

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
PUBLIC HEARING
TUESDAY, APRIL 1, 2014
TOWN HALL 84 SOUTH MAIN STREET
ROOM 207/209 AT 7:30 p.m.**

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

Member absent: Robert de Jongh

Staff: Suzanne Simone.

Dr. Dimmick served as chairman pro-tem.

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. Dunne called the roll.

Members in attendance were Charles Dimmick, Dave Brzozowski, Kerrie Dunne, Earl Kurtz, Will McPhee and Thom Norback.

IV. DETERMINATION OF QUORUM

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

V. BUSINESS

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

1. Permit Application	APP	#2014-007
Connecticut Yankee Construction	DOR	3/04/14
Mountain Road	PH	4/01/14
Site Plan – House	MAD	5/06/14

Dr. Dimmick said in this particular case we called a public hearing because we wanted to look at alternatives to the proposed activity of

a house lot which has restrictions in terms of where the house can be placed.

Ryan McEvoy, professional licensed engineer with Milone and MacBroom was present on behalf of the applicant.

Mr. McEvoy informed the Commission this application was for a site plan on existing property – it has no address – its known as Assessor’s Map 62 Lot 4 – it is on the west side of Mountain Road between the Higgins Road intersection and the Sorghum Mill Road intersection.

Mr. McEvoy said the lot is currently bounded by residential properties to the north and south.

Mr. McEvoy said across Mountain Road there’s land owned by the Town of Cheshire and to the west there’s a large piece of unimproved land and a wetland corridor associated with the large brook.

Mr. McEvoy explained this particular property is 1.7 acres in size – it’s located in an R-80 district and the site is currently unimproved – it’s entirely wooded with a small area of clearing that occurred in the southeast corner of the property.

Mr. McEvoy said the dominate feature in terms of wetlands is in the northwest corner of the parcel.

Mr. McEvoy showed an area on the map and said this area highlighted here in the yellow-light greenish color is a finger or a portion of that wetland and flood plain associated with Roaring Brook although the brook itself is located off the parcel.

Mr. McEvoy said the topography on this as was noted in the previous meetings has some area that are quite steep as you approach the wetlands.

Mr. McEvoy said the highest elevation on the property is at elevation 206 near the road and elevation 176 at the lowest in the wetland itself.

Mr. McEvoy said there are certain areas between the road and the wetlands that approach 25% in grade and in some cases you see that.

Mr. McEvoy stated the wetlands on this property were flagged by Milone and MacBroom in 2002 and subsequent to that flagging we've prepared a wetland delineation report which is part of your packet.

Mr. McEvoy said and also we've add a functions and values assessment of the wetlands which was submitted this afternoon to the Wetland Office – the Planning Office.

Mr. McEvoy said what we are proposing to do this site is simply build a single family house – this house would be served by a septic system and public water.

Mr. McEvoy said it will be located in the south east most corner of the property bounded on the south and east by the building setback lines which are 40' off of the right of way and 40' off of the south property line.

Mr. McEvoy said this house cannot get essentially any closer to any of those (setback lines) without violating zoning regulations.

Mr. McEvoy said with respect to the wetlands themselves this house will be located just outside of the 50' upland review area buffer which is shown here a dark dash redline.

Mr. McEvoy said given the grade where the house is proposed there will be some filling on the backside of the house and that filling will be a maximum of 4' vertically and will extend down such that the grade will catch up to the existing – roughly 20' from the wetlands.

Mr. McEvoy said you (the Commission) may recall the first reiteration of the plan that we submitted – the grading was a little bit more substantial behind the house to the point where the grading extended to within approximately 10' to 15' from the wetlands themselves.

Mr. McEvoy explained we were able to pull that back from the wetlands by lowering the elevation of the house.

Mr. McEvoy said on the first plan we had the finished floor – the first floor of the house set at the elevation of Mountain Road – approximately – and by lowering it by a few feet we were able to both limit the filling behind the house and also pull back from the wetland limit itself.

Mr. McEvoy said the impervious surfaces from the property – the house and the driveway will be drained towards a rain garden which

will be located in the southwest portion of the parcel – this rain garden will be sized to accommodate increases in storm water for up to the 100 year storm.

