

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
PUBLIC HEARING
TUESDAY, JULY 7, 2015
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

Members present: Robert de Jongh, Dave Brzozowski, Charles Dimmick, Earl Kurtz and Thom Norback.

Members Absent: Kerrie Dunne and Will McPhee.

Staff: Suzanne Simone.

Mr. Kurtz served as secretary pro-tem in Ms. Dunne's absence.

I. CALL TO ORDER

Chairman de Jongh called the public hearing to order at 7:32 pm.

II. PLEDGE OF ALLEGIANCE

Those present recited the pledge of allegiance.

III. ROLL CALL

Mr. Kurtz called the roll in Ms. Dunne's absence.

Members present: Robert de Jongh, Dave Brzozowski, Charles Dimmick, Earl Kurtz and Thom Norback.

IV. DETERMINATION OF QUORUM

Chairman de Jongh determined there were enough members present for a quorum.

V. BUSINESS

Mr. Kurtz read the legal notice for the public hearing on the following item:

1. Permit Application	APP	2015-010
H & H RE, LLC	DOR	04/07/15
Moss Farm Road	PH	06/02/15
House	PH	06/16/15
	PH	07/07/15
	MAD	08/11/15

Chairman de Jongh informed those present how the public hearing proceedings would take place.

Darin Overton, PE from Milone and MacBroom was present on behalf of the applicant.

Mr. Overton addressed the Commission.

Mr. Overton provided an update since the last wetlands meeting on June 16, 2015. He said on the 19th they staked the driveway location which represented the alternate driveway location for the last meeting; they also had a meeting with town staff on the 24th to go over any concerns and to try to get some guidance regarding issues related to the plan and issues that were discussed at meeting and then based on the outcome of that meeting with staff they submitted two revised plans – one which is essentially they converted what was our alternate before to our proposed development plan and then provided an alternate plan with the driveway a little bit further from the vernal pool that's located on the site – the manmade depression that essentially is a vernal pool habitat at the moment.

Mr. Overton said the first plan that he has is a coloring rendering showing the driveway location for our proposed application.

Mr. Overton stated the driveway on this plan – the edge of it is 36' away from the edge of the vernal pool.

Mr. Overton stated there are some concerns about prior stake outs which we had done with GPS and the location of the vernal pool has been updated based on actual field measurements off of the house – the stake out that's out there in the field now is actual field measurements from the plan off of the existing house.

Mr. Overton stated he went out there today and looked at it and it looks like the driveway is where had intended it – it provides the separation – it's fully into the lawn area and is 38' away from the vernal pool.

Mr. Overton said so then they have the alternate plan that they submitted understanding the Commission has a 50' upland review area – they sought to push the driveway as far over as we could recognizing that we didn't want to put it the backyard of the other house and the more they loop it around the more wetland disturbance they'll end up having – they want to keep that crossing relatively straight.

Mr. Overton said so on this plan here (he showed the plan to the Commission) they get the edge of the driveway 52' away from the edge of the vernal pool – it creates a little bit more of a buffer but still all the development is within a previously disturbed area which is kind of a mowed lawn at the moment.

Mr. Overton said at this point they are not aware of any outstanding staff comments or concerns regarding this plan so if the Commission has any questions he would be happy to try to answer them at this time.

Dr. Dimmick said he needed to add into the record an observation that might be part of his decision process – he explained when he was out there Sunday afternoon he did look carefully at the vernal pool area and he saw at least 50 or 60 tad poles there so whatever egg masses were testified to earlier have hatched quite successfully – the tad poles have come along nicely – so just to indicate it is a functional vernal pool not just a pool in the ground.

Chairman de Jongh said he thought the concern they had in the beginning was that we needed to see an alternate and he thought the alternate that's been presented so us tonight is greatly improved over what we saw originally and he said for himself he likes the greater the distance – to the testimony of Dr. Dimmick – he thinks the greater distance to have between the crossing and the vernal pool – everyone is in a win-win situation of that happens.

Dr. Dimmick said he could probably live with what they've got now – compared to all the objections they had to begin with when it was right on the edge of the pool.

Dr. Dimmick said he would like to see letting the vegetative buffer between the driveway and the pool stay in the natural condition to serve as an additional buffer if anything does wash off the driveway – 30' or more of vegetation would do a good job of stopping most of what would come off the driveway.

Mr. Overton said he didn't believe the applicant would be opposed to that beginning maintained as a vegetative buffer.

Ms. Simone said she needed direction from the Commission which plan the Commission is interested in for any further action.

Chairman de Jongh asked if there were any public questions for the applicant – or if they were for or against the application. No one spoke for or against the application.

Chairman de Jongh said as staff indicated they need to give her direction as to which presentation and which map we are asking her to reference.

Dr. Dimmick said we can do that in the regular meeting that follows (the public hearing).

Chairman de Jongh closed the public hearing at 7:41 pm.

VI. ADJOURNMENT

The public hearing was adjourned at 7:41 p.m. by the consensus of Commission members present.

Respectfully submitted:

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