

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, OCTOBER 4, 2011
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS**

Immediately Following the Public Hearing at 8:11 P.M.

Members present: Robert de Jongh, Matthew Bowman, Earl Kurtz, Charles Dimmick, Kerrie Dunne, and Sheila Fiordelisi.

Members Absent: Will McPhee.

Staff Present: Suzanne Simone.

I. CALL TO ORDER

Chairman de Jongh called the regular meeting to order at 8:11 p.m.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited at the public hearing.

III. ROLL CALL

The roll was called at the public hearing.

Members still in attendance for the public hearing were still in attendance for the regular meeting. Members in attendance were Robert de Jongh, Matthew Bowman, Earl Kurtz, Charles Dimmick, Kerrie Dunne, and Sheila Fiordelisi.

IV. DETERMINATION OF QUORUM

Chairman de Jongh determined at the public hearing that there were enough members present for a quorum.

**V. APPROVAL OF MINUTES – Regular Meeting – September 20, 2011
Site Walk - September 26, 2011**

The approval of the minutes from the September 20, 2011 regular meeting and September 26, 2011 site walk were deferred to the end of the meeting by the consensus of those Commission members present.

At 8:51 p.m.

Motion: To approve the minutes from the September 20, 2011 regular meeting minutes with corrections.

Pg. 3 L31 delete “of these”; pg. 5 L39 “sight” to “site”; pg. 6 L19 “change” to “chance”; pg. 7 L9-10 “they” to “that” and “effect” to “affect”; pg. 8 L45 “my” to “by”; pg. 9 L30 add “are” after “well”, L31 “abandon” to “abandoned”, L45 “t” to “to”; pg. 11 L19 “come” to “some”.

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

Motion: To approve the minutes from the September 26, 2011 site walk with no corrections.

Moved by Dr. Dimmick. Seconded by Ms. Fiordelisi. Motion approved 5-0-1 with Chairman de Jongh abstaining for voting due to the fact he was not present for the site walk.

VI. COMMUNICATIONS

1. IWWC Determination for 17 Robin Lane, Robert Vazquez – Shed

This communication was reviewed by Commission members.

2. Request for Determination for 390 Chestnut St., Robert Arthur – Shed

This communication was reviewed by Commission members. This item is under new business tonight.

3. Request for Determination for 815 Allen Ave., Public Works Dept – Sindall Brook Restoration

This communication was reviewed by Commission members. This item is on the agenda tonight under new business.

4. Engineering Comments

Re: IWWC App. 2011-016, Site Plan, Jorasa, LLC, 382 South Main St.

This communication was reviewed by Commission members.

5. RWA Comments

Re: IWWC App. 2011-019, Subdivision, Verna Properties, Wiese Road

This communication was reviewed by Commission members. This item was subject of tonight’s public hearing.

6. Request for Determination for Fresh Meadows property off Cook Hill Rd. By Cheshire Land Trust for foot bridge replacement

This communication was reviewed by Commission members. This item is under new business tonight.

- 7. Engineering Comments
Re: IWWC App. 2011-018, Subdivision, Pierson, 779 Allen Ave.**

This communication was reviewed by Commission members.

- 8. Application Information for IWWC App. #2011-020, 815 Allen Ave.**

This communication was reviewed by Commission members.

- 9. Application Information for IWWC App. #2011-021, 825 Allen Ave.**

This communication was reviewed by Commission members.

- 10. Staff Report with attachment: Pemberly Estates, Wiese Road**

This communication was reviewed by Commission members. This item was subject of tonight's public hearing.

- 11. Staff Report: Wallingford Road**

This communication was reviewed by Commission members. This item is under unfinished business on tonight's agenda.

Other communications:

- 12. Communications Re: 360 Wallingford Road**

Ms. Simone said Commission members received copies of communications regarding 360 Wallingford Road.

