus and Gary DeSimone. He said that this application raises the question of what a non-disturbance buffer means. It was stated by the applicant that when the previous application was before the Commission there were no feasible and prudent alternatives. Mr. Ainsworth asked that if this application is denied would the applicant have another alternative. He stated that as minimal and as less in size the non-disturbance buffer is, there will be disturbance. The use of a jersey barrier and wetland mitigation is a disturbance. By maintaining the 25 foot buffer it appears that the invasion of the buffer to remove invasive species and replant is an excuse to build a structure that cannot do anything but invade the buffer. A stadium cannot be built that close to the buffer area without invading it. Mr. Ainsworth feels that it is saying

that you are going into the wetlands to remove invasive species and then replant as an excuse to allow construction within the buffer. There is no proof that the existing conditions of the wetland are impairing its function.

Mr. Ainsworth stated that the conversion of the field from natural turf to artificial turf is not to the benefit of the wetlands. Natural turf maintained by man did provide filtration for nitrogen runoff and provided some cooling benefits for the waters to go through it. Mr. Ainsworth said that the concern for roof water runoff is due to the atmospheric nitrogen and it is not removed by going through the separators unless the roof is dusted.

Mr. Ainsworth stated that the wetlands have been hemmed in over the years. The uses around it have gone from minor uses to more intense uses. The proposed stadium will be adjacent to the buffer and does not allow access for animals in the area. There will be no way to prevent trash from going into the buffer and it will need to be policed. Mr. Ainsworth stated that site is being crammed in too tight with a large facility. He is concerned that the proposed plan will impact the wetlands. Mr. Ainsworth asked the Commission to either add additional conditions or deny the application.

Mr. Ross Lanius, 4200 Ridge Road, addressed the Commission and stated that he has lived in his house since 1960. He reviewed the history of the area and noted that there were farms and fields. Mr. Lanius asked how snow will be removed from the proposed field and where it will be placed. Previously, the University had dumped it in the wetlands. Mr. Lanius said that Mr. Pellegrino had stated there would be no field lighting and he asked if conduits will be installed so that there may be field lights in the future. Mr. Lanius is opposed to the application.

Mr. Mike Tardy, 200 Hogan Road, addressed the Commission and stated that he is concerned that the buffers will be compromised because of the proposed structure that will be large and tall. The buffer should not be allowed to be impacted for construction. He does not see how the different stages of construction for the stadium will not impact the buffer.

Mr. Pellegrino stated that most of the existing buffer is lawn and is maintained. A portion of the buffer has invasive species. The disturbed area of the proposed buffer will be replanted and will be a significant improvement to what already exists. Mr. Pellegrino does not feel that the temporary work proposed within the buffer area will have a negative impact on the existing conditions in the area.

Mr. Pellegrino reviewed the snow removal plan. He said that the height of the proposed stadium will be 35 feet which is not a massive structure. The field and the seating area will be more modest in than most high school stadiums. Mr. Pellegrino said that the potential for normal litter will be well addressed by the 42 inch high fence/gate at the back of the stadium. Someone would have to throw or reach over the fence at the back of the stadium to throw the trash. The University crews will be maintaining and cleaning up the area after each game and will remove any trash in the area.

Mr. Tim Lee, Assistant Town Attorney, stated that as part of the application to modify the condition of approval the University had offered a conservation restriction over the wetlands and buffer area. He asked if the University would be willing to do the conservation easement as part of this application. Mr. Pellegrino replied yes.

Mr. Shadle asked Mr. Seegan to address the shadowing effects of the stadium on the plantings within the buffer. Mr. Seegan said that the stadium will face the east and the buffer will get a half day of sun and the proposed plantings will all do well. Mr. Shadle asked when referring to the photosynthetic scale what percentage of sun is necessary for the proposed plantings. Mr. Seegan replied that a half of day of sun will be fine and many of the plantings will thrive within the wetland conditions as well.

