

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
REGULAR MEETING  
TUESDAY, JULY 5, 2011  
TOWN HALL – 84 SOUTH MAIN STREET  
COUNCIL CHAMBERS – 7:30 P.M.**

---

**Members present: Robert de Jongh, Charles Dimmick, Matt Bowman, Sheila Fiordelisi, and Will McPhee.**

**Not in attendance: Earl Kurtz and Kerri Dunne.**

**Staff Present: Suzanne Simone**

**Sheila Fiordelisi served as secretary pro-tem in Kerrie Dunne's absence.**

**I. CALL TO ORDER**

**Chairman de Jongh called the meeting to order at 7:30 p.m.**

**II. PLEDGE OF ALLEGIANCE**

**All present recited the pledge of allegiance.**

**III. ROLL CALL**

**Ms. Fiordelisi called to the roll.**

**Members present were Robert de Jongh, Charles Dimmick, Matt Bowman, Sheila Fiordelisi, and Will McPhee.**

**IV. DETERMINATION OF QUORUM**

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

**V. APPROVAL OF MINUTES – Public Hearing – June 21, 2011  
Regular Meeting – June 21, 2011**

**The approval of the minutes was deferred to the end of the meeting.**

**At 8:14 p.m.**

**Motion: To approve the minutes from the June 21, 2011 public hearing and regular meeting minutes with corrections.**

Public Hearing: Pg. 3 L18 20 “invariant” to “environment”; L28 “underlying” to “underlain”, L39 “brills” to “rills”, L45 “alternation” to “alteration”; pg. 4 L31 “fine” to “find”, L48 delete “the first –”; Pg. 5 L44 “ecstatically” to “aesthetically” “resultant” to “resistant”; Pg. 6 L47 “scanning” to “spanning”; Pg. 7 L34 “area” to “are”, L40 “sour” to “scour”, L45 “lien” to “line”; Pg. 8 L40 “in vision” to “envision”; Pg. 8 L17 “amour” to “armor”, L34 “levy” to “levee”.

Regular Meeting: Pg. 4 L28 “done” to “down”; Pg. 10 L11 “say” to “se”; Pg. 21 L18-19 delete “and that detention system” and “it’s fine storage –”, Pg. 22 L21 “eudorfines” to “udorthents”; Pg. 25 L10 “pervious” to “impervious”, L12 “and” to “by”, L13 ; Pg. 26 L33 “ever” to “even”; Pg. 28 L22 “they” to “there”.

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

## V. COMMUNICATIONS

1. Project narrative Re: Parks and Recreation request for underdrainage system for Mixville municipal ball fields. Permit # 2011-011

Commission members reviewed this communication.

2. Staff Communications, Permit # 2011-002  
Re: 808 Bethany Mountain Road Drain Pipe

Commission members reviewed this communication.

3. Engineering Comments  
Re: Site Plan, PABCO, Permit # 2011-010

Commission members reviewed this communication.

4. Engineering Comments Re: PABCO Permit #2011-010

Handed out at tonight’s meeting

Ms. Simone said handed out tonight were the applicant’s engineer’s comments in response to the town engineer comments.

Commission members reviewed this communication.



Ms. Simone said she received a phone call from Mr. Ellis in response to her email. She reported that Mr. Ellis stated that everything from the town property has been removed.

Ms. Simone stated that she planned on going out there this week to ensure that everything is off of town property as well the conservation area being established. She reported that she would have information at the next meeting.

3. **Unauthorized Activities in a Regulated Wetland Area**  
**Gladys & Salvatore DeLucia Jr.**  
**808 Bethany Mountain Road**

Ms. Simone stated that there is an application under unfinished business for this violation in conjunction with 11 Shire Court.

4. **Unauthorized Activities in a Regulated Wetland Area**  
**David Hajdasz and Joanna Debear**  
**11 Shire Court**

This item would be addressed under unfinished business.

#### **IX. UNFINISHED BUSINESS**

- |   |   |            |                  |            |                |           |                |            |                |
|---|---|------------|------------------|------------|----------------|-----------|----------------|------------|----------------|
| <ol style="list-style-type: none"><li>1. <b>Permit Application</b><br/><b>David Hajdasz</b><br/><b>808 Bethany Mountain Road</b><br/><b>Site Plan – Drainage Pipe</b></li></ol> | <table border="0"><tr><td><b>APP</b></td><td><b>#2011-002</b></td></tr><tr><td><b>DOR</b></td><td><b>4/19/11</b></td></tr><tr><td><b>FT</b></td><td><b>5/07/11</b></td></tr><tr><td><b>MAD</b></td><td><b>7/23/11</b></td></tr></table> | <b>APP</b> | <b>#2011-002</b> | <b>DOR</b> | <b>4/19/11</b> | <b>FT</b> | <b>5/07/11</b> | <b>MAD</b> | <b>7/23/11</b> |
| <b>APP</b>  | <b>#2011-002</b>  |            |                  |            |                |           |                |            |                |
| <b>DOR</b>  | <b>4/19/11</b>  |            |                  |            |                |           |                |            |                |
| <b>FT</b>   | <b>5/07/11</b>  |            |                  |            |                |           |                |            |                |
| <b>MAD</b>  | <b>7/23/11</b>  |            |                  |            |                |           |                |            |                |

