

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, JULY 18, 2017
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 9:00 P.M.
*Immediately Following the Public Hearing***

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

I. CALL TO ORDER

Chairman de Jongh called the regular meeting to order at 9:00 pm.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited at the public hearing.

III. ROLL CALL

All members present for the public hearing were still present for the regular meeting.

IV. DETERMINATION OF QUORUM

A quorum was determined at the public hearing.

Members present were Robert de Jongh, Charles Dimmick, Dave Brzozowski, Earl Kurtz, Kerrie Dunne, Will McPhee and Thom Norback.

**V. APPROVAL OF MINUTES – Public Hearing – July 5, 2017
Special Meeting – July 5, 2017**

Motion: To approve the minutes of Public Hearing of July 5, 2017 and Special Meeting – July 5, 2017 with corrections:

Public Hearing: pg. 2 L13 “preview” to “purview”, L42 after “was” add “not significant”; pg. 17 L48 “service” to “surface”; pg. 22 L42; pg. 24 L41 after “some cases” add “is greater than”; pg. 25 L8 after “construction” add “of the”, L11 “instructed” to “installed”, L25 “closers” to “closer”; pg. 26 L41

“shelve” to “shelf”; pg. 27 L6 “slope” to “slow”; pg. 32 L24 “drywalls” to “drywells”; pg. 33 L19 “bind” to “bond”.

Special notation: the correction on page two line 42 should read “not significant” (pertaining to the Clearview Farm Preserve, Mountain Road, (Cornwall Ave. Ext. #2016-005), Resubdivision.

Special Meeting: pg. 4 L23 “complained” to “compliance”; pg. L8 add “do” before “the”, L19 “corrosive” to “erosive”, L29 after “next” add “set of plans”; pg. 12 L25-26 delete “including the installation”, L27 “far” to “fair”; L40 “acclimated” to “accumulated”; pg. 18 L13 delete “they are”.

Commission discussed and noted for the record that on PH: page 2 last P; not significant; confirmed in the February 2, 2016 minutes pg. 16 Motion: To declare the proposed activities are not significant within the context of the regulations.

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

VI. COMMUNICATIONS

Ms. Simone reviewed the following communications:

1. MMI Wetland Functions & Values Assessment, Royal Crest Estates – Lot 3, Crestwood Drive

Ms. Simone stated this item is on the agenda under unfinished business tonight.

2. RWA Comments Re: Clearview Farm Preserve, Mountain Road, (Cornwall Ave. Ext. #2016-005), Resubdivision

Ms. Simone stated this communication was discussed in the public hearing held tonight.

3. Letter from DEEP Re: Natural Diversity Data, Clearview Farm Preserve, Mountain Road

Ms. Simone stated this communication was discussed in the public hearing held tonight.

4. RWA Comments Re: 986 South Main Street, Site Plan – Office Building

Ms. Simone stated this communication is on the agenda tonight.

5. MMI Letter Re: Fieldstone Court Vernal Pool Creation Area

Ms. Simone stated this communication was reviewed.

Dr. Dimmick asked Ms. Simone to provide a quick summary regarding the pools and if they are working.

Ms. Simone explained they are working but there are some issues that need to be taken care of; one example that's given is that the silt fence was up and functioning through the spring so that may have limited the species ability to get to the vernal pool so that may be something that needs to be or was corrected after the species were moving through the area; and additionally, it identifies that some plantings need to be finalized.

VII. INSPECTION REPORTS

1. Written Inspections

a. 238 Old Lane Road

Ms. Simone stated there was a written inspection of another detail and follow-up to the punch list for the request for CO for 238 Old Lane Road; that's something that's been ongoing.

2. Staff Inspections

Ms. Simone reported there were no staff inspections.

VIII. ENFORCEMENT ACTIONS

- 1. Notice of Violation/Cease and Desist Order
House 2 Home Construction, c/o Mr. Edward Barnett
Unauthorized Activities in a Regulated Wetland Area
509 Mountain Road
Assessor's Map 62, Lot 4**

SC 12/06/16

Ms. Simone stated he (Mr. Barnette) received a permit to install the retaining wall and once that's he has a compliance date of October 1, 2017; and once that's done the Commission can make a decision (regarding the notice of violation/cease and desist order).

2. Notice of Violation/Cease and Desist Order SC 5/16/17
Unauthorized Activities in Upland Review Area
Thomas and Karin Golden
1400 Waterbury Road
Assessor's Map 34, Lot 77

Mr. Kurtz recused himself from consideration on this application.

