



Town of Hamden

Planning and Zoning Department

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October 8, 2010

MINUTES: THE INLAND WETLANDS COMMISSION, Town of Hamden, held a Regular Meeting on Wednesday, October 6, 2010, 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
Andrew Brand
Mike Stone, arrived at 8:02
Lynne Krynicki
Joan Lakin
Kirk Shadle, arrived at 7:06
Bob Anastasio

Staff in attendance:

Dan Kops, Assistant Town Planner
Tim Lee, Assistant Town Attorney,
arrived at 7:06
Tom Vocelli, IW Enforcement Officer
Stacy Shellard, Commission Clerk

Ms. Rosenbaum called the meeting to order at 7:00 p.m. and reviewed the meeting procedures. Mr. Montgomery called the roll and there was a quorum.

I. Applications

A. New applications

- a. 10-1163** 1378 Shepard Avenue-construction of a single-family home
John & Virginia Rossotto, Applicant
- b. 10-1164** 1380 Shepard Avenue-construction of a single-family home
John & Virginia Rossotto, Applicant

Ms. Rosenbaum stated that Application 10-1163 and 10-1164 can be heard together.

Mr. Joe Porto, Attorney, addressed the Commission and asked if the N.O.V. could be addressed with the applications. Ms. Rosenbaum said that the N.O.V. should be addressed separately. Mr. Montgomery said that the application should be heard first. Mr. Porto reviewed the applications and stated that there would be no activity within the 100 foot buffer.

Ms. Rima Laukaitis, Professional Engineer, addressed the Commission and reviewed the application. She submitted the GNHWPCA comments. Ms. Laukaitis said that she would address the proposed lots as “lot A” and “lot B”. She explained that proposed plan for lot “B” would place it within 200 feet of the wetlands and that the shape of the lot would restrict its use. Lot “A” will be within 100 feet to 200 feet of the wetland area. Ms. Laukaitis reviewed what the area of disturbance will be. She stated that the proposed plan is for the back yards to be large because the owners may have children, and the yards will need to be level to allow for play areas. She said that the RWA comments are addressed in the proposed plans and can be made a condition of approval. The GNHWPCA asked how much water will be discharged from the house and she is unable to determine. Ms. Laukaitis stated that the Town Engineer has asked that drainage calculations be provided. She is unsure how deep the drywells will be placed and if necessary the soils will be tested. Ms. Rosenbaum advised Ms. Laukaitis that a site inspection will be scheduled. The RWA, the Town Engineer’s and the GNHWPCA’s comments will need to be incorporated into the revised plan and presented at the next meeting.

Mr. Porto asked that the Commission consider this application at this meeting because a site visit has already been done. Ms. Rosenbaum explained that the site visit that the Commission had done was to address the N.O.V. Mr. Porto said that the Commission was at the specific site and Ms. Rosenbaum replied that the Commission did not look at the proposed sites that will be developed.

Mr. Montgomery said that there will be a water flow that will go down the driveway and the silt will go into the off-site watercourses. The Town Engineer has suggested rain gardens and he feels that this would work if placed between the two driveways. Mr. Montgomery asked if the area that was planted to address the N.O.V. was partially on lot “A” and to the south, and Ms. Laukaitis said yes. Mr. Montgomery asked if the applicant owned the land south of lot “A. Mr. Porto reviewed with the Commission the area that is owned by the Applicant.

Mr. Anastasio made the motion to table Applications 10-1163 and 10-1164 for a site inspection. Ms. Lakin seconded the motion. The motion passed unanimously.

Mr. Montgomery made the motion to hear the N.O.V. for 1378 & 1380 Shepard Avenue next. Mr. Brand seconded the motion. The Motion passed unanimously.

