Members present: Robert de Jongh, Charles Dimmick, Kerrie Dunne, Sheila Fiordelisi, and Earl Kurtz.

Member (s) absent: Benjamin Alderton

Staff Present: Suzanne Simone and Attorney Kari Olsen.

Ms. Fiordelisi served as secretary pro-tem in Mr. Alderton’s absence.

Matt Bowman was not present for the public hearing.

I. CALL TO ORDER

Chairman de Jongh called the meeting to order at 7:30 p.m.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited.

III. ROLL CALL

Ms. Fiordelisi called the roll.

Members present: Robert de Jongh, Charles Dimmick, Matt Bowman, Kerrie Dunne, Sheila Fiordelisi, and Earl Kurtz.

IV. DETERMINATION OF QUORUM

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

V. BUSINESS

Ms. Fiordelisi read the legal call to order for the following:

1. Permit Application  APP  #2010-005
    Diversified Cook Hill, LLC  DOR  3/02/10
    Plank Road  FT  03/06/10
    Resubdivision – 14 Lots  FT  03/18/10
Mr. McEvoy, PE from Milone and McBroom was present on behalf of the applicant.

Mr. McEvoy addressed the Commission by stating he was here tonight on behalf of the applicant Diversified Cook Hill, LLC. He said before he got into his presentation he wanted to make sure that all the people who are interested can see the boards – he said didn’t know if any members from the public are here for this application.

Mr. McEvoy said this application is to get permission to conduct regulated activities associated with a conventional subdivision.

Mr. McEvoy said the project site or the subject parcel where this application is proposed; it consists of roughly three parcels, a total of 75 acres. The largest parcel which represents 65 acres is located along the north side of Plank Road - along the south side of I-84 which is located on the top portion of this sheet and it is bordered residential parcels along Summit Road to the east and additional residential parcels that are vacant presently to the west.

Mr. McEvoy said the other two parcels that are part of this application are two old railroad parcels; one which is owed by Clarence Miller and the other owned by Cheshire Investment Corporation which has signed as owners for this application.

Mr. McEvoy said those two parcels are long linear pieces located adjacent to Plank Road and total roughly 10 acres between the two of them.

Mr. McEvoy said that the parcels in total are in the R-80 district. The lots are primarily wooded, as you can see in our rendering here the dark shaded green area is forested land with lighter color areas representing meadow condition or grass conditions.

Mr. McEvoy said much of the site, particularly the eastern portion of the site consist of a broad, relatively flat wetland which is shown here with a yellow cross hatch. He said there is another part of the parcel located north western most corner of the parcel adjacent to the rail road lines - the old railroad lines and a number of smaller pieces, three in total in the north central portion of the site near I-84.
Mr. McEvoy said in addition to the wetlands, there’s also a gas easement owned by Algonquin Gas Company that bisects the property running roughly east to west which contains two large high pressure gas transmission pipes.

Mr. McEvoy explained that the topography of the site varies, of course as a large parcel like this may, we have some areas with quite steep slopes and areas with general slopes almost flat. In the western most portion of the parcel, nearest I-84 we have areas with slopes in excess of 25% and in the eastern most which I said previously, where the wetlands are it’s essentially flat with slopes anywhere from 0-5%.

Mr. McEvoy said the high point is roughly 650, again in the western most down to the lowest point which is about elevation 540 which is located in the wetland portions in the south central part of the property.

Mr. McEvoy said that Matt Sanford of our office is a certified soil scientist, he will describe the wetland in more detail when I’m done with the preliminary part of this presentation.

Mr. McEvoy said what the applicant is proposing is a 14 lot subdivision, standard subdivision with lots designed according to the standards of the underlined R-80 zone. These lots will all be served by a standard town road turning in the cul-de-sac originating from Plank Road on the southern portion of the property heading north-northeast, roughly 1,450 liner feet.

Mr. McEvoy stated that all lots will have appropriate frontage setbacks and area; no variances are required as part of this application. All these lots are to be served by sub-service sewage disposal systems and private wells.

Mr. McEvoy said in addition we also propose along the frontage of the parcel along Plank Road, sidewalks along the adjacent lots.

Mr. McEvoy explained that sidewalks are required by town zoning and that he would get into this in a little bit but we do have some regulated impacts associated with the construction of that sidewalk.

Mr. McEvoy said before he went any further he wanted to hand this over to Matt Sanford to discuss the inland wetlands on this site in a little more detail.