- 13. Site Plan**

Ms. Simone said staff did receive a site plan from a permit holder. She said there was a permit that was granted for the location of a house and in ground pool for Sherwood Lane and the permit holders would like to relocate the pool to be further away from the wetlands so what was permitted allowed them to get closer to the wetlands then where they want to locate their pool now.

Ms. Simone explained this item is not under request for determination tonight but she did want to bring it to the Commission's attention if

there are any issues or questions – their permit does say if there were any modifications needed to come before the Commission.

The Commission agreed to discuss this item at this point in the meeting – for 15 Sherwood Lane.

Chairman de Jongh asked if there were any changes for the mechanics involving the pool and everything was going to remain the same just further away from the wetlands.

Ms. Simone stated yes – they were just moving the pool closer to the house.

Mr. Bowman asked about the filtration system; he asked if it would be a cartridge system. He also asked if on the original plan if there were sediment and erosion controls.

Ms. Simone stated it was the same setup – it will be a cartridge system and there are sediment and erosion controls.

Motion: To declare the proposed change de minimis and not need a reapplication or permit modification

Moved by Dr. Dimmick. Seconded by Ms. Fiordelisi. Motion approved unanimously by Commission members present.

Ms. Simone said just to clarify the permit is for 15 Sherwood Lane application 2011-003.

VII. INSPECTION REPORTS

1. Written Inspections

Ms. Simone said staff did receive a written communication from the Town of Wallingford – the Town of Cheshire was notified that there is an application in Wallingford – it's on Highland Avenue in Wallingford which is Reservoir Road in Cheshire and in looking at the maps it is within 500' but it did not border any wetlands immediately in Cheshire.

Ms. Simone explained that the Town of Wallingford is notifying the Town of Cheshire that there are ongoing violations issues on that property and they are handling it as well as its been determined that apparently the person working on this property trespassed and went on to City of Meriden property and perhaps filled in some wetlands and did some issues like that again contained in Wallingford itself.

Ms. Simone said the Town of Wallingford just wanted to notify this Commission that there is an ongoing issue out in that area.

Ms. Simone agreed to keep the Commission posted on this matter.

2. Staff Inspections

a. Elim Park

Ms. Simone reported on the progress at Elim Park. She said staff checked their sediment and erosion controls – she said to date she has not seen any issues. She informed the Commission there was a call that came in that was sort of a non-descript call just in general about problems of sediment getting into the river but she hasn't been able to locate where that might be so that's ongoing.

b. Broad Brook Estates

Ms. Simone said there was a building permit request for lot 7 Broad Brook Estates which is the Prinz Subdivision – there are wetlands on that property; she reported they are all set 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**

This item will be carried over on the agenda for information only.

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

Dr. Dimmick stated they have a deadline.

Ms. Simone agreed that they did and that they actually passed their deadline; they were to get back to staff by the end of August with their species selection.

Ms. Simone said she has spoken with Mr. Ellis and he did select native Dogwoods that he will be planting in that area – he informed staff that they would be planted by late tomorrow (Wednesday, October 5, 2011) morning so staff has a scheduled appointment to go out

there and verify everything has been planted and if that is the case and there are no other issues then staff would draft a release for the Commission for the next meeting.

IX. 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

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors pursuant to Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire, Commissioners' knowledge of the area, site visitations, and after review of written information provided by the applicant on this application finds the following:

1. That the current application is for expansion and paving of a parking lot and associated stormwater drainage system.
2. That the property lies within the Willow Brook and Mill River watersheds.
3. That the applicant's engineer states that the two proposed bioretention areas will have the ability to store 1,500 cubic feet of water.
4. That no direct wetlands or watercourses impacts are proposed.
5. That the proposed subdivision activities will not have a significant adverse effect on adjacent wetlands or watercourses.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2011-016, the permit application of Jorasa for site plan approval as presented and shown on the plans entitled:

“Proposed Office Building
Cheshire Fitness Zone
382 South Main Street, Cheshire, Connecticut
Sheets 1-9

