

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, MAY 15, 2012
TOWN HALL – 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 PM**

Members present: Robert de Jongh, Charles Dimmick, Sheila Fiordelisi (at 7:35 p.m.), Will McPhee and Kerrie Dunne and Thom Norback.

Members absent: Earl Kurtz.

Staff: Suzanne Simone

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

All present recited the pledge of allegiance.

III. ROLL CALL

Ms. Dunne called the roll.

IV. DETERMINATION OF QUORUM

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

Members in attendance were Robert de Jongh, Charles Dimmick, Sheila Fiordelisi (at 7:35 p.m.), Will McPhee and Kerrie Dunne and Thom Norback.

Chairman de Jongh officially welcomed Thom Norback to the Commission.

V. APPROVAL OF MINUTES FROM THE REGULAR MEETING OF MAY 1, 2012

Chairman de Jongh requested that the approval of the minutes be deferred to the end of the meeting.

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

At 8:30 p.m.:

Motion: To approve the minutes from the May 1, 2012 Inland Wetlands regular meeting with corrections. Page 2 L42 'abandon' to 'abandoned'; pg. 8 L8 'mythology' to 'methodology', L12 'clears' to 'clear'.

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

VI. COMMUNICATIONS

- 1. Request for Determination by Tanguay Pools, Inc.
Re: Pool installation at 158 North Timber Lane**

This communication was reviewed.

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

- 2. Request for Determination by Sanjay Kulkarni
Re: Installation of river stone along bank at 785 South Brooksvale Road**

Ms. Simone stated that this communication is listed under new business tonight however the requester has officially withdrawn this request and they will be revising their design and coming back to the Commission at a later date.

- 3. Engineering Comments Re: Dalton Enterprises – 05/08/12**

This communication was reviewed.

Ms. Simone stated that this item was listed under unfinished business.

- 4. Engineering Comments Re: Dalton Enterprises – 05/10/12**

This communication was reviewed.

Ms. Simone stated that this item was listed under unfinished business.

- 5. Amended Dalton Enterprises Storm Water Management Analysis**

This communication was reviewed. This item was listed under unfinished business.

6. **Staff Comments Re: CIWWC App. # 2012-012, Willow Street**

This communication was reviewed.

7. **Staff Comments Re: CIWWC App. #2012-013, East Ridge Ct.**

This communication was reviewed.

Ms. Simone stated that this item was listed under new business tonight – it's a Town of Cheshire Public Works project.

8. **Staff Comments Re: 158 North Timber Request for Determination**

This communication was reviewed.

Ms. Simone stated that this item is on the agenda under new business.

9. **Staff Comments Re: 785 South Brooksvale Request for Determination**

This communication was reviewed.

Ms. Simone stated that this item has been withdrawn.

VII. INSPECTION REPORTS

1. **Written Inspections**

Ms. Simone stated there were no written inspections.

2. **Staff Inspections**

Ms. Simone reported that there were two staff inspections. She said that she had question questions to the Commission:

a. **79 Dundee Drive**

Ms. Simone said the Commission may recall that there was an enforcement action on 79 Dundee Drive. She said there was a notice of violation that was issued in September 2010 and basically this is a property that surrounded by wetlands – those wetlands are on Town property.

Ms. Simone said the homeowner encroached in the wetlands – they had a play-scape set-up and they were establishing a lawn in that area and looking at the approved subdivision from this Commission they were to set up a conservation line – they had never done that and they were going beyond that area.

Ms. Simone said they (the homeowners) worked for the better part of a year to get all of the equipment off of the property – the Town property in the wetlands and to establish and mark their non-encroachment line.

Ms. Simone said she had been notified by another town department, who was out on town property doing some work that they had taken a picture that the lawn area that was in the back – that they are continuing to mow it and continuing to maintain it as a lawn and according to the picture they have moved some of their equipment – play items – back on to the town property.

Chairman de Jongh informed the Commission that staff brought this to his attention earlier this afternoon and he thought it was something that needed to discuss as a Commission.

Chairman de Jongh said he was of the frame of mind that it was clear to the property owners what the violation was the last time – they abided by what the Commission had asked them to do but again they thought that violation was one of convenience and not one of fact.

Chairman de Jongh said he was of the frame of mind that they need to compel that they put permanent non-encroachment markers on the law to let them know that from that point back toward the wetland cannot be in anyway used or compelled to put some kind of plantings – he said that was his thought.

Chairman de Jongh said sending another letter is just going to simply result in the same activity.

Ms. Simone reported that they did put some plantings back there – one thing that she spoke to another town department about is the possibility of the town going onto the town portion of the property and putting up 4” by 4’ posts with an non-encroachment marker so that it’s clearly then marked on town property where the boundary is and perhaps then they will not go back there.

