
Absent: Earl Kurtz

Staff: Suzanne Simone

I. CALL TO ORDER

Chairman de Jongh called the meeting to order at 7:51 p.m.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited at the public hearing.

III. ROLL CALL

Ms. Dunne called the roll at the public hearing. Members at the public hearing were still in attendance for the regular meeting.

Members present were Robert de Jongh, Matthew Bowman, Charles Dimmick, Sheila Fiordelisi, Will McPhee and Kerrie Dunne.

IV. DETERMINATION OF QUORUM

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


The Commission agreed to defer the approval of the minutes of the January 3, 2012 meeting to the end of the meeting.

Motion: To approve the minutes of the January 3, 2012 Inland Wetlands regular meeting as amended.

Corrections:

Pg. 3 L9 ‘censuses’ to ‘consensus’ ; pg. 7 L48 ‘1,800’ to 1,800 sq. ft.; pg. 8 L15 delete ‘was’, L16 ‘10011’ to ‘2012’; pg. 8 L47 ‘is’ to ‘its’; pg. 9 L32 ‘to’ to ‘it’; pg. 10 L34 add ‘concerning’ after ‘the’; pg. 11 L40 ‘id’ to ‘if’; pg. 12 L13 delete ‘letter’; L16 ‘tough’ to ‘trough’; pg. 16 L13 delete ‘between’; pg. 18 L35-38 delete ‘The goal of the proposed maintenance activities is to clear the pipe and remove the sediment that has built up at the outfall. As a result, the drainage system is not as effective in treating and conveying stormwater.’
Moved by Mr. Bowman. Seconded by Ms. Dunne. Dr. Dimmick said there were a couple of places because of course the type was not in good shape, and he made some corrections or additions the best he could from memory – he said he did not guarantee that they are entirely correct – there were a couple of places he could not recall and could not tell from what was written down whether it was correct or not but he did not see any substantive harm in any errors that might still be in there.

Mr. Bowman said there were a few comments that he would have made with the applicant for 1392 Cheshire Street but the Commission did approve the application tonight. He said the applicant had made some statements at the last meeting that really weren’t in there and he thought probably should have been – he say they had stated initially that they were going to put the house in the same spot and he had said on the same foundation – he meant to say on the same spot and the applicant kind of got riled up.

Motion approved unanimously by Commission members present.

Mr. Bowman addressed the Commission.

Mr. Bowman said at this point he was 99% sure that tonight was his last meeting – he is being replaced so he just wanted to thank everyone – Bob I want to thank you for putting up with me for six years – saying he knew it hasn’t been easy; Charles there is someone that has a small bit of knowledge about Cheshire – not as much as you but almost as much as you. Sheila – thank you; Kerrie and Willie – your just lucky; and Carla – thank you; and Suzanne you especially – he said he knows there have been times when I have been hard on you but he has a tremendous amount of respect for you – he has a tremendous amount of respect for the job that you do – I think you’re a great asset for the Town of Cheshire and I would like to thank you especially for getting me in line for the past six years.

Chairman de Jongh said Mr. Bowman would certainly be missed and it will be tough to replace him.

VI. COMMUNICATIONS

1. Wetland Determination Letter for 500 Knotter Drive

   The Commission reviewed this communication.

2. Staff Report w/attachments for 1392 Cheshire Street, App. # 2011-025
The Commission reviewed this communication.

3. Registration Reminder for COGCNV/CT Land Use Academy Sessions
   The Commission reviewed this communication.

4. Staff Report w/attachments for 490 West Main Street, App. # 2012-003
   The Commission reviewed this communication.

5. Staff Report w/attachments for South Meriden Rd./Oregon Rd., App. # 2012-001
   The Commission reviewed this communication.

6. Staff Report for Reservoir Rd., App. # 2011-024
   The Commission reviewed this communication.

7. Staff Report w/attachments for Wiese Road, App. # 2012-004
   The Commission reviewed this communication.

8. Staff Report w/attachments for 815 Allen Ave., App. # 2012-002
   The Commission reviewed this communication.

9. Received at tonight’s meeting: Ms. Simone informed the commission that staff received supplemental communications for all of the active application that are before the Commission.

VII. INSPECTION REPORTS

1. Written Inspections
   Ms. Simone stated there were no written inspections.

2. Staff Inspections
   Ms. Simone stated there were no staff inspections.

VIII. ENFORCEMENT ACTIONS

1. Unauthorized Activities in a Regulated Wetland Area SC 5/04/10
   Dr. Robert Henry and Maria Passaro-Henry
IX. UNFINISHED BUSINESS

1. Permit Application
   Kathie A. Welch
   Reservoir Road
   Resubdivision

Chairman de Jongh stated this item would remain on the agenda for continual review.

