

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
PUBLIC HEARING  
TUESDAY, APRIL 16, 2013  
TOWN HALL 84 SOUTH MAIN STREET  
COUNCIL CHAMBERS AT 7:30 P.M.**

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Members present: Charles Dimmick, Kerrie Dunne, Earl Kurtz, Thom Norback, Will McPhee and David Brzozowski.

Member absence: Robert de Jongh.

Staff: Suzanne Simone.

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

**I. CALL TO ORDER**

Dr. Dimmick called the public hearing to order at 7:30 p.m.

**II. PLEDGE OF ALLEGIANCE**

Those present receipted the pledge of allegiance.

**III. ROLL CALL**

Ms. Dunne called the roll.

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

**IV. DETERMINATION OF QUORUM**

Dr. Dimmick determined there were enough members present for a quorum.

**V. BUSINESS**

1.	Permit Application	APP	#2013-005
	Apex Developers, LLC	DOR	03/19/13
	South Meriden Road	SW	03/23/13
	Subdivision	PH	04/16/13
		MAD	05/21/13

**Ms. Dunne read the legal call to open the public hearing on permit application #2013-005, Apex Developers, LLC, South Meriden Road Subdivision.**

**Dr. Dimmick explained that this public hearing was called primarily because several people of the public had expressed interest in it however he didn't see any of the people that asked him about it showing up tonight but they'd go through the general procedure anyways.**

**Dr. Dimmick reviewed what the general procedure were for a public hearing – the applicant gets to state his/her proposal and what they plan to do and give information about it followed then by a question period – first questions from the members of the Commission and staff then questions from the public and then a public comment section and then if necessary a chance for the applicant to apply to any appropriate comment.**

**Darin Overton, PE of Milone and MacBroom was present on behalf of the applicant Apex Developers, LLC for the wetland application that is before the Commission.**

**Mr. Overton said the proposed application is Bishops Corner Subdivision. He said the map up in front of him shows existing conditions plan – he said he believed the Commission went on a field walk but for the record he'd go over some of the existing conditions out there.**

**Mr. Overton explained that the property is made of two separate parcels – there's a larger parcel in front and then there's a smaller rectangular parcel back in the north west corner of the site.**

**Mr. Overton explained that the property is located on South Meriden Road and Academy Road opposite Yalesville Road. He said the site is made up of almost 25 acres – shown as 24.8 acres and it's located in an R-40 zone; it's a butted to the west by the Norton Fruit Farm – to the north by some vacant land and residential development previously developed and then vacant land further to the north with frontage on South Meriden Road that is vacant and undeveloped; across the street on the east side is some existing residential development and then along the frontage is the intersection with Yalesville Road.**

**Mr. Overton said the majority of the site is wooded and there's a delineated area of wetlands that's hatched in the yellow and green – the wetlands were field delineated by Milone and MacBroom and field surveyed.**

Mr. Overton stated there was also a wetland delineation report that's been provided that provides for some functions and values information related to those wetlands.

Mr. Overton said the property was historically used for agriculture – there's also been some periodic disturbance along the frontage; there's installation of a wood fence; there was an area (highlighted in the lighter yellow) that was an area that's been periodically mowed although it hasn't been mowed in some time and there's quite a bit of invasive species that are coming up in that area.

Mr. Overton explained there was a recent installation of a gas main along the frontage of the property – it comes out of the roadway and along the edge of what was a roadside swale and then makes its way back across the road near the intersection with Academy Road.

Mr. Overton said for the most part the site pitches in a westerly fashion and somewhat to the north; fairly moderate to gentle topography essentially drains over towards the Norton Fruit Farm property where there is an existing unnamed watercourse that's tributary to Honey Pot Brook.

Mr. Overton said the topography shows kind of a formation of a swale along the western side of the road that picks up drainage – the roadway (the State Highway) is crossed pitched so the drainage gets picked up in that swale.

Mr. Overton stated that based on the field investigation – he said he didn't know if the Commission noticed in the field that – the installation of that gas main has somewhat impacted that swale and it doesn't really form as a swale anymore; at some point as part of the future development that may be reformed; he said he would get into this when he went over the proposed plan.

Mr. Overton explained that the proposed subdivision is for six lots – five of them are clustered in the north east corner; lots two – six and then lot one is kind of isolated here by itself in the southern portion of the property.

Mr. Overton said three of the lots in the north east corner will be served by a shared rear lot access way – the remainder of the lots will have individual driveways; all the lots will be served by individual wells and septic systems and testing has been done with Chesprocott and Chesprocott has issued a feasibility approval letter for all the lots in the subdivision.

