

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
PUBLIC HEARING  
TUESDAY, FEBRUARY 4, 2020  
TOWN HALL – 84 SOUTH MAIN STREET  
COUNCIL CHAMBERS – 7:30 P.M.**

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**I. CALL TO ORDER**

The public hearing was called to order at 7:33 pm.

**II. PLEDGE OF ALLEGIANCE**

The pledge of allegiance was recited.

**III. ROLL CALL**

Ms. Dunne called the roll.

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

**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	2019-027
	FIP Construction, Inc.	DOR	11/07/19
	West Johnson Avenue	PH	1/07/19
	Site Plan – Medical Office Building	PH	1/21/20
		PH	2/04/20
		MAD	3/10/20

Chairman de Jongh explained the process the public hearing would follow, allowing the Commission and staff the opportunity to ask questions and make comment; the public would be given the same opportunity.

Bill Hardy, president of FIP Construction was present. Peter Autunno from FIP Construction was also present.

**Alan Bongiovanni, licensed land surveyor of The Bongiovanni Group, Inc from Newington, CT was present on behalf of the applicant.**

**Scott Stevens, registered soil scientist and Jennifer Beno, Biologist/Wetland Scientist, with Soil Science and Environmental Services, Inc from Rocky Hill, CT were present on behalf of the applicant.**

**Guy Hesketh, professional engineer of F.A. Hesketh Associates, Inc. from East Granby, CT was present on behalf of the applicant.**

**Tom Linden, PE and landscape architect from Linden Landscape Architects, LLC from Wethersfield, CT was present on behalf of the applicant.**

**Jeff Cavallaro, herpetologist (here on behalf for Dennis Quinn who owns CT Herp Consultant based out of Plantsville, CT) was also present on behalf of the applicant.**

**Matthew Sanford, professional wetland scientist and certifies registered soil scientist with Milone and MacBroom was present as the third-party reviewer.**

**Mr. Hardy addressed the Commission.**

**Mr. Hardy explained he had a team present tonight to explain the application; and they'd speak to the third-party comments that came up; they had a lot to display and would answer questions as they came up.**

**Mr. Hardy explained this was an exciting project (medical building) and they found an investment group that wants to invest in Cheshire; they see this as the last development site in the Cheshire Industrial Park.**

**Mr. Bongiovanni explained tonight they hear from soil scientist Scott Steven, wetland biologist Jen Beno, Guy Hesketh, their civil engineer and drainage expert, Tom Linden, landscape architect, Jeff Cavallaro, herpetologist, here on behalf for Dennis Quinn, with whom he works with; and he noted a few studies conducted in connection to this application.**

**Mr. Bongiovanni said he thought they had a well thought out plan – accommodating this development.**

**Mr. Bongiovanni reviewed an aerial photograph (context map) taken from the town's GIS of the subject parcel – West Johnson Avenue to the north, north of that is I-84, to the west is Marion Road and east is Eversource property and to the south McKee Drive.**

Mr. Bongiovanni explained the property is 26.4 acres – about 14.8 acres is wetlands; there's about 11.6 acres of upland; the explained their proposal is confined to the center portion of the site – is about 4.9 - 5 acre plot they proposed to work in and disturb to accommodate this development; that's the high point of the site – there's a knoll in that area – it's all upland – they are surrounded by wetland – the 50' upland review area is delineated around the site (as shown on the plan).

Mr. Bongiovanni said back in December (2019) their initial plan (some may recall from the field trip) was a little bit different – it had a lot more impact – four areas; based on comments from staff and Milone and MacBroom they eliminated parking, so they have gone from a 4,722 SF total direct impact to about 1,799 SF of direct impact.

Mr. Bongiovanni stated the impact (to wetlands) is a necessity for the owner to get his enjoyment of his property – there has to be access to the upland area – the only way to do because of the watercourse and large drainage conduits that come from I-84 is to cross wetlands in this area – they have minimized it as much as possible – they are using retaining walls so they don't have to take up additional resources with sloping; that is where that has to be and they have looked at different alternatives in developing the site – included with the application package was an alternative A and alternative B – still had the building in the central part of the site because it's the most practical – but they did look at other ways to access the site but each of the other alternatives came up with more disturbance – they were looking at bridging the watercourse – from a regulatory standpoint and permitting standpoint – from an impact standpoint it really wasn't feasible or economically; working with staff the plan they have before them was the best alternative.

Mr. Bongiovanni said one of the challenges they had as a design team was to balance the needs of the end user on the site – a 75,000 SF office building and their desire to have a significant number of cars parked – they started with about 375 cars of parking – their original application was about 330 or somewhere about there – they are now down to 296 cars on the site – through the evolution of the plan and comments from staff as well as suggestions and comments from Milone and MacBroom – they made headway reducing the amount of direct wetland impact and developing the site.

Mr. Bongiovanni said in their professional opinion collectively the (proposal) will coexist with the environment around it rather than be a detriment.

Scott Steven registered professional soil scientist with Soil Science and Environmental Services, Inc from Rocky Hill, CT, addressed the Commission, explained they were retained by Bongiovanni Group back in April of 2019 to delineate the wetlands and watercourses on

the property, classify the soil types; they put up a total of 285 Connecticut wetland flags.

Mr. Stevens explained there are basically two main watercourses on the property – several intermittent watercourses – there is an offsite pond – an area in the flood plain area that also ponds intermittently; the main wetland flags that are in the area of the project development are the first 215 flags – he showed on the plans the location of the wetland flags near the perennial watercourse near the accessway.

Mr. Stevens explained as far as the history of it (the site) there's been a lot of agricultural use of the property – most active over on the southern part of the site but there is also a chicken coop – the only structure he saw on the property.