Ms. Simone explained that the office did receive a site plan today that shows the depiction of what the narrative was provided to the Commission of overland flow into the pond. She said she did have copies here tonight for the Commission to take a look at however, at about 2:00 p.m. she received an email from Mr. Hajdasz – she was cc'ed on the email to his engineer where he expressed that he is unhappy with the design and that he wants the design to be reworked.

Ms. Simone said she did speak with Mr. Hajdasz – he is not at tonight's meeting – he requested that it (review of application) be tabled to the next meeting and he did grant an extension of the mandatory action date.

**Chairman de Jongh asked if they received the mandatory action date extension request in writing.**

**Ms. Simone stated yes – in an email.**

**The Commission agreed to wait until they received the correct information before looking at the application materials.**

**Ms. Simone said she believed the engineer would be at the next meeting - she said she says that because she has been cc'ed on communications from Mr. Hajdasz to the engineer trying to coordinate coming to the meeting.**

**Chairman de Jongh said his concern on this this is that for whatever reason this seems to have been stretched out for a ridiculously long period of time and he said Mr. Hajdasz has already had one extension of the mandatory action date – this is the second; he has 65 days so he is running out of time.**

**Ms. Simone stated yes – he is getting close to it (running out of time).**

**Chairman de Jongh said he thought it was in everyone's best interests to have a communication go out to Mr. Hajdasz to say that basically they are at the eleventh hour – they need to have “a, b and c” taken care of and presented to this Commission at the next meeting or they are going to have to rule unfavorably on everything that's been done.**

**Mr. Bowman said he thought (and Dr. Dimmick would back him up on this) this issue was explained to Mr. Hajdasz at the last meeting.**

**Dr. Dimmick agreed with Mr. Bowman.**

**Chairman de Jongh said he was sure it was explained a couple of times – he said that they should take that extra step – like belts and suspenders and cover themselves – he said it was just a suggestion and that the conversation has been had with him.**

**Mr. Bowman said it has been (the conversation) and unfortunately Chairman de Jongh has not been here for the last two meeting – and they have beaten this dead horse for two meetings and basically as he said at the last meeting they would just vote this it down without prejudice and then Mr. Hajdasz can reapply.**

Chairman de Jongh asked if something has been given to Mr. Hajdasz in writing to state this information.

Ms. Simone said that she did send an email to Mr. Hajdasz – she said that she could make it more formal and send him a letter where it will detail and specify what the outcome from this Commission could be.

Chairman de Jongh said his thought was someone could say that they never received the email – if they do something like a certified letter and he (Hajdasz) has to sign for and it spells out exactly what the Commission has communicated both my email and verbally in the public record – he can't hide from this.

Chairman de Jongh said he did not want Mr. Hajdasz coming back saying well I didn't understand or I didn't hear or I didn't get it.

Dr. Dimmick asked Mr. Bowman when they were out at the site and saw the well overflowing – he said he was under the impression that that over flow was near the actual well but it turns out the well is in the back yard.

Mr. Bowman said that is exactly what he was upset over it.

Dr. Dimmick said the well is in the backyard and they have piped all the way to another location.

Mr. Bowman said yes and without permission. He went on to say it was also done over someone else's property. He said its drinking water so he was not really worried about polluting anything but it is going into a wetland; it's actually discharging into the pond and there has been no permission granted for it.

Dr. Dimmick said he was thinking when he looked at that that maybe that flow was coming out of the tap of the well itself but it's not.

Mr. Bowman said no – and that he bet it was 100'-150' away.

Dr. Dimmick said it had to be that distance once they see the well location.

Mr. Bowman said he did not like the whole thing – he did not like the answer 'well it's been inspected' – he said that in his opinion the applicant was trying to put the blame on the building official and staff – he said that was just not right.

Chairman de Jongh said he thought taking that extra step while it might be over-kill – he thought it might cover the Commission because someone physically has to sign for documentation spelling out exactly what they have verbally communicated and what they have communicated by emails.

Ms. Simone stated ok – she understood what the Commission was requesting.

Mr. Bowman also stated there are no further extensions.

Ms. Simone agreed with Mr. Bowman. She also noted that in August there is only one meeting – the first meeting on August 2.

