

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, SEPTEMBER 20, 2011
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

Members present: Dr. Charles Dimmick, Kerrie Dunne, Will McPhee, and Sheila Fiordelisi.

Members Absent: Robert de Jongh, Matthew Bowman, and Earl Kurtz.

Staff Present: Suzanne Simone (at 7:45 p.m.).

Dr. Dimmick served as chairman pro-tem.

I. CALL TO ORDER

Dr. Dimmick called the regular meeting to order at 7:30 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 Dr. Charles Dimmick, Kerrie Dunne, Will McPhee, and Sheila Fiordelisi.

Dr. Dimmick read the fire safety announcement information into the record.

IV. DETERMINATION OF QUORUM

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

V. APPROVAL OF MINUTES

The approval of the minutes from the September 6, 2011 regular meeting were deferred to the end of the meeting by the consensus of those Commission members present.

At 8:20 p.m.:

Motion: To approve the minutes from the September 6, 2011 regular meeting minutes with corrections.

Pg. 4 L18 add "although" before "the release", delete "however" L19 delete "there", L47 "there" to "their"; Pg. 6 L37 "approved" to "moved"; Pg. 8 L29 "ruin" to "run", L42 "course sediement" to "coarse sediment"; Pg. 10 L13 delete "you only get only a standing type of a wetland"; Pg. 13 L37 after "attempt" add "to trap"; Pg. 15 L7 "amours" to "armors"; Pg. 17 L6 "wit" to "with", L7 "obliviously" to "obviously", L22 "possible" to "possibility"; Pg. 18 L32 after "exactly" add "the same"; Pg. 19 L37 "where" to "here"; Pg. 20 L25-16 "as" to "has", "applicant" to "application"; Pg. 20 L24 "changes" to "changed".

Moved by Ms. Fiordelisi. Seconded by Mr. McPhee. Motion approved unanimously by Commission members present 4-0-0.

VI. COMMUNICATIONS

1. Request for Determination by Robert Vazquez for 17 Robin Lane - Shed

This communication was reviewed by the Commission.

2. Engineering Comments
Re: IWWC Application # 2011-018, Subdivision, Pierson, 779 Allen Avenue

This communication was reviewed by the Commission.

3. Staff Communications with attachments
Re: IWWC Application # 2011-017, Site Plan, Falco, 360 Wallingford Road

This communication was reviewed by the Commission.

4. Staff Communications with attachments
Re: IWWC Application # 2011-016, Parking/Drainage, South Main Street

This communication was reviewed by the Commission.

5. Staff Communications
Re: IWWC Application # 2011-019, Subdivision, Wiese Road

This communication was reviewed by the Commission. This item is also under new business.

6. Letter to Public Works Director Joseph Michelangelo
Re: Wetland Determination for Weeks Pond dredging

This communication was reviewed by the Commission. Dr. Dimmick reminded Commission members that at the last meeting they declared the proposed activities to be de minimus and not needing a modification of permit.

- 7. Letter to Parks and Recreation Director Bob Ceccolini
Re: Wetland Determination for Bartlem Park shed**

This communication was reviewed by the Commission. Dr. Dimmick said again, at the last meeting the Commission found no problem with the proposed activity.

- 8. Letter to Mr. Vern Guetens
Re: Wetland Determination for 744 Rustic Lane addition**

This communication was reviewed by the Commission.

- 9. 2011 Municipal Inland Wetland Commissioners Training Program:
Segment 3**

This communication was reviewed by the Commission.

Dr. Dimmick noted that staff could provide a printed copy of the program upon request.

Dr. Dimmick said that all Wetlands Commissioners are supposed to when they can take some of these portions of the training program; he suggested that everyone at least try to get segment one in at least once and that's for new members and segment two is one that everyone should try to take as often as possible. He said segment three is primarily for staff and for Wetland Commission members who have been on for ages – it provides extra stuff.

Handed out at tonight's meeting:

- 10. OCC Group September 12, 2011 Letter
Re: 360 Wallingford Road**

This communication was reviewed by the Commission.

- 11. Engineering Comments
Re: 360 Wallingford Road**

79 Dundee Drive

Ms. Simone said that Mr. Ellis is to be making his planting selections soon so she would contact him prior to the meeting and see that he can get that shored up and done.

