

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
REGULAR MEETING  
TUESDAY, SEPTEMBER 6, 2011  
TOWN HALL 84 SOUTH MAIN STREET  
COUNCIL CHAMBERS AT 7:30 P.M.**

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**Members present: Robert de Jongh, Charles Dimmick, Matthew Bowman, Earl Kurtz, Kerrie Dunne, Will McPhee, and Sheila Fiordelisi (arriving at 7:43 p.m.).**

**Staff Present: Suzanne Simone**

**I. CALL TO ORDER**

**Chairman de Jongh called the regular meeting to order at 7:32 p.m.**

**II. PLEDGE OF ALLEGIANCE**

**The pledge of allegiance was recited by those present.**

**III. ROLL CALL**

**Ms. Dunne called the roll.**

**Members present were Robert de Jongh, Charles Dimmick, Matthew Bowman, Earl Kurtz, Kerrie Dunne, Will McPhee, and Sheila Fiordelisi (arriving at 7:43 p.m.).**

**IV. DETERMINATION OF QUORUM**

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

**V. APPROVAL OF MINUTES**

**The approval of the minutes from the August 2, 2011 regular meeting were deferred to the end of the meeting.**

**V. COMMUNICATIONS**

- 1. Letter to Ryan McEvoy, Milone and MacBroom  
Re: Wetland Determination for 435 East Mitchell Ave**

**The Commission reviewed this correspondence.**

- 2. Request for Determination by Public Works**

**Re: Dredging of Weeks Pond Forebay, Highland Ave./Castle Glenn Rd.**

**The Commission reviewed this correspondence. This item is on the agenda tonight for Weeks Pond.**

- 3. Request for Determination by Vern & Cheryl Guetens, 744 Rustic La.  
Re: House addition**

**The Commission reviewed this correspondence. This item is on the agenda tonight under new business.**

- 4. Staff Communication: Wallingford Road, Wetland Crossing  
Permit Application #2011-017**

**The Commission reviewed this correspondence.**

- 5. Staff Communication: Allen Avenue, Subdivision  
Permit Application #2011-018**

**The Commission reviewed this correspondence.**

- 6. Staff Communication:  
Request for Determination; Weeks Pond Forebay**

**The Commission reviewed this correspondence.**

- 7. Staff Communication:  
Request for Determination; 744 Rustic Lane**

**The Commission reviewed this correspondence.**

- 8. Staff Communication: South Main Street, Parking and Drainage  
Permit Application #2011-016**

**The Commission reviewed this correspondence.**

- 9. Engineering Comments  
Re: Request for Determination, Weeks Pond Dredging**

**The Commission reviewed this correspondence.**

- 10. Engineering Comments  
Re: Request for Determination, 744 Rustic Lane**

The Commission reviewed this correspondence.

11. Proposed Dog Park – 1276 Waterbury Road Notification

The Commission reviewed this correspondence.

12. Engineering Comments  
Permit Application #2011-017, Wallingford Road

The Commission reviewed this correspondence.

13. Three Draft Motions for Items under Enforcement Actions.

The Commission reviewed this correspondence.

14. Other – none.

VI. INSPECTION REPORTS

1. Written Inspections

Ms. Simone reported that she had no written inspections to report on.

2. Staff Inspections

Ms. Simone informed the Commission that prior to the hurricane that came through she did check out areas that have active work to see that whatever could be done as far as erosion controls were in place and she was satisfied with that.

VIII. ENFORCEMENT ACTIONS

1. Unauthorized Activities in a Regulated Wetland Area      SC 5/04/10  
Dr. Robert Henry and Maria Passaro-Henry  
12 Mountaincrest Drive

Chairman de Jongh stated that this item was on-going and remains on the agenda for the time being.

2. Unauthorized Activities in a Regulated Wetland Area      SC 10/05/10  
Edward and Lisa Ellis      SC 10/19/10  
79 Dundee Drive

Ms. Simone reported that as she had informed the Commission at the last meeting in August, the Ellis's had an ongoing issue from

September 2010 where there were numerous things that needed to be done to create the conservation easement that was required in their subdivision as well as removing material out of a wetland as well as planting.

Ms. Simone stated that they did the majority of the items however they still have to plant native shrubs in a wetland area – it is on the border between their property and the town's property so that is the item staff is waiting on for them to complete and it is expected that they will have the shrubs selected by the middle of this month and will have them planted by the end of this month or early October.

