



Town of Hamden

Hamden Government Center
2750 Dixwell Avenue

June 8, 2022

MINUTES: The INLAND WETLANDS COMMISSION, Town of Hamden, held a Regular Meeting and Public Hearing via Zoom teleconferencing technology on Wednesday, June 1 2022 with the following results:

Commissioners in attendance:

Kirk Shadle, Acting Chair
Tim Mack
Brad Macdowall
George Schneider
Michael Milazzo
Michael Stone
Jonathan Clapp
Lauren Wholey

Staff in attendance:

Eugene Livshits, Acting Town Planner
Thomas Vocelli, IW Enforcement Officer
Tim Lee, Assistant Town Attorney
Natalie Barletta, Clerk

Acting Chair Shadle called the meeting to order at 7:00 p.m. Mr. Vocelli took attendance and there was a quorum. Mr. Shadle noted that questions not pertaining to wetlands or watercourses will be addressed by other boards and commissions.

I. Public Hearings

a. 22-1243

275 Mt. Carmel Avenue
Construction of two academic buildings
Applicant – Quinnipiac University

Attorney Bernard Pellegrino, Pellegrino Law Firm, addressed the Commission. The plans have been updated. Howard Pfrommer, Nathan Jacobson and Associates, submitted revised plans to the Planning Department on May 20, 2022. He then met with Stephen White, Town Engineer as well, and added that he has received notification that the Town Engineer is satisfied with the revisions. He then went through the revisions with the Commission. The major changes include the plant access drive, which was reduced to 200 feet. The Town Engineer had asked to remove the catch basins. The next major changes involved the landscaping.

Andrew Gutterman then addressed the Commission and went through the updates on the landscape plan and on the grading that had been modified. He also went through the modifications on the planting plan as well, and noted that some of the trees have been shifted to the center of the quad.

Mr. Shadle asked how the new planting plan addresses the tree removal issue that was brought up. Mr. Gutterman stated that the reduction of the tree removal changes the quantities. Mr. Pfrommer noted that

he counted over 200 trees, while Mr. Gutterman stated that 110 to 200 will be planted. He noted that everything that will be removed is in poor condition, and replacing the trees will make for a diverse and healthier ecosystem. Ms. Wholey suggested adding understory trees to make up for trees lost. Mr. Filardi stated he would be happy to accept it as a condition of approval. Commissioners then held a discussion regarding the trees. Mr. Gutterman said that 10 to 15 additional trees would make an impact.

Mr. Shadle and Ms. Barletta asked if anyone wanted to speak in favor of the application. No one spoke in favor of the application.

Mr. Shadle and Ms. Barletta asked if anyone wanted to speak against the application. No one spoke against the application.

Mr. Shadle then closed the public hearing.

b. 22-1244

275 Mt. Carmel Avenue
Construction of a residence hall
Applicant – Quinnipiac University

Attorney Bernard Pellegrino addressed the Commission. Howard Pfrommer, Nathan Jacobson and Associates, went through the changes. He stated that as with the previous application, he had met with the Town Engineer, who said that he was pleased with the changes. Mr. Pfrommer also submitted revised plans to the Planning Department on May 20, 2022.

Chris Miczek addressed the Commission on behalf of the applicant. He went through the revisions. Mr. Schneider asked why the green roof was removed and how it affects the impervious coverage. Mr. Pfrommer said it was a cost issue, and he went through the calculations. Furthermore, he added that removal did not increase runoff that much. He went through the other effects as well. There was also a discussion about the size of the rain garden.

Mr. Shadle asked what the impervious was with the green roof and without the green roof. Mr. Pfrommer said that there was not a huge difference. A discussion ensued about the rain garden. Mr. Shadle asked about maintenance of the rain garden. Will there be a detailed and robust plan? Mr. Pfrommer answered that it will be part of Quinnipiac University's overall, campus-wide maintenance plan. Mr. Miczek added that the rain garden plans have woody species with a root system that requires less maintenance. They also can provide Quinnipiac University with a plan. Mr. Shadle said he thinks a detailed plan is necessary. Mr. Pfrommer stated that he can provide that information. Mr. Shadle asked about drainage as well, and there was some additional discussion.

Mr. Shadle then inquired about pre-treatment, and Mr. Pfrommer described the hydrodynamic separators. Mr. Clapp asked for some clarification regarding the green roof decision, and Mr. Pfrommer went through the criteria and methodology. Mr. Clapp also asked for clarification on a berm. Mr. Pfrommer answered that it was parking lot pavement, and he said that the plan will allow for appropriate placement of the rain garden.

