

October 8, 2009

MINUTES: THE INLAND WETLANDS COMMISSION, Town of Hamden, held a Regular Meeting on Wednesday, October 7, 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
 Joan Lakin
 Bill Tito
 Bob Anastasio
 Eric Annes
 Lynne Krynicki
 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

Ms. Rosenbaum called the meeting to order at 7:03 p.m. and reviewed the meeting procedures. Mr. Montgomery called the roll and there was a quorum.

I. Applications

A. New applications & amendments --- site inspection TBA

09-1151 2210 Whitney Ave – demolition of a substation – United Illuminating Company

Mr. Roderick Cameron, Landscape Architect, addressed the Commission and reviewed the application. He stated that the existing substation is being demolished. The equipment and transformers have been removed. There is wiring in the building that has not been removed. Outside there is a chain link fence and a concrete pad that will be removed. The asphalt driveway will remain to stabilize the area for vehicular traffic accessing the site. Mr. Cameron explained that there is a sediment and erosion control plan. The Existing Conditions Plan shows the 200 foot upland review line and the 100 foot non-disturbance line that had been requested. The plan shows the impact of the work that will be done in the upland review area. The site is 1/3 of an acre and the 200 foot upland review line is located beyond the site. The 100 foot non-disturbance area covers most of the site. The site is bordered by Whitney Avenue, the Merritt Parkway and the Mill River. Across the street is the Town of North Haven. The wetlands scientist did a delineation of the site and received permission from the RWA to flag the wetlands. Mr. Cameron stated that the wetlands barely touch the southwest corner of the property. The United Illuminating Company has conducted a Phase One study of the property and there is no indication of staining on the ground, on the trap rock, on the concrete slabs or in the building. There is some rust on the concrete. Mr. Cameron said that the testing that was done did not indicate any lead on the

property. There is asbestos in the building that will be removed and this will be done in conformity with federal and state regulations. Mr. Shadle asked if the transformers were intact and not broken or leaking when they were removed. Mr. Cameron stated that there were no indications of staining or leakage.

Ms. Johanna Schrader-Fentress, Project Manager for the United Illuminating Company, addressed the Commission and stated that the equipment that had been in the building contained oil and has been removed. The cable and anything left in the building does not contain hazardous materials. The equipment was removed by TCI of New York and they specialize in the handling and removal of PCB's and equipment that contains oil. There are records available that would provide the condition of the equipment that was removed from the building.

Ms. Lakin asked if the concrete pad would remain after the building was demolished. Mr. Cameron explained that the concrete pad is being removed and the asphalt driveway would remain to provide stabilization for vehicles accessing the property. Mr. Cameron stated that they would be removing the structure one foot below grade and that fill will be placed to level the area and that it would then be seeded. They will use sediment and erosion controls and a silt fence will be installed to manage any runoff from the site. He reviewed the history of the site and explained that the building was constructed in 1940. Mr. Montgomery asked if they would be removing the entire footing. Mr. Cameron said they were only removing one foot from the top of the footings. Mr. Anastasio asked if the Phase One review did not recommend a Phase Two. Mr. Cameron advised that the recommendation from Phase One was that a Phase Two was not needed.

Mr. Anastasio made a motion that this item be tabled until the November 4, 2009 meeting pending a site inspection to be conducted during the month of October. Mr. Milazzo seconded the motion. Mr. Annes abstained. The motion passed 9-0-1.

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

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

Mr. Tim Lee, Assistant Town Attorney, reported that a letter was sent to the homeowners advising them that the fine has been increased to \$50.00 a day per property. Mr. Vocelli stated that he had received e-mail correspondence from owners' representative John Paul Garcia, Professional Engineer & Land Surveyor. Mr. Garcia said that he will present an Existing Conditions Survey at the November 4, 2009 meeting. Mr. Tito asked Mr. Vocelli when he had received the e-mail correspondence. Mr. Vocelli said it was received 3 or 4 days ago and that it was forwarded to all Commission members on the first business day thereafter.

Mr. Brand made a motion to table this item until the November 4, 2009 meeting. Mr. Anastasio seconded the motion. The motion passed unanimously.

- 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. He stated that Carlie Capital LLC has not yet provided the consulting forester's report and recommendations for the site. The trial date is scheduled for later in October.

