

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
PUBLIC HEARING
TUESDAY, JULY 17, 2018
TOWN HALL 84 SOUTH MAIN STREET
ROOM 207/209 AT 7:30 P.M.**

I. CALL TO ORDER

Dr. Dimmick, serving as chairman pro-tem in Robert de Jongh's absence; he called the meeting to order at 7:30 pm.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited.

III. ROLL CALL

Ms. Dunne called the roll. Members present were Charles Dimmick, Dave Brzozowski, Kerrie Dunne, Earl Kurtz, Will McPhee and Thom Norback. Staff: Suzanne Simone. Member not present: Robert de Jongh.

IV. DETERMINATION OF QUORUM

There were enough members present for a quorum.

V. BUSINESS

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

| | | | |
|----|--------------------------------|-----|----------|
| 1. | Permit Application | APP | 2018-017 |
| | Helm Family Investments I, LLC | DOR | 6/19/18 |
| | Lexington Court | PH | 7/17/18 |
| | Site Plan – Wetlands Crossing | MAD | 8/21/18 |

Mr. Norback recused himself from the public hearing at 7:32 pm.

Jennifer Beno, Wetland Biologist and Biologist of Soil Science & Environmental Services, Inc., in Rocky Hill, CT and George Cotter (arriving at 7:53 pm), PE of CW International were present.

Ms. Beno presented an overview of the project; she inspected the project site on April 28, 2017 and again on June 15, 2018; Scott Stevens, registered professional soil scientist, with her firm delineated the wetlands on April 28, 2017.

Ms. Beno talked about her findings on the site; that were submitted for the record – she provided a summary and what she looks for on a site including the time of year she inspects a site and wildlife breeding in vernal pool and wetland areas; egg masses, wood frogs, tadpoles, finger nail clams, peepers, etc. were found in the 2017 around the vernal pool area; no standing water was observed in June 2018 so the breeding period is short.

Commission members reviewed the plans of the Ms. Beno made note of the wetland areas, vernal pool area which travels further south on to a neighboring property; and the area of proposed wetland disturbance; the location of a drain pipe; and vegetation in the area and vegetation list that was submitted as part of the record.

Ms. Beno talked about vernal pool species and their breeding period and habitat; the three wetland areas on the site; and the types of soils found on the site; and ground water discharge location.

Ms. Beno reported that based on map prepared by CW International; there was 0.08 acres of direct wetland impact; activity would occur within 10' of the vernal pool – for the drainage swale; 2,608 SF of wetland impacts in one location and approximately 695 SF of the wetlands impact in another; and upland review area impacts associated with the driveway and roadway.

Ms. Beno stated the applicant is proposing a shrubbery enhancement plan – that report was submitted.

Ms. Simone asked if an overall site development plan was submitted in the packet today.

Ms. Beno said there was a sketch in her report.

Ms. Beno reviewed the map with Commission members regarding the location of the site development and the location of wetland on site; and location of restoration area; and recommendation for protection of the site including wetland buffers; and other recommendations and guidelines noted in her report; she read portions of her report into the record regarding site protection recommendations.

Dr. Dimmick opened the public hearing for questions from Commission members and staff.

Ms. Simone asked about the planting-species list for the under-story vegetation list.

Ms. Beno said that is something she will be submitting.

Dr. Dimmick opened the public hearing for questions from members of the public.

George Handera of 206 Lexington Court said the road talked about is actually a driveway and not a town roadway.

Mr. Cotter submitted revised plans sets for the record; and other detailed documents which were also submitted for the record.

Commission members reviewed the newly submitted plans.

Mr. Cotter provided a history of the site – showing the 1985 subdivision map – showing the one-acre lot and was an existing lot of record – he showed on the map the only access to the rear lot was through an easement created in 1995; he explained the property was divided so a house could be built and the septic system; he showed on the map the location of the property and activity in questions; he said the soils in an area shown on the map are very tight soils and not suitable for septic.

Mr. Cotter said in 1995 they came before the Commission for a driveway crossing – and an easement was created for access to the rear lot and that access way is still in effect –it's a 50' easement – what was approved by the Commission in 1995 and constructed was a driveway with 6' gravel shoulders – paved; this application is different because they have concentrated the flow through a fill area through the wetlands into one pipe; he talked about the direction the flow traveled and protective measures for the area.

