

April 14, 2010

**MINUTES: THE INLAND WETLANDS COMMISSION**, Town of Hamden, held a Regular Meeting on Wednesday, April 7, 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:

**I. Applications**

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

**10-1158** 2906, 2932, 2950 State Street-completion of the Hamden Farms residential complex  
State Street Holdings, LLC Applicant

Mr. Carl Porto, Attorney, addressed the Commission and stated that the Attorney Bill Collins was the original attorney for this project. The IWC Permit expired on December 8, 2009. Mr. Porto said that the request is to have the permit granted again. He explained that the P&Z permit expired in January 2010 and is allowed a five year renewal by State Statute. The IWC regulations state that once the original permit has expired a new application is necessary. Mr. Porto said that they are asking the application be granted and explained that there are no changes being made from the original request. The project is 90 percent complete and his clients have had dire financial difficulty because of the economy. Mr. Porto advised the Commission that there are four sales that are pending and this would allow the project to be completed. He explained that permits must be current and that his clients have each contributed a half million dollars to keep the project going and without the pending sales being completed, they would not be able to complete the project. Mr. Porto stated that any outstanding issues on the property are being addressed separately. He asked that if a decision is not made at this meeting this evening, that a special meeting take place this month to address the request to issue a new permit.

Mr. Milazzo asked if there were no substantial changes to the conditions of approval for the original application. Mr. Porto said that there have been no changes to the conditions of approval and the project is 90 percent completed and there is a foundation that needs to be completed. Mr. Milazzo stated that the State Statute allows for an automatic right to an extension, unless there is a substantial change in conditions and he feels that the permit should be extended.

Mr. Annes asked if there were requirements for maintenance of the property. Mr. Porto stated that there were conditions with the original approval and most have been completed. He said there are outstanding issues and his clients are working to complete. Mr. Annes asked if the detention basin has been repaired. Mr. Porto said that the repair to the detention basin has been completed.

Mr. Tim Lee, Assistant Town Attorney, asked Mr. Porto if the request including the original terms and conditions were the same as the original application, and he replied yes. Mr. Annes said he is concerned if the condominium association would be responsible for the upkeep of the property for the additional units when they were sold. Mr. Milazzo stated that if the conditions set forth by the Commission were not being upheld a violation would be issued by the IWC.

Mr. Montgomery said that the plans dated March 22, 2010 show some revisions and asked if it also includes the existing conditions.

Mr. Richard Couch, Professional Engineer, addressed the Commission and stated that the updates show as-builts of the existing buildings and that there had been several submissions with the last one being a change for some of the units to go from one bedroom to two bedroom issues. The submitted plans also clarify all outstanding issues including

modifications made to the units, drainage and engineering reports. Mr. Montgomery said that the site has had sediment and erosion problems that need attention and the developer is aware of the problems and asked Mr. Couch if he has been made aware of the problems. Mr. Couch stated that he has met with Mr. Vocelli and had identified the issues that need to be addressed and have started to resolve the issues. He reviewed the concerns that were addressed and what was being done to correct them. He explained that the major concern was the large stock pile of soil and that is had been secured at the bottom of the slope and is being reduced in height. The catch basins have been protected with hay bales and sheeted over with a geo-textile and that Mr. Tom Vocelli, Wetland Enforcement Officer, had indicated he would prefer the use of a silt sock. There are some areas that continue to need some attention and Mr. Couch would like to place stone down.

Mr. Montgomery said he would like the application to be approved at this meeting. He has spoken with several of the residents and they would like the application approved. Mr. Montgomery would like a punch list done, and the S&E control plan brought into compliance. He would like a site inspection scheduled and Mr. Couch to be present. Mr. Montgomery would also like the approval to include all previous conditions. Mr. Porto submitted photos to the Commission and stated that he would agree to this request.

***Mr. Milazzo made the motion to approve Application 10-1158 as it relates to 2906, 2932, 2958 State Street, Hamden Farms residential complex. It would be subject to all the previous terms & conditions of the previous approval.***

Ms. Rosenbaum asked if the five year request would be retroactive to December 8, 2009. Mr. Lee said it would be at the discretion of the IWC.

