

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, MARCH 20, 2012
TOWN HALL – 84 SOUTH MAIN STREET
COUNCIL CHAMBERS
AT 7:30 PM**

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

Staff: Suzanne Simone

I. CALL TO ORDER

Chairman de Jongh called the meeting to order at 7:30 p.m.

II. PLEDGE OF ALLEGIANCE

Those present receipted the pledge of allegiance.

III. ROLL CALL

Ms. Dunne called the roll.

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

IV. DETERMINATION OF QUORUM

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

V. APPROVAL OF MINUTES

Regular Meeting of March 6, 2012 and Site Walk of March 10, 2012

The approval of the minutes was deferred to the end of the meeting by the consensus of Commission members present.

At 8:12 p.m.:

Motion: To approve the minutes of the March 6, 2102 site walk and March 10, 2012 regular meeting with corrections as noted.

March 6, 2012 Site Walk – no corrections.

March 10, 2012 Regular Meeting:

Kerri Dunne was present at the March 10, 2012 meeting; pg. 2 L20 “is” to “in”; Pg. 3 L8 “precedence” to “precedent”; Pg. 5 L48 “abandon” to “abandoned”; Pg. 14 L11 “sight” to “site”; Pg. 5 L17 “almost” to “as though”.

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

VI. COMMUNICATIONS

1. Letter from Milone & MacBroom, Inc.
Re: Response to Engineering Comments for Mt. Sanford Road
IWWC Application # 2012-007

Ms. Simone reviewed this communication with Commission members.

2. Engineering Comments for Mt. Sanford Road
IWWC Application # 2012-007

This communication was reviewed by Commission members.

3. 2012 Municipal Inland Wetland Commissioners Training Program

This communication was reviewed by Commission members.

4. Department of Public Works Notification
Re: Lower Mixville Pond Dam

This communication was reviewed by Commission members.

5. Engineering Comments for 347 Finch Avenue
IWWC Application # 2012-009

This communication was reviewed by Commission members.

Ms. Simone informed Commission members that there is an application under new business tonight.

6. Staff Communication: Finch Avenue
IWWC Application # 2012-009

This communication was reviewed by Commission members.

7. **Staff Communication: Tress Road
IWWC Application # 2012-010**

This communication was reviewed by Commission members.

Ms. Simone informed Commission members that this item was under new business tonight.

8. **Staff Communication: Reservoir Road
IWWC Application # 2012-008**

This communication was reviewed by Commission members.

Ms. Simone informed Commission members that this is a new application on the agenda tonight.

Handed out at tonight's meeting:

9. **Comments from Chesprocott Re: 347 Finch Avenue**

This communication was reviewed by Commission members.

VII. INSPECTION REPORTS

1. **Written Inspections**

Ms. Simone stated there were no written inspections.

2. **Staff Inspections**

Ms. Simone reported that there were staff inspections for the unfinished business and new agenda items tonight as well as staff went out to the Public Works Department to take a look at the lower Mixville Pond Dam.

Ms. Simone informed the Commission that there is a summary in the notification that the State is requiring the Town to remove some of the shrub material that's growing around the dam and they are not planning on pulling those stumps out – they are just going to cut them at ground level and leave them in place.

Ms. Simone stated that it appears as though that work is not going to interfere with any wetlands qualities or functions.

VIII. ENFORCEMENT ACTIONS

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

Chairman de Jongh stated that this item is remaining on the agenda for review and continued oversight.

IX. UNFINISHED BUSINESS

- | | | |
|-------------------------------------|------------|------------------|
| 1. Permit Application | APP | #2012-007 |
| Mt. Sanford Meadow Farm, LLC | DOR | 3/06/12 |
| Mt. Sanford Road | FT | 3/10/12 |
| Site Plan – House | MAD | 5/10/12 |

Chairman de Jongh stated that this item was subject to a field trip on March 10, 2012.

Ms. Simone informed the Commission there are revised plans relative to comments made from Commission members during that site walk.

Commission members reviewed the revised plans.

Matt Ducsay, PE of Milone and MacBroom and Paul Bowman of 119 Marion Road were present.

Mr. Ducsay addressed the Commission.

Mr. Ducsay said as staff had mentioned since the last meeting the Commission members had attended a field walk and based upon that field walk as well as comments from the Engineering Department staff the applicant has made some revisions to the plans.

