

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

Members present: Charles Dimmick, Earl Kurtz, Sheila Fiordelisi, Will McPhee and Thom Norback.

Members absent: Robert de Jongh and Kerrie Dunne.

Staff: Suzanne Simone

Dr. Dimmick served as chairman pro-tem in Robert de Jongh's absence.

Ms. Fiordelisi served as secretary pro-tem in Kerrie Dunne's absence.

I. CALL TO ORDER

Dr. Dimmick 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. Fiordelisi called the roll.

Members present were Charles Dimmick, Earl Kurtz, Sheila Fiordelisi, Will McPhee, and Thom Norback.

IV. DETERMINATION OF QUORUM

Dr. Dimmick said they seemed to have a quorum – they have five they need four in order to do business.

Dr. Dimmick said this is the public hearing - the regular meeting will follow.

Ms. Fiordelisi read the legal call to open the public hearing on the following item:

V. BUSINESS

1. Permit Application	APP	#2012-015
Ricci Construction Group, Inc.	DOR	6/05/12
Cook Hill Road	FT	7/05/12
Subdivision – House	PH	8/07/12
	MAD	9/11/12

Dr. Dimmick said he would go over the rules rather quickly for public hearings – they allow an applicant to make a presentation of pertinent information then the first thing they do is they open for questions starting with members of the Commission and staff and then any members of the public who have questions to ask to have clarify what’s going on then they get into comments – any member of the public that wishes to comment after all questions have been taken care of and then if necessary they will allow the applicant to make any concluding statements necessary under the circumstances.

Dr. Dimmick said when you do ask questions or make comments they do need to have a record of who you are and where you live so that can go in the files.

Dr. Dimmick said he presumed there is someone to represent the applicant.

Darin Overton, from Milone and MacBroom, a licensed professional engineer in the State of Connecticut was here representing the applicant Ricci Construction. He said also with him tonight was William Root from his office who is the soil scientist who delineated the wetlands on the site – he is also a wetland biologist who has always evaluated the functions and values of the wetlands adjacent to the site.

Mr. Overton said he was here to present the subdivision of what is know as the Verdi property at 261 Cook Hill Road. The parcel is approximately 4.8 acres in size and as mentioned in the call of the hearing there is two zones on the property – west of the river as shown on the plan shows existing conditions – north is straight up so west of the river is zones R-40 and east of the river or to the right is zoned as R-80.

Mr. Overton said the development associated with this project would take place in the R-80 zone.

Mr. Overton said the property is bounded to the north by Cook Hill Road and existing residential across Cook Hill Road – east and west there is also existing residential and to the south is open space currently owned by the Town which is known as the DeDominicis property.

Mr. Overton said under existing conditions there is a home on the property – it's located on the west side of the river along the frontage of Cook Hill Road.

Mr. Overton said the topo of the site is essentially mostly gently sloping towards the river as you go east it does slope up more steeply towards the eastern property line.

Mr. Overton said the site is mostly wooded except for the clearing around the existing home and the lawn area associated with it.

Mr. Overton stated there were utilities both water adjacent in Cook Hill Road and both properties will be served by onsite septic systems.

Mr. Overton said the next plan shown again north straight up shows the proposed development – proposing to subdivide the over four acre lot into two building lots – one where the existing house will remain and then one new building lot on the east side of the river.

Mr. Overton said lot one is designated as the existing house – lot two is also a frontage lot that's basically on the south and east side of the river.

Mr. Overton explained that the driveway access would come in from Cook Hill Road and then essentially run kind of along parallel to the river off set from the river by about 30' to 50' to serve the new home.

Mr. Overton said the Verdi property itself – in order to access this piece where the house is being shown – they couldn't access it without building a bridge over the river itself because the corner of the existing property basically goes right through the headwall of the cross culvert under Cook Hill Road so the applicant has come to an agreement with the neighbor further to the east to purchase a triangle of that property in order to bring the driveway in and avoid having to cross the Mill River.

Mr. Overton said the Mill River does have a FEMA map flood plain associated with it and the flood plain delineations are shown on the plan – based on previous meetings there was discussion about how the plain does seem to vary widely near Cook Hill Road from the town topography.

Mr. Overton said to clarify that he had on the next sheet is a delineation based on the topography approximate flood plain based on the elevations – he said he would get to that a little bit later.

Mr. Overton said the new home would be served by an extension of the public water service – a new service would be taken off of the main in Cook Hill Road – extended down the driveway to serve the new home – a new onsite septic system will go to the south of the home.