***Mr. Milazzo added to the motion: A punch list should be made of the outstanding items and scheduling a site inspection with Mr. Couch present.***

The Commission discussed when the site inspection should be completed and determined one was not necessary.

***Mr. Milazzo modified the motion: The engineer and or the applicant be present as deemed necessary by Mr. Tom Vocelli, Wetland Enforcement Officer.***

***Mr. Tito seconded the motion as amended. Mr. Milazzo, Mr. Tito, Ms. Lakin, Mr. Montgomery, Mr. Anastasio voted in favor of the motion. Mr. Annes abstained. The motion passed 5-0-1. The motion passed.***

**03-1002** Amendment Request-Trailside Village II-20 & 36 Todd Street-Non-disturbance buffer modification & compensatory wetland mitigation, Ravenswood Construction LLC, Applicant

Ms. Rosenbaum asked for a motion to hear Application 10-1159 before Application 03-1002.

***Mr. Anastasio made the motion to hear Application 10-1159 before Application 03-1002. Mr. Milazzo seconded the motion. The motion passed unanimously.***

Mr. Bernard Pellegrino, Attorney, addressed the Commission and asked that Application 03-1002 and Application 09-1152 be heard simultaneously.

***Mr. Milazzo made the motion to combine Application 03-1002 and Application 09-1152 for discussion. Ms. Lakin seconded the motion. The motion passed unanimously.***

[Note: The following motion was made and adopted at the conclusion of discussions on Application # 09-1152]

***Mr. Milazzo made the motion to approve Amendment Request to Application 03-1002 to allow crossing of the watercourse in exchange for the provision of compensating mitigation as set forth in a non-disturbance buffer deed restriction with the area there of being shown on the mitigation plan dated March 17, 2010 and in the Plan for Invasive Species Removal which is attached to a letter from William A. Root, M.E.S, to the Commission dated March 19, 2010. It shall be a further condition that the following change be made to reservation 1 contained in the***

*deed restriction. After the word in quotes “management” on line 2 of that paragraph the following shall be added in quotes “open space and watercourse and wetlands and associated buffer areas”.*

**Mr. Montgomery seconded the motion.** Mr. Annes asked if the motion covers the two conditions about slowing the velocity of the water upstream and the amendment to the detention basin. Mr. Montgomery explained that Mr. Annes concerns are shown in the plan.

The motion passed unanimously.

**10-1159 Farmington Canal Greenway-Construction of Skiff Street Underpass  
Town of Hamden, Applicant**

Mr. Tom Daly, Professional Engineer, addressed the Commission and stated that he was representing the Town of Hamden for the Greenway project. He reviewed the application and the area where the work would be done and explained that the Town was pursuing a design that would be safer for pedestrians crossing Skiff Street when using the trail. Mr. Daly explained that work would be done within the 200 feet upland review area and reviewed the existing storm management.

**Ms. Lakin made the motion to table Application 10-1159 for a site inspection. Mr. Annes seconded the motion.**

Mr. Tito asked how long the project would take to complete and what effect it would have to the two way traffic on Skiff Street. Mr. Daly explained that there are still ongoing discussions with the Town and Police Department with regard to the traffic pattern because of the cost of the project. Mr. Kops explained that the cost to keep traffic open to one lane would be 1.4 million dollars versus closing the traffic to through traffic for two weeks, and the final decision is to close the road. Mr. Kops reviewed the businesses in the area and which directions they could be accessed from.

