

**CHESHIRE INLAND WETLANDS COMMISSION
PUBLIC HEARING
VIDEO TELECONFERENCE**

JUNE 16, 2020

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
PUBLIC HEARING
Tuesday, June 16, 2020 at 7:30 p.m.
Via Video Teleconference**

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited.

III. ROLL CALL

Members present were Chairman Earl Kurtz, Dr. Charles Dimmick, Kerrie Dunne, Will McPhee and Thom Norback.

Member not present was Dave Brzozowski.

Staff member present was Suzanne Simone.

IV. DETERMINATION OF QUORUM

There were enough members present for a quorum.

V. BUSINESS

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

- | | | |
|---------------------------------------|-----|----------|
| 1. Permit Application | APP | 2020-009 |
| Lamp Realty, LLC | DOR | 5/19/20 |
| Hazel Drive | PH | 6/16/20 |
| Site Plan – Two Residential Buildings | MAD | 7/21/20 |

Chairman Kurtz reviewed the process in which the public hearing would be held and that the Commission and public would have the opportunity to ask questions and make comment.

Mr. McPhee asked about making sure the public had the opportunity to ask questions or make comments at the public hearing.

Ms. Simone explained that the information about providing the opportunity to ask questions was posted on the website well in advance of this meeting, giving the public the opportunity to provide comments and questions to the Commission; they wanted to make

sure the public had access and the means to make comment if they had any.

Mr. McPhee said he just wanted to make sure opportunity was given.

Chairman Kurtz said they can handle any (issue) if something arises but let's assume everything will be fine – otherwise they'll make adjustments.

Attorney Joe Williams, of Shipman and Goodwin, LLP from New Haven, CT and Ted Hart, senior civil engineer with Milone and MacBroom were present on behalf of the applicant.

Attorney Williams addressed the Commission explained he's been practicing land use and environmental law in the State of Connecticut for a little over 25 years.

Attorney Williams said he agreed with what Suzanne said - that the town has closely followed and adhered to the governor's executive order on how to follow meetings like this; plus this application was on the agenda two weeks ago as well and the opportunity has been available or folks to send emails all of that time.

Attorney Williams said he'd provide a brief overview with highlights - they are seeing a permit for Lamp Realty for regulated activities on Hazel Drive – to raise and removing two convalescent home buildings which formerly house up to 210 patients and staff along with an overgrown parking area; and building in the same general area two new residential apartment buildings each with 57 unit with surface parking and underground parking and an entirely new landscaping package and a brand new stormwater management system.

Attorney Williams said in summary the application proposes no direct wetland impacts – it avoids any indirect wetland impacts to wetlands and watercourse, and we believe that there's a substantial improvement of stormwater being discharged from the site to Larson's pond.

Plans of the existing conditions map was visually posted for review.

Attorney Williams explained the property was 22 acres – mostly wooded – he should on the map the location of existing buildings; and location of demolished buildings; and the location of Larson's pond; the pond and the wetlands make up about 8 acres of the 22-acre site.

Attorney Williams noted the existing buildings have a larger footprint and are closer to the pond than the buildings they are proposing to build.

Attorney Williams explained the site has been abandon as a convalescent home for more than 15 years and there's no stormwater treatment system; and that prior residential proposal have been approved by wetlands and he submitted to the Commission an approval that was referenced last time – in 2005 a proposal was for two buildings and an intervening building between them and to use the property for condominium residential use – that proposal had a small direct wetland impact of about 700 SF it also had a patio/deck below the building near the pond going out to the pond - direct access to the pond; and the intervening building had a portion a little bit closer to the wetland (that plan was provided to the Commission) – that proposal was approved by this Commission but did not go forward because of the downturn in the condominium market and the broader real estate market.

The proposal landscape rendering plan was placed on the screen.

Attorney Williams explained the goal was to remove some of the existing impervious surface from the upland review area to the pond and the associated wetlands such as portions of the buildings and asphalt parking lot that are currently located within the upland review area – they have pull that activity almost entirely out of the upland review area.

Attorney Williams stated there are no direct impacts associated with this plan – and there is no direct pond access proposed – along the eastern edge of the site there is a stone dust path that you can walk on but not anything built into the pond.

Attorney Williams said there are some regulated activities in the upland review area but he would note those consist largely of removing building and pavement from that area and installing stormwater basins as part of the stormwater management plan – all of which we believe would be protected and beneficial to the wetland long term; so in sum we are proposing to create no adverse impacts to wetlands and watercourses on the property and in fact they believe long term there will be a benefit to them; after Ted presentation, they will respectfully request their (the Commission's) approval.

Ted Hart, PE addressed the Commission and asked that the design plans be posted for review.

