

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
PUBLIC HEARING
WEDNESDAY, JULY 5, 2017
TOWN HALL 84 SOUTH MAIN STREET
ROOM 207/209 AT 7:30 P.M.**

Members present: Robert de Jongh, Charles Dimmick, Earl Kurtz, and Kerrie Dunne.

Members Absent: Dave Brzozowski, Will McPhee and Thom Norback.

I. CALL TO ORDER

Chairman de Jongh called the public hearing to order at 7:30 pm.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited by those present.

III. ROLL CALL

Ms. Dunne called the roll.

Members present were Robert de Jongh, Charles Dimmick, Earl Kurtz, and Kerrie Dunne.

IV. DETERMINATION OF QUORUM

Enough members were present for a quorum.

V. BUSINESS

Ms. Dunne read the legal call to open the public hearing on the following items:

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|----|--|-----|-----------|
| 1. | Permit Modification | APP | 2016-005A |
| | Clearview Farm Preserve, LLC | DOR | 6/06/17 |
| | Mountain Road (Cornwall Ave Ext. 2016-005) | PH | 7/05/17 |
| | Resubdivision | MAD | 8/09/17 |

Attorney Anthony Fazzone of Fazzone Ryan Ricciuti LLC, Cheshire was present on behalf of the applicant.

Ted Hart, PE and Bill Root, soil scientist of Milone and MacBroom were also present on behalf of the applicant.

Chairman de Jongh informed all present that the protocol the public hearing follows; all present (Commission members and the public) will have an opportunity to ask questions and make comments pro or against the application.

Chairman de Jongh stated clearly for the record the items (of the presentation) only pertaining to the wetlands issues; Planning and Zoning issues are not something that we have preview over and therefor we'll not discuss.

Attorney Fazzone addressed the Commission.

Attorney Fazzone said with him this evening is Ted Hart, PE from Milone and MacBroom and Bill Root, the soil scientist also from Milone and MacBroom.

Attorney Fazzone explained this application is asking for a modification of an existing permit.

Attorney Fazzone stated the permit is number 2016-005A.

Attorney Fazzone explained Ted Hart will go through the changes/difference between the current application and the one that was approved in 2016.

Attorney Fazzone said you'll see that the number of lots has changed; this application seeks approval of 12 lots one of which is the existing property to be retained by the Bens' family who are the owners that are shown on the application.

Attorney Fazzone stated at the prior meeting the Commission did not vote on whether or not the activity we are showing is significant.

Attorney Fazzone stated it's important for the record to show that at the prior application for which the permit was granted and is still in full force and effect the Commission did determine that the activity was within the meaning of regulations.

Attorney Fazzone said he will because there hasn't been a vote taken on the current status that after Ted Hart and Bill Root go through their presentation, he would like to spend a few minutes to go through and explain their position that there are no feasible or prudent alternatives to the proposed activity.

Ted Hart PE from Milone and MacBroom addressed the Commission.

Mr. Hart explained what the Commission has in from of them are the site plans and what is approved currently approved and what is now being proposed.

Mr. Hart explained the site is located just to the west of Mountain Road – he showed on the plans the location of the subject property; the overall property is 23.1 acres; the subdivision area is 8.6 acres.

Mr. Hart reviewed the existing conditions on site – he said there’s a large field in the center of the site with some woods around that area; the slopes are gently rolling; he showed on the plan the location of the topography; stating in areas it’s mildly sloping.

Mr. Hart stated Bill Root, a soil scientist with Milone and MacBroom flagged the wetlands in December 2014 and confirmed the wetland delineation along the western and southern borders.

Mr. Hart showed the wetland location/line of the subdivision map – it’s right along the westerly border of the property; its 1.6 acres of wetlands on site.

Mr. Hart showed on the plans the location of the 50’ upland review area; the upland review line and previously approved non-disturbance line.

Mr. Hart stated there’s a previously partially constructed roadbed as shown on the plan – and there’s drainage that comes down from Sorghum Mill Drive down to a culvert in the Roaring Brook culvert; he talked about the direction the flow took underneath the road.

Mr. Hart stated this area is not in the aquifer protection zone; it is in the Willow Brook public supply watershed and the proposed plan has been sent to the Regional Water Authority.

Mr. Hart said the proposed is a conventional R20 subdivision with 11 lots; the length of the cul-de-sac is a little bit less than 1000’ and there’s .359 acres of 50’ upland review area disturbance; the area was shown on the proposed plans.

Mr. Hart pointed to an area on the plans where there’s already disturbed area.

Ms. Simone asked if the road that proposed was basically already roughed in.

Mr. Hart stated yes – it's already roughed in and basically comes straight out Mountain Road (as shown on the plan); it also follows and it goes back to the original approved plan – it follows the alignment that was approved and they added a cul-de-sac here (shown on the plan).

Mr. Hart stated they also provided a stormwater management plan; the plan is simple to collect the storm drainage off the roadway and then to a water quality detention basin and then discharging it at the outlet of the culvert (as shown on the plan).

Mr. Hart said so they provide water quality and stormwater management to reduce the peak rates of runoff.

Mr. Hart said there's also a sediment and erosion control plan; a construction entrance; hay bales and silt fence; a diversion berm and swale along the easterly portion of the site.

Mr. Hart stated generally these lots are almost exactly located in the same location where they were previously approved; with very minimum changes.

Mr. Hart said the change you'll see on the plan is that when we put the cul-de-sac in the middle that pushed the setbacks for the road – pushed the houses out away from the road.

Mr. Hart showed on the plans how the road was previously; and the location of the proposed cul-de-sac and set back from the road.

Mr. Hart concluded by saying this was all he had (to present) for the layout of the subdivision.

Mr. Hart stated he would be happy to answer any questions.

Mr. Hart stated the upland review area was .25 acres.

Attorney Fazzone said that the original plan called for the construction of 6 parking spaces at the curve of the road and that's eliminated on the current proposal and the reason for the

modification is now the applicant is proposing sidewalks on both sides of the street.

Attorney Fazzone said he thought at the last go around it was .359 acres of disturbance and now with the sidewalks and the change in the location of one of the septic systems.

Ms. Dunne asked about the upland review line – you said it changed somewhat or is it exactly the same as the prior.

Mr. Hart showed on the plan the location of the plan review line – the upland review line doesn't change; there is a line showing the previously approved non-disturbance line (one line is red and the other orange which is the non-disturbance line).

Ms. Simone asked if that basically what you are proposing for disturbance in this go around; it appears as though it shows clearing limits along that line (shown on the plan in orange).

