

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
PUBLIC HEARING  
TUESDAY, OCTOBER 4, 2011  
TOWN HALL 84 SOUTH MAIN STREET  
COUNCIL CHAMBERS AT 7:30 P.M.**

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**Members present: Robert de Jongh, Matthew Bowman, Earl Kurtz, Charles Dimmick, Kerrie Dunne, and Sheila Fiordelisi.**

**Members Absent: Will McPhee.**

**Staff Present: Suzanne Simone.**

**I. CALL TO ORDER**

**Chairman de Jongh called the public hearing to order at 7:30 p.m.**

**II. PLEDGE OF ALLEGIANCE**

**The pledge of allegiance was recited by those present.**

**III. ROLL CALL**

**Ms. Dunne called the roll.**

**Members in attendance were Robert de Jongh, Matthew Bowman, Earl Kurtz, Charles Dimmick, Kerrie Dunne, and Sheila Fiordelisi.**

**IV. DETERMINATION OF QUORUM**

**Chairman de Jongh determined 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:**

<b>1. Permit Application</b>	<b>APP</b>	<b>#2011-019</b>
<b>Verna Properties, LLC</b>	<b>DOR</b>	<b>09/20/11</b>
<b>Wiese Road</b>	<b>FT</b>	<b>09/26/11</b>
<b>Subdivision</b>	<b>PH</b>	<b>10/04/11</b>
	<b>MAD</b>	<b>11/08/11</b>

**Attorney Joan Molloy, of Laughlin & Fitzgerald, 150 South Main Street, Wallingford, CT was present on behalf of the applicant Verna Properties. Roy Shook, Soil Scientist, Tony Tranquillo, PE and**

**Penny Sharp, Wetland Biologist were also present behalf of the applicant.**

**Attorney Molloy addressed the Commission by stating she was here tonight on behalf of Verna Properties, LLC which is the applicant. She said Verna Properties, LLC is under contract to purchase approximately 13.5 acres of property – the property is owned by Sharon Brownridge; she actually owns four parcels of land.**

**Attorney Molloy said Verna Properties, LLC is purchasing one parcel in its entirety and portions of two other parcels; that was shown in the plans submitted to the Commission.**

**Attorney Molloy said they propose to develop the property into a 9-lot residential subdivision.**

**Attorney Molloy stated that they did conduct a site walk with several members of the Commission on Monday, September 26, 2011. During that site walk Roy Shook, the applicant's soil scientist was there to answer the questions of the Commission and show various of the site.**

**Attorney Molloy said before asking Mr. Shook to come up and make his presentation she would just like to point out when she did make the initial presentation there was some discussion about whether any portion of this property was in the watershed area – she did send something into the Regional Water Authority and she said in the Commission's correspondence they did get a letter back from the Regional Water Authority where they have confirmed that at least the portion of the property that they're acquiring is not in the watershed and therefor they (RWA) will not be commenting on the application.**

**Attorney Molloy turned the meeting over to Mr. Shook so he could start their presentation.**

**Mr. Roy Shook, soil scientist with Roy Shook Associates at 441 Geraldine Drive, Coventry, CT addressed the Commission.**

**Mr. Shook said he would discuss the wetlands on the parcel first He said basically the wetlands are very straight forward – there is a wetland corridor along a man-made pond and there is a stream that feeds into that pond – so there's that wetland corridor then then there is a wetland in the western part of the property that is an upland-till wetland but that's basically the wetlands that are on the piece and they are on the margins or the edge of the piece.**

**Mr. Shook explained that the soils on the piece are under land by the red beds that's red sandstone and shale and arcs. He said for the most part they are well drained - there are a few moderately well drained spots but for the most part they are well drained.**

**Mr. Shook submitted to the Commission a copy of the soils map.**

**Dr. Dimmick asked if the Commission had a signed copy of the soils map – he said originally there was no signature on the soils map.**

**Attorney Molloy stated that it appears that they haven't but that they would make sure the Commission receives one signed for them.**

**Mr. Shook said the soil map is site specific – he said he prepared the soils map in the field. He said in the western part of the property where they see the “Y”, “YAC” or “YAD” that's Yalesville – that soils has a soil component in it that has bedrock that is below 20”.**

**Mr. Shook said the soils map was generated by him on site and is more detailed then the published soils survey. He explained that in the western part of the property there are the Yalesville soils and the limitation of those soils are basically bedrock depth but the underlying bedrock is rip-able so it's not a major concern and they have a development potential rating of moderate but it's basically where the bedrock is and it's rip-able; he said if you look at the landscape you'll see that it goes up and down – that is where those soils are.**

