

December 2, 2009

**MINUTES: THE INLAND WETLANDS COMMISSION**, Town of Hamden, held a Regular Meeting on Wednesday, December 2, 2009 at 7:00 p.m. in Thornton Wilder Hall, Miller Memorial Library Complex, 2901 Dixwell Avenue, Hamden, CT and the following items were discussed:

***Commissioners in attendance:***

Nancy Rosenbaum, Chairperson  
Mike Montgomery  
Andrew Brand  
Kirk Shadle  
Annalisa Zinn  
Eric Annes  
Lynne Krynicki  
Joan Lakin  
Mike Stone  
Michael Milazzo  
William Tito

***Staff in attendance:***

Tom Vocelli, IW Enforcement Officer  
Dan Kops, Assistant Town Planner  
Tim Lee, Assistant Town Attorney  
Peggy Craft, Acting Commission Clerk

Ms. Rosenbaum called the meeting to order at 7:04 p.m., reviewed the meeting procedures and introduced the Commissioners and staff in attendance. Ms. Rosenbaum said there was a quorum.

**I. APPLICATIONS**

**A. New applications & amendments – site inspection TBA**

**09-1154** 560 Sherman Avenue – Compensatory wetland mitigation work –  
Quinnipiac University, Owner/Applicant

Bernard Pellegrino of the Pellegrino Law Firm came forward on behalf of the applicant to review the application. Mr. Pellegrino stated that a few years ago permission was given to do a sewer crossing under the Mill River. A requirement of the approval was that permission to do this work must be granted by the Army

Corp of Engineers. Mr. Pellegrino said the wetlands mitigation plan has been reviewed by the Army Corp of Engineers and been approved and satisfies the mitigation that they required from the previous application. This is back before the Commission for approval of the new application for compensatory wetland mitigation work.

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Howard Pfrommer of Nathan Jacobsen came forward to explain the plan that was being presented. He said this plan involves moving fill, and all work will be done with a conservation easement over the entire parcel, in agreement with the Army Corp of Engineers.

Chairman Rosenbaum asked if there were any questions from the Commissioners.

Mr. Montgomery noted that in the Wetland Application there were pages 1, 2 and 3 of 18. Mr. Pfrommer said these pages were extracted from the document as they contained information relevant to the project, and that he felt that these were all that were necessary.

Commissioner Shadle asked if there was documentation or guidelines from the Army Corp of Engineers. Mr. Pfrommer said they have an acceptance letter, and added that the mitigation was driven by the DEP more than the Army Corps.

Mr. Pellegrino said that they are prepared for a site visit.

**Commissioner Annes motioned to schedule a site walk on this application. Commissioner Lakin seconded the motion. The motion passed with nine in favor and one abstention.**

**Commissioner Milazzo motioned to move this application to the January 6<sup>nd</sup> meeting. Commissioner Annes seconded the motion that passed unanimously.**

### **B. B. Pending applications**

**09-1153** 0 Downes Road – Construction of a single family home – BERL Associates

John Paul Garcia came forward on behalf of the applicant.

Commissioner Rosenbaum asked if Mr. Garcia had a letter from the Quinnipiac Valley Health District stating that they had complied with their comments/concerns. Mr. Garcia said they are waiting for the site walk and for a letter from QVHD and the septic application will be approved.

Chairperson Rosenbaum said it is not clear from Mr. Laudano's letter that they have fulfilled all the QVHD requirements, and added that there is no letter stating that the requirement have been fulfilled.

Mr. Garcia discussed each of the comments in Mr. Laudano's letter, and made a brief presentation regarding this application.

The application was tabled for a site inspection. Mr. Garcia was told that 13 copies of the revised plans are needed to address the comments from the Town Engineer and the QVHD.

**Commissioner Annes motioned to table this application based on the applicant delivering the required number of drawings to the Town. Commissioner Brand seconded the motion that passed unanimously.**

**09-1152** 20 & 36 Todd Street Trailside Village III  
Tabled at applicant's request.

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

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

John Paul Garcia addressed the Commission. He said a plan has been submitted regarding the erosion on the site. He said hay bales will be installed on the bank, and discussed other types of fiber that could be used along with the hay bales. Paul Siciliano will have these installed in the next two weeks.

It was impressed on Mr. Siciliano that plans for the septic system will not be submitted if fiber matting is not installed on the slope.

**Commissioner Shadle motioned to table this item to the next meeting, pending the work that is to be done. Commissioner Milazzo seconded the motion that passed unanimously.**

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

Attorney Lee said the Forester's report will be ready on the Tuesday before the next meeting.