Ms. Simone said so based on conversations with the Commission staff did draft a release – the release however is for most issues it does identify there still outstanding issues. She explained this is sort of uncharted territory from what she sees looking back at the records that the Commission only has released violations when all violations have been corrected – all the items have been corrected.

Chairman de Jongh said speaking for himself he is just concerned about releasing it prior to everything being done because once they release it they have no recourse.

Ms. Simone said you would have to start back over again.

Chairman de Jongh said that is an expensive process.

Mr. Kurtz asked if the planting was more of a border question more than a wetlands question.

Ms. Simone said its to reestablish or rehabilitate the wetlands because there is an area that was cleared – she said they can't tell whether the neighboring property owners went and cleared that area so that hasn't been pursued however it is a wide opened cleared area compared to all the woodlands around it – so that is the area they (property owners) would be planting.

Chairman de Jongh questioned if this would be planted by next month.

Ms. Simone said that is what they (the property owners) stated – that is there goal.

Chairman de Jongh asked if there was a reason why they are releasing this in September as opposed to waiting until things are done in October.

Ms. Simone said there is no need to have it done for right now.

Chairman de Jongh said he would not feel comfortable voting on a motion to release it without having everything done – he said they haven't done that before and he would hate to go ahead and make that a precedent.

Motion: To defer action and reconsider in the beginning of October 2011.

Moved by Dr. Dimmick. Seconded by Ms. Dunne.

Mr. Kurtz said he remembered the discussion differently so he was going to have to go back and review the minutes. He said he has no problem with this item either way.

Motion approved by a unanimous vote of those Commission members present.

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

Ms. Simone stated there is a draft motion to release the notice of violation. She noted that 808 Bethany Mountain Road and 11 Shire Court were tied together due the pipe that was replaced and they received a permit from the Commission at the last meeting in August 2011.

Ms. Simone stated that all work that was required under the corrective order and notice of violation from this Commission has been completed.

Dr. Dimmick suggested the two items be handled with two separate motions even though they are linked.

Ms. Simone stated there are two separate motions.

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors relevant to the issuance and release of the subject Notice of Violation, Commissioners' knowledge of the area, and after review of Staff inspections and information provided by the property owner on this matter, finds the following:

1. That on March 10, 2011, a Notice of Violation was issued to Gladys and Salvatore DeLucia Jr. for violation of the Inland Wetlands and Watercourses Regulations. Specifically, the presence of sediment in and around an inlet pipe and the installation of the inlet pipe without the required review by or authorization from the Cheshire Inland Wetlands and Watercourses Commission.
2. That on March 17, 2011, Mr. DeLucia Jr. and Mr. Hajdasz submitted a signed confirmation letter that the debris in and around the inlet pipe was removed.
3. That the notice of violation required the submission of an application for the inlet pipe replacement to the Cheshire Inland Wetlands and Watercourses Commission by April 13, 2011.
4. That on August 2, 2011, the Commission granted permit #2011-002 for the inlet pipe replacement.

Therefore, the Cheshire Inland Wetlands and Watercourses Commission does hereby determine that all issues in the March 10, 2011 Notice of Violation issued to Gladys and Salvatore DeLucia Jr. for Violation of CIWWC Regulations on property generally shown as Assessor's Map 83, Lot 38 have been addressed. Further, the Commission does hereby release and discharge the aforementioned Notices of Violation.

Dr. Dimmick approved the wording for the release of 808 Bethany Mountain Road as prepared by staff. Seconded by Mr. Bowman.

Motion approved unanimously by those Commission members present.

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

**Motion:**

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors relevant to the issuance and release of the subject Notice of Violation, Commissioners' knowledge of the area, and after review of Staff inspections and information provided by the property owner on this matter, finds the following:

5. That on March 8, 2011, a Notice of Violation was issued to David Hajdasz and Joanna Debear for violation of the Inland Wetlands and Watercourses Regulations. Specifically, the presence of sediment in and around an inlet pipe and the installation of the inlet pipe without the required review by or authorization from the Cheshire Inland Wetlands and Watercourses Commission.
6. That on March 17, 2011, Mr. Hajdasz and Mr. DeLucia Jr. submitted a signed confirmation letter that the debris in and around the inlet pipe was removed.
7. That the notice of violation required the submission of an application for the inlet pipe replacement to the Cheshire Inland Wetlands and Watercourses Commission by April 13, 2011.
8. That on August 2, 2011, the Commission granted permit #2011-002 for the inlet pipe replacement.