Dr. Dimmick agreed that was a good start.

Chairman de Jongh said it was a move that has been forced on the property owner's part.

Mr. Norback said since there is no delineation at this point – who's responsibility was it called for in the original subdivision.

Ms. Simone said it was for the developer to do that – they developer did not comply and then the homeowner through being notified of this violation – they did put up two non-encroachment markers – they are at either end of the lawn so that they could easily access the lawn in-between.

Ms. Simone said the property is located at 79 Dundee Drive.

Mr. Norback said his question would be is the developer at this point – does the Commission have any recourse with the developer since it was his responsibility to take care of to begin with.

Ms. Simone said probably not because it's an older development – it's been several decades.

Dr. Dimmick said the development was built in the late 1980s – he said it was around the time they laid out some of that town open space – not only that little piece there but the town open space going to the north just is very extensive.

Ms. Simone stated yes (yes to the town open space being extensive). She said actually this property did require that they come back for individual site plan approval and at that time it was located where the non-encroachment markers – or the line was going to be.

Ms. Simone said so at that point – then it's was an individual homeowner that came forward with that site plan application.

Mr. Norback asked if it was the existing homeowner.

Ms. Simone said yes – the current homeowner lived in that house since it was built.

Mr. Norback asked if they were then the developer of that piece of property.

Ms. Simone said that she did not know.

Chairman de Jongh said he thought the town was within its right.

Mr. Norback said he thought so too. He said he was wondering if the onus is actually the homeowner's if they developed that piece of property and one of the stipulations was that they mark it then they still owe the Commission markers.

Dr. Dimmick said this was also when they had a violation and the Commission did a cease and desist on it – their agreement in lifting the cease and desist was to do a whole variety of things – pulling back stuff they had in the wetlands – they did all that and now they are going back to what they did.

Chairman de Jongh said and they are allowing the vegetation to grow – which they did then they started mowing it again.

Mr. Norback said he guess his thoughts are it are – does the town incur any expense marking that area for then when it was actually their responsibility.

Ms. Simone said it will take staff time to do that.

Chairman de Jongh asked that the record show that Ms. Fiordelisi joined the meeting at 7:35 p.m.

Ms. Dunne asked if that meant the cease and desist has been lifted now – can they put that back in place. She asked what the procedure was – if they are violating it why can't they just put that back in place.

Ms. Dunne asked what the procedure was – if they are violating it why can't they just put the cease and desisit back in place.

Ms. Simone said it was officially released last year but she believed the Commission does have the ability then to reinstate they notice of violation – cease and desist from September 2010 and could seek fines from that day – everyday.

Ms. Dunne stated that would be her recommendation because they people know exactly what they are doing – they have been before the Commission – we have been through all this and it sounds like they are violating it so she would suggest that they (the Commission) might want to go that route.

Ms. Simone stated ok.

Chairman de Jongh said to Mr. Norback's point – maybe what they can do is to refernce that the Commission does have the ability to access them a fine for everyday of the violation and they can make that fine equal to what the cost of the town is to survey and subsequently place non-encroachment markers on their property.

Ms. Fiordelisi asked for an update as to what was being discussed due to fact she arrived late.

Ms. Simone provided a brief update.

Chairman de Jongh said he thought the consensus was to reinstate that notice of violation going back to September of last year and with the requirement that they not only cease the mowing operation but also recognize that the town has the right to install non-encroachment markers and their penalty may be equal to or not greater than the cost of installing the non-encroachment markers (whatever the cost is to the town).

Ms. Fiordelisi asked was that along with a daily violation fee.

Chairman de Jongh said he thought it was reasonable – he said he thought Mr. Norback had a valid point that if the town is going to be subjected to having to come up with the cost to do what has to be done the homeowner should be required to pay that – the penalty should be equal to that amount. He said he thought there was a limit to how much they could charge.

Mr. Norback said he was trying to track them as the developer because someone was culpable and if they were in deed the developer then its them 'hell or high water.'

Dr. Dimmick said the thing is was pointed when they had the cease and desist that this had to be done and they had agreed to do it at that point – so they haven't fulfilled the agreement. The present homeowner had agreed to do something and has not done it.

Mr. Norback asked about the mowing and maintenance of it – was it specifically called out in their stipulations that it was not to be mowed at all - he said he sometimes knew the Commission has granted permission to hay-it or mow-it a certain number of times annually but not treat it as lawn and fertilize it; he said he was wondering what was the status of that.

