

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
REGULAR MEETING  
TUESDAY, JUNE 18, 2019  
TOWN HALL – 84 SOUTH MAIN STREET  
COUNCIL CHAMBERS – 7:30 P. M.**

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**I. CALL TO ORDER**

The meeting was called to order at 7:30pm.

**II. PLEDGE OF ALLEGIANCE**

The pledge of allegiance was recited.

**III. ROLL CALL**

Ms. Dunne called the roll. Charles Dimmick, Dave Brzozowski, Earl Kurtz and Kerrie Dunne were present. Members not present were Robert de Jongh, Will McPhee and Thom Norback. Staff present was Suzanne Simone.

Dr. Dimmick served as chairman in Robert de Jongh's absence.

**IV. DETERMINATION OF QUORUM**

Dr. Dimmick determined there were enough members present for a quorum.

**V. APPROVAL OF MINUTES – Regular Meeting – June 4, 2019**

Dr. Dimmick called for a motion to approved the minutes of the regular meeting of June 4, 2019 with corrections: pg. 3 L52 delete “a” before “two”; pg. 4 L12 delete “d” after “he”, L33 “just” to “just kept”; pg. 5 L18 “is” to “it”.

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

**VI. COMMUNICATIONS**

Ms. Simone reviewed the following communications:

1. Temporary Erosion and Sediment Control Plan for IWWC App. 2019-010, Whole Foods, East Johnson Avenue, Regrading
2. Staff Communication w/Attachments Re: IWWC App. 2019-011, Paul Falco, Wallingford Road, Resubdivision

3. Engineering Comments Re: IWWC App. 2019-011, Resubdivision
4. Staff Communication w/Attachments Re: IWWC App. 2019-012, Whole Foods, East Johnson Avenue, Building Addition
5. Engineering Comments Re: IWWC App. 2019-012
6. Staff Communication Re: Request for Determination 2019-013, Renovations and Addition to Existing Bathrooms at Mixville Park
7. Request for Determination for Renovations and Additions to Existing Bathrooms at Mixville Park
8. The Habitat, CACIWC Winter/Spring 2019 Newsletter - (To be handed out at the meeting)

**VII. INSPECTION REPORTS**

1. Written Inspections – none.
2. Staff Inspections

**Ms. Simone reported on the following staff inspections:**

- a. 35 Baxter Court – the office received an inquiry from 35 Baxter Court – they had inquired about wanting to clear in a conservation easement area; this item had previously come before the Commission and there is a conservation easement right along the pond; staff met the person inquiring out at the pond and provided a copy of the conservation easement and informed them they were not able to cut in that area.

**Ms. Simone planned to follow up and send a letter summarizing what the visit was (about).**

- b. Neighbor of 35 Baxter Court – the neighbor was the attorney for the subdivision and has a conservation easement area on her property and when she was first getting her CO she asked about removing buried debris – metal and tubes and things like that in the conservation easement area that hadn't been cleaned when the subdivision was put in; staff met with her out at the property – talked with her – she was asking about just walking into that area pick these items up and take them out – staff said yes; she also asked about the invasive plants growing around them (the items being removed) – staff said if it comes out with the items don't try to preserve it but when staff was out at the neighbor's house she saw that the conservation easement area had been cleared and cut so staff did meet with that person and asked her to stop trying to cut back the growth from coming back in and to let it revert back to the conservation easement area as it was intended.

Ms. Simone stated she'd follow up with her (the property owner) as well.

- c. 710 Peck Lane – staff reported that there was an inspection of 710 Peck Lane regarding the enforcement action.