Mr. Shadle asked Mr. Pfrommer if there are any proposed footings for conduit lines for future lighting within the buffer area. Mr. Pfrommer replied no.

Mr. Stone asked Mr. Pfrommer if there are any conduits or lighting proposed, not just within the buffer, but overall. The issue had been what effect any lighting would have if it were to bleed over into the wetlands and the wildlife. Mr. Pfrommer said that there are no building footings, electric conduits or electrical foundations within the wetland

setback. Mr. Stone asked if there were any lights proposed outside the wetland setback. Mr. Pfrommer said there is site lighting along the access road and there are conduits going from light to light. Mr. Stone asked if the application is approved are there provisions for the potential of future modification or revisions for additional lighting. Mr. Stone said there were concerns that there be no footings or structures within the wetlands. However, there was a reservation that in the future the University may come forward with an application for additional lighting. Mr. Stone asked if there were anything along this line with this application. Mr. Pfrommer replied that there are no field light foundations within the setbacks and there were never any in the wetlands.

Mr. Shadle stated that the previous application had the footings for future field lighting in the buffer. He said any lights would require 0 foot candles into the buffer and wetlands. If there are no permanent structures in the buffer then the applicant can pursue lighting as long as there are 0 foot candles.

Mr. Clapp referred to Mr. Ainsworth's comment addressing nitrogen and the inability of the carpet to filter it out. He asked where the nitrogen comes from and if it is an issue. Mr. Pfrommer replied that nitrogen is airborne and collects on roofs and is carried down by the pipes. He reviewed the Stormwater Management Plan.

Ms. Kallenbach asked if bacteria can grow on the artificial turf and what is done to mitigate it so that it does not runoff into the wetlands. Mr. Pfrommer replied that water will run off through the carpet.

Mr. Lavy stated that the proposed turf is not an impervious surface. He reviewed the Stormwater Management Plan.

Ms. Lakin asked if additional screening can be used to make the 42 inch wall taller to further prevent the deliberate throwing of trash over it.

Mr. Sal Filardi, Vice President, Facilities and Capital Planning, addressed the Commission and stated that the University does not have any trash issues anywhere on the campus. The campus is policed and the students are not looking to throw trash into the wetlands. The University is willing to augment the wall if trash becomes an issue. There will be trash cans placed throughout the stadium. The custodians will clean up after every event. If it becomes a problem fencing can be added to the wall. A fence will affect the aesthetics of the stadium.

Mr. Pellegrino stated that most people usually leave trash in the stands. The area in question is only in use when people are entering and exiting the stadium. He does not feel that trash in the wetlands will be an issue.

Mr. Dan Kops, Town Planner, stated that the application should be evaluated on its merits and the discussion of previous designs is a separate issue. The issue before the Commission is the impact on the wetlands, not the impact on the non-disturbance buffer. The non-disturbance buffer serves as protection to the wetlands. The Commission must evaluate the impact of the proposed application on the wetlands.

Mr. Lee stated that the fundamental issue is what the impact is to the wetlands with this application. If an impact is found then the Commission must determine if there are feasible and prudent alternatives to the impact. The first finding the Commission must determine is whether the application pose an impact to the wetlands.

Mr. Shadle asked Mr. Pfrommer what the overall soil compaction rating is and how much will it increase as a result of this project, particularly in the buffer. Mr. Pfrommer stated that a study was not done. The specification in the vegetated areas is 85 percent compaction, in the surface areas with concrete walks it would be 95 percent under the footings. Mr. Shadle referred to the 25 foot buffer and asked if there would be 85 percent compaction. Mr. Pfrommer replied no, it would be 85 percent compaction. In the buffer area there will be activity that would impact the area. The grading will not change in the buffer area, there will be some compaction. He said that the area could be scarified after the work is completed.

Mr. Ceegan said any area that is compacted in the buffer area during the construction can be scarified prior to any planting being done. The area will be monitored closely.