Mr. Schneider wanted clarification on some of Mr. Pfrommer's calculations, and Mr. Mack had questions about the storm drainage system and the drainage pipe. Mr. Pfrommer noted that it is not directly discharging to the stream. There was added discussion.

Mr. Shadle asked if there was access for student recreational use. Mr. Filardi then demonstrated the designated recreational area. Mr. Shadle brought up concerns about its overall functionality and asked if there was a barrier. Mr. Miczek answered that it's 18 inches.

Mr. Shadle stated he likes the robust plantings for the existing trees, and he asked if there was a plan for removal of invasives and replacement with native plantings. Mr. Miczek answered that the invasives are in the northern roadways. Mr. Shadle asked about replanting. Mr. Pfrommer answered that it runs along the east side of the brook and there is no replanting schedule. There was a discussion about the buffer. Mr. Miczek suggested restoration as a way to prevent runoff. Mr. Shadle answered that anything is better than nothing. Further discussion ensued. Mr. Filardi suggested that there should be opportunity for replanting. Mr. Miczek then went over the methodology and strategy in response to a question from Ms. Wholey.

Mr. Shadle asked about the details of sediment removal from the watercourse. Mr. Pfrommer answered that it would be approximately 10 cubic yards, and he expects soils to be removed. If the Commission wishes, they can lay stone. Mr. Shadle asked how long the job was expected to take. Mr. Pfrommer answered three days. Mr. Schneider asked if they would face the same problem of sediment build-up in the next five to ten years. Mr. Pfrommer then went through additional details. Mr. Shadle also asked about buffer plantings and about erosions controls. There was further discussion.

Mr. Shadle and Ms. Barletta then asked if anyone wanted to speak in favor of the application. No one wanted to speak in favor of the application.

Mr. Shadle and Ms. Barletta asked if anyone wanted to speak against the application. No one spoke against the application.

Mr. Milazzo moved to close the public hearing. Mr. Shadle agreed, and all were in favor. The public hearing was then closed.

II. Regular Meeting

a. **22-1243**

275 Mt. Carmel Avenue
Construction of two academic buildings
Applicant – Quinnipiac University

Mr. Mack read a Suggested Motion that contained 14 conditions and he moved to approve. Mr. Clapp seconded.

Discussion on the motion followed.

Mr. Milazzo asked if the plan included a 2 to 1 replacement ratio, and had Quinnipiac said whether that was feasible. Mr. Vocelli answered that Mr. Filardi offered to plant trees off-site as well as on-site. Mr. Shadle asked if that would be a part of the revised plans. Mr. Milazzo said he would assume it would take a period of time to figure it out. Mr. Shadle asked if the time frame was implied, because the revised plans would have to be submitted and accepted prior to issuance of a zoning permit. Attorney Lee said if the Commission wishes, they can include a timeline as a condition-of-approval. However, he and Mr. Vocelli both noted that the process of obtaining land-use permits provides a framework for meeting any tree replacement requirements imposed by the Commission. Ms. Wholey noted that the motion said the trees don't need to be on-site and she asked for clarification. Mr. Clapp indicated that the 2:1 ratio was excessive, and Mr. Schneider said that he shared some of the same concerns expressed by the other members. Mr. Vocelli noted that the numeric computation of what's being removed and what's being proposed is a computation that the applicant can easily figure out. As noted, the process for obtaining permits from land-use commissions followed by the need for a zoning permit provides a framework for meeting any replacement requirements imposed by the Commission.

Mr. Clapp noted that the Commission does not ask most applicants to plant trees off-site, and he was troubled by that proposal. Ms. Wholey suggested a 1 to 1 replacement ratio; this is, after all, something that we haven't done before. Mr. Milazzo and Mr. Clapp agreed.

Mr. Mack noted that 225 trees are being removed, and 175 are being planted. Commissioners discussed the tree removal and how the trees were being replaced. Mr. Clapp said that a one-to-one ratio with trees planted on-site sounded good to him, and he knows that Quinnipiac will take care of trees that are on their campus. Mr. Milazzo agreed. Mr. Schneider noted that it's a good change, and suggested that Condition (8) should read that "trees should be planted on-site." Mr. Milazzo stated that the on-site location is the entire campus, and that should be sufficient. Mr. Milazzo said that number eight should read "any trees removed by this project should be replaced on a one-for-one basis on-site."

