

February 10, 2009, revised 6-14-10 per Commission review at the March 3, 2010 meeting

MINUTES: THE INLAND WETLANDS COMMISSION, Town of Hamden, held a Regular Meeting on Wednesday, February 3, 2010 at 7:00 p.m. in Thornton Wilder Hall, Miller Memorial Library Complex, 2901 Dixwell Avenue, Hamden, CT and the following items were reviewed:

Commissioners in attendance:

Nancy Rosenbaum, Chairperson
 Mike Montgomery, arrived at 7:08 p.m.
 Andrew Brand
 Bob Anastasio
 Kirk Shadle
 Mike Milazzo, arrived at 7:32 p.m.
 Mike Stone arrived at 8:05 p.m.
 Eric Annes
 Lynne Krynicki
 Joan Lakin

Staff in attendance:

Dan Kops, Assistant Town Planner
 Tom Vocelli, IW Enforcement Officer
 Stacy Shellard, Commission Clerk

Ms. Rosenbaum called the meeting to order at 7:02 p.m. and reviewed the meeting procedures. Mr. Brand called the roll and there was a quorum.

I. Applications

A. New applications & amendments – site inspection TBA

03-1002 Amendment Request – Trailside Village II – 20 & 36 Todd Street -
 incorporate mitigation planting plan as a condition-of-approval

Ms. Rosenbaum stated that this item would be heard with the Notice of Violation for this address.

Mr. Annes asked if the amendment request to Application 03-1002 and the N.O.V. can be considered simultaneously. Mr. Pellegrino stated that if the amendment to 03-1002 is approved the N.O.V can be lifted. Mr. Pellegrino said that the amendment request coincides with the wishes of the IWC. Mr. Shadle reviewed the IWC Minutes of January 6, 2010 and the comments made by Mr. Lee. Mr. Pellegrino suggested that the IWC amend its previous approval to include the wetland remediation buffer that was submitted at the February 2010 meeting with the additional provision that a guaranteed survivability for a period of five years to ensure that the plants survive. He explained that a final plan with the plant selection and quantity has been submitted and is noted on the plans. Mr. Pellegrino discussed the mitigation plan with the Commission and he submitted a buffer planting plan.

Mr. Bill Root, Certified Professional Soil Scientist, addressed the Commission and stated that the 50 plants to be planted are the same as the previous plan. The request was to provide the number of each individual species. Mr. Kops stated that a date should be added to the planting plan. The clerk of the Commission dated the buffer planting plan that was submitted at this meeting.

The Commission discussed how many years should be guaranteed for the survivability of the plantings and that the owner of the property would be responsible for the maintenance of the plants

Mr. Annes made the motion to approve the request to amend Application 03-1002, Trail Side Village II with the condition: Include the wetland buffer plant list and the location within the plan, and include a three year survivability of the 50 plants within the plan. The final language should be reviewed with Mr. Tim Lee, Assistant Town Attorney. Mr. Stone seconded the motion.

The Commission discussed the motion using the word “survivability” and that it be for three years. Mr. Brand stated that the residents will want the planting to look good. Mr. Root stated that the plants that are installed manage to live for one growing season, but a three year period is acceptable.

10-1157 3139 Whitney Avenue – construction of a 14-unit residential building
Revivance Development Services LLC, Applicant

Mr. Steve Nugent, Revivance Development Services, LLC, addressed the Commission and reviewed the site plan. He stated that the existing house will remain and a two to three story building to the rear would be constructed. He explained that they were unaware of the wetlands that are located in the rear of the property, so it was unintentional that an application was submitted to the P&Z Commission prior to this application. Mr. Nugent said that the wetlands were identified on a 1999 map done by Quinnipiac University, and they have delineated them and transposed them on to their survey. He reviewed the 100 foot regulated buffer line and the 200 foot upland review area and said that the impact to the wetlands will be minimal and short term. This project will be low impact site development that will have sheet flow into three bio- retention ponds and there will be a rain garden. The soil scientist has identified the soils in the rain garden and a report was submitted to the IWC. Mr. Nugent explained that the low impact design is to retain the natural vegetation and promote the hydrology of the site. He reviewed the site and explained there is a 625 square foot cut and fill area and no more than 70 yards of fill will be needed to create the pond. Mr. Nugent reviewed the area that will have 36 square feet of asphalt and that there would be no curbs. Mr. Nugent reviewed an area of the property where the asphalt will be 94 feet from the wetlands and 85 feet from the the pond area. He said that the wetlands area is long and narrow. He reviewed the general area surrounding the property. Mr. Nugent explained that his soil scientist will submit a letter that will contain an opinion of the impacts that construction will have on the area and the S & E controls that will be needed.