Mr. Hart stated it is similar line.

Ms. Simone said so aside from where the sidewalks would be on the south side of the road.

Mr. Hart said yes – there is a sidewalk added; the parking spaces were taken away (as shown on the plans) so the parking spaces were in the upland review area; he showed the location of the sidewalks now on both sides – one side in the upland review area.

Attorney Fazzone said the current approval calls out the lots; for lots 7-13 prior to any construction activity the applicant would have to mark the non-disturbance line and have that checked by staff.

Attorney Fazzone said just for our purposes on the new application the lots are renumbered – the lots in question are 7, 8, 9, 10 and 11 that would have to be staked out and this area (shown on the plan) is all proposed; the Bens' family will retain ownership of everything to the north of what they see as the red line (shown on the plan).

Ms. Simone said on the plan it shows the placement of the non-encroachment markers on each of the lots - is that correct.

Mr. Hart stated they're on the property lines.

Chairman de Jongh said he's looking at lot 11 and that's squeezed in there and we guessed his question is – a lot of times what they come across but the subsequent home owner – and they wind up asking for ways they can either extend their backyard or putting in a or what have you – there's not a lot of room back there is what he's getting at.

Chairman de Jongh asked if there was a plan for putting in some type of notation on this particular lot that basically what they see is what they get - it will not change because there is no room (there).

Mr. Hart stated it is small (the lot).

Ms. Simone asked if she was correct in looking at this plan – it shows a faint clearing line that gets very close to wetland flag 29 (that's the existing clearing limit) so that's not being requested.

Mr. Hart stated this area is already cleared.

Chairman de Jongh said they have a non-encroachment line that goes across there even though there's clearing – it's still the non-encroachment area; by definition the non-encroachment area should allow natural vegetation to grow back and maybe mow once a year and that's about it – it's not intended to be a backyard.

Attorney Fazzone stated there will be a declaration of covenants and restrictions on the deed and the homeowners will be required to belong; there is now a much more comprehensive set of covenants and restrictions that has been worked out with the town attorney and the town engineer for maintenance of the detention basin and we would include the non-encroachment line on everything.

Ms. Simone said while there is no formal requirement to have the markings follow the contour of the land but that's a practice that we ask people to comply with so would you be willing to ask for non-encroachment markers until you are looking at the orange line (as shown on the plans) as absolute non-encroachment.

Mr. Ted said he's not exactly sure what she means by follow the contours.

Ms. Simone pointed to the location on the plans – the orange line – she said are they asking that the orange line that this would be the expectation that would be posted as a non-encroachment or would

you be looking to allow lawn in this area or that you're asking for permission for lawn in this area (shown on the plan) going up to the existing clearing.

Dr. Dimmick said the orange line will be the line and that's what we agreed to in the previous (permit application).

Chairman de Jongh asked about the erosion berm – what's expected to be the height of that berm.

Mr. Hart said it's only about 2' – generally they like to make these so there not dams so they don't have to worry about safety.

Chairman de Jongh said he's asking the question in relationship to the property owners that are closer to Mountain Road – so we have development above – how are we creating additional impervious surface.

Chairman de Jongh said the creation of the berm is presumably a way to be able to also – he said he knew they were trying to divert any kind flow back into that detention basin; he said he's suggesting if there's anything in the construction of that berm that can be used - almost like belts and suspenders to further protect those property owners closer to Mountain Road.

Mr. Hart said he has another map he can pull out – he said and showed on the plan the high point and everything goes back into the pond.

Chairman de Jongh said he's looking at the contour lines and location of the berm – he said he didn't know what the contours were on the site – he said what he's looking at is to make sure that the berm as we develop this.

Dr. Dimmick commented about the contours and the area where there flat and at the edge of the property there's a drop off.

Chairman de Jongh said he is just suggesting that if there's a way in the creation of that berm can they create some kind of mechanism that further protects the people (properties) closer to Mountain Road.

Attorney Fazzone stated with the berm there is a net reduction of water that's coming this way (shown on the plan); the people on Mountain Road and there's a drainage report that says that and in his

conversations with Darin Overton (the primary engineer who couldn't be here tonight) – that these properties would get less runoff than they get now.

Chairman de Jongh stated that's what he wants to make sure is on the record tonight – the installation of that will not in any way increase but certainly decrease the effect on the people close to Mountain Road.

Mr. Hart showed an exhibit that basically shows the area and how it drains towards the backyards – the new grading plan all these areas go to a drainage system away from the backyard areas (as shown on the plan).

Chairman de Jongh said you may have said that before but he wanted to make sure those comments were reinforced (on the record).

Attorney Fazzone said he'd like to go back a step in terms of the markings on the non-encroachment line – if you look at items 4 in the conditions of the prior approval before any building permits are issued they are supposed to be reviewed and staff may also insist on additional markings if field conditions warrant them; that was part of the prior approval.

Mr. Root, certified soil scientist with Milone and MacBroom addressed the Commission.

Mr. Root said as Mr. Hart mentioned he flagged the wetlands on this property in 2014 and prepared the report that's submitted as part of the application.

Mr. Root said what they found is there are no wetlands really on the subject property but there is a watercourse that's roughly along the property line to the west at the base of Cheshire Mountain.

Mr. Root said it fairly steep slopes up Cheshire Mountain and the slopes break down along the transition between the till soils and the glacial alluvial soils in the flat area (shown on the plan).

Mr. Root said there's a minor watercourse was flagged along the western property line and there are a number of photographs in the report that detail the condition here.

Mr. Root said one of the features that Ted mentioned there's been a lot of manipulation in and along the wetlands on the southern part of the site; as shown on the plans; there's a fill pile that may have been excavated when the large culvert was put in associated with the roadway construction.

Mr. Root explained along the southern part of the property lie the terrain sinks; there is a large wetland area (shown on the plan) and there's disturbance on the site; and a large culvert discharges on the south side of this installed and built roadway; you can see from the photographs it's all trenched all the way through wetlands.

Mr. Root stated in the southern part of the site there's been a lot of manipulation but up above it – based on the photos – there's a fairly nice meandering brook with a lot of vegetation in it – good for wildlife habitat coming down off the mountain.

Mr. Root said there are functions and values for the wildlife.

Mr. Root said the wetlands along the stream are stabilized; that's one of the functions and values.

Mr. Root stated there is a FEMA 100-year flood plain zone through here – he said he was surprised to see it – he didn't know if it was valid or not (he showed in on the plan).