Chairman de Jongh requested that all the details be spelled out in the email (letter) that there is only one meeting in August and there are no more extensions for this application – so the going to have to act on it and they are going to deny without prejudice.

Ms. Simone asked if there was any additional information the Commission would want to see relative to the well discharge.

Mr. Bowman said no just submit the information. He asked if Ms. Simone had gone out and seen it.

Ms. Simone said she has gone out and seen – she said she has not any conversation with Mr. Hajdasz about it but that she has seen it but she could not verify the actually rate would Mr. Hajdasz specifies its 2.5 gallons per minute – that she did not know.

Mr. Bowman explained that that rate is going to vary – it's going to slow down soon but in the winter it can run anywhere from five to ten gallons a minute. He said today it's not a bad thing but it could become some source of problem in the winter.

Ms. Simone said right and it is interesting that Mr. Bowman say that because the neighboring property had expressed concern of what happens in that area in the wintertime – that there is a massive amount of water and that it's flooding over his well, getting into the bottom of his house.

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

- |    |                                     |     |           |
|----|-------------------------------------|-----|-----------|
| 2. | Permit Application                  | APP | #2011-005 |
|    | Town of Cheshire Public Works Dept. | DOR | 6/07/11   |

Sindall Road (30/61)	FT	6/21/11
Site Plan – Watercourse Bank Protection/Restoration	PH	6/21/11
	MAD	7/26/11

Mr. Bowman asked if they had anything from our staff (engineering department) reviewing what the engineer has turned into the Commission – he said usually they get a review of the applications.

Ms. Simone said she did not believe the engineering department is doing that any longer that when it is something that's being contracted out of their department that they are handing over the responsibility to someone else.

Mr. Bowman said he thought the plans should still be reviewed – at least in his opinion. He said he would vote for this tonight but in the future asked that someone signature on it just the same way a developer goes in and turns it over and staff makes comments on it – because it is an outside source – someone should say at least they've reviewed it and gone through it.

**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 this application is for the watercourse restoration/bank stabilization of 270 lineal feet of Sindall Brook contained within the property of 812 Sindall Road.
2. That the rainfall through the 1.07 square mile Sindall Brook watershed has contributed to erosion of the banks of Sindall Brook.
3. That the proposed watercourse restoration/bank stabilization will include the installation of 4,737 square feet of pyramat, the placement of 66 cubic yards of rip rap, the placement of 38 cubic yards of soil and 36 cubic yards of gravel and the excavation of 45 cubic yards of material.
4. That the wetland flags depicted on the site plan were delineated by Soil Science and Environmental Services, Inc. on April 12,

**2010 and April 14, 2010 and field surveyed by Tectonic Engineering and Surveying Consultants, P.C. on April 16, 2010.**

- 5. That the affected private property owners have authorized the permit submission, as indicated by signatures on the application forms.**
- 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 #2011-005, the permit application of Town of Cheshire, Public Works Department for site plan approval as presented and shown on the plans entitled:**

**“812 Sindall Road  
Sindall Brook Stabilization & Restoration  
Town of Cheshire, New Haven County Connecticut  
Dated April 30, 2010  
8 Sheets; Scale Varies  
Prepared by Tectonic Engineering & Surveying  
Consultants P.C.  
P.O. Box 37, 70 Pleasant Hill Road, Mountainville, NY  
10953.”**

**And “Attachment to Application  
812 Sindall Road, Town of Cheshire, New Haven,  
Connecticut  
Prepared by Tectonic Engineering & Surveying  
Consultants P.C.  
P.O. Box 37, 70 Pleasant Hill Road, Mountainville, NY  
10953.”**

**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 commencement of activities covered by this permit grant 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 sweeping for and relocation of eastern box turtle and wood turtle found within the work area, per the precautionary measures detailed in the Connecticut Department of Environmental Protection letter dated April 15, 2011.**
- 4. The location and maintenance schedule for the pyramat will be provided to the property owner and recorded on the land records within 60 days of the pyramat installation.**
- 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.**
- 6. This permit shall expire on July 5, 2016.**

**Moved by Dr. Dimmick. Seconded by Mr. Bowman. Motion approved 4-0-1 with Chairman de Jongh abstaining due to the fact he was not**

present for the public hearing or regular meeting presentation on this agenda item.

