



Town of Hamden

Hamden Government Center
2750 Dixwell Avenue

November 10, 2021

MINUTES: INLAND WETLANDS COMMISSION, Town of Hamden, held a Regular Meeting via Zoom teleconferencing technology on Wednesday, November 3, 2021 with the following results:

Commissioners in attendance:

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

Staff in attendance:

Thomas Vocelli, Inland Wetlands Officer
Tim Lee, Assistant Town Attorney
Natalie Barletta, Clerk of the Commission

I. New Applications & Requests

a. 21-1241

839 Sherman Avenue
Auto repair business; also, clearing of vegetation & deposition of millings
Applicant - Frederick Uihlein
Owner – Sherman Crest LLC

Bernard Pellegrino, Pellegrino Law Firm, addressed the Commission. The intention is to have Mr. Uihlein's business move to Sherman Avenue. The building has been there many years, and Attorney Pellegrino stated that he found records of site plan approvals from 1980, and the Conservation Commission reviewed those plans as well. The property is 2 acres, and the business would be located in the front/central portion of the building for automotive repair. No exterior work is proposed. He is working with Godfrey Hoffman as the Civil Engineer. In working with Mr. Vocelli, it appears that there was some clearing done on the property. That clearing was in a regulated area. The wetlands are flagged.

Chair Lakin noted that there was a memo from Assistant Town Planner, Matthew Davis about this project.

Mr. Shadle asked if the parking spaces were existing. Attorney Pellegrino answered yes. Mr. Shadle then asked if inside the building is where the modification is being sought. Attorney Pellegrino clarified that vehicles are stored at the rear of the site. Mr. Shadle then asked if the millings were deposited.

Attorney Pellegrino answered that they were deposited some years ago, and he located the millings. He said there are millings, and also some clearing that was mostly brush.

Mr. Schneider said that he wanted some clarification on a part of Mr. Davis' memo on gravel. Attorney Pellegrino stated that he did not have a chance to fully review the memo, but he plans to review it and added that he doesn't believe all of it is relevant to this commission. He added that he plans to meet with Mr. Vocelli and Mr. Davis to address it, and is not prepared to talk about the letter at this time.

Mr. Vocelli added that he recommends everyone look at Mr. Walters' RWA comment letter, as it raises some pertinent questions, and Mr. Walters' concern involves possible discharges to the environment.

Mr. Schneider moved that the Commission carry this application over to the next meeting and that it conduct a site inspection. Mr. Campo seconded, and all were in favor.

- b. *de minimis* request 2623 Dixwell Avenue (Greenway culvert to Spur Trail Bridge)
Removal of branches, brush and fallen trees from Shepard Brook
Applicant/Owner – Town of Hamden

Mr. Vocelli shared his reasoning as to why he forwarded this *de minimis* application to the full Commission. It's appropriate that the Commission rather than the agent review heavy equipment activity that would take place within a regulated floodplain area. Our regulations and the CT Inland Wetlands & Watercourses Act authorize agent approvals of activities not located in a wetland or a watercourse, and discourage agent approvals of activities located within a regulated wetland or watercourse.

Mark Austin, Town Engineer, addressed the Commission. Mr. Austin said that Public Works personnel would clear a maintenance path to the brook, and he demonstrated the plans to the Commission. He also showed a 2018 street view. Since that time, the Spur Trail has been added, and he demonstrated it on the plans. He also demonstrated the old path versus the new one. They need to use special equipment to remove tree debris from the brook, and to move fallen trees to the base of the slope. He showcased the tree debris that needs to be removed. Currently, three or four trees have fallen into the brook. They plan to come in, to cut the trees as needed with chain saws, and then remove the tree sections from the brook with a backhoe.