Therefore, the Cheshire Inland Wetlands and Watercourses Commission does hereby determine that all issues in the March 8, 2011 Notice of Violation issued to David Hajdasz and Joanna Debear for Violation of CIWWC Regulations on property generally shown as Assessor's Map 83, Lot 113 have been addressed. Further, the Commission does hereby release and discharge the aforementioned Notices of Violation.

Mr. Bowman moved to accept the release of violation for 11 Shire Court as recommended by staff. Seconded by Mr. Kurtz.

Motion approved unanimously by those Commission members present.

**IX. UNFINISHED BUSINESS**

There was no unfinished business to address.

**X. NEW BUSINESS**

1. Request for Determination  
Highland Ave. /Castle Glenn Road  
Dredging of Weeks Pond Forebay

Don Nolte, Engineering Technician for the applicant Department of Public Works.

Mr. Nolte said what they are here for tonight is to request a slight enlargement of the area of maintenance dredging of Weeks Pond.

Mr. Nolte explained that they have nearly completed the forebay area which was approved for removal of about 700 cubic yards of material because they pursued it through hydraulic dredging methods. He explained it was a lot less invasive and it was a clean job.

Mr. Nolte said the Commission should have sketches of this map in their packet.

Mr. Nolte said they were able to preserve about 2,000 SF of wetland soil that had been approved to be excavated and filled with rip-rap on this peninsula - he stated this was a good thing because all they had to do was float a little pontoon boat out there with a motor on it and propeller and run hoses over to the containment and dewatering area.

Mr. Nolte said this work went well and they ended up with about 350 cubic yards of material once it was consolidated and they would like to take another 100 to 200 cubic yards of material out when the contractor remobilizes to get a few of these ridges that were left in the pond that became evident after the water cleared within the turbidity curtain. He said the contractor did not realize he missed those areas - he is going to return to the site without charging mobilization costs to take care of those so they thought at the same time it would be worthwhile and cost effective to have him spend the day and go a little bit beyond into the main body of the pond to do a 50' by 30' area where the coarse sediment mainly has pushed into the main body of the pond.

Mr. Nolte stated that they do not feel there would be any adverse impact with the additional work.

Dr. Dimmick asked if there would be using the same controls - turbidity curtain, etc.

Mr. Nolte stated yes.

Dr. Dimmick said in his opinion he did not really see a problem with this - he viewed it as an as-built change where it is not a major modification of what is being proposed.

Ms. Dunne asked Ms. Simone if the Commission was waiting for Engineering Department to look at this.

Ms. Simone stated they (Engineering Department) did submit comments.

Ms. Fiordelisi joined the meeting at 7:43 p.m.

Motion: That the Commission's view of the proposed modifications for the dredging are so minor that they do not need a revised application.

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

Chairman de Jongh read the brief Engineering comments into the record. The Engineering Department stated that they had no comment at this time and the material in question is overflow material that escaped the forebay prior to this project and as such is better removed now that left to redistribute to the pond which would require more invasive approach to remediate in the future.

Motion approved 6-0-1 with Ms. Fiordelisi abstaining for the reason that she was not present for the discussion on this item.

2. Request for Determination  
744 Rustic Lane  
House Addition

Vern Guetens, the home owner and Robert Leveair, the contractor were present.

Mr. Guetens addressed the Commission. He stated that he had submitted a letter to the Commission requesting a determination in order to seek approval for an addition to the back of his garage that does fall within the 50' of wetland property – he said he believed its 36' from that border.

Mr. Guetens said he did submit some pictures showing where it would be placed.

The Commission reviewed the pictures that were submitted.

Dr. Dimmick stated for the record that he did go out and take a look at the backyard this afternoon to get 'a hands on' view of things. He said the back part of the yard flattens out considerable – it goes into

the woods. He said the woods are definitely a wetland but it is a wooded wetland it is not a standing water type of wetland; you only get only a standing type of a wetland – he said he thought you only get standing water there a couple of times a year.

Dr. Dimmick said so it's a fairly easy transition in there. He said his only worry is what the Engineering Department came up with and that was the proposed stock piling of the soil being closer to the wetlands then the Commission would desire.

