

MINUTES

CONSERVATION COMMISSION INLAND/WETLAND AGENCY

WEDNESDAY, FEBRUARY 14, 2008 - 7:00 P.M.
WATERTOWN HIGH SCHOOL TECHNOLOGY CENTER

APPLICATION #623 – CHERRY AVENUE, LLC

- Members Present:** Mr. Jim Zawadzki, Chairman
Mr. Joe Polletta
Mr. Ed Undercuffler
Mr. Donato Orsini, Vice Chairman
Mr. Glen Dupliese
- Members Absent:** Mr. Tom Murphy, Secretary
Mr. Tony DiBona
- Alternates Present:** Ms. Martha Sturgis – In at 7:22PM, seated for Mr. Murphy
- Alternates Absent:** Ms. Denise Russ
Mr. Michael Brown
- Others Present:** Mr. Moosa Rafey, Assistant Zoning Enforcement Officer

1. Call Meeting to Order

Mr. Zawadzki, Chairman, Called the Public Hearing to Order at about 7:30 PM.

2. Roll Call

Mr. Zawadzki executed the Roll Call.

3. Hearing of Applications

- A. Application #623 of Cherry Avenue, LLC for construction of 3-Lot residential subdivision on Cherry Avenue, Watertown, CT.

Recess or adjourn the Public Hearing must be closed by March 20, 2008 unless applicant grants an extension of time.

Perley Grimes, Cramer and Anderson Litchfield, CT

Mr. Grimes explained that previously the applicant had CCIWA's approval for a 3 lot subdivision but they ran into a problem because the Planning and Zoning Commission

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made a determination that their plan to have 2 of the common lots served by a common driveway would not pass. They determined that was not in accordance with their regulations. Mr. Grimes and the applicant had no alternative but to take an appeal and it is pending. He also stated that the last time they approved them the commission indicated that the reasons that they wanted them to have access on one driveway rather than two driveways for those 2 interior lots was that there might be run-off from the driveways which would go directly into the wetlands. The last time they had no best management practices for the storm water run-off that some commission members were concerned with. In the new plan, the best management practices are in place.

The applicant came before the commission the month before and questions were asked before the public hearing was set. One of the questions was, "Do you think you can do anything to move the driveway further away from the wetlands?" Mr. Grimes and the applicant looked at that and indeed Mr. Rhode will explain that they have moved the driveway further away. The second thing asked was, "Can you provide some sort of a conservation easement on the property as well to protect that future of these wetlands?" Mr. Rhode looked at that also and he determined that they could indeed provide a conservation easement so it was applied.

Mr. Grimes explained that every storm water treatment mechanism that is appropriate and able to fit has been put in. There is no direct wetland impact here, the property is near wetlands. The town engineer had not yet had a chance to look at the information in the file. Sean Hayden has not looked at it yet. It will be looked at the following Wednesday, February 20, 2008. Mr. Grimes requested an open hearing.

David Rhode, Compass Engineering Watertown, CT

Mr. Rhode explained that the driveway has been moved further to the southwest. Mr. Zawadzki asked how far it was moved and Mr. Rhode responded 7 ½ feet. He continued to explain there was a 2 foot graded shoulder on the edge of the driveway and then down to a 2:1 slope. At the critical point it was 13 inches of fill. The conservation easement was created in lot 2 and encompasses most of the buffer area for the wetlands. On lot 3 another conservation easement was created that encompasses all the wetlands and part of the regulated area. The upper wetlands on the southwest are not being touched at all. The main concerns were the two driveways for lot 2 and lot 3, lot 3 being the critical one. The other concerns of the driveway run-off impacting the wetlands had been resolved by tipping the driveway so it pitches towards the uphill side.

Mr. Polletta explained that last month he wanted protection for the wetlands and to make sure nothing goes in there. He would like something like a stone wall to protect the wetlands. Mr. Duplissie explained that he felt that the commission made it very clear that when they had their sub-committee on their regulations, the state of Connecticut recommends a 100 foot setback from the wetlands. The sub-committee felt that the 100 foot was too much due to people having smaller pre-existing homes and lots. They decided to stay at the 50 foot setback even though the state recommended the 100 foot

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because it would be too hard on the existing homes. They would stand on the 50 foot and not allow anyone into the 50 foot areas in the new subdivisions. This is why they gave them the common driveway. The commission felt it was a 2 lot subdivision. Mr. Duplissie stated that there was no way to fit 3 lots in. So they compromised and they went to a common driveway.

