

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
PUBLIC HEARING
Tuesday, August 18, 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, Dave Brzozowski, Kerrie Dunne, and Thom Norback.

Member not present was Will McPhee.

Staff member present was Suzanne Simone.

IV. BUSINESS

Ms. Dunne read the legal call for the continuation of the public hearing on the following item:

1.	Permit Application	APP	2020-014
	Richards Chevrolet	DOR	6/16/20
	Highland Avenue	PH	7/07/20
	Site Plan	PH (Meeting Cancelled)	7/21/20
		PH (Meeting Cancelled)	8/04/20
		PH	8/18/20
		MAD	9/22/20

Chairman Kurtz reviewed the process in which the public hearing would follow, including that there would be an opportunity for Commissioners and members of the public's questions and comments.

Stephen Giudice from Harry Cole and Son (Plantsville, CT) was present on behalf of the applicant, Attorney Jay Hershman from the Law Offices of Baillie & Hershman and Eric Davidson of Davidson Environmental were present.

Attorney Hershman addressed the Commission; he briefly summarized correspondence sent to Commission members dated August 4, 2020; he briefly summarized the proposed plan is essentially taking a low quality wetland area and replacing it with high quality wildlife enhancement areas; the proposed access onto Highland Avenue is critical to his clients project and to any development of this parcel; he said the last approved project for this parcel for a sports complex had access to Highland Avenue in a slightly different location due to safety concerns raised by DOT.

Mr. Giudice addressed the Commission. He explained they have an I-2 industrial zone property that's approximately 18.5 acres that's currently undeveloped – they have frontage on Highland Avenue/State of Connecticut Route 10 and they are proposing to develop this property for a used car store, service and body shop associated with Richards Chevrolet.

Mr. Giudice explained the proposal is for a 25,000 SF building and 174 parking spaces; the site does have a wetland corridor that runs along the northern property – as part of the proposed development plan they are proposing a drive access opposite the driveway across the street – the driveway to Chesprocott building – and that access they believe is a safe alternative and does create a wetland impact.

Mr. Giudice said in previous meetings they submitted alternates that they considered prior to their application – during discussions with DOT they believed that this, although difficult from a wetland perspective – this is the safest location and due to the quality of wetland they would at least present this to the Commission for consideration to have an impact and mitigation through high value mitigation restoration areas of those area.

Mr. Giudice reviewed the alternate plans – one with a proposed driveway to the south without any wetland impact; they proposed the driveway in the same location with lower wetland impact with some retaining wall construction and then this plan which they felt in the long term was the best plan for the site.

Mr. Giudice said they received some minor comments from the engineering department and made revision to the plan based on those comments; he believed the engineering department was okay with the application as presented (staff could speak to that); they received comments about their mitigation area – they proposed lower it a little bit and proposed to regrade the site down approximately a foot to try to bring those mitigation areas more inline with the profile of the wetland area – that modification has been made to the plan as well.

Mr. Giudice said the drainage systems utilize low impact drainage features – they don't have a lot of hard drainage pipe – they have infiltration trenches and runoff grass swales – they have a lot of

features that clean water and infiltrate prior to getting into the wetland areas.

Eric Davidson, registered soil scientist and certified professional wetland scientist addressed the Commission.

Mr. Davidson summarized what they went through at the last meeting – this is a unique wetland in the sense that it's not really a wetland its primarily an intermittent waterbody because a large portion of what you see on the mapping here doesn't actually have wetland soils or hydric soils but there's features out here that meet the regulations call an intermittent watercourse but is technically an intermittent waterbody because there is no watercourse flowing through it – basically what the regulations are trying to capture are areas that are not wetland soils but show they collect surface runoff and infiltrate that run off back into the ground – the regulation's intent is to capture those features on the landscape because they are important and function like stormwater basins so this wetland because it received quiet a bit of runoff from Highland Avenue its his assumption that's why we receive such a large area that we've mapped as an intermittent waterbody – only a small portion of this area that we see along the west side – there's a small area about 30% of it has wetland soils the rest of it are areas that meets the intermittent waterbody criteria.