Dr. Dimmick said he did not see any problems with the rest of the proposal if its just a part of putting the addition itself on he would see no impact at all on the wetlands.

The contractor stated as far as the storage area – the excavated soil – he said its approximately about 8 yards of top soil that's needed. He said he had no problem with getting a dumpster and placing the dumpster and placing the dumpster on the front lot if necessary.

Dr. Dimmick said what the Commission worries about is when things can go wrong they do go wrong and stock piled soil and a deluge like the ones they occasionally get will suddenly cause things to go out of control and so 'belts and suspenders' or anything that can be done that would make it less likely that the unexpected would happen the happier the Commission is on it.

The contractor said then if need be they could place the dumpster on the driveway and placed the material in a roll off container.

Dr. Dimmick said if that were to happen, he would consider this proposal de minimus and not need a permit – that was his own opinion. He said in his opinion the building itself is not going to be a problem because they have a stable backyard already, you have a defined border between the lawn and the wet woods starts and relatively flat once you get past the back of the house – all of those are in favor of minimal chance of something going wrong.

Mr. Bowman asked if Dr. Dimmick was making a formal motion.

Dr. Dimmick stated yes – if he would be assured that that soil won't be stock piled.

**Motion: To declare the proposed activity de minimus in context of the regulations and not needing a permit.**

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

Motion approved unanimously by those Commission members present.

- |    |   |     |           |
|----|---|-----|-----------|
| 3. | Permit Application                                | APP | #2011-016 |
|    | Jorasa LLC  | DOR | 09/06/11  |
|    | South Main Street<br>Site Plan – Parking/Drainage | MAD | 11/10/11  |

Darin Overton, PE from Milone & MacBroom was present on behalf of the applicant. The applicant Craig Goldstein was also present.

Mr. Overton explained that Mr. Goldstein plans to move into this future office building.

Mr. Overton explained that this property is located at 382 South Main Street – it's the former location back a while ago of Cheshire Tree Service – they had their office here.

Mr. Overton showed on the plans the location of the house. He said more recently, the Power Barn is located on the property in the larger building towards the middle of the property.

Mr. Overton explained that the property is bordered to the north by professional offices, to the east across from the small stream on the property is that Old Towne Condominiums, south is Miele Law Offices, and then on the west is route 10.

Mr. Overton stated that the subject parcel is located on the east side of Route 10 just north of the intersection with Patton Drive.

Mr. Overton said the property is just under an acre at .93 acres – the wetland area as it's been flagged on the site is point .04 acres. He said there is a small stream that runs through the property in a north south fashion – it drains southerly – it's actually a tributary to the Mill River.

Mr. Overton stated that the property itself all drains to the east and to the south with the exception of a small portion of the driveway which actually drains out on to Route 10.

Mr. Overton said the wetland delineation kind of wraps around to the north on the property to the north and there is a good portion of the existing building that's on the property and some of the development that is there is already within the 50' upland review area.

Mr. Overton said what they are proposing to do is basically a redevelopment the property as professional offices with one building located sort of in the area where the existing house is and per what the Planning and Zoning Office likes to see majority of the parking in the back.

Mr. Overton stated they still have the loop driveway with a few parking spaces. He said this building is going to have two levels that are accessible from the ground. The parking spaces in front will access the first floor and then the parking in back will have access to a ground floor.

Mr. Overton stated that a couple of apartments are being proposed also on what would be a third floor.

Mr. Overton explained that the site grades at almost to what is identical to what's there – it's going to continue to drain in a similar fashion.

Mr. Overton said the proposed office building is about 7,500 SF – they are reconfigured the parking to create kind of a one way circulation loop with the angled parking to create 41 parking spaces for the property.

Mr. Overton said there is quite a bit of impervious out there but with the redevelopment there is going to be a small increase; in order to account for that they have proposed for some storm water management. He said the roof leader itself are all collected and are going to drain into some underground storage adjacent to the building and that then overflows down into another ground storage adjacent to the building – that then overflows down into another storage area.

Mr. Overton said the surface itself – the parking they have graded it so it all drains to kind of a low point in the middle and then drains easterly to that grassed island in the parking – they have created a little bio-retention area with a raised grate in there to filter the storm water running off of the parking lot and allow for some infiltration and then there is some overflow that goes into that underground detention.