**VIII. ENFORCEMENT ACTIONS**

- 1. Cease and Desist Order SC 4/02/19  
Unauthorized Activities in Upland Review Area/Conservation Area  
Robert and Barbara Gelmetti  
710 Peck Lane  
Assessor's Map 42, Lot 63

Ms. Simone reported that after the last meeting staff received from their engineer that the fire pit and gravel had been removed from the wetland area and as required from the corrective order staff went out to verify that and had observed that in fact that had been removed and is now contained behind the fence where the house is; she followed up with the engineer and property owners that they area no authorized to go to the next step which is to do the restorative planting of the approved planting plan and they have through October to complete that.

- 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

Ms. Simone reported the payments are still being received and they (the payments) are coming to an end; payments are getting smaller and should be done within the next two months; at that time, they can revisit the cease and desist order.

Ms. Simone informed Commission members the property is up for sale and she met with a title search about what was found on the record and how to go about things – she informed the title searcher that the court order would need to be complied with before they could entertain releasing the cease and desist order; so its being made aware of (the order) to potential buyers.

- 3. Notice of Violation/Cease and Desist Order SC 3/19/19

Violation of IWWC Permit #2019-001  
Ed Barnett  
569 Cornwall Avenue  
Assessor's Map 63, Lot 66

Ed Barnett of 509 Mountain Road was present.

Dr. Dimmick asked about they were doing regarding getting inspection reports.

Ms. Simone reported the last inspection report was dated June 11, 2019 and that referenced an inspection that was done on June 7<sup>th</sup>.

Dr. Dimmick said it has been at least a week or longer since we've had any inspection on that – we've had several significant rains since then and you (staff) has not heard anything.

Ms. Simone replied - no.

Dr. Dimmick asked Mr. Barnett why they haven't received the inspection reports.

Mr. Barnett said he thought John was waiting for this last rain before coming out; he's been coming on a weekly basis, but he would make sure he catches up.

Dr. Dimmick said its supposed to be every week and after a significant rainfall of 1/2 inch or greater whichever is sooner – June 14 would have been one week after the last inspection and therefore there should have been an inspection on June 14<sup>th</sup> which we should have gotten a copy by now and so when you say he is waiting for something we have a problem there – we should have gotten something (before then).

Ms. Simone asked if soil has been excavated and exposed.

Mr. Barnett said soil has been excavated for a footing and nothing has changed since the last meeting – the only thing they've done is put a footing in.

Mr. Barnett said his engineer has bene paid (to submit reports); he tried to call him before this meeting to make sure that happened – he pays \$200 a week to have him come out and inspect the silt fence and it should be done but he (the engineer) has to send it to him.

Dr. Dimmick said it's been frustrating for us – we usually don't have to do this continual monitoring of someone else's monitoring but in this particular case – every time we fail to get something we expect to get it – it increases out doubt and our distrust in terms of things going on correctly – we have spoken to the town attorney about this continuing set of delays in compliance and in fact one where you did

the excavation before you had permission to do it – which was one more item along that line.

Dr. Dimmick said he wasn't sure about other members of the Commission, but he is continually worried about the fact that we have to keep looking at what is going on here.

Ms. Simone explained if the Commission was looking for enforcement actions – one thing she wanted to bring to their attention was on the agenda the show cause hearing to suspend the hearing has been removed from the agenda and that is because through conservation with the town attorney because it had been continued so many times without really discussion at the meetings he had a question whether or not the permit holder was truly noticed because is basically rendered it ineffective for the Commission to take any action on that because it had been continued so many times so his (the town attorney) was that a show cause hearing only be called when the Commission is looking to move in that direction so that is why he suggested it be removed from the agenda because basically is was not effective and couldn't be considered.

Ms. Simone explained the Commission can consider looking at suspending or revoking the permit which is spelled out in our regulations; the Commission can also have her inquire to the town attorney about calling another public hearing to look at calling the bond for the erosion control and with that money someone could be hired to monitor and maintain – she didn't know if that was possible.

Dr. Dimmick said it may be something to look into if the person Mr. Barnett hired isn't doing his due diligence.

Mr. Barnett said to “be honest with you” since the last meeting he received another letter with an updated and he didn't look to see what the date was so right now we are “roughly two weeks behind” – correct?

