



Town of Hamden
Planning and Zoning Department

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Inland Wetlands Commission
Meeting Minutes

September 9, 2026

The Inland Wetlands Commission, Town of Hamden, held a hybrid Regular Meeting on Wednesday, September 2, 2026. The meeting was held in-person in the Legislative Council Chambers at Hamden Memorial Town Hall, 2372 Whitney Avenue, Hamden, CT 06518, and remotely via Town Zoom teleconferencing at <https://hamden.zoom.us/j/82474089466>.

Commissioners in Attendance: **In Person:** David McCollum (*Vice Chairman*), Michael Stone (*Secretary*), Jonathan Clapp, Deb Laliberte, Kirk Shadle, Elizabeth Hayes
Via Zoom: George Schneider

Staff in Attendance: **In Person:** Eugene Livshits (*Town Planner*), Thomas Vocelli, (*Wetlands Agent*), Tim Lee (*Assistant Town Attorney*), Maisie Albis (*Commission Clerk*)
Via Zoom: Genevieve Bertolini (*Stenographer*)

In the absence of Chairman Milazzo, Vice Chairman McCollum opened the meeting at 7:04p.m. He requested that Commissioner Stone call the roll. Members identified themselves and a quorum of six voting members was established. Vice Chairman McCollum noted the presence of Town staff. He then asked members if there were any objections to his presiding over the meeting in place of the absent Chairman; there were none.

The clerk announced that an audiovisual recording of the meeting would be made available to the public on the Town website within 24 hours. Vice Chairman McCollum reviewed procedural expectations for members, staff, and attendees.

A. Public Comment Session

Vice Chairman McCollum opened the floor to comments from the public regarding topics within the purview of the Commission but not on the meeting agenda. There were none from in-person or remote attendees. The public comment session was closed.

B. Application Review

1. IWC #26-1273—PUBLIC HEARING CLOSED 8/5/2026

Received 05/06/2026

1605 Sherman Avenue
Construction of a multi-unit residential development
Applicant: 1605 Sherman Avenue LLC

Vice Chairman McCollum suggested that members discuss the application prior to any motions being made. He expressed interest in hearing each member's individual perspective on the proposal. He noted that he would be reserving his own comments until all other members had spoken. He also stated that he would not vote on any motion, except in the instance of a tie.

Prior to discussion, Vice Chairman McCollum addressed Commissioner Hayes' absence from a session of the public hearing at a prior meeting. Mr. Lee asked Commissioner Hayes whether she had reviewed the record from that meeting and felt comfortable voting on the application, which she affirmed.

Commissioner Clapp began the discussion by stating that he would be inclined to vote in favor of the application based on his assessment of its potential for adverse impacts to the wetlands. He felt that the applicant had made significant efforts to accommodate any concerns or objections that had been raised.

Commissioner Laliberte said that she was considering voting against the application. She highlighted the conflicting information that had been presented by experts regarding the vernal pool on the site. She also pointed out that, while the detention basins had been designed in accordance with the CT Stormwater Quality Manual, the SQM does not prescribe design specifications and engineers must exercise judgement in their interpretation of its guidance. She believed that the prudent choice in this case was to protect the area rather than accept the more favorable testimony and risk irreversible damage.

Commissioner Shadle sought to confirm his recollection of previous testimony. He asked if any members could offer their interpretation of the functional biodiversity of the site based on their memories or notes. Commissioner Laliberte recalled public testimony identifying various species of animals in the area. She also remembered conversations about changes to water temperature due to runoff and the potential impacts of the lighting plan.

Commissioner Clapp referenced testimony by Mr. Logan which identified the pool as a Tier III vernal pool with limited functionality. Mr. Logan had noted that the wetland area was bounded by a road to the south, and Commissioner Clapp felt that inherently degraded its viability as a supportive habitat. Commissioner Shadle did not dispute what Mr. Logan had testified to regarding the current state of the wetland. He clarified that he was asking about long-term functionality. He did not feel that the questions raised about the impacts of high-density housing—potential acoustic, light, and physical pollution to the wetland—had been adequately addressed by the applicant.

