

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
PUBLIC HEARING
TUESDAY, SEPTEMBER 4, 2007 AT 7:30 P.M.
TOWN HALL – 84 SOUTH MAIN STREET
COUNCIL CHAMBERS**

Members Present: Charles Dimmick, Robert Berner, Paul Simonetta, Tod Dixon, Earl Kurtz (arriving at 7:52 p.m.).

Robert de Jongh and Matt Bowman were not present.

Ms. Simone was also present.

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

I. CALL TO ORDER

Acting Chairman Dr. Charles Dimmick called the public hearing for the Cheshire Inlands Wetlands and Watercourse Commission to order at 7:30 p.m. on Tuesday, September 4, 2007.

II. PLEDGE OF ALLEGIANCE

Dr. Dimmick stated that the meeting would start with the pledge of allegiance.

The pledge of allegiance was recited by all present.

III. ROLL CALL

Dr. Dimmick: The secretary will call the roll.

Mr. Berner: Mr. de Jongh?

No answer.

Mr. Berner: Dr. Dimmick?

Dr. Dimmick: Present.

Mr. Berner: Mr. Dixon?

Mr. Dixon: Here.

Mr. Berner: Mr. Kurtz?

No answer.

Mr. Berner: Mr. Simonetta?

Mr. Simonetta: Here.

Mr. Berner: Mr. Bowman?

No answer.

Mr. Berner: Mr. Berner?

Mr. Berner: Here. We just do have a quorum.

IV. DETERMINATION OF QUORUM

Dr. Dimmick: Okay we have a quorum which is four members by ... the regulations. We do expect two others to join us later but since we have a quorum...

Dr. Dimmick: Before we...

Mr. Berner: Read the legal notice.

Dr. Dimmick: Yes, if you read the legal notice for the public hearing.

V. BUSINESS

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| 1. Permit Application | APP #2007-030 |
| Cheshire Route 10, LLC | DOR 08/14/07 |
| 1953 & 2037 Highland Avenue | FT 08/18/07 |
| I-691 & Dickerman Road | PH 09/04/07 |
| Interchange Special Development Project | MAD 11/07/07 |

Mr. Berner: Notice is hereby given that the Cheshire Inland Wetlands and Watercourse Commission will hold a public hearing on Tuesday, September 4, 2007 at 7:30 p.m. at the Town Hall, 84 South Main Street, Cheshire, Connecticut 06410 to here the following:

The permit application for Cheshire Route 10, LLC
c/o Attorney Anthony J. Fazzino, Esquire, Fazzino

and Ryan, LLC, One Town Center, Cheshire, Connecticut 06410 for a site plan and interchange special development project, property located at 1953 and 2037 Highland Avenue, I-691 and Dickerman Road, Cheshire, Connecticut 06410 as generally shown on Assessor's map number 3, lot number 51, map number 4, lot number 6 and map number four, lot number 13 in an I-C zone respectfully submitted R.G. Berner.

Dr. Dimmick: Okay, before we get started, let me lay out a few...ground rules here. First, the normal presentation for any public hearing...in which we do things, that first we get a presentation by the applicant...then we have questions from members of the Commission, then we have questions from the audience, then it becomes a chance for the audience and anyone representing members of the audience to make comments, replies, statements of their own or anything else like that but keep in mind that the first part after the presentation is a questions part before we get the actual presentations.

Dr. Dimmick: Secondly, because a number of you are wondering, it is my understanding that the applicant will be presenting some of material tonight that the Commission members have not had a chance to see.

Dr. Dimmick: That being the case, and I have not seen that information yet and I don't know 100 percent yet if it is true, assuming that is the case, that almost certainly the hearing will be continued so that there is time for review of any new material by members of the Commission, staff and by members of the public. So for anyone that is wondering are we going to do all of this tonight, the likelihood is that we will not wrap up everything tonight.

Dr. Dimmick: Next point is, that one way or another, everyone will have a chance to speak. If the hour gets late, then we will recess or continue to another time to get the rest of the comments in. No one is going to be cut-off other than by a continuation because of a late hour.

Dr. Dimmick: A few other points while we are at it, the issues before this Commission are entirely those dealing with wetlands and watercourses and potential impacts on those wetlands and watercourses whether to the good or to the bad.

Dr. Dimmick: We are not here to discuss traffic, we are not here to discuss economics, we are not here to discuss social and political aspects of this project, those are beyond the purview of this Commission and I do not want to hear about those from either the applicant or from any opponents to that. With that being laid out, if we have someone representing the applicant...I recognize Mr. Fazzone, if you'll state your position.

Attorney Anthony Fazzone: For the record, Anthony Fazzone representing the applicant. Before I get started I have a question of the Chair; it is my understanding that generally after public comment or opposition comment the applicant would generally have an opportunity for rebuttal and reply.

Dr. Dimmick: That is correct.

Attorney Anthony Fazzone: Thank you.

Dr. Dimmick: And as long as the rebuttal and reply is germane to comments that were made. Similarly when there are questions, questions should be directed thorough the chair but if they are best answered by the applicant then the applicant certainly would have a chance to answer those questions at that point. So the applicant may very well get two chances, one in reply to questions and one in a rebuttal mode afterwards.

Attorney Anthony Fazzone: Thank you.

Attorney Anthony Fazzone: This is an application by Cheshire Route 10, LLC. The applicant is a new entity that has been formed for the purpose of making application to all agencies including the Cheshire Inland Wetlands and Watercourses Commission for land use approvals concerning the property that's been described in the call to the meeting.

Attorney Anthony Fazzone: The applicant has contractual rights to acquire the sites which are the subject of the application and as evidence by the application, it has the consent and cooperation of the owners of the property to files these applications that are currently before the Commission.

Attorney Anthony Fazzone: Briefly and by way of background, on July 9th the Planning and Zoning Commission of the Town of Cheshire approved changes to the Cheshire Zoning regulations, the specific regulation is now known as Section 45B, which provides for

zone change applications to allow land only in the interchange zone to be classified as an interchange special development district which is what we are seeking.

Attorney Anthony Fazzino: I would ask this Commission to take official notice of the Town of Cheshire Zoning regulations, make them apart of this hearing and that would be including the amendment creating Section 45B.

Dr. Dimmick: Suzanne, you have that?

Suzanne Simone: Yes.

Dr. Dimmick: Okay.

Attorney Anthony Fazzino: Our presentation this evening will include Jeffrey Curly from Cheshire Route 10, LLC., William Root from Milone and MacBroom, Darin Overton from Milone and MacBroom and also present but unless questions arise but perhaps not taking part in the actual presentation is John Milone.

Attorney Anthony Fazzino: Each person presenting will go through their professional qualifications. Throughout the course of this evening and subsequent meetings and in so far as the wetland activities and impacts are concerned you will hear testimony concerning the factors set forth in Section 22A-41 of the Connecticut General Statutes and Section 10 of your regulations.

Attorney Anthony Fazzino: You will also hear testimony concerning alternatives that have been concerned by the applicant.

Attorney Anthony Fazzino: At this point in time, in order to kind of save time because I do understand and the Commission requested when the application was accepted, we are going to be doing a PowerPoint presentation.

Dr. Dimmick: For which we have reserved seats along the front so the Commission can see it also.

Attorney Anthony Fazzino: I'm going to present two copies of the resumes of William Root who is the Senior Environmental Scientist at Milone and MacBroom, Darin Overton the Project Manager, John Milone who is president of Milone and MacBroom and a professional engineer. James MacBroom who is also Senior Vice President of Water Resource and Environmental Engineering, you may receive

reports that have work that was performed by Mr. MacBroom throughout these proceedings and a professional engineer on structures, Keshore Patel, who is also a professional engineer with Milone and MacBroom.

Attorney Anthony Fazzone: I have indicated you have two (resumes) of each and each witness will also briefly describe their experience and professional qualifications.

Attorney Anthony Fazzone submitted two copies of each resume for the record.

Attorney Anthony Fazzone: In addition I have to present an A-2 survey dated August 31, 2007 which other than the property boundary lines are actually...maybe the Dickerman Road boundary line, is consistent with the site plan and the wetland delineations that you have on your plans and I would like to put that into the record.

Dr. Dimmick: Okay Suzanne do you want to take the ...Suzanne you keep these straight.

Suzanne Simone: Yes.

Attorney Anthony Fazzone: At this point we are ready to do the PowerPoint presentation and I would call on Jeffrey Curly of WS Development and Cheshire Route 10, LLC.

Dr. Dimmick: Okay we are going to take our seats.

Dr. Dimmick: I forgot to ask if you were supplying popcorn.

Attorney Anthony Fazzone: Mr. Chairman I am going to present ten copies of PowerPoint demonstration that you are about to receive – I'll give them to the clerk.

Ten copies of the PowerPoint presentation were submitted for the record.

Jeffrey Curly: It that easy for everyone to see?

Dr. Dimmick: It looks pretty good.

Jeffrey Curly: That okay?

Jeffrey Curly: Okay, thank you Attorney Fazzone. For the record, Mr. Chairman and members of the Commission, my name is Jeffery Curly. I am a project manager with WS Development representing Cheshire Route 10, LLC, we are the applicant for the Shoppes at Cheshire which is the subject of this evenings hearing.

Jeffrey Curly: I am just going to run through a couple of slides here at the very beginning to orientate folks to the location of the site and a brief description of the proposed project before I turn things over to Bill and Darin to go into a little bit more detail about the project and this specific filing.

The Commission and the audience sat in full view of the PowerPoint presentation shown on a large screen.

Jeffrey Curly: This is an aerial photographic of the far northern end of the Town of Cheshire. What you see across this white line through here is the town boundary line between Cheshire and Southington to the north, Interstate 691 running through here. The project site or the subject site is the area delineated in red. It is at the northwest quadrant of the Interstate 691 and Route 10 intersection which is known on 691 as interchange number 3.

Jeffrey Curly: It's approximately slightly less than a mile east of the interchange with Route 691 and Interstate 84 shown here along this side of the photograph. The blue line that you see passing through the project site is the Tenmile which is essentially cuts the site in half. You'll see more detailed graphics depicting the course of the River through the site. About 8/10th of a mile from the sight limits is the confluence of the Tenmile River and the Quinnipiac River that flows south from this point through here and forms the remainder of the boundary of the Town of Southington and the Town of Cheshire.

Jeffrey Curly: This is a slightly closer view, an aerial view of the subject site. It's delineated in yellow, its approximately 107 acres that we have under agreement that we are proposing for the project. Along the east side here is Route 10, Route 691 running along the bottom of the site. Dickerman Road forms the western boundary of the project and then again this is the Southington-Cheshire town line. Interchange 3 down in the corner here, this is the east bound ramps, sorry west bound off ramp and on ramp for interchange 3 to Route 691. I-84 is off the photograph here slightly and just below is the intersection of East Johnson and West Johnson and Route 10, just to orientate everyone to the location of the site.

Jeffrey Curly: The aerial that we are using tonight is a couple of years old but this location up through here, you'll see depicted on some of the graphics later in the presentation, the Rivercrest Condominiums are located just over the Southington town line, just again for the benefit of orientating some of the folks that are wondering still where the site is located. Route 322 in Southington is running across the top of the photograph.

Jeffery Curly: You see running through the site here, sort of difficult to discern but right in this location is where the Tenmile River flows beneath Interstate 691, it meanders through the site through here and crosses through the arch culvert. It is an existing stone arch culvert about 165 feet long, built circa 1820-1830 as part of the Farmington Canal route. It's been subject of much discussion in Town recently, suffered some damage back in April and Bill and Darin will get into more detail about that as the presentation goes on.

Jeffrey Curly: Immediately down stream of the culvert you see a barely desirable water body and here that is the area that we label on out plan as the pond or plunge pool, it's immediately down stream of the culvert headwall. The river continues along its course heading north and east until it leaves the project site on its way to the Quinnipiac River.

Jeffrey Curly: The area above the existing culvert through here is a portion of the Farmington Canal as I mentioned is the Great Fill. It was an area that was constructed back during construction of the canal in order to avoid, as I understand it, creation of a lock system to make up the great difference as they cross though the Tenmile River Valley. Again, we'll get into a little bit more detail about the current situation out there as the presentation goes on.

Jeffery Curly: This is the proposed project site. Again, by way of orientation, Route 10 running north and south along the eastern side of the site. North is essentially up on this graphic. 691 runs east to west along the bottom. Dickerman Road along though here.

Jeffery Curly: Our proposal is to construct the Shoppes at Cheshire. It's approximately 639,000 SF of commercial space as well as 160 residential units located here in the north west corner along the project site. On the front half of the site, I refer to the front half of the site as a portion of the site which faces Route 10 and 691. We are proposing just north of 500,000 SF of mixed use commercial development anchored we hope by a theater and organic grocer.

Jeffery Curly: The layout of the site is similar to that of a traditional New England Main Street. These are buildings facing one another, two way traffic circulated thought here, with head-in parking on either side.

Jeffery Curly: As you cross the site, and across the River where we have a vehicular crossing proposed. We have some slightly less intensive commercial uses proposed on the back side of the River. We have a hotel proposed, approximately 120 rooms. We got a Health and Fitness Club proposed in this location. Likely a pay model where memberships that type of thing, you see some tennis courts some swimming pools. There may be a medical office or a wellness center component to this as well. We are marketing that to a couple of potential tenants.

Jeffery Curly: And then as you get to the bottom back or the northwest corner of the site, is the proposed residential. What is depicted on this site plan are 3 to 4 story garden style apartments roughly 1,200 to 1,500 SF each and again totaling about 160 total units.

Jeffery Curly: Access to the site is proposed off of two curb cuts off of Route 10. A northern curb cut with full turning movements, a southern entrance drive also with full turning movements. It's aligned with the existing west bound ramps coming off of Interstate 691.

Jeffery Curly: The site itself...we also have, I'm sorry, we also have proposed two access points off of Dickerman Road as well. This access...the site will...road will come through the project site here, cross the River and continue straight out to Dickerman and a secondary access drive off of Dickerman Road likely for access to the residential units.

Jeffrey Curly: As I mentioned there is a vehicular crossing proposed in this location across the River. There is also a proposed pedestrian connection across the bed of the former Farmington Canal and that will connect the pedestrian network within the lifestyle center itself to a river walk proposed along the...adjacent to the flood plain of the Tenmile River and it will come out to Dickerman Road back here where we would ultimately like to see a potentially a connection to the Farmington Canal – Heritage Trail if is ever built through this portion of the site.

Jeffrey Curly: Most of what you hear tonight, the discussion will center around what is happening to accommodate these two vehicular, I'm sorry, two crossings, one vehicular, one pedestrian and I am going to turn things over to Bill Root, who will give you a little bit more existing conditions picture of the site.

William Root: Good evening. My name is William Root. As Attorney Fazzone said I'm a Senior Environmental Scientist at Milone and MacBroom. My background is in wetland ecology and soil science. I have a graduate degree from Yale University School of Forestry and Environmental Studies and I've been doing this type of work, wetland assessments and soil science and environmental assessments for about 20 years or so. I've worked on both the Commission side, I was a professional staff to two commissions here in the State of Connecticut and both of them we re-wrote wetland regulations so I have spent a lot of my time on both sides of the fence so to speak.

William Root: For this project my responsibility was to prepare the environmental assessment. We have quite a few copies of it here – I'll give them, I'll bring them up later on. I'm going to spend some time going through certain sections of it tonight just in summary form. We worked awfully hard on this report so I would appreciate it if you take the time to look through it and I encourage any questions you might have either later or at the continuation of the hearing.

Attorney Anthony Fazzone: Bill, excuse me for a second. Mr. Chairman, without meaning to embarrass Mr. Kurtz, I think it would be good for the record to reflect that he is here.

Dr. Dimmick: Okay, let the record show that Mr. Kurtz has arrived at 7:52 p.m.

William Root: All right Jeff, thank you.

William Root: I tend to use this simple overview slide to reacquaint you with the orientation of the site to talk about some of the features of the site. We delineated the wetlands on the site last October, October of '06 and the environmental studies and ecological studies that are contained in the report were begun and concluded this Spring and Summer of '07.

William Root: Just so...for orientation I'll repeat some of the things that Jeff went through. The same orientation that Jeff is using in his slides with north along the upper boundary south down here. So we have I-691 along the southern property boundary. Route 10 is

running along the right side, 322 is along the top. This is the Rivercrest Condominium project that you didn't see in some of the earlier aeriels, sorry Dickerman Road and the railroad tracks are along the western side of the property.

William Root: On this site, the Tenmile River enters from the south under the bridges of 691, we will show you some pictures of those later on – it menders as Jeff said through a fairly large flood plain forest that we will show you a little bit more detail later on – it takes a sharp turn, it's very seriously compressed through the historical stone arch culvert with this Great Fill over the top of it. There looks to be a manmade pond just down stream of the arch culvert and then what looks to be perhaps a straightened channel is the River approaches the overpass of 322 and Route 10 which is off the site to the north- north east.