**Dated August 31, 2011; Revised September 19, 2011
Prepared by Milone & MacBroom, Inc.”**

The permit is granted on the following terms, conditions, stipulations and limitations (collectively referred to as the “Conditions”) each of which the Commission finds to be necessary to protect the wetlands and watercourses of the State and the Town of Cheshire:

- 1. Any lack of compliance with any condition or stipulation of this permit shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and an enforcement order shall be both issued and recorded on the Town of Cheshire Land Records.**
- 2. No changes or modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.**
- 3. Per Section 12 of the Cheshire Inland Wetlands and Watercourses Regulations, a bond covering the costs of the erosion and sedimentation controls shall be filed with the Town Planner’s Department prior to the commencement of construction activities. The amount of the bond shall be determined by the Cheshire Planning Department.**
- 4. An inspection of the condition, integrity, and adequacy of the sedimentation and erosion controls shall be made by a qualified party either weekly or after every significant rainfall of 1/2” or greater, whichever is sooner, until all disturbed areas are stabilized. Said party shall be independent of the contractor. All reports shall be submitted to the contractor and Commission Staff either within three days of inspection, or prior to the next storm event, whichever is sooner. All 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.**
- 5. Prior to any clearing, earthmoving and/or construction activities, the applicant shall have the following items both completed by a qualified party and verified as complete by Commission Staff:**
 - a) the accurate staking and/or flagging of all clearing limits and buffers.**

- b) the accurate, permanent marking of the non-encroachment line, generally along the sediment and erosion control line along Honey Pot Brook, as depicted in the above referenced plans. Permanent markings to be agreed upon by the applicant and Commission Staff.
- c) the proper installation of all sediment and erosion controls indicated on the above referenced plans.

Commission Staff may insist on additions at any time if warranted by field conditions.

6. Throughout the course of conducting construction activities, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring the following:

- a) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100' if possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.
- b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.

7. This permit grant shall expire on October 4, 2016.

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

Dr. Dimmick said he just wanted to make sure – he said they had several issues and he said he presumed what Engineering said that they have been resolved.

Ms. Simone said yes – they had.

Motion approved unanimously by Commission members present.

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

Ms. Simone informed the Commission that this item would be deferred to the end of the meeting per the request of David Carson who would be arriving late tonight due to his attendance at another meeting.

Motion: To defer to the end of the meeting.

This item was readdressed at 8:49 p.m.

Ms. Simone stated that at this time Mr. Carson was not here.

Ms. Simone stated that engineering comments on this item have not been addressed – copies were handed out to Commission members tonight that engineering still has concerns.

Mr. Bowman asked what the mandatory action date was.

The mandatory action date is November 10, 2011.

Further action on this item was deferred to the next meeting to give the applicant the opportunity to respond to the engineering comments.

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

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors pursuant to Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire, Commissioners' knowledge of the area, site visitations, and after review of written information provided by the applicant on this application finds the following:

- 1. That the current application is for a subdivision to divide an approximate 7.52-acre property in an R-40 zone into 6 lots.**
- 2. That the IWWC granted a permit for the same on February 15, 2005. That permit has since expired.**
- 3. That all proposed lots will be serviced by public water and private septic.**
- 4. That the property lies within the Sindall Brook watershed.**

5. That the applicant's engineer states that the project will produce zero increase in runoff.
6. That there are no direct wetlands or watercourses impacts, or activities within 50' of any identified wetland or watercourse, associated with the subdivision activities, as proposed.
7. That the proposed subdivision activities will not have a significant adverse effect on adjacent wetlands or watercourses.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2011-018, the permit application of Fredrick Pierson for subdivision approval as presented and shown on the plans entitled:

**“Proposed Residential Subdivision
779 Allen Avenue, Cheshire, Connecticut
Sheets 1-7
Dated August 31, 2011
Prepared by Milone & MacBroom, Inc.”**