Dr. Dimmick said that he is pretty much up to the wire on this – he has got to get the work done.

Ms. Simone agreed and noted Mr. Ellis is aware of the timing.

VIII. UNFINISHED BUSINESS

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

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

Mr. Overton said as of the last meeting his client came in and they met with his architect – they made some changes to the building that have caused some changes to be made to the site plan.

Mr. Overton said at the last meeting the Commission was concerned about the rip-rap apron going into the wetland – that was their direct wetland impact.

Mr. Overton explained that based on some of the changes to the building and also the site plan they were able to remove some of the pavement out front and change the drainage design so they actually have no direct wetland impact.

Mr. Overton said he did have an updated sight plan which he could hand out and go over some of the changes if the Commission would like, if not, the applicant planned on submitting revised plans, a wetland delineation and impact report and also an engineering report today but the soil scientist signature was still needed on the plans and they still needed to get the final reports together.

Dr. Dimmick said that staff had noted previously that the plan that was submitted needed the soil scientist signature.

Mr. Overton stated that they still needed to get the soil scientist signature on the plan also the impact report he had written for the prior plan – since they made the changes he wanted that plan updated before it was submitted.

Dr. Dimmick said so what is being suggested is that they defer action until these materials are submitted.

Mr. Overton said they will need to defer action the only question is if the Commission wants him to go over the changes in the site plan tonight or just wait until next meeting.

Dr. Dimmick said that it would be best to wait until the next meeting since staff has not had a chance to look at the revisions either. He said he would feel better if staff had a change to look the plans over and provide any comment needed.

Ms. Dunne said that staff had some concern about drainage calculations.

The updated drainage calculations will also be submitted.

Mr. Overton said that they would have had them in sooner but because of the changes in the plans they had to do quite a bit more work and it took them the whole two weeks to get that together.

Further action on this item was deferred pending the submission of additional information.

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

There was no one present on behalf of this application.

Dr. Dimmick read into the record two new communications received regarding this application.

Ms. Simone joined the meeting at 7:45 p.m.

Dr. Dimmick read a letter from David Carson of OCC Group dated September 12, 2011. The letter stated the plans were revised and answered Engineering Department comments regarding the culverts, the RCP pipe, the addition of rip-rap to the slopes for the sides of the

crossing opposed to the gravel they were going to use, the rear lot cul-de-sac access, no impacts, and installation of rain gardens.

Dr. Dimmick stated that the Engineering Department has looked at the revised plan and they are satisfied that points 1, 2, 3 and 4 have been addressed; point 5 regarding the rear lot drive access – they may be a P&Z issue that may effect the design of the accessway.

Ms. Simone informed the Commission that applicant asked that this item be tabled – that they would like the opportunity to respond the Engineering Department’s comments and they did not feel they would be able to do that adequately before tonight’s meeting.

Dr. Dimmick said that further action on this item was deferred until the next meeting.

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

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

Mr. Overton said at the last meeting the Commission wanted to look back in the file to see whether this had been determined significant previously before they made a determination on significance and also there were some outstanding comments that came in – he said he did not know if they were in at the last meeting or if the engineering review hadn’t been done.

Mr. Overton said they did receive some comments from the Engineering Department. He said previously they had submitted the same engineering report as they has submitted in 2005 which was approved; this time there were a couple of comments - they want them to update the report – the applicant has done that to show computations for up to the 100 year storm – they resubmitted that. He said he did not know if a review letter has come back in regard to that but he believed what they submitted addressed all of those issues.

Dr. Dimmick said they do have a comment letter submitted September 20, 2011 from the Engineering Department to Inland Wetlands – they are satisfied with what has been presented.

Ms. Simone said she did look through the minutes for the 2005 approval for this previous development and it was declared not significant by this Commission at that time.

Motion: That the Commission declares that the proposed activity is not significant within the context of the Commission's regulations.

Moved by Mr. McPhee. Seconded by Ms. Fiordelisi. Motion approved unanimously by Commission members present, 4-0-0.

Dr. Dimmick said staff is now ready to prepare wording for the next meeting.

