

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, APRIL 3, 2018
TOWN HALL, 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

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

Member not present: Dave Brzozowski.

Staff: Suzanne Simone.

I. CALL TO ORDER

Chairman de Jongh called the meeting to order at 7:35 pm.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited.

III. ROLL CALL

Ms. Dunne called the roll.

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

IV. DETERMINATION OF QUORUM

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

V. APPROVAL OF MINUTES Regular Meeting – March 20, 2018

Chairman de Jongh called for a motion to approve the regular meeting minutes from the March 20, 2018 meeting with no corrections.

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

VI. COMMUNICATIONS

Chairman de Jongh reported there were no communications.

VII. INSPECTION REPORTS

1. Written Inspections

Ms. Simone reported there were no written inspections.

2. Staff Inspections

a. 1492 Highland Avenue

Ms. Simone reported there was a staff inspection of 1492 Highland Avenue; there was a request to put in a generator – it's outside the established buffer area and within their parking lot.

b. Forestry Project

Ms. Simone reported there was a site walk of the next forestry project which is coming before the Commission which is on the south side of Route 68 – Yalesville Road – from the other area that was approved.

3. Other Item

Chairman de Jongh stated that he contact Suzanne about something he just observed – he said there were a number of trees cut down on the Linear Trail; he said he didn't know if it was part of a safety project the town may have had.

Ms. Simone reported that the town had closed a portion of the Linear Trail because during the last snow storm trees had come down across the trail - they put up photos on the town website informing people that the trail was closed. A Public Works crew did go out and cut the (trees) up and left it on the side of the trail; she said there was mention of possibly a neighbor being involved so she's look into that.

VIII. ENFORCEMENT ACTIONS

- 1. Notice of Violation/Cease and Desist Order** **SC 12/06/16**
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

Chairman de Jongh stated this item would remain on the agenda for continued monitoring.

- 2. Notice of Violation/Cease and Desist Order** **SC 5/16/17**
Unauthorized Activities in Upland Review Area **SC 6/06/17**
Luis Rivera and Joanna Kozak **SC 6/20/17**
1392 Cheshire Street **SC 7/05/17**

Assessor's Map 30, Lot 17

SC 7/18/17
SC 8/01/17
SC 9/05/17

Chairman de Jongh stated this item would remain on the agenda for continued monitoring.

3. Notice of Violation/Cease and Desist Order SC 2/20/18
Unauthorized Activities in an Upland Review Area, SW 2/24/18
Wetland Area and Intermittent Watercourse
Mr. Jason Bartlett
358 Cornwall Avenue
Assessor's Map 57, Lot 75

Chairman de Jongh stated there were pictures sent out by staff and an email received from Mr. Bartlett.

Ms. Simone said Mr. Bartlett sent an email that he originally sent to David Lord, his soil scientist; the information that he sent to David Lord – he indicates that work at 358 Cornwall Avenue, Cheshire, CT was complete as of 3/30/18, from Jason Bartlett.

Ms. Simone reported he (Mr. Bartlett) did send some photos; she said she contacted him and asked him if this is what he wanted to serve as compliance with stipulation number 5 – that he was required to submit in writing to the Commission that everything is done.

Ms. Simone explained there were issues with the first set of photos; a second set of photos was sent.

Ms. Simone stated he (Mr. Bartlett) still needs to have a professional engineer certify to the Commission that this was all done to restore back to the pre-disturbed conditions.

Chairman de Jongh said and that has to be done by the middle of April.

Ms. Simone stated yes – and that has to be done before the next meeting.

Chairman de Jongh asked if it was communicated back to him that the information was incomplete.

Ms. Simone said she was asking him if this is what he wanted to serve to the Commission and she sent him a copy of the corrective order so he could read it – he (Mr. Bartlett) verified in an email that yes – this is what he wanted to submit to the Commission.

Ms. Simone said she has not gone out to the site – she was waiting until she received something from a professional engineer and then

she could actually go out to the site to evaluate if it's been done to completion.

Ms. Simone said one thing she did notice is that he (Mr. Bartlett) has the stock pile of material pretty close to the pond; it was something she'd have to further investigate.

Chairman de Jongh said just as a suggestion, he's convey to him (Mr. Bartlett) that the information received – we appreciate what he sent us – but comparing it to what was required by this Commission is incomplete in terms of the professional judgment that this is back to exactly as what were stipulated; not if this is what he planned on submitting and he says yes – then on April 16 we'll find ourselves between a rock and a hard place.