**The motion passed unanimously.**

**B. Pending applications**

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

Mr. Tom Daly, Professional Engineer, addressed the Commission and reviewed the revisions that were made to the plans. He explained that the revised plans significantly expand the conservation area and reviewed the conservation area and the open space area. There will be two separate deeds filed on the land records. One will be for the conservation area required by the IWC and one for the open space area that is required by the P&Z Commission. The metes and bounds description will match for both areas. Mr. Daly explained that the restricted area to the south has increased and goes over the stormwater basin and once the area is built there will be no future applications for any changes. Mr. Daly reviewed the construction sequence and said that the temporary pipe that had been previously questioned will be removed on a daily basis and put back in at the end of each work day. The construction of the utilities will be scheduled when there is no forecast for rainfall in the near future. He noted that the remaining pipes have been placed on the plans. There will be additional language put onto the plans for during and after construction. Mr. Daly reviewed the existing conditions to clarify where the open space and conservation area will be located. He explained the revisions made with regard to the removal of the invasive plantings from the location of the former pond that is one of the mitigations being proposed in lieu of approval to cross the wetlands. He explained the proposal for a runoff filter berm, which is a swale graded at the bottom of the slope. There is a mitigation area for the drainage that comes from off the property. Mr. Daly reviewed the current watercourse that exists. He feels that as the water comes down it has velocity and they are proposing a stone rip rap. This will slow the velocity down and there should be less sediment. The intent is to modify the existing basin that exists today. Mr. Daly reviewed the existing conditions. He said that the proposal is to plug the low level outlet pipe that discharges from the galley systems and a second pipe would be placed with a back fill protector. They will cut into the swale and this will allow the water to continue to run clean. The under surge or high level flows when the sediment comes down they will take down to have only 2 inches of reveal and allow the water to flow to the sediment basin. The rip rap outlet will remain and Mr. Daly reviewed how

they will change the flow of the water and an offline sediment basin is being proposed. He said the changes to the S&E Control Plans include a construction entrance 150 feet long and daily sweeping of the roadways as required. The area will be stabilized immediately and is noted on the plans. On the plans it shows the berm will be made of pervious material for the runoff filter berm and a schematic detail shows how the watercourse will be modified. Mr. Daly reviewed the planting list for the rain garden. Mr. Daly said that there are 4 elements that are considered mitigation which are: 1) modification of the existing detention basin to act as a sediment basin for the overall watershed 2) install a rip rap filter berm for the watercourse located up on the hill to reduce velocity 3) invasive removals of species in the former pond 4) significantly enlarged and wrapped the wetland area in a conservation easement that provides future protection and makes a cohesive open space.

Mr. Montgomery stated that he likes the improvements that have been made to the plans. He thought that what was constructed and is the phase II basin was a temporary basin. Mr. Daly said that the area is over excavated at the bottom to act as a sediment basin. He explained that a sediment measuring stick would be mounted in the middle of the basin and there will be 1 foot intervals so that if the pond is drained the baseline will be seen and is on the plans. Mr. Montgomery said that it appears that future owners will have easy access to clean out the pond without doing damage to the surrounding area. He asked if someone could stand with a backhoe on the road to clean the pond out. Mr. Daly said that a backhoe can be used from the road.

Mr. William Root, Certified Soil Scientist, addressed the Commission and reviewed the invasive species removal plant list dated March 19, 2010 for wetland flags 31 through 40 and it was suggested as a mitigation measure. He said that the mitigation plan is standard for removal of invasive species which has been reviewed with the contractor and the Planning Staff. Mr. Root reviewed the existing invasive species and explained how they would be removed. He said that if the plants are too large to be removed with equipment the recommendation is to cut them at the base and treat with herbicide by using a sponge or a paint brush and spot treat in the spring or fall. Mr. Daly said that this procedure would be used for two to three years and the proposal was explained in a letter dated March 19, 2010.

Mr. Pellegrino said that the proposed modification to the non-disturbance buffer in phase II was filed March 19, 2010 and the additional mitigation would enhance the current non-disturbance buffer. This would permit them to develop the land with a new building and provide protection to the wetlands and would significantly increase the non-disturbance buffer. The deed restriction has been reviewed by Mr. Tim Lee, Assistant Town Attorney and comments by the Planning Staff, and if approved the survey crew would provide the metes and bounds description of the area that would be schedule A for the deed restrictions and map on the Town land records. Mr. Pellegrino reviewed the RWA comments of April 7, 2010 and stated that item 1 & 2 for the S&E Plans can be a condition of approval. With regard to item 3 for a prepaid engineer it would be beneficial and can also be a condition. The mitigation measures proposed provide compensatory treatment to the wetlands. He feels that the proposed plan would provide beneficial treatment to the waters surrounding the wetland area and safeguard the wetlands.