Mr. Overton stated they have done testing with Chesprocott – the plan has been reviewed by Chesprocott and approve for feasibility of the septic system.

Mr. Overton stated a sanitation certificate has been issued for the lot.

Mr. Overton said there has been a series of comments they have received from town staff – Fire Department and Engineering. He said they have submitted some response letters previously – there was also a follow-up response letter to Engineering comments that was submitted today along with a wetland impact assessment and minor revisions to the plans that were made.

Mr. Overton said as far as the wetland impacts – there is about a 20' by 40' area of filling for the driveway – they conservatively estimated the wetland disturbance associated with putting up the silt fence, etc at about 15,000 SF but the real area of impact for the driveway fill is really about 800 SF.

Mr. Overton said the depth of fill has shown on the plans currently is about 1' through the wetland there – this is one of the changes to the plan; previously the driveway coming through there was essentially at grade and water from the east side where it collects in the low point where the wetland is formed would run across the driveway. He said based on some discussion at previous meetings they decided a seepage envelope might be a better way to design that so they raised the driveway a little bit and they have a seepage envelope there not only to allow ground water to be conveyed under the driveway but also if there is surface water that does collect in what

would be a small depression with a very limited watershed on the east side.

Mr. Overton said so the fill that is being place is about 30 yards of fill in the wetland there which would equate to about two truckloads – essentially it's really not going to be common fill it's going to be stone material to build the seepage envelope and then the base for the driveway itself.

Mr. Overton said so essentially it's the process stone and pavement would essentially make up the fill in the seepage envelope.

Mr. Overton said the answer the question previously that had come up about the flood plain line – he said he highlighted the FEMA map line and also an approximated delineation based on the town topos so what's highlighted in yellow is the FEMA map line and while that's the official documented line –

Dr. Dimmick said he was not sure they could see that yellow line – he asked if that line was furthest to the east.

Mr. Overton said it is also shown as a heavy dashed line on the plans. He said what is more important is the one that's highlighted in blue. He said at the outlet of the cross culvert on Cook Hill Road – the FEMA mapping shows the flood plain elevation of 148 so the blue line is a highlighted depiction of where the 148 contour runs based on the Cheshire town topo.

Mr. Overton said as you go further south the flood elevation does drop – when you get to the southern part of the property it drops to about 147.

Mr. Overton stated there was a difference of up to a foot in the data between the FEMA mapping and the Cheshire topo mapping so he would call that line that he delineated here pretty much plus or minus a foot but based on the separation of contours here there isn't too much variation horizontally.

Dr. Dimmick said so the real 100 year flood line is no where near as extensive as the FEMA line.

Mr. Overton said for some reason the FEMA map flood line close to Cook Hill Road goes wildly up the slope towards the neighbor's property Squire.

Dr. Dimmick said it just couldn't be.

Mr. Overton said it doesn't make any sense based on the elevations.

Mr. Overton said interestingly enough as you come down towards where the proposed house is shown they actually converge right together and the flood plain for the most part if you look at it elevation wise follows the bank of the river – other than the low area where that wetland finger was mapped up by Cook Hill Road.

Mr. Overton said so regardless of which delineation you look at before you reach where the proposed development of the house is the flood plain comes consist and it's basically the top of bank on the river.

Dr. Dimmick said to clarify then – before filling for that little crossing – the little wetland finger is within the FEMA flood plain line even with what Mr. Overton is saying that its at 148.

Mr. Overton stated the majority of it is – there are a few little points that would extend out beyond the 148 but essentially yes.

Dr. Dimmick said that was one of many things when they were going over the review of this that needed clarification – it obviously didn't match.

Mr. Overton said so if he missed anything as far as questions that the Commission has he would be happy to answer them if not Bill Root is here from their office who can go into further detail on the wetland impact assessment that they submitted.

Dr. Dimmick asked if the Commission had questions for the engineer before hearing from the wetland scientist.

There were no questions asked.

William Root, a certificate soil scientist and wetland ecologist with Milone and MacBroom and he was here with Darin tonight to present this application on Cook Hill Road.

Mr. Root said prior to meeting he had prepared and submitted a few reports and wanted to make sure they got them all – there was a inland wetland delineation report dated May 11th – in that there is a function and value assessment and description of the wetlands – a description of the water resources and some discussion about FEMA

– endangered species and things like that – he said he would go through those in a minute.

Ms. Simone stated there was a report that was submitted when the application was originally and all the material the Commission has before them tonight were submitted just before the office closed.