Ms. Simone explained that this property in particular is unique because the area that they are mowing is not their property – its

town property so they are establishing lawn on someone else's property.

Ms. Dunne said the first thing would be that the Commission requests that the cease and desist order be reinstated.

Ms. Simone said yes and with that staff would contact the town attorney just to make sure everything is lined up and they proceed correctly.

Dr. Dimmick said he thought in this case reinstating the cease and desist and spell out at that time what it is that it required that hasn't been done or has been undone and that the cease and desist will stand until this is corrected.

Ms. Dunne said the chairman also suggested that the cost of the installation of the non-encroachment markers be reimbursed to the town from the property owners.

Ms. Simone said she could check with the town attorney on that.

Chairman de Jongh said he thought the cease and desist should not only spell out the fact that they have no longer mow that property but if there are any structures that they put back on that property – they have to be removed once again.

Motion: That the Commission requested that the cease and desist order be reinstated, that cost of the installation of the non-encroachment markers be reimbursed to the town from the property owners and the property owners should no longer mow the property and if there are any structures they put back on that property – they have to be removed once again.

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

b. 180 Popular Drive

Ms. Simone said the second inspection was at 180 Popular Drive. She explained that they received a complaint in the Planning Office – the complaint was initially about noise of ATVs on a neighboring private property and they made the people aware there is no noise ordinance from the Planning Office – there is nothing that can be enforced – she said they did recommend that the people contact the

Police Department for disturbance or to see what the Police could do.

Ms. Simone said the complainant then raised an issue that there are wetlands on this property which does border the Quinnipiac River. She said she did go out to the property – she said this borders the Carrier Development at Birch and Poplar Drives – so she was able to go onto the development site; she said they have a large elevated area that they could walk up on top of and look down on to this property and she could see that there is a track that is set up – it's not heavily eroded – it's a grassed area and they have a track that is just sort of oval shaped.

Ms. Simone said when she looked at the map – it appears as though the wetlands are directly along the river corridor and she did not see any evidence of the trail going into the tree line towards the wetland area.

Dr. Dimmick said he thought there was only one place where there was an excursion from that river corridor.

Ms. Simone said right – she said when she looked at the map and compared it to what she saw in the field even where it does come up a bit – the track wasn't really in that area – it's further towards the border of the neighboring properties away from the river.

Ms. Simone said the complainant did request that this be something that staff brings to the Commission to get further information – she said she did indicate that she did not see there was any trespass in the wetlands.

Chairman said he thought what they could do was to just send a letter to the property owners saying please be reminded that no ATV activity is permitted on or near the wetland area and copy the complainant on that and that should suffice – he said there is really nothing the Commission can do.

Commission members agreed with Chairman de Jongh's suggestion on how to proceed with this matter.

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 said this item would remain on the agenda for monitoring purposes.

3. **Unauthorized Activities in an Regulated Wetland Area** SC 4/03/12
Philip and Robin Tiso
9 Summer Hill Court

Ms. Simone said they received their approval at the last meeting and this item will remain on the agenda until they plant at least seven shrubs in the wetland area or the upland area.

Ms. Simone said she did meet with the property owner yesterday to go over the permit as well as to take pictures of the stones that are stacked outside of the wetland area. She said if the Commission recalls – there was a neighbor that had concern about those so she did photo document the status of those stones so that if they are added to in a wetland area they will be able to clearly see that they weren't existing previously. She said she did not anticipate they will be placed in that area.

Chairman de Jongh asked in situations where they have concerns by a abutting property owners about activity or potential activity – as they complete the study of a particular project and move on the next – is there any communication that goes back to the person who was concerned about the issues – is there something sent to provide a status just as a courtesy update.

Ms. Simone said if they contact the office or ask the office to contact them with an update then they do.

Chairman de Jongh asked if that was done as a matter of courtesy.

Ms. Simone said no. She said Mr. Migliaro was here at the meeting and he saw that the proceedings were and he didn't have any contact with the office after that.

Chairman de Jongh said he did not know if they should consider doing that – he said they can talk about that at another time but he thought that from a stand point of PR – is certainly helps this Commission in the eyes of the public and it also puts to rest that people are acting on, one way or the other on their concerns so it might be something that the Commission may want to consider. He said they don't have to put it in their by-laws but as a matter of courtesy it might be a good idea.

Ms. Simone said when someone does file a complaint such as under staff inspections – they will be contacted and staff will let them know what happened at the meeting and what the decision was.

Ms. Simone said just for this particular item – on Summer Hill court she did not contact the neighbor because he was here for the proceedings.

Chairman de Jongh said he was just suggesting it might be something that they would consider just as a matter of practice.