The permit is granted on the following terms, conditions, stipulations and limitations (collectively referred to as the “Conditions”) each of which the Commission finds to be necessary to protect the wetlands and watercourses of the State and the Town of Cheshire:

1. Any lack of compliance with any condition or stipulation of this permit shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and an enforcement order shall be both issued and recorded on the Town of Cheshire Land Records.
2. No changes or modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.
3. Prior to clearing or construction activities of any type on lots 3 & 4, lots 3 & 4 shall require individual site plan review and approval by the Cheshire Inland Wetlands and Watercourses Commission.
4. Non-encroachment lines shall be established on Lots 1 & 2 generally along the 50' upland review area as shown on the above-referenced plans. No disturbance of any kind, including lawns, shall be allowed beyond the non-encroachment lines. Language shall be placed in the deed of each lot and on the map for this property filed in the Cheshire Land Records stating that no

disturbance of any kind shall be allowed beyond any non-encroachment line.

- 5. Per Section 12 of the Cheshire Inland Wetlands and Watercourses Regulations, a bond covering the costs of the erosion and sedimentation controls shall be filed with the Town Planner's Department prior to the commencement of construction activities. The amount of the bond shall be determined by the Cheshire Planning Department.**
- 6. An inspection of the condition, integrity, and adequacy of the sedimentation and erosion controls shall be made by a qualified party either weekly or after every significant rainfall of 1/2" or greater, whichever is sooner, until all disturbed areas are stabilized. Said party shall be independent of the contractor. All reports shall be submitted to the contractor and Commission Staff either within three days of inspection, or prior to the next storm event, whichever is sooner. All 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.**
- 7. Prior to any clearing, earthmoving and/or construction activities on Lots 1 & 2, the applicant shall have the following items both completed by a qualified party and verified as complete by Commission Staff:**
 - a) the accurate staking and/or flagging of all clearing limits and buffers.**
 - b) the accurate, permanent marking of all non-encroachment lines, markings to be agreed upon by the applicant and Commission Staff.**
 - c) the proper installation of all sediment and erosion controls indicated on the above referenced plans.**

Commission Staff may insist on additions at any time if warranted by field conditions.

- 8. Throughout the course of conducting construction activities, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring the following:**

- a) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100' if possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.
- b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.

9. This permit grant shall expire on October 4, 2016.

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

8-26 Referral:

Pursuant to Section 8-26 of the Connecticut General Statutes and the Cheshire Inland Wetlands and Watercourses Commission Regulations, CIWWC permit application #2011-018, the permit application of Frederick Pierson, has been reviewed and approved with stipulations. The application is for subdivision activities as shown on plans entitled:

**“Proposed Residential Subdivision
779 Allen Avenue, Cheshire, Connecticut
Sheets 1-7
Dated August 31, 2011
Prepared by Milone & MacBroom, Inc.”**

The Commission has found that there are regulated wetlands on site. The proposed locations of houses and driveways are such that there should be no significant impact upon any adjacent wetlands or watercourses.

Further, the Commission finds that, based on wetlands and watercourses considerations, there is no compelling reason that the Cheshire Planning and Zoning Commission should deny the subdivision request of the applicant.

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

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| 4. | Permit Application
Verna Properties, LLC | APP
DOR | #2011-019
09/20/11 |
|----|---|------------|-----------------------|

Wiese Road	FT	09/26/11
Subdivision	PH	10/04/11
	MAD	11/08/11

Chairman de Jongh said this item was subject of tonight's public hearing and was continued to the October 18, 2011 meeting.

X. NEW BUSINESS

**1. Request for Determination
390 Chestnut Street
Robert Arthur – Shed**

Mr. Robert Arthur was present.

Mr. Arthur addressed the Commission. He explained that 18 years ago he had a shed installed and it's in need of replacement so he was looking to replace the shed with one 4' longer in the exact same position of the current location.