Mr. Ducsay explained that he planned on briefly going through the revised plans.

Mr. Ducsay said that Commission members will see that the plan has been revised to include a rain garden – again it will function as a temporary sediment trap during construction – it will be converted and cleaned out of any accumulated silt and sediment following construction and will function as a rain garden to mitigate any increase in run-off due to the development.

Mr. Ducsay stated that computations have been submitted to the Engineering Department regarding the volume storage associated with that rain garden versus the increase in run-off associated with this lot.

Mr. Ducsay stated that he believed that staff was satisfied with the revisions that were submitted.

Mr. Ducsay stated that in addition to that they have also added a cross culvert underneath the driveway – a recommendation of Commission members that came up during the field walk – it would essentially connect to the low lying wetland pockets on the lower area of the property.

Mr. Ducsay stated that other than that revision the plan remains the same – again the septic system has been submitted to Chesprocott and reviewed.

Mr. Ducsay stated that he did not believe there were any other outstanding comments from town staff at this point.

Chairman de Jongh said for the record those Commission members who were present at the site walk on March 10, 2012 were himself, Dr. Dimmick, Ms. Fiordelisi, Ms. Dunne and Mr. McPhee.

Chairman de Jongh said other than things that were pointed out by the applicant's representative tonight he did not see anything else that really caused a concern.

Chairman de Jongh said it was just that one section of driveway crossing that the Commission was a little bit concerned with and appreciate the recommendation that the change be put in there.

Dr. Dimmick said he believed staff has prepared wording that has been circulated to everyone.

Chairman de Jongh stated that the Commission still needed to determine significance on this application.

Motion: That the Commission determined that based on the field trip and other observation they find that the proposed activities are not significant within context of the regulations.

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

Commission members reviewed the proposed wording for the motion for approval.

Ms. Simone said one thing that she wanted to bring to the Commission's attention is that it's standard language throughout with the exception of 3a.

Dr. Dimmick said he read 3a and wondered if there would be any confusion as to the meaning of 3a because it was referring to the non-encroachment line has to make room for the driveway to go through therefore you have the driveway plus 5'.

Ms. Simone stated yes – because the plans do not show where markers would be placed – she tried to put a narrative together to indicate where the markers would be placed in the field and need to be showed on the site map so she wrote in the second sentence “the non-encroachment line shall follow the line depicted in the above referenced plans....where it shows the non-encroachment line....except along the driveway where the non-encroachment line shall be established 5' from either edge of the driveway.”

Dr. Dimmick said it's not exactly 5' – he said he wondered if the word generally should be put in there.

Mr. Ducsay said he believed the applicant would ask in this particular case that the non-encroachment rather than being delineated with the typical 4' by 4" posts and placards and given the visibility and the aesthetics associated with the lot and the proximity to Mount Stanford Road – rather than any 4' by 4" pressure treated posts they could find.

Dr. Dimmick said he did not think that was necessary if the language indicates that you could use the road as a delineation of sorts – another words by the time you off-set from the road a certain set distance.

Mr. Ducsay said right – a direct off-set of the edge of pavement of the driveway – correct.

Dr. Dimmick stated that was correct.

Chairman de Jongh asked if they could do it since the center line was the site reference that they had in the field trip – could they say that the non-encroachment line – he said if he remembered correctly the driveway is going to be about 12' wide – with 3' shoulders.

Mr. Ducsay stated that was correct – 12" wide with 3' shoulders.

Chairman de Jongh said so at roughly 18' – so if the non-encroachment line is going to be 14' on either side of the center line of the driveway.

Dr. Dimmick said make it 15' – it's easier to measure.

Dr. Dimmick said you wanted 5' from the edge of pavement.

Ms. Simone said so the Commission then could discuss what distance the Commission would prefer and if they wanted it to be marked in the field or not might factor into that discussion.

Dr. Dimmick said he did not think it needed to be marked in the field until you get up closer to the house. He said some kind of marker at the turning point of the non-encroachment line might be used.

Ms. Simone said so what she might recommend is if the Commission could give some guidance and even mark up one of the plans to indicate where the markers should be placed and then agree on general language as opposed to possibly just asking the applicant to provide another map – that would then help everyone understand where they need to go.

