

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, JUNE 5, 2012
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 p.m.**

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

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, 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 15, 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 8:03 p.m.:

Motion: To accept the minutes with corrections from the May 15, 2012 regular Inland Wetlands and Watercourse Commission meeting.

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

VI. COMMUNICATIONS

- 1. Wetland Determination Letter to Mr. Richard Tanguay
Re: 158 North Timber Lane**

Ms. Simone reviewed this communication was reviewed. Ms. Simone stated that the wetland determination letter was made from the Commission at the last meeting and was sent out to the property owner's representative of 158 North Timber Lane.

- 2. General Statutes of CT Revisions**

This communication was reviewed. Ms. Simone the revisions were for all the wetland statutes. She said she provided this communication to the Commission just so in case they were curious as to what the state regulations were regarding wetlands – it's all in one updated complied compilation.

- 3. Letter from Dante Pasqualoni, III
Re: Status of Pond Maintenance for IWWC Permit # 2012-002**

This communication was reviewed. Ms. Simone said she just reviewed the letter and that she has not been out to the property yet to take a look at anything.

- 4. Request for Determination
Re: 785 South Brooksvale Road**

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

- 5. Permit Transfer Request for IWWC Permit # 2011-018A
From Frederick E. Pierson to Pinnacle Land Development**

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

- 6. Engineering Comments
Re: IWWC App. # 2012-014, 779 Allen Avenue, Lot 4**

This communication was reviewed. This item is on the agenda under unfinished business tonight.

Handed out at tonight's meeting:

7. Staff Report: Cook Hill Road, IWWC Permit # 2012-015

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

8. Engineering Comments 261 Cook Hill Road

This communication was reviewed. Ms. Simone stated this is the same permit as item number 7 under communications.

9. Request to receive the transfer permit from Pinnacle Land Development

This item is covered under new business.

10. Engineering Comments for 779 Allen Avenue Lot 4

This communication was reviewed.

11. Communication from Town Attorney

This communication was handed out at tonight's meeting and reviewed by Commission members.

VII. INSPECTION REPORTS

1. Written Inspections

Ms. Simone stated that there were no written inspections.

2. Staff Inspections

a. Richmond Glen

Ms. Simone reported there was a staff inspection of the erosion controls at the Richmond Glen property as well as the Commission is continuing to receive the updates from their erosion control specialist.

- b. Ms. Simone said there was a staff inspection of 1395 Cheshire Street for erosion control inspection. She informed the Commission that they also posted their bond.
- c. Ms. Simone reported that lot 2 Allen Avenue – the Pierson Subdivision; she explained the Commission approved that lot and part of the subdivision did not require that they come back for individual review and approval. She explained that they were also required to have a bond which they did post and erosion controls and markers are in place.
- d. Ms. Simone stated that Consolidate Industries on Mixville Road – they contacted the Commission because they recently worked with an erosion control specialists that had created a gravel basin near the Ten Mile River and they are aware they may need a permit for that so they are putting the materials together to come in for a request for determination.
- e. Ms. Simone stated there was an inspection of Finch Avenue – the Russell White property. She explained there was a permit granted from the Commission to the Public Works Department for the driveway culvert and stream realignment and that project is secure.
- f. Ms. Simone stated there was an inspection of 229 Jinny Hill Road – there was a question about erosion. She explained the property owner had a question about erosion on their own property and she discussed with them that the and she discussed with them that they would likely need to work with a design professional to move forward on an application because it's a pretty sizeable eroded stream area that they're dealing with.
- g. Other – none.

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 this item is on the agenda for continued monitoring.

- 2. **Unauthorized Activities in an Regulated Wetland Area** SC 4/03/12
Philip and Robin Tiso

9 Summer Hill Court

Chairman de Jongh stated this item is on the agenda for continued monitoring.

3. 79 Dundee Drive

Ms. Simone said there was a question raised at the last meeting having to do with 79 Dundee Drive. Ms. Simone stated they about town property which is wetlands on town property. She explained that the homeowners were told in 2010 to stop mowing that area and it took about a year from them to finally comply with that and now staff is aware that they are starting to mow that area again.