Mr. Shadle asked if they are using a bucket to scoop things out. Mr. Austin answered he will be using a bucket and a thumb, and there is a serrated piece that will pick things up. The material will be cut up into manageable pieces. Mr. Shadle mentioned concerns about bank damage, and increasing potential sediment loading. Mr. Austin noted that the concern was fair. He noted that the material is floating above the brook itself, and the majority of the trunks are above the water line. Mr. Shadle asked if Mr. Austin is looking to pick or drag the trees out. Mr. Austin answered pick it. Mr. Shadle asked who is doing the work. Mr. Austin answered the Town will be doing the work, not a contractor.

Chair Lakin asked if Mr. Austin wanted to put in a permanent access road for maintenance. Mr. Austin answered no, and he said there will be no soil disturbance. There was a brief discussion about the temporary nature of the maintenance path.

Mr. Schneider asked how long will the work take. Mr. Austin answered no more than a day. Mr. Schneider asked how the heavy equipment will come in. Mr. Austin stated only on the south side from the Canal Line, since it's the easiest. Mr. Schneider asked about the concrete work that will be done on the culvert in May under a separate application. Mr. Austin gave a brief overview.

Mr. Mack asked how close you need to get to the brook, and how steep it is. Mr. Austin answered that the excavator goes down, and only needs to go as close as he needs to pull the debris out of the brook. There was a brief discussion about whether it's necessary to go into the flood plain. Mr. Mack asked when this would happen. Mr. Austin answered that at this point it will be very easy to come in because of diminishing vegetation; when conditions are dry or there are no high flows, then the work will be done. Ms. Lakin asked if it would be tempting for kids to climb on piles of tree debris. Mr. Austin answered no, and there shouldn't be kids in that area, and it's not easily seen.

Mr. Vocelli asked what type of equipment in addition to the backhoe will be brought into the flood plain. Mr. Austin answered that a chain saw and lopping shears will enable them to get to the brook rather easily. Mr. Vocelli asked about a tractor-mounted flail mower mentioned in the application. Mr. Austin stated that the flail mower doesn't work now, and it would be needed more on roadsides. The mower will not be used to create the maintenance path.

Mr. Vocelli then discussed a recent situation off Timberwood Trail where the Greater New Haven WPCA remedied a disturbed soil problem with erosion control blankets, and he asked if the Town would be willing to take similar action in the event of disturbed soil in the Shepard Brook alluvial floodplain. Mr. Austin stated that since they are going in and out rather quickly, he would be concerned that bringing the mats in would cause more disturbance and damage. He also said they are not looking to cut down more trees, and they just want to do the job as quickly as possible. If anything more is needed, he would come back to the Commission.

Mr. Mack mentioned his concern about setting a precedent regarding future proposals for the use of heavy equipment in a wetland. Mr. Austin then referenced the Centerbrook project which was approved by the Commission. Mr. Vocelli stated that the purpose of the 2011 permit for a Diversion Channel clean-out was the reduction or prevention of flooding into co-op housing. He asked what the purpose of this project will be. Mr. Austin stated the project's purpose was to prevent debris build-up. He added that the Spur Trail Bridge is a matter of concern, and he said he is trying to be proactive with the removal of fallen trees before they become debris and litter traps. Mr. Vocelli asked if there would be any way to cut the fallen trees into sections with chain saws and to then remove the sections without using a backhoe in the floodplain. There was a brief discussion on removal methods.

Mr. Schneider commented that repair & remediation is one thing, and a new project with new activity is quite another thing. He believes that Mr. Austin is describing repair & remediation. Mr. Austin answered yes, and added that he wants to make sure they act in a manner that is safe for staff and avoids someone getting hurt due to a slippery sands. He stated that he won't put someone into danger. Mr. Milazzo stated that he agrees and asked how long the process takes. Mr. Austin stated half a day.

Ms. Wholey said that she is comfortable with this proposal, and it does seem that the frozen ground can handle the machinery a little better and might help with wetland impact. There was a brief discussion on this point. Mr. Austin stated that he is not averse to waiting until December.