Mr. Hart explained the project location was 50 Hazel Drive – the site is located east of Hazel Drive and west of the Larson's pond and is L-shaped; is goes to the north and east to Lake Avenue; he pointed out that their plan just touches the upland review area – the pavement behind the southerly building and the building on the left and the rear of the parking at the upland review line and over behind the

northly building to the right – the upland review comes just a little bit on the pavement because the wetland kind of bows out there.

Mr. Hart said the L-shape parcel is bisected by a wetland corridor with a small watercourse that comes north and drains down into Larson's pond; and as Joe pointed out it has the remains of a convalescent home on it – a storm drainage pipe located on the property drains the intersection of Hazel Drive and Mayview Avenue just to the right of the upper access drive there is a drainage system that comes across the property – they will be picking that up and putting it into a sediment trap and then discharging it next to the pond with a level spreader.

Mr. Hart explained as Joe pointed out there is no stormwater quality management on the site now – its just sheet flow off of pavement down to the pond and wetlands.

Mr. Norback said they talked about the drainage from Hazel Drive – is that surface or subsurface drainage – is it piped.

Mr. Hart stated its piped – the map shows there are several catch basins in Hazel Drive.

Mr. Hart said the plan is to remove the old buildings and build two new apartment buildings with 57 apartments in each building for a total of 114 apartments – the buildings will be three stories with parking underneath – there are two driveways that go underneath the backside of the building as shown on the plan.

Mr. Hart said the overall parcel map - looking at the piece up near Hazel Drive – in the corner where the two buildings are – that is the area they are going to be developing just to the north - there's the remains of a large underground sewage disposal system – there was on site septic at one point; and just to the north of the building there's a large parking lot; the plan shows the wetland systems going to the north and comes down from the northly direction into Larson's pond and there are several other wetland fingers in that area.

Dr. Dimmick asked if the property line ran all the way to the opposite shoreline.

Mr. Hart said he believed it did – that's the way its drawn.

Dr. Dimmick said there's a dam on the other side of Larson's pond and it looks like your property line includes portions of the dam.

Mr. Hart said it may very well – there's a piece on the southerly side of the pond that's not part of this parcel (shown on the plan).

Dr. Dimmick commented about a problem they had when Larson's pond flooded and was 3' over the dam and water was well beyond the wetland boundary; he said he was looking at the contours and they are not going to have anything developed within that 100 year flood line so they are alright.

Mr. Hart showed the parking area plan sheet to show that they reduced the parking – they are proposing not to build all the parking because they don't need it – they are hoping to convince the planning and zoning commission of that also but in their impact statements and calculations for stormwater runoff – they did it based on the total if all the referred parking was built in kind of a worst case scenario; but they are hoping not to build 43 parking spaces.

Mr. Hart said the buildings would be connected to public water and sewer; the stormwater management plan picks up drainage in Hazel Drive – they will also be collecting all of the onsite stormwater and passing it through a separator and then into the sediment forebay – the stormwater basins are designed to reduce the reduction in the quantity of runoff and also water quality and water quality in the basins – they will be no standing water in the basins because they have an underdrain basin design to move standing water to drain out slowly so they'll get that settling action in the stormwater to reduce sediment loads; the bottom of the basins will not be standing water but moist – they will be planting it with New England wet mix.

Mr. Hart said they've provided a soil and erosion control plan; there are three sediment traps located on the easterly side of the property, with diversion berms and swales directing water to them; they have haybales and silt fence and the town engineer asked that they put up orange safety fence to protect all that; the steep slopes would be protected with erosion blankets and the two stock piles protected with silt fence and they also have two construction entrances.

Mr. Hart explained they prepared a detailed landscaping plan – they will be planting shade trees and ornamental trees – Pine trees, shrubs and ornamental grasses; they also have a walking path along the back side near the pond – its going to go over the top of the stormwater basin berms and there will be a loop from the north to the south.

Mr. Hart stated – there is no direct wetland impact – the upland review disturbance is 44,320 SF – the upland review area is right along the edge of the pavement and there is not that much pavement in the upland review area – its mostly a stormwater basin and a walking trail and that's its an improvement from what's there; the existing building right now is 34' from the edge of the water on the northerly building and 39' from the edge of the water on the southerly building so those two buildings are right on the water – the

new buildings are going to be 100' away from the edge of the pond and that's going to be a big improvement to move everything further away from the pond.

Mr. Hart explained the engineering department has reviewed the plans and for the stormwater on Hazel Drive and they made some comments on that and those comments are satisfied on the plan.

Mr. Norback asked how much of the existing conditions there are in the upland review area – either impervious or building – square footage wise.

Mr. Hart said he did not have that (information) but could go back and check that; if you look at the aerial existing conditions map; it shows the northly building in the middle of the site – the corner is 34' to the edge of the wetlands; then there is also the paved parking that is probably right on the upland review area as well.