Commissioner Stone recalled that Mr. Logan had testified that the wetland would be expected to degrade over time, but could not recall the mechanism by which Mr. Logan expected that degradation to occur. He also remembered Mr. Logan reporting that, while certain species had been identified as being present, he had not observed any signs of breeding activity on his site visit. Commissioner Stone had asked him whether a follow-up visit might be beneficial after the rainy summer season, but Mr. Logan had expressed doubt about finding additional information that might change his conclusion.

Commissioner Shadle asked if there had been conclusive testimony regarding the functionality and feasibility of the proposed gravel path. Members discussed their recollections of prior proceedings. Commissioner Laliberte believed there had been testimony suggesting that the slope of the site could cause the path to erode over time. Commissioners Shadle and Clapp remembered the same. Commissioner Clapp expressed uncertainty about whether a decision should depend on potential issues that may or may not arise in the future.

Commissioner Schneider shared his thoughts on the proposal. He acknowledged points regarding the status of the vernal pool and potential effects on biodiversity, but also noted that the proposed infrastructure was designed to accommodate stormwater beyond the required capacity and that nearly all proposed activity will fall outside of the 100-foot non-disturbance buffer. He said that he remains unable to reconcile the conflict he perceives between the proposal and the actual wetland habitat on the site.

With no further comments from other members, Vice Chairman McCollum offered his own. He first addressed concerns regarding impervious coverage under proposed conditions. He reported that if the land was subdivided for single-family homes, as had been suggested in a public testimony, zoning regulations could allow for 70,000 square feet of impervious coverage across the lots compared to the roughly 28,630 square feet resulting from the current proposal.

Vice Chairman McCollum then spoke to the jurisdiction of the Commission. He noted that many public comments had raised concerns about wildlife, but that the applicant had provided case law (*AvalonBay Communities, Inc. v. Inland Wetlands Commission*, 2003) which limits the Commission's purview to the land itself. He cautioned against the Commission basing a decision on the viability of the wetlands to support flora and fauna.

Vice Chairman McCollum felt that the experts opposing the project had not offered much testimony pertaining to the long-term viability of the wetland. The most relevant point, in his view, was Matt Popp's suggestion that the stormwater detention basins and bioinfiltration ponds might serve as decoy wetlands (Environmental Land Solutions, LLC; June 17, 2026).] However, Vice Chairman McCollum noted that the stormwater structures were upland of the vernal pool and that species would need to travel uphill and away from the genuine pool to get to them. Commissioner Clapp was similarly skeptical that the basin would act as a decoy wetland.

Continuing the discussion of regulatory authority, Commissioner Shadle differentiated between direct regulation of biodiversity and that of *functional* biodiversity. He argued that it was appropriate for the Commission to consider that a shift in the functionality of a wetland area could shift the physical and chemical characteristics of that wetland. He conferred with Mr. Lee regarding the legal merits of that perspective. Mr. Lee believed it was inconsistent with State statute as codified; the Commission could discuss perceived evidence of indirect impacts having direct impacts, but such an analysis might be straying from its jurisdiction.

Commissioner Stone attempted to further parse the Commission's authority. He offered that, while it does not have the authority to consider impacts to wildlife, it is permitted to consider impacts that affect the ability of the wetland to maintain its function and value as a habitat. Mr.

Lee agreed that the Commission could discuss the possibility of a direct impact to the wetlands having an effect on the wildlife habitat.

Commissioner Schneider returned to the possibility of species becoming confused by decoy wetlands. He asked if there was any data provided about how detention ponds become decoy wetlands. Vice Chairman McCollum cited language from Mr. Popp's report which advised best practices for siting detention basins in order to prevent a decoy situation. Commissioner Schneider acknowledged that not all suggestions could be followed based on the site layout, but remained unconvinced that the proposed basin would become a decoy considering the topography of the site.

There were no further comments from members. Vice Chairman McCollum invited staff to provide their recommendations. Mr. Vocelli explained that he would be recommending items for consideration in the case of a denial and appropriate conditions in the case of a approval. He clarified that these were only suggestions, which the Commission may decide to include, amend, or omit.

Mr. Vocelli recommended that, for a decision to deny without prejudice, the Commission should consider: expert testimony offered at the public hearing which indicates that there may be feasible and prudent alternatives which would have a less adverse impact on wetlands and watercourses; and alternatives that the applicant may investigate, including—but not necessarily limited to—proposals that would require less impervious surface and less earthwork or soil disturbance than the current proposal.