Ms. Simone reported she received follow up information from Karin Golden providing photographs showing that the work that started when she had met Thomas Golden out at the site has been completed and the piles have been removed and the area which has been treated with grass seed that that seed has now germinated.

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors relevant to the issuance and release of the subject Notice of Violation, Commissioners' knowledge of the area, and after review of written information provided by the applicant on this matter, finds the following:

1. That on May 9, 2017, a Notice of Violation/Cease and Desist Order was issued to Thomas and Karin Golden for unpermitted activities within the upland review area. This Notice/Order was issued as a means to have a conversation about the site activity, the Notice/Order was not recorded on the land records.
2. That on May 16, 2017, the IWWC ordered the removal of wood and earth material stockpiles, to be completed July 5, 2017.
3. That Staff visited the site and observed the stockpile material was reduced and in the process of being removed
4. That on July 18, 2017, Staff received photographic evidence that the stockpiles have been removed and that seed has germinated in the previously disturbed areas.

Therefore, the Cheshire Inland Wetlands and Watercourse Commission does hereby determine that all issues in the Notice of Violation/Cease and Desist Order issued to Thomas and Karin Golden dated May 9, 2017 has been addressed. Further, the Commission does hereby does release and discharge the aforementioned Notice of Violation/Cease and Desist Order.

Moved by Dr. Dimmick. Seconded by Ms. Dunne. Motion approved 6-0-1 with Mr. Kurtz recusing himself from the vote.

3. **SHOW CAUSE** SC 5/16/17
Notice of Violation/Cease and Desist Order SC 6/06/17
Unauthorized Activities in Upland Review Area SC 6/20/17
Luis Revera and Joanna Kozak SC 7/05/17
1392 Cheshire Street SC 7/18/17
Assessor's Map 30, Lot 17

Ms. Simone stated she was out of the office since the last meeting so she hasn't been able to coordinate a meeting.

4. **SHOW CAUSE** SC 6/06/17
Notice of Violation/Cease and Desist Order SC 6/20/17
Unauthorized Activities in Upland Review Area SC 7/05/17
Bridget Bowman SC 7/18/17
70 Strollo Court
Assessor's Map 26, Lot 159

Ms. Simone stated there is an application on this item under unfinished business.

This item will be taken up under unfinished business.

5. **SHOW CAUSE** SC 6/06/17
Notice of Violation/Cease and Desist Order SC 6/20/17
Unauthorized Activities in Upland Review Area SC 7/05/17
APEX Developers Cedar Crest LLC SC 7/18/17
Strollo Court
Assessor's Map 26, Lot 168

Ms. Simone stated this is something that she'll review and possible have language at the next meeting.

IX. UNFINISHED BUSINESS

1.	Permit Application	APP	2017-006
	Royal Crest Estates, LLC	DOR	5/16/17
	Crestwood Drive, Lot 3		
	Site Plan – House	MAD	7/20/17

Ms. Simone reported that they did receive notification offering an extension – a 30-day extension of the mandatory action date so on the agenda it identifies July 20, 2017 of being the mandatory action date so the Commission now has an additional 30 days so the Commission has no requirement to act at tonight's meeting.

Kevin Nguyen, EIT from Milone and MacBroom was present on behalf of the applicant.

Mr. Nguyen noted Mr. Root was not able to attend tonight's meeting.

Mr. Nguyen said since the last meeting they made only one modification to the plan which is general note #18 which turf reinforcement blankets will be added to add fill slopes.

Mr. Nguyen stated that they have also provided a functions and values assessment which was submitted last week.

Mr. Nguyen said he did have much more to say; except he noted Mr. Root was not able to attend tonight's meeting.

Mr. Nguyen said he opened up for questions. He said that the current plans don't reflect the small note added.

Ms. Simone asked if he could summarize what the function and value assessment is.

Mr. Nguyen explained he wasn't exactly sure what Bill wanted to say personally but he did know that he wanted to say that the crossing did not affect the functions and values of the wetland.

Ms. Dunne said she wanted to note was that it says under endangered species – it's says no but there are reported occurrences south of the site in this watershed; she wasn't sure how far south that is.

Mr. Nguyen said he could get back to her (Ms. Dunne) regarding her question.

Dr. Dimmick said he's seen this report before.

Mr. Nguyen explained it (the report) was submitted before.

Ms. Simone stated it's dated July 13, 2017 so she thought it came in on Friday, July 14.

