

CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
PUBLIC HEARING

Tuesday, November 17, 2020 at 7:30 p.m.

Via Video Teleconference - available at

https://www.youtube.com/channel/UC4_xey3QjJmwe57R_6K94Dw

Video available on Channel 14 and on demand at www.cheshirect.org

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited.

III. ROLL CALL

Ms. Dunne called the roll.

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

Member not present was Dave Brzozowski.

Staff member present was Suzanne Simone.

IV. DETERMINATION OF QUORUM

Chairman Kurtz 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:

- | | | | |
|----|---|-----|----------|
| 1. | Permit Application | APP | 2020-028 |
| | DeGennaro Development & Construction, LLC | DOR | 10/20/20 |
| | Wiese and Academy Roads | PH | 11/17/20 |
| | Resubdivision (Orchard View) | MAD | 12/22/20 |

Attorney Anthony Fazzone from the firm Fazzone, Ryan and Riccutti was present on behalf of the applicant. Ted Hart, professional engineer, and Matt Sanford, professional wetland scientist from Milone and MacBroom were also present.

Ted Hart, professional engineer with Milone and MacBroom addressed presentation. He said at the last meeting two weeks ago

Ryan McEvoy was at the meeting gave you a presentation but since this is a public hearing I'm going a brief presentation of the project and then talk a little bit about a feasible and prudent alternative we have.

Mr. Hart said the applicant is DeGennaro Development and the owner is Sharon Brownridge.

The existing condition map, the proposed plan and the alternate plan map would be displayed on the screen for all to review.

Mr. Hart said started with his review of the existing conditions - Academy Road at the right hand side of the property is Weise Road - to the east of Weise Road is orchard and agricultural fields - to the west of the property where you see the ball field that's Cheshire Academy and along the northern property line that is outlined in yellow is a Honeypot Brook; there's a pond and a dam on the left side of the pond.

Mr. Hart explained about half of the property on the eastern portion is a field - it's a pasture land/hayfield - to the north and south are residential properties - the western portion of the site is wooded - there are wetlands on the site mostly associated with Honeypot Brook along the northern property line; there's a pocket of wetlands in the south west corner near Academy Road and then there's a small piece of wetlands on the southeast corner of the property associated with some drainage.

Mr. Hart informed the Commission that the wetlands were checked in 2020; the site is going to be served by public water - there are no public sewer so we have individual septic systems and they have been tested and received Chesprocott approval - and he confirmed the wetlands have been flagged.

Mr. Hart explained the proposed development is a 21 lot subdivision in an R-40 zone with one-acre lots; he reviewed the proposed conditions plan - showing a through road between Academy Road and Weise Road; there's one small short cul-de-sac that comes down to serve four - five lots; the cul-de-sac is 340' long - the through road is 2,250'.

Mr. Hart said one thing he wanted to talk about just briefly is the location of the road where it comes out onto Academy Road - the reason we chose that spot was that there is a sharp high point in the

road just to the west of where we're coming in and if we move any further away from the wetlands to the east away from that high point the sight line is it gets very bad very quickly so we have a decent sight line now and that's why we selected that spot relatively close to the wetlands - it's not in the wetlands it's in the upland review area.

Mr. Hart said the main through road follows the contours relatively closely - we don't have significant cuts and fills - where we come out on Weise Road we were thinking about pulling it south a little bit further but as we come south we get into a little bit of a knoll there and we're going to have significant cuts - right now there's about a 6' cut on the south side of the road; if we start moving it any further to the south there'll be a lot more cut there so we didn't want to do that on the north side it's relatively at grade so we feel we've got a good spot for that entrance onto Weise Road.

Mr. Hart said he wanted to just mention – the first 3 lots coming off of Weise Road on the north side that abut the pond show a small access way – a clear zone 20' wide to the pond - we're going to mark those with conservation markers – so better to actually show that instead of having people just do whatever they want there we've given them a narrow access to the pond.