Mr. Overton stated that ultimately all of that drainage runs to a stable discharge that they have proposed with a rip rap splash pad kind of in the south eastern corner.

Mr. Overton said so the disturbance that have in relation to regulated areas for this Commission – he said as he mentioned the existing

development had some impact in the 50' upland review area – this development does as well for the parking lot. He said they basically exchanged that building in back for a parking lot.

Mr. Overton said the developed area of the parcel doesn't change – it's almost exactly the same as before – they are not clearing any trees. The wooded area along the stream to the back remains – the back part of the parking lot goes all the way back to an existing gravel area and clearing that's there now.

Mr. Overton stated that the only new impact would be the actual discharge point. He explained that it goes through an existing retaining wall there – they have extended the pipe through that retaining wall in order to prevent erosion – they've put a rip rap splash pad there; the pipe itself does extend into the wetland but in order to create a proper splash pad some of the rip rap will extend into the wetland area adjacent to the brook.

Mr. Overton said that is about it as far as the application – it's pretty simple – a redevelopment of the property and they have had to put in some storm water management to address the small increase in the impervious area.

Chairman de Jongh asked if there was any attempt any oil or anything that comes from the cars that are in that parking lot other than the rip rap swale.

Mr. Overton said they treat the island itself as a pretreatment so any of the oils that would run off that would run through and would likely be collected on the grass – they tend to break out by sunlight and then allows for some natural infiltration as well – sands will be collected there so that acts as a filter for all of the pavement run off.

Mr. Overton said he believed they put a sump in that basin as well – the overflow but he said he would check on that.

Mr. Overton stated that there is one basin that they added for the driveway over the overflow from this underground detention area for the building – they put a catch basin there because its kind of a long run of storm water and because it's a steeper slope where the driveway comes down so they did put one catch basin with a sump there to collect the run off coming down the entrance drive but then the parking lot all drains to the island.

Ms. Simone stated that the application was complete enough for the Commission to act on – appendix B has been signed off on and has

been submitted – the applicant is aware that the Commission is waiting for a signature on the plans from the soil scientist as well as some other supporting material but the basics have been submitted.

**Motion: To accept the application.**

**Moved by Dr. Dimmick. Seconded by Ms. Fiordelisi.**

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

**Dr. Dimmick informed Mr. Overton that they might want to look at possible alternatives in terms of the final outlet – if they could come up with some innovative way to have a splash pad not go so deeply into the stream. He suggested having a deeper pit go into it – but they might consider those alternatives. He said that is the only part that disturbs him – its having the splash pad going into the wetland.**

**Mr. Bowman asked how deeply does the splash pad go in.**

**Mr. Overton stated that it goes about 7' into the wetlands – he said that is consistent with the plan.**

**Mr. Overton said they could look at the integrity of the wall that is out there – he said they showed the pipe going through there and put a flared end and a splash pad – he said if maybe they can change that and create an end wall and get rid of the flare end maybe they could pull some of that back and just reconstruct a portion of the wall.**

**Dr. Dimmick said he was just asking that they take a look at the possibilities – and that he is not saying they have to by any means at this point but look at – he said this is the only part that is bothering him at this point.**

**Mr. Bowman said the rip rap itself is not a bad situation at the end of the flared end.**

**Mr. Overton said if they don't protect it - it could just erode its own channel – erode the soil away until it amours itself.**

**Mr. Overton agreed to look at the velocity coming out of that pipe and the wall and see if they can pull it back a little bit.**

**Dr. Dimmick suggested some possible ideas to consider.**

Mr. Overton said they could create kind of a more linear level spreader in a north south direction at the base of the wall.

There was some discussion about the site and the possibilities for protection of the wetlands.

Mr. Overton said he did not have any test pit information but he could look at the underlying soils.

Chairman de Jongh suggested further action on this item be deferred pending the submission of additional information from the applicant, town engineering comments and some technical information.

Determination of significance was deferred until further information was submitted by the next meeting.

4.	Permit Application	APP	#2011-017
	Paul Falco	DOR	09/06/11
	Wallingford Road		
	Site Plan – Wetland Crossing	MAD	11/10/11

David Carson, one of the principals of the OCC Group was present on behalf of the applicant Paul Falco who is the applicant and property owner of 360 Wallingford Road.