Mr. Shadle said there is concern about the proximity of such a structure to the buffer. He asked if the compaction of the soil due to construction impedes the functionality of the buffer in the future. Mr. Ceegan replied no. Mr. Shadle stated that the functionality of the buffer is to aid in the nutrient absorption prior to entering the wetlands and reduce surface water velocity. He asked if the closeness of the building will impede the functionality of the vegetated planting area to serve the functions. Mr. Ceegan replied no.

Mr. Liston asked Mr. Pellegrino if the mitigation plantings will improve the functions of the wetland. Mr. Pellegrino replied in response to a claim by Mr. Ainsworth that going into the buffer there will be some areas disturbed, it will be replanted with the mitigation buffer enhancements.

Mr. Liston said that Mr. Snarski's report states that as proposed the reconstruction of the south field will not have a significant negative impact on the function of the values to the wetlands. The report does not speak to the improvement to the wetland function based on the mitigation. Mr. Pellegrino stated that he stands on the basis of Mr. Snarski's report.

Mr. Shadle asked why the proposed alternative was not originally considered and presented as a viable alternative. He asked what the process of determination was to remove it as a viable alternative in the previous application. Mr. Pellegrino replied that a number of factors went into the proposal to place the field on the other side based on non-wetland issues. It was based on site access and pedestrian access. He further reviewed what was considered in prior applications. He noted that Mr. Snarski's report for the previous applications had stated and that there would be no significant negative impacts on the wetland features and values. Mr. Pellegrino hopes that the Commission would look favorably on this proposal.

Mr. Liston made the motion to close the Public Hearing. Mr. Campo seconded the motion. The motion passed unanimously.

II. Regular Meeting:

1) Pending Applications:

A. 16-1217 275 & 475 Mt. Carmel Avenue

South Field renovations and stadium construction
Quinnipiac University, Applicant

Mr. Liston referred to evaluating the application based on its own merits and the testimony heard. He stated that the most compelling evidence before the Commission is Mr. Snarski's letter, since he was the only soil scientist that the Commission received testimony from. Mr. Snarski had pointed out that the construction had a greater potential to protect the wetlands during construction than previously proposed. The previous application's commentary during this application has brought in a lot of discussion from the prior applications. Mr. Liston feels that this gives the Commission leeway to consider the issues that were raised in the prior applications, if only to evaluate the validity of Mr. Snarski's recent statement.

Mr. Lee stated that the Commission can take into consideration any knowledge that it has on this particular property based on each member's general knowledge of the prior applications before the Commission. The information can be used when evaluating the proposal. Mr. Lee cautioned the Commission that Mr. Snarski was referenced as the expert and was the only soil scientist in this file. Mr. Snarski's position is that the application will not have a significant impact on the wetlands.

Mr. Milazzo stated that he agrees with Mr. Lee's statement. When looking at the application and making a decision, the members must look at both sides, who is presenting, what their backgrounds are and whether or not they are an expert in the particular field.

Mr. Liston stated that based on the discussions and prior knowledge the Commission has of the prior applications provides grounds to condition any approval based on issues raised in prior applications.

Mr. Liston moved that the South Field renovations and stadium construction proposed in IWC Application #16-1217 be approved with the following conditions:

