April 13, 2009

MINUTES: THE INLAND WETLANDS COMMISSION, Town of Hamden, held a Public Hearing and Regular Meeting on Wednesday, April 1, 2009 at 7:00 p.m. in Thornton Wilder Hall, Miller Memorial Library Complex, 2901 Dixwell Avenue, Hamden, CT and the following was reviewed:

Commissioners in attendance:

Nancy Rosenbaum, Chairperson
Mike Montgomery
Andrew Brand, arrived at 7:15 p.m.
Kirk Shadle
Joan Lakin
Bob Anastasio
Bill Tito
Bob Gnida
Paul Murray, sitting for Mike Milazzo
Annalisa Zinn, sitting for Mike Stone

Staff in attendance:

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

Ms. Rosenbaum called the meeting to order at 7:04 p.m. and reviewed the meeting and public hearing procedures. She explained that the Commission is responsible for the regulation and protection of wetlands and watercourses, and that comments from the public should be related to this topic. Mr. Montgomery called the roll and there was a quorum. Ms. Rosenbaum welcomed Ms. Annalisa Zinn as a new alternate on the Commission.

I. Public Hearing

A. 09-1147 660 Sherman Avenue – Construction of a hotel & restaurant – Mankoff Developments LLC, Applicant - G R & J Corporation, Owner

Mr. Michael Brandi, Attorney for the applicant, addressed the Commission and reviewed the application to construct a hotel that would be a five story structure with 115 rooms, a restaurant and adequate parking. The hotel would be located in the upland area and there would be a boardwalk that would cross the wetlands to access the Farmington Canal Greenway. The applicant would like a decision as soon as possible because of the nature of the market and the economy.

Mr. Stan Novak, Professional Engineer from BL Companies, addressed the Commission. He submitted to the Commission Clerk return receipts for the abutters' notices that had been sent out. He stated that he had reviewed the comments from the RWA and from the Town Engineer, as well as the site walk report done by the IWC. Changes will be made to the proposed plans based on those comments. The site for the proposed hotel consists of 10.6 acres located on Sherman Avenue opposite Corporate Ridge. He reviewed the abutting properties and stated that it is a U-shaped parcel. Mr. Novak reviewed the topography of the site which slopes from west to east with an elevation of 138 at Sherman Ave dropping down to 132. It is then a moderate grade out to the Farmington Canal. Mr. Novak reviewed the property and stated that the northerly frontage is deciduous woodlands. The remainder of the site is a deciduous forested wetlands. There are small headwater streams converging within the wetlands. There

is a twin box culvert located at the southeast corner of the site that is the ending point for the headwater streams. The box culvert conveys the streams under the Farmington Canal Greenway and the watercourse continues in a southerly direction to Shepard Brook. There are several historic dirt roads that are elevated above the wetlands and there is a sanitary sewer easement in favor of the Town of Hamden. The site is approximately 61 percent wooded and 39 percent meadow. The area of the wetlands is approximately 5.4 acres. Mr. Novak reviewed the upland soil types.

Mr. Novak reviewed the hotel square footage with the Commission members and pointed out that there would be a 3,000 square foot restaurant attached to the hotel . There would be 133 parking spaces in the hotel location which would be served by two driveways out to Sherman Avenue. There would be a 1,200 square foot maintenance garage with 33 additional parking spaces to handle any overflow from the hotel parking and 3 spaces for bus parking. All of the proposed development will be located within the upland area. The proposed trail to the Farmington Canal Greenway would be a stone dust path and there would be a timber board structure to span over the wetland. The trail would be 4 feet wide and would also utilize one of the historic farm roads located on the site. The wetland crossing would be 120 feet long and the span would be .02 acres of wetlands.
The total disturbance on site for the project would be 3.05 acres which would be under 29 percent of the site. The total disturbance would have 2.26 acres in the 200 foot upland review area, and 1.0 acre within the 100 foot non-disturbance boundary line.