Ms. Simone explained that the communication from the town attorney was staff asking does the old cease and desist get reinstated; the town attorney's comment was no because they did comply with the cease and desist and the case was closed so a new cease and desist could begin.

Ms. Simone said she did speak to the Public Works Department and they are willing to dedicate staff and resources to put the posts up that would indicate town property and it would basically go across that open area where you could then make a visible boundary to where town property is and private property.

Chairman de Jongh said it's apparent that from the lack of cooperation from the property owner that they refuse to recognize the boundary from their property and the town's property as much as they have tried to encourage them to put those markers up and cease the mowing operations on that property.

Chairman de Jongh said they must assume it's their (the homeowners) property because it's next door.

Chairman de Jongh said so it seems that to try to have any litigation under taken by the town would be a costly and probably never battle – it would just be throwing good money after bad.

Chairman de Jongh said since the Town Engineering Department is willing to go ahead and install those posts – they would enter that property from the town side and then be able to install the markers at the end of the town property.

Ms. Simone stated that was correct.

Chairman de Jongh said so the property could wake up one morning and find posts in their backyard. He said as far as he was concerned that was fine with him.

Chairman de Jongh asked if there were any comments or questions from Commission members.

Ms. Fiordelisi asked if the town paid for the markers.

Ms. Simone stated yes.

Ms. Dunne asked if there was also something about a fine for having violated.

Ms. Simone said the town doesn't have that set up – some towns do have a citation that they would issue; then there would be an attorney assigned to hear the case but Cheshire doesn't have that.

Chairman de Jongh said he thought the town attorney was basically saying that while there is nothing in the regulations that could give the Commission the authority to require reimbursement per say – they could pursue it but it would be a costly affair.

Ms. Simone said one option that is not detailed in there is if a new cease and desist order is issued and they come before the Commission for a show cause hearing the Commission could find that they need to put up a fence or they need to do something and order it as part of a remediation.

Mr. Kurtz said it was probably better that the town does it since it's a property matter and the Commission could get involved only if there are violations.

Mr. Kurtz stated the simple matter would be to post the property and the cheapest in the long run.

Chairman de Jongh said if that's the action the Commission is going to recommend they would need a motion to that effect to empower the engineering department to go ahead and proceed with the installation of those posts.

Motion: That the Town Engineering Department undertakes the installation of installing the posts from the town side of the property.

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

Ms. Dunne asked when the posts were up are they going to monitor activity at the site; she said just because the posts are up it doesn't mean they will stop from continuing to mow.

Ms. Simone state yes – correct and then she could contact the town attorney and it may then trigger something else having to do with non-encroachment or encroachment on town property that now it's posted as town property and someone is trespassing.

Chairman de Jongh said what he might suggest once the decision is made in terms of the date the town is going to install the posts – they may also want to send a letter out to property owners and letting them know that those posts are being installed because they have failed to do it on their own so they are undertaking it as a town to clearly mark the town property line. He asked staff to make them aware of that as a matter of courtesy but also to put them on notice that it's going to happen.

Mr. Norback asked if it was ever determined that it was the property owner's responsibility to put up the posts.

Chairman de Jongh stated the Commission clearly made point – they had that conversation with the property owner at the last cease and desist.

Ms. Simone said and they did put up two conservation marker posts but now their resuming their activity on to town property in a wetland area and maintaining it as a lawn to extend their backyard.

Ms. Fiordelisi asked if they extended the activity even beyond the posts they put up themselves.

Ms. Simone stated yes.

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 7:40 p.m.

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 construction of a 47,250 square foot building to be constructed in three phases and to be located in an area currently used for outdoor storage.**
- 2. That the storm water management system proposed is unique, as storm water is proposed to be captured and used in their processing operation. A zero discharge system is also proposed which would serve to capture storm water underground, when not being used for production purposes.**
- 3. That the proposed building is to be located outside of the 50' upland review area. No activities are proposed in the upland review area and there is no request to alter the non-encroachment line.**
- 4. That the applicant has submitted a copy of the application to the Natural Diversity Database sent to the DEEP for review and comment.**
- 5. That the proposed construction activities will not have a significant adverse effect on the adjacent wetlands and watercourses.**

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2012-012, the permit application of DALTON ENTERPRISES, INC. for site plan approval as presented and shown on the plans entitled:

**“Site Improvement Plans
For Dalton Enterprises, Inc. Showing Proposed Facilities
Expansion
At 71 Willow Street, Cheshire, Connecticut**

5 Sheets, Scale 1"=40'

Dated April 25, 2012, Prepared by OCC Design Consortium, LLC."