Mr. Norback asked if the waters mainly originating off of Highland Avenue – is the water quality consistent with a beneficial wetlands type of water – he assumed there was oil and salt mixed into that – is that considered into its quality.

Mr. Davidson explained there is not water quality criteria for a wetland – the criteria for wetlands and watercourse is just hydrology based – hydro period based which just refers the depth and duration of standing water – its based on criteria and not necessarily water quality; he talked about water quality determinations and how the water is being treated before going back into the ground – a pollutant removal process is created is how it functions; wetlands received polluted runoff before its discharged to what is considered a more important resource like rivers, streams or Long Island Sound and drinking water supplies – one of the primary functions of wetlands is to treat pollutant stormwater through a varied of mechanisms.

Mr. Davidson said there is clearly a lot of water discharging based on the presence of a vast area of waterbody criteria without wetland soils; in terms of the impact area – its within that zone that received periodic runoff and shows evidence of receiving runoff periodically but it does not have wetland soils; the impact area also doesn't have any significant vegetation – there are no mature trees (as shown in the photos in his report) except for a few trees that are a couple of inches in diameter; he brings this up because there is no major

grading or tree removal or stump excavation that's going to be required – the disturbance is relatively minor.

Mr. Davidson talked about the mitigation plan – there are two areas where they show mitigation – they came up with the concept of upland mitigation areas which are going to be heavily planted – like wildlife pollinated garden plants that attract butterflies and all sorts of pollinated species so that is the goal of these two mitigation areas; and will have a variety of native upland vegetation that has a wildlife function.

Mr. Davidson said all toll the impact area is small – its next to Highland Avenue in terms of significance of the overall area its really the area you'd want to impact if you had to impact the wetland areas – the area already next to an existing culvert next to a road that shows signs of existing disturbance.

Mr. Davidson explained the mitigation details were all in his report – there's a construction sequence – a plant list with the total plant numbers and a planting sequence – and how it will be monitored and maintained.

Chairman Kurtz said he was interested in the elevations – is Highland Avenue/Route 10 – the east side of it much higher than the ground base on the (subject) property itself; and wanted to know more about the culvert mentioned – where is that in relation to the proposed driveway.

Mr. Giudice explained Highland Avenue is approximately 12' higher than the area of wetland they are proposing to impact; the driveway they are proposing would come in at the same height as Highland Avenue – the building will be slightly lower than Highland Avenue – the building site is not as high as Highland Avenue.

Mr. Giudice said as far as the culvert – the culvert they are proposing to relocate – the manhole is proposed to tie into the existing drainage system and discharge water in that location.

Chairman Kurtz said he was curious about how they planned to go about it and they need to deal with the state of they are going to change the culvert or if they plan to put a big pipe in there so the water can move off.

Mr. Giudice said they are doing both – they are working with DOT now to submit plans and they are proposing a new pipe – water that comes into the site from the south will flow under our proposed driveway into another detention basin then into the wetland area – water that comes off of Highland Avenue will just be relocated slightly to the north and they are proposing a rip rap plunge pool where there is nothing there at the moment – it's an improvement to what's there now.

Chairman Kurtz said they need to know these features and facts as part of their decision-making process – they also need to know if the state’s involved and do they have to wait for the state to rule on their proposal before we approve your plan.

Mr. Giudice said they typically work with the state post approvals – however if the State of Connecticut asks for something that is not consistent with what you have approved – then they would come back to this Commission and ask for a modification – generally the state like to see plans approved before they spend a lot of time in their review – he believed this Commission could move forward with their approvals (but could ask their staff).

Dr. Dimmick said they would normally not ask for state opinion before they moved forward; if they state wanted something changed they’d have to come back to us. He asked Eric about the depth of grown water – in the actual wetland itself is there a seasonal perched water conditions that allows that wetland condition there opposed to where you plan to put it.

Mr. Davidson said there is no perched hydrology – it’s all outwash sand and gravel – its not where you get perched conditions usually based on the tests performed – it’s just a function of the area that has the wetland soils; he said basically the whole system is functioning like an infiltration basin – it received a fair amount of storm water and could get flooded for a day after a storm event – it goes back into the ground pretty quickly; he said there are wetland plants but most of them are on the marginal side so they are things that grow along the edge and can be found in the transition along the uplands; the real wet plants are not here.

