

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
REGULAR MEETING  
TUESDAY, FEBRUARY 7, 2012  
TOWN HALL 84 SOUTH MAIN STREET  
COUNCIL CHAMBERS  
Immediately Following the Public Hearing**

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**Members present:** Earl Kurtz, Charles Dimmick, Sheila Fiordelisi, Will McPhee and Kerrie Dunne.

**Members absent:** Robert de Jongh and Matt Bowman.

**Staff:** Suzanne Simone

**Dr. Dimmick served as secretary pro-tem in Chairman de Jongh's absence.**

**I. CALL TO ORDER**

**Dr. Dimmick called the meeting to order at 7:37 p.m.**

**II. PLEDGE OF ALLEGIANCE**

**All present recited the pledge of allegiance at the public hearing.**

**III. ROLL CALL**

**Ms. Dunne called the roll.**

**Members in attendance were Earl Kurtz, Charles Dimmick, Sheila Fiordelisi, Will McPhee and Kerrie Dunne.**

**IV. DETERMINATION OF QUORUM**

**Dr. Dimmick determined at the public hearing that there were enough members present for a quorum.**

**V. APPROVAL OF MINUTES – Public Hearing – January 17, 2012  
Regular Meeting – January 17, 2012**

**Commission members agreed to defer the approval of the minutes to end of the meeting.**

**At 8:04 p.m.**

**Motion: That the Commission approves the minutes the January 17, 2012 Public Hearing and January 17, 2012 Regular Meeting with corrections.**

**Public Hearing: Pg. 3 L37 and 38 'track' to 'tract', L47 'tilt' to 'till'; pg. 8 L36 after 'will' add 'provide'; pg. 9 L19 'regrading' to 'regarding'.**

**Corrections to the January 17, 2012 regular meeting minutes will appear in the February 21, 2012 minutes.**

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

## **VI. COMMUNICATIONS**

- 1. Engineering Comments for Wiese Rd Subdivision, IWWC App. 2012-004**

**Commission members reviewed this communication.**

- 2. Letter from Tranquillo Engineering Re: Engineering Comments for Wiese Rd. Subdivision**

**Commission members reviewed this communication.**

- 3. Staff Communication Re: Wiese Rd. Subdivision**

**Commission members reviewed this communication.**

- 4. Letter Withdrawing CIWWC Application # 2011-024 for Kathie Welch, Reservoir Road Resubdivision**

**Commission members reviewed this communication.**

- 5. Request for Determination for 210 Wiese Road, Richmond Glen Regrading/Drainage – (CIWWC # 2005-012, A & B)**

**Commission members reviewed this communication. This item is on the agenda tonight under new business.**

- 6. Staff Communication Re: Wiese Road Request for Determination**

**Commission members reviewed this communication.**

- 7. The Habitat Newsletter, Winter 2011, Volume 23, Number 4 (To be handed out at meeting)**

**Commission members reviewed this communication.**

**Also, handed out at tonight's meeting:**

- 8.\* Request for Determination for 175 Main Street  
St. Bridget's School Athletic Field Scoreboard**

**Commission members reviewed this communication.**

- 9.\* Engineering Comment Response Letter from MMI  
Re: Richmond Glen Request for Determination**

**Commission members reviewed this communication. This item is on the agenda tonight under new business.**

- 10. Staff report for the request for St. Bridget's School Athletic Field Scoreboard.**

**Ms. Simone stated this communication was handed out and emailed to Commission members. This item is on the agenda tonight under new business.**

- 11. Staff report Re: Response for the request for determination for Richmond Glen**

**Ms. Simone stated this communication was handed out to Commission members.**

- 12. Other – none.**

## **VII. INSPECTION REPORTS**

- 1. Written Inspections**

**Ms. Simone stated there were no written inspections.**

- 2. Staff Inspections**

**Ms. Simone informed Commission members that a staff inspection was done of Richmond Glen. She stated the site is relatively secure – the erosion controls are in place; there are some areas that have exposed soils but certainly not to the extent that it was during the Spring; they did some utility work.**

**Ms. Simone stated that the site is secure and she did not see any erosion going out onto neighboring areas; the box culvert is now complete.**

**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 remain on the agenda until the permitted activity is complete.

Dr. Dimmick asked staff when she would be checking on this item.

Ms. Simone reported that when she had checked in the summer 2011 it appeared as though everything was stabilized but Dr. Henry had indicated that he still had some shrubs to plant.

Ms. Simone agreed to follow-up on this item in the spring.