Mr. Carson explained that 360 Wallingford Road is a rear lot that already has an existing house and garage on it. It's a 3.3 acre property in an R-40 zone capable of supporting a second house on the same property and that is what the proposal is at this time – it's to build a second residence on the same lot. He said they designed it in such a way that ultimately the property could be subdivided into two lots meeting all of the current zoning regulations.

Mr. Carson stated the plan has been reviewed with the town planner prior to submitting the plan – they've also designed an engineered septic system for this lot and that has been approved by Chesprocott – that was also designed in such a way that if that lot were to be divided at some time in the future the septic area on both parcels would be in compliance both with setback and code.

Mr. Carson said he did not know exactly what the reason was for not subdividing it at this time. He said initially in 2008 they were retained by Mr. Falco at that time to actually do exactly the same thing but subdivide the property into two lots but at this time he really doesn't want it subdivide. He said he suspected it has something to do with the mortgage but he was not positive about that.

Mr. Carson explained that what they are seeking is a wetland crossing to come off of the existing driveway, across the small stream course that crosses the property in order to gain access to the second house. He said the stream is a fairly small stream approximately 6' wide – it has a normal flow of about 3" or 4" of water, its piped into the property through four 12" culverts, under the driveway with a 24" culvert, exits the property through four more 12" culverts into a pond onto the adjacent property.

Mr. Carson said the wetlands are basically associated with the stream course – those were flagged by Ken Steven's office and located by OCC Group.

Mr. Carson stated that the proposal is to cross the stream in the same manner as it is shown piped on the plans with four 12" culverts which basically fill up the existing stream course without any excavation – use class 5 pipes to they only need one foot of fill over the top of the pipes in order to make the crossing without any real disturbance of the channel itself.

Mr. Carson said the width of the wetlands at that point are approximately 33' to 35' – some where in that area.

Mr. Carson said this afternoon he received comments from the town engineering department which the Commission may have in front of them. He said he has not had a chance to address the comments but he has reviewed them and the majority of the comments they have not problem addressing. He said he would like to make the Commission aware of the fact that in order to satisfactory address several of the comments – he said as submitted they area only using 16' of linear culvert to cross for the driveway. He said they are going to need to increase that pipe length to 20' in order to rip rap both side of the driveway crossing so the pipes would be 20' long instead of 16' long – other than that there would basically be no change.

Mr. Carson said the two other comments – one from engineering wit regard to "there is no attention proposed of any increase in runoff." He said obviously there is some incremental increase in runoff both from the driveway and the house itself – it basically would be sheet flow off to the side of the driveway – they whole thing is relatively level – nothing drains off the site – it all drains to the watercourse itself.

Mr. Carson said if the Commission did feel that some attenuation of the increase was necessary what he would suggest is possibly

taking the roof drainage – it could be piped to a water garden and then allowed to overflow and sheet flow back into the stream course – that is something that could be done if the Commission felt it was necessary.

Mr. Carson said the other comment from the Planning Department today was a desire that the applicant look at the possible of putting in a new driveway in a new location so that the present driveway serving two existing houses – would change to having two driveways – one serving one of the existing homes and the new driveway serve the other existing home and the new home on the same lot.

Dr. Dimmick said there was another comment that they (Planning) were questioning why the four pipes rather than a single pipe.

Mr. Carson said basically the idea there was to keep the flow characteristic of the stream the same – with the least amount of intrusion and construction in the stream because the stream is just exactly the right width for four culverts so it seemed like the natural thing to do.

Dr. Dimmick asked what was roughly the stream grade at that point.

Mr. Carson said it's probably about 1%.

Dr. Dimmick said another possibility is putting in a squash pipe and not use a standard 24" pipe.

Mr. Carson said there are other choices to use – he said the fact that it was already crossed twice with that seemed like the logical thing. He said some of the other technical comments made will be addressed and he thought in addressing those he did not think they would have a problem with the four culverts. He said the concerns can be addressed – the one physical change would be that they would have to go 20' length on the pipes.

Mr. Bowman asked about the proposed crossing on the stream – what would that pipe support in weigh.

Mr. Carson said there would be class five RC concrete pipes – it would be H standard H-20 highway loading.

Mr. Bowman said so this would support a fire truck going across it at 75,000 pounds. He said this is one concern he has with what the applicant is doing and the other is they are running the water trench

in the same line underneath that pipe (and what were the pipe depths).