Mr. Novak advised the Commission that proposed development will utilize best management practices for soil erosion and sediment control. The permanent best management practices will consist of underground detention piping for stormwater quantity control and a water quality pond. The post development runoff would be controlled by an outlet control orifice to meter the flow down to pre-development levels. The pond with a berm would be located down gradient of the proposed parking lot and would process the initial 1 inch of rain from the site. The pond would be seeded with the appropriate seed mixes to handle the first inch and any contaminants from the parking lot. The storm water in excess of the first inch would be processed through the diversion manhole to an underground detention system. The discharge for stormwater management would be 60 feet from the wetlands within the buffer area. There will be retaining walls to minimize the disturbance to the area.

The Commission members stated that they have concerns about the stormwater management system. The plans for the detention storage system and the pipes that bring the water to the underground storage are confusing. Mr. Novak explained that the stormwater is collected by a series of catch basins. There is one on the northerly and one on the southerly side of the hotel. He reviewed with the members the plans of how the stormwater would be diverted. The members advised Mr. Novak that the plans are incomplete and that making a decision would be difficult. Mr. Novak explained that there are two systems on both sides of the hotel. The runoff from the parking lot would be piped to manhole number one. The water would then continue downstream to manhole number 2 which is considered the diversion manhole. There is a low level pipe that outlets toward the water quality pond which processes one inch or less to the pond. If the storm intensifies the runoff that is caught by the pipe rises up in the manhole and there is a larger pipe that will take the excess flow which goes into underground detention pipes. There is a 4 inch opening to the pond for storage. The water will continue to flow in but is metered out. Mr. Novak explained to the Commission how the process to meter and control the flow of the water works and the size of the underground detention pipes.

Mr. Novak distributed and reviewed with the Commission his response to the site inspection comments (Exhibit 1) and the RWA comments (Exhibit 2). He explained to the members that he had also received the Town Engineer's comments. Mr. Novak advised that the Town Engineer would like to have the parking lot draining to a larger pond instead of to an underground storage area. Mr. Novak is concerned that this would cause a greater disturbance in the wetland buffer. He explained that they could eliminate the pond altogether which would then mean no disturbance beyond the end of the parking lot and storage of the stormwater underground. They could then achieve water quality through the use of a Vortechnic unit as recommended by DEP. Mr. Novak stated to the Commission members that he would be willing to revise the plans to whatever approach or combination they would like.

Mr. Novak explained that the boardwalk construction would have minimal disturbance to the wetlands. The columns needed to support the walkway can be installed by using a hand augur. The decking would be assembled off site or in the upland area. Any disturbance would be seeded with the appropriate seed mix. Mr. Montgomery advised Mr. Novak that as you approach the trail the water and a rise in the elevation are not shown on the plans. Mr. Novak advised that the watercourse runs from the north to the southeast The old farm road passes over the watercourse which is conveyed via a 21 inch steel pipe under the farm road. The path out to the Farmington Canal Trail would have signs posted for hotel patron use only. The connection between the maintenance garage, overflow parking and the hotel will include a shuttle. A sidewalk is being proposed to connect the 2 facilities.

The members asked if AT&T has been contacted about the old farm roads. Mr. Novak advised the members that he had done research and found no easement, so they have not contacted them. The existing road is about fifteen feet wide and is raised above the wetlands. The walkway will be four feet wide. The members questioned the number of parking spaces and would like to see them moved as far away from the wetlands as possible. Mr. Novak stated he would be willing to minimize the proximity to the

wetlands. The Commission discussed the placement of the retaining wall and the disturbance it would cause; perhaps it should be angled more so there would be less of a steep slope. The permanent basin should not be used as the temporary basin. There should also be a 14 to 21 day rule for seeding. Mr. Novak advised that the erosion control plan would be phased in and he will submit a construction sequence.