IX. UNFINISHED BUSINESS

1.	Permit Application	APP	#2012-012
	Dalton Enterprises, Inc.	DOR	5/01/12
	Willow Street		
	Site Plan – Warehouse Facility	MAD	7/05/12

Mr. McPhee recused himself from this portion of the meeting at 7:48 p.m.

David Carson one of the principals of the OCC Group was present on behalf of the applicant Dalton Enterprises.

Mr. Carson addressed the Commission.

Mr. Carson explained that the site under review is a 5.39 acre parcel identified as 79 Willow Street. He said it is presently utilized as an outside storage yard for finished products from Dalton’s main plant on the adjacent parcel.

Mr. Carson said the existing yard itself encompasses 3.26 acres of the site with a surface of compacted crushed stone surrounded by pavement on three-sides.

Mr. Carson explained that the proposed improvements call for the construction of a 47,250 SF warehouse building to be constructed in three phases for the purpose of providing inside storage or the products that are presently stored outdoors.

Mr. Carson said the building itself will be positioned in the center of the existing yard with perimeter paving and a potentially a new loading dock area at the northerly end of the building to handle outgoing shipping and receiving.

Mr. Carson said all of the proposed improvements on the site are within the limits of the existing storage yard so that there will be no further disturbance of the wetland buffers either to the Farmington Canal which traverses the property through a wooded area on the easterly side and Willow Brook and its associated wetland buffer on the westerly side of the property.

Mr. Carson explained that the site presently sheet flows across the storage yard from east to west toward the Willow Brook corridor on the easterly side.

Mr. Carson said the site is relatively level and the proposal is to maintain the existing sheet flow characteristics with one important addition – the installation of a bio-filtration swale along the westerly perimeter of the existing storage yard and future warehouse yard.

Mr. Carson said the bio-filtration swale is designed with a 2' wide crushed stone filter and then a 6' wide grassed swale at .5 percent – the purpose of that is to intercept the sheet flow coming across into the swale between the trap rock and the grass swale – any oils that might be washed off the pavement areas in the first flush would be trapped and have an opportunity to be broken down by sunlight before they are discharged into the wetland corridor.

Mr. Carson said with regard to the potential increase in post-development run-off from the site – they have more than a unique solution. He said because of several factors the levelness of the site – the fact that the former railroad right of way contains several utilities – an AT&T fiber optics cable and the possible future location of a portion of the Linear Trail. He said they looked for an alternate to the typical underground detention and what they discovered is that Dalton Enterprises uses approximately 6,000 gallons a day of water in their processing plant and the production of their products.

Mr. Carson said so based on that volume they realized that they had the opportunity to collect roof drainage and reuse that water. He said initially they had looked at basically just collecting a one-day supply of water with containment tanks inside the building; after initial review by the Engineering Department and with further discussion with Dalton Enterprises they realized that as much water as they could possibly collect was as beneficial to Dalton Enterprises as it was to a solution for zero increase in peak storm water run-off.

Mr. Carson explained that the facility normally has a winter shut-down during the months of winter in January so they knew that during those months there would be no water use so they had kind a unique situation – how they handled the precipitation mainly from snowfall that would accumulate on the roof and obviously melt and drain.

Mr. Carson said what the ultimate solution was – in a modified computations that were subsequently submitted and reviewed by Engineering is that increased the inside containment to 52,460 gallons of water which would be provided by four containment tanks inside the building – that actually provides for total capture of 1.78” of rain fall on the roof. He said so during a typical high frequency low intensity storms – so for all intensive purposes all rainfall will be collected.

Mr. Carson said for example the storm that we are experiencing now – that equated to about a half inch of rainfall – a little bit more so they are talking about capturing a significant amount of rainfall but the real significance of the 52,000 gallon storage is to handle the potential increase from 100 year rain storm event.

Mr. Carson explained that the 52,000 gallons represents the increase in peak storm water runoff from a 100 year storm event so even during the winter months where they checked the actual snow fall perception charts for both December and January – the total for those two months is actually slightly more than 100 year storm event so they used that as the worst case scenario so by containing the first 52,000 gallons they are storing the water for all intensive purposes in an above ground detention basin which is then releasing the water both by overflow pipe at the top of the tank and during the winter months the opening of a drain – a 2” drain line at the bottom of the tanks to allow for these tanks to drain out but the discharge would initiate after the peak from the storm event occurs.

Mr. Carson stated so there was actually a substantial reduction in peak discharge to Willow Brook both during the year when they are actually using the water and in the winter months when operation is actually shut down.

