



**Town of Hamden**  
**Planning and Zoning**  
**Department**

**Hamden Government Center**  
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April 14, 2021

**MINUTES: INLAND WETLANDS COMMISSION**, Town of Hamden, held a Regular Meeting via Zoom teleconferencing technology on Wednesday, April 7, 2021 with the following results:

Commissioners in attendance:

- Joan Lakin, Chair
- Kirk Shadle
- George Schneider
- Tim Mack
- Lee Campo
- Jonathan Clapp
- Michael Stone
- Lauren Wholey

Staff in attendance:

- Mark Austin, Town Engineer/Acting Town Planner
- Thomas Vocelli, IW Enforcement Officer
- Tim Lee, Assistant Town Attorney
- Natalie Barletta, Clerk

Ms. Lakin called the meeting to order at 7:01 p.m. Mr. Shadle took attendance and there was a quorum. Ms. Lakin went over electronic meeting procedures.

**I. Applications**

**a. 21-1234**

3656 Whitney Avenue – construction of a mixed-use building  
Green Olive Properties Management LLC – Applicant

John Paul Garcia addressed the Commission. The application was left open so that the members could walk the property. The only outstanding issue is the conservation area, which Mr. Garcia is working on with Mr. Vocelli. Mr. Vocelli has no objections to the size of the conservation area.

Ms. Lakin asked if there were any comments or questions.

Mr. Shadle said that he noticed that utility lines crossed over the road, and asked if pole 5787 was going to be moved. Mr. Garcia answered that he is not proposing to move any poles or put anything underground. Mr. Shadle pointed out that it wasn't exact on the plans and it appears on the south corner of the proposed parking lot. Mr. Garcia then demonstrated it on the plans, and said he wasn't sure where he was talking about. There was a brief discussion about the poles, and Mr. Garcia said that it's out of the parking area and there shouldn't be any issues.

Ms. Lakin then asked Mr. Garcia to explain the conservation easement. Mr. Garcia then explained that it is proposed to put a restriction that there be no work other than driveway maintenance. Mr. Shadle commented that this is really great.

Attorney Lee asked if it's going to be a conservation easement. Mr. Garcia said it's going to be a deed restriction that won't allow for construction unless it's maintenance or utility work. Mr. Vocelli then explained that any language he has prepared specifies a deed restriction to be placed on the land records of the Town of Hamden as opposed to an easement.

Mr. Shadle commented that there is a small debris field, a pile of brush, metal and plastic, and asked if it's going to be cleaned up. Mr. Garcia answered yes, when the house is taken down.

Ms. Lakin then entertained a motion.

***Mr. Clapp moved that this Commission approve Application #21-1234 for the construction of a mixed-use building at 3656 Whitney Avenue, subject to the following conditions:***

- 1) Sediment & erosion controls shall be installed along the silt-fence line depicted on Sheet C-4 prior to the onset of any other grading or construction. The silt-fence shall also be reinforced by a row of staked contiguous hay bales. Temporary soil stockpiles shall be covered with tarpaulins prior to any rain event and at the close of each workday;
- 2) The Conservation Area shall consist of the wetlands & watercourse and adjacent non-disturbance buffer zones as defined by the cross-hatched area on Sheet C-2;
- 3) No grading, clearing or disturbance (either pre- or post-construction) shall occur in the Conservation Area unless approved by this Commission or by the Wetlands Officer. The Conservation Area shall also be subject to Restrictions (1) thru (7) of the Non-disturbance Guidelines listed on Sheet C-5;
- 4) The language of the Conservation Area deed restriction proffered by the applicant shall be subject to review and approval by the Assistant Town Attorney and by the Wetlands Officer. The deed restriction shall be filed on the land records of the Town of Hamden with a Mylar map and with a metes & bounds description of the Conservation Area;
- 5) The Conservation Area shall be depicted on all as-built drawings and on all parcel maps;
- 6) The eastern and western boundaries of the Conservation Area shall be permanently demarcated at 35-foot intervals with Inland Wetland medallions mounted on a split-rail fence or on pressure-treated posts;
- 7) The March 2, 2021 recommendations of the Regional Water Authority shall be listed on the final revised plans and incorporated into the body of those plans;
- 8) As noted by the Town Engineer, all details of storm drainage piping (sizes, materials, slopes, etc) shall be provided;
- 9) As noted by the Town Engineer, the site location map shall be revised to show West Woods Road rather than Mt. Carmel Avenue west of Whitney Avenue;