Attorney Williams said they could see this more clearly on the plan set – the survey plan where it shows the upland review area.

Mr. Norback said they call for 44,000 SF in the proposed (disturbance); and was that the size of the area now existing – saying he was wondering how it relates.

Mr. Hart explained he had not done the calculation but it's probably at least half or more than half of that – the old plan did have some disturbance for the old septic system - and there's the large parking lot also and there's pavement coming around and between the building and the wetlands.

Mr. Hart said there's also a prior approval in 2005 – he asked that that plan be presented - it called for maintain those two buildings and building a new building in between – he wanted to show what those impacts looked like and what was approved previously; they had patios/decks right down to the water and a dock in the water and now they are not planning anything like that.

Mr. Hart noted that the Natural Diversity Database was checked and there are no species of special concern here.

Dr. Dimmick asked if there was a construction sequence as part of the plans.

Mr. Hart said yes there was – it's on the cover sheet – there's a construction sequence and operations and maintenance plan and post construction all on the title sheet (of the plans).

Mr. Hart referred back to the previously approve plan showing the buildings and their location and the middle piece that extended down

towards the pond; and patios/decks and a dock extending to the pond; there was quite a bit of activity all along this wetland area – they have driveways, buildings, parking lots and a long access road; so there was significant impact on this plan that was approved previously back in 2005.

Mr. Hart summarized that the stormwater plan will be a big improvement over what's out there now and what's draining into the wetlands now; there will be no impacts the wetland based on our designs so that wraps it up.

Attorney Williams said that was there presentation – he noted that although as noted they do have activities in the upland review area but most of them are removing the stuff they don't want to keep there and adding in things that will benefit the wetlands long term by way of plantings, basins, etc.; he said the ultimate question before the commission being is there harm to wetlands or watercourse by virtue of those activities in the upland review area – and the answer is clearly no.

Attorney Williams said they would be happy to answer any other questions and respectively request their approval (the Commission's).

Chairman Kurtz asked if there were any questions from Commission members.

Dr. Dimmick said based on the construction sequence it does look like they are doing regrading before they are putting in any erosion controls – he said it seems that some erosion controls should go in before they start the regrading – but maybe he was not seeing it correctly.

Mr. Hart explained first they were to have a preconstruction meeting; two – the contractor was to stake out the limit of disturbance; three – the contractor would set erosion controls along the perimeter and stabilize the construction entrances; four is clearing and grubbing.

Dr. Dimmick said he was looking at a very small print version of the construction sequence – he had trouble reading the very tiny print.

The construction sequence as shown on the title sheet was reviewed and answered Dr. Dimmick's question.

Ms. Simone stated they did not have any comments or questions from the public.

Mr. McPhee said part of the public hearing was that they look at all alternative plans and in his opinion reviewing plans that were already previously approved which don't have any barring on this current

plan – what alternatives were looked at to eliminate any impact to the upland review – because looking at the maps it looks like this whole thing could be moved to the west and get outside of the upland review area; the water retentions basins are close to being outside of the upland review area – why are they not closer to the parking lot or just simply get out of those areas – he didn't know if the southern building could be moved northern in order to have no upland review impact.

Mr. Hart said they did take out 43 parking spaces to reduce the impacts and that was their plan to reduce any impacts to the upland review area; he stated they don't have any impacts to the wetlands.

Attorney Williams clarified the statutory and regulatory standard – is there adverse impacts to the wetlands and if so what are the feasible and prudent alternatives that would have less adverse impact on the wetlands or watercourse and our courts have said where there is no evidence of likely adverse impact to the wetlands or watercourses then you don't have to do a feasible and prudent alternative analysis - so its not required in any way you propose alternatives to stay out of the upland review area – that's a regulatory area to look at the activity and see if they harm the wetlands so the ultimate question for the Commission is – are you harming the wetland and if thought they've gone in the other direction and are improving the situation.

Mr. Hart said just to follow up – the grades on this site are not particularly easy – there is quite a slope coming from west side coming down to Larson's pond – towards Hazel Drive to Mayview Avenue its very steep there.

Mr. McPhee said my eliminating the impact you are increasing the buffer to the wetlands to any disturbance would protect the wetland better.

Dr. Dimmick said after removing the existing buildings there will be less impact and is an improvement in his opinion.

Mr. Norback said he agreed with Charles – he thought it was a vast improvement.

Ms. Simone checked and there were no comments from the public as of 8:19 pm; no other questions or comments could be received after the public hearing was closed.

The public hearing was closed at 8:20 pm.

VI. ADJOURNMENT

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**The public hearing was adjourned at 8:20 pm by consensus of
Commission members present.**

Respectfully submitted:

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