

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
PUBLIC HEARING  
TUESDAY, JANUARY 6, 2015  
TOWN HALL 84 SOUTH MAIN STREET  
COUNCIL CHAMBERS AT 7:30 PM**

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

**Members Absent: Robert de Jongh (arriving at 7:48 pm)**

**Staff: Suzanne Simone.**

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

**I. CALL TO ORDER**

**Dr. Dimmick called the public hearing to order at 7:30 pm.**

**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 for the following public hearing application:**

<b>1. Permit Application</b>	<b>APP</b>	<b>2014-028</b>
<b>Fifteen North Plains Industrial Road, LLC</b>	<b>DOR</b>	<b>9/02/14</b>
<b>1430 Highland Avenue</b>	<b>SW</b>	<b>9/06/14</b>
<b>Site Plan</b>	<b>SW</b>	<b>9/10/14</b>
	<b>PH</b>	<b>10/07/14</b>
	<b>PH</b>	<b>10/21/14</b>

PH	11/06/14
PH	11/18/14
PH	12/02/14
PH	1/06/15
MAD	2/10/15

Dr. Dimmick explained the procedure in which the public hearing would follow.

Dr. Dimmick stated for general information, this public hearing started back on October 7, 2014 and we need to close it tonight one way or the other. He explained they've had several changes in the material since the original application and this is the final time to get everything the way it's supposed to be.

Attorney Ryan Corey representative of the applicant was present. Jay Fain, soil scientist of Jay F. Fain Associates was also present.

Attorney Corey said as Dr. Dimmick was mentioning there have been some changes throughout this process; most recently we agreed to move the building for the proposed daycare further east to the rear end of the property and the reason why we are doing this is that it will significantly reduce the impact on wetlands as opposed to our original plan at the time was called the preferred plan that was first submitted.

Attorney Corey explained at the conclusion of the last hearing the Commission requested several items regarding the proposal having a sanitary sewer line exit to the rear or east end of the property and connect to Blacks Road.

Attorney Corey explained the issue with this new location – if we did have the sewer line connect to Highland Avenue, it would have to go approximately 700' at a slight upgrade and this would also necessitate a pump which could be hazardous to children if there was ever a power outage or pump failure.

Attorney Corey said therefore they've revised the plans with the most recent submission on December 24 which is really the feasible and prudent alternative.

Attorney Corey said the building remains where the Commission had preferred to reduce the wetland impact but they now have the sewer line going east to ultimately connect on to Blacks Road. He explained the reason they wanted to do this is there's a natural pitch

going east so they can take advantage of gravity there and they will not need a pump in that situation.

Attorney Corey said there will be a small, temporary wetlands impact on the east rear end of the property approximately 340 SF.

Attorney Corey said Mr. Jay Fain who is also present has submitted a plan – a mitigation plan on how they are going to address those wetland impacts. He said per the Commission's request this will also be crossing through a gas line.

Attorney Corey said they did get written permission from Tennessee Gas which was previously submitted so he feels at this point they have submitted everything the Commission has asked for – stating our mitigation report further sets forth how we are going to address the small and minor wetland impact in the rear.

Attorney Corey said he wanted to remind the Commission that the goal here is to reduce wetlands impact and the Commission does have the right to consider other factors such as bringing in a new commercial business; and they (the applicant) feels this is the best and only comprise.

Attorney Corey explained they are really reducing the wetlands and having the sewer line go out through Blacks Road really takes advantage of some engineering opportunities and there's a very minor wetlands impact as a result of it.

Dr. Dimmick said they'd be interested in hearing from the ecologist-soil scientist.

Jay Fain or Jay Fain Associates of Fairfield, CT addressed the Commission.

Mr. Fain said he prepared a letter dated December 10, 2014 to the Commission regarding the potential impacts and mitigation for the temporary disturbance for the sewer line crossing.

Mr. Fain summarized the letter stating there's a small pocket wetland in the rear of the site – while he can't be sure it appears it may have been partially excavated as a barrow pit for the adjacent industrial site in this area – they may have used the material that came out of here to build this road; it appears to be disturbed in the past and certainly the vegetation in the area is indicative of a disturbed area.