Ms. Rosenbaum asked if any one from the public would like to speak in favor of the application:

Mr. Pat Nuzzolillo, 594 Sherman Avenue, addressed the Commission and stated he was in favor of the project. The hotel will provide enhancements to the geographical area and eliminate an eyesore adjacent to his property. The area has been dumped with brush and abandoned cars. He would like the Town to improve Old Sherman Avenue instead of abandoning it and leaving it in disrepair. This proposal would also improve property values and the tax base. He stated to the members that with the recommendations from the IWC, the RWA and the Town Engineer the applicant could make sure the wetlands are secured.

Mr. Mike Carbray, General Manager for Amphenol Spectra Strip at 720 Sherman Avenue and a resident of Hamden at 90 West Todd Street, addressed the Commission and advised that he is in favor of the project. He stated that 720 Sherman Avenue abuts the wetlands and the rear of the property at 660 Sherman Avenue. He does not feel the proposal would have a negative impact or affect his business in a negative way. His company could utilize the hotel for guests and also for employees if there were a snow storm. This proposal would provide jobs within the community and it would increase the tax revenue for the Town.

Mr. Dan Coughlin, owner of four properties on Corporate Ridge, addressed the Commission. He does not feel that the proposed plans would have a negative impact. He is confident that BL Companies will come up with a plan to protect the watercourses and the wetlands. There is a need for more businesses to contribute to the tax base without impacting the schools. He mentioned that parking at the Cascade and at Quinnipiac sometimes overflows onto Sherman Avenue. He is in favor of more parking spaces to avoid any additional parking on the street.

Mr. Dave Howell, 86 Ash Drive, addressed the Commission and stated that he is in favor of the project. He feels that the Attorney and BL Companies will do what is necessary to address the concerns of the Commission. He would like to see those who live in Hamden spend their money in Hamden. He did ask that the applicant not plow snow out onto Sherman Avenue for the Public Works Department to clear.

Ms. Rosenbaum asked if any one from the public would like to speak against the application and there were no opponents. She asked for any further comments from the public:

Ms. Cindy Civitello of 61 Berkeley Court addressed the Commission. She is concerned with the amount of parking and would like to see it reduced. She also is concerned that the overflow parking from the Cascade would use the hotel parking lot. She is concerned with the disturbance to the wetlands with the construction of a walkway to the Farmington Canal and she stated that there is access approximately a quarter of a mile down the road on Sherman Avenue. She would like the public hearing continued so the public can make additional comments.

Mr. Mike Guaglianone of the RWA addressed the Commission. The plans that he has for the proposed hotel do not match what was submitted to the IWC. The date on both sets of plans is 2/23/2009, but the IWC plan has a revised date of 2/24/2009 and his comments do not address the revised plans. The stormwater system is confusing. He received the hydraulic report on 3/30/2009. The capacity of the basin will only hold about ½ of the one inch storm and if the 4 inch drainage pipe were clogged would only hold approximately 27,000 gallons. A one inch storm could generate 58,000 gallons and the underground detention gallery would hold 64,000 gallons. If there were a 2 inch rain event, both structures would fill up. A hundred-year storm is 7.1 inches of rain over a 24 hour period and a lot of capacity is missing. Mr. Guaglianone disagrees with the CN values and he may have read the tables wrong, but he feels they should be 30 for the existing conditions. This is based on agricultural land. There is high brush and the CN value captures how much water that hits the ground will run off right away. He gave examples of different land conditions that would or could make a difference in the design of the system. He would like to see infiltrating the water as recommended in the Storm Water Manual. He would like to see a garage underneath the facility which would limit the amount of impervious surface and reduce the amount of contamination that would flow to the basin. He stated that the comments the applicant used in their presentation were from his draft comment letter rather than from what they had received today.

Ms. Rosenbaum asked for any further comments and there were none.