Mr. Norback said he may be putting himself there but is it incumbent upon the Commission to spoon feed him. He said he thought it was pretty clear when Suzanne follow up with a copy of the stipulations and that he hoped he share that with a professional engineer has he's retained to write that narrative – we'll see how it all plans out at the deadline.

Ms. Simone said when she did have a conversation with him, the letter is to be written by a certified engineer – David Lord is a soil scientist; then he asked if it could be his surveyor – she replied it has to be a certified engineer; and that he could speak to both of those individuals and ask for references for an engineer but it's an engineer that has to certify this.

Ms. Dunne said she thought to be clear it should be in writing; that it's very clear it has to be submitted by the next meeting.

Ms. Simone stated it is in writing – in stipulation number 5.

Chairman de Jongh stated the applicant needs to be accountable - so let's leave it until April 16th and address this at that time; if we don't have it we can turn this over to the powers to be.

IX. UNFINISHED BUSINESS

1. Potential Addition/Modification to IWWC Fee Schedule

Chairman de Jongh stated this is still an ongoing conversation.

Ms. Simone stated yes – the permit after the fact application fee draft that came before this Commission was formally submitted to the town manager – and he is not certain when that town committee plans on meeting again because of the budget process; and as far as the other item she's still researching that so it's still ongoing.

2. Permit Application

APP 2018-003

**Cheshire Inland Wetlands Commission
Regular Meeting Minutes**

April 3, 2018

**Jason Outlaw
189 Lanyon Drive
Detached Garage**

**DOR 3/20/18
MAD 5/24/18**

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 construction of a garage within the upland review area at 189 Lanyon Drive.**
- 2. That the existing house was constructed prior to the adoption of the inland wetland regulations in 1974.**
- 3. That no direct or indirect wetland impacts are proposed.**
- 4. That the proposed 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 #2018-003, the permit application of JASON OUTLAW for site plan approval as presented and shown on the plans entitled:

**“Detached Garage Construction at 189 Lanyon Drive
Lot Plan and Wetlands Locations
Dated February 28, 2018
Prepared by J. Outlaw, 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. Prior to any construction activities covered by this permit grant, or request for a Building Permit, the applicant shall accurately stake and/or flag all clearing limits and install silt fence, as depicted on the above mentioned site plan.
4. Throughout the course of conducting permitted 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. This permit grant shall expire on April 3, 2023.

Moved by Dr. Dimmick. Seconded by Ms. Dunne. Motion approved unanimously by Commission members present.

X. NEW BUSINESS

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| 1. Permit Application
JPMorgan Chase Bank, N.A.
South Main Street
Site Plan - Bank | APP 2018-004
DOR 4/03/18

MAD 6/07/18 |
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Jennifer Porter, attorney with Chiesa Shahinian & Giantomasi, PC, land use council for JP Morgan Chase Bank in connectionist application before this Commission as well as the site plan application before Planning and Zoning Commission.

Ms. Porter said they were here tonight in connection with their request for a wetlands permit; and they have brought with them a wetlands biologist and soil scientist from Natural Resource Services, Inc. who is here to address the specifics regarding our site plan as it relates to the impacts wetlands as well as any other questions that the Commission has.

Ms. Porter said with respect to the background for the application – the site is located at 944 South Main Street – it’s an existing vacate Chinese Restaurant –it was formally the Dragon Buffet; the plan is to demolish the Dragon Buffet and to build a 2,970 SF bank in its place.

Ms. Porter said the bank would have approximately 19 parking spaces and were also going to have an access easement with the adjacent property owner to allow for our site to the signalized intersection on South Main Street through the adjacent strip mall property.

Ms. Porter turned the meeting over to Ed Abizinis who could give a brief background regarding the wetland connected to this site.

Mr. Abizinis, a certified professional soil scientist and certified professional wetland scientist working for Natural Resources Service, Inc. out of Rhode Island.

Mr. Abizinis explained they were asked to come out and do the wetland consulting – he said they had actually done the permitting for Brooks Pharmacy years ago so that’s how he thinks the engineering firm got their name to help out.

Mr. Abizinis said he went out to the site – the location of the old Dragon Buffet and flagged the wetlands on March 7, 2018; he said he believed submitted was his report of findings.

Mr. Abizinis reviewed the rough draft sketch of the site; showing the a and b series of the wetland showing the limit of the small wetland and bank of the river and stream.

Mr. Abizinis said the site was developed sometime in the 50’s and remained unchanged for the most part over that time.