And

**"Stormwater Management Analysis
For Dalton Enterprises Facility Expansion
At 71 Willow Street, Cheshire CT
Compiled March 2012, Amended May 2012
Prepared by OCC Design Consortium, LLC."**

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. All recommendations from the Connecticut Department of Energy and Environmental Protection regarding protective measures for Natural Diversity Database species shall be stringently adhered to.**
- 4. 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.**

5. This permit grant shall expire on June 5, 2017.

Moved by Dr. Dimmick. Seconded by Mr. Kurtz. Motion approved 6-0-1 with Mr. McPhee having recused himself from this portion of the meeting.

Mr. McPhee returned to the meeting at 7:41 p.m.

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

Motion:

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

- 1. That the current application is for the redesign/restoration of the storm water basin at the intersection of Cheshire Street and East Ridge Court That the property lies within the Sindall Brook watershed.**
- 2. That the proposal calls for the removal of approximately 100 cubic yards of soil for the relocation of the stream channel and regrading channel elevation in order to achieve upland slope stabilization and to minimize storm event overland flooding.**
- 3. That IWWC records indicate a history of over land flooding on Cheshire Street in heavy storm events.**
- 4. That the proposed work will help to alleviate overland flooding as well as improve the wetland value and function of this basin. The relocation of the storm channel will likely reduce the erosion of the upland bank and prevent sediment from entering the stream, which directly empties into the**

Quinnipiac River approximately .25 mile from the Cheshire Street/East Ridge Court intersection.

- 5. That the proposed 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 #2012-013, the permit application of Department of Public Works for site plan approval as presented and shown on the plans entitled:

**“Site Plan
Proposed Drainage Improvements
Cheshire Street & East Ridge Court, Cheshire,
Connecticut
3 Sheets
Dated May 8, 2012
Prepared by the Town of Cheshire Dept. of Public
Works.”**

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 any clearing, earthmoving and/or construction activities, the applicant shall accurately stake and flag clearing limits and properly install erosion controls.**
- 4. 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.

5. This permit grant shall expire on June 5, 2017.

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

3.	Permit Application	APP	#2012-014
	Pinnacle Land Development	DOR	5/15/12
	Allen Avenue, Lot 4		
	Site Plan - House	MAD	7/19/12

Ryan McEvoy, PE of Milone and MacBroom was present on behalf of the applicant.

Mr. McEvoy addressed the Commission.

Mr. McEvoy said he was before the Commission tonight to discuss lot 4 of the 779 Allen Avenue Subdivision.

Mr. McEvoy stated that the house and septic system for this house lot is proposed are currently in the similar location as to what was proposed and approved by this Commission during the original subdivision – he said in fact the house is slightly further from the wetlands than what was previously approved.

The Commission reviewed the plans.

Mr. McEvoy showed on the plans the location of the proposed home location and the septic system which is located in the identical location as where it was approved previously – and the grading and lot drainage is identical to what was proposed previously.

Mr. McEvoy stated there were comments from Engineering – some questions namely in regards to the grading of the driveway – they had proposed the driveway to be at ten percent but the Engineering concern was that on the inside of a tight curve there are portions of it that would be a little steeper than ten percent so they tweaked the grading to achieve ten percent of the inside of all the curves.

Mr. McEvoy said the Town Engineer also had concerns about the sizing of the roof infiltration and they provided more information on the revised plan the Commission has in front of them regarding the length, width and depth of the infiltration areas.