- |  |            |                  |
|--|------------|------------------|
| <b>3. Permit Application</b>                               | <b>APP</b> | <b>#2011-006</b> |
| <b>Town of Cheshire Public Works Dept.</b>                 | <b>DOR</b> | <b>6/07/11</b>   |
| <b>Allen Avenue (30/66)</b>                                | <b>PH</b>  | <b>6/21/11</b>   |
| <b>Site Plan – Watercourse Bank Protection/Restoration</b> | <b>MAD</b> | <b>7/26/11</b>   |

**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 this application is for the watercourse restoration, sediment removal, and stream channel realignment of Sindall Brook contained within the property of 815 Allen Avenue.
2. That the rainfall through the 1.07 square mile Sindall Brook watershed has contributed to erosion of the banks of Sindall Brook.
3. That the proposed watercourse restoration will include the removal of fallen trees, sediment and trees from the stream channel. Rills and gullies will be filled, topsoiled and seeded with riparian buffer mix. Once sediment is removed from the channel, the water channel will be returned to the 'natural' streambed.
4. That the wetland flags depicted on the site plan were delineated by Soil Science and Environmental Services, Inc. on April 12, 2010 and April 14, 2010 and field surveyed by Tectonic Engineering and Surveying Consultants, P.C. on April 16, 2010.
5. That the affected private property owners have authorized the permit submission, as indicated by signatures on the application forms.
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 #2011-006, the permit application of Town of Cheshire,

**Public Works Department for site plan approval as presented and shown on the plans entitled:**

**“815 Allen Avenue  
Sindall Brook Stabilization & Restoration  
Town of Cheshire, New Haven County Connecticut  
Dated April 30, 2010  
6 Sheets; Scale Varies  
Prepared by Tectonic Engineering & Surveying Consultants  
P.C.  
P.O. Box 37, 70 Pleasant Hill Road, Mountainville, NY  
10953.”**

**And “Attachment to Application  
815 Allen Avenue, Town of Cheshire, New Haven,  
Connecticut  
Prepared by Tectonic Engineering & Surveying Consultants  
P.C.  
P.O. Box 37, 70 Pleasant Hill Road, Mountainville, NY  
10953.”**

**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 commencement of activities covered by this permit grant 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.**

4. 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.

5. This permit shall expire on July 5, 2016.

Moved by Mr. Bowman. Seconded by Dr. Dimmick.

Motion approved 4-0-1 with Chairman de Jongh abstaining due to the fact he was not present for the public hearing or regular meeting presentation on this agenda item.

4.	Permit Application	APP	#2011-007
	Town of Cheshire Public Works Dept.	DOR	6/07/11
	Allen Avenue (30/36)	PH	6/21/11
	Site Plan – Watercourse Bank Protection/Restoration	MAD	7/26/11

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 this application is for the watercourse restoration/bank stabilization of 500 lineal feet of Sindall Brook contained within the property of 834 Allen Avenue.

- 2. That the rainfall through the 1.07 square mile Sindall Brook watershed has contributed to erosion of the banks of Sindall Brook.**
- 3. That the proposed watercourse restoration/bank stabilization will include the installation of 10,768 square feet of pyramat, the placement of 791 cubic yards of rip rap (sizes ranging from 12” to 24”), the placement of 197 cubic yards of soil and 258 cubic yards of gravel and the excavation of 1,192 cubic yards of material.**
- 4. That the wetland flags depicted on the site plan were delineated by Soil Science and Environmental Services, Inc. on April 12, 2010 and April 14, 2010 and field surveyed by Tectonic Engineering and Surveying Consultants, P.C. on April 16, 2010.**
- 5. That the affected private property owners have authorized the permit submission, as indicated by signatures on the application forms.**
- 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 #2011-007, the permit application of Town of Cheshire, Public Works Department for site plan approval as presented and shown on the plans entitled:**

**“834 Allen Avenue & 1455 Allen Court  
Sindall Brook Stabilization & Restoration  
Town of Cheshire, New Haven County Connecticut  
Dated April 30, 2010  
9 Sheets; Scale Varies  
Prepared by Tectonic Engineering & Surveying  
Consultants P.C.  
P.O. Box 37, 70 Pleasant Hill Road, Mountainville, NY  
10953.”**

**And “Attachment to Application  
834 Allen Avenue & 1455 Allen Court, Town of Cheshire,  
New Haven, Conn.  
Prepared by Tectonic Engineering & Surveying  
Consultants P.C.  
P.O. Box 37, 70 Pleasant Hill Road, Mountainville, NY  
10953.”**

**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 commencement of activities covered by this permit grant 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.**
- 4. The location and maintenance schedule for the pyramat will be provided to the property owner and recorded on the land records within 60 days of the pyramat installation.**
- 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.**

6. This permit shall expire on July 5, 2016.

Moved by Ms. Fiordelisi. Seconded by Dr. Dimmick. Motion approved 4-0-1 with Chairman de Jongh abstaining due to the fact he was not present for the public hearing or regular meeting presentation on this agenda item.

