

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
PUBLIC HEARING  
TUESDAY, DECEMBER 3, 2019  
TOWN HALL – 84 SOUTH MAIN STREET  
ROOM 207/209 – 7:30 P.M.**

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**I. CALL TO ORDER**

Dr. Dimmick called the public hearing to order at 7:32 pm.

**II. PLEDGE OF ALLEGIANCE**

The pledge of allegiance was recited.

**III. ROLL CALL**

Ms. Dunne called the roll.

Dr. Charles Dimmick, Earl Kurtz, Dave Brzozowski, Thom Norback, and Kerrie Dunne were present. Member not present was Robert de Jongh and Will McPhee.

Dr. Dimmick served as chairman pro-tem in Bob de Jongh's absence.

Staff member Suzanne Simone was present.

**IV. DETERMINATION OF QUORUM**

Dr. Dimmick determined there were enough members present for a quorum.

**V. BUSINESS**

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

- |    |   |     |          |
|----|---|-----|----------|
| 1. | Permit Application                                | APP | 2019-026 |
|    | A.M. Napolitano LLC                               | DOR | 11/07/19 |
|    | Marion Road                                       | PH  | 12/03/19 |
|    | Resubdivision, Individual Lots & Wetland Crossing | MAD | 1/07/20  |

Dennis McMorro, PE of Berkshire Engineering and Surveying, LLC in Bantam, CT was present on behalf of the applicant. David Lord, certified soil scientist and environmental consultant from Soil

**Resources Consultants was present. Andy Napolitano, the applicant was also present.**

**Dr. Dimmick laid out the general ground rules for the public hearing; there would be a presentation, an opportunity for questions and comments from the Commission and staff then questions and comments from the public.**

**Mr. McMorrow addressed the Commission stating he planned to review the overall map of the project site – the project is 27 acres that is comprised of 4 existing properties - he pointed out the placement of the project site relative to Marion Road, Interstate 84 and Bird Lane.**

**Mr. McMorrow explained the wetlands on the property were identified by Mr. Lord – they are shown in green on the map; there is a watercourse underneath Interstate 84 – a 5' concrete culvert that comes underneath the highway that traverses through their site – there is a pinch point on the map where there is an existing 36" metal pipe and then the brook continues down the hill and underneath Marion Road and a 72" concrete culvert.**

**Mr. McMorrow said the proposal this evening is to create a 15 lot subdivision – it's a recondition – it has 825' of a new town road and a 600' common driveway off the cul-de-sac of the new road; only lot 3 on Marion Road which also contains the existing house that's on there's – will have access on Marion Road – all the new lots will have access on the new town road.**

**Mr. McMorrow reported they designed a detention basin in the southeast corner of the property – that's in the frontage of lots 1 & 2 and the detention basin was designed to lower the peak runoff rates – reimpose predevelopment conditions to less than the predevelopment condition.**

**Mr. McMorrow stated there was extensive soil testing that they did with Chesprocott on site – the front half of the property to the left side of the brook crossing is very sandy and gravelly soils so when they designed the detention basin the first 12" of water will be retained and will have and will have to infiltrate in – there's no outlet structure until you reach 12" in height so it will serve as ground water recharge basin that meets water quality standard and also the primary function was to be a detention basin to meet the town of Cheshire regulations.**

**Mr. McMorrow stated the only direct wetland impact is the brook crossing at the end of the cul-de-sac of the new road – they have a 600' common driveway a couple of hundred feet in – there's an existing 36" metal pipe – they chose that location for their crossing due to the fact it already has disturbance in that area in the wetlands; it will be 900SF of direct wetland impact in their regulated area – the**

disturbance is 14,000SF for the detention basin – common driveway and a little corner of the septic for lot 10.

Mr. McMorrow explained when they did the design flows for the culvert coming underneath 84 and, in that area, we could use a smaller pipe than a 4 by 8 box culvert but due to Army Corp and DEEP guidelines they want an openness ratio of .82 and based on the length of the culvert the culvert needed to be a 4 by 8 box culvert that gives an openness ratio of .84.

