



Town of Hamden

Hamden Government Center
2750 Dixwell Avenue

6-09-2021

MINUTES: INLAND WETLANDS COMMISSION, Town of Hamden, held a Regular Meeting via Zoom teleconferencing technology on Wednesday, June 2, 2021 with the following results:

Commissioners in attendance:

Joan Lakin, Chair
Kirk Shadle
Tim Mack
Lee Campo
Michael Stone
George Schneider
Michael Milazzo

Staff in attendance:

Thomas Vocelli, IW Enforcement Officer
Tim Lee, Assistant Town Attorney (left before 5100 Ridge Road)
Natalie Barletta, Clerk

Ms. Lakin called the meeting to order at 7:03 p.m. Mr. Shadle took attendance and there was a quorum. Ms. Lakin went over electronic meeting procedures.

a. Review May 5th, 2021 Meeting Minutes

Mr. Mack moved to approve the minutes from the May 5, 2021 meeting. Mr. Campo seconded, and the minutes were accepted, with abstentions from Mr. Schneider and Mr. Stone, as they were not present.

b. Storm water catch-basins

Mr. Walters reported that he was not sure where they stand with the project. He stated that there is some additional funding available, and added that it may be used for handouts at either the Government Center or the library.

Mr. Shadle reported that the Eagle Scout is in the final stages of the project. Markers will be placed near Spring Glen School, and Mr. Shadle will contact Ms. Wholey to get the materials from her. Mr. Shadle added that the Scout will be expanding his request for volunteers, and he will also put together handouts.

Mr. Walters asked about the June 17, 2021 Spring Glen Civic Association meeting. Mr. Schneider suggested bringing it up at the meeting, and the Scout is welcome to make a presentation as well. Mr. Mack added that he has supplies that he can give to Mr. Shadle.

Mr. Schneider said he reached out to a reporter for the *New Haven Independent* and a reporter from Hearst Media for interest and to get publicity on the project. He asked them to contact Ms. Lakin if they need further information, but reported that he did not hear back from anyone yet.

c. Charter revision and the IWC

Attorney Lee reported that the Charter Revision Commission recommends reducing the IWC from 11 to 9 members with 3 alternates. Ms. Lakin asked about party requirements. Attorney Lee said that he was not sure about that. Ms. Lakin then asked about the term limits. Attorney Lee did convey the IWC concerns, but the Charter Revision Commission is for term limits, and would allow current Commissioners to complete their term before having to resign. Mr. Mack brought up the concern about experience. Attorney Lee said that he did bring that up, but the Charter Revision Commission thinks that it is more important to have “fresh blood” than experience on boards & commissions.

d. Review site inspection schedule

There are none.

e. 5100 Ridge Road, North Haven – information regarding impact on wetlands in Hamden

Attorney Lee recused himself and left the meeting.

George Schneider recused himself.

Mr. Vocelli read into the record a legal opinion from Assistant Town Attorney Brendan Sharkey stating that the Commission has the jurisdiction to require an application.

Attorney Hollister stated that he completely agrees with Attorney Sharkey’s opinion and the Commission can require an application if there was an adverse effect on the wetlands, but Ms. Raymond will prove that there is none.

Megan Raymond, Principal Soil Scientist at Milone and Macbroom now known as SLR, addressed the Commission. The property was previously known as the Mount Carmel Christian Church and is an existing developed property that is 3 acres in size. She noted the topography on the site. While there are no wetlands on the site, there are nearby off-site wetlands. She described the wetlands as having a lot of storm water, and the wetland system in Hamden is located at the eastern edge of the Quinnipiac University campus. There are some deadpan soils, and there are some forested wetlands. There is an existing septic system and the impervious is half an acre. The wetland boundary is consistent with the abutting property to the north. She reviewed the proposed conditions, and the proposed project. The school will be a repurposed church, which will move the parking lot away from the wetland to the southern portion of the site. She noted the ethos of the Slate School. There will be no chemical fertilizers, or leaf blowers, etc. She went through the planting plan as well.

She added that the project is looking to enhance the native vegetation as well and enhancing the landscaping interface. She showcased the two areas of activity, which are in relation to storm water

management. She went through the review process with QVHD, and she noted they also received a favorable review from the Regional Water Authority. There will be a double system adjacent to the parking lot and above the ground basin. There will be erosion and sediment controls, and construction phasing. This will be a four phase construction layout. Similarly, the wetland has a 50 foot upland review area. This application went through the approval process from the North Haven Inland Wetlands Commission as well. She reminded the Commission that this plan was presented as a high functioning wetland, which the North Haven Inland Wetlands Commission kept in mind when issuing that approval.