Mr. McEvoy said the Town Engineer also had a question regarding a hill or mound on the property located adjacent to the existing house on the property and this was approved with the original plan to essentially be excavated – there was a pile of gravel used as fill material to construct the common access drive that serves this lot and two others and as of right now the permittee or the owner of the site has actually performed much of the excavation of this area and moved it to the cul-de-sac to raise that grade up.

Mr. McEvoy said the Town Engineer's concern was how much material was being moved from this pile or this gravel mound to the cul-de-sac – it's about 15,000 cubic yards but again that was all part of the grading plan and was approved on the original subdivision – he said he believed it was just a clarification from the Engineering Department.

Mr. McEvoy said if there were any other questions he would be happy to answer them.

Dr. Dimmick asked if staff had gone over the plans.

Ms. Simone stated yes.

Dr. Dimmick asked if she found them satisfactory.

Ms. Simone stated yes.

The application was determined not to be significant at the last meeting.

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 construction of a single family house.**
- 2. That permit#2011-018 specifies that the construction of Lot #4 requires the review and approval of the IWWC.**
- 3. That the applicant proposes the establishment of a conservation easement in excess of the depicted 50' upland review area.**
- 4. That the applicant's soil scientist field located the wetland boundary in the August 31, 2011 subdivision plans of permit #2011-018.**
- 5. That the applicant's engineer stated that the proposed construction activities will not have a significant adverse effect on the adjacent wetlands and watercourses.**
- 6. That the drainage details for the development along the common east boundary could not be reviewed, as the development is a result of court action not local land use commission review and approval.**

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2012-014, the permit application of PINNACLE LAND DEVELOPMENT for site plan approval as presented and shown on the plans entitled:

**“Proposed Site Plan & Sub-Surface Sewage System Design
Lot #4 Proposed Residential Subdivision
779 Allen Avenue, Cheshire, Connecticut
1 Sheet, Scale 1”=30' Dated May 14, 2012, Revised June 4, 2012.
Prepared by Milone & MacBroom.”**

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

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

- b) the proper installation of all sediment and erosion controls indicated on the above referenced plans.

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

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

- a) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100' if possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.

- b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.

- 7. This permit grant shall expire on June 5, 2017.

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

X. NEW BUSINESS

1.	Permit Application	APP	#2012-015
	Ricci Construction Group, Inc.	DOR	6/05/12
	Cook Hill Road		
	Site Plan – House	MAD	8/09/12

Ryan McEvoy, PE of Milone and MacBroom was present on behalf of the applicant.

Mr. McEvoy requested that any discussion on this application be deferred to the next regularly scheduled meeting. He explained they are still trying to have the applicant come to an agreement with the neighboring property owner to conduct some of the regulated activities on the neighbor's property so there is still some paperwork that needs to be settled before they can proceed.

Motion: That the Commission note for the record that an application has been received and that the Commission defers any further action until the necessary material is received.

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

Significance of this application was not determined at tonight's meeting.

**2. Request for Determination
785 South Brooksvale Road**

Mr. Sanjay Kulkarni the homeowner was present.

Mr. Kulkarni addressed the Commission. He submitted for the record some other photographs.

Ms. Simone stated she did receive a copy of color photos.

The Commission reviewed the photos.

Mr. Kulkarni said his property borders South Brooksvale Road and Abrams Road and is immediately upstream to the duct the goes under South Brooksvale Road.

Mr. Kulkarni said on occasion of the last two or three years there has been flooding in that area because they are at the bottom of the hill.

Mr. Kulkarni said the wetlands area – around that area had been left unattended and there was a lot of dead brush and so forth so they did contact the Wetlands Office to give them permission to remove the dead brush in the areas.

Mr. Kulkarni stated that his goal is really to provide maintenance of this area; it also abuts his property so it provided both an aesthetic appeal and but more importantly if left unattended this area becomes overgrown with like foliage and so forth and his concern is that is continuously gets washed up under that duct under South Brooksvale Road and they would like to get permission to do just a couple of things.

Mr. Kulkarni said on the top left hand corner where they removed some dead trees they would like permission to move the stumps but they lie immediately in the wetlands area.

Mr. Kulkarni said on the residence side they would permission to lay stone in that area approximately six to eight tons of river stone right next to the area which they don't think would narrow that area significantly.