**IX. UNFINISHED BUSINESS**

1. **Permit Application** APP #2011-024  
**Kathie A. Welch** DOR 12/06/11  
**Reservoir Road** FT 12/10/11  
**Resubdivision** Postponed: PH 1/17/12  
PH 2/07/12  
**WITHDRAWN BY APPLICANT: 1/27/12** MAD 3/13/12

Dr. Dimmick stated that the Commission had a letter withdrawing this application.

This item would be removed from the agenda.

2. **Permit Application** APP #2012-004  
**Verna Properties, LLC** DOR 1/03/12  
**Wiese Road** PH 1/17/12  
**Subdivision** PH 2/07/12  
MAD 3/13/12

Dr. Dimmick stated that this item was subject of tonight's public hearing.

The Commission agreed that staff had enough information to instruct staff to prepare a draft motion on this item.

Ms. Simone stated she did not believe there were any additional concerns that needed to be addressed.

**Dr. Dimmick said that seeing there were no further questions on this item; staff would be instructed to prepare a draft recommendation for the next meeting.**

**X. NEW BUSINESS**

- 1. Request for Determination  
Milone and MacBroom, Inc.  
210 Wiese Road  
Regrading/Drainage**

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

**Mr. Ducsay addressed the Commission.**

**Mr. Ducsay said the permit determination is in regards to the Richmond Glen project on Wiese Road; the request is for the removal of a rain garden.**

**Mr. Ducsay talked about and showed on the map the location of a current rain garden and a drainage discharge; that drainage system picks up just two catch basins at a low point and then discharges between two buildings and then sheet flows to a shallow depression and then ultimately overflows into the wetland finger as shown on the plans.**

**Mr. Ducsay said the determination request in regards to the removal of the rain garden and extending the drainage discharge to essentially what is the edge of pavement of the existing walkway.**

**Mr. Ducsay said there used to be a jogging trail onsite that pretty much circumnavigated the entire site – it is now a paved section of walkway that the small drainage which would discharge to.**

**Mr. Ducsay gave the Commission a brief history on the drainage of the project.**

**Mr. Ducsay stated that the project was originally approved by this Commission in 2005 and that original configuration is depicted on the plans; the plans do show the drainage pipe extended without a rain garden – discharging close to the edge of that walkway – approximately 15' to 20' from the edge of that walkway.**

**Mr. Ducsay said after the local regulatory approvals they had to go to the DEP to get permitted have the wetland impacts associated with the crossing, the detention basin and things of that sort and in that process the State had recommended the applicant employ some low impact design techniques – they had some curbless roads which they then redesigned the plans to incorporate as well as added a number of rain gardens the plan.**

**Mr. Ducsay showed on the plans the location of the rain grades on the site. He said per the State recommendation they added some low impact design principals to the plan at that point.**

**Mr. Ducsay stated that the plan came back before the Commission in 2010 for modification of the 2005 approval and the plan that was approved incorporated the rain gardens.**

**Mr. Ducsay stated at this point in time given the fact that that particular rain garden is in close proximity to the units – they would like to remove that rain garden and more or less revert back to the 2005 plan which depicts that discharge going towards the walking trail without the rain garden located in that low point.**

**Dr. Dimmick said he understood that walking trail is no longer used – is the paving going to remain on it.**

**Mr. Ducsay stated yes – the paving is going to remain in an attempt to act more or less act like a rip rap splash pad to dissipate any potential erosive velocities. He said granted the flow coming from that discharge point should be minimal because it only collects two catch basins in the road; the remnants of that pavement will remain in place.**

**Dr. Dimmick asked if removing this – if the State were to find out about an impact at all would they –**

**Mr. Ducsay stated it wasn't a requirement from the State it was a recommendation from the State in employ a low impact design principals to the plan; but no the applicant would not nullify or invalidate any State approvals. He said that is the last thing they want to do at point would be to invalidate a State approval and have to go back to the State with a new plan.**

**Mr. Ducsay said one other important thing to note – as part of this project approval a non-encroachment line was struck pretty much all the way around the plan – it does come around the wetland pocket and all of the proposed improvements still are outside of that proposed non-**

encroachment line. He stated there is a non-encroachment line and these proposed changes do not encroach upon that.

Dr. Dimmick asked if Commission members had questions on what was being proposed by the applicant.

Dr. Dimmick stated the applicant is requesting a determination be made by the Commission. He said the Commission needed to decide whether the proposed changes are significant enough to require a modification of permit or not.

Ms. Fiordelisi asked if the Commission did approve this in 2005.