Mr. Carson said what this actually addressed was one of the concerns that Engineering raised was what happens if somewhere down the road that Dalton Enterprises ceases to be the tenant in this building and the building is occupied by a tenant who has no use for this water. He said that is why an inside system was redesigned so

that they still had zero increase from a 100 year event with no utilization of water and the benefit to Dalton is that they get 52,000 gallons of free water.

Mrs. Carson said so it worked out to everyone's advantage and the system works whether it is Dalton Enterprises as the tenant – utilizing the contained water or some future tenant not utilizing the water.

Mr. Carson said that is pretty much it. He said as he said the storage yard right now is paved on one side – it's paved along another side – it's paved along the Willow Brook wetlands – it's paved on the side up to the loading dock and the center of the property is impacted process stone.

Mr. Carson said even though the 52,000 gallons sounds like a lot of water – it really is only a slight increase in actual runoff because all they are doing is taking a compacted process stone yard and replacing it with a roof. He said obviously there is an increase in the coefficient in runoff but they are not disturbing any additional area or creating any additional area.

Mr. Carson stated that the proposed bio-filtration swale is located just outside the 16' easement that was given to the state for the Linear Trail although there is some discussion underway with the state right now of possible relocating the trail to the other side of Willow Brook in this immediate area and then coming back into the railway right away; but in either case either that 16' strip would be either part of the trail system itself or would remain existing vegetation as it is now –either way it has no impact on the proposed improvements.

Mr. Carson said he would be happy to answer any questions.

Dr. Dimmick said first of all he wanted to congratulate Mr. Carson on his solution to this problem; secondly he had two questions to just to round out his own information – what happens to the process water – he said he knew they were using it now and discharging – where does it discharge to.

Mr. Carson said he knew the Commission was familiar with the product that Dalton makes – he said each one of those 5 gallon pails is approximately 50 percent water so that's where the water goes and as he said – they took their water use records for an entire year and

confirmed what they had told us – their average use is 6,000 gallons per day and their minimum use was 4,500 gallons.

Dr. Dimmick said second question – there was at least – he did not know if there still was an easement in favor of Stephen Nigro to cross over that.

Mr. Carson said that easement is 33' in width and will continue to be functional; none of the improvements are within that easement; part of the building almost makes it – the back corner is about 2' off the easement – he thought they had about 35' at that point.

Chairman de Jongh asked if the town engineer reviewed the computations and if so did they comment on them.

Mr. Carson stated yes.

Ms. Simone stated there has been discussion back and forth and the latest review is that they are comfortable with the design.

Chairman de Jongh asked if they had that in writing.

Ms. Simone stated yes – it was part of the staff review.

Mr. Norback asked about the water that is collected during the off or shut-down time – how will that discharge be monitored and how will the discharge be calculated.

Mr. Carson said it's metered – it's already been calculated – it's metered at the bottom of the tank where they are installing a 2" drain line with a shutoff valve.

Mr. Norback asked if that was manually.

Mr. Carson stated yes – the shutoff valve will only be opened to allow it to drain during the shutoff period when there is no water.

Mr. Norback asked if this was dependent upon someone monitoring it – a human monitoring it; looking at the tank and it would then be discharged if they had an unusual spike in precipitation.

Mr. Carson said yes - there is a 6" overflow pipe that at the top of the tank and that discharges to a typical downspout on the outside of the building.

Dr. Dimmick said and when it's open its kind open for the winter – another words would they will have to go back and check it from time to time.

Mr. Carson said once it's opened its opened and the purpose for that is to actually allow the tank to drain so that the tank is empty when the snow fall or rain fall event comes during the shutdown period.

Mr. Norback asked about the area of the swale that is proposed to help mitigate the oils....how is that being addressed at this time.

Mr. Carson said there is nothing there now.

Mr. Norback said so this proposal would improve that aspect.

Mr. Carson said they would actually be taking up 8' of pavement right now – the area where the swale is going – the 6' swale and the 2" stone – that right now is paved.

Mr. Norback said they are not being able to take advantage of evaporation and sunlight breakdown process right now.

Mr. Carson stated that was correct.

Chairman de Jongh asked what was going to happen to the broken pavement when they start to bring in that 8' section of pavement.

Mr. Carson said they will do what needs to be done to properly dispose of.

Chairman de Jongh said just a clarification he wanted to make – he said Mr. Carson was referencing the current sheet flow on the property as going toward the Willow Brook but he thought he said towards the east but he thinks he meant to say towards the west.

Mr. Carson said if he said the east he was wrong – it is to the west.

Dr. Dimmick said he believed the Commission accepted this at the last meeting just to get it on the record – now significance needed to be addressed.