Paul Bowman of 119 Marion Road addressed the Commission.

Mr. Bowman said he just wanted to address that issue because he was hoping to continue the use that's been established here to hay the field and to actually plant Christmas trees.

Dr. Dimmick said he thought that language needs to be in there because he wants to see it to be continued to be hayed. He said so his concept of a non-encroachment line is that you can still keep what could be called a conservation practices and for a field that been hayed historically that's a conservation practice (in his mind).

Dr. Dimmick said there is wildlife that depends on a field being kept as a field as opposed to be allowed to revert to something.

Mr. Bowman said on Marion Road they had horses and whatnot – he said he may want to do that again at some point – he asked if that would be permitted.

Mr. Ducsay asked within the language of the non-encroachment line – could that language be included.

Ms. Simone said if the Commission is interested in having the area used for a particular purpose – whether its farming or agricultural that then the non-encroachment language itself would need to be removed and have it specify more clearly to say a conservation area or area for agricultural use – so that it can be recognized that really there is no non-encroachment line.

Ms. Simone stated that if you look by definition non-encroachment line would mean that they can't go into that area.

Dr. Dimmick said they are looking at it more for conservation of existing practice.

Ms. Simone said so it could be set-up as a conservation area and allow general agricultural use is allowed by the statue anyway.

Mr. Bowman asked about being able to be permitted to put a barn down there someday in the future.

Dr. Dimmick said if the barn could be shown to be definitely tied to the agricultural use – another words you can't put up a barn-like structure then start storing your cars in it.

Mr. Bowman said he would come before the Commission with a plan if he planned to put up a barn.

Dr. Dimmick explained that there have been a whole bunch of court decisions on this because the statutory language is vague and the court decisions say essentially that if you are putting up a structure that is essential – essential to the agricultural activities so just putting up a barn-like structure – less you can show that its essential to the agricultural activities.

Ms. Simone said to add to that that if the applicant doesn't have animals on site and you want to put up a barn and it's essential to farming purposes but you don't have farming purposes – it's almost a catch 22 in the state statutes so that's where it can be a little cloudy.

Mr. Bowman said for his future intentions for the property that if he decided to plant Christmas trees and need to maintain them and need to tractor – he said he already has a brush hog and tillers.

Dr. Dimmick said then he would come in front of the Commission and they would give a ruling that this structure is to store equipment essential to the agricultural practice.

Mr. Bowman assured the Commission that if decided to a barn or structure in the future he would come before the Commission.

Dr. Dimmick said it's just that the court cases are just so doggone tricky on this and some of them admittedly are contradict each other – he said that is kind of why applicants have to come before the Commission and they can clarify on a case by case thing.

Dr. Dimmick stated that he liked to encourage agricultural practice.

Chairman de Jongh asked if the applicant was talking about just the area just roughly to the northeast of the house location.

Mr. Bowman stated the field area – its currently field.

Chairman de Jongh asked if they can identify it and come up with some kind of description of the area. He said they needed to somehow create the conservation area to be the area located northeast of the location of the house in the open meadow area – he said they now have two pockets – both north and south of where the driveway is.

Ms. Simone asked if the applicant's intention was to use both sides.

Mr. Bowman stated yes because the whole field gets mowed.

Mr. Ducsay stated north of the driveway.

Chairman de Jongh said ok – that is why he was suggesting that somehow the language referenced that section of the property as opposed to the section that is south of the driveway.

Dr. Dimmick suggested that the proposed language read “a conservation area shall be established for the area of the present wetlands and upland review area in which present and historical agricultural practices will allow to be continued.”

Mr. Ducsay said he thought that described that pretty well – he said as you can see the upland review area comes pretty much up to the edge of the development area in this particular area.

Chairman de Jongh said and that excludes the southerly portion.

Mr. Ducsay stated that was correct.

Chairman de Jongh said he thought that was a better way to go and that way.

Mr. Bowman said as long as he can have horses.

Dr. Dimmick said there have been horses historically.

Mr. Bowman stated that was right.

Ms. Simone suggested summarizing the language to read “as the upland review area and wetland areas to the north of the driveway shall be utilized for agricultural and farming purposes.”

Dr. Dimmick suggested adding “and shall otherwise be considered a conservation area.”

Ms. Simone said the language would include “and shall otherwise be considered a conservation area.”