Ms. Rosenbaum explained that a site inspection will be scheduled during the month of February.

Ms. Lakin made a motion that this item be tabled until the March 3, 2010 meeting pending a site inspection. Mr. Annes seconded the motion. The motion passed unanimously.

B. Pending applications

09-1155 123 Forest Street, 98 Orchard Street, and 106 Orchard Street – construction of three single-family homes - Forestland Homes LLC, Applicant

Mr. Bernard Pellegrino, Attorney, addressed the Commission and stated that he has received comments regarding the application and would like to have the application tabled so that the comments can be addressed. Mr. Pellegrino reviewed the changes made to the site plans. He explained that two of the houses have been moved approximately 10 feet to the north and that the wetlands parallel to the properties would not be impacted by this change. The majority of the work is being done outside of the 100 foot buffer area. There are wetlands that exist on the east side of two of the lots and the houses will be constructed on the west side of the properties. There will be rain gardens to accommodate the discharge of clean water drainage.

Mr. Victor Benni, Civil Engineer, addressed the Commission and reviewed the topographic survey. He explained that the property is 2.2 acres and there is .2 acres of wetlands. Mr. Benni reviewed the lot locations and size. He stated that a lot line revision will be done to create conforming lots and more buildable area. Mr. Benni reviewed the access strips, easements, and site plan development. There is a deed restriction area and conservation area and there will be 12 wetland markers. The houses will be located 18 feet to 25 feet away from the conservation area which is approximately one acre in size. Mr. Benni reviewed the area of the common driveway and the grading and drainage plan. He said that there are proposed grass swales that will accommodate the water runoff. The driveway will be crossed pitch with no single point of discharge. The driveway will be 350 feet long and is considered a linear disturbance. Mr. Benni explained that each house will have a footing drain with an outlet to the conservation area which will allow for larger rear yards. The roof drains will runoff into a rain garden. Mr. Benni reviewed the S&E Control Plan and the Planting Plan. The utilities will run on the uphill side of the length of the driveway away from the wetlands and there will be grass swales between the houses. He explained that during the site walk it was noted that there was previous disturbance from a footing drain at 111 Forest Street, and the seed mix placed did not germinate. He is proposing a semi shade grass be spotted in. It was noted that there is a section of gravel spread out at the edge of the wetlands that is not deep and he feels that the seed mix and plantings will grow evenly. Mr. Benni reviewed the location of the storm drainage and catch basins. There is a pipe that outlets just south of wetland flag 4. He noted that they have included construction sequence and detail sheets. Mr. Benni submitted a soil report dated August 6, 2009 by Soil Science and Environmental Services, Inc. He has received comments from RWA dated January 13, 2010 which have been incorporated into the S&E Control notes. Mr. Benni said that the Site Inspection Report from 1/23/2010 has been reviewed. The Town Engineer's Comments on January 28, 2010 has been addressed. The drainage easement in favor of 111 Forest Street has been depicted on the plan. He explained that he will coordinate with the GNHWPCA to verify the width of the easement where the sanitary line crosses 111 Forest Street. Mr. Benni stated that the existing main, sewer main, pipe sizes and materials to be used will be added to the plans. He explained that the elevation, proposed driveways, and utilities are shown on the plans for each house. He will show the angle bearing and distances along the deed restriction lines will be added to the plans and addressed at the next meeting.

Mr. Annes asked Mr. Benni to address concerns in the letter from Mr. Geoffrey Ramsey dated February 1, 2010. Mr. Benni explained that there are two sections along the wetlands at flag 9 and 11 were flagged by a soil scientist in August 2009 during the growing season. He stated that the wetlands are flagged by taking soil samples and not based solely on vegetation or standing water. He reviewed the wetlands area and the proposed one acre conservation area and is increasing the protected wetland area from nine percent to 40 percent of the property. The water runoff that is originating from 78 Melrose Avenue is being addressed by using the cross pitch along the entire length of the driveway and will avoid having one single outlet for water. The depiction that is along the eastern edge of the parcels and to the west of 78 Melrose Avenue has significant filling that was done for the installation of the existing sanitary sewer system. The area is grassed and there is additional runoff because the ground is frozen. The conservation area being provided will help to break up the storm water load before it reaches the wetland. Mr. Benni stated that they will work with the developer for planting recommendations. There is a 100 foot non-disturbance area that is depicted on the

plan and the disturbance for each of the properties and the dwellings will be kept outside the non disturbance buffer area. He explained there is a small area in each of the rear yards that is in the non disturbance buffer area and the shortest distance from dwelling to the deed restriction area is 18 feet.

