

November 5, 2010

**MINUTES: THE INLAND WETLANDS COMMISSION**, Town of Hamden, held a Regular Meeting on Wednesday, November 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, Chair  
Michael Montgomery  
Robert Anastasio  
William Tito  
Andrew Brand  
Lynne Krynicki  
Michael Stone  
Michael Milazzo  
Kirk Shadle

***Staff in attendance:***

Dan Kops, Assistant Town Planner  
Tom Vocelli, Inland Wetlands Enforcement Officer  
Peggy Craft Acting Clerk of the Commission

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

**I. Applications**

**A. Pending applications**

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

The Commission received a letter from Attorney Joseph Porto requesting to table application 10-1163, 1378 Shepard Avenue-construction of a single-family home, John & Virginia Rossotto, Applicant, pending the scheduling and the successful completion of a Commission site inspection. Attorney Porto further requested that all members of the public sign a waiver of liability before they are allowed onto the property. Chairwoman Rosenbaum explained to the members why the original site inspections for these applications had to be cancelled.

**Commissioner Montgomery motioned to table application 10-1163, 1378 Shepard Avenue-construction of a single-family home to the next meeting. Commissioner Anastasio seconded the motion. The vote was unanimously in favor of the motion.**

- b. 10-1164** 1380 Shepard Avenue-construction of a single-family home

John & Virginia Rossotto, Applicant

**Commissioner Milazzo motioned to table application 10-1164, 1380 Shepard Avenue-construction of a single-family home to the next meeting. Commissioner Shadle seconded the motion. The vote was unanimously in favor of the motion.**

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

**a. N.O.V. 114 Colony Street – unauthorized earthwork & retaining wall activity**

John Bellonio, 114 Colony Street addressed the Commissioners. Mr. Bellonio apologized for “jumping the gun”, but explained he was anxious to get the work done. Mr. Bellonio explained that the wall had been built by his father in 1973 or 1974. Mr. Bellonio explained that he has removed the existing wall and is starting from scratch with a new wall. This wall will be eight feet high and 40 feet long. He said a pipe will be placed for drainage. He added that his plans will stabilize the wall. He will back fill after the wall goes up, and put trap rock in place. He said the plan now is to stabilize the soil. To do this he will install additional silt fencing and put tarps on the dirt piles to prevent dirt from going into the stream. He will check on this daily. He added that he thinks he can complete this work in three weeks. He added that he has been cleaning out the drainage pipe to prevent flooding of his neighbor’s property.

Ms. Rosenbaum asked what he plans to do with the soil on the other side of the stream. Mr. Bellonio said he plans to level and back fill the trench, reseed and clean up.

Mr. Montgomery asked when the wall collapsed. Mr. Bellonio explained that when the house was built his father was going to put a pool in, but because of heavy rain the area was flooded, and he decided against it, but left the wall that had already been constructed. He said the wall eventually collapsed.

It was explained to Mr. Bellonio that an eight foot wall would require a sign off by a Professional Engineer. Mr. Bellonio said he has calls into several engineers, but has not heard back from them. He added that his friend did the plan, but he will contact his union president who will guide him to the right person. Mr. Montgomery said this is a rudimentary plan, not designed by a Professional Engineer

Commissioner Brand said he is concerned about grass seed germination. Mr. Bellonio said he will put seed down in the fall. He said once the wall is up it will not go anywhere. He said the rebar will hold it in place.

Ms. Rosenbaum asked Mr. Kops what the next step should be. Mr. Kops said Mr. Bellonio should go to the Town Engineer and then to the Building Department. Mr. Kops added that a railing will be required on top of the wall. Mr. Bellonio said he plans to place a fence around the property.

Mr. Vocelli said he spoke with the Town Engineer who feels that Mr. Bellonio knows what he is doing and the next step would be the Building Department. He added that the Building Official would require a seal from a Professional Engineer.

Commissioner Milazzo asked if this should be tabled.

Mr. Montgomery said, basically Mr. Bellonio is meeting the requirements of the Town Engineer and the Building Official. He said his concern would be that finishing this in the winter would not allow seed to germinate. He suggested that the area be mulched. Mr. Bellonio discussed putting down the mat type that the State does along the highway.

**Commissioner Montgomery motioned that the work at 114 Colony Street be allowed to proceed if reviewed and approved by the Town Engineer and Building Official and all necessary permits are issued by those departments. In addition:**

- 1. The site must be protected from erosion**
- 2. When completed the site must be seeded and mulched.**

**The motion was seconded by Commissioner Milazzo and passed with a unanimous vote.**

Michelle Neuroth of 107 Colony Road asked if the Town is going to fix the pipe to Dixwell Avenue. Ms. Rosenbaum said this Commission can't answer this, she would need to go to the Engineering Department and other Town departments..

Mr. Milazzo explained that this Commission is here to correct any wetland problems that are existing. He added that project design would be the responsibility of the Engineering Department.