Dr. Dimmick relied that is correct – about 13 days behind.

Mr. Barnett said in those 13 days nothing has been done – construction.

Dr. Dimmick said we are worried about exposed soils and quite a bit of rain and this is something and part of the whole reason was to monitor things especially in the most sensitive time and it doesn't seem to be monitored during that time; he is leaning towards further inquiry from the town attorney whether we should try to take over and get someone under our control to take care of these inspections because the person under your control doesn't seem to be doing them.

Ms. Dunne asked should they schedule a public hearing.

Commission members and staff talked about the ability to call another public hearing to discuss the calling of the bond; at the hearing they could take into consideration the situation improving.

Ms. Simone asked Mr. Barnett what measures he was taking to determine what storm events they needed to go out after – how was that being tracked.

Mr. Barnett said he had put that onance on his engineer who he paid to do that – all he could ask about to give him 24 hours and he'd make sure those reports were up to date; he was under the impression that they were – obviously he is responsible for it - nothing has changed as far as erosion controls – it's a very flay lot – everything is under control – it's a very flat area.

Mr. Barnett said if you take into consideration – that if between now and tomorrow afternoon these reports were up to date – he'd appreciate it – he didn't know what else to tell them.; he was under the impression they were up to date – when he sees weekly emails to Suzanne he didn't realize they were two weeks behind – last time he was here he handed out every single report that he had and he assumed they were up to date and then he saw one more; if he is 12 days behind he will make sure his engineer goes out there tomorrow.

Dr. Dimmick said it should be every time there is a ½ inch of rain or more of rain in 24 hours – a couple of days ago it was reported there was .79 inches of rain and then of course today there must have been over an inch.

Mr. Barnett said he (his engineer) could have already been out there several times just not sent the letter – he is probably a week behind.

Ms. Simone asked Mr. Barnett – just to be clear – did he understand what the requirements were for the inspections.

Mr. Barnett stated yes – I do.

Ms. Simone asked him what time period was required.

Mr. Barnett replied – weekly.

Ms. Simone asked and after how much of a rain event.

Mr. Barnett replied – a ½ inch.

Ms. Simone asked in what time frame were we suppose to get those reports after the inspection.

Mr. Barnett stated weekly.

**Dr. Dimmick explained once the inspection has been made its stipulated how soon after the inspection, we are supposed to get a copy.**

**Ms. Simone stated his was discussed at the pre-construction meeting we had and the Commission has talked about it; you and John got a copy of it – an email about it so she could appreciate that you hired someone to do a job but you are the permit holder and ultimately it's your responsibility.**

**Mr. Barnett stated he understood and all he was asking for is 24 hours to rectify what you want – the wetlands has not been affected whatsoever.**

**Ms. Simone replied all we are asking for is a certified letter stating that.**

**Dr. Dimmick said we would like to see you do that and in case that doesn't happen at least we can lay the ground work for a public hearing at the next meeting to consider calling the bond and if things are satisfied before then we can take the item off the agenda.**

**Ms. Simone reviewed the regulations regarding calling of the bond and revoking or suspending the permit; and the required notices that have to be sent to the applicant.**

**Mr. Brzozowski asked procedurally if it goes through all this - do they still want to give Ed the opportunity to have his engineer communicate with us.**

**Dr. Dimmick said what he is worried about is if we give that opportunity and it doesn't come to fruition we end up delaying another two weeks – we schedule it (the public hearing) and hold it and if he does come across we open it up we can say he has come across.**

**Mr. Barnett asked again to have the Commission give him 24 hours.**

**Mr. Brzozowski replied this can't keep happening again and again and again.**

**Motion: That the Commission set a public hearing per section 12.2 d and section 13.4 of the regulations to determine whether or not to call the bond and whether or not to suspend or revoke the permit; and that the Commission requires the applicant Ed Barnett to submit the required inspection reports by Wednesday, June 19, 2019 by 4:00 pm.**

