

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
PUBLIC HEARING  
TUESDAY, JANUARY 17, 2012  
TOWN HALL – 84 SOUTH MAIN STREET  
COUNCIL CHAMBERS – 7:30 P.M.**

---

**Members present:** Robert de Jongh, Matthew Bowman, Charles Dimmick, Sheila Fiordelisi, Will McPhee (at 7:31 p.m.) and Kerrie Dunne.

**Members absent:** Earl Kurtz

**Staff:** Suzanne Simone

**I. CALL TO ORDER**

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

**II. PLEDGE OF ALLEGIANCE**

All present recited the pledge of allegiance.

**III. ROLL CALL**

Ms. Dunne called the roll.

Members in attendance were Robert de Jongh, Matthew Bowman, Charles Dimmick, Sheila Fiordelisi, Will McPhee and Kerrie Dunne.

**IV. DETERMINATION OF QUORUM**

Chairman de Jongh determined there were enough members present for a quorum.

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

**V. BUSINESS**

1. Permit Application	APP	#2011-024
Kathie A. Welch	DOR	12/06/11
Reservoir Road	FT	12/10/11
Resubdivision	PH	1/17/12
	MAD	2/21/12

Ms. Dunne read in the record that the applicant's representative has requested that the public hearing on this permit application to be postponed to Tuesday, February 7, 2012.

The public hearing on this item would be postponed until Tuesday, February 7, 2012.

<b>2. Permit Application</b>	<b>APP</b>	<b>#2012-004</b>
<b>Verna Properties, LLC</b>	<b>DOR</b>	<b>1/03/12</b>
<b>Wiese Road</b>	<b>PH</b>	<b>1/17/12</b>
<b>Subdivision</b>	<b>MAD</b>	<b>2/21/12</b>

**Attorney Joan Molloy of Loughlin & Fitzgerald from 150 South Main Street, Wallingford, CT was present on behalf of the applicant. Anthony Tranquillo, PE, Roy Shook, soil scientist and Penny Sharp, wetland biologist were also present.**

**Attorney Molloy addressed the Commission.**

**Attorney Molloy said as evidence from the legal notice Verna Properties is proposing to develop a portion of the property owned by Sharon Brownridge.**

**Attorney Molloy asked to briefly refer to one of the map's that's in the plans – Ms. Brownridge owns approximately 50 acres – she showed on the map the parcel located relationship to Academy Road (Route 68) and Weise Road. She said the plan is to develop the 13.5 acres parcel on the northern portion of the property – there is a significant pond at Hot Brook that runs through the property which Ms. Brownridge will be retaining.**

**Attorney Molloy stated that that significant wetlands system is not located on the property which they are proposing to develop.**

**Attorney Molloy said a letter has been submitted from Ms. Brownridge – it was a matter that came up during the previous application as there was some concern about whether Ms. Brownridge thought she could do anything with the pond without coming to this Commission and they did submit a letter from her where she acknowledged that if she's going to do any activities within the pond or effect the pond in any way she understands she has to come before this Commission first.**

**Attorney Molloy stated as the Commission knows there was a previous application – it was submitted and accepted in September 2011 – a site walk was conducted on September 26, 2011. She said Mr. Roy Shook, who is their soil scientist who flagged the site was present to answer questions of those members who attended the site walk.**

**Attorney Molloy explained that they did open a public hearing in October 2011 and as she explained to the Commission last month – they had a emergence of events - they hadn't planned on the power loss with the October 2011 storm, the holidays and illness within one of development team's family member prevented them from doing everything they needed to do enough time that they could submit revised plans to the Commission and allow them adequate time to review them.**

**Attorney Molloy said so the decision was, after consulting with staff to withdraw the application and resubmit.**

**Attorney Molloy stated that the new application in front of the Commission would be explained by Mr. Tranquillo, the engineer, does include many of the changes that they discussed during the initial application and now hopefully they have addressed all the concerns of the Commission.**

