

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
PUBLIC HEARING
THURSDAY, NOVEMBER 19, 2013
TOWN HALL 84 SOUTH MAIN STREET
ROOM 207/209 AT 7:30 P.M.**

Members present: Robert de Jongh, Charles Dimmick, Kerrie Dunne, Dave Brzozowski, Earl Kurtz, and Thom Norback (at 7:33 p.m.).

Member absent: Will McPhee.

Staff: Suzanne Simone.

I. CALL TO ORDER

Chairman de Jongh called the public hearing to order at 7:31 p.m.

II. PLEDGE OF ALLEGIANCE

All present recited the pledge allegiance.

III. ROLL CALL

Ms. Dunne called the roll.

Members in attendance were Robert de Jongh, Charles Dimmick, Kerrie Dunne, Dave Brzozowski, Earl Kurtz, and Thom Norback.

Ms. Dunne read the notice to open the public hearing:

Notice is hereby give and that the Cheshire Inland Wetlands and Watercourses Commission will hold a public hearing on Tuesday, November 19, 2013 at 7:30 pm at the Town Hall 84 South Main Street, Cheshire, Connecticut 06410 to hear the following:

- 1. The continuation on the public hearing for the permit application of the Town of Cheshire c/o Matthew Sanford, PM, PS, PWS Milone and MacBroom, Inc. 99 Realty Drive, Cheshire, Connecticut, 06410 for the construction of the Farmington Canal Greenway from West Main Street to Jarvis Street, Cheshire, Connecticut 06410 as generally shown on assessor's map number 36 lots number RR and 57 in an I-1 and I-2 zone.**

The application is on file and available for public inspection in the Cheshire Planning Department, 84 South Main Street, Cheshire, Connecticut, 06410.

2. The continuation of Darin Overton, of Milone and MacBroom, Inc. 99 Realty Drive, Cheshire, Connecticut 06410 for a site plan – house, property located on Whispering Hollow Court, Cheshire, Connecticut 06410 as generally shown on assessor map number 76 lot number 78 in an R-80 zone. The application is on file and available for public inspection in the Cheshire Planning Department 84 South Main Street, Cheshire, Connecticut, 06410.

Chairman de Jongh stated that at 7:33 p.m. Thom Norback joined the meeting.

Chairman de Jongh stated for those people who haven't had the pleasure of being at one of these public hearings we'll allow the applicant to make their presentation at which point Commission members can ask questions along with staff - we'll then open it up to the audience and then entertain opinions pro and con for the application.

V. BUSINESS

- | | | |
|-------------------------------------|-----|-----------|
| 1. Permit Application | APP | #2013-026 |
| Town of Cheshire | DOR | 10/01/13 |
| West Main and Jarvis Street | PH | 11/07/13 |
| Construct Farmington Canal Greenway | PH | 11/19/13 |
| | MAD | 12/12/13 |

Tom Sheil of Milone and MacBroom was present on behalf of the applicant. Matt Sanford and Shelley Plude from Milone and MacBroom were also present.

Mr. Sheil explained to the Commission that he thought we would give you some responses to some of the questions that came up (at the last public hearing) and certainly try and cover any other issues that may be important to you tonight.

Mr. Sheil said so we did bring some of the graphics that we presented and one of the things – we spoke to Mr. Braunsdorf – Mr. Braunsdorf was concerned about whether not the trail was going to be elevated in this area and so I outline in green his property – we didn't meet with him yet- as we said we needed to do the analysis before talking to him.

Mr. Sheil said he thought Mr. Braunsdorf might have been concerned that low area which is closer to his house – there's a low area that gets wet - if that area was going to get filled.

Mr. Sheil stated this is an area where we're going to bend the trail to where the ATVs go which is a dirt path – its skirts the eastern portion of the ? property – the low area is actually a section scheduled for plantings in some exhibitions of the historical path - the trolley.

Mr. Sheil said elevation wise the property line is around 175 elevation and it drops down to 165 or something like and then it rises a little bit so there's a drop from his property down and then goes back up a little bit.