Mr. Overton said they prepared some storm water management computations – looked at runoff volumes for the existing and the proposed development on the property – they looked at a volume analysis and they've provided some storm water management basins in the form of some rain gardens – he said there's one located at the end of the rear lot access way – the access way is going to slope down in a westerly fashion and the runoff from that will be collected in a pair of dry wells with an overflow to an infiltration trench into a rain garden which will then if it fills up have an overflow down towards the wetlands.

Mr. Overton explained that there's also underground infiltration plan for each of the houses where the roof leaders will get picked – there's a volume storage that's designed for those and there will be some natural infiltration associated with that.

Mr. Overton said on lot one there's also the addition of rain garden and the same roof leader infiltration plan.

Mr. Overton explained they've provided sediment and erosion control plan that essentially provides for perimeter provides for perimeter controls for all of the development.

Mr. Overton stated there's a construction sequence that's been included on the cover page of the plan set.

Mr. Overton said there was some discussion at the last meeting regarding tying in the construction of the shared rear lot access way into that construction sequence – that's expected to be done in the early stages of development of the group of lots three, four and five which are going to be served by that access way so we've incorporate that into a revised construction sequence and I have a copy of that.

Mr. Overton submitted for the Commission's review an 8.5" by 11" format of the construction sequence – they've essentially added items three, four and five to add some detail to the sequence for construction of that shared access way.

Mr. Overton stated that they have no direct wetland impacts as proposed with the development of the lots – in fact lots two through six we show the upland review area - there is actually no impacts for those lots in the upland review area.

Mr. Overton explained on lot one – the location of the septic system we anticipate because it's going to be a fill type of septic system test pits did show shallow ground water – essentially it's about 2' of dry soil down to ground water – it varies throughout the test pits but generally

about 2” so this is going to be a raised system and we expect there’s going to be some fill and a little bit of encroachment into that upland review area. He said if you notice that takes place in the portion that was a previously mowed area.

Mr. Overton explained there was also some discussion at the last meeting regarding alternatives analysis. He stated he believed what they’ve proposed on the plans essentially minimizes the impacts to the wetlands on the property – he said like he said the only impact here is the upland review area.

Mr. Overton said it seemed like the focus of the discussion was on lot one so he did look at some alternatives – he said he had some 8.5” by 11” plans which if the Commission wanted to he could go through now or if they wanted to open the meeting up and see if there are any questions from the public or not.

Dr. Dimmick said as long as we see them before Mr. Overton finished he could take it either way – he said he didn’t know about the others.

The Commission agreed to wait.

Mr. Overton asked if there were any questions from the Commission.

Dr. Dimmick said not only is it shallow the ground water on lot one – he said he believed they had some relatively slow perk rates – one he saw was 60-80 minutes per inch – is that going to be taken care of by the fill Mr. Overton was going to be putting in.

Mr. Overton said it was a 30-45 minute perk in that range and a 20-30 was used for design.

Dr. Dimmick said he was looking after test pit 18 - it says perk rate is 45-60 minutes per inch and after test pit 19 perk rate 80 minutes per inch; he said he had checked to see exactly where those are in relation to the septic system but it seemed rather slow.

Mr. Overton explained that Chesprocott had asked them to rerun that perk test – the two other perk tests on the lot were suitable – 30-45 minutes per inch and 20-30.

Dr. Dimmick said ok so you’re not going to be anywhere near those with the very slow rates.

Mr. Overton said he talked to his client about this – he said he thinks it’s going to make sense to redo some of the perks on this property – he

said he suspects that when these were done back in November we had a very wet end of the year – it's been a relatively dry spring. He said wet season is a great time to do test pits; he said according to the design manual it's not a great time to run the perks – you don't want your perks to be influenced by the ground water table.

Dr. Dimmick said well expect once you build you septic systems it's going to be influenced by the seasonal variation of the ground water table anyway.

Mr. Overton said right and the test pits you set the design line based on the elevation and we'll place the fill to provide that separation but what we really want to do with the perk test is understand the permeability rate of the soil so they may go back and retest some of those in the drier part of the year; it won't change the design line in the test pits – we have a fairly good understanding of the level of the water table and modeling but it's more to get better indication of the perk rate – he said that 80 minute per inch perk rate seems to be in-nominally compared to the rest of the perk testing that was done on the lot – he said they were going to go back and rerun that.

Dr. Dimmick asked if other Commission members had questions.

Ms. Simone asked just regarding lot one – there was previous discussion that the police and DOT were going to be looking at site line – are there any expected modifications to what the Commission has tonight for lot one.