Mr. Stevens said soil wise – there's are flood plain – very poorly to poorly drained flood plain soils there - he stated the soil report gives all the different descriptions of the soils – basically half of them are pretty much flood plain soils – there is a lot of Raynham soils which are poorly drainage silty soils; there are some ditched areas in front of the main watercourse area.

Mr. Stevens said the other main watercourse comes off of Marion Road – he showed on the plan – the two perennial watercourses – one starts up at Marion Road and heads east towards the project development and the other perennial watercourse starts over on the north part of the site – with some drainage he believed is coming from I-84 and that's heading east also.

Mr. Stevens said the ditched wetlands and watercourses that are in the south western part of the site flow north towards the main large wetland systems.

Mr. Stevens ended his presentation and said he was available to answer any questions.

Dr. Dimmick asked Scott (Mr. Stevens) if he was the one who mapped the soils.

Mr. Stevens stated yes.

Dr. Dimmick said he didn't see the signature of the soil scientist on the maps.

Mr. Stevens said he thought they were going to do that tonight.

Mr. Bongiovanni said before they leave this evening he will sign the maps.

Dr. Dimmick said one of the things he is interested in – is the non-wetland soils where they are going to build – there's a lot of sand and gravel there.

Mr. Stevens said yes -there was a lot of outwash.

Dr. Dimmick asked if that was the same kind of non-wetland soil that's immediately adjacent to West Johnson Avenue on the other side of that stream, because there are a lot of non-wetlands (soils) sitting up there near wetland flags 44-52.

Mr. Stevens said that's all moderately well drained Ellington outwash soil; also, with some shallow fill in some areas and also that that main watercourse channel has been ditched.

Dr. Dimmick said he (thought) the ditch was there before human manipulation.

Guy Hesketh, licensed professional engineer of F.A. Hesketh Associates, Inc. with corporate offices in East Granby, CT was present before the Commission to talk about the drainage.

Mr. Hesketh explained he assisted the applicant in preparing the grading and drainage plans the Commission has in their package, assisting in the utility plan and soil erosion and sediment control plans.

Mr. Hesketh said he'd start with talking about the hydrology of the surrounding area to give them (the Commission) input on where the water flows around and through the site.

Mr. Hesketh showed the overall context map showing the proposed development parcel – there is a watercourse that flows from Marion Road in an eastward direction – he showed on the plan the direction the watercourse flowed; he showed up near the proposed driveway a proposed watercourse that emanates from a couple of storm drain discharges just to the east of the drive and a few hundred feet to the east of that there are a couple of other culverts that discharge to the parcel; those convey from the north quite a bit of runoff from the highway system – it flows on to the site then transverses in a south – south easterly direction then flows due south through the parcel.

Mr. Hesketh said hydrologically you have a lot of water coming from off the site on to the site – from the north – from the highway – from the surrounding areas then from Marion Road.

Mr. Hesketh said the site has a high mounded area that's located right in the middle – that's the area of proposed development because its higher in elevation then the balance of the site; in existing conditions there's a drainage divide – rainfall that lands on the western part of the divide flows to the west and on the eastern

side of the divide – it flows north then transverses south – it has an eastern component to the flow.

Mr. Hesketh talked about the development of the parcel – when they designed the storm drainage system for the parcel they designed it to convey the drainage from the east half and discharge it to the eastern half of the development area and the drainage from the western side to the western half; with some drainage flowing into the northern watercourse.

Mr. Hesketh said they looked at developing the parcel with minimal impacts to the wetlands; and to try to make the site constructible; they are going to shave the hump down and flatten it out and build a plateau and then around the perimeter of the project they are going to grade it so it does two things – (he put up the grading and storm water management plan for review); he pointed to the location of the hydrological divide with half the site flowing to the west and half to the east – to make this a buildable site they are going to level the site off - they are raising it where the drive is located to allow access to the site and they are going to construct retaining walls on either side of the drive and then along the perimeter along the western side they have a little bit of a retaining wall area and the balance of it is just going to be grading; the developable portion of the project is going to be slightly higher than the surrounding area.

Mr. Hesketh explained on the northern side they have some grading and retaining walls; and retaining walls on the south east portion of the site and other retaining walls on the southern side (as shown on the plans); by construction the retaining walls it allows them to elevate the site and it gives them the grade differential they need to be able to construct the storm water management.

Mr. Hesketh said the storm water management for this proposal includes a combination of surface water – water quality basins and then underground infiltration and storage infiltration areas; the plan shows the water quality basin locations; there will be catch basins; Mr. Hesketh showed the location of the water quality basins and how they will be constructed above existing elevation allowing to have water detained in these basins and then that water will flow through the soils to the underlying soil; on the east side there are a series of storm drains and catch basin that will pick up runoff – and linear underground infiltration units that they are proposing – galley systems which allow for storage of stormwater; all being interconnected allowing storm water from the paved parking areas to be received by these catch basins and then the water will flow into the underground infiltration units; some of the piping is perforated pipe so that water can flow out of the pipe – installed in a trench of a crushed stone bedding – allowing water to infiltrate into sand soils.

Mr. Hesketh said there are a couple of catch basins in the north that are interconnected with standard conventional pipe – those systems

will convey runoff to the underground system; protecting water from going into the infiltration units using hydrodynamic separators – detailed on the plans – he described how the systems work; trap hoods will also be used to provide removal of sediments and floatable materials to keep it out of the system.

Mr. Hesketh talked about the construction of the systems – they wanted to have the post construction development mimic the preconstruction existing conditions – making sure they did not have a single discharge point but multiple areas of discharge making sure they nourished the wetlands similar to the way they are now from natural rainfall.

