

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, NOVEMBER 20, 2018
TOWN HALL – 84 SOUTH MAIN STREET
COUNCIL CHAMBERS – 7:30 P.M.**

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, Dave Brzozowski, Kerrie Dunne, Earl Kurtz, and Thom Norback. Staff: Suzanne Simone. Will McPhee was not present.

IV. DETERMINATION OF QUORUM

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

V. APPROVAL OF MINUTES – Regular Meeting – November 8, 2018

Motion: To approve the regular meeting minutes from the November 8, 2018 meeting with corrections: pg. 5 L`5 “Commission members discussion working with property owners and that they are too easy to work with” to “Commission members discussed working with property owners”; pg. 6 L19 delete “was” to change “advised” to “advised them”; pg. 7 L11 is “scored” to “raised up to”, L18 “foot” “flood”, L22 “course” to “coarse”; pg. 8 L8 “leeching” to “leaching.”

Moved by Mr. Kurtz. Seconded by Norback. Motion approved 5-0-1 with Ms. Dunne abstaining (she was not present at the November 8, 2018 meeting).

VI. COMMUNICATIONS

Ms. Simone reviewed the following communications:

1. **Public Works Drainage Maintenance Notification Re: Removal of sediment from storm drainage outfall at 151 Willow Street**
2. **Staff Communication w/attachments Re: Permit 2018-021, Cornwall Avenue, Site Plan – House**

3. **Staff Communication w/attachments Re: Permit 2018-022, South Main Street, Site Plan – Medical Office Building**
4. **Staff Communication w/attachments Re: Permit 2018-023, Notch Road, Site Plan – Filling and Regrading**
5. **RWA Comments Re: Permit 2018-021, Cornwall Avenue, Site Plan – House**
6. **Commission members summaries Re: Potential Addition/Modification to IWWC Fee Schedule**

VII. INSPECTION REPORTS

1. **Written Inspections – N/A**
2. **Staff Inspections**
 - a. **509 Mountain Road – Ms. Simone reported there was a follow-up on Mountain Road regarding the CO request; the debris had been removed from the rain garden and the property owner had to put up the permanent wetland boundary markers – they did put those up and supplied a photo so they are able to get the sign off from the Planning and Zoning office regarding the CO.**
 - b. **Quinnipiac River project – this project is stalled because the high water in the river; activity will resume was the water level is down.**

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 has remained on the agenda for continued monitoring and that staff had reported that items have been taken care of.

Ms. Simone reported at the next meeting there will be a draft to release the cease and desist and Mr. Barnett has a request to get the money back for his erosion control bond and the yard is stabilized; once the cease and desist is released he will be eligible to get the bond back.

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
Assessor's Map 30, Lot 17

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

Chairman de Jongh stated this item has remained on the agenda for continued monitoring and for discuss tonight in an executive session.

IX. UNFINISHED BUSINESS

1. Potential Addition/Modification to IWWC Fee Schedule

Chairman de Jongh reported there was a collaborative effort on the part of Commission members to gather their thoughts and pass them along to staff, who put together a concise summary for their review.

Commission members reviewed the draft of their comments and concerns; and expressed their desire to have a letter sent to the town council.

Chairman de Jongh suggested at this point staff be instructed to prepare a formal draft of a letter addressed to the town council that he would then review and sign on behalf of the Commission regarding their views on the proposed potential addition and modifications to IWWC fee schedule.

- 2. Permit Application** APP 2018-020
Prospect Pools, LLC/Chris Keeler DOR 10/16/18
619 Tamarack Road
Site Plan – Inground Pool & 24' x 24' Garage MAD 12/20/18

Ms. Simone reported they needed to get the survey of the property done and wetland delineation – they (the applicant) reported to staff they would be moving this along; the current mandatory action date in December 20, 2018.

Ms. Simone stated she'd contact the applicant to remind them they will need to extend the mandatory action date to allow time for the Commission to review the information.

- 3. Permit Application** APP 2018-021
House 2 Home/Gay Siniscalco DOR 10/16/18
Cornwall Avenue SW 10/23/18
Site Plan – House MAD 12/20/18

John Gable from CT Consulting Engineers was present on behalf of the applicant House 2 Home.