Mr. Sheil said so we looked at profile so it's from 4350 to 4450 - its 100 feet wide his property and what we're doing its going to be fine for him I'm sure - it will alleviate any of his concerns –his property starts here and this is a profile that's exaggerated in scale so its 1" = 20' horizontally and it's and 1" for 2' vertically _ so what we're doing is we're just getting up to the high part of the land and we are going to fill right to the edge of this property - about 2' and then we're going to match grade - so you really trying to reach the high point – the high lands – the existing land.

Mr. Norback said you're not raising – you're maintaining.

Mr. Sheil said we are not going to be raising the trail across his – well think in space if you will - we'll raise the land on the southern end – because the ground low - so it's a transition - so I think he will be okay with that I can't speak for him (Mr. Braunsdorf).

Chairman de Jongh said I think the additional plantings are going to elevate his concern.

Mr. Sheil said and not only that the trail is not farther away from the property - the fact that it's on the other side of the depression – this is really a depression – its gets really soggy.

Mr. Sheil said that was how we addressed Mr. Braunsdorf and hopefully you guys will be okay with it too.

Mr. Sheil said it was not sure they could do a whole lot – one because this is an exaggerated profile- this is a 1% grade – the trail-I really won't be able to perceive the gradient to it and I don't think we

should bring the trail low because that is just going to create all sorts of problems.

Mr. Norback said he was not at the last meeting but he did read the meeting minutes and it seems to him like the short answer is you're not raising the trail one – and what happens in between is almost germane - it seems like you have answered his questions (Mr. Braunsdorf).

Mr. Sheil said now the other board that we've prepared - this is new so I will pass out some sheets – we put the composite plan together to show where the trail is one - where Jarvis Street is - where the parking lot is because I don't think you have this set the last meeting - and what we have done is two things – one we added a gravel stone strip on the edge of the parking because the parking lot is going to be tilted and it's going into a rain garden and we have not put in this 4' wide stone strip which is commonly put in with curbing for parking lot – we want to start trying to mitigate some of the runoff from the parking lot - so that's going to be an added element which was mentioned on the walk and is now been added to the plans.

Dr. Dimmick asked if the stone was going to be trap rock.

Mr. Sheil said we didn't size it or specify it yet.

Dr. Dimmick said trap rock has the ability to pick up oils.

Mr. Sheil said we can do – we can specify it.

Dr. Dimmick said opposed to quartz which the oil runs right off of quartz – trap rock will soak it up.

Mr. Sheil said that's such a common material (trap rock) we can easily specify it.

Dr. Dimmick said spores and bacteria actually build up on the surface and keep the oils out.

Mr. Sheil said ok that's great – we'll take care of that.

Mr. Sheil said the other thing that you have now in front of you – we didn't have the survey of the major trees when we first had our application in front of you.

Mr. Sheil stated last week we did get the surveys for the trees that we wanted and we had two specific trees that we had shown on the plans and we were guessing where they were and they've now been surveyed – it's these two trees (shown on the survey) .

Mr. Sheil said when we were out in the field and with the neighbors particularly we represented to them – to get greater separation from those homes and to fulfill sort of the mission of the greenway which is to orientate yourself towards the canal and the open space – we would place a buffer of plantings for the neighbors and we would place the trail on the eastern side of these two trees – this is a large 36" Oak (a double trunk) – this is kind of a classic single spire 18" Oak – it's a nice tree – it's a nice land mark tree and there are some other trees at the top of the bank here and this is generally pretty open – there's herbaceous growth.

Mr. Sheil explained the dash blue line is the application in front of you for the location of the trail – the 12' wide bituminous path and we said – the trees we were guessing - were weren't disturbing any trees here – they are a little bit more to the east.

Mr. Sheil said when Matt comes up he'll talk the added uplands.

Mr. Sheil pointed to the upland review line – this dashed line here so we're dropping into a little greater area – it still is nice and flat through here but its 12' to east of where we have the application in front of you (it's signed).

Mr. Norback said how it related to the existing railroad bed now.