- |   |     |           |
|---|-----|-----------|
| 5. Permit Application                               | APP | #2011-008 |
| Town of Cheshire Public Works Dept.                 | DOR | 6/07/11   |
| Allen Court (30/46)                                 | PH  | 6/21/11   |
| Site Plan – Watercourse Bank Protection/Restoration | MAD | 7/26/11   |

**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 this application is for the watercourse restoration/bank stabilization of 600 lineal feet of Sindall Brook contained within the property of 1450 Allen Court.
2. That the rainfall through the 1.07 square mile Sindall Brook watershed has contributed to erosion of the banks of Sindall Brook.
3. That the proposed watercourse restoration/bank stabilization will include the installation of 19,553 square feet of pyramat, the installation of 4,660 square feet of armorflex, the placement of 293 cubic yards of soil and the excavation of 165 cubic yards of material.
4. That the wetland flags depicted on the site plan were delineated by Soil Science and Environmental Services, Inc. on April 12, 2010 and April 14, 2010 and field surveyed by Tectonic Engineering and Surveying Consultants, P.C. on April 16, 2010.
5. That the affected private property owners have authorized the permit submission, as indicated by signatures on the application forms.

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 #2011-008, the permit application of Town of Cheshire, Public Works Department for site plan approval as presented and shown on the plans entitled:

**“872 Allen Avenue & 1450 Allen Court  
Sindall Brook Stabilization & Restoration  
Town of Cheshire, New Haven County Connecticut  
Dated April 30, 2010  
9 Sheets; Scale Varies  
Prepared by Tectonic Engineering & Surveying  
Consultants P.C.  
P.O. Box 37, 70 Pleasant Hill Road, Mountainville, NY  
10953.”**

**And “Attachment to Application  
872 Allen Avenue & 1450 Allen Court, Town of  
Cheshire, New Haven, Conn.  
Prepared by Tectonic Engineering & Surveying  
Consultants P.C.  
P.O. Box 37, 70 Pleasant Hill Road, Mountainville, NY  
10953.”**

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 commencement of activities covered by this permit grant 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.

4. The location and maintenance schedule for the pyramat and armorflex will be provided to the property owner and recorded on the land records within 60 days of the pyramat and armorflex installation.

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.

6. This permit shall expire on July 5, 2016.

Moved by Dr. Dimmick. Seconded by Mr. McPhee. Motion approved 4-0-1 with Chairman de Jongh abstaining due to the fact he was not present for the public hearing or regular meeting presentation on this agenda item.

6.	Permit Application	APP	#2011-010
	PABCO, Inc. and 200 OTR Associates	DOR	6/07/11
	200 Old Towne Rd. and 168 S. Main St.		
	Site Plan – Special Design Project	MAD	8/11/11

Dr. Dimmick stated that there were questions on this application from the engineering department.

Attorney Anthony Fazzino and Matt Duscay, PE from Milone and MacBroom were present on behalf of the applicant.

Attorney Fazzino addressed the Commission. He explained that there was a comment they received after the last meeting from the engineering department questioning the soil scientist report; the report was part of the file and was explained at that last meeting.

Attorney Fazzino said that Mr. Duscay did write a response and it was delivered on July 1. He said Mr. Duscay was present to explain his response to the town engineer's comment.

Attorney Fazzino also noted that it was voted at the last meeting that the applicant was not significant – that the activities were not significant.

Dr. Dimmick said he wanted to state for the record that at the last meeting he did go out and inspect the site itself and he could verify the small breakout of shallow ground water so there is more than just their staff review. He said it was about as they said.

Mr. Duscay addressed the Commission.

Mr. Duscay said just to elaborate on what Dr. Dimmick has said – the comment was in reference to the underground storm drainage point – questioning the presence of the intermittent watercourse. If you look through the wetland delineation report the site was inspected by a soil scientist in March of this year – it was uncovered that in the southern dip in the topography there is an outbreak that forms the upper reaches of an intermittent watercourse.

Mr. Duscay explained that the map is an overlay of the town's topography of the project site and they will see on the town topography it does indeed show or depict the presence of that intermittent watercourse – generally beginning exactly where it is delineated on the site plan – that water course runs west to see as depicted with a blue line on the plans along the northern boundary of the Old Towne Condominium development and then turns south – it serves as a tributary to the upper reaches of the Mill River.

Mr. Duscay said they will notice that the Old Towne Condominium development is between 10' and approximately 25' above that seasonal intermittent watercourse.

Mr. Duscay said again, the topography on the site plan is field surveyed topography and that intermittent watercourse does begin in the northeast corner of the property. He said you'll see if you look at the contours closely that it does depict the beginning of that depression as Dr. Dimmick had stated that he noticed in the field.

Dr. Dimmick stated that when he saw it flowing it was July 1<sup>st</sup> which is awfully late to have an intermittent watercourse – but of course it's been an awfully wet year also. He said he would also note that about 30' downstream it disappeared for a short distance and then reappeared – he said he did not think it was a major flow-er.