**Mr. Shook said based on site test data they have identified sites for septic within that area.**

**Mr. Shook said as you progress towards the east the soils become deeper tills – either red tills or deeper stratified glacial tills – all for the most part well drained.**

**Mr. Shook stated that the soils in the area he was describing were exceptionally well suited for development and septic disposal.**

**Mr. Shook said the soils on this piece are on the whole are good for development – they have development potential – they don't have an impeding layer and they tend to take up water rather readily.**

**Mr. Shook stated that was about the sum of his presentation.**

**Dr. Dimmick asked if about the “BOB” – that's a silt loam.**

**Mr. Shook said “BOB” is Bradford Silt Loam – it’s a silt loam if you’re looking at the erosion hazard – they have a high erosion hazard but if you look at the landscape there it’s basically level.**

**Dr. Dimmick said he had no problem with most of that landscape but as it gets near the actual pond you have a little bit of a slope.**

**Mr. Shook said yes and he believed the sediment and erosion control addresses that issue. He agreed with Dr. Dimmick that those soils have in particular has a finer surface layer and its more readily easily eroded so you need to be careful that once you get beyond that flat section you do not open it up any more than you have to – he said it was in the buffer area.**

**Dr. Dimmick said there was also a question out in the field as to whether that one wet area might possible be a vernal pond/pool.**

**Mr. Shook said it was his opinion that he was out there the Saturday before the site walk and when he looked at the area there was ponded water in that area and when they went on the field walk on that Monday the ponding was gone. He said that tells him the infiltration rate is fairly high there.**

**Mr. Shook said it was his opinion that it can’t hold water for an appreciable amount of time certainly not long enough to be a vernal pool.**

**Mr. Shook stated that the overriding thing he wanted to say here was for red bed soils these are well suited to development and that he did not anticipate any major issues coming up.**

**Chairman de Jongh thanked Mr. Shook for his presentation.**

**Anthony Tranquillo, registered professional engineer, doing business on Fox Run in Southington, CT representing Verna Properties.**

**Mr. Tranquillo explained that he was going to give a brief presentation of the proposal.**

**Mr. Tranquillo explained that the property is composed of four parcels – the total acreage is about fifty acres known as the Garthwaite property – Guy Garthwaite until he passed away approximately five years ago now it is owned by Sharon Brownridge – his daughter.**

**Mr. Tranquillo said as you can see from the map Honey Pot Brook runs from east to west through the property – the subject of this application is only that portion of the property north of Honey Pot Brook.**

**Mr. Tranquillo said the property is zoned R-40 which is basically a one acre zone – they are proposing nine lots; the smallest lot is .94 acres and the largest lot – lot number five is 3.2 acres.**

**Mr. Tranquillo explained that this area of the property – the westerly portion of the property has very large trees on the property and in early discussions with the town planner he indicated he wished to save as many of those trees as possible and they have made those lots very large in order to do that – they are going to try to save as many of those trees as possible.**

**Mr. Tranquillo said this is a standard subdivision – there are no special permits required, no zone change, no variances required. There is an approximately 700’ road leading from Weise Road 700’ to a cul-de-sac that will meet all town standards.**

**Mr. Tranquillo said there is a modern drainage system that will be installed in the subdivision – they are going to put underground storage for the storm water management and that is shown on the plans. He said the storm water storage system is composed of 48” plastic ADS pipe.**

**Mr. Tranquillo said the lots will be served by septic systems which have been approved by Chesprocott Health District – he said he was not sure the Commission had the letter from them (the Commission had the letter) indicating all lots are suitable for septic development and they are also proposing public water from the Regional Water Authority.**

**Mr. Tranquillo said they did considerable amount of testing on the property – deep pits and percolation tests – those were done approximately four years ago and they have verified with the health district that they were valid testing – they that accepted that testing.**

**Mr. Tranquillo explained they have done some additional perks recently on a few lots and those past very well – most of the perk rates in this area are 20 minutes or less.**

**Mr. Bowman asked if the Commission had a copy of those perks.**

**Mr. Tranquillo stated the perks are in the plan – they show the deep perk test results.**

**Mr. Tranquillo said the perks are generally up to 10” to 20” from 10” to 30” is considered the ideal perk rate for septic so you get good attenuation of the pollutants; anything faster than five minutes per inch is considered too fast and the pollutants would travel down to the ground water table very quickly.**

