

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
PUBLIC HEARING  
TUESDAY, JULY 1, 2014  
CHESHIRE TOWN HALL 84 SOUTH MAIN STREET  
COUNCIL CHAMBERS AT 7:30 P.M.**

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**Members present: Robert de Jongh, Charles Dimmick, Kerrie Dunne, Earl Kurtz, Will McPhee and Thom Norback.**

**Members Absent: Dave Brzozowski.**

**Staff: Suzanne Simone.**

**I. CALL TO ORDER**

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

**II. PLEDGE OF ALLEGIANCE**

**All presented recited the pledge of allegiance.**

**III. ROLL CALL**

**Ms. Dunne called the roll. Members in attendance were Robert de Jongh, Charles Dimmick, Kerrie Dunne, Earl Kurtz, Will McPhee and Thom Norback.**

**IV. DETERMINATION OF QUORUM**

**Chairman de Jongh 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 item:**

<b>1. Permit Application</b>	<b>APP</b>	<b>#2014-021</b>
<b>A.M. Napolitano, LLC</b>	<b>DOR</b>	<b>6/03/14</b>
<b>566 &amp; 540 Cook Hill Road</b>	<b>SW</b>	<b>6/09/14</b>
<b>Subdivision (Farm Meadows at Cook Hill Rd.)</b>	<b>PH</b>	<b>7/01/14</b>
	<b>MAD</b>	<b>8/05/14</b>

Chairman de Jongh explained the format for the public hearing; he said they will allow the applicant to make their presentation and then Commission members as well as staff can ask whatever questions they would like or to need to have answered; they will then open it up to the audience for any questions they wish to pose to the applicant then following that they will have the opportunity to present any comments either for or against the application.

Dennis McMorrow with Berkshire Engineering and Surveying was present on behalf of the applicant A.M. Napolitano, LLC.

Mr. McMorrow explained he had three new sets of plans because at the last hearing when we set the public hearing you (the Commission) asked that we define the non-encroachment tags for the hearing so that's the change on the plans – he just added the non-encroachment tags.

Mr. McMorrow submitted the revised plans into the record.

Mr. McMorrow explained that the project is at 566 & 540 Cook Hill Road – those are two existing lots on the total of approximately 24 acres and as the legal notice said it's in the R-80 zone.

Mr. McMorrow said they are proposing an 8 lot subdivision that would be 6 new lots with the 2 existing lots for a total of 8 lots.

Mr. McMorrow said in the proposal we will create an 1150' permanent cul-de-sac down the road in the project.

Mr. McMorrow said the wetland soils were identified by George Malia and they have been located by his office and they are on the subdivision and site development plans.

Mr. McMorrow said on the presentation drawing that's on the easel – the wetlands that Mr. Malia flagged are shaded –colored in green; there is a pocket in the northwest corner of the property and then there's a pocket of wetlands on the eastern side of the development and that eastern wetlands has a manmade channel which goes to the south to an existing culvert on Cook Hill Road and then that culvert discharges to the west on Cook Hill Road.

Mr. McMorrow explained deep test pits and percolations tests were done in the presence of Chesprocott Health District and they have reviewed the site plans and then have prepared a letter for Planning and Zoning approving the septic layouts that we've done on the project.

Mr. McMorrow stated there's town water in Cook Hill Road so we will be extending a water main into the site to service the development so there will be onsite septic and town water.

Mr. McMorrow said for drainage – your Planning and Zoning regulations required that you have zero increase in a subdivision and in the southeast corner of the project we have designed a detention and water quality basin for the project and it will serve as both.

Mr. McMorrow said the limiting factor in designing the detention basin is the fact that the existing culvert in Cook Hill Road is only a 12" pipe and the maximum capacity in that pipe is approximately 5 CFS and so the detention basin has been designed to only have a peak release of 5 CFS and we will actually not have just a zero increase in pre and post development flow.

Mr. McMorrow said we will actually reduce the pre and post existing flows from the site which are 21.4 CFS for the 100 year storm; after development that will rise to 26.1 and after the detention basin it will be reduced to 18.3 which is significantly less than the 21.4.

Mr. McMorrow stated we are having a public hearing tonight due to interest by the neighbors; particularly there are members from the Rod & Gun Club that were worried about drainage coming to their property.