Ms. Simone asked if the width of the access way is defined in the plans and in the notes.

Mr. Hart replied it's shown on the plans it's 20' wide - there's a note on the plans that say proposed clearing of overgrown brush to make a 20' wide access way to the pond for the lots butting the existing pond; the brush along the pond is a lot of Multiflora Rose there - it's not a great wetland buffer area.

Ms. Simone asked so in the area where this access way is proposed then it's mostly comprised of Multiflora Rose that there will not need to be trees or native shrubs that need to be removed.

Mr. Hart replied pretty much but that he can't say exactly what's there but knows there's a lot of Multiflora Rose along that that border - not sure exactly if there's any large trees out there - but we may we'll leave that up to the Commission if they'd like to modify the location but he think it would be good to have a defined location and not leave it up to the land owners.

Mr. Hart explained they also have a storm water management system - we have a number of small basins and then one larger basin on lot to the right next to the pond just west of the pond - kind of downstream of the dam; across the street we have a small basin right next to the cul-de-sac - there's a little basin there and one basin over by Weise Road and another small basin down near Academy Road; so we've dispersed our storm water management system but the main storm water basin is up on lot 4; that was the original proposal.

Mr. Hart talked about controlling the peak rates of runoff – they are also providing water quality in these basins and providing catch basins and pipes for the 10-year storm; they have a sediment chamber prior to the large basin near the dam.

Mr. Hart said they've provided water quality volume in the two larger basins and water quality also at the two small basins; so basically these are the smaller basins are mostly water quality basins and each one of these basins the outlet has a level spreader to disperse the discharge; the alternative plan was review.

Mr. Hart said the plan shows lot four just below the dam kind of in that that area that extends the upland area that extends closer to the brook – it took up quite a bit of the upland review area in that location and so we've moved it up adjacent to the pond - we adjusted the lots and we provided a parcel of land that will be owned by the homeowners association and it will also include the actual dam that's on Honeypot Brook; the homeowners association will be responsible for the dam on Honeypot Brook - they'll be responsible for the large storm water basin – they have also shown an access drive for the stormwater basin and also it extends down to the existing dam.

Mr. Hart commented that they like this design a little bit better - it has the same size and function as the original design but we've reduced the upland review area disturbance from 13,925 to 9,800 square feet which is a reduction of 4,125 square feet - so we feel it's a better design – it's a good alternative and we'd like to go with that.

Mr. Hart stated that overall, on the site there are no direct wetland impacts and we provided a detailed set of erosion control plan and silt fence and hay bales and a construction entrance and stockpile areas.

Mr. Hart reported that they received two letters from Anchor - we responded to their first letter dated October 28th and we gave them revised plans; they came back with another letter with four comments and one of the first one was the alternate location of basin at 310 which we just discussed; we feel that the new location is a good location and it serves a purpose and has less upland review area impact; one of the comments that Anchor made about this location was the bottom of the basin is right near the ledge - the ledge is a very soft like a sandstone - we did our test pits out there and they went down and they dug right through it – at least the first foot and a half – we are about 7’ deep with the test pits in the bottom of the basin.

Mr. Hart said based on the current subdivision plan layout we recommend that any required easements for future maintenance of the existing dam be shown on the plans - we probably won't need any easements if we go with the alternative plan because everything will be on a separate parcel - the easement to the existing dam and the large detention basin and that will be owned by the homeowners association so they didn't think they needed any specific easements for that if that's the way we but otherwise we will provide easements to the basin the original basin as shown on lot 4.

Mr. Hart said this was his overall presentation – he'd be happy to answer any questions from the Commission.