Mr. Rafey explained they approved a 3 lot subdivision and Mr. Duplissie agreed. He explained that they got around their regulations for the applicant and gave them the three lots even though they did not feel it was by giving them the common driveway outside of the 50 foot and now they are back having to go back into the buffer to get the third lot. It was made clear to the applicant last time they came in front of the board that they did not want anything in the 50 foot buffer.

Mr. Grimes responded that whether the area is 50 feet or 100 feet it's not a "no build area" or a "no activity area" according to the regulations. The issue is that if they are moving into the 50 feet are they being sensitive enough to not harm the wetlands and water courses. That is why they built in the best management practices of the swale, catch basins, and rain gardens.

Mr. Dupliese felt that when they go into that 50 foot barrier to do construction will affect the wetlands and there is no way to build this without affecting the wetlands. Mr. Grimes felt addressing the temporary impacts will help the long term impacts. Mr. Duplissie stated that since they are on appeal with planning and zoning from the last CCIWA approval, why not wait to see if they win their case with P & Z and they will be in a plan that has already been approved by CCIWA.

Mr. Grimes stated that they are not on appeal from Planning and Zoning and he wanted to correct the record. They do have the appeal pending on CCIWA's case. Mr. Rafey suggested not discussing the pending application in court because it's a pending litigation and they are not sure what will happen. He also stated that CCIWA did approve the application with a common driveway but the applicant did not submit a formal application to the Planning and Zoning Commission, but they went in front of the commission to get some feedback. The zoning regulations do not prohibit common driveways. The commission may approve or deny it. Sean Hayden from the Northwest Conservation district was hired to review this application.

Mr. Duplissie felt it was best to wait until Chuck Berger and Sean Hayden have reviewed the application.

Claude Miseries, 45 Lockwood Drive Watertown, CT

Mr. Miseries has occupied his property since 1958 that abuts the proposed development. He expressed concern about the water running continuously. He felt the water situation will be aggravated by what is proposed.

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Guy Simone, 320 Cherry Avenue Watertown, CT

Mr. Simone explained that there were underground springs that are all through those properties. He gets a lot of flooding and gets about 5 inches of water in his basement. He just wanted to inform the commission that the ground was is very wet there.

Peter McHale, 93 Lockwood Drive Watertown, CT

Mr. McHale was unsure as to whether his property was uphill or downhill from the proposed subdivision. He was concerned about being on the downhill side of this water. He explained the water from Old Army road travels down. Mr. Rhodes responded by saying as far as the ditch on Old Army Road they would have to look into it. He felt the flooding would be improved because they would be lowering the ground water table. Mr. Duplissie explained although some of the properties are uphill there are still wetlands in between. Putting the houses in and the footing drains will create a lower pressure so it will actually lower the water table in that area to bring it out to the rain gardens which will slow it down for a day or 2 rather than letting it run as soon as the rain comes.

Vinnie Lupachino, 74 Old Army Road Watertown, CT

Mr. Lupachino owns the 12 acres on the back side of the property. He wanted to know if they are going to cross over the part time brook on the back side of the property. Mr. Dupliese responded no because according to the plan the green and yellow area on the top side is actually going to be conservation easements and they cannot touch that. Mr. Lupachino also asked if the existing paper road was going to be touched at all and Mr. Duplissie responded no. Mr. Lupachino also mentioned that any of the water that does go into the wetland and comes down the road and suggested the pipe be replaced. Mr. Duplissie responded by explaining it is not part of this application.

Motion was made by Mr. Duplissie to continue the public hearing to March 13, 2008 and seconded by Mr. Undercuffler.

Discussion: None Vote: 6 in favor Abstained: 0 Opposed: 0

MOTION PASSED UNANIMOUSLY

Attest:

Jim Zawadzki, Chairman
Conservation Commission
Inland/Wetland Agency

Jennifer Guerrero, Minutes Secretary