Mr. McEvoy said he septic system has been reviewed for feasibility by the health department and the soils in the area where the system is proposed consist of sand and gravel which are suitable for septic systems.

Mr. McEvoy said in terms of the regulated activities the total 4,000 SF on the property.

Mr. McEvoy stated that our original plan had about 5,000 SF of activity – again this is in the upland review area and not the wetland itself.

Mr. McEvoy said we were able to – as he mentioned earlier – pull back the limit of clearing where the full sump is proposed and also by reconfiguring the geometry of basin we were able to decrease the activity in the upland review area associated with that.

Mr. McEvoy said there was some concern in the previous meetings about the nature of the fill and how that would be constructed behind the house and we added a detailed construction sequence with specific requirements that the slope in the back of the house which again is approximately 4' vertically at a 2:1 slope will have to be constructed well drained or free draining material that is available from the excavation that will required on the upland areas of the property.

Mr. McEvoy said this fell slope will have to be stabilized with a permanent erosion control blanket and this all will have to happen before any house construction begins – that slope will have to be stabilized, top soiled, seeded and then upon that being completed another row of silt fence will be placed above the top of the slope to prevent any run off with any velocity coming over and on top of that slope.

Mr. McEvoy said we feel that this plan – this revised plan will provide for a significant amount of protection to the downslope areas and should allow for it to be constructed and stabilized rather quickly without worrying about any other activity on site prior to its stabilization.

Mr. McEvoy said and that's a brief summary of the proposed activities.

Mr. McEvoy said he understood this was a public hearing so there may be some comments from the public that you (the Commission) may want to consider.

Dr. Dimmick said he should have at the beginning – the general ground rules for the public hearing which is the applicant gets to state their case then we open the hearing for questions – first questions from Commission and staff then questions from the public then comments from the public then allow the applicant to respond as necessary.

Dr. Dimmick said so at this point he was going to ask if Commission members had any questions.

Mr. Norback said he didn't know if he had so much of a question as he did a comment – your concerns were – it seems like he addressed all the concerns that that were yours two weeks ago – he said he had admitted at that meeting he hadn't visited the property but I have subsequently and would have at that point agreed with you but he thought they addressed the issues.

Dr. Dimmick said now you can see why I had some concerns.

Mr. Norback said he didn't originally but now he saw why Dr. Dimmick was concerned and he now sees all of those concerns were addressed judiciously.

Dr. Dimmick said this revised plan is dated March 18 – when did staff receive this.

Ms. Simone stated she received it this afternoon.

Mr. McEvoy said he apologized there should have been a submission date of today (April 1, 2014) because it was revised to today and that revision date doesn't reflect the changes that were made.

Mr. McEvoy stated the extent of the revisions were completed to day and submitted.

Dr. Dimmick said so they should have revised – revised date on that.

Dr. Dimmick said he must admit this has moved much further towards what he had thought was possible.

Dr. Dimmick said the revised plan was submitted to staff at 3:45 p.m. today and staff hasn't had a chance to look this over along with the

fact that there was a revision on the functions and values assessment which we just now received.

Mr. McEvoy said yes – that (the functions and values) were not submitted as part of the original wetland delineation report – it was submitted as a result of the application being declared significant.

Mr. McEvoy said there were some materials submitted today so he understood if their desire to review this – he said additionally they received an updated comment letter from the Engineering Department – we didn't specifically respond in writing to his concerns but I can tell you that there were relatively straight forward – he did ask that we add some more contour labels by the rain garden - that we add a location map to the plan – and he (town engineer) added a note that the rain garden was partially located within the upland review area which is clear on our plan – and he had some comments that a street excavation permit will be needed for a driveway connection – so those were his general comments that he had (similar to zoning type applications).

Dr. Dimmick asked Suzanne if she had questions.

Ms. Simone said she did have a couple of questions.

Ms. Simone said when you are talking about the layout of the house and the proximity to the setback line that's required by Zoning – was there any plan of bringing this over to the Zoning Board of Appeals to ask for a variance.

Mr. McEvoy stated no – typically for a variance you have to demonstrate a hardship and given the fact that we can locate the house outside of the upland review area and within the building setbacks he thought a hardship – it's a very subjective commission – and it would be a difficult variance to achieve he would think.