Dr. Dimmick said he had a comment because this atypical ledge has come up several times and he raised it at the original presentation from a geologic standpoint - this area is called the New Haven Arkose which is alternating layers of Arkose sandstone and red mudstone and shale; they all dipped to the east at about 15 degrees which means when the glacier came down they carved the stuff preferentially cutting out the soft parts and leaving the hard parts so if you could strip the soil off here you'd find a kind of a set of corrugations running north south on the ridges - he said two lots in particular lot 20 and lot 1 - he was originally worried that the septic but the leech fields are set up far enough west on those two lots so he didn't think there's going be a problem but wanted to make sure; he said some of these lots will need to come back for individual site plan approval – lots 20, 1, 2, 3, 4, and 9.

Attorney Fazzone explained they looked at and decided that it was best that the main detention basin be on a separate lot owned by owned by the homeowners association this is more typical of what's

been done in other subdivisions and the town has no responsibility - we do a declaration and a homeowners association is responsible for the maintenance of the detention facilities - if the homeowners association does not do it then the town can go in and perform it charge the homeowners back for the town's cost and ultimately if necessary if necessary lien the properties to get reimbursed; that's all very boldly displayed and that that anyone buying a lot is made aware of that - it's all disclosed and in fact they are given a copy of the proposed declaration as part of their contract that they would sign and have that to review before they before they do it.

Dr. Dimmick said he wanted to mention one spectacular mistake along that line that occurred in Cheshire with Strathmore Woods there was a dam and there was a homeowners association that was supposed to be taken responsible for the dam and it turned out the homeowners association never came into existence so that when there was a problem with a dam the town found itself burdened with nobody to turn to.

Attorney Fazzone said in this case the town supervises very carefully and they make sure that the homeowner association is found - that it is has been established - when we have closings on the lots we collect a fee usually about \$200 to begin with to get enough money to turn over to the association or to if the road is built and accepted by the town then we at that point in time start collecting annual dues - but the town is reviewing that; homeowners associations are easy to form and once they get started they're they generally do okay.

Mr. Norback said it's been stated that they're going to maintain it - the homeowner's association will maintain it - is there a maintenance schedule and would they have a maintenance schedule to do that and you know to inspect so they knew what to maintain - is there any schedule or something along those lines.

Attorney Fazzone said yes - there's a detailed description of the actual facilities that are within the detention basin - that they're required to maintain and then generally there's an annual or bi-annual schedule for mowing and if any of the chambers need cleaning - they'll clean out the chambers and that's all original the language that we've been using and was actually provided by the town engineering department.

Mr. Norback said so some sort of a report would be given either annually or bi-annually to the condition and maintenance.

Attorney Fazzone said he didn't think any of them require a report, but the town roads are draining in most instances into these areas there's an easement for that for the road drainage - the town maintains that part and they see so in doing so they see all these drainage basins.

Attorney Fazzone noted that one thing he'd like to point out – it terms of looking at the alternative that's being presented – he said when he saw it and the developers saw it - and he thought when the engineers at Milone and MacBroom realized that it was a better plan - the difference in the upland review area disturbances is significantly reduced.

Matt Sanford entered the meeting and explained he'd talk about the detention basin and what was the original plan that was before the Commission - that the basin was located right along Honeypot Brook - it was an area that was well forested and obviously it was providing both the upland and the wetland there adjacent Honeypot Brook is providing some important functions for protecting water quality, the thermal protection, etc. in that particular area.

Mr. Sanford said so when we had an opportunity to actually move the basin from that location up to the new location that Ted presented this evening where it would actually be more adjacent to what he would call a man-made pond of Honeypot Brook with an area that's much more disturbed in terms of the riparian habitat - it made a lot more sense from a from a wetland perspective to do that and being able to provide and protect the important functions and values of the Honeypot Brook by leaving that area that was originally intended for the detention basin alone and now moving and shifting that base into an area that's relatively disturbed.

Mr. Sanford said he knew there were some questions earlier about Multiflora Rose along that area – and there's quite a bit of Multiflora Rose, Autumn Olive and there is some also some native trees intermixed in in the area now proposed for the new basin; so it's a much less impact as it relates to the protection of the riparian zone and the functions and values of the wetland.