Mr. Root said it is mapped as a 100-year flood plain so that is another function but there is no real place for storage.

Mr. Root said if you recall we had a Natural Diversity Database hits on the property and did surveys for those – there were Wood and Box turtles; there were plants listed as well and we did surveys for those as part of the prior application and approval; he submitted those reports to DEEP but that's when the process stopped.

Mr. Root said they went to DEEP this year and said this project is back on again in a slightly modified form can you renew our approval and they said no – we were about two weeks too late.

Mr. Root stated he had to resubmit our reports to them – we didn't find any listed species there so what they will ask us to do as they normally ask us to do is to put in turtle protection measures around the property during construction and with a property like this – with

an open meadow setting for the most part – it's fairly easy to make sure we don't have turtles on this property.

Mr. Root said there are a lot of listed and wetlands plants (in the area).

Mr. Root said so what they'll have to do is resubmit with DEEP and send the plan and reports up to the Natural Diversity Database.

Mr. Root said as far as wetland impacts – he thought he talked about the fact there were not any – most of the watercourse is almost entirely off the property and we are maintaining or slightly expanding upon the existing limit of disturbance – just sort of clear right to the berm and stone wall there; we can protect that during construction work on the site.

Ms. Simone asked about the turtle protection plan – in your experience is that anything greater than silt fence.

Mr. Root replied silt fence and monitors; so, they'll prepare for installation of silt fence by adding monitors.

Mr. Root said and you walk the site and if any turtles are found they are assisted on their way; the idea is no make sure there are no turtles (in the construction area).

Ms. Simone said then the erosion control plan already calls for silt fence in that area.

Mr. Root said yes and monitors.

Dr. Dimmick asked if there was any report of a moose; he said one was reported about a quarter mile south of there.

Mr. Root said he didn't know about a moose.

Ms. Simone asked for a copy of the DEEP information.

Mr. Root said they always sent it to the town but we'll be sure to send it was well.

Ms. Dunne said and you have your turtle management plan/report.

Mr. Root said yes; he said it may have modified slightly over the last year. He agreed to provide a copy of the report (if it was not already in the record).

At this point in the public hearing, Attorney Fazzone provided a copy of the plan from the prior approved Mountain Road subdivision.

Attorney Fazzone said in 1962 this was approved leaving 50' reserved area and just to note so you are all aware of this; Cheshire adopted wetland regulations in 1974.

Dr. Dimmick stated the regulations were adopted in January of 1974 – they appointed the Commission and the first meeting was in February of 1974.

Attorney Fazzone explained the subdivision regulations place a maximum of 1000' on a length of a cul-de-sac road and in an R20 zone so with this being the access here (shown on the plan) there's really no alternative to try to come in from Cornwall Avenue Extension which is a very undersized road – he said he believed it (this- pointing to the plan) was 750' already so you can't get over into this area (shown on the plan).

Attorney Fazzone said if you looked at as an alternative to make a through street you'd have exactly the same impact on the wetlands; and this would be the only exit that was created (shown on the plan); he commented about the timing of the wetland regulations starting in 1974.

Attorney Fazzone explained when Deaconwood was approve the Bens' gave Barnett Development an easement to come through here (shown on the plan) for drainage and that easement was eventually turned over to the town when all these roads were turned over; turned over and accepted and part of the agreement that Bens' had with Barnett was to build the road per town specifications; and that didn't happen completely - it was cut out and the drainage was put in to the town's satisfaction at the time but then Barnett from his understanding had financial difficulties so this part of the road (shown on the plan) was never completely built.

Attorney Fazzone stated he had for the record copies of the minutes of Council meeting where the roads were accepted; he had a copy of the deed to the town which shows that the acceptance of the road was accepted together with a drainage easement from Fredrick W.

Bens and Maybelle Bens to Bernard Barnett dated 21st day of October 1977 and recorded in volume 305 page 28 of the Cheshire land records.

Attorney Fazzone stated he has included a copy of the deed and a copy of the easement agreement itself which shows all the work that Barnett was supposed to but he obviously didn't finish.

Attorney Fazzone said he was not sure there was much maintenance in that area but the town in those drainage facilities that are in there but it is definitely part of the town drainage system in terms of that easement agreement.

Attorney Fazzone stated for the record he included an 11" by 17" copies of the map that is shown here.

Attorney Fazzone said again all of this is to basically show that there is really not an alternative whether it is feasible or prudent of otherwise in developing this property on the basis of the Planning and Zoning regulations and the existence of the drainage system.

Attorney Fazzone stated that really all we have.

Chairman de Jongh asked if there were any questions from Commission members or staff.

There were no questions from Commission members or staff at this time.

Chairman de Jongh said at this point we'll allow the audience to ask any questions they might have – comments will wait until later on.

Public Questions:

Joan Smallwood, 469 Mountain Road, asked what the width of the road is now; the road itself and the two sidewalk areas on each side.

Attorney Fazzone stated the right of way is 50' (corrected to 30' later on in the minutes).

There was discussion and review of the plans regarding the width; the pavement is 24' and sidewalks are 5' on each side according to town specifications; for a total of 34'; grassed on both sides. 50' is the town standard.

Joan Smallwood said she had thought that before the paved part of the road was 30 wide. She questioned the road width; she said there's 26' total with sidewalks and gravel on each side.

Joan Smallwood asked about the berm to protect the neighbors.

Mr. Hart replied there's a diversion berm and swale (shown on the plan) at the top of the slope.

Joan Smallwood asked are those being removed after construction is completed.

Joan Smallwood said the surface will be graded.

Mr. Hart said for the record the berm can stay (the berm is staying).

Matt Dell, 475 Mountain Road, said he was wondering if any study has been done about erosion on the back side of the property along the brook – direction and rate. He said only because the septic systems abut pretty close against it and he was wondering if that erodes over many years in the leaching fields; where affluent can get downstream into the wetlands.

Mr. Hart replied the soils here are very good and that basically means the affluent goes straight down into those soils; it's not going to spread out or hit a hard pan layer.

Mr. Dell said then studies must have been done; he asked about the aquifers.

Mr. Hart stated we've gotten approval from the sanitarian; the soils are deep sand and gravels.

Attorney Fazzone said shown on the plans is the percolation tests of all the sites.

Attorney Fazzone stated for the recorded (a corrections) the paved area of the road is 30'; the specification is on the plan; then 5' for each of the sidewalks and then remainder is greenbelt.

Chairman de Jongh said so there's a correction – it is 30'.