Mr. Mack asked where the septic system is located. Ms. Raymond answered it is located on the northern portion of the site. Mr. Mack then referred to Attorney Hollister's email and asked if this was a higher use. Ms. Raymond answered yes, but can't speak to specifics. There was a discussion about the system, and the amount of nitrate it produces.

Mr. Mack discussed the storm water management on the property. Mr. Mack asked about the spreader being below the septic system, and is there a chance of ground level mounding. He also asked about seepage from the septic system without proper dilution. There was a discussion about storm water flooding and the increase in runoff, as well as the wetland boundary line.

Mr. Shadle asked about the ground water pooling up in that area, and asked if there is going to be a syphoning effect during a two year storm. Mr. Shadle asked about the system. Ms. Raymond answered that the base is 160 feet and the outlet pipe is 150 feet to the level spreader and then goes down to 148 feet. Mr. Shadle asked if she can dispute George Logan's numbers with her own. He also asked about the effect of this load on the wetland. Ms. Raymond answered that the numbers were not completed, and they used DOT standards for a parking lot. Mr. Shadle then asked about the wetland. Ms. Raymond answered that it is 50 feet from the level spreader, and 35 feet from the grading. She added that she is looking at the level spreader which is the level boundary and not looking into the confines of the property where storm water is discharged. Mr. Shadle said he wanted to make sure that he had all of the information from both parties.

Ms. Raymond said that this is an existing developed property, and they tried to manipulate the site so that there is green space and an adequate wetland buffer of more than 100 feet from significant activity or structures. Ms. Raymond stated that the level spreader that is going to be placed between the wetland corridor and the facility considers the environment. There will also be long-term management to maintain high quality in the wetlands. Mr. Shadle asked if that dialogue and maintaining the buffer area is in the plans. Ms. Raymond said that the upland review area will be demarcated. Mr. Shadle asked where the markers will be placed. Ms. Raymond said every 35 feet, and showcased the demarcation area which is standard. There was further discussion of the level spreader.

Mr. Shadle asked about the flow coming in from underground retention. Ms. Raymond answered that catch basin 19 has a split in the pipes there, to address the first flush and excessive volume. Mr. Shadle asked if North Haven has vetted the volume.

Mr. Shadle asked if Mr. Mack had any further questions. Mr. Mack said the only question was the septic system. Ms. Raymond answered the distance of the other septic is 50 feet south of the proposed. Mr. Mack asked about the total distance of the proposed system to the wetland boundary. Ms. Raymond

answered that the proposed is 80 feet and existing is 110 feet, and the wetland boundary skews as it moves west. The age is unclear, and the new and updated mechanics will have the updated volumes.

Mr. Shadle then asked about the conversations with North Haven Inland Wetlands regarding contaminants going into the wetlands. Ms. Raymond there is no storm water going directly into the wetland; rather, there is underground and surface retention. She went through the maintenance procedures, and reminded the commission that this is not a site with a lot of vehicular traffic. This is not a long term facility. It will have 90 students and 15 faculty members, and vectors on the property will be limited. The North Haven Inland Wetlands Commission didn't discuss oil and gas.

Mr. Mack then asked since this will be a green school if it will be worthwhile to have follow-up testing. Ms. Raymond answered that the wetlands are high quality, and added since the Slate School doesn't own the property containing Hamden wetlands, they would need to get permission from the adjacent property owner to execute this. The Slate School doesn't have control of the abutting property, and there aren't any wetlands and watercourses on the site itself. Mr. Shadle asked if she can take water samples post-storm event to alleviate any concerns. Mr. Mack commented that this is an unusual situation.

Mr. Vocelli commented that it's within the commission's authority to seek an application, and that there are compelling arguments on both sides of that question. Mr. Shadle said that he does not think that it was a poorly thought out site plan.

Mr. Milazzo stated that our Commission sent out a letter which raised some concerns, and he is adverse to stepping on another town's commission by requiring another application. He would go with the second motion that Mr. Vocelli sent out.

Ms. Lakin then entertained a motion.