B. Pending applications

a. 10-1161 14 Hunters Way – dredging a pond – Theodore Lynn, Applicant

Mr. Chris Gagnon, Professional Engineer, addressed the Commission and reviewed the application. He explained that the dredging is to maintain a healthy depth of water in the pond that receives runoff from properties located upstream. Mr. Gagnon said that the plans have been revised to include the suggestions made by the Commission at the site walk. Mr. Gagnon reviewed the Town Engineer comments with regard to the erosion control measures that will be used. He explained to reduce the pond water level they will be using a valve which will be located at the bottom of the dam that allows the water to be released slowly so there will be no negative impacts because of the release of water. The water in the pond will be removed to expose the soils that need to be dredged and they will control the flow of water into the pond. They will do the work during the dry season and there will be a small basin located on the property line that will be used if needed. The water would be pumped out and go around the construction area to the basin. They will have a temporary sediment basin at the outlet. Mr. Gagnon reviewed and submitted to the Commission the specifications for a pumping setting basin. Mr. Gagnon explained that 4,125 cubic feet of material is proposed to be removed and the material will be 1 foot thick when spread out. Mr. Gagnon reviewed with the Commission where the silt fencing will be placed. Mr. Gagnon noted that the owner does not want any trees removed and wants minimal impact to the site. He reviewed where the dredged material would be placed. The access to the work area would be along an old farm road and if small trees in that area need to be removed it would not have any impact to the canopy in the area.

Mr. Shadle said that the stock piles of top soil should be shown on the plans and it should have a silt fence placed around it. Mr. Gagnon reviewed the location where the soil and dredged material will be. He explained that the dredged material must dry out before it is spread out and appropriate sedimentation controls will be used.

Mr. Brand said that no trees should be taken down along the area of excavation. Mr. Gagnon explained that it is an open area and when they are putting down the material it will be feathered out as they get closer to the pond so that the trees will not get choked out.

Mr. Kops asked for the 4,125 cubic feet to be translated into cubic yards. Mr. Gagnon said that it would be 152.7 cubic yards. Mr. Kops asked Mr. Gagnon to call the Planning Office to review the zoning regulations to determine if the applicant must go before the Planning & Zoning Commission.

Mr. Montgomery said there are two types of seed mixture being used in the proposed plans, but it does not say how or where it will be placed. Mr. Gagnon said that some of the seed will be ornamental grass, and both will be used to see what will take because it is a shady area. Mr. Montgomery reviewed with Mr. Gagnon the types of grass that may grow the best. Mr. Montgomery is concerned about the bank of the pond when the dredging. He spoke with a conservation expert who said that the bank must be well stabilized after the work is completed. Also that while the work is being done canvas should be put down to preserve the bank. Mr. Gagnon said that the integrity of the bank will go back to its original condition once the dredging is completed. He reviewed the dredging process with the Commission.

Ms. Krynicki said that it has been indicated that the material being dredged is silt and sand that has been deposited upstream. She asked if the material will be suitable to spread out and then seeded. Mr. Gagnon reviewed with the Commission the process they will use to spread the material. Ms. Krynicki is concerned with the change of grade so close to the edge of the pond. Mr. Gagnon said that the area where the material is being left will have less impact to the buffer area and overall neighborhood. If the material were to be removed from the site by trucks it would create a greater disturbance.

Mr. Montgomery asked where it indicated on the map where the end of the grade would be. Mr. Gagnon reviewed the area with the Commission. He stated that the end of the grade would be no closer than 3-5 feet from the edge of the bank. Mr. Gagnon does not want to add material close to the edge of the bank because it would make it steeper. There will be silt fence placed around the area that is seeded and it will not be removed until there is growth. He said that everything will be done to make sure that the dredged material does not go back into the pond.

Mr. Brand said that the material should not be placed near the trees located at the bank because this would lead to problems in the future. Mr. Gagnon said that they do not want to change the integrity of the bank by removing or choking out the trees and the material will not be piled near it. Mr. Brand said that when the final grading is done they should leave very little material on the existing roots so that there is no problem in the future.

Mr. Shadle asked when the work is going to be done. Mr. Gagnon said it will be done at the end of the 2011 summer. Mr. Shadle asked if that would be August. Mr. Gagnon said the work would be done when it was considered a dry period. Mr. Shadle asked what the species of fish were in the pond. Mr. Gagnon said it was stocked trout. Mr. Shadle asked if the stream runs into the pond. Mr. Gagnon said that he has seen it trickle into the pond when he was on site. Chris reviewed with the Commission the process that would be used so that the existing fish in the pond will not be affected. Mr. Shadle asked what type of equipment will be used. Mr. Gagnon said that it should be a large excavator because the goal is not bring equipment up and down the bank. A small bobcat will be used to push the excavated material. Mr. Shadle asked how long the process would take and Mr. Gagnon said one week.

Mr. Montgomery said that the location of the topsoil and the appropriate seed mix for a shady area should be shown on the plan. There needs to be better protection to the bank of the pond during the excavation operation. The placement of the dredged material needs to be distanced away from the pond. Mr. Gagnon said that they can propose that no fill be placed along a buffer at the top of bank and that they take the material from there and maintain a plus or minus foot of fill with the intent that they will not choke out trees. He said that a 3 to 5 foot no fill buffer would be acceptable.