Mr. Sheil stated the existing railroad bed runs right on the property line – we didn't want to put the trail next to the property that was for sale – that was not something we wanted to do.

Mr. Sheil said the plan is to fulfill the mission of the greenway and take advantage of what the greenway is really all about – give the people some plantings.

Mr. Sheil showed on the plan where the canal was located – he stated we are at the closest 36' away from the canal.

Dr. Dimmick stated that shouldn't be a problem – we're still on the flat.

Mr. Sheil said we are still on the flat. He stated we all thought it was good to do this but it's a change in the plans.

Dr. Dimmick asked where the toe path for the canal at that point – which side.

Mr. Sheil said he didn't know – he said he would assume it was on the flatter piece – this piece is more the drainage and wetland – this is drier up over there so I don't know the history of the toe path.

Dr. Dimmick said he thought the toe path was always with 10' within the canal.

Mr. Sheil said well you have the steep embankment here but obviously the rail bed was place further away.

Mr. Sheil said we have some data to give you for the added numbers but we really know since we surveyed these – so we know where these trees are – this is actually a true presentation of where we'll place the trail if that's acceptable to the community.

Chairman de Jongh said so the bulk of that entry way or that path is going to be in the upland review area – because before it was outside – just on the edge.

Mr. Sheil stated the blue line shows it really more along the edge – he showed the location on the plans – from this point on.

Chairman de Jongh said and that's about how many feet on that side.

Mr. Sheil said it's going to be from station 93 to 95 – about 270' – Matt can answer questions because he has some volume to fill if you have any questions left.

Mr. Sheil said he thinks these were the two items he needed to address specifically with you.

Mr. Sheil said he said he was going to let Matt cover a couple of his items and let him answer any other questions.

Matt Sanford, professional wetland scientist, professional soil scientist with Milone and MacBroom.

Mr. Sanford stated he believed there was one comment that the Commission wanted an answer to at that last meeting that we couldn't provide and that was associated with the amount of fill being placed in this area here – and this is flagged for our purpose area – this is the access drive and parking lot area north of Jarvis Street and we did some computations and the net fill for the new culvert and headwall in these areas here is actually .4 cubic yards of material so that's the volume of materials.

Mr. Sanford said the square foot impact for this – which he thought – was the more critical number from a wetland standpoint was around 2400 SF so that was one of the numbers that the Commission requested at the last meeting.

Mr. Sanford said in terms of what he would say was new impact or revised impact for tonight's meeting is associated with the relocation of the trail further to the east.

Mr. Sanford said as Tom had mentioned most of the primary vegetation along the west bank of the Farmington Canal is located along this steep embankment where it banks itself – there are some trees located also west of that embankment if you come up and we are maintaining those trees that are stabilizing that existing bank and shore line – again the trail is going within that flat section.

Mr. Sanford explained the increase in upland review area activity is about 2,400 SF so it's relatively minor when you look at the overall number of the project which is 6.87 acres so it raises it to probably 6.88 acres in terms of the upland compared to the total project – so it's a really small increase in review area activity.

Mr. Sanford said in terms of function and value we believe we are maintaining the critical riparian zone of the Farmington Canal in that location.

Mr. Sanford said we are maintaining the shading – maintaining the rockiness material that might be getting into the Farmington Canal that the fish and the other critters use on a day to day basis to survive.

Mr. Sanford said that was the real change he wanted to talk about tonight in terms of the upland review area and also the volume of material being placed in that particular location.

Mr. Sanford said they have submitted to the town engineer a response letter to some of his comments – one of them was really regarding the type of plant that we are using along the trail – we were proposing to use reinforced concrete pipe but he (the town engineer) would like us to use plastic pipe instead – I believe we can make that modification for the culvert crossings based on where the existing utility area – we talked about the utilities - the AT&T lines – we can actually place our pipes slightly lower so we believe we can accommodate his request to switch from concrete pipes to plastic pipes.