Mr. Clapp stated that he has been to the site, and he added that there is already a lot of debris. It looks unsightly, and these things will accrue. He then mentioned his concerns about use of the term heavy equipment. He doesn't see that being a real impact with the pressure of the tires or leaving indentations in the soils. He thinks the proposal is reasonable, and he also asked about the dead trees over the culvert. Mr. Austin then demonstrated them on the plans, and he said for something like that, they would chain it and drag it out, but they would have to be very careful.

There was a brief discussion, and then Chair Lakin asked for a motion.

Mr. Schneider moved to approve the 2623 Dixwell Avenue *de minimis* request for the removal of branches, brush and fallen trees from that portion of Shepard Brook which runs from the Greenway Culvert to the Spur Trail Bridge, subject to the following requirements:

Mr. Schneider read the requirements, and he added "limited to wheeled vehicles" to Condition (1). Mr. Clapp seconded the motion.

Discussion: Mr. Austin stated that there is no objection and that he accepts the requirements. Mr. Clapp then asked if they are chipping anything. Mr. Austin answered that he can't say for sure, but they don't plan to bring in a chipper truck. Mr. Shadle suggested adding "temporary" to Condition (4), since it's not a long-term maintenance path. Mr. Schneider and Mr. Clapp agreed to this change in the motion.

The *de minimis* application was approved with the following requirements and conditions:

- 1) Heavy equipment limited to wheeled vehicles shall enter the alluvial floodplain that abuts the watercourse only after a minimum of five consecutive days with temperatures at or below 32 degrees Fahrenheit;
- 2) Under no circumstances shall heavy equipment work be conducted in the alluvial floodplain under muddy field conditions;
- 3) If the use of heavy equipment in the alluvial floodplain creates rills & gullies or exposed soil or erosive conditions, the damage shall be repaired or mitigated through the installation of erosion control blankets;
- 4) Vegetation will be cleared as needed to create a temporary maintenance path, but no vegetation shall be uprooted;
- 5) Wood chips from this project shall not be deposited in any on-site wooded area or in any on-site wetland/watercourse area;
- 6) The cut sections of fallen trees that are pulled from the watercourse shall be disposed of in a manner that avoids damage to the alluvial floodplain.

II. Other Business:

a. Review October 6, 2021 Meeting Minutes

Mr. Schneider noted that on the bottom of page two his name was misspelled, and he moved that the Commission accept the minutes with that one change. Mr. Shadle seconded, and the minutes were approved as amended with one abstention from Mr. Milazzo (who was not present at the October 6th meeting).

b. Storm water catch-basins

Ms. Wholey asked whether or not the Eagle Scout was able to review the creation of educational materials. Mr. Shadle answered not at the moment. Chair Lakin asked if there are any other scouts that can take this on in the future. Mr. Shadle answered not in his troop, but there are others. There was a brief discussion about getting more volunteers, and what to do with the remaining medallions. Mr. Austin suggested approaching Quinnipiac University students. Mr. Mack noted that Quinnipiac students helped out with the Hamden Land Trust storm-drain project. Chair Lakin said that this should be kept in mind until early spring.

c. Charter revision update

Attorney Lee stated that he has no updates, and stated that they will have to wait to see what the new administration wants to do. Mr. Vocelli asked if this means that commission member term-limits could go back on the table. Attorney Lee stated he has no idea, but it's conceivable.

d. Review site inspection schedule

Mr. Vocelli stated that he will schedule a weekend inspection for 839 Sherman Avenue, and he asked Mr. Austin if he could attend. Mr. Austin stated that he will attend if he's available.

Ms. Lakin then let everyone know that she will not be at the next meeting on December 1st.

Mr. Mack asked about the Middle School Rain Garden. Mr. Austin then gave a brief update.

e. Adjournment

Mr. Mack moved to adjourn, the motion was seconded, and all were in favor. The meeting was adjourned at 8:13 p.m.

Submitted by: _____
Natalie Barletta, Clerk of the Commission