Mr. Abizinis said the plan is to demolish the existing Dragon Buffet and parking lot and whole area and redevelop it; the existing building is 3,150 Sf – the proposed building is 2,970 SF; there is also a decrease in impervious surface that’s on the site; currently there’s no treatment of storm water – it’s just sheet flow back into the wetland and into the river so the proposal calls for the detention of that water to be treated before entering that watercourse.

Mr. Abizinis said the existing open vegetative areas is .06 acres compared to the impervious of .457 acres; the proposed will have .11

acres of open vegetative space so almost twice what exists now; the existing buffer zone – the tree line will not be encroached into further – there's a proposed for Red Maples to be planted in an area that's kind of disturbed now so if anything the area might be augmented but the total impervious surface will decrease.

Mr. Abizinis said the storm water will be treated by a VortSentry HS by ConnTech – to treat the storm water before it enters the wetland or watercourse; there will be silt fence along the limit of disturbance - at the limit of the existing parking lot impervious cover; there will inlet protection of the construction entrance.

Mr. Abizinis said overall he thought this was a responsible proposal for the site since it was a developed area already; seeing that the water quality will now be treated in accordance with the Connecticut Water Quality Standards Manual.

Dr. Dimmick said he had a question – this building was originally heated by oil – was there an oil storage tank that needed to be removed.

Mr. Abizinis said he didn't see any reference to any underground storage tanks on the utility plan.

Dr. Dimmick said he didn't know what the building was being heated with now or if the tank was removed.

Rich Guardess, market director for construction for Chase Bank; he said they did an environmental study of the area and there are no oil tanks to their knowledge; the building is being heated by gas when they are taking it over now; he said the environmental study could be submitted.

Mr. Kurtz said the person doing the demolition would have to file a permit and anything on the property would have to be covered; the building department might have answers to all the questions (re: oil tank).

Ms. Simone said she had a question about what's shown to the direct wetland impact area for the discharge – she asked if they could speak a little bit more about that – what the discharge looks like – how the water's treated.

Mr. Abizinis said currently there's a culvert there – he said he flagged it out as an intermittent stream – it actually goes beyond the wetland because as a default he didn't have another way to classify it – it's really just a drainage ditch where water comes from a culvert; the culvert's beginning replaced so there may be some work associated with that in that area.

Dr. Dimmick provided some background when the shopping center was put in in the 1950s; and where the pipes go; it was before the wetlands commission.

Mr. McPhee said he wanted to confirm they are not increasing the parking lot towards the Mill River; its staying where it currently is now.

Mr. Abizinis said there's a net reduction (of impervious surface); that includes the building.

Ms. Simone stated the erosion controls are shown on the plans.

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

Moved by Dr. Dimmick. Second by Mr. Norback. Motion approved unanimously by Commission members present.

Chairman de Jongh said he thought they had all they needed (from the applicant); and we could take this up at our next meeting.

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| 2. | Permit Application | APP | 2018-005 |
| | Macy's Corporate Services, Inc. | DOR | 4/03/18 |
| | Knotter Drive | | |
| | Site Plan – Parking Lot | MAD | 6/07/18 |

Ryan McEvoy, PE from Milone and MacBroom was present on behalf of the applicant.

Mr. McEvoy addressed the Commission explain the application is in regards to the rehabilitation and partial expansion at the Macy's Logistic Center on Knotter Drive.

Mr. McEvoy said this site is a 72 acre property overall with a very large distribution center and about 7.5 acres of parking currently – it's located on the south side of Knotter Drive and it's in the Industrial Complex surrounded primarily by industrial properties; there's a large area of the Ten Mile Lowlands to the east and some residential properties to the west off of Marion Drive or small road off of Marion Drive; and the former Lexicon Headquarters is off the map.

Mr. McEvoy explained this area is currently paved very close to the wetland areas; so what they are proposing to do primarily – the biggest operation they are looking to achieve on the site involves repaving and reconstruction of the base material of the entity of the parking area; he showed on the plans the areas of parking they are looking to reconstruct.

Mr. McEvoy said what they'd be performing would be what he'd call maintenance – it's pretty beat up – it's been around about 30+ years

and the truck traffic has taken its toll over the years; it's in pretty rough shape.

Mr. McEvoy said they are not looking to change the grade – they are not looking to change the drainage patterns – it's simply rehabilitation the paved section.

Mr. McEvoy said they had a preliminary meeting a few months ago with Suzanne – and they wanted to make it clear to the Commission there was going to be a fair amount of work taking place in these areas; and it's up to their discretion as to whether or not these activities associated with repaving and reconstructing the base material constitute regulated activities because some of it does occur with 50' of the upland review area.