**Attorney Molloy said one other bulletin – the Regional Water Authority has determined that this portion of property is not in the watershed area and therefor has chosen not to make any comments on the application.**

**Attorney Molloy said with that she was going to turn the presentation over to Mr. Shook, the soil scientist so he might review the soils and then she would ask Mr. Tranquillo to discuss the development and finally Penny Sharp to discuss the impacts to the wetlands.**

**Roy Shook, a soil scientist with Roy Shook Associates addressed the Commission.**

**Mr. Shook stated that the wetlands on this piece are real straight forward – although this wetland is not on the track it's very, very close to the track so they delineated it – and walked it on the site walk of September 26, 2011.**

**Mr. Shook showed on the plans the location of the stream corridor wetland - about the upper 2/3 of it borders a pond beyond the dam and the lower 2/3 of it is in a natural ravine.**

**Mr. Shook explained the soils behind the pond are basically accumulated over the years along the channel – the soils below the dam are tilt soils in a natural eroded ravine.**

**Mr. Shook said there is another wetland on the property – in the southeast corner that extends on to this property – that’s a small wet till wetland but it does join larger wetlands to the west.**

**Mr. Shook said there were some questions as to there being a vernal pool in that area – he said he did not think so – he said he thought Penny Sharp had the same opinion – there was not a vernal pool there.**

**Mr. Shook said the rest of the soils on the property – the back – the northern side of property the soils are Cheshire till soils; the flat section in the front those are soils that developed in glacial period and are sand and gravel.**

**Mr. Shook stated the soils on the whole are all well drained except for the ones on the wetland part – there are a few spots of moderately well drained soils.**

**Mr. Shook said the wetland boundary along the wetland stream corridor – is gravelly and abrupt and falls off really quick – the area is naturally well entrenched. He showed on the map where there is area where the slope drops down real quickly until to hit the edge of the pond.**

**Mr. Shook said for the most part this was a wooded wetland - beyond the pond it’s kind of a scrub shrub wetland – there were some woods but a multi-shrub on the site that abuts the project.**

**Mr. Shook said he if the Commission had any questions he would be glad to answer them.**

**Dr. Dimmick said he thought the fact that most of the Commission remembers his presentation at the previous public hearing is probably one reason why there is not much in the way of questions from the Commission.**

**Anthony Tranquillo, registered professional engineer representing Verna Developers this evening addressed the Commission.**

**Mr. Tranquillo said he would just run through very briefly a presentation of what the project physically is.**

**Mr. Tranquillo said the parcel that is being developed is about 13.6 acres – it’s the northerly portion of the Brownridge property north of Honey Pot Brook.**

**Mr. Tranquillo showed on the plans the location of the existing house – which has existed for some time will be taken down and new homes will be built in the area.**

**Mr. Tranquillo explained that the largest lot number 5 is over 140,000 SF, the smallest number 2 is 41,075 SF – the average lot is over 61,000 SF which is well over an acre.**

**Mr. Tranquillo explained that the zoning in area is a 40,000 SF minimum and 200' of minimum frontage – all lots meet that.**

**Mr. Tranquillo stated this proposal totally meets zoning.**

**Mr. Tranquillo said the proposal is to construct about 700' of roadway ending in a cul-de-sac – a new road called Baxter Court to be built; that road will have modern storm drainage, public water and the development will be private septic systems.**

**Mr. Tranquillo said the health district has been out with them testing the property and has approved these 9 lots for development.**

**Mr. Tranquillo said the home shown in orange are shown as sizable homes – they don't know exactly what the size will be or what the foot print will be – they will have to resubmit those to the town for approval once they get the lots a little further along in terms of design.**

**Mr. Tranquillo said as he indicated the road is approximately 700' long and its north of Honey Pot Brook. The pond has existed for many, many years – operates very efficiently – it's a good storm water management tool which presently exists there now.**

**Mr. Tranquillo stated that they will provide storm water detention in an underground system that is shown on the plan; a large diameter pipe will be installed with a control structure and that will minimize the additional run-off generated by the development.**