William Root: One of the first things that we did and always do in a project like this is to define are the limiting resources on the site and we call them design determinates, project design determinates looking for ecological sensitivity – sensitive receptors and we identified quite a few on this site and are listed in the report – I'll just highlight some of them now for you.

William Root: The broad flood plain area that is just down from the 691 bridges is a very important environmental resource, we identified this as an area to protect for a variety of reasons – we'll talk about them in greater detail. There is a White Pine grove – I'll show you some aerial photographs, some historical aeriels – that was planted in the '60's and this is a very different, although not natural on this setting, a very different habitat type and is also along the very steep sandy banks above the River so it serves to stabilize the banks and provides some different type of habitat for the site.

William Root: The historic arch culvert and the Great Fill that is in this area, obviously a sensitive receptor on the site and something we wanted to make sure was preserved and then utilized to provide access; people often say they do not even know it is there. I was astonish when I first walked up to it and so we hope other people will as well, so that was a design determinant as well – to preserve, protect and provide access to that feature at the site.

William Root: The Tenmile River is a very important ecological zone – it's got a very broad riparian corridor in some areas virtually non-existent in others but what we decided in this case was to preserve the habitat value for fish and wildlife of the Tenmile River, so one of

our design determinants was to maintain a 100 foot wide buffer from the high water mark of the River which exceeds your 50 foot regulated area but this is an important resource and we felt it merited some extra protection.

William Root: The last feature I wanted to mention was, as I show in the soils map is just a second, is extensively sand and gravel deposits and so its very good site for infiltrating stormwater so we wanted to take advantage of the surficial ecology of the site and these sandy soils in order to accomplish a much higher level of water quality treatment than is common in this watershed.

William Root: So those are the design determinants that we identified for the site and Darin and I will spend some time talking about how those were accomplished in the design.

William Root: One or two quick things – the by-pass channel was talked about. The arch suffered some damage, in order to repair it a by-pass channel was constructed, you see it outlined in a dashed line here, that is existing on the site, I'll show you photos of that, I don't know if you saw it on your site walk but I'll show you some photos of it. The fill from that was placed in upland areas to the west. There is a fairly sizable sandy pile there not stabilized but fairly large pile of sandy file from that area.

William Root: Let me take some time and go through some of the basic ecological data at the site and in the PowerPoint presentation so you can follow along – let me go through these fairly quickly – I hope.

William Root: The project site again is outlined here in red, north is up. This is a shaded figure here of the local drainage basin map from the DEP, the Ten Mile River is in, looks like in a greenish tone on the screen here and exterior to it to north and east is the Quinnipiac, so...

William Root: The Tenmile River, we have some large blow-ups in the report but...is a fairly large drainage basin and this site is located at the very lower end of the basin before it enters the Quinnipiac and has important ramifications for design for stormwater control and flood control issues. Darin will spend some time talking about that and how that criteria entered into the design of the stormwater system. So at the very lower part of the Tenmile River drainage basin here...

William Root: This is a water quality classification map from DEP, same orientation, the Tenmile is in this yellow-green shade, the background map I think is the 2004 aerial that you are going to see a lot of tonight. We will talk about these areas in more detail later but for this...I just want to point out that the surface water classification for the Tenmile is class B. That means there are some pollutant factors involved, class B-C means it has potential for cold water fisheries but water quality wise it is a class B water body, its one the State's impaired water body list and the reasons for that are stated in the report to be known but site upstream issues like a closed land fill which I think is in Prospect and also urban run-off issues so we can see and know very well there has been a lot of urbanization in this watershed and the Tenmile River has borne the brunt of those things from historic farming right along the River, I'll show you some of that in some of that in the aerials, and now we have 691 and we have all been talking about the roads that ring the site, there has been a lot of commercial and industrial development as well, so.

William Root: The Tenmile although it has some very important ecological value it also has been effected by historical development in the watershed. So with a class B water body, my recollection is that the Quinnipiac here is a class D but I'll check that for you.

William Root: Next, this is the Surficial Geology map, again, same orientation north up. What we are looking at in this area is a lot of sand and gravel deposits. These scars that you see on the landscape are from old farming but a lot of it is old sand and gravel mining as well. On top of the sand and gravel deposits along the Tenmile River here you have a lot of alluvium material. There are wetlands in the southern part of the site which is... we will talk about in a second.

William Root: This Great Fill...the arrow here is for the direction of flow of the River. The Great Fill which is over the aqueduct is more orientated right in here...so we are looking at sand and gravel deposits in this area and the soils...Jeff next...I'm sorry bedrock, the entire site is New Haven Arkose which is a reddish brown sandstone, when it weathers it often produces soils that are silty or silt loams so there are some fine textured materials and when we look at the soils map in a second we will see that that is represented as well.

William Root: This is a soils map, this is a RCS soils mapping, again, Tenmile River flowing through. The wetlands soils, there is a Scarboro Muck mapped here, this is a mucky soil formed over a sand and gravel deposit. You see some very course textured soils here,

there is Penwood Soils...with Manchester Sand and Gavel and what you see a lot of it the Udorthents-Pit Complex, this whole are has been disturbed and excavated on both sides of the River and to take advantage of the resource that is there.

William Root: There are some silt loams on the site, as I was saying Arkose off and weathers to a fine textured material and that's represented here as for example Branford Silt Loam that's on the site.

William Root: We did a little bit of historical research, we went up to the State Library...is that clear enough Jeff...their in the report, their a little bit sharper in the report so you can take some time to study them, I am just going to use them just for discussion purposes. We went to the State Library and took photograph, digital photographs of the aerials that they have available up there just to give you a time sequence of things that have gone on here at the site and the one thing as we go from 1951 up through current time, I just want to make sure everyone understands historical disturbances in general and how they can affect and have long term affects on things like water quality and habitat resource, things like that, so...

William Root: This is the same orientation, same site. Tenmile is flowing through here, here is the deep pool or pond below where the historic arch culvert. The Tenmile is in the dark line here, here is the old flood plain forest. The geometry of the River is essentially unchanged from what you saw in the 2004 photographs but what has changed a lot is the amount of land disturbance around it. You see all these rolls, old farm properties all the way around it now, the recent photographs were much more commercial and industrial development.

William Root: On this particular site, when we start talking about riparian corridor, as you can see there is virtually is none, there is an intermittent watercourse that comes from Southington through the Rivercrest development but all the way along the Tenmile were basically cleared all the way down to the banks until you get down to the flood plain forest where it is just too difficult to do any work at all.

William Root: On both banks there is very extensive land clearing, very extensive farming operations going on, and this was in 1951. Its easier to see the outline, the Farmington Canal line that comes from the south, goes over the arch culvert and loops out to the west

towards Dickerman Road, and we will talk a little bit about that and public access a little bit later on.

William Root: This is '51, basically cleared down to the banks all along the Tenmile except where you cannot get the mucky soils.

William Root: 1965, pretty similar conditions, a little bit of re-forestation occurring along the edges of the Great Fill but we are still cleared right down to the River bank along the way along the intermittent watercourse on both sides of the River are essentially cleared all the way through the site.

William Root: A lot of framing...farming activities going on, row crops looks like... next...

William Root: 1970 not much change, a little bit more re-forestation occurring along the steep slopes beyond of the Great Fill but still not much in the way of riparian corridor development here, although we are starting along the intermittent watercourse to see a little bit of area they are not working so closely to the watercourse anymore and the same things along in here and there is some protected forest land along the Tenmile as well, visible here.

William Root: Here is the deep pool still and the Oxboros meanders of the Tenmile, no signs of course of 691 as of yet.

William Root: 1980 still no sign of 691 here; we're starting to get some re-vegetation occurring here. What's on the site now is some very dense thicket of Autumn Olive, which is a shrub, a fairly invasive shrub that often colonizes left abandon sand and gravel operations and gets to be a very extensive thick shrubby zone good for very good berry producing crop, great for Robins and Cat Birds and like but not very good habitat otherwise and pretty much a monoculture which what has occurred at this site.

William Root: You can start to see a lot of development going on, a lot of roadways going through the site now. It seems like the farming, may have been abandon here in this area, people may know this area better who have lived here longer than I do. Look at the aerals we are seeing some of the abandonment of the farming operation and we are seeing a lot more truck traffic, road traffic on both sides of the site, all through here, leading to a little bit more land disturbance. But we are starting to get some re-growth of forest along the River in a number of areas and along the watercourse as well. So we are starting to develop a riparian corridor here.

William Root: So '85, 1985 now we are seeing 691 under construction, here's the bridges which span the River, the Tenmile and the Tenmile flows underneath the site here. You see an awful lot of disturbance here, it looks like they are using these areas for staging areas perhaps for the highway, so you see clearing right down into the wetlands here along the Ten River's flood plain forest, there are drainage structures all down in here. The drainage from 691 comes all the way down the hill, cross the bridges and outlets down to this big flood plain forest down in here. Staging areas really on both sides of the River and pretty extensive land disturbance throughout.

William Root: But here its interesting, we have not talked about it in the last few photographs but here you see a lot of commercial and industrial development going on that was all farm fields in some of the aerial photos and this is the kind of thing that has lead to some of the degradation of water quality uncontrolled stormwater run-off.

William Root: 1990, this is a little dark but on both sides of the River you can still see sand and gravel operations going on, the River is a little dark but as you might guess is a little bit more advancement of vegetation in 1990.

William Root: So this is 2004, this is the aerial you have been seeing a lot of tonight. The River is flowing under 691 through the historic arch culvert and continuing off site to the north and east. Here's Route 10 and 322 intersection and we will show you some photos of those areas a little bit later on.

William Root: You can still see some pretty extensive land disturbance but you are getting these thickets of Autumn Olive growing and Poplars and some Locus are growing in there so we are starting to develop secondary habitats, regeneration of forest habitat but the soils have been seriously stripped and so what is occurring there now would be different now, say would be different if it were just an abandoned farm field. There is a pre-selection for weedy species if you will.

William Root: Next... I am going to run through a series of photos, there in the library report but I did want to give you some idea of some areas that you did not get to on the site walk, those of you who didn't have boots on that day, for the most part we are going to go from south to north, so...

William Root: Here are the span bridges over 691 and I use this to show you a bridge can be an affective way to preserve habitat and wildlife corridor compared to what we will see when we look at the culverts a little bit later on. You can see fairly young saplings of trees, pretty thick herbaceous growth right down to the banks themselves, the banks are stable and there is a pretty broad corridor for both fish and wildlife to go up and down the River.

William Root: So this is on the south part of the site, 691 where the Tenmile River enters the site.

William Root: Just upgrade from there you've got a fairly broad flood plain forest I showed you earlier. A lot of young trees, we are in the floodway here so these trees are going to get toppled from time to time. Thick herbaceous growth, stable banks, you can see a lot of the meanders that occur in here...very well developed stratum, very thick tree cover, thick shrub cover and pretty thick herbaceous cover as well.

William Root: Next...some more earth setting just roughly in the same area...we are just south, between 691 and the arch culvert.

William Root: In the southern part of the site there are a few other wetland types, there is a small shrub-grub wetland there...this is a photograph of it.

William Root: I'll...some of the species that are in there that are just typical common species found in an area like this. There is Spice Bush, High Bush Blueberry, Winter Berry, Sweet Pepper Bush, there is Alders, Elderberry, there's a good mix and good diversity of shrubs growing all through there...Willows in here as well through the southern part of the near 691.

William Root: There is a little bit of emerging marsh wetlands and unfortunately there near the area of the gas line right of way goes through so there is a lot of disturbance there but still there is besides the Phragmites that is most common and Purple Loosestrife that is also very common. There is still a good variety of Sages and Rushes; there are some Cat Tails and Wool Grass in there as well.

William Root: There are different wetland types on the site but most of it is pluster and forested along the wetland river.

William Root: Here is our first look at the arch culvert under going some repair on the upstream side; they've got sand bags to protect

the arch. You can see the cracks that took place in here. This is the over-burden that was removed; they have some silt fence in place. The work was undertaken by the Town, by the Town of Cheshire with technical assistance from Milone and MacBroom and input from Natural Resource Conservation Service, DEP and I think Army Corp was also involved in this as well.

William Root: Looking...I'll have to see...here is the light at the end of the tunnel. This is the culvert, the arch culvert and the overburden above it shining bright because it's clear, its clear sand here. The photo in the report is a little bit easier to look at but in the preceding photo is upstream, this is downstream. This is the deep pool that we are talking about...it looks like it was excavated. There is a rope hanging here...people come down here to make use of the recreation. There is a lot of ATV traffic in this area as well.

William Root: Here is the bypass channel, a pretty formable structure, you can see it on the site plans, it's reflected in the grading, so this was constructed as I showed you in the first photograph around the arch in order to effective the repair the arch and also in case it did completely collapse which would have been a pretty serious flooding problem upgrade and there is a lot of properties upgrade that would have been damaged if the arch culvert had collapsed in this area.

William Root: So the bypass channel and the next photograph is the stock pile, this is farther to the west, I showed you this earlier, west of the site. You're looking at the top of it so there's slopes going off here and off here; you can tell by the tops of the trees that we are pretty high up here and this is all stabilized and grassed.

William Root: All along...let me show you a series of photographs that is a very popular destination as you might imagine, the arch culvert is attractive, the deep pool is good for swimming, people use it to fish, there is also a lot of ATV traffic which has lead to a lot of sediment bars in the River. There are car parts down in there. There are cars down there, some have been pulled out. It's a very attractive place but an attractive place can also wind up being abused and that is the case for this. So as far as looking at water quality and wetland impacts, what has gone on around this pretty attractive deep pool, apart from the necessary repairs to the culvert has made kind of a mess of the area. I'll show a few photographs of that right now, so...

William Root: Here a road turning down to the pool, this is basically a pretty wide road as you can tell and it actually...goes right across over here so you have traffic going right across the River. There is some very heavy infestation of invasive species all along this part of the deep pool...same thing, a lot of heavy truck traffic.

William Root: Now a lot of these roads have were reopened and were used by...to access the emergency culvert repairs as well, so now they are even broader and more disturbed then they were from these photographs but there is an awful lot of ATV traffic through the site.

William Root: And you know, cuts like this along steep slopes right near a water body...you can see all the erosion products headed right down for the River so...problem around the deep pool as you go down and take a look at it, you probably saw the big sediment bars that are in there and you probably saw the invasive species and fairly murky water in a lot of places too.

William Root: Once you get past the Deep Pool a lot of the sediments are trapped there... now this is down stream, so this is between the historic arch culvert and Route 322 culvert, so north of the Great Fill and the Deep Pool. This begins to look more like an attractive river and it is. The banks are under cut, the sub-stratus are sandy and gravelly, there are some deep pools in here, the banks are well vegetative, you see a lot of course woody debris and material in the River, so...

William Root: This is a B-C water, classified water body as I said, the C means it's a cold water fishery habitat. DEP stocks upstream of here, so we have both natural and stocked trout populations, so the fishery survey is in report. This is a fairly attractive stretch of River and one of the reasons why we wanted to preserve a decent size riparian corridor along both sides of the River just because the habitat sections like this, which I hope you'll see as very different then what is going on around the Deep Pond, the Deep Pool itself.

William Root: We did a number of ecological surveys, I think I talked shortly about this during the original presentation. We did a vegetation survey were looking for...we did vegetations surveys, we did a breeding bird survey, a herpetology survey...we also did a wildlife corridor study, so some of those are included in the report. I'll just show you what the graphics look like.

William Root: This is from the vegetation survey which was conducted by our firm and we had help from Ms. Lauren Brown, who one of the Botanists lives in the State of Connecticut and often helps us on...

Tape change.

William Root: ... here is the pipeline clearing I was talking about, the Shrub Brush Wetland and Emerging Marsh Wetland. This is the flood plain forest all along the Tenmile River again going off of the site. So there are some areas that have evolved in upland forest...this is along Route 10...but there are a large number and very broad areas of these Autumn Olive tickets and still bare sand patches on both sides of the River.

William Root: So it's a very disturbed site. We did not find any listed species at all, no endangered species, no special concerned species, no threatened species of plants on the site and the report is part of the environmental assessment.

William Root: The herpetology survey, the Natural Diversity Database identified an area of concern for Eastern Box Turtle and from other projects we had done in the area we know that Wood Turtles are... make use of the water bodies in this area. We know...we've had projects where their in the Quinnipiac River and their well known to be nesting upstream of the site so be expected that Wood Turtles would be making use of the habitat in the River itself here so...

William Root: We did have two sightings of Wood Turtle, we did the survey right at the end of May, we also did...saw Painted Turtles, Snapping Turtles and saw one Snapping Turtle down stream...that report is included as part of the environmental assessment.

William Root: ...we didn't find any endangered or threatened species. All we found was the special concerned species which was Wood Turtle. Habitat looked okay for Eastern Box Turtle which is knows to be in the area as well. Some of these bare sandy patches are typically used in the watershed for nesting, so we went just after the full moon right at the end of May looking for turtle nesting activity, didn't find any.