Mr. Novak advised the Commission that they will review the comments regarding the amount of impervious surface. The walkway to the Farmington Canal will also be reviewed. The RWA comments regarding the CN value of 30 does not apply based on the soil type in the TR55 manual. They had received the RWA draft comments on 3/30/2009 and the final version today. They responded to the 4/1/2009 version.

Mr. Brandi thanked the Commission for the opportunity to do a presentation. They will need additional time to respond to all the comments. They would then like to have a decision as soon as possible thereafter.

Ms. Rosenbaum advised that the public hearing for Application #09-1147 would be continued to the May 6, 2009 meeting. Mr. Brandi agreed to the continuation of the hearing. Ms. Rosenbaum advised the public that they would be able to review any revised plans and to comment at the next meeting.

This evening's portion of the Public Hearing ended at 9:03 p.m.

II. Pending applications

A. 09-1147 660 Sherman Avenue – Construction of a hotel & restaurant – Mankoff Developments LLC, Applicant - G R & J Corporation, Owner

Mr. Lakin moved to table this item until the May 6, 2009 meeting. Mr. Anastasio seconded the motion. The motion passed unanimously.

B. 09-1146 385 & 415 Putnam Avenue – Site modifications for residential apartment use - Bernard Pellegrino Jr., Applicant for Putnam Ave Assoc 385 LLC & Putnam Ave Assoc 415 LLC, Owners

Mr. Pellegrino, Attorney for the applicant, addressed the Commission and stated that his client has retained an engineer to work on the plans and that the engineered plans should be ready in one week. He would like to schedule the site walk contingent on receipt of those plans. Mr. Pellegrino advised the Commission that he is granting a 65 day extension and that he will submit this to the Planning Office in writing. Mr. Kops, Assistant Town Planner, asked how the plans can be complete without the testing for contamination and remediation having been completed. Mr. Pellegrino stated to the Commission that he was unable to provide the information, but he feels the engineer will be able to provide the information.

Mr. Gnida made the motion to table IWC Application # 09-1147 until the May 6, 2009 meeting. Ms. Lakin seconded the motion. The motion passed unanimously.

III. Notices of Violation, Cease & Desist Orders, Notices to Appear:

Mr. Montgomery made a motion to table Notices of Violation for Item a and Item b until the end of the meeting. Mr. Murray seconded the motion. The motion passed unanimously.

Ms. Lakin made a motion to enter into Executive Session at 9:41 p.m. Mr. Brand seconded the motion. The motion passed unanimously. The Commission emerged from Executive Session at 9:54 p.m.

a. Cease & Desist & Restore Hearing
186 Denslow Hill Rd and 196 Denslow Hill Rd - Dumping & deposition of fill in or near wetlands

Mr. Anastasio made the motion to table this matter until the May 6, 2009 meeting. Mr. Murray seconded the motion. The motion passed unanimously.

b. N.O.V. 64 Rocky Top –clearing of trees & removal of vegetation

Mr. Gnida made the motion to table this matter until the May 6, 2009 meeting. Ms. Lakin seconded the motion. The motion passed unanimously.

c. C. & D. 415 Putnam Avenue – unpermitted activity in a regulated area

Mr. Pellegrino, Attorney for the property-owner, addressed the Commission and then turned the matter over to Mr. Greg Gardner, Licensed Environmental Professional,.for an update on the sampling activities and test results

Mr. Greg Gardner, Licensed Environmental Professional, addressed the Commission and submitted a progress report. He advised the members that a contract was signed with the Regional Growth Partnership on 3/27/2009. The testing started on 3/31/2009 and continued today. There is testing that will continue in accordance with a voluntary remediation program administered by the Connecticut DEP. The demolition debris and the soil stockpiles are being evaluated. He reviewed with the Commission what

testing has been done to date and said that test results will be provided at the 5/6/2009 meeting. He advised the members that the piles of construction debris and soil have been secured and that the plastic sheet covers are intact. Erosion controls have been installed on the upland portion of the site and along the slope that overlooks the wetlands and watercourse. Mr. Tom Vocelli, Inland Wetlands Enforcement Officer, stated that the plastic sheeting covers have developed some gaps. Mr. Gardner advised the Commission that he has spoken with Mr. Joe Natale and that a worker from another DiMeo/Natale site was sent over to Putnam Avenue on 3/31/2009 to secure the covered piles with ropes and sandbags. He stated that he will be on site more often and will be able to monitor this issue.