Dr. Dimmick said he went out and looked at this and on the one hand its only 20' from the wetlands and 30' from the canal – and on the other hand the proposed extension he has staked out in no way should disturb anything. He said he did not think there was a permit for the shed originally.

Mr. Arthur said 18 years ago it's hard to recollect but if his memory serves him right when he came in to get the permit – the paperwork was a little different then what he filled out this time – he said he never thought of any wetlands approval he simple asked for the permit – it was approved but that was just an oversight – he said he just didn't know that was a requirement a- if he had known that he would have he would have gone through that process.

Dr. Dimmick said in his opinion he sees no problem with the expansion with the original – he said it is very close to the wetlands.

Chairman de Jongh asked if there was any kind of foundation on this.

Dr. Dimmick said the shed is on cinder blocks and the new one would be the same way.

Mr. Arthur said he also noted for the record that he is not against moving the shed closer to his home the only problem is it become more visible to his neighbors – where it is situation now it is fairly

out of sight – that is the only reason for not moving it closer to the house.

Ms. Simone said you need a building permit but if it's less than 144 square feet then you can be within 5' of your property line – if it's more than 144 square feet then you have to comply with your setbacks for zoning and still need a building permit. She said she did not know what all the building requirements were.

Mr. Bowman said he thought there was a size of structure that did not need a permit.

Ms. Simone said as far as the lack of permit from 18 years ago – it is correct that the building permit request did not have any indication then for wetlands – it never ask the applicant if there were wetlands on the property or anything like that – now there is that check list in place.

Motion: To declare the request for determination de minimis and not requiring a wetlands permit.

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

2. Request for Determination

815 Allen Avenue

Town of Cheshire Public Works Department - Sindall Brook

Restoration

Don Nolte, engineering technician Department of Public Works was present on behalf of the applicant.

Mr. Nolte said hopefully the Commission has his written request and sketch map attached – he said this request is to increase slightly the scope of erosion control activity at 815 Sindall Road (Allen Avenue on Sindall Brook) where recent tree throws and Irene tropical storm have blown out the slope due to previous undermining in the watershed of the increase water and the slope was going and it was just brought to the homeowners attention that this has really gotten serious – he said about an 8' in vertical bank they have to cut out 3-4 trees and take back the slope to at least 1:1 and use of the very large standard rip-rap that they are using elsewhere in this project using the same methodology, the same contractor and doing it while they are on the site which they are about ready to mobilize to in a couple days.

Mr. Nolte explained they have nearly completed the work between Allen Avenue and Allen Court – he said he was proud of the project as it has come out well with a team of public works crew and the excavating contractor. They have been able to manage the water effectively with the use of a 6” pump and 700’ of 6” hose rented from their hydrologic dredging contractor. He said they worked in the dry and worked on 550’ of area; he said that work went quickly and he now thinks this new work could be taken care of expeditiously.

Dr. Dimmick said the problem he has is this is entirely outside the areas that they walked – outside the plan and was in front of them for which they had detailed reports of what needed to be done – he said this is downstream from the house there and everything they looked at there was upstream from the house. He said he thought there was about a 150’ separation.

Mr. Nolte said yes – that was a very good estimate.

Dr. Dimmick said in his opinion the Commission needs something in front of them on this.

Chairman de Jongh said if it is an area that the Commission hasn’t had a chance to take a look that they need some more details on this.

Mr. Nolte said certainly that was not a problem and they have another application they are submitting this evening; he said he could return with an application for this very activity to be received tonight to start the clock and maybe follow the same time frame of the pond work they are applying for tonight.

Mr. Bowman asked if this situation was dangerous. He said if you walk off the edge you are on someone else’s property and you shouldn’t be there; he said if it’s dangerous to the public where it’s going to dam something up and cause water damage to something then that’s different.

Mr. Nolte said not to the public – but only if you walk off the edge.

Dr. Dimmick said it’s slumped partly into the stream but he believed the stream has worked its way around it.

Mr. Nolte said he did not see any flooding.