Dr. Dimmick said yes – they approved it in 2005 and then approved the changes in 2010 one of which the applicant wants to go back to what it was in 2005.

Dr. Dimmick said in his mind one problem is whether they do this a de minimis or whether they request a modification of permit – the Commission still needs to change what's in their files in terms of what has been approved.

Ms. Fiordelisi asked if it was already approved would it now be de minimis.

Dr. Dimmick said in 2005 the Commission approved now what the applicant wants to do – in 2010 the Commission approved the change to what he now wants to go back to what they had in 2005.

Mr. Ducsay said the 2005 original approval is what is in front of the Commission tonight which is more or less a direct discharge without a rain garden. He said in 2010 that was after they had gone through the State DEP process and they had gotten another approval from this Commission that depicted the rain garden on it.

Mr. Ducsay said now they are requesting a modification because in this particular area – even though they do have a lot of rain gardens throughout the site they want to remove this one given the proximity to units and the fact the drainage discharge is located pretty much right between the units now that they are in the construction phase of the project.

Mr. Kurtz said he had no problem with the modification since the Commission did approve it.

**Ms. Fiordelisi said she did not see a problem with it since they are just removing one rain garden that was just a recommendation and they approved it in 2005 – she said she felt they were just going back to the original approval.**

**Ms. Dunne said the question would be then would the Commission somehow need to memorialize that.**

**Dr. Dimmick said that is the only part concerning him – he said he did not see the impact problem only the administrative problem.**

**Mr. Ducsay asked if the Commission wanted to see staff receive updated plans.**

**Dr. Dimmick asked staff if she had a recommendation on how to proceed.**

**Ms. Simone said no – however the Commission wanted to proceed as long as it's documented in the record.**

**There was discussion about whether or not a permit for modification would be required for the proposed activity.**

**Ms. Simone said if the Commission was inclined to have a formal motion that would be part of – let's say an amended or medication application – they Commission could entertain the submission of a bare bones application tonight and then that way it could be acted on at the next meeting.**

**Dr. Dimmick and Ms. Dunne both said then this way it would be in the record.**

**Mr. Ducsay submitted an application for the proposed modification.**

**Motion: That the Commission has determined that an application for the proposed modification would be required.**

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

**Ms. Simone read into the record that the wetlands application was for Richmond Glen 210 Weise Road permit modification for removal of a proposed rain garden and extension of a drainage discharge point. There are no impacts beyond the established non-encroachment; signed by Matthew Ducsay, dated February 7, 2012.**

**Motion: To accept the application for request for modification for the removal of the rain garden and extension of the discharge point.**

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

**Motion: That the Commission waives the fee for the application for modification.**

**Moved by Ms. Fiordelisi. Seconded by Ms. Dunne. Motion approved unanimously by Commission members present.**

**Motion: That the Commission declares that the proposed medication in not significant within the context of the regulations.**

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

**Further action on this item was deferred pending staff review and recommendation.**

**2.\* Request for Determination  
St. Bridget Corporation  
175 Main Street  
St. Bridget's School Athletic Field Scoreboard**

**Dr. Dimmick said he believed that what they want to do is put a scoreboard up on their athletic field – the location is more than 200' away from existing wetlands.**

**Ms. Simone informed the Commission that according to the reduced imagine that was submitted which is not at a scale of 1" = 100'; she said when she measures it out to the nearest wetland which borders Spring Street – it's about 275' from the nearest wetland.**

**Motion: That the Commission has determined that the proposed activity does not require a permit.**

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

**The following was added to tonight's agenda by consensus of Commission members present.**

**3. Fredrick Pierson  
779 Allen Avenue  
Permit Language Modification**

**Dr. Dimmick said in 2011 the Commission gave an approval for the Pierson Subdivision on Allen Ave. He said at that point, although the permit conditions are fine – under the finding they had made an error; the original permit stated that “all proposed lots would be serviced by public water and private septic” and it turns out that proposed lots 2, 3, and 4 will be served by private septic and public water and lots 1, 5, and 6 would be serviced by public sewer and public water so it does not affect what was permitted is just merely effects what’s on the record.**

**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. That proposed lots 2, 3 and 4 will be served by private septic and public water and lots 1, 5 and 6 will be served by public sewer and public water.**
- 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. Kurtz. Seconded by Mr. McPhee. Motion approved  
unanimously by Commission members present.**

**XI. ADJOURNMENT**

**The meeting was adjourned at 8:06 p.m. by the consensus of Commission  
members present.**

**Respectfully submitted:**

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