**Mr. Fain said because the adjacent road comes right up to the edge of the wetlands – its allowed some non-native vegetation and there's been some dumping of material and litter in the area.**

**Mr. Fain explained the primary function of this wetland area is water quality renovation and storm water storage – it's limited because of the size and isolated location of the wetland also the habitat capacity for wetland dependent wildlife is low for those very reasons and there's a limited hydro period that would effect salamanders and other amphibians from breeding in this area.**

**Mr. Fain said the disturbance that would occur is a temporary disturbance along the edge of the wetland area. He said there are a few Red Maples trees and if possible he'd like to see them saved (he noted Red Maples are pretty tolerant of disturbance so they can go pretty close to those); if they can't be saved then they should plant some understory vegetation in this area to increase wetland diversity because the wetland presently is not very diverse.**

**Mr. Fain stated his primary concern in these type of situations is there's a disturbance and any time there's a disturbance there's an opportunity for invasive species to come in so what he's recommending is they use a wetland seed mix with a quick seeding cover crop in it to prevent the invasive species from becoming established so after a period of time of a growing season they can come back and check to make sure no invasive (species) have established in that area.**

**Mr. Fain said that summarizes his comments and that he'd be happy to answer any questions.**

**Dr. Dimmick asked about the planting of some Spice Bush.**

**Mr. Fain said yes and he recommends not going with the over story trees but planting Spice Bush or Winterberry or anything that's wetland tolerant and deer resistant and increase wetland diversity is what he's recommend.**

**Mr. Fain said Spice Bush does well in any situation; they will grow in that wetland situation and they do provide some diversity, have a nice look and would be appropriate.**

**Dr. Dimmick asked if there were any questions from staff or from Commission members.**

Ms. Simone said you had indicated that in that area there is evidence of a lot of dumping and disturbance.

Mr. Fain stated yes.

Ms. Simone asked if that area would be cleaned up as part of this approval.

Mr. Fain said he thought most of it was on the neighboring property – he said he didn't know what the agreement was with the neighboring property owner but the disturbance is definitely from this neighboring property – it's mostly along the property line – and assumed anything they (the applicant) has control of should be cleaned up.

Dr. Dimmick said the map shows mostly wetland on your own property.

Mr. Fain said yes but they have to come across here and the access area and the road.

Dr. Dimmick asked if there was stuff in the wetland – he said he knows there's trash along the side of it.

Mr. Fain said he thinks it's mostly along the sides and buffer.

Dr. Dimmick said that wetland was there in 1965 – it shows on the aerial photos for April 1965 so it goes back away and before there was a wetlands commission.

Ms. Simone said as far as the invasives – when you commented that you proposed you'd check back in the next growing season to identify any invasives is there also a protocol for eliminating the invasives.

Mr. Fain stated that would be part and parcel of the inspection – if there were any invasives out there they'd remove them; it's such a limited area he didn't think there was the need to use any chemicals it could be done by hand.

Dr. Dimmick asked if this was all part of his written proposition.

Mr. Fain stated it's noted in the letter he wrote and he'd be happy to embellish on that if the Commission would like.

Dr. Dimmick said if we grant a permit we can add that as part of the stipulations.

Ms. Dunne asked if when he (Mr. Fain) indicated about the Red Maples that they don't intend to take any trees out.

Mr. Fain said he would like not to take them out but there are a couple in this location in a very close proximity – he said in a construction situation it always has to do with safety and he imagined it would be up to the construction manager to determine if they could be saved or if they were too close and posed a danger.

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

Cindy Kleist of 251 Lancaster Way asked if the applicant was going to do anything now to mitigate the damage to the wetlands – are they going to put a silt fence up – she said you aren't going to do the construction now – right.

Manny Silva, PE from Rose-Tiso Engineering explained there will be some temporary disturbance when they put in the pipe itself – it's going to be like a 6" pipe for the sanitary sewer –they are going to put in some silt fence to protect the areas around it and then we'll excavate that out and will restore it back to where it was and then remove that silt fence. He explained if there is any dewatering they have a protocol when they do dewatering – they put it in a filtration system where the water gets filtered out before it goes back into the wetland.

Mr. Silva explained the overall project is to mitigate a larger wetland area within the property so essentially what we want to do is make this disturbance as temporary as possible and still get our gravity sewer out to Blacks Road.

Dr. Dimmick said as he said before, this public hearing actually started back in October and what they are looking at now is a change – they've already had a hearing on the original plans.