Ms. Krynicki stated that the majority of the soil classification was done at the center portion of the property and asked if soil borings were done. Mr. Benni explained that perc testing will be done in the vicinity of where the rain gardens will be placed and will be done as part of the drainage study.

Mr. Annes asked Mr. Kops if the public would be allowed to ask questions or make comments regarding this application. Mr. Kops explained that the application is not part of a public hearing and that the applicant or his agent would have to give their consent. Mr. Pellegrino stated that he is concerned that the questions from residents could be outside the area of this application. He said if there were additional questions arising from Mr. Ramsey's letter or written comments that have not been addressed he would be willing to address them. Ms. Rosenbaum reviewed the regulation for a request to have a public hearing and that it could be found on the Town website www.hamden.com. Mr. Pellegrino said he would be willing to respond to any written questions at the next meeting. Ms. Rosenbaum stated that questions should be sent to the Commission Clerk and she will forward them to the Commission and to the applicant.

Mr. Montgomery asked for clarification of the rain gardens and how it will drain around the perimeter of the house. Mr. Benni reviewed the footing drain outlets and downspouts. He explained that the rain gardens will receive runoff from the roof drain outlets and to the individual rain gardens. They are trying to avoid a constant flow from a footing drain or seasonal flow from a footing drain. The plantings in the rain gardens will benefit from frequent inundations of water, and he will specify that the water is from roof drains only. Mr. Montgomery asked if the swales are light shell and if they will be part of the lawn impressions. The swales are shown from the housing side of the driveway and he asked about the sheet flow across the driveway. He also noted that the swales are vertical down to a light grade. Mr. Benni reviewed the drainage going into the swales from the driveways. Mr. Montgomery said the swales will be gradual draining and there is not a ditch or deep swale. Mr. Benni said that the grass swales are designed for easy maintenance by the homeowners and would create infiltration for the winter season. Mr. Montgomery stated that he likes the water management plan because it allows for water infiltration.

Mr. Shadle asked if the house at 106 Orchard Street will be slab on grade or if there will be a basement. Mr. Benni stated that it is proposed to be a raised ranch and would be slab on grade

Ms. Lakin asked if an approval is needed to have a common driveway for three houses. Mr. Pellegrino explained that there are three existing lots. The proposal is to revise the lot lines to create the 3 lots in their proposed configuration and it would be an administrative sign off by the Town Planner. There is a need for a variance for the reduction of the front yard at 123 Forest Street. If a variance is not approved, he would need to come back to the IWC for an amendment.

Mr. Shadle asked if the conservation area would be deed restricted as individual lots or a community conservation area. Mr. Pellegrino stated that the conservation areas will be deeded as individual lots. He will speak with Mr. Lee, Assistant Town Attorney, to get verification.

Mr. Montgomery said that it is noted on the site plan that the conservation area, wetlands, and watercourses have been filed on the Town Land Records. Mr. Benni stated that the note on the site plan continues to be updated, but has not filed on to the Town Land Records. Mr. Montgomery stated the note should read "to be filed". Mr. Pellegrino advised the Commission that it will read "to be filed".

Mr. Brand asked if specific plants for the rain gardens can be provided at the next meeting. Mr. Benni reviewed the planting plans and notes and explained that the developer or Commission can pick out the types of species they would want to be planted.

Mr. Brand made the motion to table Application 09-1155 until the March 3, 2010 meeting. Ms. Lakin seconded the motion.

Mr. Montgomery asked for clarification what equipment would be used on the property. Mr. Benni advised that they would use a post hole digger. Ms. Rosenbaum asked that Mr. Vocelli, Wetlands Enforcement Officer, be notified when the work is being done.

The motion passed unanimously.