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

Moved by Dr. Dimmick. Seconded by Mr. Norback. Motion approved 5-0-1 with Mr. McPhee not being present for the vote.

Chairman de Jongh said at this point they will allow staff to craft her wording and they can take this up at the next meeting.

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

Mr. McPhee returned to the meeting at 8:06 p.m.

X. NEW BUSINESS

1.	Permit Application	APP	#2012-013
	Town of Cheshire Public Works	DOR	5/15/12
	East Ridge Court		
	Storm Water Management	MAD	7/19/12

Don Nolte, Department of Public Works Engineering Technician was present on behalf of the application. Mr. Jerry Carbone was also present.

Mr. Nolte said he was before the Commission to present the application to create a storm water retention basin at 3 East Ridge Court at the intersection of Cheshire Street. He said the intersection is about mid-way between Blacks Road and East Johnson Avenue – it's in the Quinnipiac River Watershed.

Mr. Nolte shared with the Commission pictures of the site. He said he thought the pictures were very telling because they show the existing condition that occurs when they get heavy rain or a clogging of the discharge pipes and they get several inches – maybe 5" of water running down Cheshire Street.

Mr. Nolte said the flooding pictures he was sharing happened to be taken in 2007 however he saw this happening last year during Irene when they had about 5" of rain – he said he thought this storm event from the historic records was only 2.5" but it was in March and there was a lot of snow that preceded month and melt and high ground water and he said it doesn't take too much to clog a 30" culvert. He said when they have a 4' by 7' box culvert coming into this 90 to 100' reach of stream – it's an unnamed stream.

Mr. Nolte said here this evening was one of the property owners – Mr. Jerry Carbone who has had a change to take a look plans and

has signed off on the application and he believed – and he can speak for himself – is in full support of it; he does have some minor comments which he can address later.

Mr. Nolte reviewed the display map which is really of the planting plan but it might be easier for the Commission to see at this distance – he said they proposed to realign the stream slightly because right now it's under cutting the bank and it's causing some erosion problems which they intend to fix.

Mr. Nolte explained that they intend to excavate out about 100 cubic yards of earth and create a low berm – maybe a foot to 2' high and because of the topography of the area that will be able to impound quite a bit more water – maybe 3' over a 4,000 SF area so 600 cubic yards more volume or maybe 120,000 gallons that will help attenuate the peak flows through this area and also force more water through the out letting pipes.

Mr. Nolte said they are proposing to extend the existing culverts a little farther away from the road about 8' and put a control structure which is going to be a modified double catch basin and it's going to have a very large orifices on it and a 3.5 by 5 on one side and 2 by 4 on the other to let as much water through here as possible – they are not trying to detain anything here but just have more place for the water to go; if it should spill over though as is possible because they probably can handle a 10 year storm with this modifications but nothing more than that; it will spill over on a stabilized modified rip rap slope embankment so they don't get a failure and have the berm take out catastrophically.

Mr. Nolte said he checked the sight line – it won't have an impact on the intersection site distance left exiting East Ridge Court.

Mr. Nolte said the bottom of the basin area will be about 1' above the stream and they intend to plant wild flag grasses and hydrophilic vegetation he feels will do well once they lower the grade there.

Mr. Nolte said to its roughly a cut and fill balance – it's not too sophisticated – it's pretty simple and it's the most feasible and prudent alternative and cost effect solution to what's an interventant condition that might occur once a year or once every year and a half without going to the extent of extending 140' of 4 by 7 box culvert beneath Cheshire Street – he thought this was the next best alternative.

Dr. Dimmick said he thought the real problem here was not with the Commission but because there is more than 100 acres upstream it falls under the state stormwater diversion act. He said Mr. Nolte may have to check with the state to see if they have a stream diversion permit requirement.

Mr. Nolte agreed to check into this matter.

Dr. Dimmick said the beginning of the stream is all the way up into Meriden.

Chairman de Jongh asked that Mr. Nolte said they were going to create a berm on that corner.

Mr. Nolte said yes – it might be a foot high near East Ridge Court going to about 2' high to the height of what are going to be retaining walls maybe 5' high containing the fill by the outlet control structure.

Chairman de Jongh said just looking at the difference in the topo – there is about a 4' or 5' difference between the height of the berm and the stream bed.

Mr. Nolte said generally it would be about 4'.

Chairman de Jongh said the question he has are they any way going to armor the side of that - because if the water comes down with the velocity that Mr. Nolte talked about he could see under cutting of the berm that they are trying to create – are they going to armor that side a little bit similarly to what they did on Country Club Road.