Mr. Gable said at the last meeting the Commission had some questions regarding the soil scientist report – and a new report was supplied to staff today; and engineering comments were addressed and the he was made aware that the water company had provided comments today – minor in nature and they would have to provide them with a site plan review (the concern was with the wetland proximity – he thought the fence takes care of their comments regarding encroaching into the non-encroachment line).

Ms. Simone commented that on the last set of plans the markers were not really noticeable and asked if that could be changed on the plans so that they are easily identified (so everyone going in will know where the markers need to be placed and the quantity needed).

Mr. Gable said he could make them darker and bigger. He asked if Commission members had any other comments or concerns.

Chairman de Jongh commented that the information from Chadwick's gives them the information as to where the septic system is on the adjacent property and they received the comments from Jim Sipperly giving them more detail on the soils and wetland area (only received today).

There were no other questions or concerns addressed by Commission members.

Ms. Simone noted that once they receive a revised map showing the wetland markers that that would be very helpful.

Chairman de Jongh said after staff has had a chance to review the supplied information she could put together draft wording for review at the December meeting.

X. NEW BUSINESS

- | | | | |
|----|-------------------------------------|-----|----------|
| 1. | Permit Application | APP | 2018-022 |
| | 1008 South Main Street LLC | DOR | 11/08/18 |
| | South Main Street | | |
| | Site Plan – Medical Office Building | MAD | 1/12/19 |

Darin Overton, PE from Milone and MacBroom was present on behalf of the applicant. John Ricci, of Ricci Construction was also present (the applicant).

Mr. Overton presented for the record a copy of the aerial of the site and survey map; and showed on the plan the site's topography.

Mr. Overton reviewed the site plan – and the location of the new existing building, the Mill River, the adjacent properties and the subject property which is the location of the former Colorama property with an existing building, parking area and curb cut on to

Router 10; it's just under a half acre in a C-3 zone with a previous retail use – a new use is being proposed.

Mr. Overton said there are a couple of items to note – this property is in the aquifer protection zone and also in the Mill River public watershed; and notifications have been sent out to the department of public health and the Regional Water Authority on that.

Mr. Overton said what they are proposing is a single story office building (just shy of 3,500 SF) for medical use with a better configuration – they limits of disturbance are relatively the same but there is a small increase in impervious surface; a two way access off of Route 10, maintaining the existing curb cut; there is double stacked parking in front and then one-way circulation around back; an accommodation for a dumpster and sidewalks from the front and the back.

Mr. Overton commented that the town planner wanted them so consider a sidewalk connection to the property to the north as well; there are sidewalks that exist along Route 10 that will remain in place; all of the construction takes place on site.

Mr. Overton said for the increase of impervious surface – they looked at this as a redevelopment site and don't qualify for the DEP stormwater permit registration but they looked at the 1/2" of stormwater retention for redevelopment project; the plan shows the drainage layout; catch basins have been added; there are drywells and overflow systems – he explained how the storm water flows would be handled.

Mr. Overton noted there is a flood plain associated with the Mill River – showed on the plan; and there is proposed redevelopment in the upland review area which is why there are here – it's about 1,200 SF; the stormwater design is similar to what they did for the northern parcel; there is not a lot they are do with the grades (due to the lot size); and the building is proposed to be built above the flood plain; he talked about the overflow system that is proposed to be created as well as storage and provided for water quality management (there is currently no storm water management system).

Chairman de Jongh asked if there was anything dumped on the site from the previous property owner.

Mr. Overton replied they didn't see any evidence of that; there were no storm drainage structures to dump into.

Mr. Ricci said at 986 South Main Street they had to do mediation because of oil that spread on to this property which was clean – there are still two test wells there because they have to do a certain radius so – so far so good. He said the new building will be heated

by gas and the old building heated by oil – the tank would be removed.

Mr. Overton explained erosion controls are proposed; the site is stable but would be disturbed as part of the construction which will move along quickly; there are some shade trees proposed and some trees will remain.

Mr. Overton said this is a redevelopment site similar to the site to the north.

Ms. Simone noticed on the plan that is does not indicated any wetland boundaries and if they could be incorporated into the plans (near the dumpster pad area so there would be no dumping behind that area).

Mr. Overton said yes – they could. He agreed to add markers to the plan.