Mr. Duscay said just to elaborate a little bit more on what he just said – also submitted with the response to the engineering department was the existing conditions watershed map and that map generally depicts that under existing conditions the entire site does indeed flow to that spot so with the underground detention system mitigating the peak rates of runoff and discharge into that points essentially there should be no change between existing and proposed conditions.

Dr. Dimmick asked if they were leaving most of that wooded area around that area in place.

Mr. Duscay said yes – they do have a little bit of disturbance for grading in and around the town home and there is a fill slope that comes down (he show the location on the map); he explained that there is a wooded area that is to be maintained on the northern portion as well as along another portion of the site – there is a fill slope which comes down from the edge of pavement there but there is a small wooded buffer that will be maintained around that watercourse.

Dr. Dimmick said you may want at the very edge of the paving edge to add a little planting – among other things to prevent trash from blowing into that area of it which tends to happen with parking lots that are open.

There were no other questions from Commission members.

Ms. Simone said she had prepared a draft motion for Commission members review.

Ms. Simone read the draft motion into the record.

**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 residential and commercial development with associated storm water management of a 1.5 acre parcel.**
- 2. That the proposed storm water discharge will be directed, in part, to an intermittent watercourse field located by the applicant's soil scientist.**
- 3. That the applicant's soil scientist identified the value of the intermittent watercourse as low and the function limited to 'slight discharge area during high ground water'.**
- 4. That the applicant's engineer stated that the site is currently 45% impervious cover and that the proposed development proposes 64% impervious cover.**
- 5. That the applicant's engineer stated that the proposed construction activities will not have a significant adverse effect on the adjacent wetlands and watercourses.**
- 6. 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 #2011-010, the permit application of PABCO Inc. and OTR Association LLC as presented on the plans entitled:**

**"Old Towne Commons  
166-168 & 200 South Main Street  
Cheshire, CT  
Dated June 6, 2011  
Scale Varies on 8 Sheets:  
Prepared by Milone and MacBroom, Cheshire, CT."**

**And           “Engineering Report  
Old Towne Commons  
166-168 & 200 South Main Street  
Cheshire, CT  
Dated June 6, 2011  
Prepared by Milone and MacBroom, Cheshire, CT.”**

**And           “Wetland Delineation Report  
Old Towne Commons  
166-168 & 200 South Main Street  
Cheshire, CT  
Dated June 6, 2011  
Prepared by Milone and MacBroom, Cheshire, CT.”**

**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 construction activities covered by this permit grant, the applicant shall have the following items both completed by a qualified party and verified as complete by Commission Staff:**
  - a) Prior to any clearing or earthmoving activities, the accurate staking and/or flagging of all clearing limits and non-encroachment line. No disturbance of any kind, including establishment or maintenance of lawn areas, shall be allowed beyond the wetland boundary identified in the above referenced plans. Language identifying the non-encroachment area shall be placed in the deed of the property and on a map for this property filed in the Cheshire Land Records, which shall, in part, state that no disturbance or activity of any kind other than passive recreation shall be allowed within any non-encroachment area.**

- b) Prior to the commencement of construction activities, a professional engineer shall certify, in writing to the Commission, that all required erosion and sedimentation controls are in place and functioning as represented by applicant to ensure the prevention of erosion and sedimentation into adjacent wetlands and watercourses. The cost of the professional engineer shall be borne by the applicant. The applicant shall also notify Commission Staff so that Staff may inspect the site to verify that all required controls are in place. Staff may also insist on additional controls if field conditions warrant them.
- c) Prior to the commencement of activities covered under this permit grant, the name of a contact individual together with a 24-hour phone number shall be submitted to the Planning Department and designated with responsibility and authority to receive notices of any breaches or deficiencies of sedimentation and erosion controls on-site, and to effectuate repair of any such breaches or deficiencies within 6 (six) hours of such notice from the sediment and erosion control inspector, as identified above, or the Town of Cheshire.

Commission Staff may insist on additions to items 3a-3c at any time if field conditions warrant them.

- 4. Per Section 12 of the Cheshire Inland Wetlands and Watercourses Regulations, a bond covering the costs of the erosion and sedimentation controls shall be filed with the Town Planner's Department prior to the commencement of construction activities. The amount of the bond shall be determined by the Cheshire Planning Department.
- 5. An inspection of the condition, integrity, and adequacy of the sedimentation and erosion controls shall be made by a qualified party either weekly or after every significant rainfall of 1/2" or greater, whichever is sooner, until all disturbed areas are stabilized. Said party shall be independent of the contractor. All reports shall be submitted to the contractor and Commission Staff either within three days of inspection, or prior to the next storm event, whichever is sooner. All breaches or deficiencies shall be forwarded to a contact individual, as defined above, immediately after inspection. The costs of said inspections to be borne by the applicant.

