

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, FEBRUARY 3, 2015 TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

Members present: Dave Brzozowski, Charles Dimmick, Earl Kurtz, Will McPhee and Thom Norback. Kerrie Dunne arrived at 7:47 pm.

Members Absent: Robert de Jongh

Staff: Suzanne Simone.

Dr. Dimmick served as chairman pro-tem. Mr. Brzozowski served as secretary pro-tem.

I. CALL TO ORDER

Dr. Dimmick called the meeting to order at 7:32 pm.

II. PLEDGE OF ALLEGIANCE

All present recited the pledge of allegiance.

III. ROLL CALL

Mr. Brzozowski called the roll.

Members present: Dave Brzozowski, Charles Dimmick, Earl Kurtz, Will McPhee and Thom Norback. Kerrie Dunne arriving at 7:47 pm.

IV. DETERMINATION OF QUORUM

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

V. APPROVAL OF MINUTES – Regular Meeting of January 20, 2015

The approval of the minutes was deferred to the end of the meeting by consensus of Commission members present.

At 8:07 pm:

Motion: To approve the minutes from the January 20, 2015 regular meeting with corrections.

Pg. 10 L36 “of” to “or” and pg. 11 L46 delete “to”.

Moved by Mr. McPhee. Seconded by Mr. Norback. Motion approved unanimously by Commission members present.

VI. COMMUNICATIONS

1. Request for Extension
Re: 20 Smith Place

This communication was reviewed. This item would be discussed under enforcement actions.

2. Staff Communication with Attachments
Re: #2015-001, Jarvis Street, Resubdivision

This communication was reviewed. This item would be discussed under new business.

VII. INSPECTION REPORTS

1. Written Inspections

Ms. Simone stated there were no written inspections.

2. Staff Inspections

- a. Edith Place

Ms. Simone stated there was a staff inspection of Edith Place, part of the Prinz Court subdivision for the septic installation.

VIII. ENFORCEMENT ACTIONS

1. Notice of Violation SC 1/07/14
Mr. Nathaniel Florian
Woodruff Associates
Unauthorized Activities in the Upland Review Area/Inland Wetlands
108 Blacks Road
Assessor's Map 19, Lots 43 & 44

Dr. Dimmick stated remediation efforts are ongoing here and this will remain on the agenda until the Commission is satisfied with everything.

- 2. Notice of Violation SC 05/06/14
Ms. Suzy Lynn Antunes Ribeiro SC 06/03/14
SC 06/17/14**
- Unauthorized Activities in the Upland Review Area/Inland Wetlands
64 Rita Avenue
Assessor's Map 14, Lot 43 CO #12-2-2014-A**

Dr. Dimmick asked staff if there was anything to add on this item.

Ms. Simone stated no.

- 3. Notice of Violation SC 08/05/14
Terrence and Deanna McIntosh SC 09/02/14**
- Unauthorized Activities in the Upland Review Area/Inland Wetlands
20 Smith Place
Assessor's Map 30, Lot 146 CO #9-1-2014-A**

Dr. Dimmick said he believed there was a communication from the property owner at 20 Smith Place.

Ms. Simone explained that Mr. McIntosh indicates they started working on the removal material but with the blizzard and now the snow cover that we have that they are not able to complete it by the required date of February 3 so they are asking for an extension.

Dr. Dimmick said in a sense that's reasonable – he asked if any member of the Commission wanted to comment on this or make suggestions.

Mr. Kurtz asked if they've done anything yet.

Dr. Dimmick they've got some of the material removed then the weather moved in on them; they over overly ambitious in terms of what they thought they could do.

Dr. Dimmick asked Ms. Simone if she could give a better report.

Ms. Simone started that's the extent that she knows that they had indicated they are having trouble getting the large stumps behind the leaf pile – that that is taking longer for them to get out and now with the snow they are not able to move anything.

Mr. McPhee said but there has been some progress and they are moving in the right direction – correct.

Dr. Dimmick said they found the stumps have they removed the leaves.

Ms. Simone said she hasn't gone out there to take pictures but that's what they've indicted.

Mr. McPhee said he didn't see any issue extending it as long as they were moving in the right direction.

Dr. Dimmick said he would suggest a relatively short extension they will look at the whole situation again and keep it alive. He asked what Ms. Simone suggested (regarding the extension) but with the snow it's going to be another two weeks before they find anything.