Dr. Dimmick said he saw it in the email packet.

Mr. Nguyen said he thought it was submitted in a hard copy as well.

Ms. Simone asked that the changes to the notes made; can he provide copies.

Mr. Nguyen said it's already been submitted; he provided four copies last week along with the functions and values assessment.

Chairman de Jongh asked if we've received everything that we're looking for.

Ms. Simone said because she was out she hasn't looked at the plan (yet).

Chairman de Jongh said they'd allow staff to digest all of this information; and they do have an extension voluntarily from the applicant so they do have time to look at this and act accordingly at our first meeting in August.

Dr. Dimmick said after staff's review and if she sees n problem she could start drafting language; he said at this point he feels much better about it then he did in the beginning.

Chairman de Jongh said so his suggestion is to allow staff to take a look at this and assuming there's no (issues) she can draft a motion to consider.

Ms. Dunne asked if this (proposal) had a turtle plan on it.

Mr. Nguyen stated this does not have a turtle plan on it.

Ms. Dunne said she is just concerned because its saying the functions – there may be endangered species nearby.

Ms. Simone said she can look at the state map and see the proximity to where it's identified on the state map relative to the site and then she can let Commission members know; if its immediately bordering it or if its hundreds of feet away.

Dr. Dimmick noted the state map tends to draw little circles drawn if there's something of concern in the circle.

Chairman de Jongh stated we'll take this up at the next meeting.

2.	Permit Modification	APP	2016-005A
	Clearview Farm Preserve, LLC	DOR	6/06/17
	Mountain Road (Cornwall Ave Ext. 2016-005)	PH	7/05/17
	Resubdivision	PH	7/18/17
		MAD	8/22/17

Chairman de Jongh said this item was subject of a public hearing which was continued to the next meeting on August 1, 2017.

3.	Permit Application	APP	2017-009
	Bridget Bowman	DOR	6/20/17
	70 Strollo Court	PH	7/05/17
	Site Plan	MAD	8/09/17

Matt Bowman, 422 Maple Avenue was present in the audience. Mr. Bowman represents the applicant Bridget Bowman.

Ms. Simone explained at the last meeting this Commission had asked her to contact the town attorney and ask about posting a bond; and in conversation with him it's made clear that the bonds that the Commission has people post are more for public improvement and

for straight forward erosion control installation which has standard for installation and monitoring and maintenance.

Ms. Simone said when it comes to private work on private property; it can get quite detailed.

Ms. Simone said the town attorney suggested that because there's an application before this Commission – the Commission can certainly go ahead and just grant an approval and provide a time frame for the work to get done.

Ms. Simone explained to sign off on a CO on private property to get a certificate of occupancy which what was discussed at the last meeting and have the applicant post a bond for the remaining work – that's something that's going to be quite detailed and would involve a lot of work upfront to get that all balanced out.

Dr. Dimmick said and billed to the town accordingly.

Ms. Simone said there's a lot to the fact there's a lot to factor because it is private property so we'd have to get the authority up front – we'd have to have a vendor...

Mr. Norback said so you're discouraging it.

Ms. Simone said it's not that she's discouraging it.

Mr. Norback stated the attorney discouraged it.

Ms. Simone stated it's very convoluted.

Mr. Norback asked if there was another avenue for us take would be the next question.

Chairman de Jongh said the discussion back and forth was do we go ahead and do the work now that has to be done now before the issuance of the CO and the question came up as to whether or not there's a dry period or wet period or whether it would be sustainable or what have you; he said he thought the best way out was to in order to get the CO signed the work needs to be done and once staff has validated that the work to satisfy this Commission's concerns – we get that work done – it's done and staff can feel free to sign off on the

CO; but to sign off on the CO and have the work done afterward becomes a legal nightmare that we don't have the authority to do.

Mr. Norback said he got it but it seemed like the directions were certainly made ambitiously by the applicant.

Chairman de Jongh said he thought the applicant said we can do it now or in September; the question came up as to whether or not now that we're in the middle of July beginning of August is it too hot – is the stuff going to take hot but the reality of it is it makes more sense from a practical standpoint to go ahead and ask the applicant to do what needs to be done; satisfy what was missing and once we know that is done then staff can go ahead and sign off on the CO rather than waiting until September.

Mr. Norback stated he thought that was preferable and especially since it's his understanding the property is served by irrigation systems; they ought to be able to beat the weather.