Matt Sanford, professional wetland scientist and professional certified soil scientist with Milone and McBroom addressed the Commission.
Mr. Stanford said before he began his presentation he said he believed the Commission has at their disposal, all the information he’d be presenting this evening; its in a report entitled “Inland Wetland and Watercourses Delineation Report and Impact Assessment for Meadowview Estates dated February 11th 2010.”

Mr. Stanford said what he would like to do is go through the wetlands that are on the site; we’ll start from the northwest corner of the site along Plank road. This system here which is shown a kind of green or yellowish hatch, along here is what we called palustrine scrub-shrub wetland system.

Mr. Stanford said they have three wetland types on the property the; the scrub-shrub wetland system; a forested wetland system; and really what we call an emergent marsh/wet meadow system.

Mr. Stanford said so our first wetland area is located here, again that’s a scrub-shrub wetland; at one time this wetland probably was interconnected with other scrub-shrub wetlands that are located on the south side of Plank Road but when they constructed Plank Road it was obviously divided into two wetland segments - so here’s a scrub shrub wetland.

Mr. Stanford said moving eastward along Plank Road towards where we are proposing our actual entrance to the site we have a very small pocket of wetland here, most likely caused by Plank Road being constructed actually allows water pond behind it for a long period of time - its actually formed from hydric-soil conditions; it’s a very small pocket of wetlands - the Commission may have seen it on the site walk; it would be considered kind of a forested wetlands system.

Mr. Stanford explained as we move eastward here along Plank Road we get into more of a larger wetland system, this again is what we call a forested wetland system; it has an intermittent watercourse that flows through it; the Commission may have seen it on the site walk – the intermittent watercourse actually flows in a south-westerly direction under Plank Road and south back into a wetland system located on the south side of Plank Road.

Mr. Stanford said in this area there are areas that have been excavated historically – there are fill piles and a lot of debris – car parts, garbage, etc. He said that was pretty evident in this wetland system; it still receives unfortunately debris as people like to dump things there on occasion – illegally; the Commission may have seen some of that during the site walk.

Mr. Stanford said when we move to the gas line system – this area represents an emergent marsh and wetland meadow system, so we don’t
really have any trees, we don’t really have any large shrubs but there are some smaller type shrubs; they get Soft Brush, Phragmites, Cat Tails, Tussock Edge, Sensitive Fern; we get a little different type of wetland habitat versus a forested wetland which typically Red Maple canopy, Spice Bush under story, Skunk Cabbage and other typical herbaceous type plants.

Mr. Stanford said so that wetland system there – is the wetland meadow emergent wetland system.

Mr. Stanford said if we move along the gas line but move eastward we have another kind of band of wetlands that actually comes on the property; that actually consists mostly of a forested wetland – a really young forested wetland – a lot of the trees out there are really small in diameter size ranging from 2” to 4” in size, a lot of Red Maples, High Bush Blueberry, Winter Berry, etc.

Mr. Stanford said this site as well as been disturbed – there are actually old cars and everything else; the Commission might have seen the debris during their site walk.

Mr. Stanford said moving north-eastward, shown on the map as a large patch area; this area is a very large wetland system – forested wetland system – a relatively flat system but within that wetland we have what is called micro-topography which is really small areas within the forested wetland; there are some high points and low points. At the high points in the wetland we get forested species like Yellow Birch, Red Maple, High Bush Blueberry, Sweet Pepper Bush, and Winterberry to grow in those areas and in the low spots that’s where we get ponding of water this time of during this of year; potentially you could have some amphibians breeding in there and insects – the area offers really good wildlife habitat – this large-flat wetlands; the area is very, very mucky in there – a Carlisle Muck – deep mucks; if you walk in there at some spots you might go up to your knee in muck in some areas.

Mr. Stanford described the other wetland system that goes right up to I-84. He said at the northern part of the property, there are two of three small isolated wetland systems; he said the one flagged that looks like a sock (as shown on the map) its actually has a little ground water breakout.

Mr. Stanford showed on the map where the ground water breaks out and comes down the slope and where it infiltrates back into the ground and most likely eventually breaks out back down along this wetland; he showed the location of the upland soils, well drained soil; he said for some reason there is little ground water seep that breaks out but then infiltrates back
into the upland soils; again this would be a forested wetland. Red Maple, Spice Bush are the predominate plants in that area.

