



Town of Hamden

Planning and Zoning Department

Memorandum

To: Hamden Planning and Zoning Commission

From: Daniel W. Kops, Jr., Town Planner *DWK*

Re: Special Permit Application 20-1511/WS
Site Remediation/ Restoration of Adjacent Properties
82 Crest Way, 785 Sherman Avenue, 925 Sherman Avenue

Date: November 23, 2020

Overview

This memorandum is an updated version of the two prior ones distributed to Commissioners and posted on the Town website the day before the opening of the September and October Public Hearings but not read into the record. It contains extensive revisions reflecting new information received and changed circumstances onsite.

On February 28, 2017 the applicant received Special Permit approval for a landscaping business with outdoor storage. The plans included a 6,000 square foot building, as well as an outdoor storage area containing mulch, woodchips and firewood in bins composed of mafia blocks, accompanied by over 20 parking spaces.

The applicant obtained a Building Permit in 2018, without obtaining the required Zoning Permit from the Planning and Zoning Department, and presumably began site work soon after that. In August of last year the Department discovered through a complaint from a neighbor, that the applicant had constructed a building and was operating his business on the site – still without obtaining a Zoning Permit.¹ To make matters worse, the site was being developed in a manner significantly inconsistent with the approved plans and a substantial amount of soil, rock and wood debris were dumped downslope onto two other abutting properties – 785 and 925 Sherman Avenue, without permission. The excavation activity also encroached on two other properties, one of which is owned by the owner of 82 Crest Way.

The Zoning Enforcement Officer issued a Notice of Violation and a Cease and Desist Order, subsequently followed by a Citation. Meetings requested by the applicant ultimately proved unsatisfactory. Despite the Town's Zoning Enforcement Officer's corrective orders and the Building Official's recent Cease and Desist order, the applicant up until recently continued to occupy the building and conduct business on the site. The Town therefore filed a request for an injunction in Superior Court, but due to the COVID-19 Pandemic a hearing has yet to take place.²

¹ The applicant hadn't submitted revised plans addressing issues raised by the Town Engineer.

² A second status conference with the judge was held November 5th and another is scheduled for December 15th.

The Department requested that the applicant prepare a remediation plan to address the encroachments and also to eliminate the steep slopes created on parts of the property. The application before the Commission is for a Special Permit to carry out the necessary remediation work. If the remediation plan is approved and completed, the applicant will then come back before the Commission to seek approval for an amended plan for the landscaping operations approved under Special Permit 16-1297.³

The owners of 785 and 925 Sherman Avenue have both granted conditional consent for the remedial work to be undertaken on their properties. The applicant's plans divide the remediation work into four stages, resulting in a reseeded slope placed back in close approximation of its prior contours. In addition, 12 to 15 trees are to be planted.

Issues regarding wetlands as well as COVID-19 delayed the administrative review process. A considerable amount of time was taken before the Inland Wetland Enforcement Officer was provided with the requisite information to be able to issue a *de minimis* determination letter.

Department Reviews

With regard to the present application, the Fire Marshal indicated in a note dated May 26, 2020 that he had no comment.

In a memo dated June 11, 2020, the Town Engineer provided extensive comments.⁴ In another email sent September 11, 2020 he stated that all of his prior comments are still applicable, except that the plans he recently received were much more legible.

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The applicant submitted an application to amend the Special Permit on September 3, 2000. It's currently on hold, pending the outcome of the current application and resolution of the Zoning Violations.