**Dr. Dimmick said he was looking at the rates and some of the test pits were running fast.**

**Mr. Tranquillo said that is in the upper but when you first fill the hole but as it drains down it slows down; he said there are some gravelly soils.**

**Dr. Dimmick said he was looking at test pits 164-165 as the ones that were running fast.**

**Mr. Tranquillo stated they are proposing to disturb no inland wetland and a very small amount of upland review area; the major disturbance is with the outfall for the storm drainage system, the removal of the existing house, the septic which is located on the plan and they may be removing the driveway to the existing house – so those are the disturbances that they are proposing in the upland buffer area.**

**Mr. Tranquillo stated that he feels they are doing the least amount of impact to the property – he said obviously they could probably have obtained two additional lots on the west side of the property but they did not feel that would be acceptable to the town or desirable so they eliminated those right off the bat.**

**Ms. Dunne asked if they were moving utilities as well.**

**Mr. Tranquillo said yes – they are removing the septic system for the existing house and the polls will be removed also.**

**Dr. Dimmick said he was still worried about the fact that the test pits 164-165 you list as 1-10 minutes per inch and those have to be the two that are the closest to the pond.**

**Mr. Tranquillo said they would investigate that obviously.**

**Dr. Dimmick said he had to problem with the rest of them – 167 is running fast but there is no system in that spot; where he does not**

want to see it too close is near the pond as it might make the algae grow a little faster in there than they want it to.

Dr. Dimmick said the other thing is the map that shows the erosion controls – there is no key to the controls.

Mr. Tranquillo said the heavy lines down the south of the system are the erosion controls – he said he would make sure that's clear on the plans.

Mr. Bowman said they are also going to need, when they remove that driveway you are going to need erosion controls on the south side of that driveway.

Mr. Tranquillo agreed and that they would put that in and that they would more than likely end up closing up the erosion fence from Weise Road all the way to the existing house – a continuous fence and breaking it the way it is shown on the map.

Dr. Dimmick asked if there were details on the flared end rip-rap splash pad. He said he did not see it when he looked at the detail page but he may have missed it.

Mr. Tranquillo said he did not recall – he would look into that and provide the detail.

Chairman de Jongh said the Commission is having a decision relative to the non-encroachment line along the pond area. He said they see that there is a 50' wetland setback delineated – would it be reasonable to ask that that be considered a non-encroachment line so that there's no consideration of any kind of activity in that section 50' toward the pond area.

Mr. Tranquillo said that would be up to the owner to make that decision – they would have to discuss that with them if they wanted an additional encroachment line.

Attorney Molloy said they have showed conservation easements along all the lots along the wetland and there are some activities within that 50' upland regulated area that they have to do because the house is located within a portion of the uplands.

Dr. Dimmick said that would have to happen during the deconstruction of the house. He asked which map the conservation easement shows up on.

**Attorney Molloy said she had another plan that might help them see that better – she submitted an additional plan that highlighted the conservation; she said that it's on the subdivision map.**

**The Commission identified the conservation easement line on the map/plans.**

**Mr. Bowman said the plan goes from 50 to 20 then they continue with 20.**

**Attorney Molloy said that was correct because they tried to take the area that was probably the steepest slope - where it was steeper they tried to include that within the conservation area so that there would be no activity on the steepest portion of the property.**

**Dr. Dimmick said between wetland flags 91 and 93 the actual inland wetland line almost touches the edge of the conservation easement – its only 3' away.**

**Mr. Bowman said he was a little confused by the lines – he asked Attorney Molloy about how the lines were drawn on the map.**

**Attorney Molloy approached the Commission and reviewed the conservation easement and wetland lines on the plans.**

**There was discussion regarding the conservation easement line and wetland line.**

**Chairman de Jongh said he thought the Commission would be happy if the applicant could extend that conservation easement line – he said the problem is always with the successor home owner and not the current home owner – if there is no language or impediment for them to do anything beyond a barrier then it will happen.**

**Attorney Molloy said she received staff comments today and staff had raised the issue about how they might treat this area so they will have to request a continuation of the public hearing because they haven't had an opportunity to answer engineering comments and this is one more thing they can look at in terms of staff comments and other comments from the Commission as to what they might do to try to address that concern.**

**Penelope Sharp, certified wetland scientist residing in Northford, CT addressed the Commission.**

**Ms. Sharp said she would first address the issue Dr. Dimmick raised about the vernal pool. She said she did not see this wetland in the Spring which is when one would expect to however on every occasion – and she said she had been out to the site on numerous visits the wetland was really dry – she was able to walk right across it.**