Mr. Stanford said then there are the two isolated pockets that he was sure the Commission looked at. He said most likely man-made, most likely caused by tire-rutting from ATV use, maybe at some point there was an excavator up there; there is really a hard-pan layer in these two isolated pockets that allows water to sit there for this time of year for a long period of time and then slowly infiltrate or evaporate into the atmosphere; he said what is causes is hydric soils to form in those areas – so they had to flag them as wetland. He said again, these areas are forested wetland and are predominately a Red Maple; there is a very sparse shrub layer in there – predominately a High Bush Blueberry.

Mr. Stanford said from there he thought that really described all of the wetlands.

Mr. McEvoy said of course why they are here is to receive permission to conduct regulated impacts.

Mr. McEvoy stated that all of the impacts for this proposed subdivision are associated with the construction of the roadway as you come off of Plank Road.

Mr. McEvoy said essentially they are picking a spot where there’s the only break in the wetlands for the whole frontage of the road where there is an old existing driveway that runs through a previous presumably wetland area.

Mr. McEvoy said there are proposing to impact two isolated pockets along side the road on either side.

Mr. McEvoy showed on the plans a zoomed in view of the entrance roadway coming onto Plank Road and what this does is help to clarify what they are proposing.

Mr. McEvoy said shown in blue on the plans are the two wetland impacts that he spoke about regarding the location of the roadway.

Mr. McEvoy said there are also a few smaller impacts associated with the construction of the sidewalk along Plank Road, again, as required by Town Subdivision Regulations; the sidewalk has to be 1’ off of the property line and that will result in a couple of small impacts along Plank Road.
Mr. McEvoy said in addition and in order to have a safe site distance for
this road they have to perform some minor clearing within the right-of-way
along Plank Road to the west.

Mr. McEvoy said within the right-of-way exists a small wetland pocket
where they are going to have to clear out some shrubs and actually there is
one tree that is actually right next to the wetland that they are going to have
to remove in order to see looking to the right coming out of their roadway.

Mr. McEvoy stated the total impacts associated with this proposed roadway
total about 2,540 SF, again, in five individual pockets, the first being
defined as wetland impact A on the isolated pocket for the site line
clearing; wetland impact B which is for the roadway or the grading and
storm drainage installation along the roadway; same thing for direct impact
C and D and E are associated with the sidewalk itself.

Mr. McEvoy said as a result of this proposal being declared a significant
activity they of course are required to provide the Commission with
prudent and feasible alternatives to the direct wetland impact.

Mr. McEvoy passed out a revised schedule roadway location map.

Commission members and staff received a copy of the revised schedule of
the roadway location.

Mr. McEvoy said what they looked at was an effort to find perhaps a
different location to come in with the proposed road and of course they
chose the location that they did for their current proposed road based on
the least impact location and this plan shows what they would find to be
the second least intensive impact to the wetlands.

Mr. McEvoy said what the total impact to the wetlands associated with the
alternate plan would be roughly just under 5,000 SF and basically they
would also be crossing a more sensitive wetland which Matt Sanford will
speak to in moment, but they would also have to cross the gas lines.

Mr. McEvoy said so for environmental reasons and for practical reasons
they chose the location they did to have the least negative impact on the
wetlands.

Mr. Sanford said that Mr. McEvoy came to him with the alternative layout
early on in the design – this was actually going to be the preferred route
onto the site.
Mr. Sanford said that he told Mr. McEvoy that the wetlands in the originally proposed entry drive plan, in partially near wetland flag WC 115 through WC 112 – you start to get a little different type of wetland in there – they are manmade but they start to become probably more highly potential amphibian breeding habitats versus what they have on the preferred entry drive so he was a little apprehensive when Mr. McEvoy showed that plan to him as a potential crossing area.

Mr. Sanford said he told Mr. McEvoy from a wetlands stand point it would be more preferable to actually enter the site where they are now currently proposing the driveway even though they do have an wetland impact – its at an existing crossing that is already out there; its at an area that doesn’t have high amphibian potential breeding habitat like the other potential location had so with that he had recommended that the entry drive that the Commission sees before them be the preferred entry drive as shown on the map in orange.

Dr. Dimmick asked that it be put on the record what is unfavorable about an entrance about 100’ northwest of the preferred location which has no wetland crossing, although it has other problems.

Mr. McEvoy stated that the answer to Dr. Dimmick’s question was that the area he was referring to, the applicant does not have rights to the property.

Dr. Dimmick said he wanted to make that point clear for the record.

Mr. McEvoy stated that the applicant has rights to access Plank Road only for 50’ over to the west and moving it to the extreme most western most part of the access would result in a larger wetland impact.

