

September 11, 2009

MINUTES: THE INLAND WETLANDS COMMISSION, Town of Hamden, held a Regular Meeting on Wednesday, September 2, 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
Kirk Shadle
Mike Milazzo
Mike Stone, arrived at 7:45 p.m.
Annalisa Zinn, sitting for vacancy

Staff in attendance:

Dan Kops, Assistant Town Planner
Tom Vocelli, IW Enforcement Officer

Stacy Shellard, Commission Clerk
Tim Lee, Assistant Town Attorney,
arrived at 8:35 p.m.

Ms. Rosenbaum called the meeting to order at 7:10 p.m. and reviewed the meeting procedures. Mr. Montgomery called the roll and there was a quorum.

I. Applications

A. New applications & amendments

**Request to renew & amend IWC #04-1022 – 380 Mather Street – residential development
Summit Residential LLC, Applicant – Summit Hamden LLC, Owner**

Mr. Dan Kroeber, Professional Engineer from Milone and MacBroom, addressed the Commission. He explained that the applicant is requesting an extension to the permit which had been granted on September 1, 2004. He reviewed with the Commission an aerial map of the site. Mr. Milazzo stated to the Commission that he would be abstaining. Mr. Kroeber reviewed the location of the site. Located to the east of the site are a series of Lake Whitney ponds. These are separated by a large elevation difference from the site. There is a ridge line that runs along the eastern boundary of the site, and separates the site from the Lake Whitney Ponds. He explained that historically there have been several uses on the site and many projects have been proposed. There had been a sand and gravel pit operation which created a unique topographic situation on the site. The site is like a bowl, and water that comes onto the site stays on the site. The property is approximately 16.4 acres in size and currently is sparsely vegetated. Vegetation has sprouted through

earthwork that had been done and through the large amount of fill that was brought onto the site after the concrete manufacturing closed. He explained that the original project for the property was Bellagio, and they had received the approval on September 1, 2004. It was a 181-unit residential condominium complex. The applicant at that time was 380 Mather Street, LLC and the engineering consultant was Hammons, LLC from Fairfield CT. The current owner of the property is Summit Residential LLC. Some administrative approvals were granted in a November 2007 *de minimis* finding for minor modifications to move some of the buildings. He reviewed the plans that had been proposed for the property when it was owned by Bellagio. Mr. Kroeber explained that the new proposal is to be called the Whitneyville Residential Development. It would include 270 apartment units which are clustered in seven buildings. Three of the buildings will be 3 - 4 story buildings and there would be 24 town house-style dwellings. The impervious coverage on the original proposal and on the current proposal will remain almost identical. The new proposal will have a slight decrease in the amount of impervious surface. Mr. Kroeber reviewed a letter to the Commission dated August 27, 2009 that is included in the member packets. The original project called for 329 parking spaces and the new proposal will have 510 spaces. The roadway infrastructure will be less and it will be more efficient. There will be 113 additional units and they will be stacked three to four stories in height.

Mr. Kroeber explained that there are no wetlands on the property and that it functions like a bowl. There is no discharge of water off the site into the Lake Whitney ponds located to the east of the property. When designing the stormwater management system he evaluated an existing stormwater discharge off of Treadwell Street. They are proposing an overflow pipe from the stormwater basin that will flow to the south along the shoulder of Treadwell Street and tie into an existing stormwater pipe that flows down to a headwall into a pond. The system is designed so that no water from the site will go to the overflow discharge pipe for up to a 100 year storm; the design will essentially maintain the existing hydrological situation. The previous engineer had designed a system that did not have an overflow pipe from the stormwater basin. The overflow pipe will only see water from an event that exceeds a 100 year storm or from a catastrophic event. There will be a release valve for water to escape from the site in those situations.