**Commissioner Milazzo motioned to table the Notice of Violation for 64 Rocky Top. Commissioner Tito seconded the motion that passed unanimously.**

**c. N.O.V**

20 & 36 Todd Street – lack of full compliance with IWC Permit #03-1002

Bernard Pellegrino addressed the Commission on behalf of Ravenwood Construction LLC. Mr. Pellegrino said he would address IW Enforcement Officer Vocelli's letter of November 24, 2009.

Regarding Condition C, Mr. Pellegrino stated that the berm, which is located within the 25 foot buffer area, was placed to divert run off from going into the wetland. Construction of this berm resulted in it being placed in the 25-foot area. Mr. Pellegrino stated that the berm works better in the existing area than if it were placed higher. There is no appreciable impact on the area. The berm is performing the required function and there is no negative impact on the wetland.

Next, he stated that regarding Sheet 8 of the approved plan,

c.

d.

siltation protections have been placed in the catch basins.

Regarding Condition I, Mr. Pellegrino stated that part of the original approval required monthly inspections by a licensed civil engineer to ensure that erosion controls were in place. Mr. Pellegrino said these inspections did not begin until September, but are now ongoing, and based on Mr. Daley's inspections of the site the sediment and erosion control measures are in place and there has been no breach with negative impact, and they are now back on track.

Regarding allegations that there may be debris going into the watercourse, Mr. Pellegrino does not believe that evidence of sediment in the intermittent watercourse is related to this project. Other projects not part of Trailside have resulted in roadway sediment coming into the waterway. The type and color of the material is not on their site. Mr. Pellegrino further stated that he feels the allegations are not fair.

Next, Tom Daley, Professional Engineer of Milone and MacBroom addressed the Commission. Mr. Daley stated that Milone and MacBroom are and were the designers of this project.

Mr. Daley explained the diversion berm and agreed that it is closer to the buffer area.

Regarding the inspections he said there have been three inspections since September, and they will now be done on a monthly basis. He added that the site is well protected. He said the site was not inspected during the project but felt the site was maintained properly and there were no complaints from the Town or State regarding erosion control problems. He added that the site is stable and there is not much run off.

Regarding the

sediment in the intermittent watercourse, Mr. Daley said that if you walk up further on the site there is sediment coming from an adjacent parcel and watershed.

Next, David Lord, Professional Soil and Environmental Scientist spoke. Mr. Lord said he walked the site and looked at existing conditions over the intermittent watercourse, and found no evidence of site-generated sediment leaving the construction area and entering the intermittent watercourse. He said the sediment is coming from a source off gradient.

Next, there was a discussion regarding the plantings to go into the non-disturbance area. It was stated that the long-term goal is to replant vegetation.

Mr. Daley said the berm was inadvertently placed there, and the area was previously lawn. He added that there was no removal of brush or trees to build the berm.

Commissioner Montgomery s

aid the fill should be removed, however the area around the pond was encroached and this Commission has no intention of seeing a lawn. He said they should continue landscaping with shrubs.

There was a discussion regarding the temporary retention pond and how it will be removed, the topsoil in the area, and how to improve the stream.

Mr. Pellegrino said they will come up with a mitigation plan, but would like the Commission to understand that while there are some non-compliance issues at the site, the site has been well maintained. The engineers were also asked to look at outlets that seem higher than they should be.

Commissioner

Annes disclosed that his brother-in-law works for Milone and MacBroom in Vermont.

**Commissioner Tito made a motion to table the N.O.V. until the next meeting. Commissioner Milazzo seconded the motion. The vote was unanimously in favor of the motion.**

### **III. Review Site Inspection schedule**

Chairperson Rosenbaum said she would like to have a Trailside III site inspection with a soil scientist. Mr. Vocelli will arrange this.

Commissioner Lakin asked if there were any objections to scheduling the inspections on Sunday instead of Saturday. Commissioner Rosenbaum said there could be a problem with the professionals coming from other areas. Mr. Vocelli said that site inspections were occasionally held on Sunday in the past.

There was a discussion regarding the scheduling of the three site inspections.

Sites to be inspected are 560 Sherman Avenue, 0 Downes Road and 20 & 36 Todd Street.

Mr. Vocelli will let the Commissioners know when the site walks will be held.

#### **IV. Review November 4, 2009 meeting minutes**

It was noted that on page 3 regarding the motion made by Commissioner Montgomery in 4) it should be "... prior to the start of demolition" instead of "... prior to the start of construction".

**Commissioner Brand motioned to accept the minutes as amended. Commissioner Lakin seconded the motion that passed unanimously.**

#### **V. Other business**

The three site inspections were discussed.

#### **VI. Adjournment**

**Commissioner Montgomery motioned to adjourn and Commissioner Annes seconded the motion. The motion passed unanimously. Chairperson Rosenbaum adjourned the meeting at 8:15 p.m.**

Submitted by: \_\_\_\_\_  
**Peggy Craft, Acting Clerk of the Commission**