Mr. Hesketh showed on the plans the location of the water quality basins, infiltration basins, underground basins and talked about how they work in rainfall events and how the water flows would be handled; the systems were sized based on the DEEP recommended water quality volume.

Mr. Hesketh said they submitted a comprehensive storm water management report that shows the calculations; and sizing the systems were designed to handle any increase in the impervious area – designed to handle a 100 year storm event – the hydrological model is overly conservative and allows for zero increase in runoff because the systems were designed to handle a 100 year storm event – the plans were reviewed by the engineering department looked at the calculations and some tweaks were made – a number of excavation test pits were conducted in the location of the proposed infiltration areas and basins and modified the design to raise those 2' above that minimum seasonal ground water table.

Mr. Hesketh stated all the data they collect is in the storm water management report that is part of the record; and the geotechnical report from Welti Associates – they looked at the types of soils and verified that the soils are amenable for storm water infiltration.

Mr. Hesketh stated it was his professional opinion that the storm water management practice that they incorporate on the site will not have any adverse impact on the receiving wetlands and watercourses.

Mr. Hesketh reviewed the soil and erosion control plan – he reviewed the plan modeling after the DEEP guidelines which is the guideline for sedimentation and erosion control; there are two types of erosion controls – using sediment fence and erosion control and sediment log – they are also proposing to use trap hoods at the inlet protection – each of the storm water catch basins have silt sack – they are proposing on any slope 4:1 or steeper around the perimeter of the site erosion control blanket to keep soil particles from dislodging and to protect (the area) until a lawn is established; at the storm water outlet locations they are proposing rip rap level

spreader protection to minimize erosions; and during construction a temporary sediment trap is proposed to the north – west – south west and south east corner of the site – with temporary diversions – sediment traps.

Mr. Hesketh said they also have a soil stockpile area in the center of the site and that would be a temporary soil stockpile.

Mr. Hesketh stated as part of the submission they added a post construction operation and maintenance plan for the storm drain system – the owner would be responsible for doing routine inspections of maintenance and that includes parking lot sweeping twice a year – inspection of the catch basins and other storm drain structures and cleaning those – the water quality basins would be looked at to make sure there was no erosion and they would be inspected on an annual basis – details are included in the plan sets (included in the record).

Mr. Hesketh reported that it was in his professional opinion that sedimentation and erosion control plan (submitted) meets the DEEP guidelines; there is a lot of detail in the storm water management report that talks about specifics – he was available for questions.

Dr. Dimmick said the storm water management plan seems pretty good. He asked if there was going to be protection around the temporary soil pile.

Mr. Hesketh said it will be ringed with silt fence and if its there for more than 21 days they will have to temporarily seed that.

Chairman de Jongh asked about the construction of the entry way to the property – he said there is a pretty significant drop down in grade - and it was mentioned they were going to increase the height of that accessway but maintain the pre runoff conditions – that just seems like a challenge – he just want to make sure that's accurate – its going to be up about 6' off the current condition.

Mr. Hesketh explained the proposed grade is at 151.9 and the existing grade is at 144 to its about 6' or 7'.

Chairman de Jongh said even though they are going to be raising the existing elevations they are going to be maintaining conditions prior to construction.

Mr. Hesketh showed on the plans the direction of the hydrological divide and showed the contour lines – showing how each side of the divide would flow; it's not 100% but its 95%.

Chairman de Jongh said he wanted to make sure that was clear on the record.

Mr. Bongiovanni said he wanted to touch on one thing – they had to raise the retaining walls to create the table to build on – they also put in retaining walls to minimize the impact.

Mr. Hesketh said about the retaining walls – they design them to be either fill walls or cut walls – they are proposing fill walls so they are very minimally invasive to the areas that are outside the wall – construction method for those is you dig a small trench and backfill with stone – and start building the wall with block and backfilling behind it so there's very little disturbance on the front side of the wall – they were very careful with the type of wall they would be using to minimize any areas to outside of the walls closer to the wetland resources.

Jennifer Beno, Biologist/Wetland Scientist, with Soil Science and Environmental Services, Inc from Rocky Hill, CT addressed the Commission.

Ms. Beno said she inspected the site on August 22, 2019 and October 16, 2019; the purposes of the inspections were to observe the dominate vegetation and wildlife associated with the wetland; and also, to observe the primary functions that the wetland provides; the second inspection date was to look at the impact areas.

Ms. Beno said the wetlands were delineated by Scott Stevens in April 2019.

Ms. Beno explained she was going to give a revised overview of the wetland assessment report that is dated January 15, 2020; she reviewed the site location; the site is within an existing industrial park; the uplands on the site are primarily wooded with dense areas wooded and scrub-shrub growth and the agricultural field located in the southern portion of the property.

Ms. Beno explained her report shows the general location of the wetland communities; the wetlands delineated is dominated by a deciduous wooded swamp and it does contain areas of dense shrub growth; the dominate vegetation with the wetlands includes red maple, elm pin oak, willow, arrowwood, winterberry, spicebush, shrub honeysuckle, multiflora rose, silky dogwood, manna grass, ferns and sedges; it's basically fairly level with a gentle slope down to the south east; ground water seeps were observed during both inspections to the south east and the south west of the proposed development area.

Ms. Beno reviewed details in her report – the northern portion of the wetlands near West Johnson Avenue is narrow and contains a perennial watercourse – portions of that watercourse are lined by rip rap; water flows onto the site and into that wetland area from two culvert pipes underneath West Johnson Avenue; waterflow was observed out of both those pipes during both the inspection dates

and there is an actively eroding bank on the north side near that culvert.

Ms. Beno said prior disturbances to the wetlands include channelization and ditching, the placement of the rip rap, there were small piles of fill observed in the eastern portion of the wetland and there was miscellaneous trash debris; the site was previously farmed.