Mr. McMorrow said the Commission questioned if they were possibly alleviating some detention characteristics of the existing 36” culvert – he said based on what was seen at the site walk – the Commission could see there was only about 6” of cover over that metal pipe and it’s not detaining a large area behind it without the larger flows coming over the existing driveway coming into the back of the property so you do not have any significant detention in that area that we’d be losing by putting in the larger box culvert – so there will be no significant change to the flows going down to the 72” culvert that goes underneath Marion Road.

Mr. McMorrow stated again – all the lots were tested with Chesprocott – and we have designed a septic layout for a 4 bedroom house on the entire subdivision with the exception of lot 3 which has an existing septic on it that was just installed a few years ago with Chesprocott; lot 3 also has a well but all the other properties will be served by a new water main that will be extended up the new subdivision road serving all the new lots from that water main.

Mr. McMorrow reported there was a Natural Diversity Database hit in the southeast corner of the property, so they did submit the required paperwork to DEEP and DEEP sent them a response letter and there were 3 species of concern that they sent back which were the Ribbon Snake – the Wood Turtle and the Eastern Box Turtle; in that response letter DEEP had protection strategies and Mr. Lord did a letter to help qualify how they would not impact these species during construction.

Mr. McMorrow explained in the revised set of plans dated November 14, 2019 – the did incorporate on seats E-1 the first page of the storm water pollution control plan those protective strategies from the DEEP letter were added to the E&S plans so it’s there and they won’t have to rely on the contractor to get the paperwork done.

Mr. McMorrow said with that said, he can answer any questions they might have now - or they may want to hear from Mr. Lord before they ask questions.

Mr. Norback said he was on the site walk and the only question he had was about the culvert going into the box culvert is only

improving the situation – its going to direct the flow as opposed to having it run amuck.

Dr. Dimmick asked about the other side of 84 – is that a land conservation area.

Ms. Simone stated the town owns 300 acres on the other of the bridge.

Mr. McMorrow stated there's a stream that comes down to the 5' culvert but its predominately a very steep wood area.

Dr. Dimmick commented about the timing of the runoff; he asked if they had any figures for the last foot to drain – the last 12".

Mr. McMorrow said it should be within 24 or 48 hours based on the infiltration rate 2" per minute which is 4' per day which was conservative for the sands and gravels that they had out there.

Mr. McMorrow stated there is a drainage report – he has his assumptions in there based on the soil testing that they had and on top of that they are using 12" of a C33 sand with a 10% compost and 10% top soil in there so that will stay very permeable on top for the first 12".

Mr. Lord from Soil Resources Consultants addressed the Commission and staff stating he is the soil scientist for the project and there were several documents in the application package; the delineation of the wetlands on this property was completed August 19<sup>th</sup> of this year – the wetlands begin as runoff from a discharge pipe under Route 84 – the wetlands are shown in green color and consist of both a watercourse channel – somewhat intermittent but a little bit more persistent because of the size of the drainage area that drains down to this point; in various areas there are shallow narrow strip of alluvial soil – he said those can be found generally around the areas where you have wider areas of the delineated wetlands on the site; in the report he'd identified those areas of soils because they are so geological recent – they are primarily sands and gravels – there are some places where there are some finer silts material deposited.

Mr. Lord explained in one area there are remnants of an old farm dam – there may have been a pond; its not in exists now – they water flows throw the area but some of the soil found from the borings show indication that this was elevated and accumulated material over time.

Mr. Lord said an area flows off the property on to the Demonte property which is in the north center off site of this property – then enters back onto the subject property which is located at the south end of the Demote property – the watercourse channel has a defined character – he described the flow of the watercourse – showing on

the map the location the watercourse travels to Marion Road; and provided details regarding the nature of the watercourse as he reported as well as the soil types; they have primarily Branford Soils – some Ellington Soils – and in the western side of the site Manchester soils – they are all very course – textured, gravelly, sandy soils – very good infiltration rate and permeability rate – this is the ideal soils for the type of structure Mr. McMorrow is proposing to put in – an will have very rapid infiltration – through the surface layer and into ground water – leading to the watercourse channel and its associated wetlands areas.