Mr. Sanford said the other comment that he had and I believe we went over this at the last meeting was he wanted to see some type of retention and detention at the parking lot area for a 100 year storm and that was provide at your last meeting – we talked about what we're doing – it's a two cell system – as the water sheet flows off the parking lot it going to have a two tier system – the upper tier here being the larger collecting this – kind of the north eastern portion of the parking lot – this other section here collecting part of the access road and this lower section of the parking lot and again that's been designed for the 100 year storm and has a series of plantings associated with what we perceived to be the hydrologic conditions.

Mr. Sanford said these were his two main comments I believe regarding the project that were significant.

Ms. Simone said Mr. Chairman if I could just clarify for the Commission that today, the engineering department did review the comments that were received and had identified that both of these issues have been adequately addressed.

Dr. Dimmick said he had one small question concerning the notes on these rain gardens – he said for the larger rain garden – both of them have depths of 3' when full – the larger rain garden storage is 3,600 CF and the smaller one has storage volume of 7,800 CF – looks like you have twice the storage volume in the smaller one – even though the larger one has more area – he asked you didn't happen somehow switch those numbers.

Mr. Sanford stated he didn't know – our hydrologic engineer may have.

Dr. Dimmick said or the draftsman may have.

Mr. Sanford said perhaps they (hydrologic engineer or draftsman) made a mistake on that – he said he didn't have the number in front of him.

Mr. Sanford stated he thinks the numbers were switched.

Mr. Sanford asked if the Commission had any other questions or comments.

Chairman de Jongh said he thought the concerns of the Commission members have been addressed at this point.

Ms. Dunne stated she had a couple of questions – she said she just wanted to understand better about the turtles – she said she was reading about the turtles and snake – so she was wondering how this sweep is done particularly when the turtles hibernate from October to April – she was wondering if that has anything to do with changing when you do certain things.

Mr. Sanford said he was glad that was brought up because at the last public hearing he started talking about endangered species but I think I didn't come back to what we've actually proposed in terms of the management plan so I'll start with that first.

Mr. Sanford said so in your package – this is something we had to do as part of the DEP permit applications – it is to develop a management plan if you do have a potential for certain threatened, endangered or enlisted species – in this particular case we had three species that were enlisted – the Wood Turtle – the Box Turtle and the Eastern Ribbon Snake.

Mr. Sanford explained we eliminated the Wood Turtle because the habitat in this particular site is not really conducive to the Wood Turtle however there is habitat that's conducive to the snake in this general location here (shown on the plan) where we have that palustrine emergent marsh wetland and Tussock Sage habitat – definitely an ideal habitat for the snake and Box Turtle there's ideal habitat over the entire project site for Box Turtle.

Mr. Sanford said what they've developed was a turtle and snake management plan – you've probably seen that in your permit application materials and also on the plan set and that addresses both the Box Turtle and the Eastern Ribbon snake.

Mr. Sanford said what the plan predicates or uses as a management strategy and these are strategies that are recommended by DEP so it's there protocol – the first thing is to conduct sweeps – obviously those sweeps would be conducted we when believe those species would be out of hibernation so beginning in April when the temperatures start to warm up and these species start to move out that's when those types of sweeps would occur if construction was to occur then – it all depends when construction is going to start so if construction was going to start in April if temperatures allowed we'd be there prior to any clearing and grading activity on the site so the first thing they have to do is silt fence it as part of the kind of barrier protection so the turtles and the snakes don't get into to the kind of zone of construction so that's really the first step.

Mr. Sanford said so we do a sweep before we put the silt fence in then they put the silt fence in and then they do a second sweep afterwards and part of that plan is educating the contractor as to what the species are – they're given the actual data sheet from the DEP website that explains the species – it shows a picture of the species and it describes the species – provides a picture, the environment, the habitat, etc. then if one is found there's a protocol for that particular constructor and how he should handle that particular species – the species should not be removed or relocated to some other site – they should actually be placed on the other side of the silt fence in the general same direction it was walking.

Mr. Sanford said so that is really the protocol that is to be followed and that will also – not only does it show up in your application and on the plans but also its noted on the specification for the project for the contractor must follow and its something – since this will be a DOT project – it's something that they consider strongly when they're doing there specifications so that's really how that management plan works in terms of steps.