William Root: We did a functions and values assessment for the wetlands on the site that is included in the report... this mythology is the one favored by the Army Corp of Engineers...I presume you are

pretty use to looking at it. This is the functions and values assessment for the Tenmile River and the associated flood plain wetlands.

William Root: The Tenmile River is a very important local and regional wetland resource and that is reflected in the functions and values assessments, so it's very important for ground water recharge, there's sand and gravel deposits below so it has an intimate connection with the aquifer below. We talked about the flood plain storage which has some control structures, aqueducts and culverts act as control structures in the big flood plain forest...provides a very important protective area for down stream properties.

William Root: As I said, the Tenmile is stocked by DEP but it also is... has natural populations of fish and shell fish as well.

William Root: In a second I'll go through the significant, significant wetland functions and values. One of the thing I did want to point out though is that though these functions and values are very important and are present, one thing that is lacking at the site now, some of these human resources value kind of things. Although wildlife habitat is great and you know sediment-toxic retention is great, there is a great opportunity for recreation there but the property does not have any access right now and as far as uniqueness and heritage, the Farmington Canal aqueduct is there and no one knows its there; same thing for educational and scientific values.

William Root: You know the property is private, there is no parking, there is no access and so one of the things we will talk about later when we talk about maintaining functions and values is how the proposed development can increase some of these human functions and values of the wetlands on the site.

William Root: Let me just go through the most important of functions and values, and many times we do a wetland we don't have any for example that intermittent watercourse which comes from the Southington area we did not determine there were any significant functions and values, however for the Tenmile it does, its ground water recharge is very important because of the sand and gravel deposits below. The FEMA flood plain is very important. Fish and shell fish habitat exists. The dense vegetation that...the big flood plain forest really stabilizes the banks. That area where the River meanders and filters through all the vegetation is very good for

pollutant removal which is very important because I-691 discharges all of its drainage right into that wetland area so it's providing a very important function and renovating that run-off.

William Root: Endanger species, as I said, we found no endangered species on the site. We found no threatened species on the site but we did have two observations of special concern species which is Wood Turtle at the site.

William Root: I think I'll get a drink...okay I'm going to turn it over to Darin and he'll explain in much greater detail some of the proposed conditions and I'll come back a little bit later and talk about what my impressions of the wetlands impacts will be once the development conditions are instituted so...thank you.

Darin Overton: Good evening my name is Darin Overton from Milone and MacBroom. I am a licensed professional engineer in the State of Connecticut. I have a Bachelors of Science degree from the University of Connecticut. I've been working in the engineering field for approximately 15 years, at Milone and MacBroom for 14 years and I have been a licensed professional engineer for 10 years. My primary responsibilities are in sight development and stormwater management and that's been the primary function or my role while working at Milone and MacBroom.

Darin Overton: I am going to go over some of the proposed conditions, some of the stormwater management, some of the protocol that we considered and the design that is proposed and has been presented on the plans and information that has been provided previously.

Darin Overton: Going back to the master plan and Jeff earlier went over most of the aspects of this as far as the proposed development, the various road crossings, etc. I am going to focus on some of the...starting from the periphery and some of the big picture things down to more of the details of the engineering design.

Darin Overton: This next slide working is looking at the central corridor and there are two things that I really want to point out here that has not been mentioned yet. The flood plain has been mentioned a little bit but the flood way also associated with the FEMA mapping. The heavier line that is located closer to the River, I'll highlight that. This dark line here represents the flood way as depicted on the FEMA mapping and outside of that is the 100 year

flood plain which is this more tightly dashed line as it runs through the site.

Darin Overton: As part of the development that's proposed you will see areas where do we have some proposed development within the flood plain area and we have provided for some mitigation with that by providing flood plain storage in other areas to off set that loss of flood plain storage for the proposed development.

Darin Overton: The flood plain varies through the site. They is a control which is the stone arch culvert and the Great Fill, that is a manmade structure that actually provides a control on the site and there is different flood plain elevation whether you are on the east or west side of that.

Darin Overton: On the upstream or western side of that arch the flood plain is identified on the FEMA mapping as elevation 136 and then on the eastern or down stream side of it its four feet lower in elevation at 132.

Darin Overton: The next slide is kind of steeping back to the big picture for the hydrologic setting. What we looked as far as the overall watersheds and in order to get an idea of how best to manage the stormwater not only for the site but throughout the area. We started looking at some of the sub-regional basins, these are the basins that are delineated by DEP and you'll see the upper part of the Quinnipiac River, which actually extends beyond Southington to the north and off of the graphic that we have here.

Darin Overton: There is the Eightmile River which is another sub-regional watershed that contributes and comes into the Quinnipiac River north of our site.

Darin Overton: The next basin is the Tenmile River and you will see the location of our site associated with that. The Tenmile River again extends off of this graphic to the south up into the Town of Prospect.

Darin Overton: In looking at the overall watersheds you can see there are some pretty substantial watersheds where prior to reaching the confluence of the Tenmile River and the Quinnipiac River.

Darin Overton: The site as it is located is about 7/10th or 8/10th of a mile from its confluence with the Quinnipiac River. So one of the things that we consider when we are doing a hydrologic analysis is where does the site sit in the watershed and looking at this some of

the critical criteria is whether you are in the upper third or the lower third; upper third is generally an area where you want to provide for stormwater retention, lower third is where you really want to analysis whether there is a need for it or not.

Darin Overton: Also I looked at the overall watershed sizes and where the Tenmile River watershed, where our site effects meets the Quinnipiac River. We also looked at Cheshire Master Drainage Study which was done for the Town of Cheshire back in the early '90's and since this site, located in the lower third of this, it was marked in that drainage study to evaluate if detention would be needed or not.

Darin Overton: The Quinnipiac River above the confluence with the Tenmile represents a 36.1 square mile watershed and that is identified on the DEP Bulletin 45, the gasteirs of third order stream. That classifies different types of streams as far as their size. There is certain criteria to meet a first order stream, essentially it's a perennial type of stream where you have two first order streams and a watershed meeting, the classification would go up to a second order stream, etc., etc., if you have two second order streams you go up to the third order.

Darin Overton: So the Quinnipiac River above the confluence here is a third order stream and the Tenmile River is also identified as a third order stream where it comes into the Quinnipiac River and that has a watershed of about 20.26 square miles, so we are dealing with some pretty substantial watersheds above our site.

Darin Overton: The reason why we look at the criteria as far as the order of the stream is that the DEP stormwater manual recommends, there are some recommendations in there, again, for some other considerations whether detention will be needed for a project or not.

Darin Overton: The criteria there is that discharging to a stream, that is a fourth order of larger, where your site is less than 5 percent of the upstream watershed, the recommendation would be that you should not detain water on the site.

Darin Overton: We meet one of those two criteria's and are very close to the second. As I mentioned earlier, Tenmile is a third order but 7/10th's of a mile away becomes a fourth order stream and the development area of our site is actually less that 1 percent of the overall watershed area above us in the Tenmile River.

Darin Overton: So to sum-up this slide, the evidence that we have researched and the various studies that have already been done and the available mapping that's provided is that the evidence is leading that detention is really not warranted for this project.

Darin Overton: Next slide...we looked at one this slide is some of the stormwater management objectives that we developed earlier on in the design process. There are two categories here, to protect the Tenmile River and the second is to provide for long term flood control. Those are associated with the watersheds, the location of the site within the watersheds and also the information that was gathered from the FEMA mapping.

Darin Overton: So the key criteria that we identify for protecting the Tenmile River is again review need for peak run-off attenuation. We identified that controlling the 2 year-24 hour peak flow rate for stream channel protection would be important factor to consider, also providing for water quality protection based on the information Bill has provided as far as the existing water quality in the Tenmile River. As part of our design, we wanted to provide for water quality measures post development and promote infiltration where appropriate. As Bill had mentioned earlier many of the soil area on the site are sand and gravels are very good for infiltration.

Darin Overton: As far as long term flood control, we wanted to restore the long term function of the historic stone arch culvert. As Bill had mentioned earlier and most of you are probably aware of, there was a failure in that culvert in a spring storm event this April. There were issues associated with water getting either undermining the headwall or getting behind it and there were two holes that were formed in the side, in the northern side of that arch. The property owner, in conjunction with the Town has gone ahead and repaired those holes, we will see some slides later that show the repair work that was done and then the Town also had conducted the bypass channel, excavation of the bypass channel that Bill had talked about earlier and was shown on the prior plans.

Darin Overton: As part of our work, we want to look at providing for a permanent bypass and also as I've shown earlier on in the plans there are some flood plain encroachments proposed. We wanted to provide compensation for that and we also wanted to seek to minimize encroachment in the floodway and that is really associated with our roadway crossing.

Darin Overton: This plan is a graphic of the, kind of trying to represent the overall stormwater management of the plan. We took a copy of the plan that was submitted and tried to screen back some of the less important things and kind of highlight the stormwater management system on here. We start of in areas we sought to provide for runoff into grass swales so surface water would be collected and filtered in the grass swales and there are some grass swales shown on our plans along this area. We would also seek to depress parking areas, some of the grassed islands and provide for some filtering and infiltration there.

Darin Overton: The dark lines you see here are kind of a graphic of the stormwater management collection system, pipe and catch basin type of system which would lead down into a stormwater management basin. Here we have on the western side, an open excavated earthen stormwater management basin that leads into an area that has been excavated for the flood plain compensation.

Darin Overton: There is also areas on the eastern side of the site where we had done soil testing; it was evident from the information in Bill's research that there were good sandy and gravelly soils there, excellent for infiltration. As part that...to prove that we had gone out done several test pits and permeability samples to utilize, to determine whether the soils were suitable for infiltration and was used as part of our design.

Darin Overton: And you will see on the plans there are several areas designated for stormwater infiltration or storage. One of the goals we sought was also to separate the roof run-off and promote infiltration of that into the ground through underground infiltration and then where appropriate to provide for infiltration for paved areas, provided there was pre-treatment. Other areas identified on the plan were test pits along, I don't know if you saw on the... on some of the geology map there was a kind of a ridge of rock that shown on the geology. Test pits did confirm, and borings that we had done did confirm that there was a line of ledge along Route 10. An area such as that, we avoid stormwater infiltration and we have provided for some storage to meet the 2 year storm criteria in the DEP manual.

Darin Overton: The other criteria for storage versus infiltration were areas where were proposed fill or areas behind proposed retaining walls.

Darin Overton: Also, identified on this plan, is what is a proposed bypass channel as part of the design, the Town based on the

emergency situation that we had in the Spring, concern of collapse, total collapse of the culvert and blockage of the Tenmile River had gone out and excavated an earthen bypass channel over in this location. As part of our proposed development, we would relocate a permanent bypass channel through this area, a little bit closer to the River and a logical location, similar beginning and end of the Town's excavation but just pulling it down a little bit closer.

Darin Overton: I would like to focus in a little bit more on the detail of some of our stormwater management basins.

Darin Overton: The first one here, which is identified on the prior plan, there was four of them, this is the first basin identified as 1; it's on the eastern side of the...this is the proposed bridge crossing of the Tenmile River. This is a plunge pool type of basin. We have a storm drainage discharge proposed. There is a stabilized riprap channel leading down into the pool where the water would be allowed to pool. There would be some natural infiltration there and then we have riprap, we are proposing a riprap level spreader that will spread the flow out and feed down into the wetland finger that leads into the Tenmile River in this location.

Darin Overton: We are proposing, once the water is stilled in the basin here and most of the velocities are decreased we are proposing, top soil be in-bed into that riprap and it be seeded to provide for some filtration as water exits that system.

Darin Overton: The second basin is on discharges on the upstream side of the Great Fill where the stone arch crossing, where the Farmington Canal formally cross through the site. At this discharge point we kind of have a combination type of design where overflow leaves the stormwater management, the underground stormwater management proposed on this eastern side, comes again in a plunge pool. Here we have provided for a bypass overflow down to the River for higher flows but if put a low flow pipe in proposing for the kind of the normal flows or the lower flows coming through here to be directed through a vegetated water quality swale, again, there would be a little bit of a depression in here, another overflow through another vegetated swale so there are several opportunities in through here for the water to slow down for natural infiltration as well as filtering through the vegetation to be planted in this area.

Darin Overton: The next basin that we have is located on the western side. This is the area on the overall plan that we highlighted the collection system. Stormwater coming down through here would

run through a oil particle separator first, come into a forebay formed by a riprap filter berm in this area and then there is kind of a broad basin that is gentle sloped down towards an under drain. This would be a perforated pipe that is set in a bed of stone in the bottom of the basin, as storm water entered the basin there would be some further filtering of sediment through the forebay as it spilled over through the riprap filter berm. Again, since we have sandy soils, more opportunity for natural infiltration here and then as the basin starts to fill-up we start to see some discharge through that pipe out into what is the flood plain storage area that we've created just south of this basin.

Darin Overton: If we had large scale flows coming into this basin where the under drain would not be able to handle, we have provided for riprap overflow here, again, right over the top of the small diameter discharge pipe and again flowing into the flood plain storage area.

Darin Overton: There is also pedestrian trail that is shown through this area and we would recommend that a small boardwalk be provided over the top of that riprap outlet of the basin so that pedestrians can pass over that.

Darin Overton: And then lastly, the highlighted rendering of the flood plain storage area and this is going to seek to do...to function as more than a flood plain storage area. This is an area that Bill had identified earlier, significant disturbance as far as old gravel excavations. It's an area where you can see a portion of the fill where the Town excavated the bypass channel was placed down into this area; a lot of this area is covered with Autumn Olive. We are proposing to provide for, compensate for our flood plain storage, there is also excess of flood plain storage that we have proposed in this area of about 750 cubic yards above and beyond what we have compensated for. This would also provide for some diversity of wildlife habitat, we are showing some small islands where we would plant some shade trees. Generally this would be seeded with a grass mixture, we've proposed an erosion control restoration mix for dry sites, various types of grasses and vegetation in this area and this is also an area we have identified where some of these south facing sandy slopes, where we would create some...leave some exposed sandy surfaces to create habitat for turtles, since they have been identified and know to be on the site and are known to be in the corridor of the Tenmile River watershed.

Darin Overton: And also the vegetative planting that's here, any overflow from this basin would also get more filtering as it sheet flows and spreads out into this and makes its way down into the River.

Darin Overton: The next slide is just a summary of the stormwater quality features that are incorporated into the plan. We've got in the collection system catch basins with sumps, we've proposed vegetative swales; we have sediment chambers prior to any of the discharges into any of the underground storage or the surface water basins. In the surface basins we have riprap filter berms proposed. The discharges incorporate level spreaders. We've also incorporated native grass, filter strips. We've separated the roof runoff as part of the project and all of the roof runoff as its been designed for up to the 2 year storm from the roof runoff will be infiltrated into the ground. We have provided for infiltration and storage under the DEP criteria to reduce the 2-year post development peak flow to one-half of the existing peak flow; and there's been an analysis that's been provided as part of the storm drainage report that we submitted.

Darin Overton: And then where appropriate, we have looked to plant shade trees, particularly on the southern sides of our basins where they may be open areas to provide for shading and cooling of the stormwater. One of the benefits of the infiltration of the underground storage is that you get significant cooling of the water, the stormwater, as it enters into the underground storage areas infiltrating into the ground allows for filtering of the stormwater and cooling as it moves through the ground and provides for ground water recharge and feeds the Tenmile River during low flow conditions, you maintain your base flow similar to existing conditions.

Darin Overton: This next slide, as Anthony had mentioned earlier, he introduced a couple of resumes for people who are not presenting tonight, one Jim MacBroom and the other Keshore Patel. Keshore is a structural engineer; Jim a well known hydrologist and hydrologic engineer. Both of them went out and inspected the stone arch culvert to come up with a scenario for a permanent fix for the culvert.

Darin Overton: The owner of the property had made efforts under the emergency situation that we had, to go out and patch the two holes, as you saw in a prior slide, the over burden was removed, the holes were patched by a mason and then as you can see from this slide, which is a later photo of the arch, the over burden has been replaced

and then has been some erosion control matting placed on top and is seeded. But you can see there is still problems associated with the structure, the headwall was not repaired, although some of the mortar was replaced – this large section of concrete is still cracked and broken away and is currently being supported by the sand bags on this side, and the sand bags on the other side are also providing for redirection of flow on both sides. There is scour that has been identified, and I'll go through that later as part of a later slide, as part of what Jim and Keshore found as part of their inspection of the culvert.

Darin Overton: The next slide is more of a close-up. You can see how the concrete is broken away here but you can also see right through the culvert. In this situation where there were holes in the side of the culvert before, large sink holes were developed on top and there were actually large tree stumps sticking out and blocking flow through the culvert. Those tree stumps have been removed, as I said, the hole patched and now we have a clear opening but there still some issues to address with the structure itself.

Darin Overton: The next slide is kind of a summary of what we found in the inspection out there and recommendations for permanent for repairs.