Mr. McEvoy said lastly he wanted to briefly discuss some of the additional upland impacts associated with this roadway; again these are all upland impacts within 50’ of the wetlands that they are proposing direct wetland impacts on; again right through the roadway moving up along the shoulder – grading along the shoulder adjacent to a wetland pocket and also a small wetland impact associated with the outlet – the discharge location for the storm water management basin which going back to the previous plan is some distance away, some 1000’ from the entrance drive located in roughly in the middle of the site; the basin is located entirely outside of the 50’ upland review area however the outlet pipe and the actual discharge will be located within that 50’ zone.

Mr. McEvoy stated that all the proposed lots including septic systems and driveways are located in access of 50’ from the wetlands and they are not proposing any upland impacts in those areas.
Mr. McEvoy said there was some concerns from the Commission during the field walk about the location of a few of the units in proximity to the upland review area and they have revised the layout of the roadway and a few of the lots to try to mitigate some of those concerns; particularly on lot 7.

Mr. McEvoy said if the Commission recalled, the bulk of the cul-de-sac was flipped which pushed the house on lot 7 slightly 20’ away from the 50’ upland buffer; he said they were able to flip that cul-de-sac location and shift is slightly down the hill and move the house another 20’-30’ further away from the buffer.

Mr. McEvoy said in addition, they looked at lot 11 which again the clearing for the backyard is graded roughly to the 50’ buffer but by softening the curve and elongating it, we were able to bring the curve up the road and pull the house away from the upland buffer; he said those are part of the plans the Commission has in front of them now.

Mr. McEvoy said they also attempted to address some of the concerns of the Engineering Department which many were not specifically wetland related; he said they did look at one of the Engineering comments that they had to show grading off of the edge of the shoulder in the right-of-way at 3:1; the applicant showed it as 2:1 slope previously and as it turns out it actually does not impact their defined regulated areas or direct wetland impacts – he said they had given themselves a pretty good buffer beyond the storm drainage discharge and even with shifting it a few feet further into the wetlands from where it was they still fall within the area that they previously defined as a direct wetland impact.

Mr. McEvoy said the Commission can see from one set of plans to the other that there is actually no increase in the square footage of direct impact.

Mr. McEvoy said that briefly summarizes the presentation; he said at this time, he would like to open up the presentation to address questions from the members of the public or take questions from the Commission.

Chairman de Jongh said that he thought Mr. McEvoy addressed a number of concerns they had from the site walk; he said he did not know if other members of the Commission had any other questions or concerns that might have popped-up.

Ms. Simone said she had a question – in the report it made a reference to one of the wetlands that had someone had observed in Spring 2006 that there were Wood Frog egg masses; she said she was just curious to have
that area located at the public hearing tonight and then also if there is any follow-up information or if any additional inspections were conducted.

Mr. Sanford explained that in 2005 they delineated the wetlands on the site and it was his recommendation that they go and take a look at these areas in 2006 to identify whether or not there was potential vernal pool habitat or prime amphibian habitat in any of the wetlands.

Mr. Sanford said just to go over kind of a summary of what they found – in 2006 they found that the two isolated pockets were actually dry at that time so there was no evidence of any amphibian breeding. He said they also looked – did a search actually in the wetlands, turning over the leaves looking for potential clues such as Fingernail Clams which are a typical inhabitant of a vernal pool – none of these were found in these two pockets; so they wouldn't find any amphibian breeding in there; he said the other was a seep wetland and really doesn't really pool water for any prolonged period of time so they did not find anything in there.

Mr. Sanford said the Wood Frogs were found actually in an excavated area – there are some fill piles, historically the area has been excavated; there are some deeper pools in there, probably from 6” to 12” in water depth and they actually have some Wood Frog breeding in there. He said Wood Frogs area common amphibian in Connecticut – they are sometimes or many times indicative of vernal pools; the did not find any Spotted Salamanders in this particular wetland which are also usually a common indicator of vernal pool – they did not find any Fairy Tale Shrimp or Fingernail Clams either in this particular wetland; they did find a very small of Wood Frogs in there.

Mr. Sanford stated that the proposed project would have no impact on those particular amphibians – they are maintaining a large tree canopy around the wetland system; there is a large corridor for the frogs to disperse; they spend most of their time in the upland habitats and really only come into these wetland systems for a very short period of time, usually some time at the end of March, probably for a period of a week or two – that’s really the only time they spend in the wetlands; the rest of their life is spent up in the uplands around wetlands.

Mr. Sanford said that is what they did find so for clarification – he showed on the plans the location of where Wood Frogs were found; he said they were found just north of WZ 12 as shown on the map.