09-1156 196 Denslow Hill Road — installation of a septic system
Paul Siciliano, Owner/Applicant

Mr. John Paul Garcia, Professional Engineer and Land Surveyor, addressed the Commission and reviewed the site walk. He stated that he had spoken with Mr. Siciliano today and was told that additional hay bales were being placed at the top of the slope at the property line to the dirt pile and will cut off the north edge of the bank. Mr. Garcia reviewed the application for a septic tank repair. Ms. Rosenbaum asked about the dirt pile located on the north side of the property. Mr. Garcia explained that the dirt pile was pre-existing and Mr. Siciliano had been told to stop the work. Mr. Montgomery asked that the septic system work could almost be considered de minimis activity, but there has been additional activity outside the septic system work. Mr. Garcia said that additional stabilization work will be done in the spring 2010 and the Commission has an existing C&D. He explained that QVHD has given their approval, but needs IWC approval. Mr. Garcia stated that if Mr. Siciliano does not complete the necessary work requested the Commission has the authority to act punitively or massively seek retribution for lack of effort.

Mr. Brand made the motion to approve the Application 09-1156 to repair the septic system at 196 Denslow Hill Road. Mr. Montgomery seconded the motion. Mr. Anastasio, Mr. Annes, Ms. Krynicki, Ms. Lakin, Mr. Montgomery, Mr. Milazzo, voted in favor of the motion. Mr. Shadle voted against the motion. The motion passed 6-1-0

09-1152 20 & 36 Todd Street – construction of a residential building – Trailside Village III
Ravenswood Construction LLC, Owner/Applicant

Mr. Bernard Pellegrino, Attorney, addressed the Commission and stated that he had discussed with Mr. Vocelli and Mr. Lee having a soil scientist be retained to evaluate the classification of the wetlands. Mr. Thomas Pietras, Soil Scientist, was retained and he submitted a letter dated January 18, 2010 of his findings. Mr. Pellegrino stated that the comments from the RWA, the Town Engineer and the DPH have been received. He also advised the Commission that he received an additional letter from Ron Walters, RWA with regards to the removal of the detention basin and that the proposed infiltration gallery is acceptable. The infiltration gallery with the increased buffer area would be the best alternative with the existing field conditions. The DPH suggested a memorandum of understanding for the protection of the drinking water be required as a condition of approval. He submitted the memorandum to the IWC and explained that he will continue to work with Mr. Lee and the IWC regarding the language being used.

Ms. Rosenbaum reviewed with Mr. Pellegrino the condition of approval for Trailside II which states “the parcel south of Todd Street shall have a minimum of 25 non disturbance buffer between any development

activity and the wetlands and watercourse with the exception provided in condition C below”; she noted that condition C states “any grading or other construction activity be no closer than 25 feet from the watercourse”. Ms. Rosenbaum said that sheet La1 says “proposed amendment limit of 25 non disturbance buffer area” and on the left side it says “portion of conservation restriction/open space area to be relocated 625 feet” and she said the plan shows a 25 foot buffer that borders the silted pond. The applicant has not come before the Commission to ask that they be allowed to cross the buffer and if the “portion of conservation restriction/open space” be located south or north of the 25 foot non-disturbance buffer. She asked Mr. Pellegrino how he was going to address this issue. Mr. Pellegrino said that there had been a previous discussion at a previous meeting. Ms. Rosenbaum referred to the minutes of November 4, 2009 and it was stated “Mr. Shadle asked if the existing conservation area is deeded.” Mr. Pellegrino stated that there is a 25 foot non-disturbance buffer agreement that was executed but never recorded. He is unable to locate the original agreement and he has prepared a new one which he will submit to Enforcement Officer Tom Vocelli. Ms. Rosenbaum asked if the 25 foot non disturbance buffer has been recorded. Mr. Pellegrino stated that a new agreement had been submitted to Mr. Vocelli and this application is requesting that the previous buffer be amended by the IWC. Ms. Rosenbaum stated that the IWC was not asked to amend the buffer. Mr. Pellegrino stated if it was not directly asked, it was implied by the activity that was proposed. Ms. Rosenbaum stated she did not understand what was meant by “the 25 foot non disturbance buffer agreement was executed but never recorded”. Mr. Pellegrino stated that he thought it was executed because he has a copy but it was not recorded. He thought it had been sent for review by Mr. Lee and or given to Ms. Masi, but was never returned to him. Ms. Rosenbaum said it is shown on the plan. Mr. Pellegrino stated that it has always been shown as a buffer area on the plan. Ms. Rosenbaum stated that her understanding is that it was implicated to staff that the IWC never required a 25 foot buffer. Mr. Pellegrino stated that the issue was that there was a signed document that never was recorded on the land records and when Mr. Vocelli was reviewing the application he asked for the condition of approval because he could not find it on the Land Records. Mr. Pellegrino had a photo copy but not the original, and it was inadvertently never recorded, and another was signed and given to Mr. Vocelli. Mr. Pellegrino asked that it not be recorded yet because the boundaries of the buffer may change with this application. Ms. Rosenbaum asked for clarification if the IWC asks if there be a 25 foot non disturbance buffer on any plan that it is not automatic and must be recorded on the land records otherwise anyone can violate it. Mr. Pellegrino said it is prudent to record a conservation easement. Ms. Rosenbaum asked Mr. Pellegrino if the request to record the request is the applicant’s responsibility. Mr. Pellegrino said it is both the IWC and the applicant’s responsibility and that it was prepared and signed just not recorded. He feels this may have been a misunderstanding or just fell through the cracks, and he is not saying it was not a condition. Mr. Pellegrino stated that he is asking the Commission to approve the application to approve the buffer as shown on the plans.