After their discussion the members agreed that trees which are removed should be replaced with native trees on a one-for-one basis, and that replacement trees should be planted on-site (the Suggested Motion drafted by the Wetlands Officer and offered by Mr. Mack had contained a 2:1 replacement ratio with trees to be planted on-site or off-site)

Mr. Mack and Mr. Clapp accepted the changes regarding the number and location of replacement trees. The amended motion was then unanimously approved with the following conditions:

- (1) Wetland/watercourse 100-foot non-disturbance buffer boundaries shall be established on each side of the project work site;
- (2) Inland Wetland Conservation Area medallions shall be mounted on pressure-treated posts at 35-foot intervals along the eastern non-disturbance boundary. Medallion locations for the eastern boundary are delineated on Sheet C3.00;
- (3) **NO DUMPING** medallions shall be affixed to all project storm drains;

- (4) The Inland Wetlands Officer shall provide non-disturbance language for inclusion in the final revised plans, and this language shall govern uses and activity within any on-site wetland/watercourse area and within the non-disturbance buffer areas;
- (5) Wetland/watercourse areas and non-disturbance buffer boundaries shall be depicted on all site plans and on all as-built drawings;
- (6) Any fill brought to the site for use within 100 feet of any wetland or watercourse shall be free of construction debris or other contaminants;
- (7) No wood chips shall be deposited within 50 feet of any wetland or watercourse;
- (8) Native trees enhance the ecological health of public water supply watersheds, and they improve the quality of wetlands & watercourses located therein. Any trees removed for this project shall therefore be replaced with native trees on a one-for-one basis; said replacement trees shall be planted on-site;
- (9) Native trees in the proposed Planting Plan or Schedule and any native trees proposed for the non-disturbance buffers can be counted toward fulfillment of the 1:1 replacement ratio. The selection of replacement trees shall also be designed to duplicate benefits derived from trees in the existing Pine Grove, without replicating the mono-culture of the Pine Grove;
- (10) The applicant shall comply with any recommendations from the Senior Environmental Analyst at the Regional Water Authority;
- (11) The applicant shall address Engineering Department comments to the satisfaction of the Town Engineer;
- (12) The applicant shall appoint a Third-Party Monitor to evaluate the efficacy of the non-disturbance buffer areas on an annual basis for a period of three years after any buffer plantings have been installed. The Third-Party Monitor shall also evaluate all native replacement trees on an annual basis for a period of three years. The Monitor shall be empowered to require supplemental plantings as needed throughout the three-year period;
- (13) The identity of the Third-Party Monitor shall be subject to approval by the the Inland Wetlands Officer after the IWO consults with the Chair of the Commission and with appropriate members of the Commission. The Monitor shall be a Professional Landscape Architect or a Professional Wetlands Scientist;
- (14) All conditions-of-approval shall be listed on the final revised plans and incorporated into the body of those plans. The final revised plans must be approved by the Inland Wetlands Officer or by the Chair of the Commission prior to the issuance of a zoning permit;

b. 22-1244

275 Mt. Carmel Avenue
Construction of a residence hall
Applicant – Quinnipiac University

Mr. Mack read a Suggested Motion that contained 17 conditions including a one-for-one replacement ratio on-site (rather than a 2:1 ratio on-site and off-site). Mr. Schneider seconded.

Discussion on the motion followed.

Mr. Schneider suggested that in Condition (13) the applicant shall comply with Regional Water Authority recommendations rather than with the suggestions of a specific person. He wanted to know if that was a legitimate concern; no other members expressed a concern. Ms. Wholey asked if the picnic area would be the subject of a future application, and if the native ground-cover requirement should be stricken from the motion. Mr. Mack answered it's in there when the next plan goes forward. The concern regarded the picnic tables, as they raised the possibility of interference with the watercourse buffer. Commissioners decided to change the language of Condition (5) to "The applicant shall be allowed to retain the existing picnic table amenity, subject to the submission of a native planting plan if activity is proposed in the future."

Ms. Wholey suggested the addition of a condition (18) regarding a native seeding and planting plan to supplement the removal of invasives from existing wooded buffers. She then decided instead to recommend that the requirement for a restoration plan be added to Condition (2).

Mr. Mack and Mr. Schneider accepted the aforementioned changes.