Mr. Nolte said he did not see the property owner for this property – he said the application has been signed by the applicant Joe

Michelangelo (Public Works Director) so he could submit the permit application tonight and have it all signed tomorrow in the office.

Mr. Nolte said if the project has to wait they will move on to a third section and they are going to be working in the area into November so they can come back to it – it's not critical.

Chairman de Jongh said he thought they were going to have to have an application to satisfy the Commission and have a more detailed look of what's going on.

Mr. Bowman said he thought he and Dr. Dimmick had a good handle on what's going on – the restoration part of it on a 1:1 with that type of soil – he said he would almost like to see a 3:1.

Dr. Dimmick said they would have to use a 18" rip-rap or bigger.

Mr. Nolte said they are using an 18 to 30.

Mr. Bowman said that was the only thing it was going to hold otherwise it was going to slide – it's all sand.

Mr. Nolte said they can explore the possibilities through the application process – it certainly can be managed.

There was discussion about some of the project details that would be included in the application submission.

Motion: That the Commission has declared that the proposed activity will need a permit from the Wetlands Commission.

Moved by Dr. Dimmick. Seconded by Ms. Dunne. Motion approved unanimously by Commission members present.

A field trip was scheduled for Saturday, October 15, 2011 at 8:00 a.m.

Chairman de Jongh stated that any further consideration on this item was deferred pending the results of the field trip and receipt of the information from the applicant.

**3. Request for Determination
Fresh Meadows property off Cook Hill Road
Cheshire Land Trust - Foot Bridge Replacement**

Kevin Wetmore, a director with the Cheshire Land Trust representing them tonight was present. Robert Davis, a longtime steward of that

property for the land trust and past president of the land trust was also present. Mr. Davis has also put in many trails over the years for the Connecticut Forest and Parks Association.

Mr. Wetmore submitted pictures taken today at 11:15 a.m. of the site – the pictures were submitted into the record.

Mr. Wetmore spoke about the pictures in detail – he talked about there being two logs going across an area. He said they had a couple of telephone poles that people would walk over to go from one side of the trail to the other over a low area; he said will all the rains and the hurricane Irene the poles moved from one side...

Tape change.

Mr. Wetmore said what they are proposing is to put one of the poles back in position and make a modification – he said walking over two telephones isn't the safest way to cross so what they want to do was to make the crossing 32" wide with an 8' board – they could get 3 cuts 32" each and put that on the top so people crossing it's safer for them.

Mr. Wetmore said this is the first time the poles have moved since they were put in probably in the 1990's – the two telephone poles – they now want to put in a 4' rebar in the ground and attach it to the log next to each of the downside edges of the telephone poles to brace it on both sides.

Mr. Bowman said so these aren't logs – they are telephone poles and if they were creosote or pressure treated.

Mr. Wetmore stated yes – telephone poles.

Mr. Davis stated they were creosote.

Dr. Dimmick said whatever is in has probably leached out at this point; creosote is not good for the wetlands.

Chairman de Jongh said just so he could get a handle on this – they are talking about taking a series of 32" boards and making almost a footbridge across this with two poles and then securing them with rebar.

Mr. Wetmore said yes. He said the total distance across would be 32" – they will just put a series of planks across. The planks will be 2 by 6.

Mr. Bowman asked what type of lumber would be used.

Mr. Wetmore stated it would be pressure treated.

Dr. Dimmick said it depends on what it is pressure treated with – some of the new pressure treated are not as toxic as the old ones.

Mr. Bowman said they should come up with the MSDS (material safety data sheet) for the Commission so they can determine that.

Dr. Dimmick talked about the use of pressure treated wood and that a lot of them are not good because they have things that leach out of them and are not too good for wetland organisms.

Mr. Bowman suggested using cedar to redwood – they are the two natural sources that are more resistant to rot and insect damage.

Mr. Wetmore said what they would commit to is using something that is not treated.