Mr. Sanford said some other activities that include an access road onto Academy Road so there's obviously some activities within the upland wetland - the wetland there is interesting - it's kind of it's an emergent marsh wetland and pfo primarily supported through some

groundwater discharge breakout as well some surface runoff - we do have to have a portion of the road located within that upland buffer because of sight line issues - based on his investigations he didn't believe that there would be significant impact to that wetland - there is some clearing of trees within that 50-foot area that's required and obviously it'll be converted from a forest to a paved road at that point - from a functions and values perspectives, the functions and values of this particular wetland is primarily some wildlife habitat, groundwater discharge, nutrient retention as relates to any of material that runs off the forest floor and into that wetland and those functions are still going to persist following development of this project.

Mr. Sanford said the other area of activity is also located on the northeast side of the property so we had a little bit of a wetland issue shown on our soil report that we prepared; it's a scrub brush wetland - wet meadow and we are proposing to put a little water quality swale at that location to preserve the hydrology to that wetland - we didn't want the road cutting off the hydrology to that wetland so we've actually added a water quality spot on the north side of the road to help protect the hydrology of that wetland; when he was there in August it had a lot of pollinator plants growing in it - iron weed - swamp milkweed, etc. - the butterflies were incredible out there - we want to make sure we keep that hydrology there to protect those species that are that are persistent in that wetland system.

Mr. Sanford said overall he believed the plan has improved from its original submission especially with the detention base relocation - he was much happier to see that from the protection of the ecological values of Honeyplot Brook.

Mr. Hart said that most of the basin is located in the field - it's not in the wooded area next to the pond - it's mostly in the field and the other thing he was going to mention is that this basin will be more visible and easier to inspect than if it were behind a private home so - those are my two points - the alternate plan that he was just talking about.

Mr. Sanford said he echoed what Ted said - the way the basin was before was kind of out of sight out of mind and that's when you run into opportunities where maintenance that is sometimes forgotten about and being in an area that is much more visible that won't be the case.

Mr. Sanford said the other thing is as we move along here in terms of the basin - we are going to prepare a more detailed planting plan for the basin that we're showing today is in the right location - and that'll be a detailed basin planting plan to help the landscaping and screening from the adjacent two new houses but also the actual internal planting of the basin so that we make it functional for both treatment of nutrients and also hopefully introducing some pollinator plants as well to increase those butterflies and the bees and everything else that's in that area.

Attorney Fazzone said there is a tiny upland review disturbance - the fire department is requiring a hydrant on the west side of the subdivision road where it meets Academy Road - so there would be a temporary disturbance in the upland review area for the installation of that water hydrant.

Mr. Hart identified the hydrant on SP2 of the plan - located on the south west corner of the property right next to Academy Road.

Attorney Fazzone said there's water piping and there's also that area has been disturbed - the installation work done is for the hydrant and the area around it would be restored.

Mr. Hart stated that's all in the upland review area.

Chairman Kurtz asked if there were any other questions or comments from the Commission – there were none.

There were no comments from the general public.

Attorney Fazzone said this may sound odd but we've kind of provided a change to what we feel is a prudent alternative and it's kind of backwards if you read the last sentence of 10.2 b - it almost describes exactly what we're doing here in that we're producing an alternative - requiring an action of different nature would provide similar benefits with different environmental impacts as such as a using a different location for the activity; the upland review disturbance area is reduced significantly.

Dr. Dimmick said he'd have to agree - it's definitely an improvement and when the law was originally written that way this was the hope that this would occur from time to time and some of it did.

Attorney Fazzone said it being a major detention basin or major for this subdivision - the fact that they were able to put it on a parcel of land by itself and move the boundaries around on the lots on that side of the road he thought was a much better situation than having that size detention basin on one of the private homeowner's property.

There was no other discussion on this public hearing item.

Chairman Kurtz closed the public hearing at 8:12 pm.

VI. ADJOURNMENT

The public hearing was adjourned at 8:12 pm by consensus of Commission members present.

Respectfully submitted:

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