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The Engineering Department reviewed the plans dated 3/20/2020 submitted with this application and have the following comments:

1. Missing from the Plan set
 - a. Please change the line weight of the existing conditions on all pages to make the existing conditions legible. Without the existing contours, it is near impossible to determine the impact of the scope of work.
 - b. Show the approved site plan as one of the pages.
 - c. This plan set does not address the encroachments on #100 Overlook Drive or #72 Crest Way as previously submitted during the enforcement actions.
 - d. Provide an explanation for the Total Cut Fill Report on the multiple plan pages. The purpose of the plans is to show removal of fill, so the numbers do not make sense. This appears to be old and out of date.
2. Access and Driveways:
 - a. The single 20 ft. wide truck in/out is barely sufficient for two-way dump truck traffic and is not recommended next to two slopes (detention pond and slope to be restored). Complete construction of the proposed entrance under the building site plan to create a one-way flow about the site. This will also accommodate the possibility of a dump trailer if a subcontractor is used.
 - b. Specify the material of the access drives / travel paths.
 - c. Provide the location of the new wall west of the building (as shown in the enforcement actions plans).
 - d. Any existing broken or damaged sidewalk, reconfigured or sections of sidewalk and/or driveway aprons damaged through the course of construction will need to be replaced to Town of Hamden standards.
3. Drainage:
 - a. Do not conduct work until the detention pond discharge is properly installed and inspected by the Engineering Department. The open trench is a hazard to the driveway as well as the Town drainage system.
 - b. Provide contours for the detention basin on the plans. The current existing contours are illegible.

Given that the application is to remove improperly dumped material and remediate neighboring properties, two of the Town Engineer's comments are particularly salient. The first notes the omission of any reference to the encroachments on 100 Overlook Drive and 72 Crest Way. The second cites discrepancies in the amounts of fill to be removed.⁵

Both of these issues need to be addressed. Some of Mr. Austin's other comments appear to be more relevant to the application to amend 16-1297, which is not yet before the Commission. Those that apply to the current application should be included in any Conditions of Approval by the Commission.

In a letter dated September 16, 2020, Ron Walters of the RWA provided comments concerning the adequacy of the sedimentation and erosion control plan, the need for inspections, the possible need for a refueling plan, stabilization of remediated areas and access for RWA staff to inspect the site.⁶

No other comments from local agencies were received.

Planning Department Comments

The remediation plan calls for the removal of 5,925 cubic yards of soil, rock and tree material, which will be excavated, sorted and then brought by truck -- originally to one or more sites in

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- c. Provide contouring for the work areas draining to the detention basin. Verify the basin will gather the site drainage.
 - d. Consider adding a multi-bay temporary design to catch the sediment before the outfall structure. This can be accomplished with crushed stone or hay bales.
4. Parking:
- a. What has or has not been installed from the existing approved site plan.
5. Building
- a. Will the building be active and where will those operations occur during this process?
6. Utilities
- a. Provide existing, existing as proposed from the site plan, and proposed to be installed utilities for the site and new building.
- ⁵ 1.
- c. This plan set does not address the encroachments on #100 Overlook Drive or #72 Crest Way as previously submitted during the enforcement actions.
 - d. Provide an explanation for the Total Cut Fill Report on the multiple plan pages. The purpose of the plans is to show removal of fill, so the numbers do not make sense. This appears to be old and out of date.
- ⁶
- 1. The erosion and sediment control plan appears adequate if properly installed and maintained. We recommend a third party be responsible for the inspection aspect of the plan and submit weekly inspection reports (including pictures) to town staff.
 - 2. A refueling plan should be developed if there is vehicle refueling or temporary fuel storage on-site. Refueling activities should be conducted on an impervious surface and as far away from catchbasins or drainage structures as possible.
 - 3. The remediated areas should be stabilized as soon as possible. A phasing plan for stabilization should be developed.
 - 4. The RWA should be granted access to the site to monitor the progress of the remediation work.

North Haven -- and as stated by Mr. Porto at the September 22nd public hearing, later to an unnamed contractor in Windsor, and now a company in Bethany. The applicant anticipates the process will take one to two months to complete. The initial documentation included the proposed truck route and a street sweeping plan however, no revised routes have been indicated.

On September 22nd, the initial night of the Public Hearing, the Commission granted Ms. Lauren Garret Intervenor's status, the applicant's attorney, Joseph Porto, presented the application and Commissioners asked numerous questions. In response to the possibility of insect-infested wood, the Commission decided it wanted an independent analysis of the deposited and buried material and requested that the Planning and Zoning Department engage the services of an environmental engineering professional – to be paid with funds provided in advance to the Town by the applicant. The Commission also requested documentation regarding the amount of material collected by the applicant and payments by the Town.