**Moved by Ms. Dunne. Seconded by Mr. Brzozowski.**

**Discussion: Members discussed the proposed motion.**

**Mr. Kurtz said he already knows what he needs to do, and he doesn't do what he should; even if he does provide the report - we should still have the hearing.**

**Ms. Simone said if they receive a report tomorrow and it's for an inspection on June 2<sup>nd</sup> they are right back where they started (being weeks behind on reports).**

**Motion approved unanimously by Commission members present.**

**The public hearing would be set for the July 2, 2019 meeting.**

**Mr. Barnett wanted to clarify what he can and cannot do.**

**Dr. Dimmick said at the last meeting he was given permission to go as far as the foundation.**

**Ms. Simone noted he has that motion – it was sent certified mail that details that information.**

**Ms. Simone stated the Commission has not made any changes to the order – it spells out what he can and cannot do.**

**Dr. Dimmick said the Commission has to proceed step by step under the guidance of the town attorney; he said Mr. Barnett can always contact staff and she can try to clarify in between in terms of whether he is unsure what the rules are.**

**Mr. Barnett said he'd be in touch with Suzanne tomorrow.**

**Mr. Brzozowski suggested having the engineer provide chronological reports if he's already been out to the site.**

**Mr. Barnett talked about how the reports are submitted – timeframe.**

**Ms. Simone stated what the Commission needs is the documents (and not when and how they were prepared, etc.); they just need him (Mr. Barnett) to follow through on the stipulation of the permit – he is the one who holds the permit and his engineer isn't doing it then he needs to speak with his engineer – you are on the one on the line here; John may be the one out in the field but you (Mr. Barnett) need to communicate with him – you are copied on the emails she receives so he could have looked just like she looked to see what the last report she got – June 11<sup>th</sup> so he could have done the same**

search so its not all on John – you are responsible.

4. Notice of Violation/Cease and Desist Order SC 5/07/19  
Unauthorized Activities in the Upland Review Area,  
Wetland Area & Intermittent Watercourse  
John McKinley  
1415 Marion Road  
Assessor's Map 16, Lot 10

John McKinley was present.

Dr. Dimmick said he believed this situation was unchanged.

Ms. Simone explained this item was on the agenda as a hold over because of the stream area so you still have a cease and desist order in that area – if you want to proceed the Commission has a copy of the soil scientist report - it didn't have a map attached it just talked about the area so its need to give a little more detail what he should also provide more detail as what he wants to do and where he wants to continue to clear – right now they are just sort of at a standstill.

Ms. Simone said if that is something, he wants to continue they should really see some sort of map.

Mr. McKinley said it's not an emergency but he wants to get the stumps out of there so he can mow it – the rest of the property is in great shape so it can be mowed and easily maintained.

Ms. Simone said if there could be a map to show where the wetlands were located.

Mr. McKinley said he had a sketch and he (the soil scientist) did finish the whole property and it turned out pretty good.

Dr. Dimmick said if he remembered correctly most of the area turned out not to be wetland soils.

Mr. McKinley said in that area there were zero wetland soils – there's a pipe or curtain drain underneath the road.

Ms. Simone said to get the map from the soul scientist where he identifies the wetlands and then he adds to that what he wants to do – so the Commission has a visual.

Mr. McKinley asked what the rules were; beyond the 50' he asked can he do whatever he wants.

Ms. Simone replied it does depend on if you are pulling material out of there - that's why he should put something on a map, so we have a better understanding instead of just a conversation.

Mr. McKinley said he wants to keep everything as untouched as possible to native ground; obviously if someone puts houses in there, they want to be able to do perk tests and things – you don't want to disturb anything; the purpose of getting rid of stumps is to continue the hay fields and mowing to maintain the property.

Ms. Simone again said if they could see the soil scientist map and he can add details to that.