Mr. Norback asked if they'd be milling, removing the asphalt and working on the base material.

Mr. McEvoy said yes – that's right; it's in pretty poor space – it was very poorly selected material that is very brittle and doesn't have any hardness to it so that's sort of contributed to its deterioration.

Mr. Norback asked if they'd be doing milling and leaving the existing asphalt as part of the new base or will they be taking that off the site.

Mr. McEvoy said they will be milling and supplementing the base material with the millings – that's part of the plan; the grade would not be changing.

Mr. McEvoy said there are two areas (colored in two shades of gray) in particular that they are going to need permits for regulated activities – one being an area near the north side of the building where part of the effort to reconstruct the driveway and loading areas they are going to be actually lifting the grade up by as much as 6"; so we do propose regulated activities for this portion; and the second area where there's a gravel parking lot where they store trailers primarily – that was an application approved after the fact in the late 1990's at some point and as part of this effort Macy's is looking to formalize that parking area with an asphalt surface.

Mr. McEvoy explained the design of the areas as shown on the plan, create an increase in volume runoff so they are seeking to provide water quality for post impervious surfaces; so what they are looking to do is direct via sheet flow the new parking area and asphalt surface to a shallow 1.5' deep which is designed to handle the increase in runoff for the 100 year storm and also provides for water quality so much of the flow from the impervious surface will allow to collect in the basin and infiltrate.

Mr. McEvoy said they do have grading associated with the basin located within the upland review area and that is our regulated

activities proposed on the south side; on the north side because the existing limits of pavement are quite close to the limits of the wetlands itself all the area that we'll be lifting up in this region is within the 50' upland review area.

Mr. McEvoy said the combine total activity they are proposing is roughly 7,000 SF – a majority that actually occurs in the southern portion; the larger construction area and the majority of the changes take place in the south side.

Mr. McEvoy said they had the wetlands flagged last year by Megan Raymond from their office – the report didn't come in until today.

Mr. McEvoy stated they do propose sedimentation and erosion controls in the area particularly on the southern side – silt fence and hay bales; down gradient of the proposed changes site plan changes.

Mr. McEvoy said so this is the quick rundown – essentially it's a big pavement project with a couple of isolated area on the south where they do propose permeant changes from what's there currently.

Mr. Norback asked if they were raising the grade in that new improved area to the north.

Mr. McEvoy said yes to the north and that's why we are seeking approval with an application – it's because of the changes in that area; the remainder of the site where they are rehabilitation the area and not changing the grades or drainage patterns – he'd leave up to the discretion of the Commission as to whether or not that would constitute a regulated activity; he said maintenance of parking lot driveway areas might have different considerations than perhaps changing surface features.

Mr. Norback stated that was the reason for his question.

Chairman de Jongh said the area shown being raised 6" – they have a stone infiltration strip on that side – in the area extended is the parking area going to be curbed or just graded towards the rain garden.

Mr. McEvoy said it's all going to be graded with a swale exterior to the rain garden basin; on the north side there's limited opportunity to make improvements from a drainage perspective – there are a couple of considerations for having the stone strip along the side – one being we have treatment prior to getting towards the wetland and second from a practical side – we do have trucks coming from the north side and exist the paved surface from time to time; they've had issue with rutting and erosion; they are extending this area slightly and if a truck left this area slightly it wouldn't any long term disturbance.

Chairman de Jongh said with that in mind would it maybe make since to have those concrete barriers like they have in parking lots to prevent that from happening – when trucks leave the surface – and they are putting a stone trench in to protect that property.

Mr. McEvoy said stone trench and filter strip outside the upland review area will eliminate the likelihood of any of that.

Mr. McEvoy said all of this parking lot area sheet flows into the wetlands right now – and any obstructions or barriers may cause it to channelize more than it is right now; more that they would likely intend and want to have happen.

Chairman de Jongh asked about the proposed swale and if they plan to have anything underneath that or is it just going to be a natural swale.

Mr. McEvoy said it's going to be a natural swale with a very gentle grade 2% to 3% grade; no need for special consideration as long as vegetation takes hold.

Ms. Simone stated she has not had a change to look at the delineation report that they received today.

Chairman de Jongh said at this point they'd allow staff time to look over this and provide feedback; Commission members can provide their questions to staff so she can convey that information to the applicant.

Commission members did not elect to hold a site walk.

Chairman de Jongh said we'll allow staff to take a look at (this application/materials) and we'll take this up at the next meeting.

XI. ADJOURNMENT

The meeting was adjourned at 8:08 pm by consensus of Commission members present.

Respectfully submitted:

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