With regard to the latter, I spoke to Julie Smith, who coordinated the cleanup activity with FEMA, and learned the following:

1. A citizen filed a complaint with FEMA regarding the cleanup
2. In response to the complaint FEMA conducted an audit of the cleanup effort – specifically the conveyance of material to the authorized sites and payments by the Town to the firms transporting the material⁷
3. Any such material conveyed to an unapproved site, such as 82 Crest Way would not have been paid for by the TOH (which subsequently would have been reimbursed by FEMA)
4. The audit did not reveal any irregularities
5. The TOH doesn't possess a copy of the audit or audit summary

She confirmed all of these statements in an email sent October 22nd.

Although this information may not address all of the Commission's initial questions, further investigation is not relevant to the current application for site remediation of material that was not taken to an authorized site and therefore not part of the Town payment/FEMA reimbursement program.

On September 24th, I sent an email to Mr. Robert Eisner, Director of Waste Engineering Enforcement Division (WEED), with Ms. Garret's Petition for Intervenor's Status and a copy of the applicant's plans attached, requesting CTDEEP's assistance in assessing the material deposited illegally. On October 1st I contacted Fuss & O'Neill regarding the Commission's request for an analysis of the dumped and buried material. I was informed that the firm could dig test pits and analyze the soil for contamination, but that the wood should be analyzed for insect infestation by the Connecticut Agricultural Experiment Station (CAES). I then contacted CAES and spoke to the scientist who provided the technical information used in the original regulations issued by DEEP in 2018, Dr. Kirby Stafford, and cited by Ms. Garrett in her Petition for Intervention. Dr. Stafford stated that both the Emerald Ash Borer (EAB) and Asian Longhorn beetle (ALB) are now ubiquitous in Connecticut and that preventing the spread of these insects is now far less of a concern. CAES can, however, analyze the wood.

⁷ Paradise Landscaping received a total of \$161,600.

I initially informed the applicant's attorney, Mr. Porto, that the Town Engineer estimated the analysis of the buried material would be between \$10,000 and \$15,000. After I spoke to Fuss & O'Neill I told Mr. Porto that the rough cost would be in the \$10,000 range and indicated I would request a scope of service from the engineering firm. Mr. Porto expressed concern about the cost of collecting and analyzing soil and wood samples, and indicated that the applicant had contacted an engineer who recommended not analyzing the material until the commencement of the excavation of all the material.⁸ Mr. Porto requested a meeting – a request I did not respond to initially, given the Commission's specific directive.

I have yet to request a written scope of services from Fuss & O'Neill for the materials analysis, as I informed Mr. Porto, I wasn't prepared to request a formal scope of services without a written commitment that the applicant was actually willing to pay for it. Thus far, however, there's been no indication that he will make such a commitment without reviewing the scope of services.

On October 7, 2020 I wrote to Yvonne Boltan, Bureau Chief of Materials Management and Compliance Assurance at CTDEEP, providing her with the background to this application, and asked questions regarding CTDEEP's current thinking about insect infestation in wood waste and recommendations to limit unreasonable impacts.⁹ She responded on October 14, 2020, stating that staff would review the issues raised in the email and get back to me.

Mr. Isner's office subsequently scheduled a virtual meeting, with him and two other professionals of the CTDEEP - WEED staff. The Zoom meeting took place on October 16th. During the session, which included Tim Lee, Matt Davis, Holly Masi and me, we were told that the material constituted an illegal, bulky waste landfill – one of many in state. When we asked if CTDEEP would take enforcement action, we were informed that it would not, given its limited manpower and the apparently, relatively low risk associated with the site, based on CTDEEP's general risk assessment criteria. Mr. Isner did, however, offer to provide written guidance with regard to Conditions of Approval as well as a willingness to reconsider its position if the risk factor changed or if compliance was not secured.