If the Commission were to approve the application, Mr. Vocelli recommended the inclusion of the following conditions:

1. Sediment and erosion controls shall be installed along the silt fence & straw bale line depicted on Sheet 4 of 8 prior to the onset of any other grading or construction. S & E controls shall consist of silt fencing reinforced with a row of staked contiguous hay bales. Soil stockpiles shall be covered with tarpaulins prior to any storm events, and appropriate sediment & erosion controls shall be installed around the stockpiles. Sediment & erosion controls shall also include silt-sacks to be installed in on-site storm drains and silt-sacks to be installed in road-side storm drains;
2. Grading activity and temporary soil disturbance for the purpose of buffer enhancement shall be clearly defined on the drawings, and there shall be a post-construction non-disturbance buffer area defined by the 100-foot boundary-line. The non-disturbance boundary-line shall be permanently demarcated at 35-foot intervals with Inland Wetland Conservation Area medallions mounted on a permanent fence. The fence shall be installed in a manner that allows access to the buffer area for authorized purposes only;
3. The applicant shall designate a contact person or a site monitor who shall be responsible for all facets of the storm-water management system, including the inspection & maintenance of S&E controls on a weekly basis and after storm events. The site monitor

shall furthermore submit weekly S&E control inspection reports to the Inland Wetlands Agent as detailed in Condition (14);

4. No site clearing shall take place prior to the installation of sediment & erosion controls in accordance with the requirements of the approved plan. Prior to the commencement of any clearing activity, the applicant/owner's engineering or survey personnel shall confirm that the location and condition of the sediment & erosion controls are in substantial compliance with the requirements of the final approved plans;
5. No site clearing shall take place prior to the issuance of a zoning permit;
6. Failure to submit the weekly S & E reports required by Condition (3) and by Condition (14), premature site clearing in disregard of Condition (4), or premature site clearing in disregard of Condition (5) shall each be considered separate violations that expose the applicant/owner and any other violators to fines of up to \$1000 per violation per day;
7. The wetland/watercourse area and the abutting non-disturbance buffer area shall be depicted on all site plans and on all as-built drawings;
8. No wood chips, grass clippings, or debris of any kind (including stumps and tree stumps for disposal) shall be deposited in the wetland/watercourse area or in the abutting non-disturbance buffer area. No tree stumps or debris of any kind shall be buried anywhere on-site;
9. Any change in the configuration of the proposed non-disturbance line shall be subject to review and approval by this Commission or by the Inland Wetlands Agent. If the Inland Wetlands Agent does not deem any such change to be de minimis, the revision would need to come before the full Commission. Any request to alter the tree replacement metric established in Condition (16) shall be addressed by the Inland Wetlands Agent only after consultation with appropriate members of the Commission;
10. Any subdivision proposal in the southwest corner of this property shall be subject to review and approval by the Inland Wetlands Commission or by the Inland Wetlands Agent;
11. Any fill brought on-site shall be clean fill (i.e. free of construction debris or other contaminants);
12. The Stormwater Operations & Maintenance plan shall be subject to final approval by the Town Engineer. The storm-water Operations & Maintenance plan shall also be included on the final revised drawings. Cross-sections of the detention basins shall be included on the final drawings if requested by the Town Engineer;
13. Any other wetland-related comments by the Town of Hamden Engineering Department shall be addressed to the satisfaction of the Town Engineer in consultation with the Inland Wetlands Agent. Technical details and minor modifications requested by the Town

Engineer shall be incorporated into the plan subject to acceptance by the Inland Wetlands Agent;