Mr. Kroeber stated to the Commission that the proposed plans would not have an impact on the wetlands. There is a ridge line that is approximately 20 to 35 feet in grade that separates the site work from the regulated areas on RWA property. In the plan as proposed the closest point of the development to the ponds would be 100 feet. Any disturbance on the opposite side of the ridge line would be approximately 140 feet at the closest point. There will be a provision for emergency overflow, which will require an additional regulated activity for installation of a stormwater overflow pipe. He reviewed the location where the work will be done and what the route of any overflow from the outlet control structure to a manhole on Treadwell Street would be. Mr. Kroeber advised the Commission that they would install approximately 423 feet of 15 inch HDPE pipe within the 200 foot upland review area. The installation of the pipe will create a temporary impact, but they do not feel that any water will flow through it. He asked that the Commission grant an extension of Permit # 04-1022 for the maximum time allowed which is five years; he is also requesting that the Commission amend the original permit to incorporate the new Whitneyville Residential plan.

Mr. William Root, Certified Soil Scientist from Milone & MacBroom, addressed the Commission, submitted pictures of the site, and reviewed his report dated August 28, 2009. He explained that there are no wetlands or watercourses identified on the site. The site is extensively excavated and the USDA-NRCS soil survey has it mapped as Urban Land which testifies to the amount of disturbance on the site. He reviewed the ridge between the development and the Lake Whitney ponds and he discussed the nature of the excessively drained and very sandy Manchester soils. The slope of the land pitches from the Dixwell Avenue direction toward the bottom of the ridge line. The runoff from the site comes down to a trench on Haig Street along the paved area to a graded retention area. There are a number of small basins and puddle areas. He reviewed

the vegetation in the area. The puddles on the site are due to the slope from the west to the east and the large barrier that prevents water from leaving the site. The ridgeline will be undisturbed and will act as a buffer to Lake Whitney. The detention basin system that is designed and the output from it to an existing catch basin on Treadwell should have no impact on regulated areas.

Ms. Rosenbaum asked the Commission if there were any questions for Mr. Root and there were none. Ms. Rosenbaum asked Mr. Kroeber if he had reviewed the Town Engineer's comments. Mr. Kroeber explained that he met with Mr. Bob Brinton, Town Engineer, and with Mr. Elliot Fuller, Assistant Town Engineer. He reviewed the Engineering comments with the Commission. They have included in the plan an operation and stormwater management maintenance plan. The owner of the property or the association that maintains the property will be responsible for the upkeep. In the plan they have included time frames for the maintenance work to be done and routine inspections or schedules for the catch basins and for trash removal. The UT-1 series of drywells on site would consist of 8 dry wells for each building. They did not provide inverts and pipe sizes, but will work with Town Engineering on this matter. They will show the construction activities and improvements associated with the installation of the proposed overflow pipe. The applicant will inspect and clean the catch basins and any accumulation of sediment will be removed by a vacuum truck. The applicant has consented to change the catch basin top which is cast iron and replace it with a top that is up to current standards. The sediment and erosion controls associated with the overflow pipe will be placed on the final plans. The design of the drainage was taken from the Town's topographic mapping. There will be a detailed survey done through the area. There will be a silt fence fortified by hay bales. A silt sock filled with fiber mulch would also work well on the site. Mr. Kroeber stated that an easement will be needed for the overflow pipe, and he will provide it with the final submission of documentation. He explained that the location where the V-notch is shown on plan Sheet SD-2 is incorrect. There is no V-notch on the outlet control structure until you reach the overflow elevation. He brought with him an 8 x 11 plan that shows the correction.