Mr. Hart explained the proposed location of the sidewalks.

Chairman de Jongh said to paraphrase according to the applicant there have been tests done that show that the soils are more than adequate enough to handle any kind of runoff.

Mr. Dell said he was wondering about erosion in the great depression; he had concerns about erosion of the ground.

Mr. Hart stated the septic systems are 55' to 90' away from the brook and are higher up on the berm.

Chairman de Jongh asked about the septic system on lot 1.

Mr. Hart stated its 55' away.

Chairman de Jongh said so at least there's 55' of distance and it looks like the greatest distance is 90' to 100'.

Mr. Dell questioned the direction of the proposed flow surface water – going towards the FEMA 100-year flood plain; he said to the south is a good flood plain area – that's directly behind his property and he has already had water bubbling up ground in areas on his property.

Mr. Dell stated there is a very high water table in that area.

Mr. Dell said an RCP – is it proposed underneath the roadbed or existing roadbed – to have the water above ground along his property into the wetlands.

Mr. Dell stated he was concerned because it's unclear about that water –he said he is concerned because it is unknown and if it increases.

Chairman de Jongh said he thinks what he (Mr. Dell) is basically suggesting is the diversion of the water from the properties – instead of flowing this way (shown on the plan) have it flow this way (shown on the plan); and whether it's going impact the net flow to the property.

Mr. Hart explained the outlet is to the west over to the brook.

Mr. Dell stated again, there is an unknown RCP underground; and there are records of the outlets above ground onto his property.

Joan Smallwood stated there are actually two watercourses in that wetland area –the major one is Roaring Brook and the smaller one that emerges from the RCP pipe that is under the roadway from her property; she said that’s significant water.

Mr. Dell commented about flow from snow melt until mid-July; in previous years, they have drought years it’s dried up in June; he’s been there for 5 years so he doesn’t have a good read on it.

Mr. Hart pointed out on the plan the low point; the yard drains installed in the low spot; and the handling of surface drainage.

Dr. Dimmick said so your testimony is essentially that everything you’re (the applicant) is doing is not going to add any water to the existing property which obviously has water problems; all of your water is going to the west of that (area).

Mr. Hart explained how the water would be taken to the west; and they are picking up some of the surface drainage near the neighbor’s property.

Chairman de Jongh asked if there is any work that’s going to be done with the drainage pipes they are alluding to on the existing roadbed.

Attorney Fazzone said there’s not going to be any work done to that – both neighbors have consistently refused to cooperate with the elevation of the road.

Ms. Simone and Attorney Fazzone both noted its private property.

Attorney Fazzone stated that pipe does not show up on the plan that he introduced into the record; from 1966.

Lori Wilcox, 415 Mountain Road, said she’d like to know the date and time of day that the botanist surveyed the area for endanger plants and wildlife (the Natural Diversity Database review); she asked for a copy of the report.

Mr. Root stated it was done over a couple of days - from May 27 and June 12; he’d provide copies of the report for the record (when available).

Chairman de Jongh clarified for the record Mr. Root said copies of that record will be offered to Lori Wilcox.

Ms. Simone said she didn't think the record had the report; but it's part of the record for the prior hearing.

Attorney Fazzone asked the Chairman to transfer the record from the prior application and make it part of this record.

Tom Grimshaw, 470 Riverside Drive, asked what is the legal responsibility of the city for maintaining the roadway and the catch basin.

Chairman de Jongh said that would be a Planning and Zoning question.

Mr. Grimshaw said it is and isn't because if effects the water; if all the water is being diverted to the basin and that basin has to be maintained and if that basin is maintained by the homeowners' association and not the city – we've had trouble with homeowners' associations.

Chairman de Jongh said he recognizes the problem and unfortunately this Commission has nothing to do with the enforcement of regulations of homeowners' associations.

Dr. Dimmick commented that we are no cognizant of the legal obligations of the town are in terms of maintaining roadways; that is not something within our jurisdiction and not within our general knowledge base.

Mr. Grimshaw said he understood but it does affect the water – if the catch basin is not functioning properly.

Chairman de Jongh said he agreed; it's a problem they have all the time with homeowners' associations.

Attorney Fazzone stated over the past couple of years in conjunction with the town attorney and the town engineers office; a set of covenants and restrictions have been developed – the town engineer's office has provided specific maintenance requirements for the detention basins and it's the homeowners association responsibility – if the homeowners does not maintain it accordingly the town has the right to go in and do whatever maintenance and

repairs necessary and lien the homeowners property for reimbursement of the costs.

Attorney Fazzone stated it's a very specific and strict – he said he believed that is also part of the original permit.

Attorney Fazzone said the Planning and Commission requires that the submitted covenant restrictions and we put it in bold print on the deed; he said he has seen it add to the title and collection of an annual fee from each homeowner and we make them sign a letter saying that they recognize they have to join/belong to and remain members of association.

Mr. Grimshaw asked said he believed in the original application – that there was a proposal possible for infiltration system in that catch basin – was that in the original proposal and is that in this proposal here.

Mr. Hart replied regarding the proposal of having an under drain at the bottom of the basin that will pick up the waters that percolate through the ground.

Mr. Grimshaw said and that has to be maintained how often.

Mr. Hart said it's going into the ground it's not going to be maintained.

Dr. Dimmick asked if the plan was showing a forebay between the inlet and the western basin.

Mr. Hart said yes.

Dr. Dimmick said a forebay certainly traps some of it.

Mr. Hart explained about the bottom of the basin will infiltrate water into the ground.

Attorney Fazzone stated the town engineer has required that the covenants have a specific maintenance schedule following the plans taken care of on a periodic basis.

Mr. Grimshaw said there was talk at the last application of some severe flooding south of this property; you are adding impervious service or collecting it through the berm and sending it down south;

it's part of the water flow outcome of adding this subdivision to this site – has that been factored in on this plan.

Mr. Hart stated yes; there is a detention basin; the water will be gathered (shown on the plan) and the flow is directed to the detention basin downstream; the town engineer reviewed it.

Mr. Grimshaw said it's going to serve all of a 100-year rain (storm).

Mr. Hart stated yes – a 2 year, 5 year, 10 year, 25 year, 50 year and 100 year storms.

Mr. Grimshaw asked if the house that's closest – farthest north – is that in the same position as the pervious application; he thought that was located very close to the toxic dump site.

Chairman de Jongh stated that's not a wetlands question.

Attorney Fazzone said they would answer it – but if you look at the prior subdivision it's in the same location.