X. NEW BUSINESS

- | | | | |
|----|-----------------------|-----|-----------|
| 1. | Permit Application | APP | #2011-019 |
| | Verna Properties, LLC | DOR | 09/20/11 |
| | Wiese Road | | |
| | Subdivision | MAD | 11/24/11 |

Attorney Joan Molloy from Laughlin & Fitzgerald Law firm in Wallingford, CT was present on behalf of the applicant Verna Properties, LLC. Gerald Verna, one of the principals of Verna Properties, LLC was also present.

Attorney Molloy informed the Commission that Verna Properties is desirous of subdividing about a 13 acre parcel into a 9-lot subdivision.

Attorney Molloy showed on the map the location of the subject property (consisting of four parcels of land) owned Sharon Brownridge. She pointed out the location of the properties that are located on Weise Road (off of Route 68 Academy Road).

Attorney Molloy said they are taking portions of three of the parcels which will become the proposed 9-lot subdivision.

Attorney Molloy said there is relatively minimal actual wetlands on the parcel that they are acquiring but there is a significant wetlands area which is going to remain on property that will be retained by the current owner. She explained there is a pond created by a dam – Honey Pot Brook runs through the area; there is also a small wetlands area in a location on the parcel.

Attorney Molloy reviewed the plan showing the breakdown of the proposed road and the 9-lots. She said the only lots that have any impact with the wetlands are the ones numbered 5-9 – again there is a relatively minimum of wetlands that are actually on the property. The 50' regulated area has been highlighted in blue.

Attorney Molloy said what they are proposing as part of the subdivision plan is a 50' conservation easement on lot number 5 and a 20' conservation easement along lot 6 through 9 in the area any wetlands might be included and it involves the more severe topography although its not a tremendous drop – there is somewhat of a difference.

Attorney Molloy reviewed the site development plan with the Commission. She said you can see that the wetlands have been retained, the conservation easements and the 50 setback lines.

Attorney Molloy said the impacts are relatively minimal – all the houses, all the septic systems are outside of the wetlands and upland review areas. She said the only real activities are associated with the removal of the existing house; the existing driveway is within the 50' upland review area; there are also some telephone poles along the driveway so they are going to be removing all that – the house is coming down and the driveway and would no longer be using the poles. She said they are not 100% sure where the septic system and the well that operates that house – those have to be abandon as well.

Attorney Molloy said so there may be some activities in the upland review area and there may be some grading activities associated with the development of the lots that would impact the upland review area. The other primary impact has to do with the storm drainage – there is a swale system that goes to a low area and there is a flared end and then storm water is collected in a pipe and comes down into a storm water system in the road. There is also a proposed catch basin on the site and will be connected to the storm water system in the road; they are proposing oversized pipe – 48” pipes to hold some of the storm water.

Attorney Molloy talked about the proposed flow of water before it was t be discharged into the wetlands.

Attorney Molloy said they did submit with the application report from Penny Sharp who is a certified wetlands scientist; she spent time looking at the wetland system which would be to the south of the

development – she has acknowledged in her report that the impacts that they are proposing will have no permanent impacts to the wetlands and the activities are relatively minimal.

Attorney Molloy said the information presented is basically what the nature of the activity was. She was open for any questions from the Commission.

Dr. Dimmick asked about the other two drainage easements – are they carrying water from adjacent properties.

Attorney Molloy said yes – they will be picking up some water from the adjacent properties.

Dr. Dimmick said he was looking for the signature from the soil scientist who laid out the wetland lines and he was not seeing it.

Attorney Molloy said she would provide the soil scientist signature on the plans as required.

Motion: To accept the application.

Moved by Ms. Dunne. Seconded by Ms. Fiordelisi. Motion approved unanimously by Commission members present, 4-0-0.

Dr. Dimmick said the Commission now had to determine significance– they have a 9-lot subdivision and wetlands on a portion of 5 of the lots.

Motion: That the Commission declares the proposed activity significant with the context of the Commission’s regulations specifically section 10.2 b and f.

Moved by Ms. Fiordelisi. Seconded by Ms. Dunne. Motion approved unanimously by Commission members present, 4-0-0.

Ms. Dunne said the Commission will be looking for more information to be presented at the public hearing about the demolition of the house and also the removal of the driveway and how that’s going to be done.

Dr. Dimmick said they also wanted information about the proper abandonment of the existing septic system and the well – he said there are state standards on abandoning wells.

