

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, APRIL 17, 2018
TOWN HALL 84 SOUTH MAIN STREET
Room 207/209 AT 7:30 P.M.**

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

Staff: Suzanne Simone.

I. CALL TO ORDER

Chairman de Jongh called the meeting to order at 7:30 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, Dave Brzozowski, 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 – April 3, 2018

Chairman de Jongh called for a motion to approve the regular meeting minutes from the April 3, 2018 meeting.

Motion: To approve the minutes of the April 3, 2018 regular meeting with corrections; pg. 11 L53 “runting” to “rutting”; pg. 12 L7 “since” to “sense”, L38 “change” to “chance”.

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

VI. COMMUNICATIONS

Ms. Simone reviewed the following communications:

1. **Engineering Comments Re: IWWC App. #2018-004, Chase Bank, 944 South Main Street**

This item is on the agenda under unfinished business.

2. **Engineering Comments Re: IWWC App. # 2018-005, Macy's Distribution Center, 475 Knotter Drive**

This item is on the agenda under unfinished business.

3. **Staff Communication with attachments Re: IWWC App. #2018-005, Knotter Drive, Parking Lot**

This item is on the agenda under new business.

4. **Staff Communication Re: Request for Determination # 2018-006, Scotland Hardwoods, Route #68, Forestry**

This item is on the agenda under new business.

5. **Staff Communication Re: IWWC App. # 2018-007, 875 Peck Lane, Driveway Crossing**

This item is on the agenda under new business.

6. **Staff Communication Re: Meeting Minutes: Requirements and Format**

This item is on the agenda under new business.

VII. INSPECTION REPORTS

1. **Written Inspections**

Ms. Simone reported there were no new written inspections.

2. **Staff Inspections**

- a. **Linear Trail**

Ms. Simone reported town staff has been working the length of the trail to remove trees/limbs that were knocked down or hanging as a result of the storm; they plan on finishing very soon.

- b. **Macy's Property**

Ms. Simone said at the Macy's property – it's been determined there's a debris pile located within the upland review area; there are revised plans that were sent to Commission members that locate the debris pile (on the site); the engineer is here tonight to further discuss that.

c. 4.79” of Rain

Ms. Simone said with the rain we received yesterday – 4.79” of rain, we received numerous complaints; some of them have to do with water over the road but other sites are more specific so she’d continue to look into those (complaints).

d. Cheshire Academy

Ms. Simone said Cheshire Academy sent in their inspection report today – they made an inspection of the site today – everything is stabilized and the pond is functioning as designed; there’s one section where silt fence had been compromised and they plan to take care of that; she said that site is very tidy.

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 reported this item is 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 reported this item is 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 was information we needed to receive by today – it came in at the eleventh hour – so staff has not had a chance to get copies of the email to Commission members.

Ms. Simone explained it was required in the corrective order that a certified licensed engineer would send notification that everything was done correctly; she said she received (an email) right before the meeting; she will contact the engineer to get a copy that has a live signature and seal on it; she has not been out to the site to see it yet.

This item would be discussed again at the next meeting.

IX. UNFINISHED BUSINESS

1. Potential Addition/Modification to IWWC Fee Schedule

Chairman de Jongh reported this item is ongoing and there's no new information (to report).

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| 2. Permit Application | APP 2018-004 |
| JPMorgan Chase Bank, N.A. | DOR 4/03/18 |
| South Main Street | |
| Site Plan - Bank | MAD 6/07/18 |

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 demolition of the existing 3,150 square foot building and parking lot, and construction of a 2,970-square foot building and associated parking and storm water management.**
- 2. That the direct wetland impacts proposed is for discharge of stormwater in an existing swale.**
- 3. 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 #2018-004, the permit application of JP MORGAN CHASE BANK, N.A for site plan approval as presented and shown on the plans entitled:

**"Site Plan Approval for Chase
Proposed Chase Bank
944 South Main Street
Cheshire, CT 06410**

18 Sheets, Scale Varies
Dated March 26, 2018
Prepared by Core States Inc., Warren, NJ.”

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 erosion controls, 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 17, 2023.

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

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

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

Mr. Ducsay presented plans of the proposed activity at 475 Knotter Drive.

Mr. Ducsay said since the last meeting that engineering staff comments have reviewed and he believed there was one comment in reference to the clearing – that needed to be done for the rain garden – established downgradient of the new parking area; engineering staff has asked that organic debris and stumps from this area be removed from the site and not remain on site – they'll add a notation to the plan to reflect compliance with that condition from the engineering department.

Mr. Ducsay said one other item that's come up since the last meeting – the debris brush pile on site that's been identified; the brush pile is shown on the plan and had been GPS located – it consists of mainly organic debris – its approximately 1,500SF into the upland review area – shown on the plans.

Mr. Ducsay submitted a photo into the record showing the debris pile so Commission members can better understand the composition of material that is located in that area on site; it's mainly organic debris likely from some storm event that we had recently; or it may have been there for a longer period – it could be debris remediated from previous storm events.