Mr. Montgomery asked for clarification of schedule A and the metes and bounds. Mr. Pellegrino said that a mylar will be filed and reference the revised date in the deed. Mr. Lee said that if the Commission grants an approval the map and schedule A will be filed. Mr. Milazzo said that the map can be labeled and schedule A can reference the map. Mr. Montgomery said that reservation one needs to have added: The accepted principals of management of open space and areas for conservation of wetland and watercourses and their buffers.

Mr. Montgomery said that a previous memo had indicated he would like the maintenance plan for the stormwater management structures, wetland areas, and conservation areas by the Trailside Village owners association to be revised to include Phase II & III. Mr. Pellegrino stated there is no objection and had taken it as an instruction and not a condition. Mr. Montgomery said that it will be a condition because there is one association for Phases I, II, and III, a condition for a prepaid engineer consultant.

***Mr. Montgomery made the motion to approve Application 09-1152 with the following four conditions: 1) The comments made by RWA in the letter dated April 7, 2010 be addressed 2) The comments made by the Town Engineer in the letter dated April 6, 2010 be addressed. 3) Monthly reports be provided by a Civil Engineer on the status of the Sediment & Erosion Controls and any matters affecting the wetlands and watercourses. 4) The Maintenance Plan for the Storm Water Management structures, wetland areas and conservation areas by the***

***Trailside Village owners' association shall be revised to include Phases II and III and presented to this Commission for approval by its Chairperson prior to the issuing of the Zoning Permit for Phase III.***

***Mr. Milazzo seconded the motion.*** Mr. Annes asked if the last condition should read approval by the Commission. Mr. Montgomery replied that it can be "approval by the chairperson". Mr. Anastasio would like "addressed" changed to "addressed to their satisfaction". ***Mr. Montgomery should read: "shall comply with the recommendations".***

Mr. Annes stated that when an application comes before the IWC the 100 foot non-disturbance area should be addressed at the onset of the presentation of an application.

***Mr. Montgomery and Mr. Milazzo accepted the motion as amended. The motion passed unanimously.***

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

Ms. Lakin recused herself from this application.

Mr. Bernard Pellegrino, Attorney, addressed the Commission and stated the comments made at the meeting of March 3, 2010 would be addressed by Mr. Victor Benni, Civil Engineer.

Mr. Victor Benni, Civil Engineer, addressed the Commission and stated that he has reviewed the IWC minutes of the March 3, 2010. He said that he reviewed the project narrative, the drawing set revised April 1, 2010 and the S&E Control Plan narrative, Mr. Gagnon's letters to the Town Engineer dated March 3, 2010 and April 1, 2010, comments from the Town Engineer and the RWA dated April 6, 2010, the progress of the drainage reports submitted November 13, 2009, December 29, 2009 and March 26, 2010. Mr. Benni also reviewed the drawing set for the landscape plan dated March 26, 2010, and reviewed the materials at length with Mr. Chris Gagnon, Design Engineer at Godfrey Hoffman Associates, Attorney Pellegrino, and owner Mr. Steve Nugent. Ms. Rosenbaum stated there is a response dated March 26, 2010 and Mr. Benni stated he does not have it with him, but was sure he had reviewed it. Mr. Benni said that the March 3, 2010 letter was included with the drainage report and addressed the comments from the town engineer at length.

Mr. Benni addressed the response letters from the Town Engineer including the grading along the building and the slope would be directed away from the building for the drainage. The swale and drywell discharge was revised to include drainage being discharged into pond number 2, instead of off-site. The cut and fill volumes have been provided on sheet number 3 and the overall net cut on the site is 38 cubic yards in an attempt to balance the cut and fills on site. The overflow pipe from drywell number one was added to provide a direct discharge into detention pond number two. There are several off-site drainage areas that contribute to the on-site stormwater and are now considered in the overall drainage calculations and have been included in the revised calculations. The water surface elevations at the existing rain garden have been calculated and show that overall increases are not significant to warrant any additional measures. The weirs for ponds one and two have been revised to be 70 feet long for pond one and 40 feet long for pond two.