George Dews, Supervising Sanitary Engineer in CTDEEP-WEED, sent a follow-up letter dated October 21, 2020 that summarizes the meeting discussion, provides applicable definitions, indicates the permitting required and identifies the corrective actions that need to be taken.¹⁰

⁸ East – West Engineering. See attachment: Special Permit Application 20-1511/WS – Restoration of Adjacent Properties Environmental Soil Sampling and Material Disposition Plan 82-92 Crest Way Parcel ID # 2928/058

⁹ The email to her contained four questions:

- Should we ignore the issue of possible insect infestation or should we follow the requirements specified in the 2018 EA?
- Are the terms of the subject EA 201802071 still valid?
- Is the State DEEP still concerned about the need to properly document, manage and dispose of infected waste?
- If the answer to the above are affirmative, what steps should Hamden PZC take to limit unreasonable impacts that might be reasonably likely to occur as a result of the handling and disposal of said infected waste?

¹⁰ George Dews, CTDEEP-WEED letter to Dan Kops dated 10-21-20. Copies of the letter and other recent correspondence with CTDEEP are attached to this memorandum.

At the October 27th meeting Mr. Porto introduced the recently hired principals of East – West Engineering, an environmental engineering consulting firm. They then proceeded to explain what work they had already carried out and their recommended plan for excavating, testing and removing all of the material.

Commissioners expressed concern regarding the procedure employed by the consultants do initial testing and the confusion over the history of the various piles of material. Given the extent of the site changes that have taken place since the prior survey was prepared last January, the Commission requested that a new survey of existing conditions be submitted.

Since then the following events occurred:

Mr. Porto submitted email correspondence from Beatriz Milne, a staff engineer in DEEP's Office of Planning and Program Development.¹¹ Based on her meeting with Mr. Carr, Ms. Milne stated that "The business only uses wood from its own customers to create wood chips for mulch and firewood. Hence the wood chips and firewood are not considered a solid waste therefore a solid waste authorization or permit is not required from DEEP."¹² The Planning and Zoning Department believes her statement relied on inaccurate information. The Department's conclusion is based on the applicant's own statement at a meeting with staff in 2019 as well as the fact that the amount of wood in the wood pile and wood chips seems far greater than what a landscaper would obtain from his clients --- leading to the logical assumption-- that wood from other companies has been processed and therefore the operation constitutes an unauthorized solid waste facility.

More recently, at the judicial status conference regarding the Town's request for an injunction, Mr. Porto stated his client would accept a temporary injunction provided the Town allowed him to remove all of the equipment currently on the property at 82 Crest Way. The Department believes the injunction should not be subject to such a condition. However nothing is preventing his client from removing the equipment right now.

On November 16th the applicant submitted a revised soil removal plan with copies of the February 17, 2020 and a new survey dated, November 6, 2020. Staff have reviewed these documents and the related revised Removal and Restoration Plan dated October 26, 2020.

The two prior memoranda indicated that the initial plans were deficient for several reasons.¹³

¹¹

This is a different office than the one -- CTDEEP-WEED we have been in contact with.

¹² It's worth noting that the staff of DEEP – WEED whom we talked to were copied on her email.

¹³

- The Town Engineer previously noted fill calculation discrepancies in the submitted plans. That's actually the tip of the iceberg. The applicant has continued to run his business – according to neighbors seven days a week until at least last week, ignoring Zoning and the recent Building Department Enforcement actions. The topography presented in the February 20, 2020 Survey of Existing Conditions – which indicates the elevations on both the abutting properties where material constituting a bulky waste land fill was placed and most visibly, 82 Crestway, where the proposed staging stockpiles are supposed to be located, bears little resemblance to the actual, current conditions – which are constantly changing because the applicant continues to conduct his business from the site without proper permits – currently there's a 3,000 C.Y. mound of dirt situated approximately where excavated material is to be placed. The extensive alteration of the landscape raises the question of the relevance of the proposed plan.
- The plans failed to take into account the State Statutes that must be complied with. They contain no delineation of the sorting areas that will be required for separating the different material prior to placing it in designated temporary storage areas, nor do they indicate where the wood waste is to be collected.