Dr. Dimmick said they have a report that was received at 3:45 p.m. this afternoon on wetland impact assessments – he said nobody has had a chance to look at it.

Mr. Root said he would get to that one. He said the original submittal there was a delineation report – there was also a photo log – some picture of the river some picture of the neighboring properties and also those DEP ecological resource maps which show the wetlands and FEMA lines and Natural Diversity Database – things like that and today as you mention now they submitted an impact assessment that was discussed at the last meeting in response to the decision of the Commission to declare the activity potentially significant so those are the reports that they submitted having to do with wetland delineation – a function and value assessment and also the impact assessment.

Mr. Root said he would go through those reports and then he would brief the Commission on those reports and if they had questions he would gladly to answer them.

Mr. Root said he delineated the wetlands on the property that are depicted on the site map – the uplands are shown in the dark green – the river itself is shown in the dark blue and the willow green that's between the upland and the river is the wetland designation.

Mr. Root said for the most part the wetlands follow the top of the bank of the river but as Darin was discussing as you get near Cook Hill Road there is a small area east of the river that's low lying and there were wetland soils observed in there and there are some pictures of the soils and the vegetation in there was well.

Mr. Root said he was a little surprised – he said he thought it was just going to be just some elevation that has nothing to do with the road or the culvert construction or something like – but when he augured into the soils it seemed like a natural wetland soil so he was a little bit surprised.

Dr. Dimmick asked which soil was this – what type.

Mr. Root said it looks like a typical Wilbrougham that you would see in more upland settings.

Dr. Dimmick said the original report didn't indicate which soils were found where – that was one of the reasons for the questions – the initial report has a list of soils that were found but it didn't indicate which ones were in which locations.

Mr. Root said so on the east side of the river up near Cook Hill Road there's a Wilbrougham which is more of a typical upland non-river associated soil so not a flue-bands type of soils – he said there are other mapped wetland soils that are river related and those – he didn't go over that but it looks like west of the river which is a little bit lower there seemed to be some more herbaceous based soils like Tymowa which are more organic based – he said again he did not go over there.

Dr. Dimmick said just out of curiosity back when he learned soils based 30 or 40 years ago – Tymowa was a Pennsylvania soil that wasn't recognized in this state – what was it called here.

Mr. Root said he thought it was an Adrian and they did change some of the names a while back and that had to do more with the temperature of the gradient and things like that.

Mr. Root said so upland soils which are very sand based – so there is a sandy terrace up there – he said if you look through some of the soil reports having to do with the septic systems you might see a lot of sand based things.

Mr. Root said when they talked about the installation of the rain garden it was also a feature of the rain garden design is that there seemed to be fairly poor soils here so the feature like that should drain every well and that is another reason why even though the slopes are steep on the eastern side of the property there is no runoff runs intermittent watercourses or anything coming off of there for a couple of reasons – one the watershed is very small and the soils are very sandy so rain infiltrates very quickly – the good feature of that is that any driveway or rain garden or the house itself on that eastern side of the river on the lower elevations is not going to be impacted a lot by runoff from heavy rains or snow melt or anything – the soils are very pervious and there is not a lot of runoff in this area which is fortunate.

Mr. Root said so he delineated wetlands on May 4th – he said they talked about where they are and what they are. He said the upland wetland near Cook Hill – although the entire area is forested the area near Cook Hill Road has some herbaceous plants – some skunk cabbage in there – there’s some sensitive fern – Soft Rush and few wetland species – Spice Bush – High Bush Blueberry – things like that but in general the corridor is forested.

Mr. Root said as far as functions and values – maybe he’ll discuss two areas since there are kind of two issues here – the actual small wetland pocket that’s going to be impacted – doing a function value analysis in such a small area generally yields very low kind of functions and values.

Mr. Root said what is going on here as far as functions is that this is a ground water discharge area so water that is infiltrating up on the slope or coming off of Cook Hill Road breaks through to the surface here because its low lying elevation and then seeps long and then joins the river flow going south so other than that its kind of too small to have wildlife habitat – there is not fishery habitat – there is no list of species there so functions and values of the wetland area that’s proposed to be impacted are very limited both because of the small size of the wetland and because of its position in the landscape.

Mr. Root said the Mill River however has very significant functions and values and to him this was the most important part of the application was protecting the river corridor so as far as the functions and values for the river – certainly they have good fishery habitat – good wildlife habitat along the corridor – its in the aquifer protection zone so you have a good relationship with the underlying aquifer.