Dr. Dimmick said he thought that language might give them the best of both worlds. It will allow the applicant to do completely continue what he wants to do with it and it means the Commission doesn't have to worry that he will put up a bunch of condos up.

Chairman de Jongh suggested changing the numbering of the stipulations to include the newly proposed language.

There was discussion about where to add the newly proposed language.

Ms. Simone asked if the non-encroachment language still remain for the areas south of the driveway.

Dr. Dimmick said he did not think anyone was going to have a problem with that.

Ms. Simone said then to specify – “in the upland review area and wetland area to the south of the driveway no disturbance of any kind including lawn....”

Dr. Dimmick said he would still like to see that south area be able to be mowed.

Mr. Bowman said he would still need to mow that area because it’s still part of the field.

Dr. Dimmick said if they allow a non-encroachment area to be used for passive activities – then mowing and haying occasionally could be permitted.

Dr. Dimmick said there is a difference between a mowed field and a lawn – he stated there was a huge difference.

Dr. Dimmick asked if Mr. Bowman mowed the field twice a year.

Mr. Bowman stated it depends if it was hayed or not; it would probably be two times – tops three.

Dr. Dimmick said then to add “...except for bi-annual (twice a year) mowing.’

Ms. Simone said so the language would still remain to prevent the establishment of a lawn.

Dr. Dimmick said there are so many doggone things like Meadow Larks and such that require grass – tall grass as opposed to a forest.

Chairman de Jongh asked staff if she had language proposed for 3a.

Ms. Simone said yes – she believed she had.

Dr. Dimmick suggested at this point they could even consider moving staff wording with the understanding the wording could be polished slightly by the time it appears in the minutes.

Chairman de Jongh stated that was okay as long as the applicant has a clear understanding of what they are trying to convey and he doesn’t have any objections to that.

Ms. Simone read the proposed wording for 3a, “Prior to any clearing or earthmoving activities, the accurate staking and/or flagging of all

clearing limits shall be completed. The upland review area and wetland area shall be utilized for agricultural and farming purposes and shall otherwise be considered a conservation area. No establishment or maintenance of lawn areas shall be allowed in the areas identified in the above referenced plans. Language shall be placed in the deed of the property and on a map for this property filed in the Cheshire Land Records, which shall, in part, state that no disturbance or activity of any kind other than the above described activity shall be allowed.”

Mr. Bowman stated he thought he understood what was being said.

Chairman de Jongh informed Mr. Bowman that staff would provide him with the wording once it was prepared in writing.

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 construction of a single family house on a 6.1 acre lot.
2. That the proposed storm water management plan will incorporate a rain garden on the north side of the property.
3. That the applicant’s engineer identified that the plan proposes a 0.22 acre disturbance to the upland review area for the purpose of constructing a driveway and culvert.
4. That the applicant’s engineer stated that the proposed construction activities will not have a significant adverse effect on the adjacent wetlands and watercourses.
5. That the Commission has determined the activity to not be significant under the context of the Cheshire Inland Wetlands and Watercourses Commission regulations.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application

#2012-007, the permit application of Mount Sanford Meadow Farm, LLC as presented on the plans entitled:

**“Mt. Sanford Meadow Farm, LLC
Parcel 3A
Mount Sanford Road, Cheshire, CT
Dated February 28, 2012; Revised March 12, 2012
Two Pages; Scale Varies
Prepared by Milone and MacBroom, Cheshire, CT.”**

**And “Stormwater Management Narrative
Parcel 3A
Mount Sanford Road, Cheshire, CT
Dated March 8, 2012
Prepared by Milone and MacBroom, Cheshire, CT.”**

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 modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.**
- 3. Prior to any construction activities covered by this permit grant, the applicant shall have the following items both completed by a qualified party and verified as complete by Commission Staff:**
 - a) Prior to any clearing or earthmoving activities, the accurate staking and/or flagging of all clearing limits shall be completed. The upland review area and wetland area shall be utilized for agricultural and farming purposes and shall otherwise be considered a conservation area. No establishment or maintenance of lawn areas shall be allowed in the areas identified in the above referenced plans. Language shall be placed in the deed of the property and on a map for this property filed in the Cheshire Land Records, which shall, in part, state that no disturbance or activity of any kind other than the above described activity shall be allowed.**