Darin Overton: On this side I will just run through them quickly. The dimensions of the culvert for 16' wide by 10' high that is measured from the riverbed to the crown of the arch and is about 165' long. The culvert was built with mortared stone walls that are approximately 2 feet thick. Stone footings were set on a timber cribbing placed on the riverbed; earlier this Spring that was not easily identifiable now that we are in the low flow conditions out there you can actually see the timber cribbing.

Darin Overton: The water elevation is approximately 2.5' to 4' inside the culvert and that is based on an inspection this month. Riverbed to a height of 5 feet along the entire culvert is still significantly missing mortar and some stone. The culvert crown is in fair condition with minor areas of mortar missing. The timber cribbing upstream of the culvert has scour holes and some of the timber cribbing; I believe has been damaged in that area. As I mentioned earlier, there is scour at the upstream culvert entrance. The repairs were made earlier with concrete at the inlet is loose; that is not the recent repairs conducted by the owner but that large piece of concrete that was obviously a pair at some point was identified in the photos which has broken away. The stone headwalls missing

stones, mortar and there is vegetation over the pass due to the lack of maintenance where trees have actually growth in the joints of the stones.

Darin Overton: So for permanent repairs we are proposing to spray shotcrete to repair all the voids, where voids are larger than 6 inches in diameter, install steel mesh prior to spraying shotcrete. Missing stones shall be replaced prior to applying shotcrete. Remove existing concrete patch and replace with stone. Install riprap in the riverbed for scour protection of wood cribbing and culvert footings. Repair stone headwalls by repointing. Remove existing concrete bags at inlet and replace with riprap. The riprap there is intended to protect the repaired headwall from scour in the river which is the leading contributor to the damage that was caused this Spring.

Darin Overton: Next is one of our design drawings which we have tried to add a little highlight to as far as key features of the bridge itself. What we have proposed on our plan is a timber pile bridge and you can see the decking here, it has a slope to it, there is a change in elevation from one side to the other. You can see the piles that extend down to support the bridge outside of the river corridor. There is a center span to the bridge here that will be constructed with glue-lam type beams. It's a 65 foot wide span; it will span the entire river itself, both river banks. The piles will be located outside of the normal flow of the channel itself.

Darin Overton: However you can see on the plan this heavy dashed line which defined earlier on the overall plan, that is the flood way identified by FEMA and in the flood plain associated with this is located further outside of the graphic that is shown here.

Darin Overton: So the bridge has a span which spans the entire river. The majority of the wetlands associated with the river itself, a couple of the piles, I believe are located in the...a portion of the wetlands and then the remainder of the piles system extends out to avoid flood way encroachment of the bridge abutments. Only the piles will be located in the flood way itself.

Darin Overton: The bridge is the total length of 230 feet and utilities that will be necessary to go across this bridge will be suspended unearh the bridge; and you can see in some of the sections here they will be suspended between the piles.

Darin Overton: This photo is an example that we were provide which shows the intention of the design of the bridge; this is a sample of a

bridge that has been constructed showing similar glue-lam type of span across a watercourse and an example of the piling system to support the bridge.

Darin Overton: You can also see there is a railing here which provides for protection for pedestrians crossing the bridge; and the next slide shows how the bridge can accommodate both vehicular traffic and pedestrian traffic with appropriate separation to protect the safety of the pedestrians.

Darin Overton: As part of this development, the bridges primary function is to provide a vehicular connection and provide for emergency service vehicles to pass back and forth, to provide access for them but also there is going to be a pedestrian walkway there so there will be multiply pedestrians crossings as well as the one proposed over the former Farmington Canal location.

Darin Overton: The next slide, I am just going to go over some of the sediment and erosion control features that we have shown on our plans. We have construction entrance pads proposed. Silt fence to be placed at the down gradient limits of disturbance; combination of silt fence and staked haybales to be placed at the limit of disturbance near wetlands; temporary sediment traps and permanent water quality basins will be utilized during construction; temporary swales, temporary berm and swale and permanent swales will also be utilized; stone check dams are to be provided, temporary soil stockpile; erosion control blankets to immediately stabilize slopes and once the storm drainage system is in place we provide inlet protection until the soils are sufficient stabilized in each of the individual watersheds for the storm water management system.

Darin Overton: Next is kind of a simplistic graphic just to show how the major utilities are going to be brought into the site; the blue is designated...represents a water main; green being a sanitary sewer; the water main is going to extend through the site coming into the site from Route 10. It need to connect to an existing main; the nearest existing main is located near the intersection of Route 10 and Johnson Avenue, so we would be extending that main northerly up Route 10 and bring it into the site to all the buildings proposed in the development.

Darin Overton: As far as the sewer, there are also no sewers located around the perimeter of the site; what we are proposing is a gravity collection system on both the east side and the west side of the site leading to a proposed pump station that is identified in this location

on the site, kind of along the northern boundary. The pump station would then pump through a force main across the proposed pedestrian and vehicular access bridge out through the main access road and then down Route 10 connecting into a mostly proposed extension of the gravity sewer that exist in the intersection, again of Route 10 and Johnson Avenue. I expect that we are going to have to extend the gravity main up Route 10 a portion of the north and connect the force main into that.

Darin Overton: Of the utilities necessary for the site are located along the frontage of the property on Route 10.

Darin Overton: I am just going to go through kind of a summary of the important features of the plan and the important aspects relevant to this Commission. I am going to go through the kind of detail of the regulated activities that have been presented on the plans and then I am going to have Bill come up and talk to some of his wetland impact assessment and some of the mitigation measures that we have taken; I am also going to finish up with some alternatives that were considered as part of the design.

Darin Overton: So first is the regulated activities, we have a table kind of summarizing what is being proposed; there is essentially two direct wetland disturbances that are proposed, they are associated with the bridge and the historic stone arch culvert.

Darin Overton: The bridge itself has a direct impact of about 2,800 square feet and that is for wall and road fill to create the abutment on the eastern side. There is a small finger of wetland that extends outside of the main wetland corridor associated with the Tenmile River; it's also the location of a former farm dump; it was identified as a lower quality wetland and is part of the reason why we located the bridge in that location. There is also I mentioned earlier there is some direct impact although very limited associated with the pile support system, a couple of the piles are going to located in the wetlands identified along the Tenmile River.

Darin Overton: There is also, this Commission recognizes a 50 foot upland review area; we have also quantified those impacts which are about 29,600 square feet and those are for walls and abutments for the bridge, the road and some of the buildings and fill associated with the eastern part of the project.

Darin Overton: For the historic stone arch culvert we've been put in a situation where we have a structure out there that has been in place

for many years, I believe it was constructed late in the 1820's and it's in a state of disrepair, and although some measures have been taken to stabilize the arch there is work that needs to be done for a permanent fix.

Darin Overton: What we proposing on our plans is a direct impact of about 170 linear feet to repair or replace the arch. Direct impact of about 1,600 square feet which is any necessary reconstruction of the end walls as I mentioned earlier, placement of the riprap to avoid scour at the headwall. We also have an upland review area impact of about 10,000 square feet, most of that associated with restoration of what has been identified as the Great Fill or a portion of the Great Fill.

Darin Overton: Other upland area review impacts of about 4,400 square feet, kind of out on the periphery; those are associated with the nature trail and also a retaining wall necessary for construction of the roadway and that is a fairly small upland review area impact on the fringe of the upland review area; about 4,400 square feet associated with those two activities.

Darin Overton: So the total direct impact about 4,420 square feet. I took a look at it; analysis as far as the total area of wetlands is on the site which is 12.4 acres, so we are at less one percent disturbance of the wetlands that exist on the site and the total upland review area impact about 44,000 square feet or roughly an acre.

Darin Overton: Next thing...discuss some alternatives. First is just a summary of some of the alternative that we considered and analyzed and I have some graphics for each of them.

Darin Overton: In the area of the existing stone arch, we could remove existing arch and fill over it. This is something that...I looked at some references in and some information that the Town provided me and some of their correspondence from the Army Corp of Engineers back several years ago when they were concerned about issues with this arch, that was one of the consideration identified in there, possibly creating an open cut channel. One of the reasons why we did not consider that is because there would be significant down stream flooding issues if we were to just open up that channel and just let the river go down stream...and that kind of lends itself to what I mentioned earlier, with a difference in the flood plain elevation, 136 on the up-gradient side of the arch and 132 on the low side.

Darin Overton: Another alternative would be to replace the arch with a pipe or box culvert which means we remove the stone arch in its entirety and replace it with a new structure; part of the concern with that is that we will be really losing part of the history of Cheshire in doing that and will likely have more impact.

Darin Overton: Next is restoring and retaining existing arch and fill. The next area of our proposed activities is the area of proposed vehicular crossing or the bridge that I discussed earlier; we have looked at another location possibility and also we consider another type of structure.

Darin Overton: The next slide starting with the arch itself, this is just kind of a sketch of what would be necessary to do to actually remove the overburden from the arch, remove the arch structure itself and then slope that back and just an estimate of the disturbance that would be required in order to do something like that but then again if we were to do that there is a very good likelihood that opening up this arch would cause significant flooding issues downstream of the site; if this alternative would be considered a detailed analysis would certainly need to be done and I think that analysis would show that this is not a feasible alternative for the arch culvert.

Darin Overton: The next slide is the other option that was listed and just to replace the arch with another type of structure - just remove the historic arch entirely, again this would likely cause more disturbance in removing that structure and you would lose the historic value of the structure that's there, it would be gone forever.

Darin Overton: Moving on to the next slide is an alternative to the bridge; this was part of a prior application. Many of you are familiar with the Apple Valley Mall which was proposed in the late '80s and '90s and was approved but never constructed. This is just a focus of the actual crossing that was proposed as part of that; this particular location was...right below you can see this pool that we have been talking about right below the stone arch is here, then you have the large pool that Bill mentioned several times earlier and then it comes down and the river bends.

Darin Overton: I suspect that this location was chosen because the property line associated with that project is right here - they are right along the eastern border of the property, in order to avoid, most likely what they considered the higher quality wetland area

associated with the western side of the arch culvert and then also to avoid that deep pool that exists there; they were really kind of limited to the location of where they could put it; and this scenario here, I believe also creates more disturbance than what we have proposed on our plans so...we have kind of abandon it as an alternative because we had the opportunity having a larger parcel area to work with, we felt the proposed design as we've shown it is a better location and a more feasible and prudent alternative.

Darin Overton: Then the last slide, this is the same location as we have proposed on the plan but just kind of looking at another type of structure that can be proposed; here we would have a longer span, we would actually have two spans in here and that would need a center pier; the pier likely could be located so that it is outside the actual riverbed but would most likely be in the wetlands associated with the river and also this would be a fairly large obstruction that would be located right in the floodway of the river. In order to achieve a reasonable span off of that pier we likely need to bring the abutments in a little bit and there would be more encroachment in the flood ways associated with that. Most likely a more expensive structure, would create more impact, would create more issues in regard to blockage or limiting the flood way capacity in this area.

Darin Overton: At this point I would like to turn it over to William Root from our office to go through his wetland impact assessment as well as some of the mitigation measures that we have proposed as part of the project.

William Root: William Root again from Milone and MacBroom... excuse me...I wanted to go through two sections of the report. There are much greater details in the report itself, more explanation, more text to go along with these; this is an overview, so please take the time to go through that and I would be glad to discuss any items in there which you care too.

William Root: The wetland impact assessment we broke down to a number of categories based on the important functions and values of the wetland on the site, particularly the Tenmile River. Darin has already explained the direct wetland impacts associated with the bridge and the repair of the culvert and also talked about where there are activities within your upland review area and also did the regulated activity so...

William Root: Let me just focus on a couple of the other issues that are important to this application, the first is the riparian corridor protection and for a river such as the Tenmile which has pretty broad ecological significance in this area; this riparian zone provides very important benefits for the protection of the river and you know most of them I'm sure but some of them are flood storage, which we talked about. Temperature regulation; this is a cold water fishery, it is important to keep the river shaded and it is important to provide an opportunity for run-off to cool before it reaches the water body; bank stabilization very important. We showed you a lot of photographs of the well vegetated banks, so the riparian corridors have a number of important functions and values to provide for the river.

William Root: So we wanted to analyze what we thought the impacts would be upon the riparian corridor from the proposed development. A part from the needed roadway crossing which is across an elevated bridge which spans the river, there is going to be relatively undisturbed riparian corridor, primarily forested all along the banks of the Tenmile River on the site.

William Root: Now the width of the corridor varies because of course the width of the wetlands varies substantially so for example, if you remember in the southern part of the site near 691, you are looking at a 750 foot or 1000 foot broad zone of non-disturbance. Near the arch culvert its going to...historic arch culvert is necessarily going to be much less, the river is narrower there, the wetlands are much narrower there but...as I said earlier, it exceeds...equals or exceeds 100 feet from the upland...from the annual high water mark throughout the entire project site...and we just did a quick calculation running along both banks of the river and what we found is that for your 50 foot upland review area from the high water marks, so a 50 foot riparian buffer along the river itself, greater that 94 percent of that area, of that linear footage along the river is going to be undisturbed, untouched at all so our feeling was there is going to be a very substantial buffer remaining on the site and it is going to continue to provide those important protections for the river that it does today.

William Root: Darin has talked a lot about the water quality measures that are proposed for the site and highlighted the stormwater system...meets or exceeds the guidelines in the DEP Stormwater Quality Manual and...one of the most important feature I saw was the emphasis placed upon infiltration at the site, it takes advantage of the very suitable soils and infiltration is a great way both to filter pollutants and to achieve that thermal renovation is so

important for a site with a fairly large amount imperious surface; it is important to cool that water off and infiltration is really the best way to do that. In other places you are getting, you know primary treatment through vegetated water quality basins as well and that is also very important.

William Root: And a I said earlier, you know the storm water system proposed on this site certainly far exceeds what is going on else where in the watershed so I believe that after the proposed development that the stormwater quality system is going to protect the physical, chemical as well as the thermal properties of the river and that is very necessary to continue to provide good fish and wild life habitat.

William Root: Darin described the flood storage issues and the water quantity measures and how that is being accounted for, the floodway, flood plain issues so I won't rehash any of that. I do want to talk a little bit about wetland functions and values that was...it's in table one of the report, I showed you that table a little bit earlier and what I wanted to emphasis is that its our opinion that all of the significant wetland functions and value which we detailed earlier are going to be preserved by this proposal and protected and some of them are going to be improved for example, Darin describe how there is going over excavation and over flood storage, we are going to improve the flood storage function of the wetlands on the site and also public access. It is obvious that some of the features, I'll show you in a minute, the mitigation area around the deep pool is going to provide important public access which then leads to education opportunities for people as well so some of the wetland functions and values are going to be improved and the ones...many of them related to flood storage to renovation of pollutants to bank stabilization, those measures are going to be the same as they were prior to development and as I ...

Tape change.

William Root: ...is in development zones but along the western side of the development we have a lot of sand bank areas that are going to be constructed in conjunction with the water quality basins and flood control basins and there are other areas that are very suitable to create sand banks for any potential nesting of turtles.

William Root: As far as endangered species protection, we talked a little bit earlier that we didn't find any endangered or threatened species on the site, what we did find and what DEP reports is that

there is potential for and actual presence of some special concern species, the turtles that are on the site. We talked about preservation of some areas that are suitable for nesting and certainly preservation of the riparian corridor which they use to feed and forage. What we would propose for further protection is to compensate for some of the loss, potential not actual but potential nesting along the eastern side of the site with the construction of new potential nesting habitat on the western side of the site which is also very suitable.

William Root: Again we did not find any nesting turtles there but there certainly is a potential for that.

William Root: In conjunction with the development what DEP always requires us to do when there are possible Box Turtles for example as there might be on this site is to conduct sweeps of the area prior to any land disturbance. Areas are cordoned off say with silt fence and then prior to construction, grubbing, clearing and things like that. An environmental team goes in, looks for turtles, located turtles and relocates them to preservation zone so that would be part of the proposal here once permits are secured.

William Root: The last function and value I wanted to talk about was the public access; I think we have talked about that already. The historic arch culvert is there, the old route of the Farmington Canal line is on the site, and in the future we believe the Farmington Canal Rail to Trail conversion will eventually wind up at Dickerman Road and so when it arrives there it will find this site ready to accept through pedestrian, bicyclists, hikers, whatever and direct them into the site where there will be an informational kiosk and little Heritage Center near the Farmington Canal similar to what you see at Lock 12, you know a place where people can interact with their history and learn a little bit more about how that feature was put on the landscape and what it means even today.

William Root: So as far as an impact assessment, we think that the primary functions and values of the wetlands are being maintained and some of them are going to be improved.