Ms. Dunne asked if there's a possibility they would be doing this work before they were out of hibernation – she stated she was concerned about that.

Mr. Sanford said there's obviously the potential.

Ms. Dunne stated so that's not good.

Mr. Sanford explained in those cases – if you start the construction in January – February which I don't believe we are anticipating that at this point but if you were to start construction at that point –

during the clearing and grading activities and earth removal activities you may have the opportunity or you may disturb a particular reptile like a Box Turtle and in that case again those same principals of having to relocate that particular critter outside the work area would apply so they would hopefully find themselves another place to hibernate and dig through the snow or whatever the conditions are.

Mr. Norback said to that point would they or if they had jurisdiction to plan construction at a given time of year so it's more conducive to accomplish those goals.

Mr. Sanford said typically and Tom (Sheil) could speak to this as well that this project wouldn't start until spring anyway.

Mr. Sheil stated the project will not start until May (2014) but it could start in the fall – the project could start in September but they would start the project in January or February.

Ms. Dunne said at stations 22 to 32 and 77 to 90 so if that could just be taken into consideration as far as the sequence of doing the work and not doing the work there if you can work it out so you can go along with their hibernation schedule.

Mr. Sanford said what would happen if they start in April or May again the sweeps would be conducted – silt fence would be put up – if they were to continue to work through the winter so when the actual critters go into hibernation that silt fence – that barrier is already up at that point and the project site might be closed during the winter because of snow and inclement weather and so all that area is silt fenced off so that critters would be able to get into the actual project so that's why the silt fence is a critical component of the management plan.

Mr. Norback said relative to the contractor and training – what been your experience as far as compliance and sensitivity – have you ever actually had a guy hop off a bull dozer and handed you a turtle.

Mr. Sanford said no – in the past we've done a sweep so we've never had a contractor call and say they discovered a turtle because if they follow a management plan and they are instructed by us before they started – the silt fence should have gone in – unless there was a breakage in the silt fence or something else happened there shouldn't be an opportunity for those critters to get in there in the

first place unless for some reason something was inside the silt fence that we didn't find.

Mr. Sanford said he hasn't had a contractor call and say listen we're got a turtle we think enlisted.

Mr. Norback said well that's kind of my point.

Mr. Sanford stated they have not had that.

Dr. Dimmick said it's not a protected species – but there are Alligator Snapping Turtles along the canal – I hope the contractors know about how to pick those up.

Ms. Dunne said related to that too – one of your lists of things you have – is you have no machinery or heavy vehicles but I think in one station 24 – you actually have a construction access road – a turn around area right in the area where they're saying should protected in station 24.

Ms. Dunne said that turnabout – who's turning about at station 24 (construction staging area and temporary construction access road – restore on page 23) – this would be with the area that we're concerned about and there's a construction access road turnaround – she wondered what that was and it didn't seem to jive with construction.

Mr. Sanford said because we are working on a linear trail – if there's let say a construction truck coming one way and a construction trucking coming from the other way there has to be a pull off and turnaround so what that is - is an area that's cleared in the upland area that allows those trucks to be able to move through this area without hitting each other – its not a area where trucks will be parked and stored there – its an area just for turn around and also it says its an area for potentially storing some top soil during construction – there may be some material storage there as well – pipes – culvert pipes, etc. could be stored there.

Mr. Sanford explained silt fence has been placed on the uphill side of that storage area to prevent any turtles or snakes from moving down into it and it's the same across the trail as well so its basically a turn around area – if a truck in coming through and another one is coming down – there's an opportunity from one to pull off and let the other one go by and etc so its really a traffic pattern for construction clearing.

Mr. Sanford said these are typical for linear trail projects.

Ms. Dunne said she was just concerned with the placement – it's in an area where there are turtles and snakes.

Mr. Sanford said the primary habitat are turtles – for the snakes its really north of Jarvis Street.

Ms. Dunne stated right 22 to 32.

Mr. Sanford said for turtles it's really this whole embankment all the way along – so the habitat for the turtles is really this whole portion all the way along the canal for Box Turtle – its prime habitat.