Chairman de Jongh said for the record – there is going to be on activities the current profile of the site except for that one little small corner – and everything is going to be maintained on site as it is right now.

Mr. Overton said there may be a little bit of clearing in the corner near that tree line as part of the development.

Chairman de Jongh said they'll allow staff to review comments from this evening and prepare wording or necessary narrative for the next meeting.

- | | | | |
|----|-----------------------------------|-----|----------|
| 2. | Permit Application | APP | 2018-023 |
| | Chao-Ting Wu, Trustee | DOR | 11/20/18 |
| | Notch Road | | |
| | Site Plan – Filling and Regrading | MAD | 1/24/19 |

Mike Ott, licensed professional engineer and land surveyor with Summer Hill Civil Engineers is located in Madison, Connecticut, was present on behalf of the applicant (and represented the architect).

Mr. Ott summited four copies of revised plan sheets where there was a missing wetland flag.

Commission members reviewed the plans for the proposed activities.

Mr. Ott explained the property owner plans to renovate the site (home at 1530 Notch Road); there were previous excavation issue on the site; it's a wooded site and the home is adjacent to Mountain Brook – a tributary to the Ten Mile River.

Mr. Ott suspected it's a 1960s or 1970s home.

Mr. Ott said there's a planned renovation of the home; and currently between the home and the flood plain of Mountain Brook there's an excavated area and the spoils of that excavation are still there – it looks like they excavated this area out and dumped the spoils along the edge of Mountain Brook (looking as if they had been there for a while).

Mr. Ott explained the owner wished to take the spoils and fill the excavated area back in so they plan is to do that using that material and import top soil to the site – and then grade and seed it with an erosion stabilization seed mix.

Mr. Norback said if the depression they are talking about is holding water and if it was intermittent and does it hold water.

Mr. Ott stated it was holding water the last time he was out there and didn't know (if hold water long term).

Dr. Dimmick said he thought the flow off of Mountain Brook is variable but flows most of the time there.

Mr. Ott said the last time he was at the site about 2 weeks ago there was water in it – there is a high water table there (and we've had lots of rain and snow).

Mr. Norback asked Mr. Ott as it exists today, would he describe the area as a pond.

Mr. Ott said no - he wouldn't – it's a narrow area - about 2' deep.

Ms. Simone asked if the soil scientist evaluated this area and determined it was not a wetland.

Mr. Ott said that Milone and MacBroom surveyed the property and Bill Root was the soil scientist; the wetland boundary was delineated; this is in a flood plain area but the soils are not wetlands soils.

Ms. Simone commented that based on what she was told from the architect that the belief was that this area is landscape art that the previous owner had embarked on – that this was not necessarily to serve a function other than to manipulate the landscape and have an interesting appearance – that was her understanding of it (prior to the wetlands commission being in effect).

Mr. Ott said the plan would be to fill it, grade it off and seed it and stabilize it - he said his understanding was the owner would just like

to let that area go and allow it to become wooded again – there is not plan for this to be a maintained area.

Dr. Dimmick said he didn't see any problem here – and they were pretty good in the procedure and what they (the applicant) was going to do – and they have engineering notes on what needs to be done; he said he'd like to see a clear sequence of what needs to be done procedurally with a narrative.

Mr. Ott stated that information is on page three spelling out how the work would be done and was submitted as part of the application packet.

Chairman de Jongh asked about the grading and looking at the elevations – there is about 5' of fill coming off and being regraded and the slope will be kept at about 450.

Mr. Ott said it will be at 452 and will head towards Mountain Brook – at a flat grade.

This information can be found on sheet three of the plan.

Ms. Simone asked if Mr. Ott wanted the Commission to keep this open so they could hear from the architect or if the Commission can be ready to move this along.

Mr. Ott said yes, they can move this along without the architect presenting.

Chairman de Jongh said they'll allow staff to put a narrative together and they can take care of this at the next meeting.

3.* Executive Session: Pending Litigation

The Commission moved into executive session at 8:05 pm.

The Commission returned from executive session at 8:37 pm.

XI. ADJOURNMENT

The meeting was adjourned at 8:37 pm by consensus of Commission members present.

Respectfully submitted:

Carla Mills
Recording Secretary
Cheshire Inland Wetland and Watercourse Commission