Mr. Kops stated that it is prudent that conservation easements be recorded as well as shown on the maps. A 25 foot non disturbance buffer would be better protected by the filing of a conservation easement. The issue is that this 25 foot non disturbance buffer was a requirement of phase I and this is phase II of the project which is a new application before the IWC. Mr. Kops stated that procedurally an application to amend the prior application that was approved if the 25 foot non disturbance buffer is proposed to be modified in any way.

Mr. Vocelli stated that he supports Mr. Kops’ understanding of the procedure. He stated that he had a discussion with Mr. Lee and was advised that since the 25 foot non disturbance buffer imposed by application 03-1002 is up for a breach or amendment, procedurally it is necessary to amend application 03-1002. Mr. Pellegrino stated that they would go with the procedural request Mr. Lee thinks prudent, whether to amend this application because this application would require an amendment for the buffer zone, and is asking for an amendment request as part of the approval. Ms. Rosenbaum said she feels the amendment

should be asked for first. Mr. Pellegrino stated that whatever procedural protections Mr. Lee feels are necessary can be worked out.

Mr. Montgomery stated that he feels Mr. Pellegrino is procrastinating pending the approval of this application. Mr. Pellegrino said an easement was given to Mr. Vocelli and can be recorded, but if there is an inclination to approve this application it makes no sense to record and then have to amend it. Mr. Pellegrino said the easement can be recorded now if necessary, but is asking it be part of this application's approval.

Ms. Rosenbaum asked who was responsible for recording the non disturbance buffer on the Town Land Records. Mr. Kops explained that the document would have been given to the Planning Office and they would have brought it to the Town Clerks Office. Mr. Anastasio asked if the document was not recorded if that meant it was not valid and if it could be enforced. Mr. Kops said that the 25 ft non-disturbance is shown on the plan and has been protected. Mr. Milazzo asked if a mylar was filed and someone tried to do something in the area it would be violating what is shown on the map. Mr. Kops explained that the P&Z Commission tries to coordinate with the IWC and the P&Z application is different and asked if there is an updated plan.

Mr. Tom Daly, Professional Engineer, addressed the Commission and stated that the 25 foot non disturbance buffer is shown on the plans. He explained that a signed set of plans is in the files in the Planning & Zoning office that was approved at the end of phase I and II. He said there should be no implication that a 25 foot non disturbance was never shown on the plan. A relocation of conservation easements is a zoning requirement to have a certain amount of open space that is required to be a managed care facility. Mr. Daly stated that they have responded to all the comments received to date. He said that Mr. Pietras' report matches the testimony of Mr. David Lord, Soil Scientist and the wetland line is consistent with his findings. They have responded to the RWA, Town Engineer and DPH comments. Mr. Walters had requested additional erosion control in the southeast corner of the property and that the sediment chambers and construction sequence be noted, and if the application is approved he has no objection to it being a condition of approval. There will be diversion berms to divert the clean water away from the construction site. The major revision to the plan is that the change from a stormwater management basin between the parking and the wetland will be a 25 foot vegetated buffer. Mr. Daly reviewed the changes to the size of the building and the parking area. He explained the RWA comments were that an above ground detention basin is preferable, but it is in the low lying area between the wetlands and where the development begins. The conclusion based on conversations with the Commission it was determined that an underground detention system would work better. An underground detention system can be placed under the parking area results in no net gain. Mr. Daly reviewed the previous plan and the revised plan at the closest point will maintain a 50 foot vegetated buffer.