Mr. Cotter said engineering comments were to move the cul-de-sac away from the property line and the wetlands and that's shown on the revised plans; and that grass swales be installed for road runoff could be filtered through before it gets to the wetlands and vernal pool and the stone check dam at the end of it – shown in the detailed sheets of the plans; he said there are upland plantings proposed and piping; and plantings around the vernal pool.

Mr. Cotter said in the packet is a letter from Ken Stevens given to the Commission in 1995 – saying there really weren't any prudent or

feasible alternatives to get the driveway back to this property; they are currently trying to gain access to the exiting lot with as little impact as possible.

Mr. Cotter said they are trying to protect the area and the wetlands and get access to a lot they had prior approval for (the permit has since lapsed); the access way is shown on the 2017 survey map; they are trying to get access to the approved rear-lot building lot.

Dr. Dimmick asked Mr. Cotter about his comment about constructing a driveway in 1995.

Mr. Cotter stated if that's what he said he misspoke – it's not constructed; nothing has been built.

Dr. Dimmick asked if the easement is already on record.

Mr. Cotter stated yes.

Dr. Dimmick asked if there's no possibility of a change – the Commission is concerned about how close they are to the vernal then how close they are to the wetland.

Mr. Cotter explained they moved the driveway to the north side of the easement – to try to move it as far away from the vernal pool; all the proposed activity is within 50' of the right of way.

Ms. Simone asked about the easement and if it's the same property owner who owns both lots; and asked about the soils and Chesprocott approval for the septic system.

Mr. Cotter stated yes.

Mr. Cotter stated that they have done septic – soil testing this spring and Chesprocott has approved both lots.

Ms. Simone asked about alternatives considered for the proposed driveway and if it was moved would it still accommodate the septic system.

Mr. Cotter said the driveway and septic system are going into the same area together.

Ms. Simone asked if the driveway be moved to accommodate the approved area for the septic.

Mr. Cotter said we are talking 20' and if they get the easement changed they can look at that.

Dr. Dimmick said one of the things they need to look at is alternatives.

Mr. McPhee asked how close the vernal pool is from the driveway.

Mr. Cotter confirmed it was 20' – not 10'.

Ms. Simone asked Mr. Cotter to elaborate on the how the pipe might get maintained or if it gets clogged how it might get cleaned.

Mr. Cotter said the vegetation in the area is very sparse and they plan to install 6" modified rip-rap and there will be an open envelop for water to move where ever it wants without it having to be corralled through normal piping – he said they do this in move sensitive areas and where they are more concerned about the surrounding wetlands and vernal pools.

Mr. McPhee asked about the driveway construction and its impaction because of the septic location.

Mr. Cotter said you put stone on top of rip-rap and then special filter material down and then gravel over that.

Ms. Dunne asked if we have the Chesprocott report; and if they don't can they get it.

Mr. Cotter said he would submit the report.

Dr. Dimmick said we may have to keep the public hearing for the submission of additional materials.

Dr. Dimmick opened the meeting for questions from the Commission, staff and the public.

George Handera of 206 Lexington Court asked the septic area and its approval and asked if it was the drainage pipe from the vernal pool that goes out to the sewer - is that the pipe Mr. Cotter was talking about.

Mr. Cotter said it was approved; it was tested and its Cheshire fine sandy loam; regarding the pipe he said yes.

Mr. McPhee asked about pushing the cul-de-sac away from the wetlands.

Mr. Cotter talked about the restraints if the cul-de-sac was moved and there's a drop-off down the hill; he said it's a low-quality wetland.

Ms. Simone said to clarify that area is proposed to be filled in to achieve the grading for the cul-de-sac.

Mr. Cotter stated yes and for the driveway (as shown on the plan and driveway cuts outside the 50' setback area).

Additional information needed to be submitted into the record.

Dr. Dimmick continued the public hearing to the next meeting on August 7, 2018.

VI. ADJOURNMENT

The public hearing was adjourned at 8:15 pm by consensus of Commission members present.

Respectfully submitted:

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