- 10) No wood chips shall be deposited within 50 feet of any wetland or watercourse;
- 11) Any change in the location of the proposed multi-use building, the proposed septic system, the proposed rain garden, or any change in the proposed size or configuration of the Conservation Area shall be subject to review and approval by this Commission or by the Wetlands Officer;
- 12) It shall be the responsibility of the owner/applicant to provide any prospective buyer of the property with the Wetland Officer's Notice-of-Decision that includes these conditions-of-approval;
- 13) All conditions-of-approval shall be listed on the final revised plan, and all conditions-of-approval shall be incorporated into the body of the plan itself;
- 14) The final revised plan shall be subject to sign-off by the Chair of the Commission or by the Wetlands Officer.

*The motion was seconded by Mr. Mack, and the vote was unanimous in favor.*

Discussion: Mr. Schneider asked if the purpose of Condition 12) was to notify potential buyers, and if it had anything to do with the deed restriction. Mr. Vocelli explained that the deed restriction has not been written yet, but this condition is occasionally included in motions-of-approval. It's important that potential buyers know what the Inland Wetlands Commission expects upon purchase of the property.

**b. 21-1235**            1656 State Street Rear (a-k-a 180 Park Rd) - Hamden section of East Rock Park  
Construction of maintenance & storage buildings  
City of New Haven – Applicant

Giovanni Zinn thanked the Commission for their time, and hoped that everyone had a chance to walk the site. He said that he wanted to add additional details about the catch basin. There is a pipe that is buried underneath and he demonstrated that to the Commission. He then demonstrated the proposed changes for the commission. Mr. Zinn said that he is putting a double catch basin that is a few inches higher than the grate and the water flowing down the watercourse. The thought is that water will start to pond, and then the existing grate will get plugged, and then flow into the storm drain and connect to the Town of Hamden system. They also added additional information on silt fencing and sedimentation control. Mr. Zinn also wanted to highlight that the pipeline will be moved, and all of this is subject to approval.

Ms. Wholey asked how many feet the new spillover catch basin is off of the road. Mr. Zinn said that in order to find that out they need to get permission from the commission before digging. Zach Shapiro answered that it's about 9 to 12 inches.

Mr. Schneider asked if this work would be with oversight of the wetlands enforcement officer. Mr. Zinn answered that the City is happy to have Mr. Vocelli there, and it doesn't have any hydrologic effect, and it's just an overflow situation that's being dealt with. Mr. Zinn answered that they couldn't put a current grade on the plan since it was a small variation.

Mr. Austin and Mr. Walters did not have any comments.

Ms. Wholey asked for a clarification on the invasive removal. Mr. Shapiro said that he noted that on the plan revisions that were submitted a week and a half ago.

**Mr. Schneider moved to approve Application # 21-1235 for the construction of maintenance and storage buildings at 1656 State Street Rear, subject to the following conditions:**