Attorney Fazzone showed on the plan what was being eliminated; he stated again it's in the same location.

Mr. Grimshaw said the only reason he bring it up is because of the closest of the property to the dumpsite – he said he knew there was further testing – he thought DEEP wrote a response as to a plan of covering and so forth; but if that leaks.

Chairman de Jongh said that's not a wetlands issue.

Dr. Dimmick stated the courts have decided if water goes directly into the ground it's outside our jurisdiction; he says unfortunately because he'd love to be able regulate some of that but the courts have told him he can't.

Peter Wilcox, 415 Mountain Road, commented about the dump site and test wells done there and are documents on file with town and DEEP; he commented about leaching south to southwest towards the wet area where there are already houses – is there any plan to prevent that from leaching further into this wetland area; he commented about excessive amount of lead in that water – he said that is a wetlands question; it's wet behind houses and they have water in basements (in the location be pointed to on the plans).

Ms. Simone said the issue of the dump closure is outside the boundaries of this Commission so we have not received any plans from the state.

Dr. Dimmick stated this question is outside our jurisdiction.

There was discussion about the water in this area (shown on the plan); and piping of flow in the area of concern being reviewed on the plan.

Mr. Wilcox asked about the water and wetness of the area in question; he asked if there was nothing that would disturb Jean Smallwood's yard or the other yard.

Chairman de Jongh said he said he didn't think there was a suggestion in touching that pipe at all other than the fact a yard drain that was put in; below that there is no activity.

Chairman de Jongh said according to the applicant there is no activity proposed in that area.

Attorney Fazzino stated Dr. Smallwood has shown no interest in having any work done on her property to correct that; in order to prevent this project from adding to that – her problem – that yard drain has been put in to take water across the low point behind her house.

Comments made by Jean Smallwood were not audible; her comment was relative to the basins and 3' of water in the area.

There were public questions about lawn chemical and road toxins getting into the wetlands and the stream.

Mr. Hart commented about the flow of the surface water and the preferred storm water management plan (for that area); per the recommendation of DEEP.

Ms. Simone said this is a question that has come up – about lawn chemicals – he said she has heard from the people at the stated that there are no state laws that allow towns to prohibit the use of lawn chemicals on the lawn.

Mr. Dell asked if there was a physical barrier that could be done here to prevent that – from going into the stream and wetland area.

Dr. Dimmick said our best bet along that line is to have a non-encroachment barrier there; to encourage natural vegetation; he said the recommendation is 30' of vegetation between the lawn and the stream; you get a tremendous amount of absorption.

Jean Smallwood asked about the covenant; could they get copies based on what they had last time.

Attorney Fazzone said its standard from what they had been in the past – the general format has been in effect for the past several years; and again, it's a Planning and Zoning requirement.

Chairman de Jongh stated files of this are not required to be in the file because it's not a wetlands issues – it's a P&Z issues.

Chairman de Jongh suggested if a copy was needed to request that from P&Z.

Attorney Fazzone stated it was made and exhibited in the prior public hearing for P&Z and it will be made an exhibit at the public hearing that begins next month.

Jean Smallwood asked about the homeowner's responsibility; she commented about state law that gives citizens the right – to vote to dissolve the homeowners' associations.

Chairman de Jongh stated again for the record – this is not a wetlands issue. (Re: covenants, etc.). He said this question can be brought up at the P&Z public hearing.

Jean Smallwood said she has tried many times to get the engineer to describe to us the drainage pond; and the infrastructure and how the how the area flows; and the berm and underdrainage – how do those protect the wetlands; from erosion and pollutants on the roadway that drain into that drainage pond.

Mr. Hart explained the use of the outlet structure that controls the flow leaving the detention basin; the low flow orifices is 4" in diameter so for small storms that's all the water that's going to be coming out of that basin; and then as the storms gets larger we have a 'v' notch at the top that also controls the flow; he explained the

flow of water and how it gets slowed down by the outlet structure and held in that detention basin controlling the water and sediment; it's been found that the pollutants attached to the sediment and settle out and that's why DEEP wants these basins – it gives a certain amount of settling time.

Jean Smallwood said from what she reads about the design of it – that 4" outflow is 3' above the bottom of the pond; so, there's going to be a long period when that basin has 3' of water; she cited safety concerns of the design.

Mr. Hart stated correct; and that's the design.

Mr. Hart said that's the design that DEEP wants – they want these basins to wet basin because they provide better water quality renovation.

Mr. Dell asked about the area to the north – he asked about the topo lines and if they'd be changing the slope of the land and how it will affect the water flow.

Chairman de Jongh stated there is no activity to the north of this property – so there's no activity to planned for that area at all; if it's an area that the state is involved in we have no idea what they are going to be doing.

Mr. Dell asked if information from DEEP was presented about the land.

Chairman de Jongh said if it's an area the state is involved; if they do some work they may advise this Commission as to what they are doing to do – we cannot over ride what the state decides.

Attorney Fazzone said there is a separation between storm water drainage and runoff – P&Z has some jurisdiction; when you get further away from the wetlands it becomes less of a wetlands issue.

There were a few public questions not pertaining to wetlands issues so they were not addressed by the applicant's representatives.

Chairman de Jongh stated that our concentration is on the applicant's presentation – that is what we have to focus on this evening – any potential activity that could happen – what if – down the road on adjacent property – we have to look at that at that point;

but if there are no wetlands on that property it won't come before the Commission.

Attorney Fazzone said if the remediation of the dump site involves wetland activity – and DEEP wants the landowner to run a pipe from the underground into the wetlands – you'd (the Commission) would have authority over it.

Chairman de Jongh stated only if there's an impact to the wetlands would we be apprised of it.

Jean Smallwood asked if Commission members have taken a site walk.

Chairman de Jongh stated we have seen the properties either collectively or individually.

Vincent Fuoco, 433 Mountain Road, said there was a reference to the RWA and their opinion; he asked if that was part of the approval process.

Attorney Fazzone stated that by state statute where there is a watershed involved notification of the Water Authority is required and that's been done by certified mail.

Mr. Fuoco asked if they voice an opinion on it or reply.

Dr. Dimmick said in his 43 years on this Commission that sometimes we hear nothing from them; sometimes we hear a one paragraph reply; and sometimes we have two to three pages from them; we have a requirement of waiting 2 weeks for a reply – if we hear nothing within 2 weeks (14 days) we don't have to keep thing open to hear from them.

Ms. Simone confirmed its 14 days.