Ms. Beno reported that the primary functions of the wetland area includes groundwater discharge, sediment and nutrient retention and removal, shoreline stabilization, water detention, and wildlife habitat; invasive species were observed on the site - the dominate invasive species include shrub honeysuckle, multiflora rose, bittersweet, Japanese barberry, privet, burning bush, purple loosestrife, and mug wort; within the wetland she was primarily seeing Japanese barberry, privet, honeysuckle and multiflora rose.

Ms. Beno said during the inspection she observed common wildlife species – including cicada, white-faced hornet, crickets, deer tracks, raccoon tracks, cardinal, mourning dove, downy woodpecker, flicker, gold finch, blue jay, catbird and house wren.

Ms. Beno explained at the start of the project they looked at the June 2019 Natural Diversity Database map – and they looked at the site location and immediate vicinity – the map has since been updated and they now have the December 2019 map – so they looked at that and both maps show the same area on the site and in the vicinity of the site.

Ms. Beno said in September 2019 they sent a request up to the Natural Diversity Database – she submitted copies to the Commission showing the newly included figures that they supplied to the Natural Diversity Database including the September 2019 proposed plan.

The new reports to handed out to Commission members.

Ms. Beno reviewed the Natural Diversity Database response letter – dated October 17, 2019 and that letter listed the state listed species of concern that have been document either on the site or within the vicinity of the site and those include Eastern Ribbon Snake, Eastern Box Turtle and Wood Turtle; the applicant has agreed to incorporate the recommended measures to protect the listed species that are included within that October 2019 letter from the Natural Diversity Database – the project herpetologist will provide additional information.

Ms. Beno said she sent an update request for information (based on plan reiterations) with the revised wetland assessment and the current plan set.

Ms. Beno submitted copies of the revised forms into the record – the revised wetland assessment and the current plan set were already submitted into the record.

Ms. Beno stated there were two direct wetland impacts totally approximately 1,799 SF or 0.014 acre; the first impact area is approximately 157 SF and that's near the western culvert under West Johnson Avenue; the area was previously disturbed for the rip rap installation along the watercourse and by periodic mowing along West Johnson.

Ms. Beno explained the second direct wetland area is along West Johnson and is approximately 1,642 SF and that is at the edge of the wetland west of area one of that western culvert and is dominated by a wooded swamp community and it provides ground water discharge and wildlife habitat as its main functions – it also provides sediment and nutrient removal.

Ms. Beno said the small areas of impact will not significantly adversely impact the functions provided by the large 14.8-acre wetland corridor on the property – the higher quality wetland functions are associated with the interior portions of the large wetland area.

Ms. Beno stated that the revised plans have really reduced the amount of direct wetland impacts to the wetlands from the two previous plan iterations – the September plan 3,750 SF of direct wetland impacts and the October 2019 plan showed approximately 4,772 SF of direct impacts; the applicate has consistently shown 73% of the upland review area being disturbed – the current plan shows a permanent impact that would be the developed areas of about 36% of the upland area - temporary impacts are estimated at 36.7% and those areas would be revegetated.

Ms. Beno explained that tree and shrub plantings are proposed within the temporarily disturbed upland review area along the wetland boundary – the tree and shrub planting will provide wildlife habitat, a natural screen and shade replacement.

Ms. Beno said we agree that buffer areas are important to protect wetland functions and there is a potential for short term secondary impacts to the wetland caused by increase sunlight which could lead to invasive species growth; in order to mitigate or reduce the secondary impacts the applicant is proposing plantings within the upland review area and is treating the storm water runoff from the development; the plantings are included in the recommended monitoring and invasive species management plan in controlled areas; and there is an associated mowed meadowed area that is proposed to be mowed one time per year – it's along the edge of the plantings and will help keep the invasive species down in the upland

review area; the applicant is proposing an open meadow habitat – it provides habitat diversity on the site so its not all just wooded.

Ms. Beno said even through the applicant is proposing to disturb the upland review area - the are implementation measure to reduce the potential secondary impacts to the wetlands by installing the plantings, by treating the storm water runoff, by providing ground water infiltration and monitoring and maintaining the plantings area; the wetland and upland areas on the site have been previously disturbed and do contain some invasive species.

Ms. Beno stated its their professional opinion that the potential secondary impacts to the wetlands will not have a significant adverse impact on the primary functions provided by the wetland.

Ms. Beno said there is a long-term impact to the eastern wetland corridor and that is from the I-84 runoff.

Ms. Beno reviewed the proposed mitigation efforts – they are proposing to restore existing agricultural field which is actually a delineated wetland and that is west – southwest of the proposed development and south of an existing corridor; approximately 3,150 SF of wooded wetland area is proposed to be restored in order to mitigate for approximately 1,799 SF of direct wetland impacts; the wooded wetland is proposed in this area in order to mitigate in-kind so the impact area is primarily a wooded swamp so that is what the want to replicate in this area; the restored wetland will provide wildlife habitat and will also provide shade condition for the existing watercourse in that area; it will continue to provide ground water discharge function and sediment and nutrient retention and removal from the agricultural field.

Ms. Beno said buffer plantings in the upland review area are also being proposed and Tom Linden is going to address that; the applicant is proposing to remove invasive species from the northern portion of the property; the dominate invasive species within that area include multiflora rose, bittersweet, shrub honeysuckle, common reed grass, burning bush, mug wort and purple loosestrife; the applicant has contacted a professional landscaper who will be preparing a more detailed invasive species removal plan based on site conditions, their professional experience and on some of our recommendations included in the report.

Ms. Beno reviewed recommendations that included additional tree and shrub plantings where possible to extend the 25' away from the wetland boundary; properly install and maintain all erosion and sedimentation control measures approved by the town; they recommend an invasive species management plan which is to remove invasive species from all wetland and upland planting areas for a period of at least 5 years and inspect the planting areas to

inspect the plant survival rate, the soil stability, stabilization and monitor invasive species.