Ms. Simone suggests to April – that would give two months.

Dr. Dimmick suggested extending the time to April 7, 2015.

Motion: That the Commission extends the completion date to April 17, 2015.

Moved by Mr. Norback. Seconded by Mr. McPhee. Motion approved unanimously by Commission members present.

IX. UNFINISHED BUSINESS

There was no unfinished business.

X. NEW BUSINESS

1.	Permit Application	APP	2015-001
	Apex Developers, LLC	DOR	01/20/15
	Jarvis Street		
	Resubdivision	MAD	03/26/15

Attorney Anthony Fazzone and Ryan McEvoy, PE of Milone and MacBroom was present on behalf of the applicant.

Attorney Fazzone explained that this application goes along with an application in front of Planning and Zoning for a special permit and resubdivision. He stated it's under the section 44 of the town's zoning regulations – it's a planned residential development with an affordable component.

Attorney Fazzone explained the property borders the Ten Mile River and that portion of the property is adjacent to town owned open space.

Attorney Fazzone explained as part of this the applicant is exploring transferring some of the open space - a good portion of the open space and unused land to the town to add it to their open space inventory.

Attorney Fazzone said with that he'd turn it over to Ryan McEvoy to explain exactly what's being done with the regulated activity.

Mr. McEvoy reviewed the plans with the Commission stating he wanted to get them orientated with the property. He explained the subdivision is outlined – the property is located at 920 Jarvis Street that is the property subject to the subdivision – there are a couple of frontage lots – existing lots where there are some activities associated with the construction of the proposed roadway along with some of the regulated activity.

Mr. McEvoy said so the properties that comprise this application consist of 920 (Jarvis Street) which is 22 acres in size, 986 which is just over an acre and 966 is also approximately one acre in size.

Mr. McEvoy showed on the plan the location of the Ten Mile River is shown in blue represents the western boundary of the parcel; to the north is residential property on Orlenton Court which is part of a larger residential subdivision that was built in the early 90s; to the east are properties along Maplehurst Court and Dundee Court; Moss Farms Road is just off the map to the south.

Mr. McEvoy said the property at 920 Jarvis Street which is the larger property in size currently has a single family house – for the most part it is wooded – in fact 80% or the property is wooded; the wetlands along the western edge of the property are undisturbed.

Mr. McEvoy stated there is a reasonable amount of clearing between the front area of the house and the other two frontage lots but in general the property is wooded in nature.

Mr. McEvoy said not shown on this plan but the topography ranges from very steep in certain areas to relatively flat.

Mr. McEvoy explained the highest point of the site is roughly the north eastern corner at about 220 sloping down to approximately 140-150 in the central part then gradually going down to about 133 down along the river plus or minus so the eastern part of the site is relatively steep in grade then it flattens out towards the central wetland area.

Mr. McEvoy explained the Ten Mile River has an associated flood plain which for the most part coincides with the limits of the wetlands although it does meander a little bit – FEMA tends to have a lower quality topographic mapping when they delineated the flood plain but in general the flood plain comes to the edge of the wetlands.

Mr. McEvoy said presently the entire site eventually drains to the Ten Mile River – almost the entire property either drains directly or through a small culvert in the backyard of one of the frontage lots.

Mr. McEvoy said there is a small portion that drains to an intermittent watercourse to the north underneath Orlenton Court eventually to the Ten Mile River but that wetland corridor is off the property – there are some upland review areas associated with that corridor – it's not highlighted on the map because it's off the lot.

Mr. McEvoy said as stated by Attorney Fazzino they are proposing a subdivision on this property – it's going to total 15 lots – 14 of the lots would be new, one lot would contain the house on 920 Jarvis Street.

Mr. McEvoy said as he mentioned the proposed roadway all proposed lots would be served by will be carved in between the two front lots of 986 and 966 Jarvis Street.

Mr. McEvoy stated all lots are relatively small size with the provisions in section 44 of the zoning regulations are allowed to have lots as small as 10,000 SF in area – for the most part our lots are slightly larger than that ranging from approximately 12,000 to 17,000 SF for the most part.