- b) Prior to the commencement of construction activities, a professional engineer shall certify, in writing to the Commission, that all required erosion and sedimentation controls are in place and functioning as represented by applicant to ensure the prevention of erosion and sedimentation into adjacent wetlands and watercourses. The cost of the professional engineer shall be borne by the applicant. The applicant shall also notify Commission Staff so that Staff may inspect the site to verify that all required controls are in place. Staff may also insist on additional controls if field conditions warrant them.**
- c) Prior to the commencement of activities covered under this permit grant, the name of a contact individual together with a 24-hour phone number shall be submitted to the Planning Department and designated with responsibility and authority to receive notices of any breaches or deficiencies of sedimentation and erosion controls on-site, and to effectuate repair of any such breaches or deficiencies within 6 (six) hours of such notice from the sediment and erosion control inspector, as identified above, or the Town of Cheshire.**

Commission Staff may insist on additions to items 3a-3c at any time if field conditions warrant them.

- 4. 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.**
- 5. 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 breaches or deficiencies shall be forwarded to a contact individual, as defined above, immediately after inspection. The costs of said inspections to be borne by the applicant.**

6. 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.

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 March 20, 2016.

Moved by Dr. Dimmick (wording as amended). Seconded by Mr. Kurtz. Motion approved unanimously by Commission members present.

X. NEW BUSINESS

1.	Permit Application	APP	#2012-008
	Stephen & Kim Dobie	DOR	3/20/12
	Reservoir Road		
	Site Plan – In-ground Pool	MAD	5/24/12

Stephen and Kim Dobie of 791 Reservoir Road were present.

The Dobies addressed the Commission.

Ms. Simone informed the Commission that there was only one site plan – the Commission had a copy of the developed area in the staff review; it shows the general site and the location of wetlands on the site.

Mr. Dobie explained to the Commission that the proposal is for an in-ground pool in an area that is currently lawn. He explained that there is a wall and behind that are the woods.

Mr. Dobie said there are not planning on disturbing anything other than disturbing the current lawn – the contractor is going to put a silt fence in around the construction; everything excavated will be put

on either end inside the silt fence and dirt not used will be pulled out completely.

Mr. Dobie said the area in the back is currently a lawn area.

Dr. Dimmick said the problem is this lot is completely surrounded by wetlands according to the map. He asked if there were wetlands all the way around the lot.

Ms. Simone stated yes – accordingly to the official soil map and subdivision map for this property shows the wetland boundary.

Mr. Dobie stated his home is located at 791 Reservoir Road.

Ms. Simone stated that she did have a copy of the subdivision map.

The Commission reviewed the subdivision map – the home is referred to as lot 6. The property is near the border of the City of Meriden.

Ms. Simone said at the time the lot was approved it did not require individual site plan review and approval – at the subdivision the location of the house was at the same time.

Mr. Dodie said there are three other drives out there – and three other houses.

Ms. Dunne asked if they knew what the distance between the proposed pool and the wetlands was.

Chairman de Jongh said it looks like 1" = 20' – so it's probably about 10' from the house.

Dr. Dimmick calculated the pool being about 20' from the property line.

Chairman de Jongh said there was a wall on the property.

Mr. Dobie said there is a wall – a stone wall and grass goes right up to the wall and the start of the woods is on the other side of the wall.

Mrs. Dobie said the lawn is not wet – it's a normal lawn – they have a swing set out there.

Ms. Simone stated that the bold line the Commission sees on the plans corresponds with the edge of the wetlands.

Dr. Dimmick said the pool is about 20' from the wetlands.

Dr. Dimmick asked if there was a drop-off on the other side of the wall.

Mr. Dobie stated no – it slopes gently to a point then it starts to go down. He said there is a stone wall – he did not know how old it was – it did not look like an old farmer's stone wall.

Mr. Dobie stated that no back washing of the filter was required; he said he brought the materials for it.

Ms. Simone said when she looked it up the manufacturer's website indicates that it's just a washable filter and no backwash is required.

Motion: To accept the application.

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

Motion: To declare the proposed activity not significant within the context of the regulations.

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

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

2.	Permit Application	APP	#2012-009
	Town of Cheshire Dept. of Public Works	DOR	3/20/12
	Finch Avenue		
	Enlarge Driveway Culvert	MAD	5/24/12

Don Nolte, engineering technician from the Public Works Department was present on behalf of the applicant. Russ White, a Finch Avenue resident was also present in the audience.