**Ms. Sharp said she agreed with Mr. Shook that the hydro-period just isn't long enough to support vernal pool amphibians but she expected there may be green frogs and whatnot there. She said part of that wetland is off site and even if it were to be a vernal pool she would not expect this project would impact it in a negative way.**

**Dr. Dimmick said they just needed a statement on the record.**

**Ms. Sharp said she could not absolutely state without question that it's not a vernal pool but in her best guess it that it is not.**

**Ms. Sharp stated that in her opinion the wetlands on the site are considered to be very high quality wetlands – she said Commission members have walked the site so they have seen them. She said the pond has a nice fringe around it of alders – the wetland to the west are pollustrian forested wetlands mainly dominated by Red Maples and a very thin ban occurs along Honey Pot Brook for the most part – there is that one area along the south side that is off the property which is more of a developed wetland.**

**Ms. Sharp said she did not know what else to say about the wetlands – she said there is that one non-vernal pool area as well that is on one of the lots.**

**Ms. Sharp said in her report she does comment that removing the house is really one of the major activities within the regulated area – not within the wetland and she thought overall that was going to be a benefit to the property because the future house will be further removed from the wetland – the only question of course is how the house is going to be removed and obviously it has to be done carefully and she recommends that everything be to the north of the driveway – the existing driveway.**

**Ms. Sharp said one of the staff comments had to do with replanting the area post house removal and she would concur with that as being a good idea.**

**Attorney Molloy said she thought the initial plan was to remove the driveway but she has not had an opportunity to discuss staff**

comments with her client so again with the expectation that the matter is going to be continued they will discuss all the matters that came up tonight and hopefully answer all of those questions the next time they get together.

Ms. Sharp said she would like to have some input to the discussion.

Dr. Dimmick said it occurred to him that the development will not have control of the level of the water in the pond – that will remain with the undeveloped parcel and so he was just wondering what influence the development might have so they don't wake up and find the owner of the rest of the parcel has decided to drain the pond someday; he said there is a dam and a valve at the foot of the dam for opening up and draining the pond which was done from time to time in the past.

Attorney Molloy stated that they have no control over what the property owner does – she said in her initial presentation and again in Penny Sharp's report the primary significant wetland and watercourse is not on this property – really they only have the edge of it on here.

Dr. Dimmick said he wanted to get that on the record.

Attorney Molloy said they are not in control of that – she said all they can do is to make sure they don't make a bad situation worse.

Mr. Bowman stated in his opinion they are in control – he said because right now its owned by one person – both properties are owned on person and this has not been subdivide yet so it is still in the control of one person.

Attorney Molloy said it is in control of one person but that individual has not made any commitments because that portion of the site is not part of the development proposal.

Mr. Bowman said they still have the ability to ask the question – he said he thought Dr. Dimmick was right on target with that - if they could get some sort of commitment that that level will not be changed – now they have the ability and they will lose the ability and like it was said there is a small portion on there with a water level.

Attorney Molloy said she was certainly willing to pass on the inquiry to the property owner but she had to think the property owner is not going to want to prevent the ability from coming to this Commission and saying we want to do 'x' because we think it's going to be better

for the pond and if the Commission imposed upon the property owner a condition they can't do something with – she was not sure how they are going to feel about limiting their options for the future.

Mr. Bowman said they can always come back.

Chairman de Jongh said one of the things they can certainly they can't do is that they can't raise or lower the pond without having this Commission's approval so if they can in anyway get a statement from the property owner that they understand that the raising or lowering of the level of the pond requires this Commission's approval then that way it covers not only for this but for also any further activities that might take place – if they had that as part of the record then he thought that would be satisfactory.

Attorney Molloy said there is a better chance that she could get an acknowledgement that any future activities would require review by the Inland Wetland Commission.

Chairman de Jongh said he understood the reluctance to try to forbid any future activities – there may be a need to do that but they need to understand that their ability to do that is really predicated on the approval of this Commission so if they have an acknowledgment letter that would be terrific.

Dr. Dimmick agreed that would be acceptable measure.

Mr. Bowman said they are not trying to control it in the future – like Dr. Dimmick said if all of a sudden they decide to raise it and the water starts to go up on the property then they are going to have a hard time trying to do something about someone else's property but at this point it's still all one piece of property – she is still in control and as long as she acknowledges like Chairman de Jongh said then they should be all set.

Attorney Molloy said that she could ask for.