Attorney Molloy said there was a point that came out of the Chesprocott report signed by Lorraine DiNicola, who made reference to the fact that this property is in the Regional Water Authority watershed; Tony Tranquillo, the applicant's engineer told them this portion of the property is not in the watershed.

Attorney Molloy said she did not want to come to a public hearing and have difficulty with the watershed issue.

Dr. Dimmick said it's a case of whether it's in the primary or secondary recharge but Honey Pot Brook flows into the Quinnipiac and a portion of it flows into the North Cheshire well field area in which case it is above the recharge point for the well field for the North Cheshire well field area as far as being upstream from it. He said that would to him indicate there is some jurisdiction here.

There was a brief discussion about whether or not the subject parcel falls within the Regional Water Authority watershed.

Ms. Simone asked if the applicant sent the forms in to Regional Water Authority.

Attorney Molloy stated she had not because, again, Mr. Tranquillo advised them that there might be a portion of the property that is in the watershed but he determined what they are purchasing and proposing to subdivide was not in the watershed so therefore she did not send the form in.

Dr. Dimmick said they are in the surface watershed as to whether they are in the primary recharge zone for the well field – that is the question. He said they have redrawn those primary recharge zone boundaries.

Ms. Simone said they do recommend and it's actually required per regulations of the Commission that Regional Water Authority be notified from the applicant and then the Regional Water Authority will make that determination of whether the applicant is actually in the aquifer or they are not.

Attorney Molloy said as she said she has a little conflict here and she would rather error on the side of caution and make sure the Commission has everything it needs when this goes to public hearing.

Dr. Dimmick said normally the Water Company likes to comment on everything anyways so let them do it and the Commission will take their comments under advisement.

Attorney Molloy stated that the pond is remaining on the seller's property – the pond and the dam; the only thing that's going to be on their property is a small area of wetlands and another little wetland pocket.

A field trip of the site was set for Monday, September 26, 2011 at 6:00 p.m. at 175 Weise Road.

A public hearing on this proposal will be held on Tuesday, October 4, 2011 at 7:30 p.m.

Further action on this item was deferred.

2. Request for Determination
17 Robin Lane – Shed

No one was present on behalf of this item.

Ms. Simone said according to the town parcel map which the Commission has a copy of the highlighted parcel – it does show that there was an existing shed in this area at the time that this was taken in 1992. She said that shed is no longer there and the homeowner would like to put a shed back – not in its exact place but in the same general location; they are not looking to clear any trees or do anything like that to put the shed in.

Ms. Simone said because the proposed activity is within 50' of the wetlands that's why it's before the Commission to make a determination.

Dr. Dimmick said in that case the wetlands are a man-made channel. He said it was a stream a long time ago and the stream was turned into a man-made channel and runs along the very back of the property and just beyond that there's what looks like an artificial rise for the road that goes behind the properties. He said he saw this site when he went out to take a look at the neighboring property regarding the installation of a pool – the item came before the Commission.

Dr. Dimmick said the proposal is within the 50' upland review area.

Ms. Simone told the Commission that the homeowner did indicate to him which is not included in his summary is that he is not planning on having to grade the property or clear the property – that the shed will be put on-grade and that he does specify a footing would be dug and that the soil would be removed and not to be kept in the wetland area or the upland review area.

The Commission had a brief discussion about the proposal, its location to the wetlands and that the area is rather flat.

Ms. Simone confirmed that the request is a request for determination.

Commission members agreed that they need more information regarding the proposed activity and that they could not make a determination based on the information or the lack of information provided.

Mr. McPhee said that more information was needed – he said it appears based on the plans the property owner is doing full construction and more details were needed.

Ms. Simone noted that the neighboring property owner did receive a permit for the installation of a swimming pool.

Motion: That the Commission has determined that the property owner at 17 Robin Lane does need to apply for a permit.

Moved by Mr. McPhee. Seconded by Ms. Dunne. Motion approved unanimously by Commission members present, 4-0-0.

XI. ADJOURNMENT

The meeting was adjourned at 8:21 p.m. by the consensus of Commission members present.

Respectfully submitted:

Carla Mills
Recording Secretary
Cheshire Inland Wetland and
Watercourse Commission