Mr. Norback asked about the inspection and maintenance – who would be providing the oversight for those maintenance and inspections – he wanted to know if any provision has been made.

Mr. Hardy said as a condition of approval they could retain the services of the professionals and document that in some way and also work with the town to provide that reporting for the 5-year basis as a condition of approval.

Dr. Dimmick asked about the area of proposed wetland restoration – that is farmland now.

Ms. Beno stated yes – it's at the lower end of the farm field – and its presently wetland.

Dr. Dimmick said so you are replacing wetland with wetland by creating wetland – he said he didn't see how they were gaining anything.

Ms. Beno stated they are restoring the wetland.

Dr. Dimmick asked in her (Ms. Beno's) professional assessment the relative value and quality of the wetlands near wetland soils flags 40-72 – compared with the wetland flags at 110-150 at the other end.

Ms. Beno explained this is the northern portion of the property and that area has been disturbed so – she agreed with Dr. Dimmick that it has really little function; the wetland at the adjacent end has a higher function and value.

Dr. Dimmick asked where is was most likely to see the species of concern.

Ms. Beno said she would respectively defer (that questions) to the herpetologist.

Ms. Dunne asked about the report about incorporating CT DEEP recommendations – isn't their recommendation about a 100' (buffer) – isn't there less and that (about 25' – 28').

Mr. Bongiovanni said before they hired the herpetologist and had their expertise onboard– they talked about abiding by the recommendations of DEEP but now that they have a herpetologist as part of their team – they have their protection plan on the plan; the herpetologist will explain how he consults with the DEEP, so they are comfortable with what he has recommended.

Tom Linden, landscape architect from Linden Landscape Architects, LLC from Wethersfield, CT addressed the Commission.

Mr. Linden explained they were hired to design the landscape plan for the entire project; he said he was going to talk specifically about the buffer planting; he said what they did in coming up with the plan for what to do with the buffer zone was they worked with Jen (Beno) on past projects where they develop a list of plants they want to use based on her inspections in the field and what's out there and a list of plants native to New England; for this plan they came up with 8 different species of plants they are going to plant around the entire buffer; he showed on the plans the general location of where the plantings would be arranged – along the buffers; he explained the plan shows generally where the plantings would be but he and Jen would go out in the field onsite during construction to physically tell them where to plant plants - they don't know where existing trees are going to be left so they would work with the landscape company and go out there and adjust things in the field.

Mr. Linden said they have a buffer that is going to be about 15' to 20' around the edge - they are developing about an 8,000 Sf to 9,000 SF buffer around the site around the new wood line; the plant list shows the size of the plants proposed; they had talked about how the actual installation would occur – when the project gets started (after some work was done) – that would be the time they get the buffer plantings in rather than wait until the end of the project – that way the buffer plantings would be installed while they are building – which will give them a head start on getting the planting established – it will also help that someone will be onsite to monitor the plants as they grow for the year it's going to take to get the building up so the plants can get established early on in the project so they can be watched and maintained so they stay healthy.

Mr. Linden said with the types of soils there – there are fairly good draining soils – the plants selected and placement of the plants within two or three years they will begin to kick off and start growing – most of the plants in the list will put on a foot of growth within 2 to 3 or 3 to 4 years and getting them in early will help stabilize that buffer area.

Mr. Linden said in terms of the different seed mixes – they have 4 different types of seed mixes – so when you look on the plan set it shows different types of seed mixtures – they have maintained lawn, open meadow, buffer seeding and basins seed mix; he talked about the location of the different lawn areas shown on the plan and the design of the seed mix for certain areas and recommended mowing schedules recommended; and the maintenance of the area to keep it invasive out.

Mr. Norback asked about the inspection and maintenance – would this be all part of that because this sounds like a task – you have a

lot going on with the mowing schedules – the schedules and maintenance seems like a very important component and needed to be really spelled out with the approvals.

Jeff Cavallaro, herpetologist, a colleague Dennis Quinn who owns CT Herp Consultant based out of Plantsville, CT addressed the Commission.

Mr. Cavallaro stated the services the company provides but are not limited to include endanger species, invasive species surveys, wildlife habitat assessment, land use and design planning, mitigation design and planning and wildlife monitoring.

Mr. Cavallaro said the first thing he want to say with the outcome of the Natural Diversity Database review did find three species of state listed species are found in the general vicinity of the project area; that being the Eastern Ribbon Snake, Eastern Box Turtle and Wood Turtle; both he and Dennis are very familiar with this area – the proposed project area because they have performed multiple amphibian and reptile surveys over the years; he said the proposed development falls outside of their core habitats – the core habitats used by these three species are to the north east and south east along the Ten Mile River and Quinnipiac River.

Mr. Cavallaro said long term data sets with this Wood Turtle population of a continues, steady population declined due to habitat fragmentation and because of this the State of Connecticut has actually removed this population of Wood Turtles from their priority sites; he said it was his experience through extensive survey of this area that the Ribbon Snake and Box Turtle appear in low population densities in this area - although there are no long term data sets on these two species they react similarly to habitat fragmentation as does the Wood Turtle so we would expect populations in the area to be decreasing.

Mr. Cavallaro said due to this (habitat fragmentation) none of these populations have been deemed long term sustainable.

Mr. Cavallaro stated in his professional opinion that the proposed development area adjacent to Interstate 84 and nestled in between two already constructed industrial buildings is ideally situated on the landscape to not cause any further impacts to these listed species or fragment their habitat further.