Dr. Dimmick asked about the little wetland that will be just to the west of the entrance – water drains in there now, where does it go after it drains in there.
Mr. McEvoy said once it drains through the wetland it primarily infiltrates during low flows but it does come over along the shoulder of the road during heavy flows into a little wetland pocket and along the shoulder of Plank Road to a larger wetland to the west and underneath I-84.

Dr. Dimmick said okay so it gets there but it just doesn’t get there very often.

Mr. McEvoy said yes – that was accurate.

Chairman de Jongh said in Mr. McEvoy’s comments he had mentioned that he had received some commentary from Engineering.

Ms. Simone informed the Commission that comments were handed out to Commission members at tonight’s meeting.

Chairman de Jongh said when Mr. McEvoy referred to or revised the plans relative to commentary from Engineering that does not include what was handed out tonight.

Ms. Simone stated that was correct.

Chairman de Jongh stated he wanted the record to be clear on that fact.

Mr. McEvoy said that the comments were received yesterday and the Engineering Department has some additional clarifications they are looking for, particularly with the vegetation they are looking to remove along the right-of-way along Plank Road and also some comments related to the orientation of the cul-de-sac; he said typically the Town likes to have the bulk located to the left of the main road so they are going to revise the plans to accommodate their needs but they are not going to relocate the circle itself but relocating the roadway into the circle so none of the location of the proposed houses that are seen on the plan will have to shift.

Mr. McEvoy said there will be some minor adjustment of the actually roadway; there will not be any impact to the upland review area or to any of the lots in terms of where the houses are positioned; there will also be some other minor adjustments to storm drainage, shifting of catch basins and things like that and also some additional clarification on elevations of some of the storm drainage features.

Chairman de Jongh stated that for the record it was important for the public to know as well as Commission members that the comments from the Engineering Department address both Wetland and Zoning issues in their commentary; the purpose of this is to continue the synergy they are
trying to create between departments so that an applicant is not being bounced back and forth from one department to another; he said this Commission would not be addressing Planning and Zoning issues.

Ms. Fiordelisi asked about the detention basin and who would be maintaining that.

Mr. McEvoy stated that they haven’t had a formal discussion with the Town as to who will maintain it – right now as they show on the plans it is within a drainage easement to the Town of Cheshire.

Mr. McEvoy said in the past the Town has been a little skittish about accepting the responsibility of maintenance for these basins and they have required homeowners associations to be created that would essentially take on the responsibility of the maintenance of those basins; he said they have not gotten to that point with the Town, the Engineering and Public Works Department.

Dr. Dimmick said the sediment chamber from the road – now that would be in the Town’s prevue.

Mr. McEvoy stated that was correct.

Mr. McEvoy said that one part of the aspect of the storm drainage system is the sediment chambers prior to the discharges are to collect course sediments and floatable debris, oils and things like that and those will be located within the right-of-way or very close to it so the Town would have the responsibility of cleaning those out.

Chairman de Jongh asked if the Commission would have an answer to that question before this issue is completed.

Mr. McEvoy said he could raise the issue with the Public Works Department and see what their feeling is on this and he hoped they could have this resolved soon.

Dr. Dimmick said their luck with homeowners associations have not always been the best in the world; he said since he has been on the Commission for 36 years some of them have worked and some have been total failures.

Mr. McEvoy said one thing he forgot to mention in his presentation based on a question he was asked at the acceptance meeting is “what are they doing with the remainder of the parcel”; he said that roughly half of the parcel as shown on the plans is to remain within the ownership of the
applicant – it is not proposed to be a building lot; its not proposed to be any construction or anything along those lines.

Mr. McEvoy said a Commission member asked if the remaining land could be put in a conservation easement or something along those lines and the applicant has informed Mr. McEvoy that he is willing to place that left-over land in some protective form whether it be conservation easement or land trust or open space – the exact avenue has not yet been pursued but the applicant is interested in keeping the land preserved.

Dr. Dimmick said if the land is preserved right it would help reduce the applicant’s taxes.

There were no other questions or comments from the Commission or staff.

There were no public questions or comments.

Chairman de Jongh said since the Engineering comments were received today and the Commission has not had a chance to review them and Mr. McEvoy might not have been able to address them in the fashion in the detailed fashion he may have liked; he said what they are going to do is keep the public hearing open so that they can entertain any commentaries those Engineering comments at the next meeting.

This public hearing was continued to the April 20, 2010 meeting.

VI. ADJOURNMENT

The public hearing portion of tonight’s 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