Mr. Kroeber reviewed the RWA comments. The original Bellagio plan that was approved in 2004 showed that the stormwater basins had hydrodynamic separators. It had a storm sensor problem. They showed on these new plans a chamber without the hydrodynamic separator component because they would be retaining all the ground water on site. There is no objection to providing a hydrodynamic separator chamber in place of a sediment chamber. The maintenance plan has incorporated all the different guidelines in Item Two of the revised maintenance plan that has been submitted to the Commission. Ms. Rosenbaum asked Mr. Kroeber to explain the catch basins with two foot sumps as opposed to four foot sumps. Mr. Kroeber explained that they did show four foot sumps throughout the site for the extra benefit of removing the sediments. He stated there is no objection to the use of two foot sumps, but he would like the catch basin before discharge to be a four foot sump as an extra benefit for removing sediment. Mr. Montgomery asked if the catch basins are part of the onsite detention. Mr. Kroeber stated they are and that there are two components to the stormwater management system --- the detention basin and the underground detention system. The erosion controls will be indicated on the site plans and will be inspected regularly and will be installed by the applicant prior to construction. They will indicate on the plans where hazardous materials will be stored on the site and placed on an impervious surface and locked up. He stated that they will not store fuel on site if it is possible not to do so. Mr. Kroeber explained that they would add to the plan that the RWA control room can be called twenty four hours a day and a contact number will be provided. He explained that the RWA will have access to the site throughout the duration of construction and there is no objection to routine inspections; all of this will be included in the final plans. Mr. Kroeber stated that a permit for swimming pools and waste water has been received from the CT Department of Environmental Protection, and there will be a note added onto the plans.

Ms. Rosenbaum asked for comments from the Commissioners.

Mr. Montgomery asked for clarification of the storm water basin elevation which on the plan is approximately 50 feet with the volume of fill the same as the original proposal. Mr. Kroeber stated that the basin is identical to the previous plan which is an elevation of 40 and the overflow elevation of the basin is 47. The previous basin he believes is elevation 40 at the bottom of the basin. Mr. Montgomery said that the detention basin on the previous plan depicts it as wet and this plan shows it as dry. Mr. Kroeber anticipates that the basin will dry over a period of 72 hours. The previous plans show water. Mr. Kroeber explained that they had depicted a wet pond. Series of test pits were done in 2006 prior to earthwork being done on the site. Material was then brought onto the site, so the elevation is higher. The series of test pits done found the ground water was around elevation 36 ½ to 37, and they anticipate that they will not intercept ground water. They do not think it will be a wet pond unless they go down an additional three feet. They are counting on some infiltration in their calculations. Mr. Montgomery discussed with Mr. Kroeber and Mr. Root the types of plantings that should be on site based on the anticipated ground water. Mr. Montgomery asked what the levels of the ponds are close to the site. Mr. Kroeber feels that the ponds are at approximately an elevation of 37 and the ground water is approximately 36 ½ - 37. They anticipate the groundwater will be close to the bottom of the basin. Mr. Montgomery asked where the drywells and underground stormwater management system is. Mr. Kroeber reviewed the plans for the drywells with the Commission. Mr. Montgomery explained that the Commission encourages the use of rain gardens. He asked if rain gardens can be incorporated into the plans rather than drywells. Mr. Kroeber explained that there are 65 dry wells throughout the site. They can incorporate rain gardens in some of the areas on the site. They are trying to create a recreational green space on the site and dry wells work better. Mr. Montgomery said that the dry wells could be part of the landscape. Mr. Kroeber reviewed with the Commission detention basin information. He reviewed with the Commission the stormwater drainage system.

Ms. Rosenbaum asked Mr. Guaglianone from the RWA if he had any comments. Mr. Guaglianone stated that he feels it is important to use a hydrodynamic separator. The water quality volume at the first inch carries the bulk of contaminants. All the water on the site would flow through the hydrodynamic separator and it is more efficient. The previous plan did not have underground galleries. The current plan calls for underground galleries for the 121 parking spaces. The quality of the system should be high and this should be made a condition of approval. This is a very important consideration for a storm that could produce 7.1 inches of water in 24 hours. He feels there should be an easement for the stormwater detention basin. He feels this is necessary for any future building they may want to do on the site. Mr. Guaglianone did find certain areas that have wetland characteristics on the site, but that may have been from the soil being moved and packed down. It was noted that the map shows an encroachment with RWA property lines. Mr. Guaglianone stated that the survey shows it is a small piece at the corner of the property. He wants to speak with the surveyor regarding the placement of the pins.