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

**Commissioner Brand motioned to table N.O.V. 64 Rocky Top Road – clearing of trees & removal of vegetation to the next meeting. Commissioner Anastasio seconded the motion that passed unanimously.**

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

Mr. Vocelli said this is proceeding very slowly. He added that updated plans will be submitted when the structure is out of the buffer. The plans will be for a reconfigured buffer. A soil specialist will also be retained.

**Commissioner Tito motioned to table N.O.V. 790 Main Street – wetland conservation area encroachments to the December meeting. Commissioner Shadle seconded the motion that passed unanimously.**

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

**Commissioner Anastasio motioned to table N.O.V. 1378 & 1380 Shepard Avenue to the next meeting. Commissioner Milazzo seconded the motion that passed unanimously.**

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

Terence Boyle of 16 Autumn Ridge Road addressed the Commissioners.

Ms. Rosenbaum asked what is going on. Mr. Boyle said that is what he is asking of this Commission. Mr. Vocelli said the wetlands area has been located. He added that the area has been lawned over. The Commissioners reviewed a map of the area. Commissioner Montgomery asked if Mr. Boyle had a copy of the map. He said he did not, and Mr. Vocelli provided him with one. Mr. Vocelli explained the map to the Commissioners. He said there should be 25 feet of non disturbance around the wetland. Mr. Boyle said he did not put grass seed down in this area. Ms. Rosenbaum asked if this had been a natural field. Mr. Boyle said he believed it was.

Mr. Montgomery said there is an oak tree in the area, and this is the type of tree that grows near wetlands. Mr. Boyle said the tree was there when he bought the house in 2003, adding that he is the second owner. Mr.

Montgomery said he remembers the area with a silt fence around it for years. He said that some time between 2003 and 2005 he inspected the site and found that the silt fence was still there. The wetland is 40 feet wide and 100 feet long. If the house was put exactly where it is shown on the plan the wetlands are ninety-five feet from the corner. Mr. Boyle was asked if he was aware that there is a section of land owned by the State of Connecticut off his property by the stream. Mr. Boyle said he is aware of this. There was a discussion regarding the original plans. It was noted that the builder asked that the curtain drains be removed from the plans. Mr. Boyle said there is a curtain drain in place.

Mr. Montgomery proposed that the Commission conduct a site inspection and investigate further with Mr. Boyle. He said this will be done informally to see if they can locate the wetland. He said the important thing is to see if it is filled.

**Commissioner Montgomery motioned to table N.O.V. 16 Autumn Ridge Road – alteration or filling of wetlands, for a site inspection on a Saturday in the future. Commissioner Milazzo seconded the motion that passed unanimously.** Mr. Vocelli will call to see if the date is agreeable.

### III. Review Site Inspection Schedule

Two inspections will be scheduled on a Saturday. Mr. Vocelli will schedule these inspections. There was a discussion regarding available dates. Ms. Krynicki and Mr. Montgomery are available this Saturday, November 6th.

### IV. Review October 6, 2010 meeting minutes

Ms. Rosenbaum asked if there were any additions, deletions or corrections to the minutes of the October 6, 2010 meeting. There were none, and Ms. Rosenbaum called for a motion to approve. **Commissioner Shadle motioned to approve the minutes as presented. Commissioner Brand seconded the motion. The motion passed with one abstention.**

### V. Other Business

Jeff Brown of Environmental Compliance Services, Inc. (ECS) and Brendan Fagan of TMC Services, Inc. addressed the Commissioners regarding the oil spill at 251 Welton Street.

Mr. Brown explained that ECS has been retained to provide environmental consulting services and Licensed Environmental Professional oversight. Mr. Brown will be the lead for these services.

TMC Services has been retained to conduct work detailed in the Scope of Work. They will be initiating field work on November 3, 2010, as discussed in the Scope of Work. Mr. Fagan will be the project lead for TMC Services.

The Commissioners were all provided with maps of the area.

The work will be done during the next two weeks. Mr. Brown said anyone is welcome at the site, and added that they should bring hardhats and goggles.

Mr. Brown and Mr. Fagan explained how the problem will be identified and their plan to correct it.

Commissioner Montgomery discussed the proposal and read part of it. He asked what would be done for the final restoration. He also asked that when they get to the stage that they have an idea of what will be done.

they let Mr. Vocelli know. Ms. Rosenbaum discussed weekly reports. Mr. Vocelli suggested a report to him before each meeting, noting that the next meeting will be on December 1<sup>st</sup>.

Mr. Brown assured the Commissioners that he will keep a running dialog with Mr. Vocelli.

Ms. Rosenbaum thanked Mr. Brown and Mr. Fagan.

Mr. Kops said the FEMA Flood Zone Maps will go into effect on December 17<sup>th</sup>.

## **VI. Adjournment**

There was no further business to come before the Commission and Ms. Rosenbaum called for a motion to adjourn. **Commissioner Anastasio motioned to adjourn and Commissioner Milazzo seconded the motion. The vote was unanimously in favor of adjournment. Ms. Rosenbaum adjourned the meeting at 8:26 pm.**

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