Mr. Milazzo moved to adopt the following ruling pertaining to the proposed construction of the Slate Upper School at 5100 Ridge Road in North Haven:

- 1) The Hamden Inland Wetlands Commission is responsible for regulating activities that affect or impact wetlands and watercourses located in the Town of Hamden;
- 2) The Slate School has proposed regulated activities (including but not necessarily limited to earthwork, construction, and the discharge of storm water) within the non-disturbance buffer area or within the upland review area of wetlands and watercourses located in the Town of Hamden;
- 3) These regulated activities are apt to affect or impact wetlands and watercourses located in the Town of Hamden;
- 4) The sediment & erosion controls approved by the North Haven Inland Wetlands Commission adequately protect wetlands and watercourses located in the Town of Hamden from adverse impacts.

We therefore conclude that the Slate School does not need to file a Hamden Inland Wetlands application concerning regulated activities proposed at 5100 Ridge Road. This ruling is subject to the following conditions:

- 1) The Slate School shall allow the Town of Hamden Inland Wetlands Officer to inspect sediment & erosion controls prior to the onset of any other earthwork;
- 2) The Slate School shall provide certification by a professional engineer that the sediment & erosion controls have been installed in substantial compliance with the plans approved by the North Haven Inland Wetlands Commission;
- 3) If the sediment & erosion controls approved by the North Haven Inland Wetlands Commission and installed by the Slate School should subsequently fail to afford adequate protection to wetlands & watercourses located in the Town of Hamden, the Slate School shall install additional controls as recommended or required by the Town of Hamden Inland Wetlands Officer;
- 4) The Slate School shall provide written confirmation that it accepts these conditions.

It was seconded by Mr. Stone, and passed with one opposing vote from Mr. Mack and one abstention from Mr. Schneider.

Discussion: Mr. Shadle asked about a *de minimis* review. Mr. Vocelli stated that if there was a formal *de minimis* ruling there would be drawbacks, and that Mr. Hollister can accept these conditions. Mr. Milazzo asked if the basis of this motion is that the Slate School's attorneys accept these conditions in lieu of filing the full application with the Hamden Inland Wetlands Commission.

Mr. Stone asked if Attorney Hollister accepts that. Mr. Milazzo answered if he doesn't accept that, then he would have to file the application. Mr. Vocelli replied that this afternoon Attorney Hollister did say in an e-mail that the conditions in Suggested Motion # 2 are okay. Mr. Milazzo suggested that Attorney Hollister can agree to these conditions post-meeting. Mr. Stone asked if that meant the motion doesn't take effect until the attorney agrees to the conditions.

Mr. Mack suggested an additional condition, which is to have follow up testing from 6 months to a year and to have sediment controls set by the Hamden Inland Wetlands Commission. Mr. Milazzo said that the concern is the testing at a different time will equal a different result. Mr. Milazzo asked where would the testing be done. Mr. Mack answered at the outflow pipe. Ms. Raymond responded that there is no pipe, there is a level spreader, which is on the site. Mr. Shadle asked if there was a base line criteria that is an environmental base line, and you can do a nitrogen test. There was a discussion on testing, and how it would be executed.

Mr. Vocelli said it's important to be careful how far the commission goes in raising septic design and functionality issues. Those issues are under the purview of the regional Health District (QVHD). Mr. Shadle said he thinks that looking at the soil structure and the level spreader and testing the run-off is appropriate.

Mr. Stone said that he agrees with Mr. Vocelli's comment. Mr. Milazzo asked if the RWA was okay with the proposal. Mr. Vocelli answered yes, he believes so. Mr. Stone said everything is there to indicate that due diligence was done and there are enough sets of eyes on this project.

Ms. Lakin asked if Mr. Shadle wanted to add anything. Mr. Shadle then asked if Mr. Mack wanted to add anything. Mr. Mack said that would be a difficult thing to do, and to Mr. Stone's point, if this was before the Commission, the Commission would be listening to the opponents' concerns. Mr. Milazzo then pointed out that both sides were able to present their arguments.

Ms. Lakin asked if everyone was okay with the conditions. Mr. Vocelli said that Attorney Hollister agreed with them. Mr. Vocelli and Mr. Milazzo suggested the conditions would be sent out in writing to get Attorney Hollister's sign-off..

f. Adjournment

Mr. Milazzo made a motion to adjourn the meeting. It was seconded by Mr. Mack and the vote was unanimous in favor. The meeting was adjourned at 8:47 p.m.

Submitted by: _____
Natalie Barletta, Clerk of the Commission