12 Mountaincrest Drive

Chairman de Jongh explained that this was supposed to be subject to a public hearing tonight which the applicant requested to be postponed to February 7, 2012.

2. Permit Application
   House 2 Home Construction, LLC.
   House Demolition and Reconstruction

John Gable of CT Consulting Engineers, LLC was present on behalf of the applicant.

Mr. Gable said at the last meeting they had discussions about that non-encroachment line and they had revised the plan to show something they feel the Commission and his client would be agreeable to.

Mr. Gable stated there is a slight angle on a line on the map but they did follow that 122 contour. He showed on the map the shaded area that they can’t pass – he stated your gaining.

Mr. Gable explained that they are adding shrubbery that the soil scientist had given him – there are three different types in addition to four posts that will be installed with the conservation easement and a label on them.

Mr. Gable said he thought the additions were something that the Commission wanted.

Chairman de Jongh said he was very happy with the additions.

Mr. Gable informed the Commission that they did receive approval from Engineering Department – the applicant did address all of their concerns.
Mr. Gable stated he did receive some communications from the Regional Water Authority with conditions noted.

Dr. Dimmick said he wanted to note that the Water Authority concurred that there should be a designated wetlands buffer.

Mr. Gable stated that the applicant did listen to the Commission as they were pretty clear the items being addressed.

Mr. Gable said the items he mentioned were the items revised and he hoped they were satisfactory to the Commission.

Chairman de Jongh stated the Commission was appreciative of the cooperation.

Chairman de Jongh asked if any Commission member or staff had any questions.

Ms. Simone said that all of the things that were requested are reflected on the revised map and the comments did come through from Regional Water Authority as Dr. Dimmick had stated.

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 demolition and construction of a single family house.

2. That the applicant proposes the establishment of the non-encroachment line to basically follow the 122 contour line. The non-encroachment line is to be planted with native shrubs and posted with non-encroachment markers.

3. The proposed demolition and construction is contained within the 50’ upland review area.

4. That the applicant’s soil scientist field located the wetland boundary. The soil scientist addressed the methodology used in this delineation at the January 3, 2012 meeting.
5. That the applicant’s engineer stated that the proposed construction activities will not have a significant adverse effect on the adjacent wetlands and watercourses.

6. That the drainage details for the development along the common east boundary could not be reviewed, as the development is a result of court action not local land use commission review and approval.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2011-025, the permit application of House 2 Home for site plan approval as presented and shown on the plans entitled:

“Site Plan Prepared for House 2 Home
1392 Cheshire Street, Cheshire, Connecticut
1 Sheet, Scale 1”=20’
Dated December 2, 2011; Revised January 4, 2012
Prepared by Connecticut Consulting Engineers.”

And

“Connecticut Consulting Engineers, LLC
Professional Civil Engineers
1 Prestige Drive, Meriden, CT
Re: 1392 Cheshire Street, Cheshire, CT- Demolition Sequence
Dated January 12, 2012”

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, permanent marking of the non-encroachment line, as depicted in the above referenced plans.

   b) 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 January 12, 2017.

   Moved by Dr. Dimmick. Seconded by Mr. Bowman. Motion approved unanimously by Commission members present.
3. Request for Determination
Sunrise Land Associates, LLC
South Meriden Rd./Oregon Rd.
Subdivision

Mr. Bowman recused himself from this portion of the meeting at 7:54 p.m. as he is a neighboring property owner.

Ms. Fiordelisi also recused herself from this portion of the meeting at 7:54 p.m. stating she had a financial interest in the subject parcel.

Dr. Dimmick stated there were still four Commission members present.

Matthew Ducsay, PE from Milone and MacBroom was present on behalf of the applicant.

Mr. Ducsay addressed the Commission.

Mr. Ducsay stated that the project is a 8 lot subdivision with a 350’ town road cul-de-sac. The subject parcel is located between South Meriden Road, Oregon Road and then Reservoir Road to the south.

Mr. Ducsay showed on the plans that two of the lots are accessed from South Meriden Road as the remaining six would be accessed via the new cul-de-sac.

Mr. Ducsay said there is one wetland feature on the site and it is located in the southeast portion of the property.

Mr. Ducsay has been walked by a certified soil scientist being Bill Root. He showed on the plan the one wetland feature that Mr. Root identified and flagged in the field.

Mr. Ducsay said the Commission could see on the plans that there are no direct impacts to that one wetland feature on that property nor any impacts in the upland review area associated with the wetland feature which is why he is here tonight requesting the need for a permit for this specific project.

Mr. Ducsay stated since the last meeting, the applicant has submitted revised plans which the Commission has in front of them this evening.
Mr. Ducsay stated that those plans depict the inclusion of a non-encroachment line per staff direction. He said they will see that that line more or less mimics the 50’ upland review area.