Mr. Nolte said they are planning on using pera-mat in certain locations on this which is very tough turf reinforcement matting. He said this will be out of the high flow velocity area but they are going to armor with stone – the stream and banks and bottom and the toe of the slope and then perhaps carry the pera-mat up the slope where it's eroded and do some plantings in there to correct that situation.

Chairman said he was just concerned about the velocity of the water just kind of cutting in and undoing everything.

Mr. Nolte said it was going to have several feet of standard rip rap which is 18" to 30" diameter – large stuff.

Mr. Nolte said the only comment Mr. Carbone had was after looking at the planting plan he would be interested in seeing some more

plantings there which is certainly not a problem. He said they only had 15 shrubs shown schismatically – they can double that but they don't want to overdo it – they are going to have to maintain this area – maintain the sight lines – mow the berm and he thought they could work that out with Mr. Carbone.

Motion: To accept the application.

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

Chairman de Jongh asked Mr. Carbone if his concerns have been met.

Mr. Jerry Carbone stated that his concerns had been met. He said this was his first time at a meeting of this sort and he wanted to thank Mr. Nolte and the town in this whole process – he said he was greatly surprised and pleased on how they included the homeowner and he thought it went very smoothly - Mr. Nolte asked all of their questions all the way and went the extra mile to provide them with plans and to explain those plans so he appreciated the process.

Chairman de Jongh said that was good to hear – he thanked Mr. Carbone.

Dr. Dimmick asked Ms. Simone if she had a change to go over the proposal.

Ms. Simone stated yes. She said she was comfortable with what is being proposed and she believed the erosion controls were adequate and this will be a great improvement to the area.

Mr. Nolte said there is about 11,000 square feet of mapped wetlands which is basically contained within the channel itself – all the excavations in the upland area – they are going to be armoring – so they are going to be disturbing .024 acres of wetlands and maybe a tenth of an acre of total upland review area being altered and then they feel enhanced with the creation of more of a wetland environment.

Chairman de Jongh asked about the installation of the rip rap – he asked if that was going to be manual installation.

Mr. Nolte said no – that's heavy stuff – it will be done with an excavator.

Dr. Dimmick said some of those stones are going to weigh in excess of 180 pounds.

Mr. Nolte said probably 400 pounds apiece.

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

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

Chairman de Jongh said Dr. Dimmick brought up the point of having to get a water diversion permit from the state so he did not know whether or not the Commission could move forward without that permit.

Ms. Simone said they yes – they could.

Dr. Dimmick said it is incumbent upon the Commission to warn people about the possible need for a permit - but the state might say we are too busy for something like that – just go ahead. He said the worst possible thing that could happen is the state says you need a permit and then if they decide they want to change it – he said it's better to find out now.

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

2. Request for Determination
158 North Timber Lane
Pool Installation

Ms. Simone said there is no one here tonight to present this application.

The Commission reviewed the presented materials for this request for determination.

Dr. Dimmick said he asked Ms. Simone to try to look through the records because he had remembered in the late 1970s that there was a Mrs. Matazuski who lived at that address at that very address or very close to it who had come before the Commission at least three times complaining about her back yard flooding – he said he had

remembered as being at being at 158 but according to this record she was at 198 North Timber Lane.

Dr. Dimmick said there is a problem in that area of flooding – she talked about standing water in her back yard and alluded to saying the whole area would flood and she wanted the town to do something about it. He said other than that he did not remember the details and the records aren't quite clear enough to indicate anything.

Dr. Dimmick said he did think they needed to take a look at it or take a little further research – this is definitely though in his opinion going to need a permit because of what has happened somewhere in the general area.

Chairman de Jongh said he remembered there were two lots and staff had reminded him – it was Mr. Wilde that built a couple of homes in that area – although it's not on the same street but in the same general area and it's under a lot of stress.

Dr. Dimmick said it's in the flood plain of Willow Brook and as such those home went in in the early 1960s at a time when there was very little regulation going on in Cheshire and also when they have had several years of drought and as result they probably went in land that was wetter than they should have gone into being with.

Dr. Dimmick said at the time when these homes were built there was some fill put in but of course there was no wetland regulation at that time to prevent that.

Mr. Norback asked if they had a wetlands map that shows this – because he knew Timber Lane has quite a differential from west side to east side regarding elevation.

Dr. Dimmick said this is on the east side facing the flood plain of Willow Brook.

Ms. Simone said this is in the staff report on the lat page – it has a portion of the officials soils map and the yellow parcel is the subject parcel. She noted that the bold line indicates where the wetlands start. She said although they don't use the official soils map for the actual location of wetlands they use a general measurement and this proposed activity is certainly within 50' of what is shown as wetlands located to the rear of the house – she explained that in her office they use that as a rule of thumb that administratively they are not

going to sign off on anything that's even near that 50' or 60' area – that would need to come before the Commission.