14. Sediment & erosion controls shall be inspected on a weekly basis & after storm events and then promptly repaired as needed. Haybale-reinforced silt-fencing in particular shall be monitored on a weekly basis for undercut, overtop, excessive sediment build-up, and fence or bale defect/damage. Results of these S & E control inspections shall be communicated to the Inland Wetlands Agent on a weekly basis via the Town's on-line permitting portal or via any other mutually-acceptable method;
15. Snow shall not be pushed, plowed or deposited into the non-disturbance buffer area or into the wetland/watercourse area. Snow stockpiles that are accumulated from impervious surfaces shall be removed from the site, or they shall be located on-site beyond the 200-foot upland review boundary consistent with the preservation of public-safety sightlines. The location of any on-site snow stockpiles shall be included on the final revised plans;
16. The Commission accepts and endorses the applicant/owner's July 22, 2026 Planting Plan, subject to the caveat that all removed trees with a diameter of six or more inches shall be replaced no later than the following growing season with native trees that have a caliper of at least two inches. The applicant/owner shall amend the Planting Plan to include the approximate number, type and diameter of all six-inch or greater trees to be removed, and shall furthermore certify in writing that a replacement ratio of at least 1:1 has been achieved after the planting of trees is completed. All native trees planted on-site can be counted toward the 1:1 replacement metric, but native replacement trees shall be planted in the buffer to the extent that is feasible and appropriate;
17. There shall be no encroachment of a lawn into the non-disturbance buffer area. Meadow areas of the buffer shall be mowed on a limited basis as dictated by the management standards of the Planting Plan. Herbicide treatments in the buffer area shall be subject to CT DEEP aquatic pesticide permitting procedures;
18. The applicant/owner shall appoint a landscape architect or a professional wetlands scientist to monitor the health of the replacement trees and the health of any other buffer plantings for a period of three years. The plant monitor shall be empowered, at the expense of the applicant/owner, to require any reasonable steps that are necessary to achieve a minimum tree survival rate of 80 %, and to also require any reasonable steps that are necessary to enhance the health of other native plantings within the buffer. The plant monitor shall submit an annual report to the Inland Wetlands Agent for three years;
19. The applicant/owner has voluntarily proffered the issuance of a conservation deed restriction designed to run with the land and to preserve & protect the wetland/watercourse area in perpetuity and the non-disturbance buffer area in perpetuity. The deed restriction shall codify and govern those uses, activities or structures that are allowed or prohibited in the wetland/watercourse area and in the non-disturbance buffer

area. The language of the deed restriction shall be reviewed and approved by the Inland Wetlands Agent and by the Assistant Town Attorney for Land-Use prior to being filed on the land records of the Town of Hamden. The voluntary deed restriction shall be considered an integral part of the Commission's project approval, and no clearing and no construction shall commence until the deed restriction has been appropriately reviewed and approved and filed on the municipal land records;

20. Recommendations by the Regional Water Authority (RWA) Environmental Analyst shall be incorporated into this wetlands permit as binding conditions-of-approval (ref Evan Moore letter dated June 1, 2026);
21. All conditions-of-approval shall be listed on final revised plans to be submitted to the Planning office prior to the commencement of any site activity, and all conditions-of-approval shall be incorporated as needed into the plans. The final revised plans shall be signed and sealed by a professional engineer and by a licensed land surveyor, and the final revised plans must be approved by the Inland Wetlands Agent or by the Chair prior to the issuance of a zoning permit;
22. The applicant shall provide the contractor with a copy of the final revised plans approved by the Inland Wetlands Agent or by the Chair, as well as a copy of the Notice-of-Decision and conditions-of-approval to be issued by the Inland Wetlands Agent;
23. The Inland Wetlands Agent and/or the Town Engineer shall verify that the following items suggested by the Town Engineer in a June 29, 2026 email memo have been included in the final revised plans: installation of a forebay, detailed cross-section of a basin berm, reinforcement of the berm embankment with E&S matting, expansion of the tree canopy, and use of Dark Sky approved fixtures.

Vice Chairman McCollum called for a motion. **Commissioner Clapp moved to approve the application subject to the conditions outlined by Mr. Vocelli. Commissioner Hayes seconded.**

Commissioner Schneider had several suggested revisions to the language of the conditions.

2. [...] The non-disturbance boundary-line shall be permanently demarcated at *a minimum of* 35-foot intervals [...]
9. [...] If the Inland Wetlands Agent does not deem any such change to be de minimis, the revision ~~would need to~~ *shall* come before the full Commission. [...]

Commissioner Schneider asked Mr. Vocelli whether the Commission would have access to the annual report required by Condition 18, which Mr. Vocelli confirmed. He next drew attention to Condition 6, noting that he could not recall any prior conditions of approval that similarly invoked a fine. He asked whether such a condition was appropriate. Mr. Vocelli reported that he had discussed the matter with the Assistant Town Attorney, and that the fines dictated by the condition are in accordance with State statutes.