William Root: We looked for mitigation opportunities and the first thing that we did was make use of the design determinants that we talked a little bit about earlier. What we really needed to do was to avoid and minimize wetland impacts, that's the marching orders for any applicant before, not just local commissions but State and Federal regulators as well so first thing you need to avoid and

minimize is wetland impacts and on this site, as Darin detailed, there is only 1/10th of an acre of direct wetland impacts and a lot of it is associated with the repair of the arch culvert and associated with the need to provide through traffic on that bridge which is a very sensitive design. I think for preserving the corridor and preserving the river access as well so...and the impacts that are proposed are cited in the narrow sections of wetlands available. Darin showed you some of those alternatives. We have really picked the narrowest section of the river and were spanning the river. The impacts that are going to take place there are associated with a little back spur of wetlands which was used as a far dump, so if you did go to that site or we'll show you photographs of it, that area is really very disturbed and was going to...needed to be cleaned up any way, there is some historic dumping there so both the uplands and the wetlands are going to have material removed, so its going to be disturbed already and I felt that was really the best place to cite the crossing; narrow section of river that we could span and some very disturbed wetlands that were going to be further impacted anyway.

William Root: I shoed you a lot of pictures of all the ATV trails that are in and around the Great Pool and the impact they are having on the river as you see it today. One of the things we are going to do of course is to stabilize those. I will show you a graphic of proposed development around that area. We talked about repairing the arch culvert to increasing flood storage volume. Fishery habitat, we are looking at the area, as I said there is...the area is stocked by DEP and there is also fishery populations there which are suitable for passive and activity recreation to take place.

William Root: There are some opportunities just down stream of the Deep Pool to put in boulder placement and maybe some J-bars which would stabilize the banks which are a little bit eroded from the ATV trails in that area, so we have a little bit of fishery habitat improvement. There is going to be work in that area anyway and DEP often asks us when we are working in or around a river and doing a bridge if we can devise ways to improve fishery habitat there particularly when they are stocking it so we have some plans to do that.

William Root: As I said, there is a lot of debris including cars and car parts through this part of the river and the small wetland dump was the area where the direct wetland impact is going to take place for the access to the bridge.

William Root: The extensive disturbance around the pool from all the ATV traffic has really lead to an infestation of invasive species there and as a part of the mitigation plan, which I will show you in a second, we want to remove those, we talked a little bit of turtle nesting habitat already.

William Root: Okay this is a graphic for the area around the Deep Pool, here is the historic arch culvert, the headwall is downstream and upstream and the stone arch is there. What is proposed in this area; first is to stabilize and replant all these banks that have been disturbed through the ATV traffic and also a lot of the access that had to take place for the repair of the arch culvert as well so... you see some of the proposed buildings, little overlooks to the Deep Pool area, this informational kiosk and Heritage Monument. The proposed planting scheme, I'll show you in a second but includes more of a wildflower treatment along the eastern side of the Great Fill so people walking along there could have a good view of the river and the plantings down along the flood plain.

William Root: There will be trails along here, a little opportunity for people to access the river; what is going on now people access the river now but it is by those eroded channels that are causing so much trouble down stream now, so stabilizing these areas will provide an opportunity for people to enjoy the river and to get a good view of the arch culvert itself and to also take advantage of the trough traffic through trails and also to shop and go to restaurants and things like that.

William Root: Let me show you...oh let me do just one or two more things. One of the proposals is to have a gathering area. As Darin explained there is going to be this bypass which is currently located farther up, would be relocated to a more natural setting near the arch culvert so in a high water event, exceeding the 100 year storm there would be an opportunity to protect the arch and have water flow through a meadow area and go around the arch culvert so to preserve though flow while still protecting upstream properties and the arch itself so there will be a few gathering spaces, a small terraced grass area for people to maybe enjoy a concert, things like that. That is the general plan for that area together with the restoration of the river banks here and here is the proposed bridge.

William Root: I am just going to go quickly through what the concept plan is for the planting zones. They are going to be taking place as I said along the embankment which will be more of a

wildflower treatment and then on both banks of the river which are so disturbed now and so dominated by invasive species.

William Root: We divided into the eastern bank which has northern exposure and then the western bank which we will look at in a second. The idea is that there would be generally a low herbaceous zone, there will be a fairly low level shrubs and then isolated trees which are typical to flood plain areas; the idea being that the view from the restaurants or overlook areas or the kiosk we didn't want to have completely obscured by replanting of forest in that area, we wanted to keep similar to what is there now and what could be there now if it was not for the invasive species, that would be more of a herbaceous zone and low shrubs but then again good diversity, good wildlife species and typical to a flood plain type setting.

William Root: The western bank which there would be a cross and over the top of the Great Fill with the arch has south exposure so we can use a little bit more sun tolerant species similar, a little bit drier, some drier species...the area is very sandy so there is an opportunity in some places to use Bayberry but down near the river where it is moister than you can use something that is more wetland adapted, a mix of wetland species, more upland species and under planting of ferns as well and again the same tree treatment along the way...can we go back Jeff... just to let you know that planting along the east bank would be here, isolated trees, shrubs under plantings so people could look down and enjoy the arch in the river, along the western bank then you could have an open area for public gathering and contemplative areas as well and then we are still replanting this riparian zone which is not so very thick today would be thicker after development so...

William Root: We think what we are trying to achieve is a good balance between restoring the riparian corridor from what it is today which is extremely disturbed as you saw in the photos but still providing good opportunities for people to gather, to learn and to explore the river as well so I think it's a good mix of uses here, a real balance of the wetland as dictated by the wetlands statute where you are looking for balance between people usage and wildlife usage as well, so I think it is a good mix and I hope that this part of the mitigation package that you will give this some good consideration including the other measures that we had a little bit earlier. Again, these are fleshed out in more detail in the report so if you get a chance thumb thought that and we will talk about it more when the hearing is continued.

William Root: I am going to stop there. Thank you for your attention and I am going to turn it back over to I think Attorney Fazzone to wrap up for tonight. Thank you.

Dr. Dimmick: Alright Attorney Fazzone if you...

Attorney Anthony Fazzone: We do have the ten copies of the environmental assessment that was reviewed by Mr. Root.

The copies of the environmental assessment were submitted for the record.

Attorney Anthony Fazzone: The record ought to reveal that the stormwater management plan was previously submitted.

Dr. Dimmick: Yes, staff has one and I have a copy here which I have gone through and a couple of the other members have gone through.

Attorney Anthony Fazzone: That pretty much concludes our presentation to date. I think that, one of the things that was kind of stepped over quickly or gone through quickly which was fairly oblivious from the field trip and some of the photographs is that in choosing the alternative to restore the arch and the area over the top, the Great Fill over the top is that most of the wetland areas that will be disturbed in the restoration process and the re-fill area have already been disturbed because of the emergency repairs that were necessary, so that there is not an extensive amount of additional wetland impacts or wetlands disturbance that would be carried on in that...and I know that Dr. Dimmick, in one of your animations in the beginning you said that we should not talk about social benefits but that I think there is a social benefit there to the restoration of the archway and the fill and that is one of the factors in the definition of prudent under the statute is social benefit.

Dr. Dimmick: That is accepted. I was thing of social impact on the community which is not the sort of thing we are not going to get into at all.

Dr. Dimmick: While you are up there, I need to ask a question that is not directly related to what you have done so far but there was reference to the proposal for the Apple Valley Mall that your people made and there is in our files an environmental impact statement that was filed with that particular application. Do you have any objection to any of us making reference to that particular data, the

facts that the implications, the facts from that particular report or have you not seen that?

Attorney Anthony Fazzino: I have not seen that. I can certainly answer that question at the very beginning of the next meeting of the next hearing.

Dr. Dimmick: Okay fine, I just thought I would alert you to that possibility, it is data that...because a couple of us here are familiar with it because we sat through hearing is part of our background knowledge and I wanted to make sure before, if we did use it you would be aware of that.

Attorney Anthony Fazzino: Yes, we would like to take a look at it.

Dr. Dimmick: And one other thing that we should mention is this time is historic proposals for this site, I don't know if you were aware of that fact that at one time the State of Connecticut was considering this site as suitable for hazardous waste disposal and issued a map to that effect.

Attorney Anthony Fazzino: We were not aware of that. I think we would have probably brought that up had we been aware of it as not being an alternative we considered.

Dr. Dimmick: I... a couple of us in town vigorously opposed that and went to a couple of public hearings that DEP holding and managed to get that changed but that was a serious proposal by the State at one time.

Attorney Anthony Fazzino: One of the further things recently with respect to the extension of sewers and that sort of thing, we've...there has been a lot of reference in the community to the State Plan of Conservation and Development and I would to put on the record at this point in time and we will introduce at the next hearing a copy of the map of the State Plan of Conservation and Development but I would like to point out in terms of the development of this site as a retail center that the area is in a growth area as determined under the Plan of Conservation and Development which means that it's available for extension of public utilities and expenditures of state funds for that and would like to emphasis and again, the concept that we're under with Planning and Zoning and we've tried to be as detailed as possible, is that at this stage, it is somewhat graphic and is not as detailed as an actual site plan requirement would be. But in those discussions we've also and if

you look at the regulation under which this application is being proposed, there is a requirement for connectivity between the residential and the entire site that work as a site that has access to the non-wetlands areas and those discussions we've had comments, initial comments from the public safety officials of wanting the vehicular access to be open from both sides of the site and that is one of the predominate reasons in addition to the connection to the upland area that same reason for the vehicular bridge being proposed.

Dr. Dimmick: Okay, tell you where we are going tonight. We will entertain questions from members of the Commission, then from staff and the from members of the audience, but before we get into the actual comments or presentations at that point I will be recessing this until the next time, that and one minor house keeping duty will come in there which we will take care of before we go just so people know what's coming up.

Dr. Dimmick: I am going to start by asking if members have questions of the applicant concerning this proposal.

Mr. Berner: Yes, I have a question.

Dr. Dimmick: Yes Bob.

Mr. Berner: On your resources right now there is a wooded area, a Pine Forest, you might have called it, is that going to remain or would that be taken up by the buildings and other structures?

William Root: William Root. The Pine Stand is not a Pine Forest, it's a Pine Stand...was planted in the '60s so its not a natural stand it was planted and it's a species that takes very well to sandy soils. On this plan, Jeff talked about there being a plan to have a theater here; the Pine Stand is in this quadrant, if I can draw it right here. So almost all of that Pine Stand will remain after development and the portions that are going remain are the portions that are closest to the river bank and we were quite insistent that they remain in place, we did not have any argument from the development team because it is very important to keep that bank stable, its very sandy bank and fairly steep there and the trees are larger there, so we wanted to preserve as much as the Pine Stand as we could and still accommodate development so we were able to preserve almost the entire Pine Stand and certainly the portion that is closest to the river for better habitat, to stabilize the bank, things like that so that is going to be preserved.

Mr. Berner: Mostly on the slope where the Pines are located and you are not going to build on the slope itself?

William Root: No, that is certainly correct and the Pines extend from the slope under the flats until it gets to the Autumn Olive thicket and the whole section along the flat part of the slope, there is a trail there now that might be used a nature trail in the future, a picnic grove or something like that is possible there, so that part of the area is going to be preserved.

Mr. Berner: Thank you.

Dr. Dimmick: Other questions from Commission members?

Mr. Simonetta: I have a question on the alternative assessments that were completed. I am not sure exactly who to direct this question to, I am assuming it is someone from Milone and MacBroom staff. It appears that for alternatives A, B and D it was well quantified the potential impact or encroachment area on the wetland but there was really no quantification in alternative C and actually appeared that potential alternative might have lesser impact on the square footage and I wanted to see why that was not further evaluated as an alternative.

Darin Overton: I think C was the copy of the prior approved plan.

Mr. Simonetta: Yup, that is correct. It looked like the roadway was going to come in just east of that Deep Pool area.

Darin Overton: Yea, I guess we did not consider quantifying that because the appearance is that it is a much larger road and a much larger impact. I believe from what I saw from the design plan which we did review as part of this, that the abutments did come down very close to the river and there looks like there was a single span that was going across there. I probably should have highlighted that a little better but it was evident to me and what I had that it looked like there was disturbance but we can quantify that for the next meeting, go back and look at those design plans and provide...

Mr. Simonetta: Just help kind of finalize the record on that aspect.

Darin Overton: The other issue with that was that we looked at the, Bill could speak to this a little bit better but I already think that it's in the record, that the Deep Pool was more...better functions and

values, more higher portion of the river corridor itself than where we had actually located the proposed bridge along where there is essential a farm dump along that finger coming off of the corridor. So it was kind of evident when I looked at this that if they had had a larger area to work with, more property to the east that it probably might have been located further east during that original analysis away from some of the higher quality wetlands but again I'll go back and quantify that for the record.

Dr. Dimmick: I might also ask you to check with alternative C, if it were to be done interfere at all with your proposed floodway bypass.

Darin Overton: Okay.

Dr. Dimmick: That is one of the other things to consider.

Mr. Simonetta: Right, that would come in further towards the west.

Dr. Dimmick: Yes, that would something that would have to be looked at.

Darin Overton: We will review those former plans in more details and report back to the Commission.

Dr. Dimmick: Is that alright Paul

Mr. Simonetta: Yup.

Dr. Dimmick: Other questions of Commission members? Staff?

Suzanne Simone: Yes, I have a question about the three proposed storm drainage areas. I am curious as to what the current conditions are, are they shaded and is the area you are proposing to be shaded does it match what is currently there or exceed it?

Dr. Dimmick: By shaded do you mean....

Suzanne Simone: To shade the water.

Dr. Dimmick: To shade the water okay.

Darin Overton: If we are, starting with number one, this is an area, again that you see that finger of wetlands that extends up the area of the farm dump, although that is wooded, there is a lot of debris that needs to be removed there...it is a relatively shaded area, I think post

development it is going to remain somewhat shaded, there is a retaining wall there that is going to extend up to provide shade from the southern exposure. It is a relatively small area of disturbance associated with that so I think it's going to remain relatively shaded post-development.

Darin Overton: As far as area two, a good portion of this, I believe has already been cleared and disturbed especially the eastern area where we show the bypass channel as part of the emergency repairs for the stone arch itself. Further to the west is an area that is a little bit more wooded, kind of a smaller growth area that is not as dense or the over story does not have as dense a canopy as other areas on the site, so its somewhat open there already and again there is going to be a retaining wall system that is going to provide some immediate shading on the south side; we've proposed an area kind of in between the two water quality swales to fit some shade trees in and also provide some further shading.

Darin Overton: Also what Mr. Berner mentioned earlier is keeping a portion of that mature Pine Stand; we're kind of at the northern end of that mature Pine Stand so also expect the Pines that are going to remain there are going to provide some shading on the southern exposure.

Darin Overton: Discharge area three, not much of mature vegetation in that area, that is more of an area where there is open sandy disturbed area previously and probably extends in to part of the Autumn Olive thicket that is out there and then the same with flood plain storage area, the area four is identified there. For the most part that is, I believe, outside of the mature tree line associated with the Tenmile River and wetland corridor.

Dr. Dimmick: ...having a corner of it as part of your fill you made when you made the by-pass channel.

Darin Overton: It's part of the work that was done by the Town, the excavated material that they took out to build the by-pass channel was placed in that area but again that was all an area associated with prior disturbance and I think you can see that...go back and look at some of the aerial photographs that were provided.

Dr. Dimmick: Now I am going to ask if there are any questions of the audience. Now confirm yourself to questions at this point, comments will come later and I'll recognize if you'll come forward and give your name and what you represent.

John W. Knuff: Thank you Mr. Chairman and I understand this is only for questions...

Dr. Dimmick: Yes.

John W. Knuff: No presentations planned at the moment.

John W. Knuff: My name is John Knuff, I am an attorney, 147 North Broad Street in Milford, Connecticut and I am here tonight on behalf of Meriden Number Two, Meriden Square Number Two, LLC and Meriden Square Number Three, LLC which are Westfield entities.

John W. Knuff: My first question is...is really for the Commission, when is the next hearing or the next evening this hearing is proposed?

Suzanne Simone: The next meeting is on the 18th.

Dr. Dimmick: The 18th of September.

John W. Knuff: Okay. The reason I ask is because he have assembled a team of folks to review the application as submitted. Obviously, the applicant has waited until tonight to submit quite a bit more of additional information and we want to make sure we have an opportunity to provide meaningful comments.

Dr. Dimmick: That is part of why I wanted to continue the hearing because any material that comes in, I want to review it also obviously.

John W. Knuff: Thank you.

John W. Knuff: Second question or three, I have a verified petition for intervention and a notice of intervention; if I could I would like to submit them for the record.

Dr. Dimmick: I'm...if you hadn't mentioned it I was going to ask you because I had the idea that you wanted to do that so we might as well get that tonight...you have it with you?

John W. Knuff: Yes....yes and I will provide a copy to the applicant as well.

Dr. Dimmick: Okay.

The verified petition for intervention and a notice of intervention were submitted for the record.

Dr. Dimmick: You quote the relevant statute in the....

John W. Knuff: Yes Mr. Chairman.

Dr. Dimmick: Carla let me see one copy of it right away.

A copy of the verified petition for intervention and a notice of intervention were handed to Dr. Dimmick.

Dr. Dimmick: Give me just about 30 seconds to go through this...we can probably save a little time.