Mr. Kops, Assistant Town Planner, stated that from a planning perspective the proposed plan is an improvement with the amount of pavement and fill associated with the green space area. Mr. Montgomery noted that in the previous plan there was a condition that required a bond to be posted to ensure the maintenance of the stormwater management system. He asked Mr. Kops if he recommends this be made a condition of approval. Mr. Kops recommends that they do not make it a condition because the Planning and Zoning Commission will make it a condition of approval. He explained that bonding is a standard practice for Planning and Zoning.

Mr. Montgomery stated that an easement for the stormwater detention basin cannot be required by the IWC. Easements and deed restrictions cannot be imposed without an owner's consent. The Planning and Zoning Commission will require a bond for the maintenance of the stormwater management system. Mr. Montgomery said that Mr. Guaglianone had stated that in the past large detention basins have tended to disappear over time. Mr. Montgomery believes that the conditions of approval should include incorporating the Town Engineer's and the RWA's comments. There should also be a condition stating that rain gardens

are to be incorporated into the plans where feasible, in place of drywells. He stated that the planting plan may change over time and he realizes it will be mostly a dry area and they may want to leave the area primarily open. He would like to see shade trees in the picnic area. Ms. Rosenbaum was asking if a condition should be the need to preserve the detention basin and to keep it on site for future building on the site. Mr. Kops feels that the RWA would like to require a conservation easement to protect the detention basin. It cannot be done because it would be considered a taking. A condition of approval should state that any potential changes to the stormwater management system should come before the IWC. Mr. Milazzo stated that any time there is a change made on the property to add additional buildings it must come before the Commission. The Commission discussed what should be included as conditions in a motion of approval.

Ms. Rosenbaum asked for a motion to be made for the request to renew IWC # 04-1022.

Mr. Brand made a motion to renew the permit for IWC #04-1022 for a period of five years with an expiration date of September 1, 2014. Mr. Montgomery seconded the motion. Mr. Milazzo abstained. Mr. Montgomery, Mr. Stone, Mr. Brand, Mr. Shadle and Ms. Zinn voted in favor of the motion. The motion carried 5-0-1.

Ms. Rosenbaum asked for a motion to approve the request to amend IWC # 04-1022.

Mr. Montgomery made a motion to approve the amendment for IWC # 04-1022 with the following five conditions:

- 1) Incorporate the Town Engineer's comments in the letter dated September 2, 2009***
- 2) Incorporate the RWA's comments in the letter dated September 2, 2009***
- 3) Substitute where feasible rain gardens for the dry wells***
- 4) Any changes in the stormwater management system must be approved by the Commission***
- 5) Approval will be effective upon acceptance and signature of the revised plans by the Commission Chairperson.***

Mr. Shadle seconded the motion. Mr. Milazzo abstained. Mr. Montgomery, Mr. Stone, Mr. Brand, Mr. Shadle and Ms. Zinn voted in favor of the motion. The motion carried 5-0-1.

B. Pending applications

09-1150 345 West Woods Road – Replacement of a storm pipe - Town of Hamden, Applicant

Mr. Bob Brinton, Town Engineer, addressed the Commission and reviewed the application. He stated that the portion of the existing pipe that needs to be replaced discharges at the edge of Eaton Brook. The portion of the pipe that needs to be replaced is a corrugated metal pipe that was installed in the late 1980's. The pipe failed in the area of the steep slope several years ago. The Public Works Department repaired it with clamps, but it is now leaking. The pipe needs to be replaced going down the hill. The original plan was to replace the pipe at its exact location. It could be done, but during construction there can be no rain fall and a bypass would need to be created. The current proposal is to install a new end wall at approximately the same elevation as the existing pipe. There will be rip rap that would go down to the edge of the stream. It was suggested by some of the Commission members that the applicant place some stones from the stream where the pipe would be discharging. There would be a new pipe installed going up the hill and located east of the original pipe, and new manholes would be installed. This would allow the replacement pipe to be installed without taking on any water. There would need to be a dry day to install the new pipe. Mr. Brinton

reviewed the plans and stated that during and after construction any disturbed areas would be reseeded and restored. Mr. Brinton had met with Mr. Ron Walters from the RWA and reviewed the Water Authority's comments. Mr. Brinton stated that he has no problems with the RWA's comments. He explained that the ideal time to do the work would be in the summertime dry season because the level of the water is low.