Mr. Ducsay stated there's a Natural Diversity Database hit on this site; they did submit a request to identify the exact species it pertains to - no feedback has been received regarding what that species is; given its proximity to the Ten Mile River, it's likely to be a Box Turtle hit - until we get back official correspondence we have not included any of our language on the plans pertaining to exclusionary devised such that it would apply if it were the Box Turtle.

Mr. Ducsay said he believed those were all the changes to the plan that have occurred since Ryan (McEvoy) presented the application at the last meeting.

Chairman de Jongh asked if they were going to remove that debris pile.

Mr. Ducsay said they are waiting on feedback from the Commission; the applicant was reluctant to go in there without Commission feedback; it that was the desire of the Commission the application would be willing to do so now or at a later date if the Commission wanted to condition any kind of motion on the removal of that organic soil.

Dr. Dimmick said he thought it could be removed from the upland side of (the site).

Mr. Ducsay said the timing is based upon what the Commission feels is going to be best – whether that be done now or a later date.

Ms. Dunne asked the endangered species – and usually work is not done during certain months.

Ms. Simone said the mostly likely the entire site is encompassing the Natural Diversity Database site.

There was a brief discussion about the best time of year to do the work (if there's amphibian breeding); and the Commission being in a better position to make a recommendation once they've received the Natural Diversity Database report.

Ms. Simone asked Matt to contact Natural Diversity Database and see if they'd send something.

Mr. Ducsay said they contacted them (Natural Diversity Database) in January; and that they will re-inquiry (about the hit).

Ms. Simone asked if the Commission wanted to see some non-encroachment posts in the area so in the future this area is not used (for dumping); she asked if this could be added to the map.

Mr. Ducsay said he'd add proposed locations for the non-encroachment markers.

Ms. Simone asked if the Commission would like to stipulate the removal of that pile – that would be incorporated in a draft motion.

Dr. Dimmick said yes – without stipulating the time frame at this point.

Mr. Ducsay said again, he'd reach out again to the Natural Diversity Database – requesting the needed information.

The Commission would make their recommendation regarding the pile clean-up/removal after they receive that information.

X. NEW BUSINESS

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| 1. | Request for Determination
Scotland Hardwoods c/o Rod Burgess
Route #68
Forestry | RFD | 2018-006 |
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Rod Burgess was present on behalf of the applicant.

Mr. Burgess explained this is for a cutting proposal – in the Meriden property watershed; he said they (Commission members) should have a copies of exhibits a, b and c.

Mr. Burgess reviewed the exhibits submitted to the Commission for their review; he said this property is to conduct logging operations approximately 75 of 380.7 total acres owned by the City of Meriden; shown on the map; it's a one to three man logging crew operating a logging skidder cutting logs in one main area; the exhibit shows the logging area coming off of Route 68 – it shows an entry way that's already there; the working hours are 7 am to 6pm Monday-Saturday; and the property boundaries and skid trails have marked.

Mr. Burgess said most of the main skid trails and two of the five crossings are already in place from previous logging activities done on the property.

Mr. Burgess said, at this time, all of the trees have been marked that are going to be removed; its estimated about 100,000 board feet of saw timber would be harvested from the properties; about 90% of the White Ash is going to be removed because of the Emerald Ash Borer problem; 35-40% of other trees will be removed; its estimated that 4-5 weeks will be required to complete this project; they hope to start in late spring or early summer.

Mr. Burgess said there are drainages that have to be crossed – he submitted an exhibit c from Dennis Waz from the City of Meriden and what it addressed is that five drainages that they're going to be crossing; they plan on using portable bridges in combination with wood poles and brush mats; upon completion the main skid trails will be back greater than level.

Mr. Burgess spoke about the crossings (some previously established) – he showed on the map exhibit b the three crossings on the western side of the property – he moved those away from the low area – and the letter (from Dennis Waz) concurs that it makes since to move them higher for more defined drainage and less impact in terms of the water flow.

Mr. Burgess reviewed the remaining project details noted in the exhibits; he said they'll install a stone tracking pad coming in and off Route 68.

Ms. Simone said when she was out on the property on a site walk the area where these three proposed crossings area – they watercourse itself is very narrow and not much flow – quite shallow – but higher up in elevation – as you start to go down the hill where the previous crossings where – that's where it starts to widen out and they'd have to bring in much larger crossings.

Dr. Dimmick said he didn't see any real problems but they'd needed an application because they are establishing the crossings.

Motion: That the Commission has looked at the proposal and has determined that a permit is necessary for the proposed work.

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

Chairman de Jongh said that we've heard the applicant's presentation and can allow staff to do what she needs to do and present at the next meeting.

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| 2. | Permit Application | APP | 2018-006 |
| | Scotland Hardwoods c/o Rod Burgess | DOR | 4/17/18 |
| | Route #68 | | |
| | Forestry | MAD | 6/21/18 |

Discussion on this item was covered under item one under new business.