Mr. Gardner advised the Commission that four monitoring wells have been placed on the site. The depth of the wells will be approximately 25 to 50 feet. He reviewed with the members the locations and the types of testing that are being done.

The Commission members asked Mr. Gardner what communication he has had with the development engineers. Mr. Gardner advised that he has had no direct communication with the engineers and has spoken only with Joe Natale. Mr. Shadle asked if the plans they will be reviewing will be development plans and will not include any contamination information. Mr. Gardner stated that his conversations with Mr. Natale have been based on the historical data that goes back to the 1980's. On a site visit done this week he encountered an old observation well and the cap of the well was dated 11/27/1990. The Commission would like indicated on the site plans where the site pits and borings are located and where samples are being taken. Mr. Gardner stated a plan was presented to him by Mr. Natale six months ago. This entailed how the site was to be developed. He will be presenting the test data at next month's meeting and as it becomes available, but it is a continuing process. Based on what is discovered changes in any development proposal may need to be made.

Mr. Gnida made the motion to table this matter until the May 6, 2009 meeting. An informational site inspection with Mr. Gardner will be scheduled for the end of April, 2009. Mr. Brand seconded the motion. The motion passed unanimously.

Ms. Rosenbaum asked Mr. Pellegrino if development of the site is contingent on the test results. If a site walk were to be done for the apartment application prior to receiving the contamination test results the Commission would be unable to reach definitive conclusions. Mr. Pellegrino maintained that the application procedure has been that a site walk is done after the application is accepted and that the walk is done based on the information provided. Mr. Tim Lee, Assistant Town Attorney, advised that the normal course of conduct is to accept the application and then schedule a site walk. Normally, however, when accepting an application a finding is being made that the application is complete and suitable for a site walk. The Commission may want to wait to receive the engineered application plans as well as contamination test results and then schedule a site inspection for the application next month. Mr. Pellegrino feels that those who have not been to the site would find it beneficial to do a walk at the end of April, especially since Mr. Gardner should have some test results by then. The Commission concluded that the informational site inspection will be for the cease & desist and contamination testing issues rather than for the incomplete apartment application.

IV. <u>Other Business</u>

a. 2 Sherman Lane - interim S & E control plan – J.T. Furrey

Mr. Anastasio made the motion to table this item until May 6, 2009. The Commission had requested at the March 4, 2009 meeting that revised site management and S & E control plans be submitted prior to May 1, 2009. Mr. Brand seconded the motion. The motion passed unanimously.

Ms. Rosenbaum discussed the Earth Day Celebration on Saturday April 25, 2009 with the Commissioners.

Mr. Tito advised the Commissioners that Mr. Gnida had submitted his letter of resignation from the Commission to take effect at the end of his current term and that this was the last meeting Bob would be attending. Mr. Gnida was thanked for his commitment and hard work over the past three years; he will be very much missed.

V. Review Inspection Schedule for New Applications and for Other Sites

Mr. Vocelli will schedule an informational site inspection for 385 & 415 Putnam Avenue.

VI. Review March 4, 2009 meeting minutes

Mr. Anastasio made a motion to accept the March 4, 2009 minutes as written. Mr. Murray seconded the motion. The motion passed unanimously.

VII. Adjournment

A motion to adjourn was made by Mr. Tito and seconded by Mr. Gnida. It passed with no dissenting votes. The meeting ended at 9:58 p.m

Submitted by: _____
Stacy Shellard, Clerk of the Commission