Mr. Nolte addressed the Commission.

The Commission reviewed the plan to enlarge the driveway culvert.

Mr. Nolte explained that he was before the Commission tonight representing Russ White, the property owner for the matter of the Sindall Brook stream channel improvements and enlarging the culvert that the town intends to undertake for the owner.

Mr. Nolte submitted for the record a copy of certified receipt sent to the City of Meriden.

Mr. Nolte said he was not sure how many Commission members were familiar with the location of the property but it's the first property downstream from Meriden where Sindall Brook discharges.

Mr. Nolte explained that it's Allen Avenue but not the Allen Avenue off of Cheshire Street – it takes jog. He said if you go beyond the properties they worked on last year – the Conroy and Freytag properties – take a left and go about a quarter mile.

Mr. Nolte stated it is about a three acre piece and its mostly upland – Sindall Brook flows westerly through the property.

Mr. Nolte stated they had the wetland soils mapped by a soil scientist and they are shown on the survey.

Mr. Nolte explained that they are proposing to do work on the upstream side of the driveway to enlarge the channel – it very narrow now at 2' – it's very contorted; and to make that 6' wide at the toe of the slope to match the stream upstream and downstream of this driveway crossing historic width the stream.

Mr. Nolte said they are going to line the slope with standard rip-rap and there's cross sections shown on the detail sheet.

Mr. Nolte showed Commission members photographs of the property. He noted that the first picture to the left is the existing driveway which had washed out back due to high flows and 2005 roughly – he said Mr. White could give the Commission a long history and is available to answer those types of historical questions.

Mr. Nolte explained that Mr. White came to the Commission for a wetland permit to add-on to the 36" pipe – 48" pipe plastic and put in the end wall shown in the photos.

Mr. Nolte said Mr. White put down quite a bit of reinforced concrete so the driveway wouldn't wash again – he said that is going to be a

big challenge to get up – there is a lot of rebar in it and it's quite thick so they are going to have to hammer the heck out of it.

Mr. Nolte said the central picture is the headwall and the inlet to this – he said historically there was a pond on this site upstream of the driveway – it's no longer there and that would be removed.

Dr. Dimmick said there used to be a mill there a long time ago and a series of three ponds along Sindall Brook each feeding a different mill.

Mr. Nolte said the last picture shows the realignment of the channel roughly that they are proposing to circumvent the boulder and widen it out where it's narrow - he said the wetland soils that are mapped are just Alluvial or their deposits and its just lawn area right now.

Mr. Nolte said he did not think there was any environmental significance or function to that wetland they will be replacing with a watercourse.

Mr. Nolte showed pictures to the Commission showing the work that Mr. White did in the past – that end wall is going to remain – the reinforced blocks.

Mr. Nolte said they want to put in a plunge pool about 10' by 20' plunge pool to dissipate the velocity coming out of the pipe – in the area there is now a plunge pool but the new one will do a better job. He said from another picture you can see deposits of sand and gravel that are constructing the low flow of the channel which they are proposing to remove – he said he doubts its 5 cubic yards.

Mr. Nolte stated that all of this work would be done with its dry with bypass pumping – and will be able to manage that with a 3" to 4" pump easily and the work would take about one week to accomplish.

Chairman de Jongh said he has known about the problems Mr. White has had over the years – he said he has been on the Commission 26 years and this seems to be an annual problem.

Chairman de Jongh said the question he has is the work that is being done here is going to mitigate a problem upstream but the real problem for this whole watershed area has been down below right by Cheshire Street and that area so any changes to the flow of the water above and mitigating the problem above are they going to creating a problem for the people down below.

Mr. Nolte said well actually no – they have stabilized the big problem areas on the 1,700 lineal feet of stream that was highly eroded and they are not changing the flow through here they are just preventing from it going over its driveway so frequently.

Mr. Nolte explained that it's going to be the same amount of water coming through so there won't be an increase even on the next door neighbor even though the stream does take a 90 degree bend as it leaves Mr. White's property.

Mr. Nolte went on to explain that the water has also created a second channel – both of them are flowing at this time of year.