This creates the discharge of stormwater to spread out from the proposed activities. The overflows would occur at the 100 year storm event, and storms below would be detained in ponds one and two. The velocity flows for the 100 year storm would be low and non erosive flows. He explained that this would be the reason to have a vegetated berm and not a rip rap berm.

Mr. Benni said that the letter from the Town Engineer dated April 6, 2010 had two additional comments with regard to drawing three. The spill elevation on the plan for pond two is shown as 96.6 and is 95.5 in the drainage calculations and the grading will satisfy the drainage and be revised on the plan. The as-built

grading for the detention ponds will be submitted and will show that they were constructed in accordance to the plans.

Mr. Benni reviewed the letter dated April 6, 2010 from Peter Cumpstone, RWA, and he reviewed the key points for the project. The property is within the watershed of Lake Whitney and the applicant is proposing a 14 unit building and will be served by a municipal sanitary sewer, public water, and heated by natural gas. The roof drainage will be infiltrated through two dry wells and any overflow will be directed to pond two. The parking lot drainage will sheet flow into two ponds with sediment forebays. The size of pond number one was increased to afford additional storage. The rain garden will allow for additional stormwater infiltration on the southern boundary of the property. The S & E Controls and Stormwater Management Plan are adequate. Mr. Benni reviewed and submitted to the Commission a map dated in 1868, and reviewed the history of the area.

Mr. Annes asked where the house on the proposed site is located in relation to where the factory was located. Mr. Benni explained that the factory would have been off to the east of the subject parcel and northeast of the wetlands.

Mr. Benni reviewed and submitted to the Commission alternative plans for the use of the property. He reviewed the proposed alternatives and explained that the area of the stormwater management that exists is covered by the parking or building and is not utilized and it is important to note that the existing rain garden will be utilized. The proposed alternative does not show the proposed draining or how to address stormwater. He explained that each proposed alternative would have potential to cause additional disturbance in the 100 foot buffer area.

Mr. Benni stated that a modular building for construction is being considered by the application and would minimize disturbance activity. The plan being proposed would cause the least amount of impact within the 100 foot buffer and 200 foot upland review area. The alternatives do not provide use of the existing rain garden. The deep test pits and perc test helped the design engineer understand the infiltration capacity of the soils. The best management practices and the low impact development management practices engaged on the property create a stormwater management plan that minimizes the environmental impacts to the offsite wetlands and maintains the integrity of the 100 foot non-disturbance buffer. Mr. Benni said that the disturbance in the 100 foot property except for a corner of the parking would be due to the stormwater management system and detention pond. There would be no additional disturbance to the area after construction is completed.

Mr. Benni reviewed the proposed S&E Control Plan. He reviewed the location of hay bale check dams, the construction entrance location, and the turf reinforcement matting. Mr. Benni reviewed the vegetated swales, detention pond and the temporary sediment traps during construction. The existing rain garden will be protected with hay bales during construction. Mr. Benni reviewed the proposed landscape plan and planting list. He reviewed the proposed lighting plan.

Mr. Benni explained that Ms. Sigrun Gadwa, Professional Wetland Scientist, was ill and unable to attend the meeting. He reviewed her comments in a letter from her dated April 1, 2010. He explained that a field survey was conducted. Mr. Benni stated that Ms. Gadwa was able to obtain permission from Quinnipiac University to perform tests on the portion of wetland area located on their property. Mr. Benni explained that Mr. Tony Iannello, Carya natural resource specialist, performed a high intensity, systematic search for wood frog and spotted salamander egg masses. Mr. Benni submitted Mr. Iannello's resume to the Commission. He reviewed and submitted an email dated April 7, 2010 from Ms. Gadwa that summarized her findings.

Mr. Pellegrino said that there are two points relevant to the interveners' submissions and comments from the previous meeting. He stated that feasible and prudent alternatives have been outlined and considered prior to submission. These were considered prior to submission of the application by Mr. Nugent and prior to the amended zoning regulations. Mr. Nugent was an active participant in the public hearings for the proposed regulations. Mr. Pellegrino stated that the issue of feasible and prudent alternatives are not required if scientific experts find there are no substantial impacts to the wetlands. He said that there are no findings of substantial impacts and his client is not legally required to submit alternatives based on the reports of their experts.