Mr. Kulkarni said finally there are some brushes that the root structure are completely exposed and his concern is that with further increased stream flow that that area is just going to have all of the brushes get washed up into the viaduct so he would like permission to remove those and then plant new ones a little bit further back.

Dr. Dimmick said he had an important question to ask – did Mr. Kulkarni own both sides of the stream.

Mr. Kulkarni said he believed he owned the other side of the stream.

Dr. Dimmick asked if he knew where the property line was on the other side.

Mr. Kulkarni said he would have to verify it.

Dr. Dimmick said he thought that was the first thing the Commission needs to determine before Mr. Kulkarni starts working in the stream he needs to show that he owns at least to the top of the bank on both sides of the stream – if he doesn't then something has to be settled.

Mr. Kulkarni said he was almost certain, as he recalled the plans when he first bought the property in 2004 that it does include both sides but he can provide that information for the Commission.

Dr. Dimmick said ok but that is an important step.

Dr. Dimmick said he did not think there was any problem with the brush that Mr. Kulkarni has removed as that is kind of maintenance. He said when you remove a stump you're doing a soil disturbance that automatically requires a wetlands permit – it doesn't mean you can't do it but it does mean you need a permit so if you need to request a determination that would do that.

Dr. Dimmick said the third item is that with those bushes which are being undermined – the thing to watch out for there is that removing those might allow the stream to widen itself further and when the stream gets too wide it starts getting too shallow; when it starts getting too shallow then it starts doing strange things so he has to

watch what happens there. He said there are many cases where people figure they are going to do flood control and they widen the stream and the result is all of a sudden the stream starts putting deposits of material where they didn't expect it and there are unforeseen consequences.

Dr. Dimmick stated that widening the stream slows the water down which sounds good but you slow the water down then the sediment from upstream is going to deposit in the middle so they may widen it and find you have created a delta in the middle right in front of the culverts.

Mr. Kulkarni said that was a good point. He said he thought it really comes down to the fact that is just when you look at it these trees look like they are ready to fall over the next time they get a flood in that area – that happens with heavy rain.

Dr. Dimmick said he understood Mr. Kulkarni's concern – he just is not sure if he does that whether he should consider that some kind of armoring of the bank at the point where he removes the brush might be appropriate to keep the bank from suddenly getting much wider.

Mr. Kulkarni said he could discuss this with his contractor.

Ms. Simone said she might suggest – the Town is interested in widening the box culvert there because they have identified it as a choking point and that water flows over land so Mr. Kulkarni may want to contact the Town Engineer and see if there's a design that might work for Mr. Kulkarni as well as what the Town is trying to achieve.

Dr. Dimmick said wing walls would help – if they widen the box culvert and put wing walls leading in to the box culvert that might take care of both things.

Dr. Dimmick said he thought staff's suggestion about working with the Town on this would be wise.

Chairman de Jongh said one of the other pieces of information he would need is talking about the installation of stone along the sides of the banks of the river – similarly to what they did on Country Club Road to make sure that the way it's done is consistent with what the end result is attempting to be.

Chairman de Jongh said so the Commission needs some details on what is being proposed. He said he would like to go take a look at the site before the Commission makes a final decision on this item.

Chairman de Jongh said while the pictures are great – a lot of times the Commission gets a lot more information when they go out and see the site – to do a site walk out there.

Dr. Dimmick said the Commission has on the agenda a request for determination – he said they don't have a permit but it is his feeling that they do need a permit.

Motion: That the Commission has looked at the information and has determined that a permit will be necessary for the proposed activities.

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

Dr. Dimmick said that staff can help Mr. Kulkarni in preparing a permit but the Commission also suggested he try working with Engineering and coordinate so they don't wind up working across purposes and they have some professional help available so that they don't make the wrong decisions here.

Mr. Kulkarni said that sounds good. He asked if the Town planned on replacing the box culvert this year.

Ms. Simone said she was not sure about that but she would contact them and ask them what their time frame is.

Mr. Kulkarni asked if he should defer his application and put the two together – the Town's work.