Dr. Dimmick: Okay it is in order, I see no problem with recognizing your position as intervener status, I believe the applicant is familiar with the rights and obligations that are connected with that including allowing of limited cross examination, allowing of access of any materials provide by the applicant. Did I leave something else out that is important?

John W. Knuff: No that is fine Mr. Chairman. Thank you. And my last question is a simple one directed to the applicant and that is whether there is any intend to submit plans at a scale other than 1 to 100 that would provide an opportunity a more careful review of the application.

Dr. Dimmick: Is that Darin that is going to answer that question?

Dr. Dimmick: You're not sure.

John Milone: For the record Mr. Chairman, John Milone from Milone and MacBroom. At the current time it's our intention to provide you with the plans that you provided, primarily their scaled one inch equals 100 feet which we believe meets your submission criteria of this Commission, it meets the criteria of the submission for the application that is in front of the Planning and Zoning Commission for this application this time and we believe provides for reasonable determination and assessment of the impacts to the wetlands and the associated systems with this applicant. So less the Commission specifically requests us more details or enlarged plan, we don't intend to submit anything else.

Dr. Dimmick: Thank you.

Dr. Dimmick: So I guess you are getting the same thing we're getting.

John W. Knuff: That is all I have Mr. Chairman. Thank you.

Dr. Dimmick: Okay...

John W. Knuff: And I apologies, I lied...I guess...I don't' know if the Commission wants to set a protocol for the presentation, I know that the hearing is being continued until the 18th, you know depending upon our review of what I submitted this evening, you know we may have, you know a half hour to an hour of a presentation and just to accommodate the Commission's schedule I don't know when the hearing following that is but we are willing to work with the Commission and the applicant in terms of an organized format for going forward for the hearing.

Dr. Dimmick: I think that if you have any further questions you might want to contact our staff person during, between now and then... both Bob de Jongh is the regular Chairman and I keep in regular contact with Suzanne in between meetings and try to smooth over things the best we can so as not to have too many problems that show at the last minute there.

John W. Knuff: Can I make a suggestion?

Dr. Dimmick: Certainly.

John W. Knuff: Is it possible to get written comment prior to the next hearing so we it can be response from the applicant?

Dr. Dimmick: ...that's...I believe that there is some written comment in the intervention that you submitted now... you will be reviewing the environmental material that was submitted tonight. We also run into this problem not only here but in many public hearing that I have been at around the State, you end up with the applicant and the intervener both file new reports one hour before the next public hearing and no one has the chance to really review each other's work on that.

John W. Knuff: Such as tonight.

Dr. Dimmick: Hum...

John W. Knuff: Such as tonight.

Dr. Dimmick: Well we had worries that this report might be late coming in. Of course what happens as the result of it coming in late is that the hearing gets continued but we get into this other bit of almost a ping-pong game which I would not like to see where everything comes in the last minute before each session...so all I can do is urge parties to try to...get further materials in so there is some time at least for staff to take a look at something before and because you have intervener status if the applicant files anything more would be...the applicant should make sure that you get that material as soon as we do....and I am going to ask the courtesy that you don't try to pull any surprises at the minute and if you have anything coming in that it be timely enough that everyone gets a chance...I don't want to play games with this I want to get the information in. The purpose for us for the public hearing is to get as much information in as possible to reach a decision, it's not to...

John W. Knuff: And the purpose of our commentary is to provide more information to the Commission to make a determination. The hearing is two weeks away. I'll ask our team to evaluate the new materials as quickly as they can and get something submitted as quick as they can. Our intent is not to sabotage anyone but if we had these materials when the application was submitted we may have been able to provide more thoughtful response this evening.

Dr. Dimmick: So your main consultant is Rema?

John W. Knuff: We have two consultants Mr. Chairman, Hessgettin Associates and Rema Ecological.

Dr. Dimmick: Rema Ecological, okay just me are...I think we are familiar with both of those.

Dr. Dimmick: I do see some other members of the public that do want to ask a few questions I think...others members of the public I recognize Mary Mushinsky if she would like to come forward and re-identify herself to make sure I have identified her correctly.

Mary Mushinsky: Thank you Mr. Chairman, members of the Commission, Mary Mushinsky from the Quinnipiac River Watershed Association and I just had a couple of questions...is there any...on the buffers is there any place narrower than 100 foot buffer

protection? Do you want to do them one at a time or should I just but them all on the record?

Dr. Dimmick: How many do you have?

Mary Mushinsky: Four.

Dr. Dimmick: Four... would the applicant like to reply to these one at a time or in mass?

Attorney Anthony Fazzino: In mass.

Mary Mushinsky: Okay. That's good. Did the applicant consider any new ideas for low impact designs such as ways to increase permeable surfaces with green roofs or permeable pavement or any of those features...water gardens? Third question, if they find Wood Turtles or Box Turtles and have to relocate them, where is the preservation zone; it is part of the same parcel or is the preservation zone off of the site on another parcel? And fourth question –does under ground recharge work as well to protect water quality as surface, traditional surface detention systems?

Dr. Dimmick: If the applicant wants to take those questions?

Mary Mushinsky: Thank you.

Dr. Dimmick: I think they are drawing straws.

Darin Overton: I guess we would prefer to consider the questions in a little bit more detail and maybe provide a written response but I just want to clarify the first one. There are areas where the buffer is less than 100 feet in particular the area around the Deep Pool that's there and part of the reason for that is that we felt that is was such a disturbed area to begin with that we really wanted to do some restoration work down towards that pool and promote public access down to the river. This...the river and the arch here has been isolated for several years and part of the reason why we had this near catastrophic emergency situation earlier in April was because that culvert hadn't been maintained over the recent years, it had been neglected. And we are proposing impact down closer to the water there and we want to bring people down in as part of the project but we are also to provide for more dense understory plantings in there to only create certain isolated area where people will access the river and the amenities down there and keep from just

kind of trumping through the whole area so there would be vegetated buffers that are proposed in there.

Darin Overton: As far as considering ideas for low impact design, we also look to consider those and one the things I did mention in our presentation was we wanted to look to provide some depressed islands in the parking areas, go out for some natural infiltration and filtering. Since we are in kind of preliminary conceptual application with Planning and Zoning, we may not have gotten down to the level of detail of looking at individual islands to see if we could drop curbs and things like that but that is something we are going to consider in the future and we are certainly open to ideas from others as far incorporating low flow impact principals as part of the project.

Darin Overton: We will look to identify a relocation area or preservation area for relocation during the sweep of turtles and I'll certainly look to provide more detail on the water quality measures, underground storage versus surface storage.

Dr. Dimmick: That relocation...I think the question was whether it would be onsite or off-site, I think it one...

Darin Overton: I think the intention would be to provide for an on-site location. We have areas that we've identify that ...where we can create some habitat for the turtles outside of the development areas and I think we just need to sit down and think about the best areas for...to provide for preservation location.

Dr. Dimmick: And the last bit you said you are going to provide more information about water quality improvement within infiltrations at the....

Darin Overton: Surface basins versus the underground storage and we do have a variety of both on the project so I will provide more detail in regard to that.

Dr. Dimmick: Okay this is something you said you were going to provide some kind of written response for?

Darin Overton: Yes.

Dr. Dimmick: Ms. Mushinsky does that help you?

Mary Mushinsky: Yes, thank you.

Dr. Dimmick: Are there other questions to come from members of the audience...from the public?

Dr. Dimmick: yes if you come forward and identify yourself.

Jim Sima: Jim Sima, 180 Birch Drive, a neighbor to this development. I have a few questions, the first question that comes to mind is, of the available land that is not part of the wetlands or the flood plain what is the coverage rate of parking lot and roof area, it looks pretty much towards 60 to 70 percent, just looking at this conceptual drawing that's one question that comes to my mind and the run-off issues that was brought up Mrs. Mushinsky.

Jim Sima: Second question that comes to mind and know that you don't have full drawings is, is there actually enough, it does not look like there is enough parking for the amount of...

Dr. Dimmick: That is totally irrelevant to this hearing. The amount of parking available is totally irrelevant to what we consider.

Jim Sima: My question goes to the fill rate of how much black top is going to be on this, is this really what is going to be hear for parking for black top? Is that irrelevant or not irrelevant?

Mr. Simonetta: Drainage is.

Dr. Dimmick: The amount of drainage is irrelevant, they have done detailed...they submitted a stormwater drainage report, a copy of which is in our office and if they were to change the amount of parking they would have to change the calculations that go into this report. So that the amount of water draining off is irrelevant, as to whether there is sufficient parking for whatever P&Z has is not part of our concern.

Jim Sima: So if there is a change in parking structure the will have to come in front of you guys to...?

Dr. Dimmick: They would have to submit a revised report on that.

Jim Sima: Thank you very much.

Jim Sima: My next question goes to the culvert and looking at the presentation tonight where it says organic grocer – the north side of the property, there seems to be a lot of fill or some kind of wall put in there and a encroachment on the flood plain from an earlier picture

that I saw there and my questions goes back to the fact that I think I heard 132 and 136 as water level on the up stream and down stream side of the culvert and were going... if you're going to impact the flood plain area that is really an impact to the people of Southington because that is really a back-up of water that is coming from the Quinnipiac is it not and at that point you're transferring that flood plain area to the high side of the culvert yet you're not addressing the lower side of the culvert. My question is that a irrelevant to ask of you?

Dr. Dimmick: I think what we've got here and from certainly my observations when that floods the water gets much higher on the high side of the culvert then the low side so that culvert is an impediment to flooding down stream that if the culvert were removed you'd....

Tape change.

Jim Sima: ...the down stream site floods all the time.

Dr. Dimmick: If it floods and is part of the back-up from the Quinnipiac...when it floods its still higher in the upstream side...

Jim Sima: Right but it's still high on the down stream side and you are removing some of that flood plain, is that a prudent thing to do? And my next question goes to the aquifer here and putting in under ground drainage I believe this may or may not a aquifer, there is many domestic water wells in the area and there are some municipal water wells in the area, has that been taken into account that you're going to go into the coarser soils underneath instead of using the silts that are surface water fill that normally has by taking all this drainage from the roofs and the parking lot and the oils and whatever else would come off of the parking lot now were putting into underground drainage if that could be addressed at one pint in time.

Dr. Dimmick: Does the applicant want to address any of these tonight?

Attorney Anthony Fazzone: I think the preference would be to respond to all of them at the outset of the next meeting.

Dr. Dimmick: Okay you have noted these questions and will respond accordingly?

Attorney Anthony Fazzino: Right we'll get copies of the minutes in advance.

Dr. Dimmick: Okay, we will make sure that we get responses the next time. Are there other questions of members of...okay if you come forward...

Darf Kleist: Darf Kleist of 251 Lancaster Way, 54 year resident, I don't represent anyone but I am a tax payer.

Darf Kleist: How will educational access be allowed? You can't even go to the Canton project without being chased off the property if you take pictures...I mean they mention it several times that we're going to do this so that the public can have access to see certain visual...you can't do that at their other properties, so I don't want this spouted off and people are in favor of a project and it doesn't come true. Are you going to have to pay to see this or is it readily right of way that the public is going to be able see these Deep Pool or the arch or...we're being invited at this meeting essentially that we are going to be able to see these distinguished pieces of property.

Dr. Dimmick: Attorney Fazzino do you want to answer that?

Attorney Anthony Fazzino: My understand of the incident at Canton was that the...someone was there taking pictures prior to the hearing or during the hearings on the zone change and several shoppers complained that their pictures were being taken and they did not know that it was, there were security reasons involved and the person taking the pictures was asked to leave.

Attorney Anthony Fazzino: At a subsequent time a request was made to go up and take pictures, I believe that accommodation was made.

Attorney Anthony Fazzino: Certainly educational access to the site, to the arch and everything will be accommodated and it will be a public area, if someone wants to come in and take pictures of the arch way there won't be any problem with that but taking pictures of patrons or pictures along the streetscape that include patrons, we would expect someone to come in and ask for permission to that.

Dr. Dimmick: This is the first I head of any problems along that line so I had not idea what was going on there. That help you any?

Derf Kleist: I don't know, eventually I guess we'll have to pay to go see it, I don't know, I guess there is no right of way to the public. Mr. Fazzone didn't...Attorney Fazzone didn't indicate that we would have an absolute public right of way to these things but...

Derf Kleist: ...also it was mentioned that there is a special concern species, one of them is the Wood Turtle. The law states that there certain endangered species and different levels of species but are the types and numbers of expendable wildlife, example deer.

Derf Kleist: When we had a public hearing at the Town Council when they wanted to donate a dam, I suggested purging the dam, it was a manmade dam...*oh no don't do that we've got all this wildlife in a couple acre...* well this is over a hundred acre project.

Derf Kleist: I want to know how many deer and fox and so forth and what is going to happen to them? Are they going to run out into the roadway and get hit or we going to shoot them or... I guess we don't have to preserve them but what will happen to the expendable wildlife?

Derf Kleist: How many deer are there? How many fox and so forth, are we talking ten, are we talking hundreds or what ever, because if you police reports on Route 10, every year we year we've got and accident with a deer.

Dr. Dimmick: Just one?

Derf Kleist: We'll I'm saying...I pulled the accident report when my wife wanted a daycare center on Prospect Road and there was at least one over there and at least one on Router 10 just in the vicinity of the daycare center. So I.....

Dr. Dimmick: There's one on Router 10 just in the vicinity of the Reformatory about 8:30 at night that I had \$2000 worth of damage to my car as a result.

Derf Kleist: So you don't have to protect and preserve them but what will happen to them, that was my...and how many are there and what type and numbers and so forth...are there fox are there deer and how many...or do we just let them go into Route 10? I don't know, so that was one...they don't have an answer to that so that is one of my questions.

Derf Kleist: They had a list of plantings that would low and open for people to view, so they could look out from the restaurant and so forth, will the same type of plantings protect the wildlife? ...wildlife don't open and viewing of people, they want a little more dense so they can hide or feed or whatever...so are plantings for the people or the plantings for the wildlife?

Dr. Dimmick: I can tell you right now that the Courts of the State of Connecticut have determined that we no longer have jurisdiction over anything that is outside of our review area, so that if they wanted to get rid of everything outside our wetland review area, much as we may have concerns about it, we can't do anything about it – someone else could but not this Commission.

Derf Kleist: So it's only the plantings on the wetland area?

Dr. Dimmick: Wetland area and the area that we have determined is buffer to the wetland therefore plantings are necessary to preserve the wetlands because of what effects from the areas immediately surrounding the wetlands but the Supreme Court of the State of Connecticut in the Avalon case has decided that the wildlife that are living outside the wetland buffer, the wetland buffer area are totally outside our jurisdiction and we are not to consider them in our decisions, much as we might want to, understanding?

Derf Kleist: And then I think someone else alluded to the fact that a different type of development would have a different type of impact. One of the things that was mentioned in recent times was there might have been a movie theatre there, with a movie theatre versus the apartments would have less impact, that would be my question.

Dr. Dimmick: Does the applicant want to handle any of these tonight?

Attorney Anthony Fazzino: We'll answer them at the next meeting.

Dr. Dimmick: Okay. Are there other members of the public who have questions tonight?

Dr. Dimmick: Yes, if you'd come forward. And I am going to cut it off after this one because it is after 10:00 p.m. and we have some necessary and urgent business the Commission needs to handle.

Dave Schrumm: Thank you. Dave Schrumm of 369 Sir Walter Drive. A couple of quick questions, the existing elevation, the entry point

and exit point for the emergency by-pass that the Town recently reconstructed –I have it written down somewhere but I cannot find the paper because we had to vote on the this is a very herd fashion but can you tell me what the...

Dr. Dimmick: They are at the 100 year flood elevations what ever they are is I believe where they are set.

Dave Schrumm: If they cannot answer it now, I'd like to know what is the existing entry elevation and the existing exit elevation and then what is the proposed entry elevation and the exit elevation? Okay are there differences, okay and why? The second thing is, I believe, and Dr. Dimmick you probably know more than anyone that, and Mr. Sima I think, asked the question but I just want clarity on it, the amount of water that goes though the aqueduct and goes out and flows towards Southington, when you look at that aqueduct that is not big enough to create the flooding north of there, so some of the that flooding is the Quinnipiac basically backing up along the Tenmile River, is that essentially true?

Dr. Dimmick: That is certainly true. There is a mixed factor that you almost need a computer to straighten it out. My understanding is there is a slight timing difference that it starts flooding as a result of the Tenmile and then the later flooding is when you start getting the back-up from the Quinnipiac but they are when it is a maximum flow, you've got a contribution from both sources and it doesn't help any that you've got the confluence there of the Tenmile and the upper part of the Quinnipiac being almost the size and it is very complicated. I believe that in Milone and MacBroom's offices, Jim MacBroom, who is referred to here but was not here tonight has computer modeled the entire set of processes that go on there, so I don't have the date ready to...I'm sure the applicant probably has some information on it.

Dave Schrumm: It would be good to get cleared on that because when you stand there and look at that aqueduct, from the plunge pool side and you look at the water and then you stand there and say this area was filled with water, you realize all that water could not have come through that aqueduct, it had to be coming back from the north back up that stream. Now the timing of it is depending on how it rains and the rest...but I would get some explanation on that.