Ms. Linda Reed, representative for the interveners Attorney Gesmond and Attorney Sgrignari, stated that the question of her qualifications had been raised. She explained that she did not have her curriculum vitae with her. She reviewed her credentials and expertise in land use and explained that she has personal knowledge of the property. Ms. Reed said that some of the alternative use of the property has been shown, and it paints a landscape that the project being presented is more palatable. There will be 15 residential units and the Victorian house on a 2 ¼ acre parcel. The plans indicate that 29 percent of the site will not be disturbed, but 71 percent will be impacted to the regulated and wetlands area, wildlife corridor should be looked at. She stated that the de minimis impact indicated everything will work in sync, but there can be adverse impacts if anything goes wrong. The applicant said that there will be no adverse impact, but the sheet runoff will include oils, heavy materials going into the regulated area and to say it has no impact is questionable because of the hydrology of the area. Ms. Reed said that though the project has been deemed not a significant activity, she feels that feasible and prudent alternatives should be looked at for impact to the regulated area. In reviewing the soil scientist supplemental report Ms. Reed was troubled by the opening sentence and said that it suggests an immediate bias in data collection. She asked if the data was to substantiate the finding of the report or go in to take a look at the information to see if they are on solid ground. Ms. Reed stated that it said wildlife management is not regulated by the Commission. In section 10.2 IWC regulations subsection a, c and e address the role of wetland area and habitat and wildlife that occur in the area. On March 31, 2010 and April 1, 2010, Tony Aillo, natural resource specialist had done a site visit and Ms. Reed reviewed his findings. She stated that it is troubling to think that the intensity of the project and its impact to the corridor for wildlife could reduce road kill as the report indicates. She asked that the IWC look at the character of the neighborhood and the importance of the wetland area and wildlife. It does impact people's lives which is criteria in terms of section 10.2 of the IWC regulations. The impact would be to the social, ecological and holistic view points of the area. The pattern of increased and intensified urbanization proposed with the project raises a question of appropriate development and impact on the wetlands. She stated that there is an impact on the wetlands, regulated area, wildlife and entire neighborhood. She stated that the applicant did not have to do a feasible and prudent alternative, but it is important for good planning practice and land use techniques to see if there could be a better plan. She feels that the proposed plan is too intense for the property.

Mr. Annes asked Mr. Benni what the impact would be on the wetland watercourse. Mr. Benni reviewed the wetlands soil scientist comments and the grading plan. He said that when looking at the plans there is an existing ridgeline and the site drains to the east. Mr. Benni reviewed the existing and proposed stormwater management plan, and stated that all storms below a 100 year storm would stay on site in the detention basins. He stated that the plan addresses the first flush, and the runoff potential for a 100 year storm would flow off site to the east. The wetland area that is of concern is located to the southeast. Mr. Benni said that before the 200 foot review area or 100 foot non-disturbance area the stormwater would go into a vegetated wooded scenario and there are contours that encourage the stormwater to go back towards the wetland area and he reviewed the area.

Mr. Benni said that the wetland buffer after construction would be maintained in its integrity and there is a small area of the parking that extends into the non-disturbance buffer area. After construction and vegetation

the current conditions will be maintained. The last storm just missed as a 100 year storm event in a 24 hour period and this would be the type of storm the proposed plan is for. He explained that with the last storm there was no water accumulation in the existing rain gardens and it demonstrated that the numbers used in designing the proposed infiltration basins are conservative based on the soil testing. It shows that they are getting 1 inch in five minutes and the proposed design is for maximum flow into the ground.

Mr. Pellegrino reviewed the discussion of wildlife impact and there is language in the regulations for protection. He said that case law over the last 3 or 4 years has narrowed the scope of the wildlife interest within the IWC domain to wildlife impacts within the wetland areas. He said that the soil scientist did address the wildlife in the report.