Mr. McMorrow stated he looked up on the town GIS map and the Gun Club is on Cook Hill Road and is to the east of our site.

Mr. McMorrow explained that our drainage from our site travels west on Cook Hill Road; he stated he has highlighted in blue and he'll submit this for the record – our drainage all flows to the south in to a large parcel of land owned by the Town of Cheshire and the drainage from the Rod & Gun Club also drains to the south and then joins the flow again in the same property – it's a large piece.

Mr. McMorrow said he believed its open space for the Town of Cheshire but according to the GIS it's all town owned land therefore none of the water that is coming from our site is going to the east where they were saying there were issues with their drainage on Cook Hill Road.

Mr. McMorrow said finally at the last meeting we were asked to define where we wanted the non-encroachment tags and there were three areas on the site that he has them 20' away from the wetlands instead of the 50' regulated area that you have – the first is on lot 1 and that's because if you look at the map the 50' regulated area line

goes right through the existing barn so he brought that back to 20' off of the open space.

Mr. McMorrow said the second area is on lot 6 and that's an open meadow and there's no tree cutting that we have to maintain but to give it a reasonable yard we hope that 20' away from the wetlands would be appropriate to set the tags.

Mr. McMorrow said the final area is on lot 8 and that's open meadow also and it's just because we need to put a little fill in the footing drain off to that area on the presentation drawing that is a pale blue on that area where he highlighted where those non-encroachment tags will be.

Dr. Dimmick asked which map those were shown on.

Mr. McMorrow showed the location of the tags as shown on the map.

Chairman de Jongh said to be consistent the tag information should be added to the legend because most people will refer to that as a key.

Chairman de Jongh said he had a question regarding sidewalks – he said he knows the town is requiring all subdivisions now have sidewalks – he said he didn't think the map had any indication of those.

Mr. McMorrow stated no we do not have sidewalks proposed at this time – if that is a new regulation we'll have to abide by it with Planning and Zoning.

Mr. McMorrow said he knew Mr. Disbrow, your town engineer's assistant mentioned when he was reviewing the drainage calculations that they might have to put sidewalks in to the project.

Mr. McMorrow said he quickly redid the calculations just for his own edification – it will not change the 5.1 CFS coming out of our detention basin – if we have to add sidewalks it will still be 5.1 CFS coming out of the basin – it's not a significant enough change to change the basin.

Chairman de Jongh said so it's not going to have any impact on the calculations that we are using to make our determinations.

Mr. McMorrow stated no – it's still rounds to 5.1 CFS; and that's for the 100 year event.

Chairman de Jongh asked if there were any other questions from Commission members or staff – no other questions were asked.

Chairman de Jongh said at this point they'll allow the audience to ask questions to the applicant that they may have unanswered at this point.

No questions were asked.

Chairman de Jongh his they now allow any comments pro and against the application.

Mark Gosapovish, of the New Departure Fish and Game Club at 625 Cook Hill Road addressed the Commission.

Mr. Gosapovish said they were at the last meeting but we couldn't speak that's why this is here – he said we didn't get the plans again – they just got a change right – am I correct.

Chairman de Jongh stated we (the Commission) got the revised plans this evening.

Mr. Gosapovish said he didn't get to see them.

Mr. Gosapovish asked if it was common to include the wetlands in the acreage.

Dr. Dimmick stated that was a P&Z question – we are a Wetlands Commission – we haven't the slightest idea.

Mr. Gosapovish's next question was not picked up on the recording (he did not speak clearly in to the microphone); it was regarding the 50' setback.

Dr. Dimmick replied by saying what you are looking at is we have a 50' setback automatic review area that anything that's within that 50' from the wetlands needs special approval from us – it doesn't say its forbidden – it's just of you are going to do it you need to get out approval to do it so that's essentially what is required.

Dr. Dimmick said your bit about allowing wetlands as part of the acreage – that varies from town to town – he said he has practiced in towns where they wouldn't allow it in the acreage but we've never had to his knowledge any restriction in Cheshire for figuring the acreage of a lot to include wetlands but as he said that's really a P&Z regulations not ours so we have no say over that one – one way or another as far as this Commission is concerned.

Mr. Gosapovich said this is going to be city water fed and designed septic system – correct.