Mr. Fuoco said on the last application process RWA did respond with a different filtration system that was proposed at that time; does that plan reflects what RWA proposed in the last response; he also wanted to know will the catch basins catch the water going into the wetlands because there is detention pond; and a watershed area.

Mr. Hart said he believed it does but would have to check with the engineer.

Jean Smallwood questioned how that system will handle the issue of sediment and erosion and pollutants.

Chairman de Jongh stated that he's of the opinion that there are a couple of issues that need to be clarified and we need to be able to do this openly rather than closing this public hearing so it is his suggestion that we keep this public hearing open for the purposes of getting these kinds of issues addressed and take care of; he wanted interested parties to have their questions addressed.

Chairman de Jongh stated people can make general statements at the public hearing when it continues at the next meeting.

Jean Smallwood asked to see the RWA report and the Natural Diversity Database/Environmental reports.

Mr. Grimshaw asked if Chesprocott given the applicant's proposal.

Chairman de Jongh stated the applicant's representative (Attorney Fazzino) nodded yes.

Dr. Dimmick stated Chesprocott signed off on it two years ago.

Jean Smallwood commented that Chesprocott asked for further testing; she commented about Chesprocott's position on the application; and more testing was asked for.

Attorney Fazzino stated that will have to happen (additional testing) before they get a building permit.

Chairman de Jongh suggested that the public hearing be kept open to allow for comments and any other questions that may arise.

Chairman de Jongh moved to continue this public hearing to the next meeting on Tuesday, July 18, 2017; approved by unanimous consent of Commission members.

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|----|--------------------|-----|----------|
| 2. | Permit Application | APP | 2017-009 |
| | Bridget Bowman | DOR | 6/20/17 |
| | 70 Strollo Court | PH | 7/05/17 |
| | Site Plan | MAD | 8/09/17 |

Ryan McEvoy, PE of Milone and MacBroom was present on behalf of the applicant. Matt Bowman, 422 Maple Avenue, father of Bridget Bowman was also present.

Mr. McEvoy explained what we are seeking approval for is a modification of the grading that exists on 70 Strollo Court.

Mr. McEvoy said the Commission is well aware and members of the public – this lot is subject of a cease and desist order as a concern regarding erosion into abutting open space areas to the east of the site and a watercourse.

Mr. McEvoy said the plan was proposed as part of this application to correct the as-built conditions of the slope to the rear of the house.

Mr. McEvoy explained and showed on the map the east of the lot in tan represents where the areas sediment had washed in past the sediment and erosion controls that were in place.

Mr. McEvoy said as part of the cease and corrective order the applicant/owner of the property removed all the sediment in the areas (shown in tan); added a significant amount of sediment and erosion controls along the slope including erosion control blankets, hay bales, etc.

Mr. McEvoy stated presently the slope is more or less stable; vegetation has taken hold on much of the area however the gradient of the as-built condition of that slope in some cases what we would recommend as a reasonable or a natural slope of 2:1 with 1 beginning 2' horizontally and 1' vertically.

Mr. McEvoy said a couple of other things – first thing the house shown (in brown) on the plans was originally shown in the subdivision plans as have roof leaders and footing drains to directed to a common pipe located within Strollo Court which is shown (on the plan) to the west.

Mr. McEvoy continued saying that as the construction house proceeded the roof drains to the back of the house were directed to a common pipe along the slope and the footing drain was also instructed along the slope itself.

Mr. McEvoy said as part of this effort we think as designers it's critical that the stormwater be handled in a manner that does not allow it to drain directly on to that proposed slope.

Mr. McEvoy said what they've shown are two areas of stormwater infiltration where roof drainage will be directed from the rear of the house to underground plastic chambers which are sized up to the 100-year storm – there's no runoff that would enter onto the surface or onto the slope – it would all be contained into the structures we'd be proposing.

Mr. McEvoy said additionally the slope itself – we propose to pull back and soften the grade a bit by excavating closers some 6' towards the patio to the rear of the house and the grading proposed is to 2:1 with a reverse bench located roughly two-thirds the way down the slope; the purpose of the reverse bench is to allow for the slowing down of the velocity of any runoff that may be heading towards the east of the property towards the open space.

Mr. McEvoy stated this is a slope that would be protected by erosion control blankets along with continuing monitoring of the existing sediment and erosion controls that were installed as part of the corrective actions taken a few weeks ago.

Mr. McEvoy said lastly, we are proposing as part of this application to allow the footing – which currently exists to the rear of the property to continue to be in that location.

Mr. McEvoy explained their experience on this site with the soil types that we found on this property – the sand and gravel entirely and the footing drain itself is constructed at the very two of the slope of the basin and we don't expect that to receive any significant amounts of runoff of any ground water conditions as there is a protective measure required by the building code and visual inspection of that pipe doesn't show any evidence of any water up to this point.

Mr. McEvoy said the footing drain – not the roof drain is merely a belt and suspenders to make sure there's no accumulation of moisture in the basin.

Mr. McEvoy said surface runoff we think is very critical and that surface runoff does not travel over that slope that we propose.

Mr. McEvoy stated to summarize there's 3 things we're proposing; (1) is to take the roof drains out to the rear of the house, put them in underground chambers where they will be allowed to infiltrate into the sand and gravel soil; we've demonstrated through calculations in our storm water engineering report that there will be no runoff from the rear of the house as a result of our infiltration as we designed it.

Mr. McEvoy said (2) we're seeking approval from the wetlands Commission to allow for the footing drains improvements along the rear of the property perimeter primarily because we don't expect to really see more than a trickle at best.

Mr. McEvoy said lastly, we're proposing to repair the slope from what it's been constructed on site – to a gradient that's safer gradient that will allow for less likely chances of future erosion on this site.

Mr. McEvoy stated proposed activities are located outside of the upland review area and outside of regulated wetlands however the direction of drainage is from the rear of the house down towards the watercourse which is located off the property.

Mr. McEvoy stated that's essentially our proposal – he would like to see if there were any comments or questions from the public or Commission.

Chairman de Jongh asked what a reverse bench is.

Mr. McEvoy explained that a 2:1 slope is essentially a gradient of about 30%; between 2' horizontally and 4' vertically; a reverse bench is an area that is essentially a shelf with a slight change in grade – some stormwater runoff will travel down the 2:1 slope hit that bench and slow down to essentially zero so you don't have a condition where you have runoff heading down slope with a fair amount of velocity.