Mr. Cavallaro said the NDDDB did have a list of measures they wanted implemented for protection – Dennis the owner whom he (Mr. Cavallaro) is representing is a consulting herpetologist with the State of Connecticut – he actually made a list of additional protocols that go above and beyond to protect these species if they were encountered and the contractor has agreed to all of them; again, they

are just precautionary as he did not see any impacts to state listed species.

Mr. Cavallaro went over the additional protection measures recommended; the first is isolation measures and sedimentation and erosion controls; temporary erosion control products should be net less so therefore is no entanglement of any wildlife; the silt fencing that's used for erosion controls would also be used to create a barrier between the work zone and any migrating or dispersing herpetofauna; the contractor must install this prior to clearing activities or any earth work; once the entire project area is isolated then they can go in and do sweeps of the area for any species inside the barrier and remove them; no site clearing or construction activities can take place prior to the completion of these species sweep; the herpetologist being Dennis or himself will inspect the work zone area prior to, during and following erosion control barrier installation to ensure the area is free of any of these species and also to see that the barrier was satisfactorily installed; again its purpose is to keep any wildlife species out because the species can move throughout the year so they want to keep them out.

Mr. Cavallaro described the type of fencing proposed and stated the contractor is also responsible for dealing with inspections of the entire fencing to look for any tears or breeches and if found repaired immediately; a resweeps can be conducted depending on how long the breach was- the applicant has agreed to that; he continues with the recommendations proposed – the silt fencing would be removed within 30 days of the project completion once all the soils have been stabilized.

Mr. Cavallaro explained the second part to this is contractor education that will take place prior to construction – showing and explaining what to do if a species is found; and educational posters have to be posted to have employee awareness throughout the project; and protection measures that include a search of the entire area each day looking for listed species and if found they would be removed; reports to the CT DEEP documenting the monitoring and maintenance of the barrier fencing and erosion control measures would be completed and any siting of state listed species would be reported to the CT DEEP.

Mr. Cavallaro said you would expect to find these species – the Ribbon Snake inhabits shallow water areas, so he would expect to find them in and around the wetlands – they would bask on the edges in the sunny areas where there are low shrubby vegetation.

Dr. Dimmick commented about where he'd expect to find the species based on the vegetation.

Mr. Cavallaro said he would not suspect Wood Turtle would be on this property – they overwinter in the Quinnipiac River – they could

possibly move through the site but that is what the barrier is for - they wouldn't be on the site until last spring or early summer.

Dr. Dimmick commented about it being more likely that the southern half is more likely to have concerns than the northern portion of the site.

Mr. Cavallaro said yes – the northern portion is divided by the highway, so nothing is migrating from the north down to the south – that has already been cut off; nothing would be coming from the north – everything would be migrating up from the south or the northeast because there is a corridor that way too where the Quinnipiac River flows and the Ten Mile River is to the southeast so they would be moving in from those areas; this is so fragmented it would really have no impact on the herpetofauna in the area.

Ms. Dunne asked about the October 17, 2019 letter talks about the three species and the protection – she asked if he was saying that is not a concern – that that has changed since then.

Mr. Cavallaro said the NDDB review is stating that these three species can be found in the general area; they still can be found on the property but the habitats are so fragmented these populations have no long term sustainability in the whole general area because the highway was put in and the roads were put in – there is a lot of road mortality because the turtles migrate – they see injuries to turtles – the highway already transects their habitat and its cut off access for them to migrate down – the parcel they are proposing to build on is nestled between the highways and two other buildings and it's not being used much by these species.

Ms. Dunne asked if this has happened already or is this going to happen as a result of the proposal.

Mr. Cavallaro stated this has happened already – this project is going to further fragment the habitat or cause any impact to the species; they are taking the proper precautions; they provide the NDDB precautions.

Ms. Dunne asked if he was saying the 100-foot buffer doesn't matter – the October 17, 2019 energy and environment letter to Jennifer Beno.

Mr. Bongiovanni explained they agreed to following he recommendations from DEEP then they hired a consultant and based on their findings this habitat is already fragmented – there's a very low likelihood that we would find these species on the property – they may be present but it's very unlikely; it would be very inappropriate to put a 100' buffer in an area where you wouldn't expect to see a species – if this was a perfect habitat then you'd want a perfect buffer.

Dr. Dimmick summarized by saying you are saying they are declining and the measures you are proposing may possibly slow their decline – eventually they are going to be gone in a couple of hundred years anyways.

Mr. Cavallaro stated yes – this habitat is way too fragmented – the project going in isn't going to fragment the area anymore.

Ms. Dunne asked about the fencing recommendations.

Mr. Cavallaro said the applicant agreed to all the fencing recommendations - it seems to be at least 20" high and 6" below the ground and should be buried but if it can't be buried it should be 6" of crushed stone on the barrier and the flap will be facing away from the construction area so they can't get in – that all going to be installed as we recommended and we will also be there during installation of that and if it's not satisfactory we will make them fix it; it will keep all herpetofauna out of the work area buffer.

Ms. Dunne asked about tree cutting.

Mr. Bongiovanni said if she was talking about tree cutting in relation to herpetofauna they are going to flag the area – they are going to put up the barrier – Jeff and his people are going to come sweep the area to make sure there are no species within that area then they will be able to cut but they have to cordon off the area – but up the barrier before any of that work is done.

Mr. Norback asked if that was in the construction sequence.

Mr. Bongiovanni said if it's not – it should be, and they will put it there.

Mr. Bongiovanni talked about the lighting design and they propose not to have any fugitive light cascading beyond the paved areas into the wetland areas so they are protecting the wetland areas and the buffers; this is a low impact design; they are treating the water in treatment systems – that will help reduce the effects of any thermal increase due to development so that helps the wetland areas; the buffer plantings and seedings will help restore the area as soon as possible; there will be some short term effects but in 3-4 years they should have good substantial buffer planted all along the proposed development and long term there will be no negative effects on the wetlands and systems on site; they are proposing a mitigation area.