Dr. Dimmick said something that has not been treated or something that has been treated with some environmentally friendly pressure treatments.

Mr. Bowman said if there is any treatment they should bring the MSDS to the Commission for their review then that would be on the record that whatever they are using is non-toxic.

Mr. Davis said that he has been on the trails committee for the Connecticut Forest and Park for many years. He talked about his past experience building bridges – he talked about there not being any arsenic in pressure wood being used because it was so toxic – he said that's all been changed now.

Mr. Bowman said it would be best to provide the Commission with the MSDS and that ends it all – the Commission will know exactly what's in it. He said when they purchase the lumber they need to request a copy of the MSDS and then provide that to the Commission for their review.

Mr. Bowman talked about the MSDS and that most materials manufactured in the US have a data sheet.

There was discussion about the hazards of using pressure treated woods and the type of acceptable pressure treated woods.

Dr. Dimmick said the applicant should be looking for information regarding the toxicity for to aquatic organisms - that is the part they should be looking for. He said any copper compound has some toxicity but some are much higher than others.

Ms. Dunne said if they have a question they could get the sheets and submit them to the Commission so they can look at them.

Mr. Bowman talked about the MSDS and that the applicant will need to pick a product they want to use and bring the data sheet to the Commission to see if it's acceptable; the lumber company can guide the applicant in picking they type of lumber needed with wetland protections in mind – and to prevent things from seeping into the soil, into the water and into the aquatic vegetation.

Chairman de Jongh said what he thinks is the applicant is looking for some kind of direction regarding what they are looking for – they can work staff to determine what type of wood they can use.

Mr. Wetmore said he would bring the data sheet of what they are looking to purchase to staff for her review.

Chairman de Jongh said he did not think the Commission has any concerns over the process of the reconstruction of the foot bridge – it's just the materials and he thought staff was capable of working with the applicant to determine whether or not the information they have is acceptable or if they need to look for something else.

The toxicity levels are provided on the MSDS.

Mr. Davis said that the crossing is not for a continuously flowing stream – it's only a seasonal thing ; he talked about some of the history about the site – he said when they get a significant amount of rain you start to get a flow of water – a lot of surface water. He said the bridge was put in 30 years ago because it's a low spot and a bridge crossing was needed at times.

Mr. Davis said at this point they just want to make the crossing better than it was.

Chairman de Jongh said they have no objection to that – he said what he suggests is that they get the MSDS report and run it by staff and she would be able to work with them in terms of what would be appropriate so that they can go forward on the project.

Dr. Dimmick said they understand they (the land trust) came before the Commission for a request for determination – the Commission ended up with questions that would make all the difference in the world as to whether they need a permit or not – if they got materials that are potentially hazardous then they might have to request a permit and all that sort of thing – he said they are trying to avoid that by that one issue (the pressure treated wood) is about the only thing outstanding.

Mr. Bowman said as long as the Commission has that information and they will also know how the crossing is going to be constructed – if it's going to be constructed manually or if there is going to be any equipment in there – so get the MSDS and come back in two weeks and there should be no problem.

Chairman de Jongh asked what the time table was on this project.

Mr. Davis said there is pressure on them to get this done – the bridge has been there 30 years.

Chairman de Jongh said then they can table any further discussion pending the receipt of the information the applicant is going to get and then the Commission can take care of this at the next meeting.

Ms. Simone said just to clarify – the Commission is not going to make a determination on this tonight pending more information relative to whatever materials are to be used.

Mr. Bowman stated and the mode of construction; will it all be done by hand or are they going to be bringing equipment in there.

Dr. Davis said he was going to be bringing his tractor in to move those poles.

Chairman de Jongh asked that the applicants provide a narrative to say this is what they intend to do and then describing that activity.

Further action and consideration on this item was deferred to the next meeting pending the receipt of the information requested by the Commission and the narrative on the sequence of construction would take place.