- 1) Asphalt millings and other debris in the vicinity of the wetland/watercourse will be moved to a secure and appropriate upland area prior to the onset of the project. No wood chips shall be deposited within 50 feet of the wetland/watercourse;
- 2) The proposed addition of a catch-basin in order to prevent flooding & overflow onto the road and onto off-site properties constitutes a legitimate reason for a limited, temporary disturbance of the wetland/watercourse area. The elevation of the catch basin will be determined following the excavation of the existing pipe, and it will be reported to the Inland Wetlands Officer and to the Town Engineer. (The elevation of the catch-basin will depend upon the elevation of the existing pipe).  
The applicant has submitted a sediment control plan for review & approval by the Wetlands Officer and by the Town Engineer prior to the excavation that will be needed to investigate the existing pipe and to install the proposed catch-basin. The previously-submitted design of that catch-basin shall be subject to review and approval by the Town Engineer;
- 3) Staff review of the aforementioned plan regarding sediment control for investigation of the pipe and for installation of the catch-basin shall occur before the onset of the project. Commencement of other project activities need not be delayed so long as the required plan is deemed to be satisfactory;
- 4) IW medallions shall be installed along the buffer boundary rather than along the edge of the wetland. Blueprint notations shall be clarified as needed in order to accurately reflect this requirement;
- 5) All conditions-of-approval shall be listed on the final revised print-set, and conditions-of-approval shall be incorporated into the body of those prints;
- 6) The final revised print-set shall be subject to sign-off by the Chair of the Commission or by the Wetlands Officer.

**The motion was seconded by Mr. Shadle, and the vote was unanimous in favor.**

**c. 21-1236**            2623 Dixwell Avenue – construction of an addition at the Hamden Middle School  
Town of Hamden School Building Committee – Applicant

Todd Ritchie addressed the Commission and demonstrated the plans. He said that he is anticipating the rain garden in the future and coordinating as necessary.

Ms. Lakin asked if there were any questions.

Ms. Wholey asked if the tree species have been changed, and asked if that has occurred. David Dickson

answered that they have not been modified, but are flexible with it. There was a brief discussion about the trees to be planted.

**Mr. Mack moved to approve Application # 21-1236 for the construction of an addition to the Hamden Middle School at 2623 Dixwell Avenue, subject to the following conditions:**

- 1) Silt fencing required for the parking-lot toe-of-slope shall be installed prior to the commencement of earthwork;
- 2) The temporary soil stockpile shall also be surrounded with silt-fencing;
- 3) The applicant/owner shall retain the services of a land-use professional to confirm that sediment & erosion controls are properly installed & maintained in the field as required by the approved plan;
- 4) The aforementioned S&E control monitor shall conduct inspections on a weekly basis and after significant rain events, and shall submit a monthly S&E report to the Town Engineer and to the Wetlands Officer;
- 5) IW Conservation Area medallions shall be installed at 35-foot intervals along the edge of the expanded parking-lot that faces the rain garden & created wetland;
- 6) All conditions-of-approval shall be listed on the final revised plan, and all conditions-of-approval shall be incorporated into the body of that plan;
- 7) The final revised plan shall be subject to sign-off by the Chair of the Commission or by the Wetlands Officer.

**The motion was seconded by Mr. Schneider, and all were in favor. The application was approved.**

Discussion: Mr. Shadle wanted to know if medallions for the rain garden are a part of this project. Mr. Austin wanted to know if Mr. Shadle was asking if that was a part of the project. Mr. Shadle answered yes. Mr. Austin said that he would like to speak to the Commission about the rain garden separately from this application.

**d. 21-1237**                      2425 Dixwell Avenue – repair of the Shepard Brook culvert pipe  
Stuart Margolis – Applicant & Owner’s Agent

Stuart Margolis, representative of the applicant, addressed the Commission. This property was previously Duchess Restaurant, Bruegger’s Bagels and the Hop Knot. The culvert under the property conveys Shepard Brook, and it was discovered during a CT Department of Transportation inspection that repairs were needed. It was not clear whether a wetlands application needed to be filed, so they have erred on the side of caution.