Mr. McKinley said there were areas within 50' where he wants to cut.

Ms. Simone said he would include those details on the map and then the Commission can have a more detailed conversation about it and determine whether you are allowed to do that or they may ask questions about erosion controls and how you are going to protect soil from getting into that area so they will have a more detailed conversation with him once they see on a map what it is he plans to do.

Ms. Simone said it may end up that the plans require a permit but that is why they need to see the map.

Mr. Kurtz said they can have a presentation.

There was discussion about the map required and what details are needed to present to the Commission; the wetland boundary and soil scientist signature has to be on the map; and if there were a possible subdivision of the property, they would need more details.

Ms. Simone again confirmed with Mr. McKinley a map was required; and details regarding what activities were proposed.

## IX. UNFINISHED BUSINESS

1. Permit Application  
Shorab Hossain  
195 Lanyon Drive

APP	2019-007
DOR	4/16/19
SW	5/14/19

**Tree Cutting**

**MAD 6/20/19**

**Ms. Simone asked if item number one could be held off until the end of the meeting.**

**At 8:10 pm:**

**Motion: Commission members agreed by unanimous consent to defer this item to the end of the meeting.**

**At 8:41 pm:**

**Ms. Simone explained she did meet with the owners of the property – the applicants and discussed with them that individually Commission members did have concern about the applicant as it stands – clearing the entire lot directly within a wetland area; they want to consider modifying their application; staff explained the timing of calling a public hearing; they grant an extension of the mandatory action date – it’s now July 2, 2019 so the Commission is not required to act tonight.**

**Ms. Simone said she was looking at the previous actions and when the Commission previously a year or so ago had considered that they would be able to cut the tree right behind their house leaning over the house and deck – would be able to cut that because it fell between the area that allowed to be cleared when the house was first developed.**

**Ms. Simone wanted to ask or bring to the Commission’s attention for consideration – in the original approval granted from this Commission in 1990 at that time it showed the wetland area and what would have been the proposed house – now an existing house and a driveway – the driveway is now on the other side of the house but it does show a clearing limit where silt fence and haybales were to be installed and the area they were able to clear; she was now looking for some clarity of where they would be able to clear because they were looking for direction on how to modify the application and what the Commission would even entertain – if they were to stay outside the wetland area.**

**Dr. Dimmick said if they stayed outside the wetland area and within the area approved that seemed like a reasonable compromise and gives them something and doesn’t touch the wetlands.**

**Ms. Simone said the applicant is looking for guidance is what they can look for; and are looking on how to proceed.**

**Commission members reviewed the map of the area showing the silt fence, erosion control line, the house, and wetlands and what was activity was previously allowed on the site.**

Ms. Simone said she is going to check if there was a survey; and will do some work to see if the current house is where is what proposed to be shown; and will work with the applicant on where the wetlands are and what they could be permitted to do.

2.	Permit Application	APP	2019-010
	Robert Donnelly (Whole Foods)	DOR	5/07/19
	East Johnson Avenue	SW	6/11/19
	Regrading	MAD	7/11/19

Darin Overton, PE of Milone and MacBroom was present on behalf of the applicant.

Ms. Simone stated there was a site walk on June 11, 2019. Ms. Simone, Dr. Dimmick and Mr. Norback attended; based on what was scene on the walk the area of regarding is less than how it appears on the map.

Dr. Dimmick said based on the field walk the slope is well vegetated; there is a conservation easement there – it was because of the set back from the river corridor because the Audubon Society had a bird sanatory and they wanted things as far removed as possible; so the change in the slope is not going to affect that.

Ms. Simone said the original approval for this project had stipulated that the conservation easement boundary was to be permanently marked and she didn't recall seeing permanent markers out there or seeing them on the site map.

Mr. Overton explained when they staked out the corners, he didn't see any permanent markers there either so the applicant would be willing to place those markers if the Commission wanted to make that a condition of the permit.