Mr. Shadle asked how the stones from the riverbed would be selected and placed. Mr. Brinton explained to the Commission that they would be taken from within 10 to 20 feet of the discharge point, and there are stones piled high in this area. Mr. Shadle asked if they could hand pick the stones, so that there would be minimal disturbance to the riverbed. He would like the detail sheet to have the following: stones would be handpicked and placed; the area will be overseen by an inspector from the Town and the RWA. Mr. Montgomery asked if the stones that are located in the area of the original outfall would be incorporated into the area of the new outfall. Mr. Brinton said there are large stones at the outfall and they would need machinery to move them. The machinery will be needed to build the foundation for the end wall. Mr. Montgomery stated that they should not mine the rocks from the riverbed. Ms. Rosenbaum asked where the rocks would come from. Mr. Shadle stated that he likes the idea of re-using rocks from the site. Mr. Brinton asked if the intent of the Commission is that the new discharge point use the large rocks from underneath the existing discharge point. Mr. Shadle agreed that was the intent.

There was discussion among the members and the following motion was made:

Mr. Shadle made a motion to approve Application 09-1150 with the following conditions:

- 1) The riverbed will not be mined for rocks, but rather large rocks associated with the existing out flow should be used.***
- 2) All comments in the letter dated 9/2/09 from Ron Walters of the Regional Water Authority will be incorporated into the plans***

Ms. Zinn seconded the motion. The motion passed unanimously.

Request to amend previously-approved S & E remediation plan - 14 & 24 Raccio Park Road

Ms. Rima Laukaitis, Professional Engineer from Martinez Couch & Associates LLC, addressed the Commission and reviewed the plan for a detention basin that was previously approved on May 12, 2008 by the Commission. She explained that a portion of the detention basin has been constructed. She referred to her letter to the Commission dated July 14, 2009 and reviewed the work that has been done to date. She reviewed the stormwater management plan and the existing conditions with the Commission. She explained that her client would like to amend the previously-approved Sediment & Erosion Remediation Plan. She said that the work that has been done to date does satisfy the concerns of the original Notice-to-Appeal.

Ms. Rosenbaum asked if the new plans that were submitted address the Town Engineer's comments dated 8/31/09. Ms. Laukaitis reviewed the changes that were made based on the Town Engineer's comments. Ms. Rosenbaum asked Ms. Laukaitis if the elevation of the berm that is shown on the proposed plans is for a 100 year storm. Mr. Laukaitis replied that the berm proposed is for a 100 year storm. Ms. Rosenbaum reviewed the site inspection comments dated 8/20/2009 and stated they should be included in the conditions of approval. Mr. Montgomery asked if an approval for the site would include the buildings and the pavement. Ms. Laukaitis explained that if in the future the owners want to further develop the property they will come before the Commission for approval. Mr. Montgomery stated that the current existing conditions are adequate. He stated that the owner did not extend the berm. Ms. Laukaitis stated that the berm will be extended per the revised plan and that a silt fence will be installed along with appropriate repairs to the northerly silt fence. Mr. Montgomery discussed a stock pile of material that needs to be removed. Mr. Stone

asked if the original Sediment & Erosion Remediation Plan was in response to a Notice of Violation. Ms. Laukaitis stated it was prepared in response to a Notice-to-Appeal.

There was discussion among the members and the following motion was made:

Mr. Milazzo made a motion to approve the request to amend the previously-approved Sediment and Erosion Remediation Plan for 14 and 24 Raccio Park Road as presented with the proviso that:

- 1) Any further development on the property will require the owner to return to the Commission.***
- 2) The original erosion control silt fence located to the north of the erosion control blanket needs to be shored-up and re-established, and this repair is subject to approval by the Inlands Wetland Enforcement Officer.***
- 3) Sweeping of the streets will be conducted by the owner due to operations as needed.***

Mr. Shadle seconded the motion as amended. The motion passed unanimously.