Tony Ciriello, SLR, addressed the Commission, and gave a quick background on the site. It was culverted under Dixwell Avenue after it passes under the greenway and the CT DOT identified

deficiencies inside the culvert. He demonstrated the DOT Inspection report, and stated that they had encountered some problematic conditions, and once the report was submitted, they realized that the deficiency was on private property and notified the owner. The metal arch, which is in good condition, is on private property. The concrete footings are in great shape, but the scour hole is there, and if not addressed, is subject to collapse. He then demonstrated some photos that showed the scour hole, and the DOT culvert. Mr. Ciriello said that what they are proposing is to concrete the bottom and fill the scour holes to allow this to exist for many years. To do this, they would coordinate with DOT to get an encroachment permit, and they are looking to address the manhole as well. They are also looking to perform this during a low flow period, and then concrete the bottom of this using sand bags. The contractor believes that this could be performed during a work week (five days). There are no open water bodies or wetlands on the property, and there are no other impacts. There will be 570 square feet of impacts for sand bags, which are removed after construction, and the concrete repair impact is 738 square feet, which will remain flushed in the channel. Mr. Ciriello noted that he has made contact with the abutting property owners, and plans to coordinate with Sunoco, and demonstrated it on the plans. There is another sandbag in the underwater and they just want to stop the general flow and that's the way it's done, and in a nutshell that is what is being proposed.

Mr. Mack asked what the effects on the concrete were. He also wanted to know how wildlife was addressed, and if there was any on the site. Mr. Ciriello said that he thought that it was very unlikely that there was fish passage, and added that the underwater concrete is designed to set up quickly. There was a brief discussion on the flow.

Ms. Wholey asked how deep the high flow is, and Mr. Ciriello answered that the DOT met with their contractor out there, and the best thing we can do is create a little bit of turbulence, and demonstrated it on the plans. Ms. Wholey wanted to know if the Town had concerns. Mr. Austin answered that from the Town's perspective, this will keep the flow consistent, and added that there are small areas that the Town will look at internally. He continued by speaking about this entire culvert, and as it is walked upon, you can see the beautiful stonework from the old railroads.

Mr. Schneider commented that when he was there last week there was a significant elevation difference from the outflow, and there was a good flow.

Mr. Vocelli then raised the question of consent from Sunoco, and asked if there was something in writing. Mr. Margolis expected it in two days, and said he drafted a letter that will get to them tomorrow. Mr. Vocelli asked if that is the only off-site property involved. Mr. Ciriello said yes, and the owner of the site had sent a text stating his consent. Mr. Patel then demonstrated it with pictures.

Mr. Austin commented that one thing the applicant might consider is water dams instead of the sand bags. Mr. Patel said that they will discuss it with the contractor and will take another look at it.

**Mr. Schneider moved to table this application pending member site inspections and the receipt of written consent from the off-site property-owner. Mr. Mack seconded the motion, and all were in favor. The application was tabled.**

Discussion: Mr. Clapp said it is anticipated that the commission members could view the pipe. Mr. Austin commented that he would not recommend it because it's a confined space, and Mr. Schneider agreed. Mr. Shadle suggested that members visit the site on an individual basis.

- e. 21-1238**                    51 Laura Road - installation of a culvert pipe to replace a deteriorating timber bridge  
John Paul Garcia – Applicant & Owner's Agent

John Paul Garcia, Applicant and Owner's Agent, addressed the Commission. He stated that the house has been abandoned, and the bank as the new owner is trying to get the property cleaned up. In the process, the Applicant would like to take down the existing bridge and replace it with a pipe. It's easier to pull the old bridge out, and put in a pipe, and there is a lot of water behind the bridge and once debris is freed up, the water will flow. Mr. Garcia then demonstrated the plans, and stated that this plan would cause the least amount of disturbance. He added that the owner wants to do this quickly as the roof is leaking and they want to get it stabilized.

Mr. Mack stated that he noticed there is another stream crossing and wanted to know if there was a 24 inch or a 15 inch pipe. Mr. Garcia answered that 15 inches fits the road. He added that they are not proposing anything other than to get a crossing, and the bank wants to do this as easily and as quickly as possible. There was a brief discussion about drainage calculations, and it was suggested that he may need to go a bit larger, and construction differences between a 15 and a 24 aren't that big.