Dave Schrumm: Tonight we are seeing this, again going back in again, you don't have anything to do with number of parking spaces but does that rendition that we are seeing tonight confirm with

Cheshire's existing parking spaces required per retail space or can we really look forward to change in something that you folks are going to have to deal with? I don't you don't have to deal with parking but my question tonight, and they should be able to answer that...is that enough parking...is it or is it not according to existing zoning as it exists right now, is that enough?

Attorney Anthony Fazzino: It is not quite as simple as that. Part of the Zoning regulation that I alluded to before requires that a proposal be made for a zoning table of equipments for the new zoning district, that complies with that proposal, whether or not that is approved by the Planning and Zoning Commission remains to be seen but it does comply with that proposal.

Dr. Dimmick: And will people be ready to also to answer the other question concerning the flooding elevations and so forth.

Attorney Anthony Fazzino: Definitely.

Dr. Dimmick: They will prepare something and we will get those answers the next time.

Dave Schrumm: In other words, that complies with what the applicant would like to see in the new zoning regs...

Dr. Dimmick: As they understand the new regs now but the new regs have not been fully interpreted by Planning and Zoning.

Dave Schrumm: That is what is what they would like to have but not necessarily what they are going to have so we can probably look forward to a change.

Dave Schrumm: And finally, we've seen a lot, we've seen 691 but what we've haven't seen is what happens south of 691. Now the water from the Quinnipiac, or the Quinnipiac, the Tenmile River, that whole watershed system as you well know backs up all the way back to the Industrial Park, past Bloomingdale. I've seen it up on the cornfield, the Casertano cornfield at the corner of Jarvis and Marion Road, that is how are it backs up and it gets deep, it's out on to that cornfield. My questions is, by doing this and changing that overflow, the emergency bypass and all rest of that, does that impact all those wetlands going all the way back up stream including the 100 and some odd acres that the Town has near Dundee Court that we just did an environmental or just approved or on our way to approving the open space management plan and one of the things that plan

says is preservation of those wetlands and I guess my questions is, and it doesn't have to be answered tonight, what happens south of 691, we're all are focused on north of 691 but there is a whole lot of stuff that goes on back though there including our Industrial Park and the residents there in...if we'll have some comments about that...what happens all the way up the line as you change this? Thank you.

Dr. Dimmick: Okay did you want to handle that one tonight or did you want to handle that one next time?

John Milone: John Milone for the record. I think we would like to go through the details at the continuation but clearly are interest are both downstream and upstream and...

Dr. Dimmick: Your idea is to have no change...

John Milone: No change or to have an improvement in the flood elevations as it relates to the areas within the Town of Cheshire without impact and in the northern end in the Town of Southington and the...we will go through the details at the continuation but I don't want anyone to leave with the indication, the idea that we haven't been concerned about the flooding in the Town of Cheshire with everything we are doing here.

Dr. Dimmick: Okay. At that point I am going recess this public hearing and continue to September 18th, same time, same place. Thank you very much for your cooperation tonight... I did not have to bang any heads... we do have some regular urgent business that the Commission has to handle; we will come back in regular session in just a minute.

VI. ADJOURNMENT

The public hearing was adjourned at 10:09 p.m. by the consensus of Commission members present.

Respectively submitted:

Robert Berner, Secretary
Cheshire Inland Wetland and Watercourse Commission

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, SEPTEMBER 4, 2007 AT 10:11 P.M.
TOWN HALL – 84 SOUTH MAIN STREET
COUNCIL CHAMBERS –IMMEDIATELY AFTER THE PUBLIC HEARING**

Members Present: Charles Dimmick, Robert Berner, Paul Simonetta, Tod Dixon, Earl Kurtz and Matt Bowman.

Ms. Simone was also present.

Dr. Charles Dimmick served as chair pro-tem in Robert de Jongh's absence.

I. CALL TO ORDER

The regular meeting was called to order at 10:11 p.m.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited at the start of the public hearing.

IV. ROLL CALL

Mr. Berner called the roll at the public hearing.

Commission members present at the meeting were Present: Charles Dimmick, Robert Berner, Tod Dixon, Paul Simonetta, Earl Kurtz and Matt Bowman.

V. DETERMINATION OF QUORUM

A quorum was determined at the public hearing.

Due to the late hour (10:11 p.m.) and the fact that two applicants had been waiting patiently in the audience until the conclusion of tonight's the public hearing, the Commission agreed to address the three items under new business.

See items under New Business and Enforcement Actions – Show Cause.

**VI. APPROVAL OF MINUTES – August 14, 2007 Special Meeting
August 18, 2007 Site Walk**

The approval of the minutes was deferred until the next meeting.

Dr. Dimmick agreed to provide staff with corrections from the August 14, 2007 Special Meeting and the August 18, 2007 meeting minutes.

VII. COMMUNICATIONS

1. The Council on Environmental Quality's 2006 report on the condition of CT's environment is available online www.ct.gov/ceq/Annual Report.

The Commission reviewed this communication.

2. Letter from RWA
Re: CIWWC Permit Application #2007-029
656 Ashley Court, Inground Pool

The Commission reviewed this communication.

3. Letter to William G. Coleman
Re: Show Cause Hearing Extension for 678 Coleman Road

The Commission reviewed this communication.

4. Letter from RWA to Planning & Zoning Commission
Re: 2007 Annual Recognition Awards & Entry Form

The Commission reviewed this communication.

5. Letter to Francis H. Switajewski
Re: September Status Report
Fill Removal, 1143 Summit Road

The Commission reviewed this communication.

6. Letter from Milone & MacBroom to Anthony Napolitano
Re: CIWWC Application #2006-021B, 25 Sudol Court
Construction sequence for removal of retaining wall & fill

The Commission reviewed this communication.

7. Letter from Jeffrey Gorski, Boy Scout Troop 90

Re: Proposal Eagle Project: Footbridge on DeDominicis property

The Commission reviewed this communication.

8. Letter to William G. Coleman, III 678 Coleman Road
Re: CIWWC Application #2007-031
879 Farmington Drive, Garage

The Commission reviewed this communication.

9. Letter from RWA
Re: CIWWC Application #2007-032
893 Farmington Drive, Porch

The Commission reviewed this communication.

10. Letter from RWA
Re: CIWWC Application #2007-034
65 Briar Court; Place fill 57 feet from wetland line

The Commission reviewed this communication.

11. Letter from Francis H. Switajewski
Re: September Status Report
Fill Removal, 1143 Summit Road

Ms. Simone informed Commission members that she received an updated status report from Francis H. Switajewski regarding the fill on the site.

Mr. Switajewski stated in the report that all of the fill had been removed and the retaining wall is up. He also reported that some of the plantings had been installed and the rest would be planted in the Spring of 2008.

Mr. Switajewski extended an invitation to any Commission member who wants to go out to the site to do so.

Ms. Simone stated that she had reviewed the report but that she has not had an opportunity to inspect the site.

12. Correction to the Minutes of the July 17, 2007 Regular Meeting.

Ms. Simone informed the Commission members that she had been contacted by Mr. Davidson of Wallingford, CT regarding two corrections to the minutes of the July 17, 2007 meeting:

July 17, 2007 Regular Meeting corrections:

Mr. Davidson who was present at the July 17, 2007 meeting (for Unauthorized Activities in a Regulated Wetland Area - Ms. Karin Eichten 0630 Cook Hill Road) noted that his last name is "Davidson" and not "Davison" as noted in the minutes. On page 43 change "6 feet" to 6 inches" and page 44 at L15, change "over" to "under."

The Commission unanimously approved the changes.

13. Other –none.

VII. INSPECTION REPORTS

1. Written inspections

Written inspections were deferred to the next meeting.

2. Staff Inspections

Staff inspection reports were deferred until the next meeting.

VIII. ENFORCEMENT ACTIONS

1. Monitoring: Remediation Approvals: 02/01/05
Francis H. Switajewski 11/01/05
#2005-051
Summit Road

Action on the item was deferred until the next meeting.

2. Monitoring: Remediation Approval: 07/18/06
#2006-038
Mr. Walter Galko
740 Peck Lane

Action on the item was deferred until the next meeting.

3. Unauthorized Activities in a Regulated Wetland Area
Ms. Karin Eichten

630 Cook Hill Road

Action on the item was deferred until the next meeting.

4. Other – none.

SHOW CAUSE

This item was discussed after items #1 and #2 under New Business.

Tod Dixon recused himself from this portion of the meeting at 10:20 p.m. and rejoined the meeting at 10:42 p.m. after the discussion this item concluded. Mr. Dixon did not vote on any of the motions on this item.

1. **Unauthorized Activities in a Regulated Wetlands Area**
William G. Coleman, III
678 Coleman Road

William G. Coleman, III of 678 Coleman Road was present.

Dr. Dimmick informed the Commission that he and Mr. de Jongh visited the site.

Dr. Dimmick stated that the show cause hearing would need to be closed before the new business application could be considered.

Dr. Dimmick said that on Mr. Coleman's property there are both wetlands and a watercourse. He explained that some 20 loads of fill were delivered to the site sometime this summer.

Dr. Dimmick said that he and Mr. de Jongh visited the site and spoke with Mr. Coleman. At that time, he and Mr. De Jongh were able to take a good look at the site.

Dr. Dimmick said that it seems as though the fill is within the 50' setback of the wetland and that activity falls within the Commission's purview and the activity requires a permit.

Mr. Bowman commented that the fill is within 50' of the wetlands but were any wetlands filled?

Dr. Dimmick stated that as far as he could tell, the piles are still sitting in the same location they were delivered to and remain undisturbed.

Mr. Coleman agreed that Dr. Dimmick's statement was correct.

Dr. Dimmick stated that it was not determined that if any of the piles were at the edge of the wetlands. The piles appear to be immediately adjacent to what are listed as wetlands soils and therefore regulated.

Dr. Dimmick said that the area had been mapped for wetlands previously and those wetlands maps are in the Commission's file.

The piles of fill are within 50' of wetland soils.

Dr. Dimmick stated that the piles have not been spread into the wetlands at this point.

Ms. Simone stated that a site plan was submitted by the applicant and the site plan does show the wetland and the area of filling and recovering as being next to a wetland area. There is an indication on the site plan as to the location of the fill.

Ms. Simone stated that the applicant has filed an application under new business.

Mr. Bowman said that if Mr. Coleman has made an application and if the applicant has not filled any wetlands but the fill is in the Commission's review area, he suggested that the Commission close the Show Cause hearing and move forward with accepting the application under New Business.

Dr. Dimmick stated that before the Show Cause hearing could be closed, there had to be a determination that there was or was not a violation of the Commission's regulations.

Dr. Dimmick stated that it was his determination that if there fill was placed within the upland review area without a permit then a violation of the regulations exists.

Mr. Bowman agreed.

Motion: That the Commission recognizes that there has been a violation to the Commission's regulations on the property location at 678 Coleman Road.

Moved by Mr. Bowman. Seconded by Mr. Simonetta.

Mr. Berner commented that he has not seen the area behind the barn but the upper area is line. He said that only when it rains there is water on the surface and at all other times the area is as dry as a bone.

Dr. Dimmick stated that there is a large wetland area on the site in terms of soil determination.

Motion approved unanimously by Commission members present, noting that Mr. Dixon was not present for the vote.

Motion: To close the Show Cause hearing based on the fact that the said violator has applied for a permit to rectified the problem.

Moved by Mr. Bowman. Seconded by Mr. Berner. Motion approved unanimously by Commission members present, noting that Mr. Dixon was not present for the vote.

Further discussion on this item was addressed under New Business.

IX. UNFINISHED BUSINESS

- | | | |
|----|---|--|
| 1. | Permit Application
Town of Cheshire Public Works
Schoolhouse Road
Site Plan – Drainage | APP #2007-016
DOR 6/19/07
MAD 10/26/07 |
|----|---|--|

Discussion on this item was deferred until the next meeting.

- | | | |
|----|--|---|
| 2. | Permit Application
Prospect Pools, LLC
656 Ashley Court
Site Plan – Inground Pool | APP #2007-029
DOR 08/14/07
MAD 10/17/07 |
|----|--|---|

The motion to declare this application not significant within the context of the Commission's regulations had not been recorded in the August 14, 2007 minutes.

Motion: To declare the proposed activity not significant within the context of the regulations.

Moved by Mr. Bowman. Seconded by Mr. Dixon. Motion approved unanimously by Commission members present.

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors pursuant to Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire, Commissioners' knowledge of the area, previous site visitations, and after review of written information provided by the applicant on this application, finds the following:

- 1. That the current application is for the installation of an inground pool.**
- 2. That the applicant indicated that the pool would use a cartridge filtration system that will not require backwash.**
- 3. That the proposed construction activities will be located in an area currently used as a lawn.**
- 4. That the Commission has determined the activity (to not be significant under the context of the Cheshire Inland Wetlands and Watercourses Commission regulations).**

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2007-029, the permit application of Prospect Pools for Site Plan-Inground Pool as presented on the plans entitled:

**“Property/Topographic Survey
Land Of Anthony Perugini & Kathleen J. Jensen
656 Ashley Court, Cheshire, CT
Dated April 19, 2004, Scale: 1”=20’,
Prepared by Conklin & Soroka, Inc.”.**

The permit is granted on the following conditions and stipulations, each of which the Commission finds to be

necessary to protect the wetlands and watercourses of the State and the Town of Cheshire:

1. Any lack of compliance with any condition or stipulation of this permit shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and an enforcement order shall be both issued and recorded on the Town of Cheshire Land Records.
2. No changes or modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.
3. Prior to any commencement of activities covered by this permit grant and prior to request of a building permit, the applicant shall have the following items both completed by a qualified party and verified as complete by Commission Staff:
 - a) the proper installation of all sediment and erosion controls indicated on the above referenced plans. Staff may insist on additional controls if warranted by field conditions.
 - b) the installation of permanent wetland buffer markers. The location to be determined by Commission Staff.
4. All conditions of the DEP General Permit for Swimming Pool Wastewater shall be complied with.
5. Throughout the course of conducting construction activities covered by this permit grant, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring the following:
 - a) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100' if possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.
 - b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.

Moved by Mr. Bowman. Seconded by Mr. Kurtz. Motion approved unanimously by Commission members present.

3. Permit Application APP #2007-030
Cheshire Route 10, LLC DOR 08/14/07
1953 & 2037 Highland Avenue MAD 10/17/07
I-691 & Dickerman Road
Interchange Special Development Project

The item was subject of tonight's public hearing. The public hearing was continued until Tuesday, September 18, 2007.

4. Permit Application APP #2007-031
John Fellows DOR 08/14/07
Farmington Drive MAD 10/17/07
Site Plan – Garage

Ms. Simone stated that the applicant is waiting for a contractor to devise a construction sequence; a construction sequence will be submitted at the next meeting.

Further action on this item was deferred pending the submission of a construction sequence.

5. Permit Application APP #2007-032
AGS Builders DOR 08/14/07
Farmington Drive MAD 10/17/07
Site Plan – Porch

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors pursuant to Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire, Commissioners' knowledge of the area, site visitations, and after review of written information provided by the applicant on this application finds the following:

1. That the current application is for the installation of a 12' by 12' porch at 893 Farmington Drive.
2. That the porch will be installed in the 50' upland review area.

3. That the soil disturbance on site will be limited to the installation of three piers, 12” in diameter and 3’6” in depth.
4. That the applicant submitted a construction sequence regarding the porch construction and management of the site.
5. That there are no direct wetlands impacts associated with the site plan activities, as proposed.
6. That the proposed site plan activities will not have a significant adverse effect on adjacent wetlands or watercourses.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2007-032, the permit application of Anthony Sciascia for site plan approval as presented on the plans entitled:

“AGS Builders, Inc. Site Information
Dated July 15, 2007
Sheet 1: Project Description
Sheet 2: Location Map
Sheets 3-6: Pictures of Site
Dated August 3, 2007; Construction Sequence”.

The permit is granted on the following conditions and stipulations, each of which the Commission finds to be necessary to protect the wetlands and watercourses of the State and the Town of Cheshire:

1. Lack of compliance with any stipulation of this permit grant shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and a cease and desist order shall be both issued and recorded on the Town of Cheshire Land Records.
2. Any changes or modifications to the plans as presented will require subsequent Cheshire Inland Wetlands and Watercourses Commission review and approval.
3. Prior to any commencement of activities covered by this permit grant and prior to request of a building permit, the applicant shall properly install all sediment and erosion controls

indicated on the above referenced plans. Staff may insist on additional controls if warranted by field conditions.

4. All disturbed areas on the site not directly required for construction activities shall be temporarily seeded and hayed until the site is permanently stabilized.
5. Throughout the course of conducting construction activities covered by this permit grant, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring the following:

a) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100' if possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.

b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.