**Mr. Tranquillo stated they are not filling any wetland – there is absolutely no wetland being filled – there is approximately 2,000 SF of upland review area being disturbed – that is mainly for the removal of the driveway and the outfall system for the storm drainage.**

**Mr. Tranquillo said so they feel they have minimal impact on the natural resources in the area.**

**Mr. Tranquillo said a couple of concerns the Commission had the last time the applicant was before them – the septic will be addressed by the attorney. He said he knew the Commission was very concerned about the lawns being installed on lots 7, 8, 9 in that area and making sure they had a filter so they have installed a 40' buffer across the back of the lots 7 through 9 - 6 through 9 and a 50' buffer shown on the plan – a 50' buffer across the back of lot 5.**

**Mr. Tranquillo explained that there is also a note on the plans which indicates that natural grasses will be planted in that area – non-mowed natural grasses. He said there are a couple of bold notes on the plan that show that and there is also an indication that those should not be mowed – those areas should not be mowed by the homeowners; that will act as a filter and help to attenuate pollutants as run by surface across the land toward the pond.**

**Mr. Tranquillo said they have also indicated as requested by the wetland agent that they put markers – non-encroachment markers along that buffer line and those are shown on the revised plan.**

**Mr. Tranquillo said they have also shown the demolition plan which calls for the driveway to be eliminated and reseeded – that is shown on the plans; also the existing house to be taken down and the existing well and septic to be abandon.**

**Mr. Tranquillo said these were concerns of the Commission last time and they have taken care of those.**

**Mr. Tranquillo stated they feel it's a good proposal – it will provide some nice housing in that area and they feel they have addressed all of the concerns the Commission had last time but if they have any further concerns he would be happy to address those with the Commission.**

**Mr. Tranquillo asked if the Commission had any questions at this time.**

**Dr. Dimmick asked if there was a detail for the exit for the storm drain into the pond – the one that exits near wetland flag 88.**

**Mr. Tranquillo stated yes – they have an outlet detail for that – it's on the second to last sheet of the plans.**

**Dr. Dimmick reviewed the detail sheets. He asked if there was a construction sequence.**

**Mr. Tranquillo stated yes – the erosion and sedimentation plan has a construction sequence.**

**Chairman de Jongh said he had two questions – the first one is there was mention of a 40' setback on lots 7, 8, 9 in that area and a 50' on lot 5.**

**Mr. Tranquillo said lot 6 also a 40' buffer.**

**Chairman de Jongh asked if there was a reason why they didn't go 50' and why did they go 40' on those lots.**

**Mr. Tranquillo said if you go 50' you're start impacting the septic areas and they just felt the 40' was sufficient to handle the situation there.**

**Chairman de Jongh said the other question he had was – he thought there were comments from the Engineering Department was requesting – have those been received yet.**

**Mr. Tranquillo stated that he has taken care of all the comments except he has to make some minor changes to the drainage report which are based on the final design – he said he would be making those in the next couple of days and then if there is some further discussion that Engineering Department wanted on the outfall and how that's impacted by the 100 year storm.**

**Chairman de Jongh said so then those have not been received yet.**

**Mr. Tranquillo stated no – and that he would be doing that within the next several of days.**

**Penny Sharp, wetland biologist, addressed the Commission.**

**Ms. Sharp gave a quick description of these wetlands. She explained that the vegetation in the scrub shrub area has a lot of Alder which grows next to the pond and there is also Pussy Willow and Elderberry and that forms a pretty dense buffer to the pond already so with the addition of the grass area the pond will have greater protection then it does now.**

**Ms. Sharp said the small wetland on the back – in her opinion is not a vernal pool – she said every time she went out to see if it held water however she didn't see it during the spring season when vernal activity would be happening so she can't say with absolute certain that it's not but even if it were to be a vernal pool its well buffered – most of this wetland is off the site – it's pretty far away from the reserve system and there is plenty of land around it so she did not think there would be any impact on it even if it were not be a vernal pool.**