The amended motion was then unanimously approved with the following conditions:

- (1) A wetland/watercourse non-disturbance buffer of approximately 25 feet shall be created on both sides of the unnamed watercourse, and the size of the buffer shall be measured from the outer edge of any wetland soils that abut the watercourse. In the event of potential inconsistencies between this requirement and any other buffer width or boundary requirement imposed by the Commission, the larger width and more protective boundary shall prevail;
- (2) Invasive vegetation shall be removed from all existing wooded buffer areas without disrupting wildlife nesting and breeding patterns. A native seeding and planting restoration plan shall be submitted to the Inland Wetlands Officer for review and approval after consultation with two members of the Commission;
- (3) Inland Wetland Conservation Area medallions shall be mounted on pressure-treated posts at 35-foot intervals along the boundaries of the wetland/watercourse non-disturbance buffer. Medallion locations are delineated on Sheet C3.00;
- (4) **NO DUMPING** medallions shall be affixed to all project storm drains;
- (5) The applicant shall be allowed to retain the existing picnic-table amenity, subject to the submission of a native planting plan if activity is proposed in the future.

- (6) The Inland Wetlands Officer shall provide non-disturbance language for inclusion in the final revised plans, and this language shall govern uses and activity within the wetland/watercourse area and within the non-disturbance buffer area. There shall be no mowing in the wetland or in the non-disturbance buffer area, unless such mowing is authorized by the Inland Wetlands Officer after consultation with the Third-Party Monitor to be appointed per Condition (15);
- (7) The wetland soils & the watercourse and the non-disturbance buffer area shall be depicted on all site plans and on all as-built drawings;
- (8) Any fill brought to the site for use within 100 feet of the wetland/watercourse area shall be free of construction debris or other contaminants;
- (9) No wood chips shall be deposited within 50 feet of any wetland/watercourse;
- (10) A build-up of sediment near Bobcat Way shall be removed from the unnamed watercourse if or when the stream bed is dry. A plan prepared by the applicant's engineer for temporary de-watering with sandbags & cofferdam would be an acceptable alternative approach;
- (11) Native trees enhance the ecological health of public water supply watersheds, and they improve the quality of wetlands & watercourses located therein. Any trees removed for this project shall therefore be replaced with native trees on a one-for-one basis; said replacement trees shall be planted on-site;
- (12) Native trees in the proposed Planting Plan or Schedule and native trees in the proposed non-disturbance buffer can be counted toward fulfillment of the 1:1 replacement ratio. The selection of replacement trees shall also be designed to duplicate benefits derived from trees in the existing Pine Grove, without replicating the mono-culture of the Pine Grove;
- (13) The applicant shall comply with recommendations from the Senior Environmental Analyst at the Regional Water Authority;
- (14) The applicant shall address Engineering Department comments to the satisfaction of the Town Engineer;
- (15) The applicant shall appoint a Third-Party Monitor to evaluate the efficacy of the non-disturbance buffer area on an annual basis for a period of three years after the buffer plantings have been installed. The Third-Party Monitor shall also evaluate all native replacement trees on an annual basis for a period of three years. The Monitor shall be empowered to require supplemental plantings as needed throughout the three-year period;
- (16) The identity of the Third-Party Monitor shall be subject to approval by the the Inland Wetlands Officer after the IWO consults with the Chair of the Commission and with appropriate members of the Commission. The Monitor shall be a Professional Landscape Architect or a Professional Wetlands Scientist;

(17) All conditions-of-approval shall be listed on the final revised plans and incorporated into the body of those plans. The final revised plans must be approved by the Inland Wetlands Officer or by the Chair of the Commission prior to the issuance of a zoning permit.

III. Other Business

a. Storm water catch-basins

Mr. Mack said that he touched base with Professor Kim DiGiovanni, but has not received a response. Mr. Shadle reported that he has a Scout that was interested, but he is a year away from completing any project. Mr. Vocelli reported that Mr. Walters could not make tonight's meeting, but there were no storm drain updates at this time.

b. Charter revision update

Attorney Lee had nothing new to report. He will keep in touch with Charter Revision Attorney Steven Mednick.

c. Review site inspection schedule

Mr. Vocelli said there are none.

d. Mill River update

Mr. Vocelli shared Mr. Walters' comments with the Commission. The Water Authority is planting native shrubs in the portion of the riverbank that had been stripped of vegetation.

Mr. Milazzo moved to add **Review of the May 4th Meeting Minutes** to the Agenda. Mr. Schneider seconded, and all were in favor. Mr. Mack added a comment made at the meeting regarding trees and carbon sequestration. He said that he will email the Clerk this addition to the minutes.

Mr. Milazzo moved to accept the May 4th minutes as modified by Mr. Mack's addition. Ms. Wholey seconded, and all were in favor. The minutes were accepted.

IV. Adjournment

Mr. Milazzo moved to adjourn. Ms. Wholey seconded, and all were in favor. The meeting was adjourned at 9:42 p.m.

Submitted by: Natalie Barletta/tv
Natalie Barletta, Clerk of the Commission