C. Other requests

de minimis request – State Street Sewershed – sanitary sewer & manhole rehabilitation work
- Greater New Haven Water Pollution Control Authority

Ms. Julie Bjorkman, Professional Engineer for JKB Consulting LLC, addressed the Commission and stated that she is a consultant for the Greater New Haven WPCA. She reviewed the ***de minimis*** request for the State Street Sewershed and she explained that she had come before the Commission in February of 2007 with a similar sanitary sewer project for the Lower Shepard Brook area and for the Upper Thorpe Drive area. The Commission rendered a favorable ***de minimis*** finding for those earlier projects. The current project will reline and repair old cracked pipes and manholes that cause additional volumes of water to enter into the sewer system and that increase the treatment needed for the additional volume. They are trying to reduce the additional volume so that they have to treat only the sanitary sewage volume that is necessary. There are manholes that need structural repairs and interior sections of the manholes will be resealed. It is a Clean Water-funded project, and it is anticipated that it will be put out to bid in the near future. They do not expect the project to start until early 2010. She reviewed the location of the State Street Sewershed. There are various sections of the sewer line that will be lined with cured-in-place pipe lining material. There are manholes that are designated to be sealed to provide structural stability and reduce future corrosion. The work that will be done is mostly within the street and there will be minimal work within the upland review area. There is no work within the delineated wetlands areas. There are some sections of sewers that run close to or within the 200 foot upland review area. There are some areas that are located in backyards of residents and that have existing easements. The contractor will have the responsibility of gaining access to the back yards. She reviewed with the Commission the manholes that will need work and reviewed the process to seal and line the manholes and the pipes. There will be no excavation or direct impact and there will be minimal secondary impact to the upland review area. There are specifications in the contract for sediment and erosion controls and for restoration to the original conditions. They have received a memo from the Town Engineer stating he had no comments. Mr. Montgomery asked if they would be relining the manholes. She explained that the relining would be done to sanitary sewer pipes and the manholes would be resealed. Mr. Montgomery stated that he had seen the work that was done on the previous project and he felt that the work done was exceptional. Mr. Stone asked if it was being funded as a Clean Water project. She explained that it is being funded by the Connecticut DEP Clean Water Fund. This fund is for various waste water infrastructure improvements.

Mr. Shadle made a motion that the State Street Sewershed rehab work be deemed a de minimis project without a required full wetland application. Mr. Milazzo seconded the motion. The motion passed unanimously

de minimis request - 1072 Sherman Avenue – masonry repair of a culvert-crossing
William Copeland on behalf of Meyer Wire & Cable Company LLC

Mr. William Copeland addressed the Commission and stated that repairs to the culvert-crossing are needed because mortar and masonry have been washed out. The Town Engineer and the RWA have inspected the crossing at the request of the Wetlands Enforcement Officer. The RWA has said that they also want the invert cleaned out. To achieve all of this, a pipe would need to be placed inside the existing culvert pipe to reduce the water level near the work area. There would be minimal impact to the stream. The Commission reviewed the pictures taken at the site. Mr. Stone asked when the pictures were taken. Mr. Copeland explained that the pictures were taken the previous week and they show the amount of dirt and debris in the eastern pipe. To clean the pipe out would require that they work with hand tools when placing the small pipe through an existing pipe, which would slow down the flow of the water. Ms. Rosenbaum asked what masonry repair work needs to be done. Mr. Copeland explained that there is a crack on the northern side of the culvert-crossing that needs some attention as well as significant mortar and repair work that needs to be done on the southern side. Ms. Rosenbaum asked what will happen when the work begins if there is more damage than anticipated. Mr. Copeland stated that he is unsure of what would be done, but he would like to get the culvert-crossing back to its original state before road-top problems occur. Mr. Milazzo advised Mr. Copeland that if more work were needed than what is currently planned, he would have to come back to the Commission for approval. The members asked if the western culvert pipe would have a smaller pipe installed. Mr. Copeland explained the process that is being proposed to keep the area drier. Mr. Montgomery stated that there may still need to be de-watering. Mr. Copeland agreed that there may be a need for de-watering, and if the Commission would like the area totally dry the water would have to be pumped out. Mr. Montgomery discussed with Mr. Copeland the process that would be used for de-watering if necessary. He stated to the Commission that the any de-watering that would be done should be pumped into the parking lot. Siltation devices or a de-watering basin would be made out of hay bales.