Mr. Clapp asked is there is a green garden hose that runs down from the house to the stream bed, and if the sump pump or something is going on. Mr. Garcia answered that he thought it was a sump pump hose. He added that the house needs to be stabilized as it's been vacant, and the roof is leaking quite badly.

Ms. Wholey said she wanted a little more information about the rubble that is going around the pipe. Mr. Garcia answered that it will be purchased from a stone producer.

Mr. Shadle asked in terms of the current flow of that stream, is there active water. Mr. Garcia added that it's very intermittent, and there's a trickle of water and there's nothing coming through and after a rain event, there may be water flow. Mr. Garcia said he envisions that it will be a one day operation. Mr. Shadle added he was not sure this is something that can be a quick turnaround decision, and added that he had not seen the site, and is at a bit of a loss since he can't visualize it.

Ms. Lakin asked if anyone has been out to see the site. Mr. Mack said yes, and showed pictures on his phone, along with Mr. Garcia. Mr. Vocelli stated that it's a deteriorating bridge, and while it's walkable, a motor vehicle cannot go over it. Mr. Shadle asked if during the construction phase, will there be a lot of sediment loading. Mr. Garcia explained that is the reason why the project would be done when it's dry.

Mr. Clapp stated that he would characterize the flow as a trickle at most. Mr. Austin explained that as long as it doesn't clog, the pipe should handle a 25 year storm by the calculations.

Mr. Vocelli had sent out two Suggested Motions. Ms. Wholey asked if they are going with the 15-inch pipe or the 24-inch pipe. Mr. Garcia said that 15 inches would work.

Ms. Lakin asked for a motion.

***Mr. Schneider moved to approve Application # 21-1238 for the replacement of a deteriorating timber bridge at 51 Laura Road with a reinforced concrete culvert pipe, subject to the following conditions:***

1. Silt fencing required by the approved plan shall be installed prior to the commencement of any other earth disturbance;
2. The replacement work shall be conducted under dry-weather conditions during a period of low-flow or no-flow. Submission of a temporary dewatering plan subject to approval by the Town Engineer and the Wetlands Officer would be an acceptable alternative;
3. In order to respect the right of residents to petition for a public hearing in accordance with Section 9.1 of the Inland Wetlands & Watercourses Regulations of the Town of Hamden, this approval shall not take effect until April 22, 2021. Regulated activities authorized by this permit shall not commence before that date;
4. The project engineer shall refine the calculations for the pipe and submit them to the Town Engineer for approval;
5. All conditions-of-approval shall be listed on the final revised plan, and all conditions-of-approval shall be incorporated into the body of that plan;
6. The final revised plan shall be subject to sign-off by the Chair of the Commission or by the Wetlands Officer.

***Ms. Wholey seconded the motion, and all were in favor.***

Mr. Shadle said that he would like to add that any dewatering plan be signed by the Wetlands Officer as well. Mr. Schneider and Ms. Wholey accepted this amendment.

## **II. Other Business:**

- a. Review March 3, 2021 Meeting Minutes

Ms. Wholey commented that it was reflected on the minutes that she wasn't present when she was.

**Mr. Shadle moved to approve the minutes with the correction. It was seconded by Mr. Schneider, and all were in favor. The minutes from the March meeting were approved with the correction.**

**b. Storm water catch-basins**

Mr. Mack reported that there will be a day of service on Saturday, April 10, 2021, and there will be six teams applying medallions to catch basins. The area is between Hamden High School and Town Center Park, and it will be away from any traffic. Ms. Lakin asked if there was any publicity on this. Mr. Mack stated that he contacted a reporter, and they will do photo opportunities in front of the rain garden site.

Ms. Lakin commented that there is good progress. Mr. Walters asked if anyone needed any more maps. Mr. Mack answered that he did not. There was a brief discussion on drainage at the Middle School.