Commissioner Shadle then addressed Condition 10. He felt it should encompass any and all subdivision proposals rather than be limited to those involving the southwest corner of the property. Mr. Vocelli appreciated the suggestion and consulted with the Town Planner for his opinion. Mr. Livshits found the revision to be appropriate. Condition 10 was revised to read:

10. Any subdivision proposal ~~in the southwest corner of this property~~ shall be subject to review and approval by the Inland Wetlands Commission or by the Inland Wetlands Agent

Commissioner Clapp and Commissioner Hayes confirmed that they were amenable to modifying their original motion to include all changes thus far.

Vice Chairman McCollum called for other comments or changes to the conditions. Hearing none, he offered his own amendments as well as nine additional conditions. Members discussed his suggestions. Commissioner Stone raised the question of whether an application which required so many stringent conditions was indeed suitable for approval. Commissioner Laliberte felt that the conditions amounted to enforcement mechanisms rather than preventative protection measures, and were perhaps demonstrative of the proposal being a poor fit for the site.

Commissioner Clapp requested that he and Commissioner Hayes be given an opportunity to review the additional conditions more thoroughly before amending their motion. Vice Chairman McCollum called a brief recess beginning at 8:59p.m.

The meeting reconvened at 9:10p.m. Following their review, Commissioners Clapp and Hayes declined to amend their motion. **Vice Chairman McCollum initiated a roll call vote on the motion to approve subject to the conditions as outlined by Mr. Vocelli, with Commissioners Schneider and Shadle's amendments to Conditions 2, 9, and 10. Commissioner Clapp voted in favor; Commissioners Hayes, Shadle, Schneider, Stone, and Laliberte were opposed.** Vice Chairman McCollum had previously stated that he would only cast his vote in the instance of a tie among other members. **The motion failed with one in favor and five opposed.**

Commissioner Stone then moved to deny the application. Commissioner Laliberte seconded. Commissioner Schneider made a subsequent motion to amend Commissioner Stone's motion, as follows:

I move to deny the pending application at 1605 Sherman Avenue, without prejudice because expert testimony offered at the public hearing indicates that there may be feasible and prudent alternatives which would have a less adverse impact on wetlands and watercourses. Alternatives that the applicant may investigate include, but are not necessarily limited to proposals that would require less impervious surface and less earthwork or soil disturbance than the current proposal.

Commissioners Stone and Laliberte accepted the change. Vice Chairman McCollum initiated another roll call vote. **Commissioners Stone, Laliberte, Schneider, Shadle, and Hayes were in**

favor; Commissioner Clapp was opposed. The Vice Chairman again abstained as there had not been a tied vote. **The motion carried and the application was denied without prejudice.**

C. Old Business/New Business

1. Review of August 5, 2026, Public Hearing and Regular Meeting minutes

Commissioner Schneider moved to approve the August 5, 2026, minutes as written. All were in favor and the motion carried; the minutes were approved as written.

2. Review site inspection schedule

Mr. Vocelli reported the receipt of two new applications, both submitted by the Town. One involves maintenance activities in the Pardee Brook diversion channel. The other involves repairs to the footings of the Hamden Hills Bridge over Shepard Brook. Mr. Vocelli said that inspections of both sites would be scheduled for late September. The Commission will take up formal review of the applications at the subsequent meeting in October.

3. Storm water catch-basin medallion update

Mr. Vocelli relayed his recent conversations with Ron Walters, retired RWA Senior Environmental Analyst, regarding the medallions. Mr. Walters hopes to have the relevant contracts signed this month. Once documents are finalized, a team assembled by Hamden Land Trust President Gail Cameron will affix the medallions in the West Woods area in accordance with the maps provided by Mr. Walters.

Mr. Vocelli recognized that the project has been active for quite some time. He said that Mr. Walters and Ms. Cameron both feel hopeful that the installation phase is coming very soon.

D. Adjournment

Vice Chairman McCollum called for a motion to adjourn. **Commissioner Hayes made the motion, seconded by Commissioner Stone. All were in favor and Vice Chairman McCollum adjourned the meeting at 9:26 p.m.**

Submitted By: _____

Maisie Albis, Commission Clerk