Dr. Dimmick said what they would do is to accept the staff wording to grant the permit then have staff hold off in signing a CO until she sees it.

Ms. Simone said there is a draft motion for approval.

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 and during the course of public meetings, finds the following:

- 1. That the Cheshire Inland Wetlands and Watercourses Regulations, in effect since June 2, 1974, are enforced by the Cheshire Inland Wetlands and Watercourses Commission, per town ordinance.**
- 2. That the applicant is seeking a permit to regrade the slope, which according to neighbor complaint, site visits and documentation**

provided by the permittees engineer the slope grades were not created in accordance with the approved subdivision permit #2015-001, thereby creating a violation of the original subdivision permit. Additionally, the application requests to retain use of the footing drain, exiting to the rear of the house, within the slope.

3. That the slope grade, roof and footing drain outlets and erosion controls were established in the 2015 subdivision permit.
4. That according to neighbor complaint, site visits and documentation provided by the permittees engineer the slope grades were not created in accordance with the approved subdivision permit #2015-001.
5. That on May 30, 2017 a Notice of Violation/Cease and Desist Order was issued to Bridget Bowman, property owner, for the violation of IWWC permit #2015-001, which was not conducted in concert, support or authority of the Cheshire Inland Wetlands and Watercourses Commission.
6. That on June 6, 2017 a Show Cause hearing was opened. The record of the June 6, 2017 is incorporated into the record of the findings of this corrective order.
7. That Section 13.5 of the Cheshire Inland Wetlands and Watercourses Regulations authorizes the Commission to issue a corrective order for the regrading of a slope in the upland review area.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2017-009, the permit application of Bridget Bowman for site plan approval as presented and shown on the plans entitled:

**“Existing Conditions
Lot 9-“Cedar Crest Subdivision”
Strollo Court, Cheshire, CT.
Dated: June 5, 2017 on Sheet 1, Dated June 14, 2017 on
Sheets 2 and 3.
Prepared By: MMI, Cheshire, CT.”**

The permit/corrective order is granted on the following terms, conditions, stipulations and limitations (collectively referred to as the “Conditions”) 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. The applicant shall strictly adhere to the site plan referenced above, and the slope regrading shall be completed and the site stabilized by October 1, 2017.**
- 4. Throughout the course of conducting construction activities, 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’ where 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.**
- 5. The permittee’s licensed professional engineer shall submit written verification by October 1, 2017 that the site work referenced in the site plan listed above is complete and work was conducted in accordance with this order.**

Moved by Dr. Dimmick.

Discussion:

Mr. Norback asked if the corrections are documented somewhere.

Ms. Simone explained the approved plan which is referenced here – existing conditions and all that language – that’s the plan that was proposed to the Commission and that is drafted as being approved in this (motion).

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

Chairman de Jongh stated for the record he wanted to make sure that the CO will not be signed by staff until all these conditions have been met.

Mr. Bowman received a copy of the approved motion.

4.	Permit Application	APP	2017-010
	Ricci Construction Group	DOR	7/05/17
	South Main Street		
	Site Plan – Office Building	MAD	9/08/17

Matt Ducsay, PE of Milone and MacBroom was present on behalf of the applicant.

Chairman de Jongh said he thought we (the Commission) received revised plans.

Mr. Ducsay addressed the Commission.

Mr. Ducsay stated he was representing the applicant at 986 South Main Street.

Mr. Ducsay stated the site is the former home of the Citco Gas Station located on the east side of Route 10 just south of the intersection of Mansion Road; across from the Mobile Station on the west side of Router 10.

Mr. Ducsay said the property itself is approximately .43 acres; it's located in the C-3 zoning district; demolition on the property has happened; he said he believes this Commission issued a permit for that demolition.

Mr. Ducsay said what this application proposes is the construction of a 4,300 SF office building – a permitted use in this zone.

Mr. Ducsay explained the building is a 2-story building – measures 84' by 32'.

Mr. Ducsay said one unique thing about this property is the property itself is a perfect rectangle – its 150' by 125'; the C-3 zoning district has building setback requirements of 50' in the front and 40' in the rear; he said he knew this gets more into the zoning standard he brings this up because the building envelope on this site is very tight – you have a 125' deep property with 90' of setback which results in a 35' wide building envelope.

Mr. Ducsay said again this building is 84' by 32' and is located just within that building envelope that he attempted to illustrate previously.

Mr. Ducsay stated it's going to be a 2-story office building.