Ms. Rosenbaum asked for comments from Mr. Guaglianone of the RWA.

Mr. Guaglianone, RWA Environmental Analyst, addressed the Commission and stated that he had made a visit to the site. The existing watercourse crossing is in need of repairs as soon as possible because there are safety concerns about the bridge. Mr. Guaglianone envisions that a small pipe will be placed inside the existing pipe and this would divert the water around the work area. The water will drain to the south and he does not anticipate the need to pump the water. The work to be done will be reliant upon little or no rain fall, and the work that is needed should be done as soon as possible. If the work is not done soon Mr. Copeland might have to wait until there would again be a low flow of water, which could be next August. Mr. Guaglianone agreed that a de-watering basin would work if placed in the parking lot. He anticipates that the culvert-crossing will have to be repaired and built up from the watercourse.

Ms. Rosenbaum asked for comments from the Commission.

Mr. Brand asked Mr. Copeland if they would be removing debris from the north side of the culvert-crossing. Mr. Copeland stated the debris at the north side would have to be removed because it is blocking the flow of water. Mr. Shadle asked if all the debris would be removed from the pipe. Mr. Copeland advised that they would be removing all the debris. Mr. Shadle asked if the cleaning out of the pipe would be happening simultaneously with the mason working on the bridge and how much time is needed to complete the work. Mr. Copeland explained that it would take approximately two to four days to complete the project. It is

anticipated that the masonry work will take two days and the culvert pipe would be cleaned out which will take two days. Mr. Brand asked if the curing time needed for the masonry work was included in the two days. Mr. Copeland explained the process of the masonry work and the time needed. Mr. Montgomery said that when he visited the site there was gravel on the pavement and the water runs down the pavement into the gravel and it goes into a ditch at the watercourse. Mr. Copeland explained that the gravel had been placed there by someone else and he has cleaned most of it up, but there is some other debris there. Mr. Montgomery said he would like the gravel removed and a silt fence put up around the pavement, because there is truck traffic that goes across the pavement and this would keep sediment from going into the watercourse. Mr. Shadle stated that the work should take between four days and one week and he would like the Wetlands Enforcement Officer to inspect the area daily. Mr. Vocelli, Inland Wetlands Enforcement Officer, stated that he would also like to be joined by the RWA Watershed Inspector (Kurt Sampara) or by Mr. Guaglianone, if their schedules would allow. Mr. Shadle said he feels that the level of work needed would ideally require a full application, but he understands that the work also needs to be done within a certain time frame. The water at the site is pristine and full of healthy fish. When the diversion and digging are done there could be a tremendous amount of silt created. He stated that a *de minimis* finding should include an inspection check-off list, especially if the Town and the RWA are unable to have someone inspect the site daily. Mr. Guaglianone stated to the Commission that he feels there would not be much more information added if a full application were required. Mr. Shadle said he would have preferred a formal site plan, a de-watering plan, and a comprehensive work sequence. Mr. Guaglianone advised the Commission that a start date would be needed for the project and that the RWA would be unable to monitor the project on weekends.

Mr. Montgomery made a motion to grant the favorable de minimis finding for masonry repair work at the 1072 Sherman Avenue culvert-crossing, provided the following is incorporated into the proposed plan:

- 1) Place a small pipe inside the existing large pipe and use sandbags to direct the flow into the smaller pipe so that the work area will be dry.***
- 2) If de-watering is necessary, it will be directed up to the parking lot and into a hay bale lined basin.***
- 3) Remove the gravel from the pavement at the rear of the property and install silt fencing along the rear southeast corner of the property.***
- 4) Notify the Town 48 hours prior to commencement of the work. The Town will notify the RWA.***
- 5) The eastern pipe will be cleaned of debris, gravel and sand.***

Mr. Shadle seconded the motion. The motion passed unanimously.