Mr. Silva explained to the Commission that the town engineer had two small minor comments – we had a tank detail for a pump system which is no longer what we are proposing so we removed it.

Mr. Silva stated for the record he had the plans with the changes.

The revised plans were submitted into the record.

Mr. Silva also stated they added a sanitary manhole detail for the new sanitary manholes that they are putting in that conform to the Town of Cheshire's standard.

Mr. Silva stated he did write a letter to the Commission before Christmas about what has changed and again they are some minor changes – one is they are going with a gravity sewer through the back of the property and they have a temporary disturbance across the wetland (as shown on the plan) and in conversation with the Gas Company they will reconfigure the shape of the pond – the pond volume is still the same – the calculations are still all valid we just basically changed the shape of it and added some more Evergreens along the edge of the pond.

Mr. Silva said another thing that was brought up at the last hearing was we had some concerns from the neighbor about snow melt and things of that nature to protect them from runoff from our property or from properties north of us and in consultation with the neighbors and their engineer we resolved and have a 2' berm along the property line and a privacy fence along the property line – it will be a landscaped berm 24" high or so and some plantings and boulders and things of that nature.

Dr. Dimmick said a question came up and it's not actually within the wetlands purview but it got asked anyway – you have a waterline into this from the street.

Mr. Silva stated correct – the waterline will basically follow the proposed driveway.

Dr. Dimmick said the question came from a member of the volunteer fire department and they were wondering whether you need to be able to put a hydrant next to the building.

Mr. Silva said they know when they go through the zoning process.

Dr. Dimmick said they will require a larger waterline to do that.

Mr. Silva said right and it depends on the pressure they get out to the street and he's sure he's going to require a Siamese connect to the building; and if he requires a hydrant we'll have to deal with that.

Dr. Dimmick asked if running a larger line would not change the plans or anything.

Mr. Silva said no – say we are running a 3” line verses a 6” line.

Dr. Dimmick said let the record show at 7:48pm our regular chairman Robert de Jongh showed up and in a few minutes we’ll hand it (the meeting) over to him.

Ms. Simone said you showed on the plans the plantings to be next to the rain garden – what page is that on corresponding to the information you just submitted.

Mr. Silva said one thing that has changed and he thinks he noted that on that letter was that due to the operator – the operator liked the idea of the rain garden in that island – he asked if she (Ms. Simone) was talking about the island.

Ms. Simone said no – she thought she saw they had the plantings Tennessee Gas Company depicted.

Mr. Silva showed on the plans the location of the plantings – he said what they’d like to see is on the discharge end of the retention pond; he said the pond’s original shape was kidney shaped and was closer to the gas easement so they wanted us to reconfigure the shape to try to get the pond as far as possible from the gas easement and they wanted a planted buffer from the retention pond to the gas easement – why he didn’t know but that’s what they wanted for us to be able to get an approval for crossing their easement and he’s okay with that.

Dr. Dimmick said so that’s pretty much it in terms of the changes.

Mr. Silva stated right. He said they wanted an Evergreen buffer – he said he guesses they didn’t want their gas line to see our detention pond.

Dr. Dimmick asked if there were any questions from either the Commission members or staff concerning this additional material.

Ms. Simone said she did want to get on the record – so the reconfiguration of the rain garden is still sized appropriately.

Mr. Silva stated the size remained the same it just went closer to the parking and it’s not more rectangular versus kidney shaped.

Ms. Simone said okay so there’s no change to the drainage calculations.

**Mr. Silva stated none whatsoever – it’s still the same volume – there’s a reduction in peak discharge and is designed to all the storm events that are required by the Town of Cheshire and the only thing is that we actually maintain a larger separation from the gas line and we planted some Evergreen in that area.**

**There were no other questions from Commission members or staff; no questions were asked the public.**

**Dr. Dimmick opened the hearing up to general comments – there were no comments made.**

**Attorney Corey stated there was a letter from the RWA dated October 6, 2014 and he just wanted to confirm for the record there was comment about if there’s any hazardous materials were discovered when the existing buildings are being taken down that they will hire licensed contractors and remove any waste, if any in accordance to all applicable regulations.**

**Dr. Dimmick closed the public hearing at 7:52 pm.**

**VI. ADJOURNMENT**

**The public hearing was adjourned at 7:52 p.m. by the consensus of Commission members present.**

**Respectfully submitted:**

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