Mr. McEvoy said there are a few acres that are going to be deeded at 966 Jarvis Street but not part of this application but it's likely that this additional land someday would be a conventional subdivision with one additional lot but for the purposes of this application what we are proposing is 14 new houses and a total of a 15 lot subdivision with the existing house to remain.

Mr. McEvoy stated these properties will all be served by sewers and public water – public water is available in Jarvis Street.

Mr. McEvoy explained the sewer system presently includes an existing forced main along Jarvis with a gravity line that is a part of the adjacent to the residential subdivision and we did receive feasibility approval for the development to hook into the forced main system on Jarvis.

Mr. McEvoy said in terms of storm drainage we are collecting all of the runoff from the site and proposed improvements into two basins one of which will collect the roadway runoff and direct that through a sediment chamber through a basin sized to prevent any increases runoff. He said there is a small area on the down slope of the lots on the backside of the cul-de-sac where we are going to direct overland flow and roof drainage from the 3 or 4 lots in the back left.

Dr. Dimmick said let the record show that Kerrie Dunne arrived at the meeting at 7:47 pm.

Mr. McEvoy said with the proposed storm drainage system as he mentioned they are actually decreasing leaving the site under the proposed conditions despite the obvious increase in impervious coverage from the roadway and the units.

Mr. McEvoy said we also provide water quality with this development with the 2004 DEP Water Quality Manual. He explained they have a water quality feature on the bottom of the basin where it will allow for the collection of runoff before it reaches the low level outlet of the outer control structure – you'll have any oils or sediment to be deposited in the basin and be allowed to be maintained as time goes on.

Mr. McEvoy said the result of their proposed development is that we have a total of approximately 3,500 SF of activity within the upland review area – there are no direct wetland impacts.

Mr. McEvoy stated with the proposed lots there are only actually a couple that will have upland review area on them and any activity in the upland review area and that's in the rear of lots one and two. He explained they do have some minor grading proposed in order to direct runoff from the back of these lots to our proposed detention basin.

Mr. McEvoy said they do have a level spreader outlet discharge within the upland review area from the primary roadway detention basin and that is the largest impact – the actual outlet location itself.

Mr. McEvoy said additionally they will be picking up the first couple hundred feet of roadway and upgrading the small drainage system that currently exists in between the existing frontage lots to convey both the overland flow that will gets towards the road – a small portion of the roadway and again upgrading the size of the line that discharges presently in the upland review area.

Mr. McEvoy said so there's a minor amount of activity within 50' here – a minor amount of activity that's associated with the detention basin and a small amount of activity within the upland review area for the grading out of a couple of the lots.

Mr. Norback asked with that new pipe conveyance – in those calculations do you still contending that you are decreasing the flow towards the Ten Mile River.

Mr. McEvoy stated yes – that's correct. He said ultimately what this whole property with the exception of the area to the north that drains towards Orlenton Court – they are not disturbing or changing that characteristic – it all gets to the Ten Mile River.

Mr. McEvoy explained the Ten Mile River runs from south to north so when we looked at the effect from the runoff from the site we looked at the net effect of the entire development on the property towards the Ten Mile River and the result of the totality of our drainage measures were decreased in the rate of runoff from the site heading to the River.

Dr. Dimmick said he thought that was the clarification that was necessary – you're not decreasing the total amount of water that runs off – they are decreasing the peak discharge at any one time – the rate of discharge will be less after development then beforehand.

Dr. Dimmick said the total amount of discharge if you added up every drop of it obviously going to increase.

Dr. Dimmick asked how did that effect the Ten Mile River in terms of the timing – he said the Ten Mile River is subject to flooding downstream from there and the timing of where water goes in there makes a difference – have you done anything in terms of what the effect would be a certain distance downstream as a result of holding it back.

Mr. McEvoy said the reality is that by holding it back only a very short amount of time you achieve the required detention; the time and concentration for the whole river is probably in the magnitude of a day – at least several hours longer then the peak runoff generated from that site so he suspected by the time the river was actually in its flood stage – if the storm events would coincide that our site would be very much discharging to practically nothing relative to the high water of the river.

Mr. McEvoy stated the total concentration and time of concentration is a lower magnitude of less than an hour even with the detention circumstance.

Dr. Dimmick said it's a wash to say whether you put the detention in or you don't put the detention in – the river will flood about the same time it normally would.