Mr. Ducsay suggested Commission members review the subdivision map to see that there is a non-encroachment line with markers placed at all the inflection points at approximately every 50’ along that non-encroachment line as well as the standards notes and language associated with the non-encroachment line; all shown on the subdivision map.

The Commission reviewed the subdivision map.

Mr. Ducsay confirmed that the Commission had complete sets of plans in front of them. He said that one plan depicts the 50’ upland review area line – he said the other map shows the inclusion of the that non-encroachment line that was requested – so the Commission can see that more or less mimics the 50’ upland review area line and they have placed the plaques at approximately 50’ intervals in all the inflection points associated with that piece of property there.

Mr. Ducsay said in addition to that they received comments from the Engineering Department – since that time the applicant has submitted a letter form responses. He said it was his understanding that staff has agreed that the he (engineering department staff) satisfied with the applicant’s responses but would like to see revised plans to back those responses up.

Ms. Simone stated that those correspondences were issues out tonight. She said the memo from Milone and MacBroom goes through point by point what was discussed in the meeting with the Engineering Department and the town’s Engineering Department review of January 17 basically summarizes that that comments sounds acceptable but they cannot be verified until they see revised maps.

Dr. Dimmick said it is one of those things that if the revised maps verify the comments (back up those comments) then he really didn’t see an impact on the wetlands.

Chairman de Jongh agreed but he didn’t think the Commission could determine that until they had Engineering sign off on it.

Dr. Dimmick said his inclination is to declare that the proposed activity doesn’t need a permit but they are held up by the fact they don’t have the revised maps.
Mr. Ducsay said he knew the Commission just received the memorandum from the Engineering Department tonight but in looking at the comments and responding to them you'll see if you peruse through that there are more or less minor details such as labeling and such - it has nothing to do with any of the impacts associated with nor drainage to the wetlands.

Dr. Dimmick said he knew some of the initial comments from Engineering did.

Mr. Ducsay stated that was correct – there was some question regarding the interpretation of the engineering report in the watersheds and demonstrating a zero increase in runoff for all the sub-watersheds associated with the planning.

Mr. Ducsay said he believed that in discussion with the assistant town engineer and explain the applicant’s mythology implode – do the hydrology on this particular project that he is satisfied with that but would like to see it depicted on the plans. He said that is not a comment that would cause revision on the plans – most of the comments that would be revised on the plans are associated with labeling and there is one regarding the center line of the roadway which would need to be revised.

Ms. Simone stated that the Engineering Department also reviewed this – they reviewed it for the Wetlands Commission but also with the understanding that this would be going before the Planning and Zoning Commission so much of the language having to do with stormwater management is directly under the purview of the Planning and Zoning Commission so they didn’t withhold any comments just to specify this is just wetlands – this is just planning and zoning – but gave the applicant a heads up and an overall summary of where they were at and what they were thinking.

Dr. Dimmick said he thought it was all right.

Chairman de Jongh said he did not see any problem with the proposal.

Ms. Simone said and certainly if the plans were to change through the Planning and Zoning process then it would require the applicant to come back before the Commission to get another request for determination.
Motion: That the Commission declares that the proposed activities in relation to wetlands are di minimis and do not require a permit.

Moved by Dr. Dimmick. Seconded by Mr. McPhee. Motion approved 4-0-2 with Mr. Bowman and Ms. Fiordelisi not being present for the vote.

Ms. Simone asked Mr. Ducsay if the Commission could get a copy the revised plans depicting what is shown on there so they can keep that as part of the record (revisions relative to the comments made).

4. Permit Application APP #2012-001
   Sunrise Land Associates, LLC DOR 1/03/12
   South Meriden Rd./Oregon Rd.
   Subdivision MAD 3/08/12

   Mr. Ducsay requested that permit application 2012-001 be formally withdrawn.

   Chairman de Jongh stated that this application was withdrawn based on the comments from Commission members this evening.

   Mr. Bowman and Ms. Fiordelisi rejoined the meeting at 8:08 p.m.

5. Permit Application APP #2012-002
   Dante Pasqualoni DOR 1/03/12
   815 Allen Avenue
   Pond Maintenance MAD 3/08/12

   Ms. Simone explained that one thing she wanted to bring to the Commission’s attention is that handout at tonight’s meeting is a memo from the Public Works Department basically advising the Commission that what was approved under the permit to dredge the pond that the work has been completed – they do go into discussion as to what happened with the Cattails – basically they state that during the excavation it was not feasible to distinguish between Cattails and the predominate Phragmites rhizomes therefore all the plant material was removed and burned at the energy plant – the letter went on to state that if the Commission should so desire they would replant Cattails in the spring of 2012.