Ms. Simone said it's a carryover from the 2004 permit to mark the conservation easement; it was added to this permit.

**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 and information received during the course of a public hearing, finds the following:

1. That portions of this site have been the subject of several previous Cheshire Inland Wetlands and Watercourses Commission permit grants, with stipulations, including, at least:

- a) a permit grant, with stipulations, to Whole Foods Market Inc for a 150,000 sq. ft. food warehouse with a 6,000 sq. ft. office, and associated roadways and stormwater management system.
  - b) a permit grant, with stipulations, to Borghesi Building & Engineering Co., Inc. (for Custom Bottle of Connecticut) for Site Plan on September 15, 1998.
  - c) a permit grant, with stipulations, to Industrial Associates for Resubdivision Activities and Construction Activities on November 4, 1997, subsequently modified on September 15, 1998.
  - d) a permit grant, with stipulations, to New England Concrete Products for Site Plan on November 4, 1997.
2. That the current application is for regrading of 3,200 sq. ft. of upland review area for proposed building addition (separate application).
  3. That this property lies within the watershed of the Quinnipiac River, and the Quinnipiac River flows along a portion of the eastern boundary of the site.
  4. That there are no direct wetlands impacts associated with the currently proposed activities. The Commission makes no warranties or representations, either express or implied, that future regulated activities will be permitted on this site as a result of the present permit.
  5. That the conservation easement has been recorded on the land records and remains in effect.

Therefore, the Commission grants the permit application of Robert Donnelly with Whole Food Market Inc. for Site Plan approval as presented and shown on the plans entitled:

**“Site Plan for Earth Regrading  
Whole Foods Market Inc.  
Earthwork Permit  
400 East Johnson Avenue, Cheshire, Connecticut  
Two Sheets, Scale as shown**

Dated May 6, 2019  
Prepared by Milone & MacBroom, Inc.”

with the following stipulations:

1. Lack of compliance with any stipulation of this permit grant shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and a cease and desist order shall be both issued and recorded on the Town of Cheshire Land Records.
2. Any changes or modifications to the plans as presented will require subsequent Cheshire Inland Wetlands and Watercourses Commission review and approval.
3. Any maintenance or refueling of equipment and vehicles shall be performed as far as practical from all wetlands and watercourses, as least 100' if possible. Oil, gasoline, and chemicals needed at the site should be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.
4. Prior to any clearing or earthmoving activities, all clearing limits shall be accurately staked and/or flagged by a qualified party. The applicant shall notify Commission Staff so that Staff may inspect. Staff may also insist on additional markings if field conditions warrant them.
5. As stipulated in the 2004 IWWC approval the conservation easement boundary is to be permanently marked. The site plan dated May 6, 2019 does not locate the permanent markings, nor were they observed during a site walk of the area on June 11, 2019. At the same time the clearing limits are to be staked or flagged, accurate permanent marking of the site's conservation restriction line shall be completed by a qualified party and verified as complete by Commission Staff, markings to be agreed upon by the applicant and Commission Staff.
6. 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.**

- 7. An inspection of the condition, integrity, and adequacy of the sedimentation and erosion controls shall be made by a qualified party on a regular basis, 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 breeches or deficiencies shall be forwarded to a contact individual, as defined below, immediately after inspection. The costs of said inspections to be borne by the applicant.**
- 8. All disturbed areas on the site not directly required for construction activities shall be temporarily hayed and seeded until the site is permanently stabilized.**
- 9. Any maintenance or refueling of equipment and vehicles shall be performed at least 100' from all wetlands and watercourses. 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.**
- 10. All recommendations from the Connecticut Department of Environmental Protection regarding protective measures for Natural Diversity Database species shall be stringently adhered to.**
- 11. The Commission makes no warranties or representations, either express or implied, that future**

regulated activities will be permitted on this site as a result of the present permit.