After a review of the documentation submitted just before the October 27th meeting and the new documentation, the Department still finds the plans to be inadequate:

October 26th "Revised Removal & Restoration Plan for 82-92 Crest Way"

- Phase 0 neglects to mention the wood chips or the mulch currently on the property
- Phase 0 states that the "Existing vehicles and equipment need to be removed or relocated..." However, at the present time there is no approval for them to be onsite.
- Phase 1 should include notification of the RWA at least three day prior to any site work
- Phase 1 mentions the ultimate location of the storage bins but doesn't indicate what is going to happen to them during the remediation work. The storage bins should not be onsite unless and until a zoning permit has been obtained.
- Phases 2-4 – the opening paragraph provides estimates of the soil, rock and tree debris. The applicant should explain to the Commission how the estimate of tree debris was derived.
- The Commission should keep in mind that all of the highlighted contour lines on the 2/17/20 survey represent grading done without a permit and that much of it was never approved by the Planning and Zoning Commission.

Survey of Existing Conditions

- The 11/8/20 Survey contains a substantial wood chip pile towards the north end of the property and a smaller mulch pile at the southern end near the street. Neither of these existed when the prior survey was carried out last February. Both constitute violations of the Notice of Violation, Citation and Cease and Desist Order.
- The encroachments into the slope on the western boundary, which were shown on a survey dated 11/05/19, and are not shown on either of the two newer surveys. This calls into question the accuracy of the contours, which don't reflect the sharp drop created by the excavation.
- The new survey contains no indication of the numerous vehicles and large equipment stored on the property. This is a significant omission, given that the phasing plan calls for use of much of that space.
- The stairs on the southern side of the building are not indicated.
- The survey of existing conditions is combined with Site Prep Preparation Plan Phase O. It would be preferable to separate the two purposes.
- The new survey indicates some grading changes since the 2/17/20 survey was prepared. The latter survey shows substantial changes to the site after the original approval granted by the Planning and Zoning Commission. None of those changes were authorized.
- In the most recent survey. It's very difficult to discern the elevation contours on the large swath of land at 785 Sherman Avenue. The grading of this area is important when evaluating the remediation plan phases

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- The plans failed to specify which licensed solid waste facilities will receive the different types of excavated material and are thus unable to identify the proposed truck routes to be utilized. In fact the plans don't even recognize the regulations requiring shipment of the material to licensed facilities.
 - The plans were not prepared with any identified or apparent guidance from a Licensed Environmental Professional.

Phase Plan Sheets

- One general comment is that the text narrative should be shown on the relevant plan sheets
- This is not a normal digging operation. Because of the slopes involved the Department has asked the Town Engineer to assess the safety of the excavation plan. Mr. Austin has not yet had the time to review the plans and provide comments.
- All of the plan sheets show wood chips somewhat in a bin on the northern part of the property as well as the mulch pile to the south. The Department is concerned that the applicant will continue to sell these items without approval to do so and believes they should be removed.
- The large flat pad to be created on the western edge of 785 Sherman Avenue appears to be significantly different than the original terrain.
- The plans fail to illustrate how the sorting/testing/storing/transport off-site sequence will work spatially. Two large circles depict soil stockpile locations and an irregularly shaped area to west is reserved for stockpiled wood. The plans should indicate where the samples are placed, as well as the remainder of the material. They should also indicate what will happen as more samples are created and sit waiting for test results. There is no way to know whether or not the areas of the circles are sufficient or not. Timing of the various activities will be quite important but the issue is not discussed. Large detail drawings of what is supposed to happen within the stockpile areas should be provided. If sampling is to occur outside the stockpile areas the location should be labeled, and again, shown in detail. All of the equipment to be used should be identified

Questions for the Applicant

At this point there are several questions that the applicant should answer for the Commission including:

- How was the estimate of the buried wood arrived at?
- Since the buried wood became an issue, where has wood waste been sent?
- What is the steepest grade to be created during the remediation?
- What is the average “permanent” grade proposed? How will the “final topography of the remediated area compare with the topography prior to the dumping and burying of the material?
- Can the project engineer demonstrate how the resulting grade will have no impact on the flow of rainwater?
- Where is that steepest slope located?
- How will the prospect of conducting remediation work this winter affect the project in terms of extra steps required and length of time to complete?