Mr. Root said as Darin explained there’s a FEMA flood plain so you have flood control issues as well. He said esthetically its pretty – its got open space to the north of it and to the south of it so it provides good wildlife habitat that way there is good linkage between two open space areas so from a functions and values perspective its kind of a little bit of a dichotomy here – the area that’s proposed to be impacted has very low functions and values – the river itself has high functions and values and its important to protect the river in any kind of application like this.

Mr. Root said there were no Natural Diversity Database hit on this property but to the north of it – Fresh Meadows Wildlife Sanctuary

there are reports occurrences of listed species – he said he did not inquire of them because they don't reach this property and also because they are upstream – he said if they were down stream he would have inquired but since there up stream he did not inquire in this case.

Mr. Root said the photo log shows Fresh Meadows just so he wouldn't get lost – its shows the neighboring properties on the western side of the river both which have lawns that come fairly close both to Cook Hill Road and to the river itself.

Mr. Root said there are picture of the river corridor showing that it's forested and the banks are stable – the trees are moderate in size. He said the western bank is lower lying and looks like its got good flood storage potential on the eastern side – again it rises up and there is less flood storage potential in that area.

Mr. Root said in the last picture – it's a very pretty little corridor and it looks nice for recreational activities – it looks stable and well protected.

Mr. Root asked if there were any questions on existing conditions out there – otherwise he would do the impact assessment.

Dr. Dimmick said he was just now getting a chance to look at the report submitted late this afternoon – he said at one point it says there is a natural forested berm along the river bank between wetland flags 11 and 14 – he said when he was out there looking at that it didn't look all that natural to him – it looked old but it looked like disturbed material that had been piled there at one time – he said he didn't know if they took a good look at that or not.

Mr. Root said he didn't dig into it so he didn't know the answer to that.

Dr. Dimmick said he was just wondering – he said it's awfully straight and it's an awfully strange position for being a natural sort of thing.

Mr. Root said there's not much to the east of it though – it's not like there's a big excavation there.

Dr. Dimmick stated the stream was straight too – he said he was wondering if there might have been historically a straightening of the stream and they tried to channelize it 150 years ago perhaps.

Mr. Root said that might be the case. He said he did not probe into it – it looked like it was going to be a sandy deposit along river so that it was he assumed it was and that he didn't did into it to see if it was a natural or not.

Mr. Root said the rest of the impact assessment is as he said the key to this application was protecting the river corridor and he had already talked about some the features that he thought would make it fairly straight forward to protect the river in this case – that the soils in the distance area are fairly sandy – it's fairly flat in this area so that installing erosion controls – preserving them and maintaining them is going to be fairly easy – there is a very little likelihood of significant runoff across the driveway when the house is already installed or during construction – there seems to be a little risk of erosion from heavy runoff events.

Mr. Root said the rain garden that they talked about seems a good measure to control some of the runoff.

Mr. Root said he thought they asked about the discharge from that – he said it was his understanding is that it's a very shallow excavation and that the water will simply pool in there – it would mostly infiltrate but if it does come out of the rain it will just slightly spill over as runoff does now – there is not a controlled or constructed outlet which you might have to protect without control measures but it just seems like water will suddenly go over the berm and will go into an upland forested area just the way runoff does now so it seems like a good idea for controlling runoff and it also doesn't seem to be any threat to the river where its placed.

Mr. Root said so for environmental impact – he didn't see a great threat to the river itself from the proposal which is the first of their measures for evaluating impacts to wetland resources when you're making a decision on a permit process.

Mr. Root said of course there is a direct impact which they talked about already and the impact there is direct – it's permanent - it's irreversible – all those things but it is a small impact and its necessary to access the property – a developable part of the property and it really isn't going to have any impact on the greater water resources near it which is the Mill River.

Mr. Root said alternatives – he said they talked about before – there aren't really alternatives to provide access to the property – Darin

talked about a bridge over the river – things like that so there's no real room to access the developable portion of the site except the small pinch of wetlands the way its proposed – the gravel envelope – things like that are important measures for drainage maintenance – the rain garden is an alternative which helps preserve water quality so as far as development alternatives there are none – it's a single family home – its not like it's a subdivision with a lot of lots.

Mr. Root said wetland productive is another one – this is kind of the same issue – all the rest of the criteria is kind of the same issue – there are direct impacts to the small wetlands pocket but with the design controls they don't seem to be any long term threats to the river itself so wetland productivity should be maintained – the only loss of resources is right at the impact area – health and safety is an important feature in this application – it's a public water supply watershed so its important to maintain water quality which the construction measures should do and its only a single family home with an approved septic so there aren't any great threats upon public health.