Mr. McEvoy said right it will have no actual impact on the maximum elevation of the river at this location but in order to comply with zoning regulations and other DEP regulations they do have to provide detention in this area and that's pretty common if you are in the upper two-thirds of a watershed of any river system which we are definitely in the upper two-thirds of the Ten Mile River.

Dr. Dimmick said if you are further down holding the water back you'd be holding it back to closer the time the river is actually flooding – it would do us any good at all.

Mr. McEvoy said at times when you are in the lower third of the watershed sometimes detention is counterproductive but we are not in that area.

Mr. Norback asked about the phrase Mr. McEvoy used “suspect that it won't” is that a calculation or suspicion.

Mr. McEvoy said he didn't analyze it or investigate the peak discharge for the Ten Mile River but typically on a watershed like this you are talking a much longer duration storm event that results in a hundred year flood as opposed to the dozen or so acres that wash downhill towards our road into the basin.

Dr. Dimmick said at one time your firm had a computer model of the complete Ten Mile River system and that model should be able to tell you exactly what will be able to happen to hold that water to a certain place.

Dr. Dimmick said assuming this goes to public hearing which is what he expects it will do – this question might come up and you'll be prepared at that time to give some idea (on that).

Mr. McEvoy said he could certainly look into that but like he said he very much suspects that that's not going to be in the same ballpark. Dr. Dimmick said he's not surprised you don't have an answer for that tonight but it very well be something we want to be satisfied.

Dr. Dimmick said he understood the whole thing of being obligated

to P&Z regulations but the larger picture means we have to use a little common sense.

Mr. McEvoy said he wanted to add a couple things – they do propose a large area of open space and on this property they are looking to dedicate up to twelve acres to open space on this lot and the open space would include the entirety of the wetlands, the vast majority of the upland review area and all the proposed lots would be out of the wetlands themselves – there are some upland review areas on a couple of properties but in general the open space which they hope to be deeded to the town which would append to other town open space properties in the area; again would include the entirety of the wetland area and the vast majority of the upland review area.

Mr. McEvoy said that was the last thing he wanted to add for the purposes of this presentation – if there were any questions he'd be happy to answer them.

Dr. Dimmick said the next question in front of us is one of significance.

The Commission reviewed the set of regulations to determine if the proposed activity was significant.

Ms. Dunne said it seems like there might be some public interest and the Cheshire Land Trust.

Dr. Dimmick said the town (Cheshire) has a lot of open space adjacent to this property.

Mr. McEvoy said to clarify what they are proposing is the exact same style residential development that's in the adjacent subdivision and they dedicated a large area of their subdivision to the town for open space – they hope to piggyback on that open space by giving it to the town and get a tax write-off.

Mr. McEvoy said when it comes to the discussion of significance he wanted to reiterate that we don't have any direct wetland impacts – we only have 3,500 SF of activity within the 50' upland review area – he said he wanted to make that clear to everyone even though there is a lot of activity with a 14 lot subdivision with respect to the wetlands we did our best to stay as far away as they could from the area.

Dr. Dimmick said he would agree they've done a good job along that line but obviously it's a fairly large subdivision immediately adjacent to some rather sensitive property and he thought they did want to

look in depth at management practices of what your detention basin is like and how things are going to be timed and so forth and usually we like to take a close look at your management practices, mitigation measures and so forth.

Ms. Dunne asked about the Box Turtles in the area.

Mr. McEvoy explained that they had contacted DEEP and but due to staffing changes they've not yet received a reply back.

Commission members discussed the need to hold a public hearing not based on the activity being significant but for public interest and to get more information about the mitigation measures proposed for the site.

Attorney Fazzone commented that the Commission did not need to declare the proposed activity significant in order to hold a public hearing.

There was continued discussion about holding a public hearing on the proposal activity.

Motion: That the Commission determined the need for a public hearing to review the mitigation measures and due to public interest.

Moved by Mr. McPhee. Seconded by Ms. Dunne. Motion approved unanimously by Commission members present.

A public hearing on this item was set for Tuesday, February 17, 2015 at 7:30 p.m.

Return to the approval of minutes at 8:07 pm.

XI. ADJOURNMENT

The regular meeting was adjourned at 8:09 p.m. by the consensus of Commission members present.

Respectfully submitted:

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