1. In light of previous Commission decisions regarding the desirability and necessity of a wetlands buffer, the applicant will undertake the vegetative restoration and the on-going maintenance of a minimum 25-foot buffer which shall remain free of **permanent** structural encroachments. The buffer boundary shall be demarcated with a split rail fence, adorned with Inland Wetland Conservation Area medallions at intervals of 30 feet.
2. The applicant shall forego the use of crumb rubber when reconstructing the South Field.
3. The applicant shall maintain 0 foot candles of light in the wetland unless otherwise authorized by the Commission. No field lighting foundations shall be installed in the 25-foot buffer, and any future field lighting proposal shall be subject to review and approval by the Commission, **regardless of whether the field lighting proposal includes footings within the 25 foot buffer or elsewhere.**
4. The applicant shall not be permitted to install or utilize any temporary lighting of the South Field unless such lighting has been approved by the Commission.
5. The applicant shall enhance the vegetative and habitat diversity of the wetland, the wetland buffer, and the adjoining upland areas by adherence to the landscaping plans and planting schedules called out on Sheet L1.0, Sheet L1.2, and Sheet L2.0. An itemized list of all plantings with written confirmation that they have been completed to plan shall be submitted to the Enforcement Officer prior to the issuance of a Certificate of Zoning Compliance.
6. The applicant shall remove exotic invasive plants in the wetland for a period of five years in accordance with Sheet L1.0, Sheet L1.2, and Sheet L2.0. These invasive species shall be replaced with wetland shrub plantings and with wetland seed mixes as specified by the aforementioned plan Sheets. The success of these removal & replacement procedures shall be monitored for four years after the initial removal year, with reports and recommendations submitted to the Enforcement Officer in the fall of each year.
7. The applicant's wetland scientist shall supervise the removal and re-planting of vegetation in the west-of-Hogan Road wetland depicted on Sheet C5.2. The boundary of a 25-foot buffer to be established on the north side of this wetland area shall be demarcated in the field with a split rail fence, adorned with Inland Wetland medallions at intervals of 30 feet.
8. The applicant shall submit a revised set of plans that incorporates all of the required changes on all relevant sheets and that lists all required terms and conditions. The revised set of plans shall be subject to review and approval by Town staff.
9. The applicant shall install whatever structures are necessary to prevent spectator littering from the stadium into the wetlands or into the buffer. The applicant shall also ensure that any litter in the wetlands or in the buffer is removed by hand within 48 hours of any athletic event **by an employee trained to minimize their effect on the wetlands.**
10. 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 in perpetuity the wetlands surrounding the North and South Fields. The form and the content of the conservation easement deed restriction shall be subject to approval by

the Enforcement Officer and by the Assistant Town Attorney prior to the filing.

- 11. The applicant fulfills the concerns of the Town Engineer's comment #2 in his letter dated September 7, 2016.**
- 12. Snow removed from the field will not be deposited into either the buffer or wetlands.**
- 13. Temporary Sediment & Erosion Control is to be put in place prior to the removal of the jersey barriers and are to remain in place until the buffer has stabilized.**
- 14. After construction the applicant will scarify any soil in the buffer which has been compacted so the growth of vegetation will be facilitated. The IW Enforcement Officer shall be notified for inspection of the buffer during scarification.**

Mr. Milazzo seconded the motion.

The Commission and Planning Staff discussed the motion.

The following changes to the motion were made and accepted by Mr. Liston and Mr. Milazzo:

Add condition #12: Snow removed from the field will not be deposited into either the buffer or wetlands.

Add condition #13: Temporary Sediment & Erosion Control is to be put in place prior to the removal of the jersey barriers and are to remain in place until the buffer has stabilized.

Add to condition #1: "permanent" structural encroachments.

Condition #11 should read: The applicant fulfills the concerns of the Town Engineer's comment #2 in his letter dated September 7, 2016.

Add condition #14: After construction the applicant will scarify any soil in the buffer which has been compacted so the growth of vegetation will be facilitated. The IW Enforcement Officer shall be notified for inspection of the buffer during scarification.

The motion passed unanimously.

III. 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 effect

2. Review Site Inspection Schedule

No inspections scheduled

3. Old/New Business

Ms. Lakin thanked Ms. Kallenbach for the site inspection report.

Mr. Liston made the motion to add the special meeting minutes of July 20, 2016 to the agenda. Mr. Stone seconded the motion. The motion passed unanimously.

Mr. Milazzo made the motion to approve the special meeting minutes of July 20, 2016 as written. Mr. Stone 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 9:03 p.m.

Submitted by: _____
Stacy Shellard-Clerk of the Commission