Mr. Bongiovanni explained the site is 26.4 acres and proposed development is about 4.9 acres in the middle of the site and they have 11.6 acres of upland and over 6 acres of upland they are not going to touch as part of the development – they applicant is proposing to preserve that in any way the town would deem suitable – whether its deed to a land trust or whether they maintain

ownership and it's a conservation easement – it could be an asset to the town by protecting the upland and provide benefit to wildlife and the ecology of the area forever.

Ms. Dunne asked wouldn't that have to be specified exactly how or before they could act on this.

Ms. Simone said if the Commission was interested in a conservation easement it should be discussed tonight and made part of the record; since its being offered it could be added as a stipulation that it was something agreed to at tonight's meeting.

Mr. Norback said in his experience that's something tricky to do because we don't know and are not in a position to accept it – whether it goes to the Cheshire Land Trust.

Ms. Simone said the conservation easement is another protective layer – it's a legal document that would identify this area is conserved and there is an additional layer of protection on it – its more of an enforcement tool – it would still be owned by whomever owns this property, so it wouldn't be taken over by the town.

said what he meant was in any way, shape or form the town deemed fit – conservation easements are typically the easiest way to do it – they are still owned by the private entity but there would be Mr. Bongiovanni a parcel of property protected under an easement.

Chairman de Jongh said he thought this was something outside the purview of the Commission to decide on tonight.

Matthew Sanford, professional wetland scientist and certifies registered soil scientist with Milone and MacBroom addressed the Commission.

Mr. Sanford explained they (Milone and MacBroom) was retained as the for a third party technical review consultant and their job was to take a look at the application for its completeness and from an engineering standpoint as it related to stormwater management and sediment and erosion control measures as well as look at the environmental conditions as it relates to wetlands and watercourses and the potential impacts that may come about.

Mr. Sanford said he wanted to start with the engineering comments provide in the last two letters – in general they believe the applicant has addressed most of the engineering comments – there are a few they still have discussion over – at this point they'd defer to the town engineer to make that final determination related to some of the slopes on pipes and some comments related to storm water issues.

Mr. Sanford talked a little bit about the wetlands and watercourse aspects – one of the things stated this evening was the overall

impact of the wetlands and the upland review area; the wetland impact proposed towards the northern portion of the property at the entry way to the site – as been stated on the record is a lower quality wetland impact by years of activities - he did not believe the proposed activity would have significant impact to that wetland because of its low quality and value.

Mr. Sanford said he concern on the project is that once you actually move into the property from West Johnson road and you look towards the property you see a lot of invasive species – he talked about the invasive species found on the site and in the uplands – and previous clearing activities on the site – he said what you notice on the site its all loaded with invasive species – and that a key component of his review and noted his letter regarding upland review impacts and the propensity for secondary impacts with the higher quality wetlands on the site being flush and forested wetland systems,

Mr. Sanford talked about his knowledge and history with the site based on previous - work done in the area – and when development occurs right up to a wetland buffer area over time.

Mr. Sanford said about 78% of upland review area would be impacted – whether its temporary or permanent impacts – he noted was you disturb and area you disturb it so whether its been restored with seed mix or vegetation its not going to be restores to its original former condition; he spoke about the wetland review area and the tree shading that prevents invasive species from colonizing the wetlands; its that type of (canopy trees 80's to 100') intensive shading that protects the wetlands; he said they need to look at what's being proposed for temporary and permanent impacts and what's being proposed as far as native trees and shrubs for the area – it takes a number of years for many of the shrubs to mature and gain height - he said you need to evaluate the shading capability and heights – he said his concern as stated in his letter is there is going to be a loss of upland review area adjacent to what he consider higher quality wetlands and as such he recommend there should have been some kind of understory buffer left greater than was it currently proposed.

Mr. Sanford stated that was his opinion on this particular project because a. when you increase the intensity for invasive species with the upland edge and the wetland you decrease biodiversity in those systems; b. you also cause thermal impacts to the streams and seasonal pools – those are the reasons you have buffers.

Mr. Sanford said in his letter in his closing remarks – he understood upland review areas – they are not meant to be a set back – they are meant to allow this Commission to review those activities within those upland review areas and determine whether those activities

have the potential to either directly impact those wetlands or indirectly impact those wetlands with secondary measures.

Mr. Sanford said they have to balance the economic development potential with the protection of the wetlands – they have to strike that balance – that’s their (the Commission’s) job as this application moves forward.

Mr. Sanford said he wanted to talk about the mitigation plan presented to the Commission; he said he asked in his letter the justification of how the restoration wetland would replace the function and values; and the types of mitigation plans that could be proposed.

Mr. Sanford said he had asked the applicant to provide the detailed mitigation plan answering his questions (as noted in his letter) – this information has not yet been provided as part of this application.

Mr. Sanford talked about the proposal to create a wooded wetland system – with woody plantings; he said there is a deer stand in the area and they know deer like to feed on new plantings (he talked about how the deer like to eat the vegetation) – one of the things he recommended was an antiherbivore for the long term survival of the trees and shrubs that are to be planted; he talked about other recommendations pertaining to herbaceous species and how to avoid them being shaded out by providing larger size trees and shrubs in those areas; he talked about red maples don’t grow well and deer like.

Mr. Sanford talked about increasing the upland buffer with buffer plantings (outlined in his letter); he said he hasn’t seen any revisions related to his recommendations on the current plans and is important as the Commission reviews this application; he also spoke about the recommendation for a longer management plan and monitoring for the proposed wooded upland review area.