Dr. Dimmick said unless we were to deny it – then you'd have to go back under those circumstances – just hypothetically.

Mr. McEvoy said you know – I've never gone down that path so I'm not sure to be honest with you.

Ms. Simone said she can't speak for this the Zoning Board of Appeals but she knew they looked at the landscape – that's really their charge to look at the hardship based on the landscape – so this is something that can be looked at – she said this is something she wanted to ask.

Ms. Simone said in the functions and values of your wildlife habitat it indicates that yes there's possible vernal pool habitat – do you know if that is for the entire wetland area or within the wetland.

Mr. McEvoy said that is based – Bill Root when he went out to the site – he actually went out yesterday – it was all melted – there wasn't any remnants of snow – he did see a possible evidence of places where salamanders could breed but he didn't see any egg masses – but he (Bill Root) walk – there's an existing road that comes off this property and goes towards the Roaring Brook and he did note there were possible areas where there could be vernal pools and he wanted to make that clear that it was something that could happen but he didn't physically see any direct evidence of that sort of activity.

Ms. Simone asked and that's on this property.

Mr. McEvoy said it's on the border of this property and the neighboring property.

Dr. Dimmick said and you are not planning any activities anywhere near there.

Mr. McEvoy stated no – and in reality the area around this particular wetland pocket is almost entirely with the exception of some residential areas along Mountain Road – are protected by flood plain areas and he believed the property to the back was purchased by the town as open space so there's – he said he was not positive if that went through or not.

Dr. Dimmick said you may see the part of that – his concern with that slope was worrying about erosion and therefor sediment getting in there because that's the last thing you need to have sediment sort of issues.

Ms. Simone said so Ryan because it's not indicated on the plans themselves – you are stating then that the area of potential vernal pool is not located where you are planning on regrading.

Mr. McEvoy stated not at all.

Dr. Dimmick asked if other members of the Commission had questions.

Mr. Norback asked who would do the monitoring of the pre-construction erosion controls – would that be our own staff and would there be something all set up where she's notified and if they need to have the erosion control prior to construction and the mat down and all that.

Ms. Simone said in a situation where you have such a grade as this and you're bringing in or redistributing that amount of material that the Commission in the past has required that applicant then hire an engineer or professional that would monitor and supply reports to the Commission as well as then posting a bond – that's another provision that can be added that they notify staff.

Mr. Norback said so that would be notified in staff's report at the next meeting.

Ms. Simone said if the Commission is at that point to draft anything that's something that can be entertained.

Ms. Simone stated Regional Water Authority has not yet commented on this application – they just received the materials.

Mr. McEvoy stated they originally received them when we submitted the application.

Ms. Simone stated right but we haven't seen their comments yet so the Commission may want to concern keeping the public hearing open in time for the review of materials not only by staff, the Commission, the Regional Water Authority and Engineering.

Dr. Dimmick said Tom raises another question because in the past two years we've had four or five instances where staff has not been properly notified to check out erosion controls because an applicant proceeds.

Mr. Norback said the only reason he asks – it looks like they've done a great job addressing all of the concerns rather ambitiously – he was just wondering if that's within the stipulations that something be set up in advance so there's no surprises (so no one gets painted into a corner).

Ms. Simone said there could be a stipulation that there's a preconstruction meeting to be held before the work was done on the site.

Mr. McEvoy stated that actually number one on our construction sequence – that there be a pre-construction meeting.

Dr. Dimmick said you also need to make sure the people who do the actual work reads what's on the plans (which has been a problem).

Dr. Dimmick asked if there were other questions of the Commission.

Dr. Dimmick asked if there were any members of the public who had questions.

Dr. Dimmick said at this point he was looking for comments from any one – the public – Commission members.

Dr. Dimmick said staff has put in a request because she received the materials so late that she be given time to be able to review them and so on that basis I would suggest that we leave this public hearing open so there's time for staff to review the materials and received comments.

Dr. Dimmick asked if there was any objection leaving the public hearing open – there was no objection.

Dr. Dimmick said the Commission would defer further consideration (on this application) until the next meeting – the public hearing is continued to the next meeting (Tuesday, April 15, 2014).

VI. ADJOURNMENT

The public hearing was adjourned at 7:49 p.m. by the consensus of Commission members present.

Respectfully submitted:

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