II. Notices-of-Violation, Cease & Desist & Restore Orders, Notices-to-Appear & Other Business

- a. C.&D.** 186 & 196 Denslow Hill Rd - Dumping & deposition of fill in or near wetlands

Mr. Vocelli advised the Commission that he had spoken with Engineer John Paul Garcia and he was advised that Mr. Garcia had spoken with the owners of 186 Denslow Hill Road. Mr. Garcia stated that he was not given the authorization to prepare the Existing Conditions Survey desired by the Commission. Ms. Rosenbaum advised the members that this has been on the agenda since May 1, 2008. She said that the current fines are accruing in the amount of ten dollars a day. No progress, however, has been made on the Survey or on remediation issues and there has been no cooperation on these concerns. Mr. Tim Lee, Assistant Town Attorney, informed the Commission that to collect the fines the Town would have to go to court. He explained that the Town would have to prove to the court that the owners are in violation. The Town could seek to collect the fines or it could ask that an order be entered for the remediation of the properties. The Commission discussed the cost to hire a soil scientist and the cost of an Existing Conditions

Survey. If the Survey were done, it could be compared to the 2005 information that was generated by Mr. Garcia for a portion of the properties. The Commission also discussed the work that has been recently done on site by Mr. Paul Siciliano and reviewed the condition of the wetland area and the slope. Mr. Lee told the Commission that it can leave the fines as already imposed or it can increase the amount and he would notify the owners. Mr. Lee suggested that the fines be raised to \$50.00 a day for each property (i.e., for # 186 and for # 196) and the members agreed. The Commission could decide to rescind the fines if the Existing Conditions Survey for both properties were to be submitted.

Mr. Montgomery made a motion that the fines for 186 and 196 Denslow Hill Road be increased to \$50.00 a day for each property. Mr. Milazzo seconded the motion. The motion passed unanimously.

Mr. Milazzo made a motion that the Commission reopen this matter and add to the motion already made that this item be tabled until the October 7, 2009 meeting. Mr. Montgomery seconded the motion as amended. The motion passed.

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

Mr. Lee updated the Commission on the Town's lawsuit concerning the clear-cutting by Carlie Capital LLC.

Mr. Milazzo made a motion to table this item. Mr. Stone seconded the motion. The motion passed.

III. Review Site Inspection Schedule

Ms. Rosenbaum stated that there are no inspections scheduled for the month of September.

IV. Review August 5, 2009 meeting minutes

Mr. Brand made a motion to approve the minutes as written. Mr. Milazzo seconded the motion. The motion passed unanimously.

Ms. Rosenbaum said that she would like to reduce the amount of paper being used for the monthly meeting packets. She stated that information regarding an item should not be placed in the packet until it will be heard by the Commission. Ms. Rosenbaum also would like to see the *de minimis* letters simply e-mailed to the members without a paper copy being put in the packet. Mr. Vocelli could create a one-page *de minimis* spreadsheet summary. Mr. Montgomery questioned the need for the members to be e-mailed a copy of the *de minimis* letters, but he likes the idea of a spreadsheet summary. Mr. Vocelli will continue to e-mail the letters, but he will discontinue the hard copies and he will devise a summary sheet to be included in the packet. Mr. Vocelli asked for clarification on other paperwork reductions being proposed. It was agreed that information for an item that is likely to be tabled without review or discussion should not be included in the packet. The Commission members also discussed having a recycle bin available to them at the meeting.

V. Adjournment

A motion to adjourn was made by Mr. Milazzo and seconded by Mr. Brand. It passed with no dissenting votes. The meeting ended at 9:29 p.m

Submitted by: _____
Stacy Shellard - Clerk of the Commissions