The revised plan is designed for the 100 year storm and meets the entire Town requirement for mitigating down gradient. There is already an underground detention system on the property and it works very well. The proposed project is for a single 8 unit residential unit, is a lower pollutant load. A sediment chamber will be provided prior to the infiltration system with an open bottom and perforated sides that will promote infiltration. Mr. Daly explained the revised parking areas. They are proposing to use brick pavers in the parking area for infiltration, rain gardens, bio infiltration system to catch roof water runoff, and grass swales. Mr. Daly reviewed the stormwater management plan, and construction sequence. He explained that there would be minimal culvert crossing. The culvert crossing would be a four sided box culvert and flanking with two twenty four inch pipes and would allow water to flow through in a linear fashion. Mr. Daly reviewed the stormwater basins and how the intermittent watercourse on the property will be redirected.

Mr. Daly stated that the RWA had concerns about going forward with the project being executed as shown on the plans. Mr. Daly proposed that as a condition of approval a requirement is that the applicant prepay an engineer to do the inspections and before a Zoning Permit can be issued the Town would have to receive a letter from a qualified Erosion Control Inspector that funds were received to cover ten months of inspections. This would be in place of bonding and would be for the assurance of inspections being done. He explained that inspections over the last 4 months have shown no problems. Mr. Daly explained that the property management company always does inspection of underground detention basins in phase I and is maintaining the vegetation. He feels the alternate plan submitted for an underground detention basin and increasing the vegetation buffer adjacent to the stream to 11,000 square feet is would be a better plan.

Mr. Montgomery asked Mr. Daly if the revised plan reduces impervious surface. Mr. Daly says the impervious surface will be approximately 10,000 square feet from the denied application and this plan reduces the amount of the parking spaces. Mr. Montgomery asked if this would be a condominium or a managed care facility. Mr. Daly said that the development is a condominium form of ownership, but approved as a managed care facility. Mr. Montgomery asked for clarification of the parking area. Mr. Daly explained that each unit has its own garage and there is room to park in front of the garage, and there are additional visitor spaces provided. Mr. Montgomery asked about the detailed construction sequence. Mr. Daly reviewed the detailed construction sequence plans and the construction sequence for the culvert crossing. Mr. Montgomery feels that the location on the plans for some of the comments is confusing and would like clarification on the plans. There is a need for better construction and grading sequence. Mr. Montgomery would like to have noted on the plans how long the soil will be bare and how they will care for it. He feels there is a reason that DPH is concerned about the project and reviewed their concerns with Mr. Daly. Mr. Daly reviewed the benefits of the vegetated basins.

Mr. Montgomery stated that Mr. Daly indicated that the impact of the underground galleries would be less. Mr. Daly said that when a decision was made for underground detention basins it was with the understanding of the use of the property. The property is for a residential community with a small impact footprint of development and is a well maintained property, and because it is residential it has a lower pollutant load. Ms. Lakin asked for Mr. Ron Walters, RWA to address the stormwater basins.

Mr. Ron Walters, RWA, addressed the Commission and explained that the RWA is in favor of above ground stormwater detention basins for maintenance and detection of problems. He explained that he understands why the applicant would like an underground system and explained that either system is acceptable. Mr. Annes asked Mr. Walters if the added buffer space alleviates impact of the underground detention center. Mr. Walters explained that it helps with nutrient removal from water runoff on to the property, but does not take care of runoff from pavement. Mr. Montgomery asked if Mr. Walters is concerned with flooding and sediment going to the Mill River. He stated that he does not like underground systems and there is more opportunity for remediation being needed. Mr. Walters explained that an underground system could suspend sediment and bring it down stream. Mr. Montgomery reviewed with Mr. Daly the proposed galleries, swales, and infiltration system.

Mr. Montgomery is concerned with the storm water calculations and the rain garden design. Mr. Daly explained the design and size of the rain gardens. Mr. Montgomery would like the capacity increased for the rain gardens and the detention basin pulled back further or increase the water management plan. Mr. Daly feels the existing plan is good and changes were made at the request of the Commission. Mr. Montgomery reviewed the conservation and basin area with Mr. Daly.