Mr. Shadle made the motion to take a 5 minute break. Mr. Anastasio seconded the motion. The motion passed unanimously.

Mr. Montgomery made the motion to approve application 10-1161, the plans are to be revised to incorporate the following: 1) Show the location of the topsoil stock piles 2) The appropriate seed mix for moderately shady areas 3) Better bank protection at the location of the excavator 4) The fill be placed no closer than 6 feet from the top of the bank 5) The trees that need to be removed or die shall be replaced with native trees 6) The approval will be effective upon receipt and acceptance of the revised plans that will be reviewed by the Town Engineer and signed by the Chairman. Ms. Lakin seconded the motion. The motion passed unanimously.

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 he had done a site visit and reviewed his report.

Mr. Siciliano, owner, addressed the Commission and stated that he has applied additional seed for shady areas. He stated that he has complied with all the conditions requested by the Commission and is happy with the results. He said that he is seeing more wildlife in the area.

Mr. Montgomery would like to see a motion to lift the C&D and waive the fines that have been placed on the properties. However, he would like a condition that the fines will be reinstated if the properties are not kept clean. Mr. Lee stated that if the C&D is lifted a new C&D with new fines would need to be ordered.

Mr. Anastasio made the motion to lift the C & D order at 186 & 196 Denslow Hill Road, and waive the accumulated fines. Mr. Shadle 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. This item was tabled.

Ms. Lakin made the motion to table this item until the November 3, 2010 meeting. Mr. Brand seconded the motion. The motion passed unanimously.

c. N.O.V. 790 Main Street – wetland conservation area encroachments

Ms. Rosenbaum advised the Commission that Mr. Herman Woodard, Attorney, was unable to attend tonight's meeting. Removal of the dog compound from the buffer area is scheduled for this month. She asked for a motion to table this item.

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

d. N.O.V. 1378 & 1380 Shepard Avenue – earthwork & removal of vegetation

Mr. Joe Porto, Attorney, addressed the Commission and reviewed the planting plan that was approved. He said that Mr. Rossotto was unable to use all the species of plantings because some were not available. Mr. Porto asked if they are able to move forward with the applications that any concerns be made a condition of approval so that the N.O.V can be removed.

Ms. Rosenbaum said the planting plan was not followed because the five trees suggested had not been planted. The modified plantings approved by the Commission could be obtained by many growers in Connecticut. Ms. Rosenbaum would like the trees planted and she is concerned with the upland review area located near the road. She said that nothing has been planted there and she feels it should be restored.

Mr. Porto explained that Mr. Rossotto went to three nurseries for the species that Mr. Pietras had called out and the trees are not available.

Mr. Brand said they are difficult to find and that Mr. Rossotto should have come back to the Commission and ask for their advice. Mr. Brand said that some of the plants that were put in will not grow and that defeats the purpose of the planting plan.

Mr. Ken Stevens, Soil Scientist, addressed the Commission and stated that it is almost past the growing season and nurseries that may carry the shrubs are not digging them up and that it would be better to plant them in the spring. Mr. Stevens stated that he did give Mr. Rossotto the name of a mail order nursery where he could get the small shrubs and they are available in bare root. Mr. Stevens said that he has worked with many C & D orders where it is hard to obtain the required plantings. He reviewed the work that has been done. Mr. Stevens said that Mr. Rossotto has shown good faith and taken a lot of measures to repair the damage done to the area.

Mr. Montgomery explained that a concern was expressed during a site visit that the area is too shady for the plants to grow. He appreciates the effort, but it is difficult for larger plants to grow in a shaded area. He hopes that the natural seeding from the surrounding trees will be successful for the conditions of the area in the future. Mr. Montgomery said the suggested trees need to be planted. The suggested trees and large stones should be done at the top of the road. Mr. Montgomery stated that the revised plans for Applications 10-1163 and 10-1164 should show the plantings that have been done, the limit of grading and the limit of disturbance. He explained that by placing this information on the plan will it be included in the bond that will be needed as a condition of approval before any activity is done on the properties. If the work is not done then it would become part of the bond remediation. Mr. Montgomery feels that if this is done the N.O.V. can be lifted. He also asked that the limit of disturbance and the review area be marked for the site inspection. The Commission will look at the steepness of the slopes to the wetlands and the runoff to the wetlands will be critical issues.