Mr. Overton said he's looked at the sight line and we had noted that this area in blue (on the plan) where there could be some limbing up of some trees – there's some underbrush that needs to be cut some of which may take place along the wetland.

Mr. Overton said when he went out and looked at it today there are actually very few limbs – there's not a lot of limbing up – it's more some small underbrush and there's a lot of poison ivy vines on those trees which should be removed – other than that its fairly open. He said he could speculate about the sight line but it really comes down to DOT – there are going to have to approve the sight line and they usually coordinate with the police department on that.

Mr. Overton stated he believed there was more than adequate sight line there and these trees – the few trees that are there – there are a couple of Red Maples and an Ash tree – in looking at it he didn't think they provided much in the way of shading to the finger of wetland that's there because the limbs are up high and if those were have to be

removed he didn't think there would be any detriment to the wetlands by removing those but for now we've shown what we think is the minimum that needs to be done to provide a proper sight line.

Ms. Simone said and there hasn't been any feedback from the police department or DOT to comment on what Mr. Overton provided – she asked if they were still looking into it.

Mr. Overton stated they have not gotten the final resolution. He said typically DOT will not focus on these things until we have a local approval.

Ms. Simone said also the engineering comments of March 19 – did he have any information about the dry wells and infiltrators – they had questioned how long it would take for them to drain.

Mr. Overton said they expected those would drain over a 24 hour period – 24 to 48 hours.

Ms. Simone asked if Mr. Overton could provide something in writing to the engineering department in response to that.

Mr. Overton stated yes.

Dr. Dimmick asked if there were members of the public who have questions of the applicant.

There were questions from the public.

Dr. Dimmick said at this stage of Mr. Overton would show those alternatives.

Mr. Overton said the first page of the revised construction sequence and there are two alternatives which look at alternative layouts of the lot.

Mr. Overton said as he mentioned previously they had laid out the lot to minimize the impact to the upland review area and provide for kind of compact layout for the lot for the well septic system and the house and driveway. He said they put the garage on what would be essentially as you're facing the house – they left side because you have less separation distance required from the garage then you would from the house with the foundation and footing drain. He said again that allowed them to squeeze the septic system closer together.

Mr. Overton explained the layout of the septic system – in order to achieve the minimal leeching system spread on it – based on the

information they had they separated the trenches out by 50' so they could take advantage of the full length of each row to meet the MLSS.

Mr. Overton said that makes for a very expensive system to build. He said what they looked at in the first alternative it keeping the house the way it was so they could minimize the separation distance but look at designing the primary as one long road to meet the MLSS in one row – this is a less expensive septic system to build and it functions much better than the other layout that they had.

Mr. Overton said he though eventually they will do some additional testing on this lot and make an effort to lay this out in a more efficient manner; he said it follows the contours so it would actually cut down on the amount of fill they did for the system.

Mr. Overton said what you essentially end up with when you have this – it extends a little bit further out – they essentially need a 190' spread they end up with a little bit more impact to the upland review area but again it's in the area that had been previously mowed and is currently being overtaken by invasive species – so they didn't see this really as anymore real impact to the wetland area then what they had already proposed and it makes for a more efficient layout of the septic system.

Dr. Dimmick asked if members of the Commission had any questions about these or if they needed a clarification of any sort.

Dr. Dimmick said at this point the present application is only conceptual as far as the actual house and septic position he believed because you're looking for the subdivision and the construction of the cul-de-sac at this point as the actual permit and you could expect you might have to come back for individual lot approval so these are something that we could very well consider at that point.

Dr. Dimmick asked about the rain garden for the cul-de-sac is entirely on lot five he believed.

Mr. Overton stated yes.

Dr. Dimmick said and the maintenance of that rain garden might be important – is that going to be an responsibility of the homeowner for that lot or how would that determined to make sure that continues to function and someone doesn't decide to fill that in.

Mr. Overton explained there are sort of two options there – since it does sit on one lot it could be that it is the responsibility of that lot owner to take care of but more than likely since there is going to be a shared rear

**lot access way agreement and it really served a purpose for stormwater management for the entire access way it would be made part of the agreement for the maintenance for the shared lot rear lot access way itself.**

**Dr. Dimmick asked if there any questions or comment from the public.**

**Dr. Dimmick asked that the record show there were neither questions nor comments from the public present.**

**There were no further questions or comments from Commission members.**

**Dr. Dimmick closed the public hearing at 7:49 p.m.**

**VI. ADJOURNMENT**

**Dr. Dimmick closed the public hearing at 7:49 p.m. by the consensus of Commission members present.**

**Respectfully submitted:**

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