Mr. Davidson’s report was received by the Commission.

pointed out the location for the driveway was what they thought was best – they did consider alternatives – they are trying to propose Mr. Giudice something that is safe and the postponed location was worth coming before the Commission and asking to fill wetlands – it wasn’t something they did lightly – it was something they thought long and hard about and just felt it was worth coming before the Commission and request permission for the best site that they can and the safest intersection along Highland Avenue.

Chairman Kurtz said he is still waiting to hear how they are going to get from Route 10 to inside the property to make the driveway to the building – how to they plan to fill the wetlands and the driveway does through the wetlands on both sides – are areas going to be filled in and how are they going to do this job.

Mr. Giudice explained during the initial construction phases they would have a temporary access area to the south of the filling area –

and then fill the area along Highland Avenue – the driveway would be filled solely – there will be a raised entrance that will come up to meet Highland Avenue – that entrance would be raised to meet Highland Avenue – it would be slopes down on each side – the wetland would be filled during the construction of that access and access would slope down grade and come back up grade to meet the building site – there's a sequence of construction plan; they are proposing erosion and sedimentation controls on the site – they would stump and clear the area of the filling first and they would then construct the drainage improvements along Highland Avenue for the State of Connecticut's drainage and then they would fill that area and construct the driveway and from the sides to the left and right of the driveway would slope down towards the natural topography; on the south side they have detention facility that accepts water runoff from the south that goes under the driveway to another culvert and then goes into another detention facility on the north – northeast side.

Chairman Kurtz said so you are going to collect water in two places – on the south side of the driveway and the main collect is going to be on the north side of the driveway and it would be pipe under the south side of the driveway with a pipe under the driveway.

Mr. Giudice replied yes; there is a pipe that would transfer water from one side of the driveway to the other; they have forebays proposed on each side of that pipe so they will have clean water transferring from one side to the other and in the northerly basin area there are infiltration basins to infiltration water into the ground and they have a controlled structure that will take higher flows and discharge them to the north through a plunge pool.

Mr. Giudice stated the site has been designed to provide a zero increase in peak runoff for the 100 storm event; and they have also included water quality volumes in each basin so they are meeting all of the requirements from the DEEP for stormwater quality for the site as well; they are managing stormwater off the site from Highland Avenue and offsite from the south as well as their own stormwater onsite.

Chairman Kurtz asked if all the plans and details and construction sequences were submitted.

Mr. Giudice said they have (submitted the plans) and shown them to the engineering department and they have reviewed everything and are comfortable with the plan.

Ms. Dunne asked about the wetland and upland review area impacts.

Mr. Giudice said it's just under 5,000SF - its 4,926 SF of impact; he said there is impact on the upland review area – its at the area of entrance and then mitigation areas are within the upland review

areas they are trying to keep those mitigation areas closer to the (adjacent to) wetland areas – then there are some small impacts along the northerly side; there is 10,000SF of mitigation area.

Ms. Simone said on the site plans there's an page that shows two separate phases – phase 1 and phase 11 – she thought he just covered what phase 1 would be - it would encompass all of the wetland remediation areas – that all that work would be done first before the building was be constructed.

Mr. Giudice replied yes – the plan provides for phase 1 and phase 2 – all of the wetland enhancement areas and storm drainage enhancement areas would all be constructed as part of phase 1 and the building and parking for the building would be constructed in phase 2; however on top of that phasing plan there is also a sequence of construction that is more detailed as to what has to be done first as far as erosion and sedimentation controls and construction entrances and so on; so there are much more detailed notes on the set of plans then just the phased plans.

Chairman Kurtz asked if there were any more questions.

There were no public questions or comments received.

Mr. Norback and Dr. Dimmick were satisfied with the presentation and had the information they needed.

Chairman Kurtz closed the public hearing.

V. ADJOURNMENT

The public hearing was adjourned at 8:02 pm by consensus of Commission members present.

Respectfully submitted:

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