Mr. Shadle made the motion that the N.O.V. remains in effect until the next meeting. Ms. Lakin seconded the motion. The motion passed unanimously.

e. N.O.V. 16 Autumn Ridge Road – alteration or filling of wetlands

Ms. Rosenbaum advised the Commission that an email was received from Mr. Terry Boyle which stated that he was unable to attend the meeting, but that he will be at the November 3, 2010 meeting. Ms. Rosenbaum asked that an as-built topography be provided. Mr. Vocelli advised that he would check the earlier files and bring it to the next meeting.

Ms. Lakin made the motion to table this item until the November 3, 2010 meeting. Mr. Brand seconded the motion. The motion passed unanimously.

III. Review Site Inspection Schedule

Mr. Vocelli will schedule site inspection for 1378 & 1380 Shepard Avenue.

IV. Review September 1, 2010 meeting minutes

Mr. Brand made the motion to accept the minutes of September 1, 2010 as written. Ms. Lakin seconded the motion. Mr. Montgomery, Mr. Brand, Mr. Stone, Ms. Krynicki, Ms. Lakin, Mr. Shadle voted in favor of the motion. Mr. Anastasio abstained. The motion passed 6-0-1

V. Other Business

Ms. Rosenbaum thanked Mr. Tito and Ms. Lakin for the work they have done on the de minimis reviews. Ms. Rosenbaum asked if the Quinnipiac University sewer project is completed. Mr. Vocelli said that he had spoken with the RWA Watershed Inspector and was told that it is completed. Mr. Vocelli will do a site visit. He said that he is concerned about the mitigation project on Sherman Avenue which is not completed. Mr. Vocelli stated that the trash and debris has been removed and that the restoration is under the supervision of a soil scientist.

Mr. Montgomery said that the mitigated area looks like a bowl and the soils are wetland type. If heavy equipment goes over the area when it is wet it will compact the soil. Mr. Vocelli should find out what the applicant intends to do and should make it clear that heavy equipment should not be used because of the wet season. He said that it is a good time before winter to plant wetland species and stabilization can be done, but can not plant shrubs and trees. His concern is also the large pile of dirt on the other side of Sherman Avenue across from the activity. Some of the dirt is leaking into the catch basins. The Zoning or Wetlands Enforcement Officer needs to ask if the dirt belongs to them and if it remains the appropriate actions will need to be taken.

The Commission discussed the remediation site on Putnam Avenue. The stock piles are not properly covered and the covers are in bad condition. Mr. Vocelli will call Mr. Pellegrino to get an update. They discussed that the property is for sale and the work that was approved has not been done and if a sale of the property goes through who would be responsible. Mr. Lee said that there is an existing permit for the work to be done so it would become the buyers responsibility. Mr. Montgomery said that the remediation site falls under State guidelines and asked if the State is aware of the situation. Mr. Vocelli said he spoke with Mr. Joe Natale and was told that the stock piles can be moved with DEP Approval. Ms. Rosenbaum asked Mr. Vocelli to investigate and give the Commission an update at the next meeting. The Commission discussed reinstating the N.O.V. Mr. Vocelli will check the conditions of approval.

Ms. Eunice Hoffman, owner of 1382 and 1390 Shepard Avenue addressed the Commission and stated that the IWC had expressed concern about the runoff of water coming from Mr. Rossotto's property. She explained that a berm Mr. Rossotto has placed at the edge of his property is causing issues of water runoff and puddling on her property. She said the berm has stopped the natural flow of the property and that what should be wood chips under the berm is just dirt. She said she has filed complaints with QVHD and the Zoning Enforcement Officer with regard to the soil that has been removed. Mr. Rossotto had gone to the ZBA for a variance but was denied and he is in violation with the removal of the trees and the soil.

Mr. Lee said that the Application was tabled until the next meeting and a site walk is being scheduled and she is allowed to attend. He explained that the public can speak at an IWC meeting only if allowed by the Commission and with the applicant's consent. Ms. Hoffman said that she received an abutters letter and should be allowed to speak.

VI. Adjournment

A motion to adjourn was made by Mr. Anastasio and seconded by Mr. Shadle. It passed with no dissenting votes. The meeting ended at 8:42 p.m

Submitted by: _____
Stacy Shellard, Clerk of the Commission