12. This permit grant shall expire on June 18, 2024.

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

**X. NEW BUSINESS**

1. Permit Application	APP	2019-011
Paul Falco	DOR	6/04/19
Wallingford Road		
Resubdivision	MAD	8/08/19

David Carson, a principal of the OCC Group was present on behalf of the applicant.

Mr. Carson explained the parcel under review is 360 Wallingford Road – which was subject of a previous review by this Commission in 2011 at which time a permit #2011-017 was issued for the proposed work.

Mr. Carson said the plan before them this evening was the exact same plan approved in 2011; he explained why the applicant put off work on the parcel – he now wants to get this project reapproved.

Mr. Caron explained as part of the resubmission process, they resubmitted plans to Chesprocott – those plans have been approved; and made minor revisions based on review comments from the engineering based on this resubmission.

Dr. Dimmick asked if the previous re-subdivision submission ever got to planning and zoning or did they act on (it).

Mr. Carson stated no; but in 2011 he chose to seek approval for the building of the second house because it is a large enough parcel that allows for two houses on one lot; we knew at the time he would ultimately be seeking re-subdivision approval so the site plan at that time and the design of the septic system was done but the formal re-subdivision was never submitted.

Mr. Carson said there is an existing house and driveway to serve that house; the plan as presented calls for improvements to the driveway to meet the rear lot driveway requirements for a subdivision and a driveway off of the cul-de-sac crossing the stream; he explained a previous approval allowed for the crossing of that stream for anew septic system for the existing house; the proposed house and septic system are outside the buffer area; a rain garden has been designed

to provide for zero increase in stormwater runoff; the plan shows the limit of the stream belt and wetlands and watercourse.

Mr. Carson explained the plan was extensively reviewed by engineering the first time around because we knew we would ultimately be going for re-subdivision so the design of the driveway and piping were designed to meet the subdivision requirements even though at that time it was just the construction of a second house on one lot.

Mr. Carson stated the plan now submitted is the exact plan that got approved; it has been reviewed by engineering and they made a few comments that have been incorporated into the plan; the depth of the rip rap and filter fabric have been added and an 8" pipe under the rip rap; and added some silt fencing.

Mr. Carson said one comment they don't agree with was the removal of four 12" culverts in two locations (as shown on the plan) which have been there for decades; there is also a 24" culvert under the driveway; currently there was a recommendation to take out those pipes and there was a submission in writing to engineering strongly disagreeing with the removal of those pipes – they function properly for decades and cut any peak velocity – it was recommended they be cleaned and rip rap put at the inlet.

Mr. Carson stated again this is the same plan that was previously approved.

Dr. Dimmick said he field tripped this site back in 2011 – he said he didn't think they had any serious problem; we were very concerned the crossing was done properly.

Ms. Simone asked to clarify – the last time this came before the Wetlands Commission were there comments received relative to the removal of those pipes?

Mr. Carson stated no.

Ms. Simone asked if this application was just for re-subdivision and wetland crossing and also the site plan to develop the house.

Mr. Carson stated yes – for the site plan as well.

Ms. Simone said they need to add that (detail) to the application.

Mr. Carson said he found out that the property owner suggested to engineering to remove those pipes.

Ms. Simone said she didn't see the clearing limits so she didn't know if the lot was already cleared – are there clearing limits shown on

(the plan); and the location of the proposed house needed to be added and the application would need to be changed.

Mr. Carson stated there would be no clearing in the 50' review area.

Ms. Dunne asked if there would be permanent markers in the upland review area.

Dr. Dimmick said it would be nice to have a few markers out there – although the area is not a conservation area.

Ms. Simone suggested the placement of the markers.

Mr. Carson said he'd stop in the office and work with staff to have the marker location shown on the plan.

Commission members agreed to turn this item over to staff for review.