Mr. Annes stated to Ms. Reed that her resume indicated her to be an expert with regard to the impact to the wildlife Ms. Reed stated that the wetland will be altered and the character of the area will change. When change occurs the eco system will change and nothing has been put into the record and that what is being proposed does not show how it will be sustained in anyway. She stated that she understands the law on the role of the wetland relative to the wildlife. However, they would be cutting off the corridor even further than it has already been cut off by the Quinnipiac University parking lot. She feels that there would be an automatic crossing created by the students who will use the parking area. She understands the parking is a Planning & Zoning question, but raises the question if there should be a crossing for the students. Ms. Rosenbaum said that it would not be in the IWC jurisdiction. Ms. Reed said it is her opinion that it will alter the eco system for the area and the neighborhood.

Mr. Montgomery referred to the construction sequence and the description of ponds one and two and he asked if the temporary sediment traps will become permanent, because they are being constructed close to the final contours of the site.

Mr. Benni explained that a condition can be included that instead of digging out the ponds to the proposed elevations they can do a partial dig out that would cover each of the drainage improvements on the property. This would collect construction sediments and debris and after the construction is completed as a final measure the ponds would be dug to the proposed elevation and cleaned. Mr. Benni said that this avoids super fines that the soil scientist would like to keep from the sediment basins and clogging up the infiltration capacity.

Mr. Montgomery said that there will be activity in the ponds and too much heavy equipment activity would compact the soil and permeability would be affected. He would like it clearly stated in the construction sequence. The water going down the steep slope and he is concerned with erosion to the detention basin walls. He would like reinforcement fabric and does not want it to be synthetic material. The parking lot area will be paved at the end and will create mud going to the basin. If there is a temporary basin which will be smaller they must redo the calculations because it would be only for a ten year storm. The silt fence on the north side of the property goes down the slope and would channel water straight down and the silt fence will not work Mr. Montgomery reviewed with Mr. Benni the use of silt sacks and a type called waddles he would like to be used and where he would like them placed. Mr. Montgomery discussed the planting plans with Mr. Benni and advised him that they are not clearly stated. He reviewed with Mr. Benni the basins and asked if they were designed to be dry or wet. Mr. Benni said that they would all be dry within 48 hours. Mr. Montgomery is concerned with the ponds and how they will be constructed and erosion that could occur. The construction entrance way is not clearly stated. Mr. Benni said it is being put over the existing driveway area and it could be curbed with the proposed driveway. Mr. Montgomery is concerned because the existing driveway slope would need to be increased and Mr. Benni should consider a berm that goes diagonal near the street. Mr. Montgomery stated that Hamden has a reputation that contractors have silt going into the streets. He said that note 8 for the stormwater management does not support the proposal. Mr. Benni reviewed note

8 and stated that if there are any changes to the plan he will address the calculations and reword if necessary. Mr. Montgomery said that any modifications to the basins will require IWC approval.

***Mr. Milazzo made the motion to table Application 10-1157 to the May 5, 2010 meeting. Mr. Anastasio seconded the motion. The motion passed unanimously.***

***Ms. Rosenbaum asked Mr. Pellegrino to submit a request for a 35 day extension.***

## **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. Vocelli advised the Commission that Mr. Siciliano should be at the May 5, 2010 meeting. Ms. Rosenbaum stated that she would also like Mr. Garcia to attend the meeting. Mr. Vocelli stated that he will call Mr. Garcia and encourage him to attend. Mr. Vocelli discussed with the Commission the existing conditions of the properties.

***Mr. Milazzo made the motion to table this item until the May 5, 2010 meeting. Mr. Annes seconded the motion. The motion passed unanimously.***

### **b. N.O.V. 64 Rocky Top Road – 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 the motion to table this item until the May 5, 2010 meeting. Mr. Annes seconded the motion the motion passed unanimously.***

### **c. N.O.V. 11 Misty Meadow Lane-construction of sheds & performance of other regulated activities in or near the wetlands.**

Mr. Vocelli reviewed the Notice of Violation and stated that in addition to the two sheds that have been constructed, the area has been filled and partially cleared for outdoor storage. These regulated activities are near or in the wetland areas. Mr. Vocelli explained that the owner has met with himself and Ms. Rosenbaum.