Recommendation

The primary concern of the Planning and Zoning Department is to ensure that the illegally dumped material is removed from the adjacent properties and that they are restored to their prior condition. So, what is the Commission left with? It certainly resembles a fine kettle of fish, to say the least.

- The applicant has been operating illegally on his own property and buried debris on the land of two of his neighbors
- According to DEEP-WEED the actions constitute an illegal solid waste landfill
- Concerns regarding a possible adverse environmental impact have been raised by an Intervenor although the wood debris has yet to be analyzed and the environmental threat may actually be limited
- The agency best equipped to assess the situation and carry out appropriate enforcement actions, DEEP, does not have the resources to assist the Town at the present time, beyond a document review if requested
- The applicant has engaged the services of an environmental consulting firm that has recommended a testing protocol to be used during the excavation of the buried material
- Commissioners and staff have questioned whether the initial sample testing is adequate and thus whether the resulting assumptions regarding the “clean fill” dumped on the abutting properties are valid. One Commissioner has indicated the need to an extensive matrix of borings to obtain needed samples
- No other professional has evaluated the proposed methodology
- Key details are missing from the surveys and phased remediation plans. It is not clear exactly how the actions would be carried out at 82 Crest Way
- Last but not least, the applicant’s continued refusal to comply with zoning regulations and the orders issued by the Zoning Enforcement Officer have left the Department with no expectation that he will do so in the future.

The Department is therefore unable to recommend approval of the application at this time. To put it more formally, the application fails to meet the Special Permit Threshold Decision Criteria specified in Section 718.4 – notably 1718.4.a. the health, safety and welfare of the public in general and 718.4.g.compliance with the Zoning Regulations and Site Plan Objectives, and is highly likely to continue to have an adverse impact on the health, safety and welfare of the public. In addition, the plans are still inadequate. The Department therefore continues to recommend denial and will continue to seek remedies in court.

The Department also recommends that after proper noticing of its impending action, the Commission hold a Public Hearing to consider revoking the Special Permit 16-1297 for the landscaping business with outdoor storage.

The recommendations of course beg the question of how the remediation work will ever get accomplished. The Court may eventually order it be carried out but may well require the applicant to come back to the Planning and Zoning Commission to work out the details of that remediation. Given that possibility, if the Commission wishes to approve the application, I recommend continuing the Public Hearing until December 8th. In advance of that date that applicant should provide answers to the questions raised above as well as address the issues raised in this memorandum. The applicant should also address the following items listed in my prior report to the Commission:

1. A revised site plan containing
 - i. A plan for addressing the encroachments onto 100 Overlook Drive and 72 Crest Way.
 - ii. Destination of the existing material, trucks and equipment to be removed from 82 Crest Way to make room for the remediation project.
 - iii. Any equipment to be employed in the sorting and/or sampling.

- iv. Specification of the materials used for the access drives/travel paths.
- v. A refueling plan if there will be vehicles refueling or temporary fuel storage on the site. Refueling activities should be conducted on an impervious surface, far away from any catch basin or drainage structure as possible.
- vi. A phasing plan for the rapid stabilization of remediated areas.
- vii. Revised truck routes, noting all destinations.

2. A detailed narrative demonstrating compliance with the Statutes cited in the letter from George Dews of DEEP - Weed.

Any future approval by the Planning and Zoning Commission should include the following conditions:

- The Applicant shall supply in advance of the issuance of a Zoning Permit sufficient funds for the Planning and Zoning Department to engage the services of an independent Licensed Environmental Professional to:
 - Review the proposed excavation, sampling, sorting, testing and disposal plan, as well as soil stabilization and landscaping elements.
 - Serve on a continual basis as the Town's on-site representative, monitoring the excavation, sampling, sorting, testing and disposal of debris, as well as soil stabilization and landscaping.
 - Disposal of debris must be made in full accordance with relevant Federal, State and local statutes, ordinance and regulations.
- Prior to the issuance of a Zoning Permit and the commencement of any remediation work:
 - The revised to incorporate the any recommendations from the Commission's independent consultant.
 - The applicant shall provide the Zoning Enforcement Officer with written confirmation that representatives of the owners of 785 and 925 Sherman Avenue have no objections to the revised plans.
 - The applicant shall obtain approval from the Zoning Enforcement Officer of a plan to remove the encroachment on 100 Overlook Drive and then complete the restoration of the former slope.
- No work shall be carried out on Saturdays and Sundays.
- The property at 82 Crest Way shall not be used for any commercial purposes whatsoever until:
 - The remediation work at the affected sites has been completed and the Zoning Enforcement Officer issues a favorable report to the Commission.
 - The Zoning Enforcement Officer issues a Zoning Permit.
- The remediation work shall be completed within four months from its commencement.
- All work, including stabilization and landscaping shall be completed by June 30, 2020.

On a final note, the Commission will need to make findings regarding the Petition for Intervention submitted by Ms. Garrett. Attorney Lee will explain the process to the Commission.



Town of Hamden

Planning and Zoning Department

Memorandum

To: Hamden Planning and Zoning Commission

From: Daniel W. Kops, Jr., Town Planner ^{DWK}

Re: Skiff Street Bridge Over Route 15 Construction and Rehabilitation Project
per C.G.S. 8-24 (# 20-415)

Date: November 23, 2020

Overview

The Town is seeking approval to sign a Project Authorization Letter to initiate the rehabilitation of the Skiff Street Bridge over Route 15. In addition to major repairs, the project includes the widening of the bridge and the construction of retaining wall abutting the Farmington Canal Greenway.

Per CGS 8-24, improvements of municipal property require approval by the Legislative Council after issuance of a "report" by the Planning and Zoning Commission. If the "report" recommends against the proposed improvement a two-thirds vote of the Council is required for approval.

Planning Department Comments

Certainly the repair of any bridge, particularly one over a highway, is desirable. The bridge widening is also beneficial, complementing the road widening that accompanied the recently completed project replacing the Skiff Street Bridge over the Mill River.

Recommendation

The Department therefore recommends that the Commission vote in favor of the Skiff Street Bridge Over Route 15 Construction and Rehabilitation Project, thereby issuing a "favorable report" to the Legislative Council.

DWK:tbm

attachments

Memo

To: Mayor Curt Leng
From: Sue Gruen, Town Attorney
Date: October 23, 2020
Cc: Dave Garretson, COS
Patrick Donnelly, DCOS
Mark Austin, Town Engineer
Curtis Eatman, Finance Director
Re: Project Agreement Letter for Construction Phase of the Skiff Street Bridge over Route 15
Bridge Rehabilitation Project

Attached is an Order authorizing a project authorization letter for the construction phase of the Rehabilitation of Bridge No. 00783, Skiff Street over Route 15 project, known as State Project No. 61-152 and Federal Project No. 6061(006).

On or about September 17, 2015, the State of Connecticut Department of Transportation (DOT) and the Town of Hamden (TOWN) entered into a Master Municipal Agreement for construction projects. However, a Project Authorization Letter (PAL) must be issued pursuant to the MMA for each specific project. Attached is the PAL for the construction portion of the Rehabilitation of Bridge No. 00783, Skiff Street over Route 15 project.

The Construction Project is to widen and repair Bridge No. 00783, Skiff Street over Route 15. This project includes the addition of a retaining wall adjacent to Skiff Street at the southwest approach of the Bridge. The retaining wall's limits are defined in the PAL. Upon completion of the Construction Project, the Town shall assume full responsibility for all liability, maintenance, repairs and rehabilitation of the retaining wall constructed within the project limits. Funding for the Project is provided under the Fix-it-First State of Connecticut Funds at 100 percent (100%) State funds, except for items related to the approach widening, which have an associated funding ration of 80 percent (80%) State and 20 percent (20%) Town funds. The total cost of the work is Six Hundred Ninety Thousand Seven Hundred One Dollars and Fifteen Cents (\$690,701.15), of which the State's share is Five Hundred Fifty-Two Thousand Five Hundred Sixty Dollars and Ninety-Two Cents (\$552,560.92). The Town is responsible for the balance. The total includes the contingency of 20 percent (20%) for this project. The DOT is responsible for the Administration of the Project.