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| 3. | Permit Application | APP | 2018-007 |
| | David & Laura Rochford | DOR | 4/17/18 |
| | 875 Peck Lane | | |
| | Driveway Crossing | MAD | 6/21/18 |

George Cotter, of CW International and David Rochford were present.

Ms. Simone stated that we have copies of the final plans.

Dr. Dimmick stated this came before us originally for a subdivision.

Ms. Simone said at that time the only thing proposed was a driveway crossing; and looking at the final plans now there's a driveway crossing for a single-family house; the subdivision (permit) has expired – there's also proposed activity within the upland review area in the location of where the house is.

Ms. Simone said there are really three impact areas – one direct wetlands and then the two upland areas.

Mr. Norback asked if these were the same areas affected (under the three-lot subdivision).

Ms. Simone said it was the same driveway crossing; the lots required individual site plan – only one came back for a site plan and that has also expired.

Mr. Cotter reviewed the plans showing the location of the proposed houses on the previous application.

Mr. Cotter said under the previous application they basically have the same location as the driveway – through the wetland area; he said because of storm drainage issues on Peck Lane the town came in and did a cross culvert with a couple of catch basins.

Mr. Cotter showed on the plans the area where the town did work; he said he believed they enlarged the pipe so there wasn't any more flooding across the road.

Mr. Cotter talked about what was proposed under the previous development for the driveways; he said what they've tried to do with this one is to not have large cuts on the site where they'd have run off that can't be controlled with sheet flood; he showed on the plan where the areas where he was talking about.

Mr. Cotter showed on the plans the location he was talking – he talked about regarding the sheet flow off the area; and the driveway grade to lessen the impacts; he said they show erosion blankets and White Pines in areas that are steeper to protect the wetland; he said the wetland is a seep breakout from the area that keeps rising from Lexington – he talked about the area where they'd do the least amount of cutting and filling to fit the house on the site.

Mr. Cotter said they now have just one lot instead of three on the site; they'll use the existing septic system that they had tested before; and the same kind of crossing – he said this has been a disturbed wetland prior from the work and activities the town had to do to do the storm drain improvements there.

Mr. Cotter said he feels they'll not going to have any impact on the wetland areas and they'll discharge the storm water runoff from the process driveway paved up 250' – they'll put in catch basins at the driveway to pick up the water and put it into the storm drainage system which discharges to the east to the canal.

Mr. Cotter commented about the slopes having erosion blankets and the slopes seeded and stabilized; he talked about the wetland been a break out where the waters like seepage.

Dr. Dimmick said he had a problem – your total fill is going to be within about 6-7' of the wetland.

Mr. Cotter stated yes.

Dr. Dimmick said he sees the erosion control blanket but while you're putting the fill was there going to be some kind of silt fence there.

Mr. Cotter said the silt fence is there (on the plan).

Dr. Dimmick said that is critical in terms of things that can go wrong; he's been dealing with erosion controls for about 45 years and he knows what can go wrong - and this jumps out at him as a spot that while you're putting the fill in place something can happen there - he's not sure a silt fence will be enough - he'd like to see a silt fence and hay bales double line.

Ms. Simone asked if this was the area where the soil scientist report refers to an intermittent stream.

Mr. Cotter said yes - he said through this wetland area there are different intermittent channels.

Ms. Simone said the subdivision was approved with a driveway crossing - that's now expired; it was required that each of those lot come in for a site plan approval - one lot did which is the lot closes to the bottom by the driveway so there were no impacts to the upland review area where the intermittent streams are.

Mr. Cotter said they're null and voided the three-lot subdivision and divided it back into one property.

The original permit is null and void.

There was discussion about the site and site improvements made by the town creating less wetland impact than the previous approval (because the work was done by public works).

Ms. Simone said the new aspects of this are the impacts to the upland review area and getting quite close to the wetland boundary and the intermittent streams.

Chairman de Jongh asked if they should schedule a site visit to take a look to see what's going on based on concerns for the area.

Dr. Dimmick asked if there was a signature from a soil scientist verifying the wetland line.

Mr. Cotter said it's in his letter that he reviewed this set of plans; but it's not on the plan - James Sipperly did the work.

Chairman de Jongh said if we could get Mr. Sipperly's signature on the plan - that'd be great.

Chairman de Jongh asked for a portion of the area to be marked to give them an indication what the toe of slope will be near the wetland area.

Mr. Cotter said he'd put some stakes out there.

A field trip was set for Saturday, April 21, 2018 at 8:30 am.

Chairman de Jongh

4. Meeting minutes discussion

Commission members discussed the current format of meeting minutes and what content is required when preparing meeting minutes.

There was discussion regarding the technical content presented, detailed recording of applicant presentations, back and forth dialogues and general conversation comments recorded in the minutes.

Commission members decided to review two versions of meeting minutes – the standard detailed version and an abridged version from the same meeting.

Commission members would continue discussion about meeting minutes at the next meeting.

XI. ADJOURNMENT

The meeting was adjourned at 8:38 pm by consensus of Commission members present.

Respectfully submitted:

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