Mr. McEvoy explained the DEP Sedimentation and Erosion Control manual has a recommendation that if you have a 2:1 slope that for every 14' vertically that reverse bench be incorporated into the slope to essentially slope down the velocity.

Chairman de Jongh asked if there was an erosion element built-in to that reverse bench (to prevent that from going the wrong way).

Mr. McEvoy stated that's the primary reason for the reverse bench is to slowing down velocity – limiting the velocity's runoff.

Chairman de Jongh asked if they were not creating a channel where that reverse bench meets the toe of the slope coming down.

Mr. McEvoy stated no – it's essentially, it's a very small change and reverse; he said it's a fairly level area; he explained how the process worked.

Chairman de Jongh said the other question said the other questions he had were regarding the installation of the two chambers – are they in any way going to impede the integrity of that slope that they regraded.

Mr. McEvoy said no – the elevation of bottom of these structures is located some 5' below existing grade so for these to have an adverse condition these would have to travel horizontally through sand and gravel which there is no restrictive soil out here vertically so they would have to travel some 20' to 25' before they would have to get to a similar elevation along that slope where it would theoretically bleed out.

Mr. McEvoy stated we don't have any restrictive soil in here – we have deep test pits throughout this site; the sand and gravel goes down as far as the machine digs; he stated he didn't expect there would be any horizontal movement of that soil until it hits ground water which he would guesstimate is at the elevation or slightly above the elevation of the watercourse.

Chairman de Jongh asked about the footing drain – was that one of the pipes that was extending outside and it's that's one that remains sticking out of that slope.

Mr. McEvoy said that was correct; he explained the footing drain is essentially the drain pipe; the roof drains were sticking out; the footing drain itself is 6" on the southern side of the house; the reason why we are requesting authorization to allow that to remain along that slope is primarily we do not expect any significant flow in or around that pipe because of the ground water conditions and site conditions – that pipe is merely there as a building code permit

requirement – he would imagine with all the rain we’ve had and if there was a ground water problem we would have seen evidence in that pipe of some trickle or some type of flow but there isn’t.

Dr. Dimmick asked if there is a drain in the basement.

Mr. McEvoy stated no – it’s a perimeter pipe around the exterior of the footing with no drain located within the house itself; the purpose of the perimeter drain is if there is any moisture it’s along the wall of the basement.

Dr. Dimmick stated he wanted to make sure he got that clear.

Mr. McEvoy said it’s like a French drain and in an area where there is elevated ground water condition typically a footing drain; he said he would be very surprised to even see a drop of water.

Chairman de Jongh said the last question he has in where he and Suzanne went out to the site when this whole thing started – the backyard was very spongy and the applicant’s comments was that the sprinkler system was on; he is asking about the integrity of that backyard – is there a substantial base to that now – is it still spongy.

Mr. McEvoy said you happen to come (at a wet time) and he finds it very typical around houses after the top soil is spread and the grass seed has just been put down and hasn’t taken hold (the root structure).

Dr. Dimmick said to Chairman de Jongh that since he is bringing up stuff that was brought out at the show cause hearing perhaps we should incorporate the minutes of the show cause hearing into this hearing.

Commission members all agreed to incorporate the minutes of the show cause hearing into this hearing.

Mr. McEvoy said so now that the grass has grown then soil has structural integrity.

Chairman de Jongh said he mentions that because as we talk about the changes in the topo we have a slope coming downward and we’ve got soil conditions problems – then the integrity of the slope is in question in his mind.

Chairman de Jongh said what he is saying; we've finally established some kind of structural soundness to the backyard.

Mr. McEvoy said yes and for the most part the slope is vegetated.

Mr. McEvoy said to your question any construction that's on this site is going to have to be very closely monitored during construction and during installation or regrading of that slope.

Mr. McEvoy said he thinks that would be the case no matter what the proposal here is.

Mr. McEvoy explained as part of our plan we have detailed soil and erosion control measures that are going to be in place that weren't in place when this was initially constructed; with monitoring.

Mr. McEvoy said he thinks the construction will be relatively quick – he thought the important thing is to check the weather – and try to time the construction where there are no major storm events approaching.

Mr. McEvoy stated certainly sedimentation and erosion controls will be critical.

Chairman de Jongh commented about the lack of attention to details when this application was approved and what the final result was – was as a result that no one was monitoring what was going on.

Chairman de Jongh continued by saying that as we start to change the topographic slope – his question is who is going to be responsible for making sure that its constructed the way its illustrated and that controls and measures and somebody is watching it and making sure the outcome is as this Commission, if they approve it, as this Commission wants.

Mr. Bowman addressed the Commission.

Mr. Bowman said have us do an as-built; at the end of the construction do an as-built to make sure its constructed the way they (the Commission) approve it.

Chairman de Jongh said the problem is the as-built is after the fact – he's talking about during the reconstruction of that of that slope –

who is going to be overseeing that is being constructed the way it's being presented to us.

Mr. Bowman stated Milone and MacBroom will monitor it; this will be done within an 8-hour day; this is a one day job so when this is done they'll monitor it – they'll come out – they'll do an as-built and they'll bring it to you (the Commission).

Mr. McEvoy stated he normally doesn't offer his services to the Commission but in this particular case – as Mr. Bowman testified we can be present during the reconstruction of this slope to ensure the plan as we propose if it gets approved by this Commission be constructed appropriately.

Dr. Dimmick stated and proper erosion controls be put in.

Mr. McEvoy stated most importantly (in regards to Dr. Dimmick's comment).

Ms. Simone said she just wanted to state for the record that she did receive communication from Bridget Bowman that authorizes Matt Bowman to speak on her behalf.

Ms. Simone asked about the material existing on site – that's all the material that would be needed to regrade – they will not be bringing more material in or taking material out.

Mr. McEvoy stated this is a net export; they will be pulling that slope back – grading back towards the house so there's going to be no fill brought in but some will be taken out.

Ms. Simone said the requirement of building code work – the footing drain to be put in – is that independent of the soil types.

Mr. McEvoy stated yes generally – there are certain conditions where the applicant for a building permit demonstrate to the building official's satisfaction that the soil types do not warrant a footing drain – that ability exists; there's an investigation that has to occur in order to do that.

Ms. Simone asked in his (Mr. McEvoy) opinion what conditions would have to exist in order for water to get to that height given that the site has sand and gravel.

Mr. McEvoy said you'd have to have one of two things; one an elevated water table which he didn't expect that would ever occur here; and two there's any water that infiltrates alongside the building and is intercepted by that drain – you might have a few drops of water that come out.