- 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. This permit grant shall expire on July 5, 2016.**

**Moved by Mr. Bowman. Seconded by Dr. Dimmick.**

**Discussion:**

**The Commission and staff discussed the motion language and made recommendations for a change regarding the 50' setback line; there are structures within 50' of the wetlands.**

**Mr. Bowman suggested making a change to number 3A of the motion; he suggested deleting the language regarding the non-encroachment line.**

**There was additional discussion about the fact there is no non-encroachment line on this piece of property.**

**Ms. Simone asked what language would be recorded on the record regarding the non-encroachment area.**

**Mr. Bowman said they have not established a non-encroachment area.**

**Ms. Simone said when reviewing the application her thought was the non-encroachment area would follow where the limit of clearing is-where the planting areas are proposed.**

**The Commission reviewed the map of the area relative to the lawn area.**

Mr. Bowman showed on the map the lawn area and reviewed the motion language that reads 'no disturbance of any kind including established or maintenance of lawns' - the applicant has it on the plan as lawns.

Mr. Bowman again stated that he would like to revise the language of 3A – delete the line regarding the non-encroachment line.

Dr. Dimmick said in that case make the wetland boundary be the non-disturbance boundary.

Mr. Bowman stated exactly.

Dr. Dimmick said they have done this before in a couple of cases of urbanized situations which is what this is.

There was discussion as to how the revised language should read.

Ms. Simone suggested it read 'wetland boundary as identified in the plans listed above' so it ties it back to the plan.

Commission members agreed to accept staff's wording with the modification of paragraph section 3A to indicate the elimination of the second sentence 'non-encroachment lines shall be established and permanently marked in the field by the 50' upland review area' that sentence will be deleted and there will be a clarification put in where it says 'no disturbance of any kind including the establishment of maintenance of lawn shall be allowed beyond the wetland boundary line.'

Ms. Simone asked if the proposed change made it inconsistent with the first sentence – it refers to non-encroachment line.

Mr. Bowman said no because they have established the non-encroachment line along the wetland boundary.

Dr. Dimmick commented that the clearing limits and non-encroachment lines – a non-encroachment line is clarified by saying no disturbance beyond the wetland boundary.

Motion approved 4-0-1 with Chairman de Jongh abstaining due to the fact he was not present for the regular meeting presentation on this agenda item.

X. NEW BUSINESS

1.	Permit Application	APP	#2011-011
	Town of Cheshire Parks & Recreation Dept.	DOR	07/05/11
	Notch Road		
	Site Plan – Drainage Improvement Plan	MAD	9/08/11

Don Nolte, Engineering Technician with the Public Works Department was present on behalf of the applicant to present the underdrainage plan for the ball fields at Mixville Park.

Mr. Nolte explained that these areas become quite saturated and he guessed they had been that way for a long time because when he looked at the GIS photographs from 2005 there is like big puddles you can see from the air across the area.

Mr. Nolte explained that what they are proposing to do is put in 400 lineal feet of stone trench with either 12” or 8” perforated pipe; he said it’s pretty much at minimum depth and pits they can get to do the best job they can in this area with the funds available. He said the stone would come right to the surface to try to get surface water introduced into this system where it will be piped in directly into a catch basin alongside the driveway as shown on the plan.

Mr. Bowman asked if that was on the west side of the driveway.

Mr. Nolte said – yes it was.

Mr. Bowman asked where it discharged from there.

Mr. Nolte said it discharges into the catch basin which heads north to another catch basin and a more significant watercourse – it becomes a pipe watercourse and discharges north of the dam to the lower pond so it’s all getting piped downstream.

Mr. Bowman asked what the depth of the top of the pipe was at discharge and the depth of the finished ball field.

Mr. Nolte said the depth of the top of the pipe of area is between a foot and a half and two feet and that is on the upper side.

Mr. Bowman said he was worried where it discharges into the pond.

Dr. Dimmick said where it discharges into the pond – the top of the pipe is going to be about 98' and the volleyball court is about 102.5'.

Mr. Bowman said so there is a 4' drop.

Mr. Nolte said that's about right.

Mr. Bowman asked what the height of the ball field was going to be.

Mr. Nolte said it's not to be changed. There is no grading proposed with this project. They are going to take the material out of the trench and load in right into a truck and back fill with stone and pipe.

Mr. Nolte stated that they are not changing the grades of the ball field.

Mr. Bowman said he thinks what the town is doing is wonderful for Mixville and he has been going there for 50 plus years and he knows the area very, very well.