Please forward this to the Planning and Zoning Commission for review pursuant to Connecticut General Statutes Section 8-24 and then to the Legislative Council for approval.

**TOWN OF HAMDEN
LEGISLATIVE COUNCIL**

**ORDER AUTHORIZING THE TOWN OF HAMDEN TO ENTER INTO A PROJECT
AUTHORIZATION LETTER FOR THE CONSTRUCTION PHASE OF
STATE PROJECT NO. 61-152; FEDERAL-AID PROJECT No. 6061 (006)
SKIFF STREET OVER ROUTE 15**

Presented by: _____

WHEREAS, on or about September 17, 2015, the State of Connecticut Department of Transportation (DOT) and the Town of Hamden (TOWN) entered into a Master Municipal Agreement for Construction Project as noted above (MMA); and

WHEREAS, this Project Authorization Letter (PAL) is issued pursuant to the Master Agreement; and

WHEREAS, the DOT is responsible for the Administration of the Construction Project noted above; and

WHEREAS, Construction Project is to widen and repair Bridge No. 00783, Skiff Street over Route 15. This project includes the addition of a retaining wall adjacent to Skiff Street at the southwest approach of the Bridge. The retaining wall's limits are defined in the PAL. Upon completion of the Construction Project, the Town shall assume full responsibility for all liability, maintenance, repairs and rehabilitation of the retaining wall constructed within the project limits; and

WHEREAS, funding for the Construction Project is provided under the Fix-it-First State of Connecticut Funds at 100 percent (100%) State funds, except for items related to the approach widening, which have an associated funding ration of 80 percent (80%) State and 20 percent (20%) Town funds; and

WHEREAS, the total cost of the work is Six Hundred Ninety Thousand Seven Hundred One Dollars and Fifteen Cents (\$690,701.15), of which the State's share is Five Hundred Fifty-Two Thousand Five Hundred Sixty Dollars and Ninety-Two Cents (\$552,560.92). The Town is responsible for the balance. The total includes the contingency of 20 percent (20%) for this project; and

WHEREAS, upon demand by the State, the Town shall provide a certified check payable to Treasurer, State of Connecticut, in the amount of one Hundred Thirty-Eight Thousand One Hundred Dollars and Twenty-Three Cents (\$138,140.23) as stated in the estimate for work to be performed by the State's Contractor for the Town.

NOW THEREFORE BE IT ORDERED that the Legislative Council hereby approves the Skiff Street over Route 15 Bridge Construction Project (Construction Project) and further authorizes the Town to expend funds for the Town's shared responsibility as set forth in the PAL for the Construction Project.

BE IT FURTHER ORDERED THAT Mayor Curt Balzano Leng is authorized to execute the attached PAL for Construction Bridge No. 00783- Skiff Street over Route 15 Hamden (Construction Project) utilizing State funds (State Project No. 61-152, Federal Aid Project No. (6061 (006).

BE IT FURTHER ORDERED that Mayor Curt Balzano Leng is authorized to provide such additional information and execute such other documents and agreements as may be required by the state or federal government in connection with said PAL and to execute any amendments, recisions and revisions thereto.

Adopted by the Legislative Council at its meeting held on _____ 2020.

APPROVED AS TO FORM:

SUSAN GRUEN
Town Attorney

MICHAEL MCGARRY, President
Legislative Council

KIM RENTA, Clerk
Legislative Council

APPROVED:

MAYOR CURT BALZANO LENG

Date: _____

Certificate

The undersigned duly qualified certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the legislative council of the town of Hamden on _____, 2020.

Date: _____, 2020

Kim Renta, Clerk
Legislative Council