Mr. McEvoy said typically the footing drain is there primarily for an elevated ground water condition; but there could be some circumstance where there is some surface runoff that infiltrates alongside the building foundation wall that migrates its way into that pipe – if you can get trickle out of that it would be a surprise.

Mr. McEvoy talked about conditions that applied to storm drainage and foot drains.

Dr. Dimmick asked if that footing drain perforated for its entire length or only right around the building.

Mr. McEvoy stated right around the building.

Ms. Simone asked what the depth of the pipe was; would it be able to tie into one of those concentration units.

Mr. McEvoy said it's at the bottom of the footing some 70' below grade; the reason why we tend to avoid recommending footing drains go into infiltration areas – is the infiltration galleries will collect storm water runoff; you have an opportunity to introduce water that wouldn't normally get into the footing drains.

Chairman de Jongh asked what steps are going to be taken as you start to regrade that slope – will it take place in a relatively warm period; what steps are going to be taken to make sure the integrity of that slope is intact.

Mr. McEvoy replied certainly an extended period of hot dry weather – watering and irrigation would certainly be recommended in order to allow vegetation to establish more quickly.

Chairman de Jongh said he was concerned not only for the integrity of that slope but also the work that you've (the applicant) done to pull that stuff away from the area that caused the cease and desist in the first place.

Chairman de Jongh said his recommendation is whatever can be done to ensure the integrity of that slope sooner rather than later would be to the advantage not only to the property owner but to the downstream property owners who are affected by this as well. He asked what plans or steps have been discussed with the applicant.

Mr. Bowman said we have discussed it already previously to the public hearing.

Mr. Bowman said he suggested to Ryan that it not be done until early September so that the probability of a thunder storm or something like that or a catastrophic event happening is lessen and you still have a full growing season – your best time to put in a lawn is late August or early September and that’s is what he proposed to Ryan.

Chairman de Jongh said the problem he sees with that is we are talking about the installation of those two what he’ll call drywalls – you’re asking for permission to take care of that now and also asking for permission from this Commission to go ahead and regrade that slope with that reverse bench but that’s not going to be done for a couple of months now.

Chairman de Jongh said so we’re not going to know the integrity of that until fall.

Chairman de Jongh said he’s trying to put his arms around the fact that this Commission is being asked to go ahead and approve a project – and he knows staff is being asked to sign off on the CO for the property where we still have outstanding issues and it looks like those issues aren’t going to be taken care until September so we have a problem here.

Mr. Bowman explained its established right now – it’s not moving unless there’s a bad storm; the sooner we get those roof drains – right now they are on top of the ground going into hay bales to dissipate the energy and then just going into the ground – the sooner we get those into the ground – into the chambers the better off we’re going to be and we then can work on the back bench.

Mr. Bowman stated the back bench is established and there is “triple” silt fence and hay bales all the way down – over and above what was asked for.

Mr. Bowman said he didn't want to create a problem but if you (the Commission) tell him they want it done immediately – it will be done immediately.

Dr. Dimmick said he thinks the problem that the chair has raised is that we know you are anxious to get a CO and yet the only real hold we have to make sure this is done right is to hold up the CO until we get this done.

Mr. Bowman said or to bind it.

Dr. Dimmick said that is a possibility that we can look into to see if there's a legal way to bond for work not completed; the Wetlands is limited in what they can bond for – we need to look into what are legal limits are in terms of bonding.

Ms. Simone said we have bonded for erosion controls not for actual work; we need to look into.

There was discussion about the possibility of bonding the work. This detail would need to be looked into from a legal standpoint.

Chairman de Jongh said this is a matter of extending this beyond the point of getting a CO and we're trying to make sure we're satisfied with the end result.

Ms. Simone asked if that was the set idea that they want to do that slope in September or is there the ability to do it sooner.

Mr. Bowman stated they would do it whenever they (the Commission) want it done. He stated his recommendation is to do it later only because is as soon as you disturb that you are disturbing the entire slope; right now, that slope is stabilized – there's growth on it – there's blankets on it – there is a reverse slope.

Mr. Bowman said he didn't want to hold Bridget's CO up at this point – she is getting to the end of her mortgage where she has to get a CO or loses her mortgage – we don't want that happening; in the same token, he doesn't want to go in and do all this work and have it end up in the brook again.

Dr. Dimmick said we are trying to work our way around this – we have our limits as to what we can and can't do here; we will try to see (how to make it work).

Chairman de Jongh stated this can't be decided this evening. He asked since this is a public hearing are we able to introduce additional wording if we got legal language that we can issue a bond on this – are we able to introduce that.

Ms. Simone stated not at tonight's meeting (at the public hearing).

Dr. Dimmick said we have this item still on the agenda under show cause and permit application (under unfinished business) so something can be added (later).

Chairman de Jongh said he is just trying to find a way to be able to (insert tab A into slot B) so we are looking for language to be able give the authority to have a bond posted to cover the work being done on that slope.

Ms. Simone stated that doesn't require the public hearing remain open; that's under review of the Commission as to what they want to have done.

Chairman de Jongh talked about how the applicant can go forward and get this done – get the CO and at the same time still be held accountable for the integrity of that regrading and he wants to protect the property owners down slope that got impacted.

Chairman de Jongh said so whatever we can do to create assurances for this Commission that that's going to come out the ways its being presented and still allow you to get a CO so everyone's happy.

Ms. Simone said to Mr. McEvoy that everything being discussed here tonight – you don't believe that is something that needs to be reflected as part of the modification to this plan.

Mr. McEvoy stated no.

Ms. Simone said so the hearing is closed - the Commission can continue this discussion it's just that the Commission would not be able to receive a revised plan after the close of the public hearing.

Mr. McEvoy stated he didn't think there was anything as part of this discussion that would trigger a need for a revision of the plan.

Ms. Dunne said so the planting – the position is it will be in September.

Dr. Dimmick said it would be at the end of the reconstruction.

Ms. Simone stated that something that's still open for discussion.

Mr. Bowman said what will happen is if they say no – you can't bond then we'll do the work gets done (as instructed by the Commission).

Chairman de Jongh said somehow the work has to be taken care of.

Chairman de Jongh asked if there were any other questions.

There were no questions asked.

Chairman de Jongh closed the public hearing at 9:30 pm.

VI. ADJOURNMENT

The public hearing was adjourned at 8:58 pm by consensus of Commission members present.

Respectfully submitted:

**Carla Mills
Recording Secretary
Cheshire Inland Wetland and Watercourse Commission**