The Commission reviewed the staff report.

Motion: That the Commission declares that this proposal does require a permit from the Wetlands Commission.

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

Chairman de Jongh suggested that the homeowner stake out where the pool is proposed to go and the Commission would have to have some kind of site visit.

Ms. Simone asked if the Commission wanted them to have a soil scientist locate where the wetlands are.

Dr. Dimmick said unless they can find where a wetland line was already marked by a soil scientist on the existing map; he said he thought Ken Stevens flagged the wetlands and there might be a map on file with the town – but that was 36 years ago. He said Ken Stevens flagged the wetlands at the request of Mrs. Matazuski when she complained about the flooding to determine where the wetland line was – he was not sure if that got filed with the town.

Ms. Simone said this development pre-dates the Wetlands Commission. She said she would look into the files and see if she could locate a soils report.

Chairman de Jongh asked Ms. Simone that when she notified the homeowner that an application be required that he suggest they have information regarding the drainage of the pool. He stated he wanted this information to be part of the application.

Dr. Dimmick said some of that is in staff's letter.

Mr. Norback said there seems to be a pool on the property already.

Ms. Simone said that was from the topo map taken in 1992; according to the pool person the above ground pool is no longer there. The proposed pool is going to be an in-ground pool.

Chairman de Jongh stated an application is definitely needed. He said just for the record the above ground pool was put in without a permit – he said they don't have anything in the files.

Dr. Dimmick said that might have been pre-existing non-conformation use because the development goes back to the 1960s.

Ms. Simone said they have no information as to what pool was there and when it was put in.

3. Request for Determination
785 South Brooksvale Road
Installation of river stone along bank

Ms. Simone stated that the request for determination for 785 South Brooksvale Road has been withdrawn.

4. Subdivision

Ms. Simone stated that an application for a subdivision that was previously approved from this Commission was submitted to the office today so by majority vote if the Commission wanted to take this matter up tonight the applicant's representative was here.

The Commission agreed to add this item to tonight's agenda.

Chris Hulk, civil engineer with Milone and MacBroom was present on behalf of the applicant.

The Commission reviewed the plans.

Ms. Simone said she had not had an opportunity to check and see if this reflects what was shown on the subdivision plan but in speaking with Ryan McEvoy today that it does mimic that and actually the house is located further away from the wetlands than what was shown as an idea in the subdivision plan.

Mr. Hulk stated that this was a previously approved subdivision and this is lot 4 of that subdivision that was requested to come back before the Commission when they did the plot plan. He said the subdivision is on the south side of Allen Avenue – he said right now they are proposing a house with an underground septic system.

Mr. Hulk showed on the plan the wetland area and the upland review area. He said the Commission previously approved a conservation easement that is shown on the plan.

Mr. Hulk said the septic system that was previously approved is shown on the plan and is also shown where it is now going to be – it's generally in the same spot just kind of slightly shifted to the side.

Mr. Hulk said the previously approved house location is shown actually further back than where the proposed location is going to be now.

Mr. Hulk stated that the foot print is slightly smaller too and the driveway is going to be shorter because the house is not a quite far out.

Mr. Hulk said they are moving further away from the wetlands – the septic is in the same spot and they are not going to be encroaching on the 50' upland review area or the non-encroachment line.

Dr. Dimmick said it seemed to him that the soils perk fast in this area. He asked if was within the guidelines – because Chesprocott doesn't like them to go too fast or too slow.

Mr. Hulk said they were pretty fast but they are right within the guidelines and also this house is going to be served by public water.

Dr. Dimmick said he just worries about the septic perking too fast.

Mr. Hulk said typically when it perks too fast it's a problem with the well separation.

Dr. Dimmick said they worry about it bubbling up in the adjacent wetlands which he has seen.

Mr. Hulk said Lorraine at the Health District said she was ok with it.

Ms. Simone asked on the site plan that was submitted it shows a bracket that shows 'A' and 'A' with two arrows – she asked what that was.

Mr. Hulk said that was a typical cross section that they have to do for all septic systems required by the Health Department.

Chairman de Jongh said so the end result is better than what was originally presented conceptually on how this lot was going to be laid out. The house is a little smaller and the septic system has shifted a little bit.

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 Ms. Dunne. Motion approved unanimously by Commission members present.

Chairman de Jongh said they will ask staff to do her thing with pen and paper and they will be able to finish this up at the next meeting.

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

XI. ADJOURNMENT

The meeting was adjourned at 8:31 p.m. by the consensus of Commission members present.

Respectfully submitted:

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