Ms. Rosenbaum asked if the existing 36 inch pipe could be removed from the culvert and make a channel. She noted that the pipe is not shown on plan sheet La1 but does show on other pages. Mr. Daly explained

that the pipe provides no function and can easily be removed. Ms. Rosenbaum is concerned that the road being installed will have a box culvert and the other road goes over the pipe. Mr. Daly said the pipe will not be used other than to build the culvert. It can be removed with minimal impact and can be included as a condition of approval.

Mr. Montgomery said he would like to see the length of the construction pad be tripled. Mr. Daly explained if the area is not paved in time they will cover the area with crushed stone and will clarify it on the construction plans. Mr. Montgomery asked if the utilities will be pulled under the culverts. Mr. Daly explained that the work will be done during the dry period and be done as an open cut. He explained the process they will use for the installation of the utilities. Mr. Montgomery would like the detention basin be moved back and would prefer that the existing pipe to remain.

Mr. Anastasio made the motion to table Application 09-1152 until the March 3, 2010 meeting. Mr. Annes seconded the motion. The motion passed unanimously.

Mr. Pellegrino asked the Commission for a consensus of what they would like for the stormwater detention basin. Mr. Stone stated that the above ground system is preferable. Mr. Shadle and Mr. Anastasio, and Mr. Annes stated that the design that best suits the water quality is the above ground system. Ms. Krynicky stated that the focus of the DEP is for bio infiltration and low impact water confines is that the water that comes on to the property and how it naturally flows should be maintained. Ms. Lakin is in favor of the above ground system.

Mr. Pellegrino reviewed the original condition of approval on January 7, 2004, note 6 which read “The Commission has concerns regarding the effects that future activities (not yet proposed) could have on wetlands in those portions of the southerly parcel (that is one of two parcels that are the subject of this Application) that will not be developed pursuant to this Application, but will reserve judgment until such time as the applicant or future owner of the southerly parcel files an application seeking approval of such future activities. The applicant is therefore on notice that any activities contemplated for the undeveloped portions of the southerly parcel shall require the Commission's prior approval. Mr. Pellegrino explained that this application addresses the concerns. Ms. Rosenbaum reviewed Mr. Bellis' comments of January 7, 2004 which read: Mr. Bellis noted that in his motion, he would have a buffer of 25 feet for any activities. Ms. DeNicola is concerned that no buffer in the area gives access to the 2-acre parcel south – possible future activity. Mr. Bellis feels a 25 foot buffer condition could address this. Ms. Rosenbaum stated that the Commission had misgivings at that time. Mr. Pellegrino reviewed condition H of January 7, 2004 and stated that Minutes read: “The non-disturbance buffer areas shall be incorporated and identified in a deed restriction approved by the Commission's legal council”. Mr. Pellegrino stated that they had gone through the process, but somehow may have slipped through the cracks.

Mr. Annes asked if Mr. Pellegrino needs to grant additional time for the application. Mr. Pellegrino submitted an extension of 30 days.

Mr. Annes asked about the correct procedure for amending the culvert crossing in Phase II. Mr. Pellegrino will discuss with Mr. Lee and if needed will submit another application to amend the crossing and if necessary will record the conservation easement on the Town Land Records.

09-1153 0 Downes Rd – construction of a single-family home – BERL Associates

Mr. John Paul Garcia, Professional Engineer and Land Surveyor, addressed the Commission and stated that he had met with the RWA and the applicant's attorney. Mr. Garcia reviewed the modifications that were