Attorney Molloy said she thought there were questions about the removal of the house and it is the intent of the developer to when they are removing the house to do it north of the existing house – to take a piece of equipment and drag material further away from the wetland and remove it – that is their intent and obviously they will have sedimentation and erosion controls between where they are doing the deconstruction work and the wetlands and watercourse so that is the plan – to be on the north side and remove it off site and fill that area.

**Attorney Molloy said they have to abandon the septic system and the well according to the public health code that's in the letter from Chesprocott where they indicate that they believe all the lots can have appropriate septic systems on some – some are fine as they are and some will require engineering but they have indicated all the lots are buildable in terms of septic systems and as she said the existing well and existing septic system will have to be abandon.**

**Mr. Bowman asked if she said abandon or removed because earlier he thought Attorney Molloy said removed.**

**Attorney Molloy said if she said removed she apologize – she said she was not sure what the technical way you get rid of a well.**

**Mr. Bowman asked if they were going to abandon or remove the septic system.**

**Attorney Molloy said it would be abandoned.**

**Mr. Bowman asked if they site plotted the existing septic system.**

**Dr. Dimmick asked if they knew where it was.**

**Mr. Tranquillo said they had a general idea of where it is – he showed it on the plan (west of the existing house).**

**Mr. Bowman said he would like to see that staked out and you for the record state that they have site identified it and plotted it on a map.**

**Dr. Dimmick said then the well is to the east of the house.**

**Mr. Tranquillo said he did not know – he said he asked the property owner where the well and she did not know.**

**Attorney Molloy said when they did the site walk she thought they had seen...she stated they would find out – they would site identify the well and septic system.**

**Chairman de Jongh said what he might suggest is to is once those locations have been sighted that they also make notations on the existing map that they have that show where those things are.**

**Dr. Dimmick said it become especially critical in abandoning a well if there is a septic line going near that abandon well that you need to do more than the minimal requirements in terms of plugging that.**

**Mr. Bowman said they are going to make them plug it; the well will be sealed and not just partial.**

**Dr. Dimmick said yes they are going to have to plug it and not just near the surface.**

**Attorney Molloy said she was expecting that Chesprocott is going to make sure they do whatever is required.**

**Mr. Bowman said they will tell you what to do but they are not going out there and there is no way for them (Chesprocott) to tell how far the casing goes – in this case the casing obviously is below the ground to start with – you have no idea if it went into bedrock and how far it went to bedrock and if it was sealed so.**

**Dr. Dimmick said he could make a guess that well went before 1972 in which case it may not have gone into the bedrock at all.**

**Chairman de Jongh said he thought once they got those locations then they could monitor them.**

**Chairman de Jongh said as it was pointed out by the applicant engineering had some comments and the applicant has not had the opportunity to address those comments so he would suggest they continue this public hearing until the next meeting to allow the applicant not only to address those comments but also the things that were brought up by the Commission this evening.**

**Mr. Kurtz said he had a problem with his own understanding of this – when someone proposes a development for a piece of property the entire parcel is considered – now some may be unbuildable or some may be left for open space or something; he said he thought of the Commission's questions about the pond that is going to be left off property points to his concern because he said he hasn't seen something like this before. He asked if this could be done – when you subdivide a piece of property can you say I'm just going to subdivide this and sell it.**

**Mr. Bowman said yes – absolutely.**

**Dr. Dimmick said it happens all over town unfortunately.**

**Chairman de Jongh said that is one of the challenges of Planning and Zoning.**

**Attorney Molloy said it was a legitimate question and it was something they did discuss with the town staff to make sure – she said this was the map that was included with the plans and there is a parcel here – a parcel here – a parcel here and a parcel here (shown on the plans) because they did not want to go south of the significant wetland area that is why they are only dealing with the north part – they did not want to have to face a substantial crossing if they could avoid it so the concept was develop north of the pond and Honey Pot Brook and then if the property ends up deciding that they either want to themselves develop or sell – now you can deal with the development that once again would not require the crossing of this significant wetlands area. She said so that was the theory behind it and that is why they are doing this.**

**Attorney Molloy said because they abutted the significant wetland and watercourse they wanted the Commission to be aware of it.**

**There were no other questions or comments from Commission members or staff.**

**Chairman de Jongh opened up the public hearing to questions or comments from the public. No public questions or comments were entertained.**

**Mr. Shook, soil scientist, signed the map as required.**

**The public hearing on this item was continued to the Tuesday, October 18, 2011 meeting starting at 7:30 p.m.**

## **VI. ADJOURNMENT**

**The public hearing portion of the tonight's meeting was adjourned at 8:11 p.m. by the consensus of Commission members present.**

**Respectfully submitted:**

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