Mr. Ducsay said the application seeks to maintain the location of the current curb cuts in front (shown on the plans).

Mr. Ducsay said Milone and MacBroom had been engaged to do a detailed topographic and boundary survey of this property; much of that survey focused on picking up appropriate spot grades around the perimeter of the property given that the existing improvements as well as the proposed improvements extend in close proximity to the abutting property lines.

Mr. Ducsay said to reiterate the applicant is not proposing any work in the state right of way and all the work is to occur on the project site.

Mr. Ducsay said as part of this project – the building is served by public sewer and water; all the available infrastructure is located in Route 10.

Mr. Ducsay said under the purview of this Commission is the location of the Mill River relative to this property.

Mr. Ducsay said the Mill River runs to the rear of the property; at its closest point it approximately 20' east of the rear property line; associate with the Mill River is the FEMA flood plain.

Mr. Ducsay said the FEMA flood plain is shown on the plans submitted with the application; it's located off the property so there is no flood plain area located on the property – it's located just off (the site); as shown on the plan.

Mr. Ducsay stated the Mill River is a public supply watershed.

Mr. Ducsay stated this property is located in the South Cheshire aquifer well field so as part of this application we did notify the Department of Public Health as well as the Regional Water Authority and made them aware of the application; gave them a copy of the plans.

Mr. Ducsay said he believed Commission members had a copy of comments from Ron Walters, from RWA.

Mr. Ducsay submitted copies of that mailing into the record so staff has copies that certified mailing was done.

Mr. Ducsay again this is for a 2-story office building; there is proposed parking and circulation in and around the entire building with the travel isles.

Mr. Ducsay explained in terms of parking this site depicts 23 parking spaces which satisfies the proposed use.

Mr. Ducsay showed on a plan sheet the outline of what was previously there relative to what is there today; he said he thought that was an important aspect to this application.

Mr. Ducsay said we all know this is a redevelopment site; he said you can see (on the plan) the previous footprint of the building that was demolished; you can tell based on what he described from the

building setback lines that was grandfathered in and did not meet zoning.

Mr. Ducsay said the red is the outline of the previous asphalt/paving/parking lot that was there previously.

Mr. Ducsay said so you can kind of see the previous limits of development extended to the southern property lines – the northern property line and pretty much where are stone trench which we are proposing in the rear of the property is now for the most part.

Mr. Ducsay said If there is a small bit of increase – we are showing circulation in and around the building so the area the building so the only area where we have additional pavement is kind if in the north-east corner (shown on the plan) where we are attempting to provide circulation in and around the building.

Mr. Ducsay stated he thought this was important – just to picture what was there before and what's they are proposing now.

Mr. Ducsay said as part of this application they analyze the pre and post development run off to ensure that we didn't have an increase.

Mr. Ducsay said as he showed on the previous map there is a small area of additional impervious on site; in order to mitigate that area of additional impervious we have proposed a storm water management system associated with this application.

Mr. Ducsay explained what (the plan) entails is the use of two dry wells located on the plan (shown) and he does have the utility map in his hand; he showed the location of the dry wells and one catch basin to the north.

Mr. Ducsay explained how the system is intended to function is that the parking area is going to be graded to these new inlets; they'll collect the storm water and attempt to float some infiltration.

Mr. Ducsay said in the event of a higher storm event if they fill up there's going to be a high-level water over flow set at the top of these dry wells; above the full capacity of the dry well such that high level over flow will spill over to the catch basin which is also collecting

water and then its connected to this infiltration trench which extends along the whole eastern boundary of the edge of pavement.

Mr. Ducsay said it's essentially a stone trench and then it's got a perforated pipe in the bottom; so how that's going to function is the overflow from the dry well in a large storm event would flow to the infiltration in back and promote infiltration in that area.

Mr. Ducsay said in the event that trench filled up you'd be surcharging the system and then the flow would weep out of the stone down to the Mill River.

Mr. Ducsay said the stone is intended to act as a large level spreader if you will in the rear of the property.

Mr. Ducsay said so you're promoting infiltration in front in the dry wells and in large storm events we have overflow pipes going to that infiltration trench to promote more infiltration and then finally it would spill over and sheet flow down to the Mill River versus a point discharge.

Mr. Norback asked how the water from the infiltration area – how is it conveyed to the stone in the back.

Mr. Ducsay said if he understood his question correctly, its conveying through the stone through an overflow pipe so it's an overflow pipe that's going to set above the capacity of the drywell which will be routed to the back and then connected via the clean out - it fills up the infiltration trench.