Mr. Shadle made a motion to table this item until the November 4, 2009 meeting. Ms. Lakin seconded the motion. The motion passed.

III. Review Site Inspection Schedule

A site inspection will be scheduled at 2210 Whitney Avenue for a weekday afternoon in October. The Commission will meet at 5:15 p.m. and Mr. Vocelli will e-mail the Notice of Site Inspection confirming the date.

IV. Review September 2, 2009 meeting minutes

Mr. Montgomery noted that on page 3, the last paragraph, the third sentence “It had a storm sensor problem” should be removed. Ms. Rosenbaum stated that on the top of page 5, the third sentence should read “Ms. Rosenbaum was asking if a condition should be made to preserve the detention basin and to keep it from any future building on the site”. Ms. Rosenbaum noted that on page 6, the last paragraph, 4th sentence “Mr.” should be “Ms.”

Mr. Montgomery made a motion to accept the minutes as amended. Mr. Brand seconded the motion. Ms. Rosenbaum, Mr. Montgomery, Mr. Brand, Mr. Shadle, Mr. Milazzo and Ms. Zinn voted in favor of the motion. Mr. Tito, Mr. Annes, Ms. Lakin, Mr. Anastasio and Ms. Krynicki abstained. The motion passed 6-0-5.

V. Other business

Ms. Rosenbaum commended Mr. Vocelli for the Excel spreadsheet summary that he created for the *de minimis* rulings. She asked that the Commission members review it.

The Commission discussed a tree-removal proposal at the New Haven Country Club. Mr. Vocelli explained that there is a pending *de minimis* request to remove twenty six trees. Ms. Rosenbaum asked how many trees were removed to date. Mr. Vocelli stated at least nine trees under a previous *de minimis* ruling and also several before that. Ms. Rosenbaum stated that the trees are being removed and they are not being replaced. She said that the request to remove additional trees may need a full Inland Wetlands application. Mr. Montgomery said that RWA needs to inspect the site and that the full Commission should evaluate this latest request. There needs to be a site plan showing how many trees have been removed to date, and how far from the water is the additional tree removal work that would be done. Mr. Montgomery would like a review of the *de minimis* request by the full Commission, and it might necessitate a regular application for a permit. Mr. Kops said he did not know how close the trees to be removed were to regulated areas, but it may be close and it could be cause for concern. Mr. Montgomery stated that the trees that are to be removed are fifty to one hundred feet from any water and are not in the wetlands. Mr. Brand would like a planting plan presented. Mr. Vocelli advised the Commission that he will convey to the Golf Course Superintendent the need for a comprehensive site plan that includes what's been done to date and what's being proposed and projected going forward. He will also remind the Superintendent that a planting and re-vegetation plan is expected. Mr. Shadle said that the Country Club should come before the Commission and should have drawings that show the trees previously removed as well as the existing proposal. A *de minimis* review by the full Commission would seem appropriate. Mr. Montgomery said that a survey showing the boundaries of the area that belongs to the RWA is needed. He stated that the Country Club needs to review this situation with Ron Walters of the RWA and that the Commission needs the RWA's position on this proposed tree removal activity. Mr. Vocelli will contact Superintendent Jason Booth of the NHCC and Ron Walters of the RWA.

Ms. Rosenbaum thanked the Commissioners for their participation in *de minimis* site visits. The Commission then discussed the DEP training program. Ms. Zinn stated that the DEP website has very useful training materials.

Mr. Brand asked Mr. Vocelli if the culvert crossing at 1072 Sherman Avenue has been fixed. Mr. Vocelli reviewed with the Commission the repair and clean-out work that has been done. Ms. Rosenbaum asked Mr. Vocelli to visit the site as needed in order to determine if additional work should be done.

Mr. Kops advised the Commission that Mike Guaglianone is no longer with the RWA. Mr. Vocelli stated that the RWA is committed to a continuation of wetland application reviews. Mr. Kops explained that the RWA will be cutting back on other support activity such as reviews for the Zoning Board of Appeals.

VI. Adjournment

A motion to adjourn was made by Mr. Montgomery and seconded by Mr. Anastasio. It passed with no dissenting votes. The meeting ended at 7:43 p.m

Submitted by: _____
Stacy Shellard – Clerk of the Commissions