Mr. Shadle reported that the Eagle Scout that he was working with had a lot of school work to do, and wasn't able to make much progress on the project. Mr. Schneider added that he will contact his neighbor, who is the Arts Editor of the New Haven Independent, to see if there could be any press coverage. Mr. Walters commented that he was under the impression that more medallions can be ordered, and wondered if that was possible. Mr. Austin said that is a possibility, only if the Commission chooses. Ms. Lakin said that would be wonderful and asked members for their thoughts. Everyone is pleased with the progress that's been reported, and members look forward to expansion of the project.

**c. 360 Gaylord Mt. Road --- solar farm update**

Mr. Vocelli reported that the CT Siting Council has denied this petition, largely because of wetland concerns. Mr. Clapp asked if the applicant was going to litigate the Siting Council decision and submit an appeal. Attorney Lee explained that if the petition was denied without prejudice, the applicant has 45 days to appeal the decision.

**d. Charter Revision and the IWC**

Mr. Vocelli reported that there were previously 11 members and 2 alternates, and it was changed to 11 members with no alternates in 2011. Mr. Vocelli added that 9 members and 2 alternates would lower the quorum requirement from 6 to 5. Attorney Lee said he asked those same questions and that he agreed with Mr. Vocelli that the appropriate number would be 9 members and 2 alternates.

Mr. Mack asked if two members needed to become alternates. Ms. Lakin answered that only one member would be affected, and it would be one member of a specific party. She then asked how the Commission felt about it. Ms. Wholey asked if it was able to go into effect whenever someone resigns. Attorney Lee explained that it can go into effect a year from now if the Commission chooses. Ms. Lakin asked if there were any questions. Mr. Schneider asked if it would have an effect on the quorum. Ms. Lakin answered yes. Attorney Lee asked if the general consensus was 9 regular members and two alternates without a set year. That was the consensus, so Attorney Lee said he will talk to Steve Mednick, the Charter Revision attorney.

e. Review site inspection schedule and Covid guidelines for group site inspections

Ms. Lakin raised the possibility of returning to organized group inspections since the commission is mostly vaccinated. Ms. Wholey asked if this could be done if everyone was vaccinated based on State regulations. Ms. Lakin answered yes. There was a brief discussion on state guidelines. Mr. Vocelli suggested that individual inspections versus group site inspections be decided on a case-by-case basis, since some sites are more spread-out than others. Ms. Lakin said she agreed.

f. Discussion of the Rain Garden and Placards

**Mr. Mack moved to add this to the agenda, Mr. Shadle seconded and all were in favor. This item was then added onto the agenda.**

Mr. Austin said he wanted to know the desire of the commission to have placards at the rain garden, and also noted that the area is designed for overflow. Mr. Austin also said that the project can serve as an open classroom, and it was noted that educational placards might be desirable. He said the project started with a grant, and added that there are some discussions with other departments about using the upper corner area for small events. Ms. Lakin pointed out that the land in question was a public area used for walking and other activities. Mr. Austin then explained that there is going to be a noticeable depression with the silt fence around it. The Commission then had a brief discussion about different aspects of the project, including the open-water pond.

**III. Adjournment**

***Mr. Mack moved to adjourn, Mr. Schneider seconded the motion, and all were in favor. The meeting was adjourned at 9:15 p.m.***

Submitted by: \_\_\_\_\_  
Natalie Barletta, Clerk of the Commission

To view the meeting, please click on the following link and observe the instructions when prompted:  
[https://zoom.us/rec/share/qckTlfJvbs5-3\\_GeEvVKkRdt8mSONE4NSMYI5f7S8ZHDFIsaqvM9pYivHk-xmRfA.1FtZHc0MfXJYa5i](https://zoom.us/rec/share/qckTlfJvbs5-3_GeEvVKkRdt8mSONE4NSMYI5f7S8ZHDFIsaqvM9pYivHk-xmRfA.1FtZHc0MfXJYa5i)