   Ms. Simone said that she thought the Public Works Department is looking for a comment from this Commission of what the Commission would like – if they would like to see them replant.
Chairman de Jongh said that based on the comments that were made in the site visit and the importance of having Cattails in that area he thought it would be incumbent upon the town to go ahead and proceed with that activity when it’s appropriate.

Chairman de Jongh said that was just he comment and he did not know how the rest of the Commission felt.

Dr. Dimmick said he felt one reason for this is if you don’t put in something like Cattails – the Phragmites are going to find an open invitation to move back in vigorously and they will wind up having to do things again.

Dr. Dimmick said some towns have spent millions of dollars trying to get rid of Phragmites – it’s such an invasive thing if it’s let go.

There was discussion about how and why the town cut down the Cattails.

Motion:

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

1. That the current application is for the removal of fallen trees, installation of matting on the pond embankment, the removal of phragmites, the mowing of the pond embankment and plantings on the embankment.

2. That the applicant has stated that soil will be secured and erosion prevented during the commencement of proposed activities.

3. That the Public Works Department completed the dredging of the subject pond in December 2011.

4. That the applicant expressed an interest in planting species used in the Public Works Sindall Brook Restoration Project.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application
The permit is granted on the following conditions and stipulations, 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 adverse modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.

3. The species for planting the pond embankment shall be selected from the shrub, herbaceous and fern species used along the Sindall Brook corridor in the 2011 Public Works Sindall Brook Restoration Project, as referenced above. The permittee is not required to purchase from the vendor indicated on the above referenced material.

4. Mowing is only permitted in dry conditions and is limited to the top of the pond embankment. Mowing the slope of the embankment towards the pond is prohibited.

5. Removal of fallen trees is limited during dry seasonal conditions. Heavy equipment is prohibited in the pond or in the drainage swale associated with the pond.

6. Removal of phragmites shall be conducted by hand tools, no machinery permitted in the pond or drainage swale associated with the pond. The permittee will ensure the protection of soil and prevention of erosion.
7. Throughout the course of conducting construction activities covered by this permit grant, 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.

8. The permittee shall submit a total of four written status updates to the Commission. The written status updates shall detail the work initiated during that report period, the methods used to conduct the work and the anticipated completion of the task. The written status update due dates are June 1, 2012, December 1, 2012, June 1, 2013 and December 1, 2013.

9. This permit grant shall expire on January 12, 2014.

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

6. Permit Application APP #2012-003
   Gas Development Cheshire, LLC DOR 1/03/12
   490 West Main Street
   Redevelop Existing Gas/Service Station & Car Wash MAD 3/08/12

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 redevelopment of an existing gas station.

2. That the applicant’s soil scientist field located the wetland boundary.
3. That the applicant’s soil scientist indicated the proposed disturbance is contained to one-quarter acre of the upland review area, which has been previously disturbed for the installation of a drainage system.

4. That the applicant’s engineer stated that dewatering (with the use of frac tanks) will be employed as necessary during excavation work, including the removal of the existing tanks.

5. That the applicant’s soil scientist stated that the proposed construction activities will not have a significant adverse effect on the adjacent wetlands and watercourses.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2012-003, the permit application of Gas Development Cheshire LLC for site plan approval as presented and shown on the plans entitled:

“Proposed Fuel Facility
490 West Main Street, Cheshire, Connecticut
17 Sheets, Scale Varies
Dated December 21, 2011
Prepared by Vanasse Hangen Brustlin, Inc.
101 Walnut Street, P.O. Box 9151
Watertown, MA, 02471.”

And

“Stormwater Management Report
Proposed Fuel Facility
Cheshire, CT
Dated December 2011
Prepared by Vanasse Hangen Brustlin, Inc.
101 Walnut Street, P.O. Box 9151
Watertown, MA, 02471.”

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 the commencement of activities permitted in this permit grant, the applicant shall properly install 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 January 12, 2017.

   Moved by Mr. Bowman. Seconded by Dr. Dimmick. Motion approved unanimously by Commission members present.
7. Permit Application
   Verna Properties, LLC
   Wiese Road
   Subdivision
   APP #2012-004
   DOR 1/03/12
   PH 1/17/12
   MAD 2/21/12

   Chairman de Jongh stated that this item was subject to a public hearing this evening which is going to be continued to Tuesday, February 7, 2012.

X. NEW BUSINESS

   No new business items were addressed.

XI. ADJOURNMENT

   The meeting was adjourned at 8:15 p.m. by the consensus of Commission members present.

   Respectfully submitted:

   Carla Mills
   Recording Secretary
   Cheshire Inland Wetland and Watercourse Commission