Dr. Dimmick asked if a heavily wooded area is the best replacement for what is there now in terms of the diversity necessary or is there something else that might be better.

Mr. Sanford said he thought since they were impacting an area that was plush and forested trying to create the same habitat as in the northern portion of the site.

Ms. Dunne asked if he agreed with the comments about the wildlife protection not being as necessary.

Mr. Sanford said they do know this site has Eastern Box Turtle and based on his experience of the site area – the population is fragmented but there are there; the Eastern Ribbon Snake – the habitat is there especially in the seasonal pools in that forested

wetland area – again DEEP provides recommendations – they are not regulations – its up to the applicant to provide expert testimony as to their opinion – he said he didn't feel 100' buffers were necessary on this site but is a buffer of some sort necessary – yes and that is one of the reason why be provided strong comment about the upland review area needing a stronger buffer along there that is undisturbed.

Chairman de Jongh said he liked the idea of having some kind of barrier to prevent the deer from feeding on the plantings of trees and shrubs.

Mr. Sanford said in terms of mitigation project – one of the things they have to do through the Army Corp of Engineers is come up with an antiherbivore plan for woody plantings; you can use a solar powered deer fence or plastic nets or cages – he talked about the maintenance and monitoring of a successful plan.

Mr. Hardy said he knew they have some homework assignments left; we understand there might be some conditions of approval; he said they are looking forward to the project starting and would appreciate a sincere review in order to move this along understanding they'd have conditions of approval; and are willing to do what's necessary and to the Commission's satisfaction to move the process along; he thanked the Commission for their time.

Chairman de Jongh said there are some things they need to still take care of but appreciates the work the applicant out into application.

Mr. Kurtz said he thought it came down to the commitment of the long term maintenance and once this project is complete ; the other things comes down to the size of the bushes and trees planting and the continued maintenance and how that was going to be taken care of; these seemed to be the issues he saw.

Mr. Hardy assured the Commission they would abide by any stipulation and if there was a maintenance bond in place or a maintenance degree – he would make sure it maintained and work with the town on an agreement.

Chairman de Jongh said if the public hearing was closed tonight – they could accept any other plans (revisions); the next meeting is February 18, 2020.

Chairman de Jongh suggested the applicant make the revisions on the plans and submit them back to the Commission so they can act accordingly.

Dr. Dimmick asked about section 10.3 of their regulations regarding the review of feasible and prudent alternatives – he could think of at least to alternatives – one looking at an area on site with lower

wetland values and the option to culvert the stream that comes out under West Johnson Avenue and pushes the project north towards the poor quality wetlands that could be considered.

Ms. Dunne said she thought they brought up alternatives- but not providing a lot of detail.

Mr. Bongiovanni said he did touch upon alternatives early on in the presentation – he talked about the alternatives and that they looked at and reviewed alternatives and talked to the town; he talked about it taking years it would take to channelize the stream and it's not an easy task – it would take a lot of time and money and they would not be successful even if they wanted to.

Mr. Hesketh said his firm does a lot of work with the Army Corp of Engineers and their position is if it's a watercourse they don't want you to culvert it – you can do certain things with a crossing, but they really don't want you doing anything with a crossing.

Mr. Hesketh said they dismissed doing any type of culverting based Army Corp and other comments.

Mr. Bongiovanni said the alternatives considered were not feasible; he did provide two alternatives.

Ms. Simone said she thought engineering had some comments about moving away from the watercourse and there was some early discussions.

Chairman de Jongh confirmed that based on discussion two alternatives were considered and discussed – and they were far too costly and not practical based on the applicant's standpoint but from engineering comments and comments from town staff.

Mr. Bongiovanni said they know the Army Corp doesn't like to culvertize watercourses, so they are telling you don't come in with a culvertized watercourse.

Mr. Norback asked where the flow was coming from.

Mr. Hesketh said there is a significant drainage area to the north – shown on the plan – he talked about the location of culverts in Johnson Avenue taking in water from coming from areas off the highway, and other roadways.

Chairman de Jongh said there are three areas that they need to incorporate: the easement; the mitigation changes; and the deer fencing (or other protection for the plantings) – he said these three things are critical – he said they need to close the public hearing tonight, or have it voluntarily extended by the applicant (in order to receive additional information.

Ms. Simone said they may be able to vote on this application at the February 18, 2020 meeting.

Ms. Simone said that the Commission could agree to have her prepare a draft for the next meeting for their review.

The Commission instructed staff to prepare wording for the next meeting.

Mr. Hardy agreed to keep the public hearing open until the February 18, 2020 meeting for the submission of additional information – the three items identified by Chairman de Jongh.

There was a brief discussion regarding the process to follow pending the submission of the additional information from the applicant.

Chairman de Jongh opened the meeting up for questions or comments from the public.

Kathy Levlin of 61 Lanyon Drive said she agreed with Mr. Kurtz’s – she is most concerned about the maintenance plan because if this is a hospital facility that may get closed in 6 years or sold in 6 years – who is going to maintain all of what’s going on in this facility and the surrounding area – that’s what she is concerned about.

Mr. Hardy said there could be a maintenance bond issued that would be amendable to the town and the town’s attorneys that would stay in place so if they did not maintain they could call the bond; they could come up with a value for those ten years and come up with that and leave that in place or come up with some other means of financial repercussions – they are amendable to that and understand that would be there for ten years and come up with an agreement with the town – they will make sure the site gets inspected and it done right.

Chairman de Jongh said the public hearing would be left open until the next meeting on February 18, 2020.

## VI. ADJOURNMENT

The public hearing was adjourned at 9:52 pm by consensus of Commission members present.

Respectfully submitted:

Carla Mills  
Recording Secretary  
Cheshire Inland Wetland and Watercourse Commission