Mr. Bowman said he knew the area was a swamp before the area become a ball field and the ball field was actually much north of that – the original ball field – it was north of that area and what they are doing is they are creating a ball field on top of a swamp and they are doing it properly – it's perfect – they are going right along the western edge of it and they are catching the flow as it's coming down the ski slope/sledding hill across to stop it from coming down and then piping it which is perfect.

Mr. Bowman said he just wanted to make sure that they are catching all of that water because that is susceptible to high ground water and as Mr. Nolte said in the past maps – you will see truly that it was a swamp.

Mr. Bowman said some of the test holes that have been dug are showing swamping like and wetlands like material in them and now that you are catching the water and getting it around the ball field that still won't help that drain – will it.

Mr. Nolte said ideally they could be on the other side of the driveway and down deeper and let out down deeper into the pond but this plan is the best they can do without a much more elaborate and expense system. They can monitor this and see how does. He said he is not saying it is going to dry out the baseball diamond.

**Mr. Bowman said he thought this was a great first step and said he would like to see it monitored so that they don't go in and finish the ball field and then still have a swamp.**

**Mr. Nolte said when the ball field is done there could be additional drainage as required. He said he would foresee that happening and that they just can't get to it now with the first phase.**

**Mr. Bowman said he thought what they were doing was great and they are catching it exactly where they should.**

**Mr. Nolte said there is about 50 SF of temporary disturbance where they tie into the catch basin – a fringe wetland area – the toe fill of slope; that area will be restored to its original grade that day and stabilized. He said they are not having perforated pipe in that fringe wetland area where it might drain the wetland. He said they are going to run it out 30' solid and then have the perforated drain.**

**Mr. Nolte said they had considered this upper drain above the volleyball area to have a direct discharge to the watercourse but after looking at it that's a much more sensitive part of the wetland and they are better off linking them and having the one connection into the pipe system for disturbance reasons it minimizes the disturbance and he thought it was the most feasible and prudent alternative to handle this portion of the water coming off the hill.**

**Motion: To accept the application.**

**Moved by Dr. Dimmick. Seconded by Mr. Bowman. Motion approved unanimously by Commission members present.**

**Motion: To declare that the proposed activities are not significant within the context of the regulations.**

**Moved by Dr. Dimmick. Seconded by Mr. McPhee. Motion approved unanimously by Commission members present.**

**Further action on this item was deferred pending staff review and recommendation.**

## **2. Permit for Inverness Court – Discharge into the Watercourse**

**Mr. Nolte had a brief discussion with the Commission regarding recently permitted activity on Inverness Court where they discharging into the watercourse. He explained that he went out**

there this past week with the town's tree clearing contractor and saw that there was a failure of the mafia block wall which is perpendicular end wall – the 10' high end wall.

The failure is on the side where they are putting the new pipe in.

Mr. Nolte said they are going to have to get a little bit more involved in but not much.

Dr. Dimmick asked if what is planned will increase the amount of disturbance.

The Commission reviewed the plans.

Mr. Nolte explained that the blocks have just caved in and the 2' diameter Beech tree has gone over and ripped the opposing slope out to the discharge point so there is no way to really stabilize that after removing the tree without adding another section of blocks.

Mr. Nolte explained that they are proposing to use interlocking block system by United Concrete and in higher than 6' in height. He said they might have to bury a few blocks for a footing but they would like to avoid having to have the geo-wet going back to far into the slope.

Mr. Nolte said there is also another area of erosion that is pretty significant. He said he thought they'd go up a couple of courses of block, it will give them something for the rip rap to hold and might provide some support for the wall which looks its beginning to overturn because they are getting cracks in the top of the pipe at the headwall.

Mr. Nolte stated they needed to do something pretty quick about this situation.

Mr. Nolte said he is looking for permission from the Commission to do what needs to be done and get a consensus that it is consistent with the original repairs due to the recent failure.

Dr. Dimmick said he thought they could allow staff to work with Mr. Nolte because the permit allows staff to suggest additional controls if field conditions warrant them.

Ms. Simone stated that was correct.

**Chairman de Jongh said he thought it made sense to work with staff and just make sure the file is complete. He said he did not see any reason why they can move ahead and expand that operation consistent with the approval based on field conditions.**

**Dr. Dimmick said and as long as the new changes were put in the record as part of the application.**

**Mr. Nolte said he has no problem preparing an as built drawing to show what they've done.**

**Dr. Dimmick said because this is essentially erosion control and because they have the clause in the original permit that says 'as field conditions warrant them' he thought they could go along with the plan as long as staff reviews it.**

**Ms. Simone agreed.**

**Chairman de Jongh thanked Mr. Nolte for bring this matter to the Commission's attention.**

**XI. ADJOURNMENT**

**The meeting was adjourned at 8:16 p.m. by the consensus of Commission members present.**

**Respectfully submitted:**

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