Mr. Root said the safety issue of course is flooding – and they aren't obstructing the river flow in any way as they talked about before about the placement of the FEMA lines.

Mr. Root said affects upon nearby resources – again it's a very small impact on the wetland but without any impacts to the river hopefully there won't be any impacts on downstream properties either.

Mr. Root said he suggested a few mitigation measures – in the last section of the criteria and they have mostly to do protecting the river bank – protecting the vegetation on the river bank so a number of the measures were marking trees to preserved – marking a limit of disturbance so when the clearing occurs it stays on the upland side where Darin has designed it to be – there is that naturalized berm that is between wetland flags 11 and 14 – that should be undisturbed – it acts as a good buffer along the river and just past that near wetland flag 16 there is a very large boulder that also anchors the river and that should remain undisturbed as well in his opinion.

Mr. Root said so that's the summary of the reports that he put in for the Commission – he said if they wanted to talk about them he'd be glad to – or if they had other questions for Darin he was here as well.

Dr. Dimmick asked if there were questions from people on the Commission concerning what they've just heard.

There were no Commission questions asked.

Dr. Dimmick asked if staff had any questions.

Ms. Simone said she thought that several of the questions that were outstanding were answered tonight but they'd like an opportunity to take a look at the maps for the revisions that have come in.

Dr. Dimmick asked if Engineering had some questions.

Ms. Simone said they did and she believed something was submitted today that answered their questions.

Dr. Dimmick said maybe Darin would like to handle that.

Mr. Overton said the most recent letter that they received was asking how quickly the infiltration galleries which are connected to the roof leaders would drain – he said based on the perk rates out there Chesprocott had done the testing and determined a 1 to 10 minute perk rate using a higher part of that range based on the depth of the water – the maximum depth of the pond in those infiltrators – they estimated a maximum of about six hours for those to drain – they were concerned about happens if there were consecutive storms how quickly would it drain so he believed they addressed that - six hours if pretty quick.

Mr. Overton said they had some concerns about some potential river bank erosion – as Bill had mentioned the existing bank is naturally vegetated – they did not observe any signs of erosion out there – and essentially the proposed development is not impacting that bank that would cause them to have to re-stabilize any part of that so they didn't think there was any issue with erosion on the banks there.

Mr. Overton said there was one note from the site plan that needed to be added on to the subdivision plan for it to be transfer over – that was in regarding the FEMA lines.

Dr. Dimmick said at this point he was going to ask if there is any member of the audience that has questions of the applicant.

Dr. Dimmick said staff has one more question.

Ms. Simone asked Mr. Overton on the site plans that were submitted today – is there any language in the notes regarding a sequence that

the flagging will go up the limit of clearing – flags will go up and then erosion controls will be put in place and then the trees will be cut – she asked if he could direct them if there is any language on the site plan that indicates that.

Mr. Overton said he did not think there was a narrative on the plans as far as a construction sequence.

Dr. Dimmick asked if they had any other narrative on construction sequence that was submitted to us even if it's not on the plans.

Ms. Simone stated no – there hasn't been anything submitted with that level of detail.

Dr. Dimmick said so that is why you are asking if they are on the plans because they haven't received them.

Ms. Simone said also they didn't have the opportunity given the time frame that this was submitted to review it today so that is why staff would request to the Commission that they get the opportunity to really look at this and comment back to the Commission if anything new or interesting stands out.

Dr. Dimmick said lets go through – he had no questions from the public but there is a request from staff to have time to review all of this.

Dr. Dimmick asked if there were any comments from members of the public concerning this application for proposed activities.

Dr. Dimmick said ok considering the request from staff and considering that it wasn't until very late this afternoon that they received the additional material so that even members of the Commission have not had a chance to look at any changes that have made and also considering they don't seem to have a construction sequence to review he was going to continue this public hearing until the next meeting of the Commission.

Dr. Dimmick thanked Mr. Overton and Mr. Root for their time. He said he hoped they get the additional materials to staff.

Ms. Simone stated for the record that meeting would be September 4, 2012.

There were no additional comments made by the Commission, staff or the applicant.

This portion of the public hearing was continued to the next meeting on September 4, 2012.

VI. ADJOURNMENT

The public hearing was adjourned at 8:03 p.m. by the consensus of Commission members present.

Respectfully submitted:

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