Mr. Carson stated yes. He said Mr. Bowman was also correct about the pipe. The water line would be a minimum of 2' underneath the stream culverts and the rest of the way would be a minimum of 42". He said the only question would be the exact size of that pipe.

Mr. Bowman asked what the depth of the stream was. He walked about the stream depth and freezing issues.

Mr. Carson said that basically you have an existing channel – that's about 7' wide – the banks are just about 2' high.

Mr. Carson said some time back around 1990 – there was actually a permit granted by Wetlands for a temporary crossing in this location in order to install a new septic system in the back of this lot. He said they are crossing in exactly point – there are really no trees or disturbance - its kind of a natural point to cross.

Mr. Bowman said whether the applicant is calling it a subdivision or not it's truly a subdivision – he said its Planning and Zonings problem but you are allowed two buildings on a double parcel - you already have two buildings because they have a detached garage that's over 100 SF so that is considered a building.

Mr. Carson said he would check on that because he reviewed this with the Planning Department but would check on it again.

The Commission agreed they should field trip this site.

Mr. Bowman stated for the record he has been on this property many, many times.

Motion: To accept the application.

Moved by Dr. Dimmick. Seconded by Mr. McPhee.

Motion approved unanimously by those Commission members present.

A field trip was set for Saturday, September 10, 2011 at 8:00 a.m.

Chairman de Jongh said he wanted to see where the proposed driveway crossing is proposed to be.

Chairman de Jongh asked staff to look at what was presented by the applicant that there was a determination made around 1990 for a crossing to facilitate some redoing of the septic.

Ms. Simone said she did enclose copies of the permits in the staff report. She explained that in 1989 the Commission did grant the temporary crossing in the same general location and at that time they installed an 18" pipe to bring fill in – there was no amount listed on how much fill was brought in to replace the failed septic system and then the other action on file was in 1987 when the property bordering the street was split from that lot.

Ms. Simone said she had both files where for the Commission's review.

Chairman de Jongh said he thought it would be helpful to take a look at the information before the Commission in 1989 to see if that is consistent with what they are looking at tonight.

Commission members reviewed the information in the files regarding what was previously approved for the site. They also reviewed the previous and current maps of the site including the wetlands lines.

Mr. Bowman asked how many square feet of disturbance is proposed.

Mr. Carson said approximately less than 700 SF of disturbance.

Further action on this item including the determination of significance was deferred pending the results of the field trip.

5.	Permit Application	APP	#2011-018
	Frederick Pierson	DOR	09/06/11
	Allen Avenue		
	Subdivision	MAD	11/10/11

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

Mr. Overton said this is a property at 779 Allen Avenue. He explained that it's a 7.5 acre parcel with about .23 acres of wetlands on it.

Mr. Overton said what they are proposing to do is subdivide five new lots and keep one lot for the existing house.

Mr. Overton said this parcel was approved back at the February 15, 2005 meeting. He said not much as changed – unfortunately the applicant did expire so they are simple reapplying with some minor changes to the plans.

Mr. Overton provide some history on this site – he said when this came through Inland Wetlands and Planning and Zoning in 2005 this was approved for feasibility by the WPCA for all the lots to be sewerred; shortly after this was approved the moratorium went in and the issues with the State plan came into play and the regulations were changes and when they went back for final approval of this DEP said they should not approve the back three lots – that this was an infill project because of the State plan and all that ridiculousness – in any event with the sewer right out in front of the street only the three frontage lots were allowed to tie in.

Mr. Overton said they sort of knew all along that this property is sand and gravel and would be suitable for septic but they had never gone back and modified the plan.

Mr. Overton said the permit has expired so now they are coming back – they have cleaned up those issues and they have gone back and tested for the three septic for lots 2, 3 and 4 – he said as they had suspected there are 100” of sand and gravel, perk rates of 1:10 - excellent soils suitable for septic systems.

Mr. Overton stated that they do have their feasibility approval from Chesprocott for those septic systems and a sanitation certificate has been approved and submitted to Planning and Zoning.

Mr. Overton said so the changes are septic for lots 2, 3 and 4. They are going to eliminate the sidewalk – some of the thinking has changed as far as sidewalk along the frontage here – he said they don’t ever expect there will ever be an extension down there and they are trying to get approval this time to not have a sidewalk.

Mr. Overton said they have also eliminated the sewer main that was previously shown on the plans that ran down the shared rear lot access way.