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|-----------|---|------------|------------------|
| 4. | Permit Application | APP | #2011-020 |
| | Town of Cheshire Public Works Department | DOR | 10/04/11 |

**815 Allen Avenue
Pond Dredging / Sediment Removal MAD 12/08/11**

New business items number 4 and 5 were discussed together.

Don Nolte, engineering technician Department of Public Works was present on behalf of the applicant.

Mr. Nolte said he was here tonight to describe the applicant for pond cleaning of a pond located at 815 and 825 Allen Avenue on properties of Dante Pasqualoni and the Chamberlains.

Mr. Nolte explained that this pond was excavated, created and permitted in 1995 – Mr. Pasqualoni would know better the exact date it was constructed but subsequent to 1995 when this agency approved this pond which is kidney shaped roughly 65' by 25' – 1,000 to 1,200 SF in area and 3' in depth – has an inlet of 4" pipe and an outlet of a 12" pipe – he said he believed it was mostly fed by ground water – he said he did not think that inletting 4" pipe draws off the stream anymore.

Mr. Nolte said the owner has petitioned the town to clean the pond because he feels that the flooding in the Sindall Brook has silted it – it's over topped his driveway and they are in the process of trying to correct environmental damage in the watershed and he felt this would be an appropriate town responsibility.

Mr. Nolte stated that the town is willing to do it and they believe it can be accomplished simply and in a couple of days or less once the pond is drained - the material dewatered and that could take a week depending on the weather and now that there are trees planted around it they can't work from all sides with an excavator they will have to get like half way in there – they would probably have reach of 25' with the excavator they intend to use; it will be the same contractor doing the other remedial work in the streams nearby and on this site.

Mr. Nolte said they would not be disturbing the banks above the normal water elevation unless done inadvertently in which case they would seed, stabilize and mulch those areas – the material would be loaded directly into town trucks – the bodies would probably be lined with heavy plastic to keep moisture in and off the road and that material would be hauled to the town garage site.

Mr. Nolte said he believed when this was permitted it was foreseen that it would be maintained because there is a condition in the permit

approvals saying that Mr. Pasqualoni would be responsible to maintain this pond and not the Chamberlains – it sort of straddles two properties that are high above it right next to Mr. Pasqualoni's house; he said the town is willing to take on this obligation this one time in conjunction with the stream channel improvements on the site.

Mr. Nolte stated this plan that he has submitted is basically the original plan or a portion there of is not much larger than this plan –it just shows the general in size – he said he has not surveyed it – he did not know the exact depths – it looks like it's about 1' of sediment but now that you can get in there a lot of phragmites are dying back and you can see better – he said if they go out there they can do some probings and see better the depth of the water.

Mr. Nolte said that was the overview of the project.

Dr. Dimmick asked Ms. Simone if the information was complete enough for both the applications to be accepted and if the owner's signature was on the applications.

Ms. Simone stated yes – and they had the signatures and also she had the previous applications that are being referenced if Commission members are interested in seeing the full set of plans she does have them here.

Motion: To accept the application for 815 Allen Avenue.

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

The determination of significance on this item would be determined after the field trip of the site.

Mr. Nolte stated that he has notified the City of Meriden that proposed work within 500' of the town boundary; he has the evidence and will submit it for the record.

A field trip for this site was set for Saturday, October 15, 2011 at 8:30 a.m. following the Cook Hill Road field trip.

5.	Permit Application	APP	#2011-021
	Town of Cheshire Public Works Department	DOR	10/04/11
	825 Allen Avenue		
	Pond Dredging / Sediment Removal	MAD	12/08/11

Motion: To accept the application for 815 Allen Avenue.

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

The determination of significance on this item would be determined after the field trip of the site.

A field trip for this site was set for Saturday, October 15, 2011 following the field trip for 815 Allen Avenue (immediately following).

XI. ADJOURNMENT

The meeting was adjourned at 8:53 p.m. by the consensus of Commission members present.

Respectfully submitted:

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