Mr. Montgomery explained that Mr. Louis Carpenter, owner, was given a photo of the area. He said that this is a useful tool for the property owners to identify the wetland areas. Mr. Montgomery said that he took a map from 1995 or 1996 and did an overlay of where the activity has occurred. He explained that building 1 is partially located in the wetlands and building 2 is outside the wetlands and outside the original 25 foot buffer area. The buffer area is being described to stop the owner from encroaching on the wetlands. The owner had a large stockpile and gravel pile that has caused a disturbance to the area. There is fill that is depicted and Mr. Montgomery suspects that it is in the wetlands area. There is a wood pile that is within the wetlands area. Mr. Montgomery said that Mr. Carpenter has been cooperative and is willing to take the remedial actions deemed necessary. He is willing to do the work primarily by hand and using his tractor and cart located on his premises.

Mr. Louis Carpenter, owner, addressed the Commission and stated that the activity on the property was not done with malice. He is retired and the work that he has done was to prevent damage to his property being done by children that use the ball field behind his home.

Mr. Montgomery stated that his recommendations for remediation are that the gravel and wood pile be removed and the area of the wetland be restored. He said it can be done with hand tools. Mr. Montgomery said that 8 Wetland markers should be placed to identify the area and Mr. Vocelli will provide Mr. Carpenter

with the number to contact the marker company. Outbuildings one and two can remain in place, but he should talk to the Planning Office to see if a zoning permit is necessary. The notice of violation will remain in place until all conditions are satisfied. Mr. Montgomery reviewed the fill behind building two and the construction of the stone wall. There will be no plantings in the depicted area. If Mr. Carpenter has any questions he should address them with the IWC and the enforcement officer.

Ms. Rosenbaum stated that the wetlands were not marked and the two sheds and disturbance to the wetland area were minimal. Mr. Anastasio asked if the sheds had foundations and Mr. Carpenter advised no.

***Mr. Annes made the motion to keep the N.O.V. until such time as the recommendations dated April 7, 2010 made by Mr. Montgomery are followed and completed and homeowner reports to Mr. Vocelli and at which time the N.O.V. will be lifted. Mr. Tito seconded the motion. The motion passed unanimously.***

### **III. Review Site Inspection Schedule**

Mr. Vocelli will schedule a site inspection for the Farmington Canal Greenway Project-Skiff Street underpass

### **IV. Review March 3, 2010 meeting minutes**

Ms. Rosenbaum said that on page 9, paragraph 3, 7<sup>th</sup> line "curve" should be "curb". Page 10, paragraph 2, 5<sup>th</sup> sentence, should read: Mr. Kops stated that the parking spaces are calculated at 1 space per student or 4 spaces per unit and the spaces must be paved.

***Mr. Anastasio made the motion to accept the minutes of March 3, 2010 as amended. Mr. Annes seconded the motion. The motion passed unanimously.***

### **V. Other Business**

Ms. Rosenbaum stated that Earth Day will be held on April 24, 2010 from 10:00 a.m. to 3:00 p.m. and she would like four volunteers to help with the booth.

Ms. Rosenbaum reminded the Commission that there are 5 members whose terms will expire on April 30, 2010 that they need to send a letter with their resume asking for reappointment. Ms. Rosenbaum advised the members that Ms. Zinn has resigned as an alternate to the IWC.

Mr. Annes reviewed a case in Branford with regard to technical details of an IWC application and the court refused to hear the application because the expertise of the Commission had not been demonstrated. He discussed with the Commission and Mr. Lee what could be done at the start of a meeting to identify individual expertise of the Hamden IWC members. The Commission also discussed the need for knowledge and good judgement on the part of all Commissioners regardless of their technical-- expertise.

### **VI. Adjournment**

***A motion to adjourn was made by Mr. Milazzo and seconded by Mr. Anastasio. It passed with no dissenting votes. The meeting ended at 10:33 p.m***

Submitted by: \_\_\_\_\_  
Stacy Shellard, Clerk of the Commission