Chairman de Jongh said he just wanted it on the record that in Mr. Nolte's opinion there is not going to be any change to the conditions below because he can hear the echoes already coming from below – what are you doing up above – it's creating a problem for me down below.

Mr. Nolte stated for the record they are not changing anything except protecting the driveway and access to the property during major storm events; the same flows will be through this site.

Dr. Dimmick asked if the same velocities too.

Mr. Nolte stated yes. He said the capacity of this pipe will be about 25% greater than what it is – it will be about 80 CFS versus the 60 CFS at the 36" pipe provides that constriction.

Mr. Nolte said again what speeds up through the pipe will break the velocity in the plunge pool and then it will just act as it did before this work.

Motion: To accept the application.

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

Commission members discussed taking a look at the site on an individual basis.

Motion: To declare the proposed activity not significant within the context of the regulations.

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

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

Chairman de Jongh thanked Mr. White for his patience.

- | | | | |
|----|---------------------------|-----|-----------|
| 3. | Permit Application | APP | #2012-010 |
| | Arnett Talbot | DOR | 3/20/12 |
| | 200 Tress Road | | |
| | Site Plan - Septic Repair | MAD | 5/24/12 |

Ms. Simone informed the Commission that staff received a call from the Chesprocott Health Department that there is a septic system on that property that is either partially failed or on the verge of completely failing so they are working to find an appropriate repair or new installation.

Ms. Simone stated there are no plans at this time – they have not found suitable soils as of her last conversation on Friday, March 16, 2012.

Ms. Simone said when she looked at the official soils map it does not show wetland soils on that property so she is going to have further conversation with the Health District to see if they have identified wetlands on that site. She said seeing as that house was created before the Wetlands Commission was in effect – there may not have been opportunity for anyone to really need to go out to that site to do any inspection.

Dr. Dimmick said there may need to be shallow bedrock conditions which are not wetlands conditions but can cause havoc with a septic system.

Ms. Simone informed the Commission that she would get more information but she had suggested that the applicant get the application in so that as a design comes forward the Commission could review it and that the Commission would prefer that as opposed to have the fact emergency provision.

Dr. Dimmick said he did not know where 200 Tress Road was but that there were places up there – there are locations with shallow bedrock and get seasonably high water over the bedrock without ever creating an actual wetland soil.

Ms. Simone informed the Commission that Tress Road is off of Prospect Road to the left.

Dr. Dimmick said the property is located in western Connecticut – we are in Central Connecticut now and that area of Cheshire is in Western Connecticut – different geology entirely.

Ms. Simone noted the home is about half way up Tress Road on the right hand side and it's a house that is closer to the road.

Ms. Simone informed the Commission that a bare-bones application has been submitted with the signature of the property owner.

Ms. Simone said it's up to the Commission to accept the application – she said no fee has been submitted – the applicant is very bare-bones as of right now.

Ms. Simone said there is not requirement for the Commission to accept it or not accept it tonight.

Dr. Dimmick said as of now he did not know if it was a benefit to either party – he said if they had some kind of idea what they were going to do – excepting the application would speed up the process but if they don't even know at this point what is going to happen it might not make a difference to accept the application until its complete.

Chairman de Jongh said it would be tough to accept something where they really don't have the details in terms of what is going to be done.

Ms. Simone said as far as State statute – this is considered received at tonight's meeting so then the Commission could, not suggesting that the Commission should, but would be able to act at the next meeting regardless of whether the Commission accepts it or not – the Commission has gone through the procedure of accepting applications more for this Commission's own record keeping but it's not a requirement.

Chairman de Jongh said so they have received the paperwork but they can postpone the acceptance.

Ms. Simone stated yes and that would not slow down the process at all – it will not have an impact on the process.

Chairman de Jongh said then he would suggest the Commission do that – if Commission members were in favor of that so to give the applicant a chance to pull together what they need to do.

Ms. Simone said she would continue to talk with the Health District and maybe they can give some more details as to how they came to the conclusions that there are wetland soils there.

The Commission received the paperwork and agreed to defer the acceptance of the application to allow the applicant sufficient time to gather the information in terms of the installation of a septic system of whatever the Health Department recommends they do.

XI. ADJOURNMENT

The meeting was adjourned at 8:14 p.m. by the consensus of Commission members present.

Respectfully submitted:

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