Mr. Ducsay stated the most important thing is that in the event this trench entirely fills up in high storm event the top of the trench is set just below the top of the frames here so before you surcharge the entire system where you are ponding water at the inlet location – this will spill over in that and sheet flow down to the Mill River.

Mr. Ducsay said so you are promoting infiltration in the dry wells as well along the rear of the property line there.

Mr. Ducsay said the reason they choose this design is just based upon the fact you have a really flat site here – a really flat site with the lack of grade change so in order to collect the storm water and

then be able to discharge it somewhere you're surcharging the system onsite and in doing so.

Mr. Ducsay stated he thought it's a really good design for the site because of the fact you don't have a point discharge.

Mr. Ducsay said because of the fact the storm water will be infiltrated and anything that cannot be infiltrated will sheet flow to the east down to the Mill River.

Chairman de Jongh said there doesn't seem to be any details on that infiltration (plan).

Mr. Ducsay said he believed there were details on the stone trench on the plans showing the perforated pipe; he showed the plan showing the details.

Ms. Simone said as far that roof leader – she asked Mr. Ducsay to explain how that will drain.

Mr. Ducsay explained the proposed roof leader is intended to tie into the last structure which is the clean out structure and again that roof leader and the discharge from that roof leader is going to go in to that perforated 12" pipe in that infiltration trench that we just discussed.

Ms. Simone said then there will not be any direct discharge towards the Mill River.

Mr. Ducsay said correct – everything hydrologically will be connected to this stone trench and that perforated pipe along the eastern edge of pavement.

Dr. Dimmick asked about the work that was done preparing this – how many gas tanks were taken out.

Mr. Ducsay said he didn't know off hand.

Dr. Dimmick asked about contaminated soil around the tanks in places.

Mr. Ducsay stated he could not speak to the remediation that was done on site as our firm was not part of that work so he's not really sure.

Dr. Dimmick asked about the waste oil storage tank behind the building.

Ms. Simone explained that was something that came before the Commission for a request for determination from another company; and that work has been done.

Dr. Dimmick said he was just wondering if we knew for sure the property has been totally remediated; we gave a permit for the remediation but we never saw the reports saying it had been totally remediated.

Mr. Ducsay said it is his understanding and maybe staff can allude to this that the site has been totally remediated – it is a clean site which is his understanding.

Mr. McPhee said he has a little experience with this is also a DEEP thing putting closure on the tanks so that has to be a completed file and there's a lot of paper work that goes along with that.

Dr. Dimmick said besides the gas tanks there was waste oil storage in the back and there was some spillage.

Mr. McPhee said he liked the drainage system because there is not point discharge and this is an improvement to the conditions that were previously there; he asked if there were any maintenance concerns.

Mr. Ducsay said the dry well structure over time can become silted – the dry wells themselves would need to be jetted back out once in a while because they can become silted and lose some of their ability to infiltrate into the underlying soils.

Mr. Ducsay said beyond that the perforated pipe in back is proposed to be wrapped in a filter fabric to prevent the migration of fines into that.

Mr. Ducsay said he didn't see the system other than cleaning out the dry well structures is going to require and the catch basin for that matter much maintenance; the detention basin might or something to effect.

Ms. Simone stated there was a draft motion for the Commission's consideration.

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 and during the course of public meetings, finds the following:

1. That the applicant is seeking a permit to construct a building on an already developed site, bordering the Mill River to the east.
2. That the applicant's engineer has provided information that there will be no net increase of run off from the site. This plan has been reviewed by the town engineering department.
3. That the activities will likely 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 #2017-010, the permit application of Ricci Construction Group for site plan approval as presented and shown on the plans entitled:

**“Site Plan-Layout and Landscaping
Redevelopment of Gas Station
986 South Main Street, Cheshire, CT.
Dated: June 21, 2017: Revised: July 14, 2017
Four Sheets
Prepared By: MMI, Cheshire, CT.”**

The permit is granted on the following terms, conditions, stipulations and limitations (collectively referred to as the “Conditions”) 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. Erosion controls shall be installed prior to the request for a Building Permit.**
- 4. Throughout the course of conducting construction activities, 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’ where 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.**
- 5. The permit shall expire on July 18, 2022.**

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

X. NEW BUSINESS

There were no new business items.

XI. ADJOURNMENT

The meeting was adjourned at 9:35 pm by consensus of Commission members present.

Respectfully submitted:

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