Chairman de Jongh, Dr. Dimmick and Mr. McMorrow said yes.

Mr. Gosapovich asked if you feel on the Commission that the design system's is going to function here.

Chairman de Jongh said we defer to the experts on that – that's where Chesprocott is the one that needs to deem whether or not those septic systems are suitable or not for the soil content, etc. or the soil texture.

Mr. Gosapovich said we know we have an ancient ledge through that area.

Dr. Dimmick said we are aware of that - you've got the north/south dike that starts at the Sleeping Giant that goes up the Massachusetts border that runs through there.

Mr. Gosapovich said it runs right through our property.

Dr. Dimmick said there are two dikes actually – but there's one of them along the western side of this property there is one of the dikes.

Mr. Gosapovich said we are concerned that if you shake that around it's going to affect us too.

Chairman de Jongh said again all he can say is this Commission is obviously not charged with determining the efficiency of those systems – that's somebody more expert than we are and that's where Chesprocott needs to sign off on these things to say that they have accepted the calculations and the design of those.

Mr. Gosapovich asked when do we find out about that.

Chairman de Jongh said that was included in to the record – he said Chesprocott signed off on those if he was not mistaken.

Mr. McMorrow stated that's correct - Chesprocott has signed off.

Chairman de Jongh said they also have to initial that and we have to have a signature or in initials from Chesprocott indicating that they have signed off.

Dr. Dimmick said we have on rare occasion questioned Chesprocott when we knew of things they did not know of but no flags were raised on this one as far as a general approval.

Mr. Gosapovish said so you think it's going to go well – that's what you are saying.

Dr. Dimmick said they are engineered systems so they have to be.

Chairman de Jongh said just as a parenthetical comment – one of the concerns raised at the last meeting by the members of the Rod & Gun Club was the drainage situation – he said he thought the applicant has addressed those this evening.

Chairman de Jongh said for the record that was certainly a concern (the drainage) that was raised at the last meeting and he was glad they (the applicant's engineer) and he is glad they addressed that this evening so he hope you (Mr. Gosapovish) was satisfied with at least their response on that issue.

Chairman de Jongh asked if there were any other questions or comments from the audience.

Chris Leach of 540 Cook Hill Road in Cheshire addressed the Commission.

Ms. Leach said she was here representing herself as the landowner. She said she's live on the property for 12 years – it's a wonderful place to be- she back there all alone – it's beautiful back there. She said one thing she's really struggled with is the property at 566 which belongs to her parents.

Ms. Leach explained that her parents are aging and it's important to them to stay in their home and to that end her family has been working to do what they can to get them in a position to do that. She said there are financial issues to be concerned; she talked about her parents wanting to keep the property open space saying they offered the property to the town but they turned it down; she said she wanted to make it clear they did want to keep it as open space.

Ms. Leach expressed her concerns about measures that have been taken to keep her parents in their house and still maintain the integrity of the property as much as possible which is one of the reasons they selected the developer that they did; she continued to share details as to her family's personal concerns to keep their parents in their house.

**Ms. Leach said as a note she wanted to mention that the house on lot 1 has always been next to the wetlands saying that house has been there almost 40 years so she didn't know if they could do much about that; it's open space (the subject property) and they really respect it but if it's not sold her parents will lose their house.**

**Dr. Dimmick said that's not necessarily relevant to the hearing but asked what animals they were going to be able to keep.**

**Ms. Leach said they are down to one dog and two peacocks.**

**Ms. Leach commented about how she will be impacted by the sale of the property; she said she'll lose all her privacy but it's something she's willing to do for her parents.**

**Dr. Dimmick said he didn't think they can require any markers on lot 1 – it's an existing lot and prior to any wetland regulations in the town; markers on lots 6 and 8 are appropriate under the circumstances but those mentioned for lot 1 to his mind don't need to be there.**

**Ms. Simone said they are offering them (on Lot 1).**

**Dr. Dimmick said that they are offering it (markers).**

**Chairman de Jongh said seeing there were no other questions or comments he saw no reason to keep this public hearing open so we'll declare it closed at 7:51 p.m.**

## **VI. ADJOURNMENT**

**The public hearing was adjourned at 7:51 p.m. by the consensus of Commission members present.**

**Respectfully submitted:**

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