Mr. Sanford said so to say that one particular habitat – to narrow that habitat as the prime habitat – I don't thin we can say that – I think really that whole corridor has Eastern Box Turtle potential so you know we have other areas that will have staging as well along there again we are protecting that with silt fence as part of the management plan.

Ms. Dunne thanked Mr. Sanford.

Chairman de Jongh said to Thom Norback's question – contractors that are hired to do these projects – in the past do they have a history knowing what can be done – what should be done and having a sensitive eye towards the conditions on site.

Mr. Sanford said this project here and Tom can probably speak to it in terms of construction administration – I believe there will be a full time inspector out here since it's a DOT project so that inspector is going to be onsite and he's going to be the one who's really going to be tasked in making sure that contractor is following specifications of that particular project so there will be a DOT representative out there during the entire project.

Chairman de Jongh said with that in mind – is construction going to start on one end and go to the other or are you going to be starting at various points and if you are starting at various points are they going to be multiply DOT inspectors.

Mr. Sheil explained the process for bidding the project will be low bid so there will be standards that contractors will need to meet but this will be a low bid project and the constructor that gets the job will

have to be qualified for the project and we typically get contractors that are qualified for the project – we haven't had a situation where we've had to disqualify a low bid because they haven't demonstrated appropriate experience.

Mr. Sheil said the sequence of the project starts with south to north – its going to be explained by the contractor – we aren't going to let him he has to go from south to north or north to south – that's going to effect how he approaches the project – he's going to have his own way to explain to us what's going to be happening with the sequence of construction.

Mr. Sheil explained if you have a sequence of construction document to follow – as long as he follows those guidelines he can present his sequence of work on how he wants to do it.

Chairman de Jongh said he guessed what he was asking was whether or not that sequence was going to progress linearly regardless of which end he/she starts at or is it going to be multiple ends and if its going to be multiple ends – to Matt's point are we going to have multiple DOT inspectors to make sure things are done.

Mr. Sheil said you'll have a contractor who will be assigned an inspection team so it will staff with the project – that there will be a process to negotiate about the process – with that said the normal procedure would be to proceed from the north or south and proceed in one direction.

Mr. Sheil stated it's not efficient for the contractor to work at two ends – he's probably going to want to work his way to the wet area – he's going to have to leap across the wet area – that's going to be his most challenging construction – he's going to build a piece – move forward – build a piece – move forward – make his way through the middle and keep going.

Chairman de Jongh asked if there were any other questions from Commission members or staff.

Chairman de Jongh thanked (Mr. Sheil and Mr. Sanford) them for the presentation. He stated we'll allow Commission members to digest all of this.

Chairman de Jongh said he saw no reason to keep this portion of the public hearing open so this portion of the public hearing was closed.

2.	Permit Application	APP	#2013-028
	John Romanik, Jr.	DOR	10/15/13
	Whispering Hollow Court	PH	11/07/13
	Site Plan - House	PH	11/19/13
		MAD	12/12/13

Ms. Simone stated a letter was received today from Attorney Fazzone and it states: "Dear Commission members – we have been asked to represent the applicant John Romanik on the above referenced matter Whispering Hollow Court. We have not had an opportunity to review the file and plans. Accordingly we hereby request that the public hearing scheduled for November 19, 2013 be continued to the meeting on December 3. I do not believe an extension of time for closing a public is an issue but if required the applicant will grant the required extension period. Sincerely, Anthony Fazzone."

Chairman de Jongh said as most Commission members know we have a mandatory action date on this which is December 12, 2013 so I suspect the applicant at the next meeting with request an extension of that mandatory action date (he did not know that for certain).

Chairman de Jongh said seeing no additional items to come us tonight at the public hearing we'll close the public hearing at 8:05 p.m. and move right into our regularly scheduled meeting.

VI. ADJOURNMENT

The public hearing was adjourned at 8:05 p.m. by the consensus of Commission members present.

Respectfully submitted:

Carla Mills
Recording Secretary
Cheshire Inland Wetland and
Watercourse Commission