**Ms. Sharp said she agreed with Mr. Shook that she did not think the wetland would hold water long enough – it's seasonally saturated but it didn't have a deep pool area.**

**Ms. Sharp stated she was pretty confident that's it's not a vernal pool.**

**Ms. Sharp said she thought with the new buffer – the plans for the demolition – that there will really be no impacts on these wetlands.**

**Ms. Sharp stated she was pretty confident this project can take place without any irretrievable or irreversible impacts on the wetland habitats.**

**Ms. Sharp said she would be happy to answer any questions.**

**Chairman de Jongh asked if Commission members or staff had any questions.**

**Ms. Simone asked that in Ms. Sharp's report she talks about the conservation easement – so do you think the extension of the easement – the 40' and 50' that that will adequate protection.**

**Ms. Sharp stated that she did – and in that area yes – it's very flat the site – so if it were a steep slope heading to the pond that would be a different matter but it's so flat that that (the footage) would be more than adequate.**

**Chairman de Jongh opened the floor for questions and comments from the public.**

**There were no additional questions or comments from the Commission, staff or the public concerning this application.**

**Ms. Simone recommended that it remain open to get comments from the Engineering Department to make sure that's there is not going to be any changes to the design.**

**Dr. Dimmick said to hold the public hearing open for that one purpose and not necessary requiring people to come back.**

**Chairman de Jongh said exactly so for the record he wanted to clarify that the only item missing are engineering comments based on information from the applicant that Mr. Tranquillo had not been able to completely provide.**

**Chairman de Jongh said the Commission will leave the hearing open for receipt of that information alone – they will not take any other comments concerning the application other than just regrading those engineering comments.**

**Attorney Molloy asked if they are going to restrict the public hearing for just to the submission of the engineering comments – she said she didn't know whether they wanted her to address the issue of whether they have met the requirements of significance tonight or if the Commission wants to wait until that final information comes in.**

**Chairman de Jongh said he thought they needed to wait until they get those comments in.**

**Attorney Molloy said she wanted to make sure she was not precluded from addressing that information.**

**Chairman de Jongh said she would not be.**

**Attorney Molloy said one other item she would like to mention is – there was a letter submitted from Milone and MacBroom addressing the issue – she believed it was raised by Dr. Dimmick about whether the leaching systems were so close to the pond that it could have a negative impact – she said they did ask them to look at it and the letter that was submitted did point out that under the public health code leaching fields have to be at least 50' away and all the reserves and primaries are at least 50' from the edge. She said they also looked at the perk rates and said they perk rates were within the health code and did not require any kind of special design and lastly they looked at the dilution issue – if she was using the correct terminology – in terms of nitrates or other oxygen depilating chemicals or whatever could get to the pond and they did not think that that was going an issue – she stated she did want to make sure**

**the Commission was aware of that because that was another issue during the initial application.**

**Dr. Dimmick asked Ms. Simone if that letter is part of the record.**

**Ms. Simone stated yes it was.**

**Chairman de Jongh said he wanted to clarify that what he is saying when he says they are not going to allow any other comments – he said obviously the focus of the Commission’s attention at the next public hearing is going to be on those comments coming back from Mr. Tranquillo and the town engineering department’s response – if there are members of the public who are not able to be present tonight – they certainly will have an opportunity to voice comments at the public hearing if that is the case; he said the Commission is not going to reopen the entire application again for discussion – they are going to try to restrict that if they can.**

**Chairman de Jongh wanted to clarify that point for the record. He stated they would determine significance after receipt of that information.**

**The public hearing on this application would be left open subject to receipt of additional information.**

**The public hearing on this item would be continued to Tuesday, February 7, 2012.**

## **VI. ADJOURNMENT**

**This portion of the meeting was adjourned at 7:51 p.m. by the consensus of Commission members present.**

**Respectfully submitted:**

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