made to the plans based on the previous IWC meeting. Mr. Garcia reviewed two conditions stated in a letter dated February 2, 2010 from the RWA and would like condition 1 be every 2 years to every 30 months. Mr. Garcia stated that he would like to add 2 additional conditions: 1) no animals other than dogs or cats be allowed on the property. He explained that not all sites are suitable for all items and if the concern of the IWC is the degradation of the downstream wetlands, large animals could be destructive. Because of zoning issues the restriction should be no keeping of animals other than dogs and cats. Condition 2 should be: no farming on the site. He explained farming under the State Statutes and what can legally be farmed. Mr. Montgomery discussed the restrictions that Mr. Garcia felt should be included and asked if the additional conditions should be submitted. Mr. Garcia discussed with the Commission what would be enforceable if the property were sold. Mr. Kops asked Mr. Garcia that there was a request for a clear delineation and depiction of the base flood elevation. Mr. Garcia explained that the base flood elevation was determined by scale and not by elevation. The information was taken from the FEMA map which if the Commission would like he will provide. Ms. Krynicki asked about the unnumbered "A" zone. Mr. Garcia stated that it was scaled off the appropriate FEMA map and the tendency is to keep it away from the wetlands. Ms. Rosenbaum stated that the house is close to the curtain drain and asked how they would prevent damage to the curtain drain. Ms. Rosenbaum said as a condition she recommends that a proposed foundation as built be required and shows the foundation location and curtain drain location and distances from the property boundary be done by a certified land surveyor. She also would like a condition that the IW Enforcement Officer and Town Building Inspector will coordinate inspections to verify the existing curtain drain is not damaged during construction. Mr. Garcia was in agreement. Ms. Rosenbaum asked how heavy equipment will get over the curtain drain to install the inspection. Mr. Garcia stated that they will go around the curtain drain and will know if damage is done to the curtain drain.

Mr. Montgomery asked for clarification that the septic system after it is installed should be inspected annually or every two years. Mr. Garcia stated that he recommends that it should be pumped every year to check if working, and inspected every two years to 30 months.

Mr. Ron Walters, RWA stated he has no additional comments.

Mr. Annes submitted pictures of the gullies that are forming and reviewed them with the Commission and Mr. Garcia.

Mr. Montgomery made the motion to approve Application 09-1153 with the following conditions:

- 1. The septic system will be inspected annually for the first 3 years. Each annual inspection will be followed by a letter to the IWC of the date of the inspection, the inspectors and the findings and the actions taken.***
- 2. An evaluation of the curtain drains integrity and performance shall coincide with the inspection of the septic system for 5 years and then biannually.***
- 3. A foundation as built is required that shows the foundation location, the curtain drain location and distance from the property boundary. This shall be done by certified land surveyor. In addition the Inland Wetlands Enforcement Officer and the Town Building Inspector will coordinate inspections to verify that the existing curtain drain is not damaged during construction of the house foundation.***
- 4. The applicant has agreed to and shall file with the Hamden Town Clerk a declaration of restrictive covenants and in form and in substance acceptable to the Town Attorney. Said declaration shall identify the property by its map and parcel number as well as the street address of the same. It shall contain a running description property as well as running description of the wetlands and conservation buffer area (the regulated area).***

The declaration will also include the 8 restrictions appearing on the applicants site plans (drawing C-1, revision 4, dated 1-22-2010) and a 9th restriction offered by the applicant that no live stock shall be permitted in the regulated area. and to that the Commission is adding a 10th restriction and the aforesaid covenants and restrictions are deemed to run with the land as binding and enforceable as servitudes in perpetuity and shall be references on all deeds of conveyance.

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

Mr. Garcia stated that any issues can be resolved with Mr. Lee.

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. Annes made the motion to table this item until the March 3, 2010 meeting. Mr. Anastasio seconded the motion. The motion passed unanimously.

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

Mr. Annes made the motion to table this item until the March 3, 2010 meeting. Mr. Anastasio seconded the motion. The motion passed unanimously.

c. N.O.V. 20 & 36 Todd St – lack of full compliance with IWC Permit #03-1002

Mr. Bernard Pellegrino, Applicant addressed the Commission asked that this item be tabled temporarily and if the mitigation plan is approved for Trailside Phase II the N.O.V. can be lifted.

Mr. Milazzo made the motion to lift the N.O.V. as it relates to the property known as 20 & 36 Todd Street for lack of full compliance with IWC Permit 03-1002. Mr. Montgomery seconded the motion. The motion passed unanimously.

III. Review Site Inspection Schedule & Other Business

Mr. Vocelli will schedule site inspections for 3139 Whitney Avenue.

Ms. Rosenbaum stated that Earth Day will be held on April 24, 2010 from 10:00 a.m. to 3:00 p.m.

IV. Review January 6, 2010 meeting minutes

Mr. Annes made a motion to accept the minutes as written. Mr. Brand seconded the motion. The motion passed unanimously.

V. Adjournment

A motion to adjourn was made by Mr. Milazzo and seconded by Mr. Annes. It passed with no dissenting votes. The meeting ended at 10:20 p.m

Submitted by: _____
Stacy Shellard, Clerk of the Commission