Mr. Overton said some minor changes were made to the grading between lots 4 and 5 - there was kind of a steep knoll there – they have flattened that out and provided for a walkout on lot 5; all of which is well away from the wetlands on the site.

**Mr. Overton stated there is no change in storm water management design – there were no wetland or upland review area impacts so no direct regulated activities and they are not proposing any changes to the non-encroachment line that was approved previously.**

**Mr. Overton said so they are proposing some minor changes not of which have caused them to go into the regulated area.**

**Mr. Bowman asked if they were going to be removing any material from the taking of that knoll from that site. He said he wanted some idea of the amount proposed to be taken off the site and wanted to have those calculations available at the next meeting.**

**Mr. Overton said they never ran the earth work numbers on this – there may be some material that comes off with that change in grading; he said if you look at the profile of the plan there is quite a bit of fill at the bowl – there is a low depression and they brought the end of the shared accessway up in order to gain access because the houses kind of sit on a knolls as well in back.**

**Mr. Overton said if there is material to come off the site it's not a lot – he said without knowing what the numbers were now he would check and provide the calculations at the next meeting.**

**Motion: To accept the application.**

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

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

**Ms. Simone said she has looked at this application in comparison to the 2005 application and she could see that the majority of the changes have to do with the septic system.**

**Ms. Simone stated that as far as she could see there were no changes to the plan as far as wetland impact.**

**Mr. Bowman asked if the septic reserve areas were going to be closer to the wetlands – he wanted to know where they were going to be proposed to the wetlands area – from the homes at the end of the cul-de-sac are they going to be in the rear of the property.**

**Mr. Overton stated yes.**

Mr. Bowman asked if either the primary or secondary systems are in the upland review area.

Mr. Overton said neither the primary nor the reserve area is proposed to be in the upland review area.

Chairman de Jongh asked when this was approved previously in 2005 was the application was deemed significant.

Ms. Simone said she would provide that information at the next meeting.

Further action on this item was deferred to allow staff time to review the information and determine if the 2005 application was declared significant.

Item Not Listed on Tonight's Agenda:

**6. Bartlem Park Shed Installation – Request for Determination**

Ms. Simone asked the Commission if they wanted to vote to add a request for determination for the installation of a shed at Bartlem Park that would be installed approximately 420' from the nearest wetland.

**Motion: To add the discussion of the Bartlem Park shed to tonight's agenda.**

**Approved by consensus of Commission members present.**

Dr. Dimmick said he did review this proposal because it was in some of the material he received. He said he saw no possibility of an impact from what is being proposed.

The shed is located at Bartlem Park closer to the road – near the location of the lavatories.

Mr. Bowman said there is currently concrete slab there so they are probably going to install the shed on the slab.

**Motion: To declare the proposed activity de minimus in context of the Commission's regulations and not needing a permit.**

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

7.

The approval of the minutes was deferred from the beginning of the meeting.

At 8:28 p.m.:

Motion: To approve the minutes from the August 2, 2011 regular meeting minutes with corrections.

Pg. 2 L 40 delete “– she said she has not gone out to the field yet. The...was”; Pg. 3 L5 after “Ms. Simone” add “said”; Pg. 7 L24 “their” to “they”; Pg. 11 L41 “sediement” to “sediment”; Pg. 12 L20 delete “on that slope”; Pg. 13 L5-6 is “cited” to “sited”; Pg. 16 L41 after “so” add “we have”, L43-44 “they” to “we”, “their” to “our”, “they” to “we”; Pg. 17 L10 “plane” to “plain.”

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

From the July 19, 2011 Meeting:

Motion: To approve the minutes from the July 19, 2011 regular meeting minutes with corrections.

Pg. 5 L48 “for most” to “foremost”; Pg. 6 L31 “elevate” to “alleviate”; Pg. 8 L17 after “scenario” add “would”, L31 “comparable” to “comfortable”; Pg. 13 L9 “minimums” to “minimus”; Pg. 15 L44-5 “sighted in the area its sighted in” to “sited where it is”; Pg. 16 L7 after “public” add “water”; Pg. 19 L25 & 28 “Endorf” to “Indorf”

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

## XI. ADJOURNMENT

The meeting was adjourned at 8:28 p.m. by the consensus of Commission members present.

Respectfully submitted:

Carla Mills  
Recording Secretary  
Cheshire Inland Wetland and  
Watercourse Commission