Mr. Lord said the second documents dated November 5<sup>th</sup> concerns the responses they got from DEEP – the 3 wildlife species – are ones that commonly come into contact with proposed development activity – the Box Turtle is the most common but he didn't see any on this site – they are able to find enough areas around developments for habitat needs; his reports reviews the protocols put in place and requested by DEEP – isolating the proposed development activities when they are disturbing soils; adding a herpetologist come in and identify any of the 2 existing species and locating them outside the area that has been isolated with silt fence – and then on a daily basis before machinery starts up and works – the operator will need to walk through the area just to make sure there's no new occurrences of (species) found.

Mr. Lord stated this was a short version of what is more detailed in his report for the DEEP response; and explained the site has habitat that the species likes and will be preserved in the development; the houses themselves are far enough apart and there will be no physical barrier to migration (even after the house are completed).

Mr. Norback asked if the daily review of the area is going to be preformed by the machine operator.

Mr. Lord stated the machine operator and the applicant – looking at whatever area they are working in – just the area they are working on; he provided more details regarding the process to review the area they are working in and the hired herpetologist will be the lead agent for setting the protocols that will be in place.

Dr. Dimmick asked if they are going to wait until after April to work in those areas (during hibernation period).

Mr. Lord said they are going to work out of the areas and a herpetologist will have to go in and closely monitor that work in those areas (of concern).

Dr. Dimmick said he saw for the Eastern Ribbon Snake they look for a 100' protective setback area.

**Mr. Lord stated it's a recommendation – he showed on the plan and the proposed protection of the upland review zone from the edge of the wetland – protecting the habitat area; except for the culvert replacement all development activities are located outside a 50' wide encroachment boundary.**

**Ms. Simone said just to clarify – do the DEEP comments mention a contractor awareness program – is that what he is referring to when he talks about the equipment operator.**

**Mr. Lord stated yes – all of the parties are going to be involved in every phase of the work including the herpetologist would meet with all of the equipment operators and they would be made aware of what species were found on this project and that this protocol is in place and what they need to do if a species is found and that is should be reported to DEEP.**

**Dr. Dimmick stated DEEP is very sensitive about reporting species found.**

**Ms. Simone asked if the applicant was okay with that design and hiring a herpetologist and provide training.**

**Mr. Napolitano stated he was aware of the requirement.**

**Dr. Dimmick said they wanted to make sure the applicant understood the requirements.**

**Mr. Napolitano stated he understood – that he got it.**

**Ms. Simone asked the engineer about the latest response from the town engineering department – its talks about a dewatering plan – could he highlight what the dewatering plan is for the construction of the box culvert.**

**Mr. McMorrow explained what they would do on the upstream side of the box culvert they would put in sand bags and then put in a suction line in – he would put in a temporary pipe underneath the driveway so they could take the pipe line and discharge them onto the lower section of the brook so they can basically stop the flow of the brook while they excavate out put they gravels in and set the box culverts in – the box culvert is set so they are putting 12" of the natural material that they dig out of the bed of the stream in those box culverts and setting them so they match the stream bed when they are done so it has this natural effect – it's the best management practice with a culvert – and what Mr. Nolte wanted they would prepare a details sketch and along with the structural design of the box culvert as a condition of approval for engineering – the plan would be designed by an engineer and submitted for approval as a condition.**

**Ms. Simone asked how long the construction of the culvert would take.**

**Mr. McMorrow explained you would prep the area – you would have to turn the water off – and bring in 3 water laterals first – and then after that box out and place the gravels and set the culvert – the actual setting of the culverts would be 1 or 2 days; the water diversion would be for the 1 or 2 days when you are setting the culvert – he explained the general process to do the work and would supply copies to all town departments.**

**Ms. Simone confirmed there was a sequence of construction on file.**

**Commission members and staff had no further questions or comments.**

**Dr. Dimmick opened the floor for questions and comments from the public – there were no questions or comments.**

**Dr. Dimmick closed the public hearing at 8:06 pm.**

**VI. ADJOURNMENT**

**The public hearing was closed at 8:06 pm by consensus of Commission members present.**

**Respectfully submitted:**

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