2.	Permit Application	APP	2019-012
	Robert Donnelly (Whole Foods)	DOR	6/04/19
	East Johnson Avenue		
	Site Plan – Building Addition	MAD	8/08/19

Darin Overton, PE of Milone and MacBroom was present on behalf of the applicant.

Mr. Overton explained this plan is similar to what was shown as part of the earth work application; this plan shows the proposed addition of the building, the formalization of the trailer parking areas and the cab areas associated with the loading docks and an area in front where they plan to do make some security improvements (due to theft on the site and the public randomly entering the building) so some improvements have been proposed.

Mr. Overton stated 40 scale plans show those improvements; overall on this plan there is no new regulated activities within the 50' review area; the only activities they did have were associated with the fill adjacent to the pocket wetland that was looked at in the field; the only other thing that might be of interest to the Commission is the stormwater discharges were are four catch basins near the trailer staging area and a couple of other discharge areas for an area of the roof and driveway area; he explained there is one large basin that is interconnected through a swale that connects through a little wetland pocket – the northern basin is there already.

Mr. Overton explained they are going to add a second inbound lane basically for staff to enter the parking lot – with a gate and a key card operator or they might have something mounted in the vehicles to automatically open the gate; another gate will be for trucks and will be steered from the gate to the loading docks.

Mr. Overton said they are adding some pavement and moving one catch basin and there is some reconfiguration of some of the islands to improve circulation after putting those gates in.

Dr. Dimmick said he thought as part of a previous presentation it was stated the catch basins were sized for the full development of the site.

Mr. Overton said that's correct; analysis was done and checked to make sure the basins had enough water detention volume for the additions to the site with zero increase; the single discharge to the Quinnipiac River remains unchanged – the outlet and discharge remain the same so we just have two new pipes coming into it.

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

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

Ms. Simone asked if she could get a copy of the plan with the engineer's signature.

3. Request for Determination RFD 2019-013  
Jan Wojas, AIA  
Mixville Road  
Bathroom Addition

George Noewatne from the public works department and Jan Wojas, the architect of record from AIA were present.

Mr. Noewatne explained this is a public building project expanding the bathrooms at Mixville Park – basically doubling the size and adding more septic fields to handle the increase of usage; we believe there is minimal impact on the pond.

Dr. Dimmick asked if the actual bathroom addition was not getting any closer to the pond or the wetlands.

Mr. Noewatne stated its (the bathrooms) are going the other way.

Mr. Noewatne reviewed existing bathroom and the addition to the north of it doubling the fixture count; and to the north of that there will be a septic tank and it will connect to some existing dry wells and septic fields and we have a second series of tanks that go in to the east side of the existing bathroom building.

Commission members and staff reviewed the map from 1997 showing the pavilion and a couple of other things so they can see for reference.

Mr. Noewatne showed Commission members a map showing more details of the proposal.

Dr. Dimmick said based on what's shown it doesn't look like there are any problems (with the proposal).

Mr. Noewatne confirmed Chesprocott has review everything – they have a signed copy that they have reviewed it.

Mr. Wojas reviewed the plans with Commission members, explaining they will be removing the existing septic system and installing a new one based on the larger bathrooms; the building addition is happening to the north of the existing building and the septic tank is happening to the north of that addition and we have a primary septic system to the east of the addition – its way south from the closest distance to the lake; he said he though they were disturbing about 10 to 15 cubic yards of soil; pictures of the area were reviewed – they showed the area is very flat and there is quite a distance from the lake; silt fence is going around on three sides; no trees are being disturbed; the soils are relatively sandy; the foot print of the septic system is much smaller.

Motion: That the Commission has determined that the proposed activity is de minimis and does not require a permit.

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

At 8:41 pm the Commission returned to item one under unfinished business.

## **XI. ADJOURNMENT**

The meeting was adjourned at 8:51 pm by consensus of Commission members present.

Respectfully submitted:

Carla Mills  
Recording Secretary  
Cheshire Inland Wetland and Watercourse Commission