Moved by Mr. Bowman. Seconded by Mr. Kurtz. Motion approved unanimously by Commission members present.

6. Permit Application
Charles H. Boyd
203 South Rolling Acres
Site Plan – Garage & Addition

APP #2007-033
DOR 08/14/07
MAD 10/17/07

Dr. Dimmick reported to Commission members that he, Mr. Dixon and Mr. de Jongh visited the site and based on his review the proposed activity would not have a significant impact on the wetlands.

Dr. Dimmick stated that he wanted to see some kind of continuation of the existing vegetative buffer along the property and the wetlands behind the property.

Dr. Dimmick also noted that he mentioned to the applicant the problem with some of the water coming off of the road near where they want to build the addition to the house. Dr.

Dimmick said the items said that basically these things can be handled with no disturbance to the wetlands.

Motion: To declare the proposed activity not significant within the context of the regulations.

Moved by Mr. Dixon. Seconded by Mr. Bowman. Motion approved unanimously by Commission members present.

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors pursuant to Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire, Commissioners' knowledge of the area, site visitations, and after review of written information provided by the applicant on this application finds the following:

- 1. That the current application is for the installation of a 24' by 24' garage and a 300 square foot addition at 203 South Rolling Acres Road.**
- 2. That the garage will be located inside the 50' upland review area.**
- 3. That the soil disturbance on site will be limited to the excavation for the foundation of the garage and addition.**
- 4. That the applicant's soil scientist has confirmed that there are wetlands on the property, the largest wetland to the south of the proposed garage and the smaller wetland to the east of the proposed addition.**
- 5. That there are no direct wetlands impacts associated with the site plan activities, as proposed.**
- 6. That the proposed site plan activities will not have a significant adverse effect on adjacent wetlands or watercourses.**

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2007-033, the permit application of Charles Boyd for site plan approval as presented on the plans entitled:

**“Plot Plan 203 South Rolling Acres Road
1”=30’, Charles Boyd
Stamped Received by the Planning Office August 27, 2007”.**

And

**“Wetlands/Watercourses And Soil Report
By Thomas Pietras, Dated July 12, 2007.”**

The permit is granted on the following conditions and stipulations, each of which the Commission finds to be necessary to protect the wetlands and watercourses of the State and the Town of Cheshire:

1. Lack of compliance with any stipulation of this permit grant shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and a cease and desist order shall be both issued and recorded on the Town of Cheshire Land Records.
2. Any changes or modifications to the plans as presented will require subsequent Cheshire Inland Wetlands and Watercourses Commission review and approval.
3. Prior to any commencement of activities covered by this permit grant and prior to request of a building permit, the applicant shall properly install all sediment and erosion controls indicated on the above referenced plans. Staff may insist on additional controls if warranted by field conditions.
4. The driveway shall be designed and installed by a licensed professional.
5. Within 30 days of completion of the addition and garage construction, a fence shall be installed along the existing lawn/forest border. Wetland markers will be placed on the posts nearest the wetlands. The property owner and Commission staff will agree upon the location of the markers.
6. All disturbed areas on the site not directly required for construction activities shall be temporarily seeded and hayed until the site is

permanently stabilized. The site will be permanently stabilized within 10 days of completion of the permitted activities.

7. Throughout the course of conducting construction activities covered by this permit grant, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring the following:

- a) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100' if possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.
- b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.

Moved by Mr. Dixon. Seconded by Mr. Berner. Motion approved unanimously by Commission members present.

7. Permit Application
A.M. Napolitano
Sudol Court
Site Plan Modification

APP # 2006-021B
DOR 08/14/07
MAD 10/17/07

Ms. Simone reported that the Commission was waiting for a letter from the applicant's engineering regarding the construction sequence for the removal of the remaining portion of the wall.

Ms. Simone reported that a letter dated August 23, 2007 was received signed by Ted Hart, P.E. from Milone & MacBroom, Inc. regarding the construction sequence details for the removal of the remaining portion of the wall.

Ms. Simone read the construction sequence for removal of retaining wall and fill into the record.

Ms. Simone said that all the information that needed to be submitted on this application had been submitted.

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors pursuant to Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire, Commissioners' knowledge of the area, site visitations, and after review of written information provided by the applicant on this application finds the following:

1. That the current application is for the removal of the existing modular wall and the restoration of grade of lot 6, Sudol Court, a modification of approval #2006-021A granted July 17, 2007.
2. That this lot was part of CIWWC subdivision approval #2005-025, granted with stipulations to Napolitano Spring Street, LLC on June 2, 2005 and modified approval #2005-025A, granted with stipulations to Napolitano Spring Street, LLC on August 2, 2005.
3. That in the August 2, 2005 approval, a certified soil scientist investigated and concluded that there are wetlands on the property.
4. That the August 2, 2005 approval stipulated, in part, that lots 5 & 6 require individual review and approval by the Commission.
5. That the applicant's engineer has submitted a signed copy of specification for the removal of the modular wall and the removal of fill to restore the property to the previous grade existing on the site prior to the installation of the modular wall.
6. That there are no direct wetlands impacts associated with the site plan activities, as proposed.
7. That the proposed site plan activities will not have a significant adverse effect on adjacent wetlands or watercourses.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2006-021B, the permit application of A. M Napolitano, LLC for site plan approval on lot 6 as presented on the plans entitled:

**“Proposed Site Plan
Spring Meadow Subdivision – Lot #6
Prepared for A. M. Napolitano, LLC
Sudol Court, Cheshire CT
Prepared by Berkshire Engineering & Surveying,
LLC
Bantam CT
Scale 1”=20’, Dated March 27, 2006.”**

The permit is granted on the following conditions and stipulations, each of which the Commission finds to be necessary to protect the wetlands and watercourses of the State and the Town of Cheshire:

- 1. Lack of compliance with any stipulation of this permit grant shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and a cease and desist order shall be both issued and recorded on the Town of Cheshire Land Records.**
- 2. Any changes or modifications to the plans as presented will require subsequent Cheshire Inland Wetlands and Watercourses Commission review and approval.**
- 3. Prior to any commencement of activities covered by this permit grant and prior to request of a building permit, the applicant shall have the following items both completed by a qualified party and verified as complete by Commission Staff:**
 - a) the proper installation of all sediment and erosion controls indicated on the above referenced plans. Staff may insist on additional controls if warranted by field conditions.**
 - b) the installation of permanent wetland buffer markers along the non-encroachment line indicated on the above-mentioned plans.**
- 4. All disturbed areas on the site not directly required for construction activities shall be temporarily seeded and hayed until the site is permanently stabilized.**
- 5. A professional engineer, independent from the contractor, who shall inspect removal of the modular wall and shall issue a written confirmation to the Commission that the modular block**

wall has been removed and the site regraded in accordance with the detailed plans submitted.

6. Throughout the course of conducting construction activities covered by this permit grant, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring the following:

a) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100' if possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.

b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.

7. Prior to application to the Building Department for a Certificate of Occupancy, and per Section 11.12 of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall provide the Commission with the following:

a) an as-built map (A2 survey) by a licensed land surveyor, at a suitable scale, showing, at least, all buildings and setbacks from the property lines, wetland boundaries and acreage, wetland non-encroachment lines and markers, limits of clearing, utility locations, and all paved driving surfaces.

b) written verification from the owner/applicant/agent that all conditions and stipulations of this permit grant have been generally met, that all yard areas are properly stabilized, and that all non-encroachment lines and associated restrictions are recorded on the Cheshire Land Records and will be recorded in the deed of the lot upon transfer of property.

8. All conditions and stipulations of CIWWC permit #2005-025 and #2005-025A, granted, with stipulations, to A.M. Napolitano for subdivision on June 2, 2005, and August 2, 2005, respectively, are incorporated by reference as though fully set forth herein to the extent they are not in conflict with the present permit grant.

Moved by Mr. Dixon. Seconded by Mr. Simonetta. Motion approved unanimously by Commission members present.

8. Permit Application APP #2007-034
Jason Pickus DOR 08/14/07
Briar Court MAD 10/17/07
Earth Removal, Filling & Regrading

Discussion on this item was deferred until the next meeting.

9. Permit Application APP # 2007-035
Ms. Karin Eichten DOR 08/14/2007
630 Cook Hill Road PH 9/18/07
Wetland Remediation MAD 10/17/07

Discussion on this item was deferred pending the public hearing scheduled for Tuesday, September 18, 2007.

X. NEW BUSINESS

1. Request for Determination
Jeffrey Gorski – Boy Scout
Corliss Lane (DeDominicis Property)
Stream Crossing

Jeffrey Gorski, a local boy scout addressed the Commission regarding his proposal to construct a footbridge on Corliss Lane – on the DeDominicis property.

Mr. Gorski explained that the footbridge improve the trail that hikers walk on. He stated that currently there is a drainage pipe and plywood board that allows hikers to cross the stream.

Mr. Gorski stated that if the proposed footbridge is permitted, it will allow hikers will be able to cross the stream easier and safer. The footbridge would also provide a permanent crossing instead of a structure that could be washed away and the footbridge would reduce erosion caused by hikers walking in the streambed. The footbridge would allow hikers to cross the stream without entering the streambed.

Mr. Gorski showed on a map the location of the proposed streambed.

The Commission reviewed the location of the trail in relationship to the proposed footbridge.

Dr. Dimmick asked what type of crossing was available at this point.

Mr. Gorski stated that currently there was a plywood board over a drainage pipe.

Dr. Dimmick stated that based on review of the proposed activity an application for the proposed activity would be needed.

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|----|-------------------------------------|--------------|
| 2. | Permit Application | APP 2007-036 |
| | Jeffrey Gorski | DOR 9/04/07 |
| | Corliss Lane (DeDominicis Property) | FT 8/25/07 |
| | Stream Crossing | MAD 11/07/07 |

See item #1 for discussion on this application.

Ms. Simone stated that the application was complete expect for the application fee.

Motion: To waive the fee for application 2007-036.

Moved by Mr. Bowman. Seconded by Mr. Berner. Motion approved unanimously by Commission members present.

Ms. Simone stated that the Town Manager has signed the application allowing for the proposed activity on town property.

Motion: To accept the proposed activity as complete.

Moved by Mr. Berner. Seconded by Mr. Dixon. Motion approved unanimously by Commission members present.

Motion: To declare the proposed activity not significant within the context of the regulations.

Moved by Mr. Bowman. Seconded by Mr. Berner. Motion approved unanimously by Commission members present.

There was discussion regrading the 14 day waiting period before work on the proposed activity could start.

Motion: That the applicant could start work on the project 14 days from today.

Moved by Mr. Bowman. Seconded by Mr. Berner. Motion approved unanimously by Commission members present.

Dr. Dimmick stated that the Commission has given staff the permission to use standard language for a motion to provide to the applicant. An email copy of the motion would be forwarded to Dr. Dimmick for approval.

Staff agreed to draft a standard motion that would forwarded to the applicant and a copy to Dr. Dimmick.

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|--------------------------------|---------------------|
| 3. Permit Application | APP 2007-037 |
| William G. Coleman, III | DOR 9/04/07 |
| 678 Coleman Road | FT 8/25/07 |
| Filling & Regrading | MAD 11/07/07 |

Tod Dixon recused himself from this portion of the meeting at 10:20 p.m. (during the show cause hearing and was not present for review of this application under New Business).

This item under immediately after the Commission determined there was a violation at 678 Coleman Road.

Motion: To accept the application as complete.

Moved by Mr. Berner. Seconded by Mr. Simonetta. Motion approved unanimously by Commission members present, noting that Mr. Dixon was not present for the vote.

Dr. Dimmick stated that he was not sure the Commission has sufficient information to determine significance at this point.

Dr. Dimmick said that it was important to mention that a permit was given by the Commission for this site in 1995 for allowing a limited amount of fill to be placed in the upper portion of the wetland for pasture improvement purposes. The permit was granted with some stipulations as part the approval.

Ms. Simone stated outside of the standard language having to do with changes of modifications and prior notification of construction activities; "#5 states that this permit is for pasture improvement only in conjunction with an on-going

agricultural use and that any future non-agricultural use of the area covered by this permit including any construction activities would require further application and approval.” Ms. Simone stated that all other stipulations were standard.

Dr. Dimmick asked about the findings. He asked to see a copy of the findings.

Ms. Simone stated that in the copy of the approval the only finding read, “that the proposed activity is to deposit 5000 CY of fill in a wet pasture area to improve the existing pasture conditions for cattle raised on the property; the proposed activity would not have a significant adverse effect on the adjacent wetlands and watercourses.”

Dr. Dimmick said that the activity did not have an effect on the adjacent wetlands and watercourses but would have an effect on the wetlands that were filled.

Dr. Dimmick said that part of what is being proposed now is to put additional fill into the upper area on the property.

Mr. Kurtz asked if the 5000 CY of fill permitted in 1995 was deposited.

Mr. Coleman said that approximately 5000 CY was brought in by the town and deposited.

Ms. Simone asked Mr. Coleman if the pile of fill in 1995 was located in the same area that is shown on the map in green.

Mr. Coleman said yes.

Mr. Bowman said that the current activity seems like a continuation of what Mr. Coleman had been previously permitted to do.

Dr. Dimmick said that Mr. Coleman was only permitted to fill a certain area at the time of the 1995 permit approval. He said that now the applicant is looking to add more fill.

Mr. Bowman asked if more fill was needed in the area.

Mr. Coleman said that some of the 17 piles of fill delivered are going to come out of the site because that much fill was not needed.

Mr. Coleman explained that he received the fill for free and that he was not present the day the fill be delivered. Mr. Coleman stated that he has more fill on the site then needed.

Dr. Dimmick said that the other part that concerns him, and for Mr. Coleman's protection, is that there was a problem with water coming on to the property and ponds places it is not wanted.

Dr. Dimmick said that he wanted to make sure that the placement of more fill in the area is not going to make some of the condition worse and make more water pond in the area. He said he did not want to see water pond and then become stagnate.

Dr. Dimmick said in conjunction with the proposal to add more fill, Mr. Coleman should consider putting in a small drain to get the water out that is building-up.

Mr. Coleman said that an area that has been excavated but would be filled. He said once the area is smoothed out the water should sheath down to the north.

Mr. Bowman asked Mr. Coleman if he had any haybales.

Mr. Coleman said he had haybales.

Mr. Bowman asked if after the work was done and the area smoothed if Mr. Coleman could place some haybales to stabilize the area.

Mr. Coleman said that he would install haybales.

Dr. Dimmick said that the water is coming in from the east side. He commented about some old fill to the south of the area of proposed activity. He said that he thought there were seeps coming for the property to the south.

There was a brief discussion about the drainage on the property to the south of Mr. Coleman's property.

Mr. Bowman said that Mr. Coleman should have notified staff that he was continuing with the filling activity.

Dr. Dimmick said that the 1995 permit expired and that there is an issue with the fill being placed behind the pole barn. Dr. Dimmick said the fill behind the pole barn is another matter and is within the 50' upland review area; he stated that there is an intermittent stream that passes through this area.

Mr. Coleman stated that he does not have activity in the stream. He explained that the water comes out of the ground and then eventually dies up.

There was discussion about the stream flow.

Mr. Bowman suggested that Mr. Coleman smooth out and try to stabilize the area.

Dr. Dimmick said there is a problem with making sure fill does not enter the stream and then go down stream.

Mr. Bowman said the area would be stabilized.

Ms. Simone stated that she did not have any additional input at this point.

The Commission review the map of the area and the location of the fill piles.

Dr. Dimmick asked Mr. Coleman why he wanted fill behind the pole barn.

Mr. Coleman said he wanted more room behind the pole barn and wanted to level out the area.

Dr. Dimmick said that his main concern was that fill could wash its way into the stream and affect the neighbor down stream.

Commission members agreed that the area near the stream needed to be stabilized with haybales.

Mr. Coleman stated that he owned the property to the north of 678 Coleman Road.

Mr. Bowman said in his opinion, the area could be stabilized until the Commission has a chance to act on the application at the next meeting.

Dr. Dimmick said that he was not quite comfortable with the proposed activity although the proposal is do-able.

Dr. Dimmick said that he wanted to visit the site to take another look at the area behind the pole barn.

Motion: To declare the proposed activity not significant within the context of the regulations.

Moved by Mr. Bowman. Seconded by Mr. Berner. Motion approved unanimously by Commission members present, noting that Mr. Dixon was not present for the vote.

Mr. Coleman asked if he could finish the work he started in his pasture.

Dr. Dimmick said it was okay to finish the pasture work but Mr. Coleman would have to wait to continue with any other work until he received a permit approval at the next meeting.

Further action on this item was deferred until the next meeting.

Mr. Dixon returned to the meeting at 10:42 p.m. at which time the Commission approved several motions under Unfinished Business and reviewed items under Communications.

4. Other- none.

XI. ADJOURNMENT

The meeting was adjourned at 10:56 p.m. by the consensus of Commission members present.

Respectively submitted:

Robert Berner, Secretary
Cheshire Inland Wetland and
Watercourse Commission