Chairman de Jongh asked that staff find out from the Town Engineering Department what the time table is.

Ms. Simone agreed to check with the Town so see if they have started the design process on this project; she will check with the Town and coordinate with Mr. Kulkarni so that everything sort of gels together.

Chairman de Jongh said after they receive the application a site visit will be set.

**3. Permit Transfer Request for IWWC Permit # 2011-018A
From Frederick E. Pierson to Pinnacle Land Development**

Ms. Simone stated that this is the motion that date was modified under finding number one and stipulation number two regarding the date that the subdivision and road construction permit was granted to Frederick Pierson and he is seeking to have that transferred to Pinnacle Land Development.

Ms. Simone said both Mr. Pierson and Pinnacle Land Development have written letters to the Commission; one requesting that the transfer of the permit to the other.

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 request for permit transfer finds the following:

- 1. That a previous CIWWC permit, CIWWC Permit #2011-018, was granted, with stipulations, to Frederick Pierson for subdivision and road construction on October 4, 2011.**
- 2. That the permit grant stipulated, in part, that any changes or modifications would require CIWWC review and approval.**
- 3. That the current permittee, Frederick Pierson has submitted, in writing, consent to the transfer request.**

Therefore, the Commission grants the permit transfer request of Frederick Pierson to transfer CIWWC Permit #2011-018 from Frederick Pierson to Pinnacle Land Development, said transferred permit to hereafter be referred to as CIWWC Permit #2011-018A, with the following stipulations:

1. Any changes or modifications to the plans as presented will require subsequent Cheshire Inland Wetlands and Watercourses Commission review and approval.
2. That all conditions and stipulations of CIWWC Permit #2011-018 granted, with stipulations, to Frederick Pierson for subdivision and road construction on October 4, 2011 are incorporated by reference as though fully set forth herein to the extent they are not in conflict with the present permit transfer grant.

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

4. **280 School House Road
Request for Determination**

Ms. Simone said with the Commission majority approve this item was added to tonight's agenda.

Motion: That the Commission moved to add this item to the agenda.

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

Ryan McEvoy, PE of Milone and MacBroom was present on behalf of the applicant.

Chairman de Jongh read into the record the letter regarding the permit determination at 280 School House Road, Cheshire, CT from Ryan McEvoy from Milone and MacBroom on behalf of the applicant requesting a determination for the need for a permit for an above ground 30,000 gallon propane tank on existing industrial property occupied by Arbor Oil and Total Tree Care.

The letter stated in 2002 the CIWWC approved a site plan for the current use that included a disturbance within the regulated upland review area. Currently the applicant proposes a propane tank to the outside of the regulated area roughly 75' from the wetland delineation from the previous approval.

Mr. McEvoy addressed the Commission.

Dr. Dimmick asked if they were doing any excavation or filling.

Mr. McEvoy stated the site is located to the north side of School House Road – across the road from Bozzutos.

Mr. McEvoy said the building onsite occupies two businesses – Arbor Oil and Total Tree Care and the limit of disturbance that was approved in 2002 is shown on the plan; the wetlands and the proposed propane tank is shown on the plan about 75’ from the wetland delineation.

Mr. McEvoy stated the propane tank is above ground and is supported by two piers that are constructed into the ground about 2.5’ to 3’ deep and the tank rests on top of those piers. He stated that is the only excavation needed is for the installation of the concrete.

Dr. Dimmick stated he did not see a problem with this.

Mr. McEvoy said other than the tank there is really no proposed disturbances – he said the area behind the building is used by commercial vehicles.

Dr. Dimmick asked if there was kind of crushed gravel around there.

Mr. McEvoy said yes – there is crushed gravel. He said they are proposing to extend some of the gravel formerly towards where the propane tank was going to be – there is compacted gravel right now.

Mr. McEvoy agreed with Dr. Dimmick that there are vehicles that move back and forth in this area.

Chairman de Jongh said once the tank is in there is no maintenance or anything on it – just trucks are going to fill it from the front.

Mr. McEvoy stated that was correct – it was going to be surrounded by a chimney fence with a razor wire.

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

Moved by Dr. Dimmick. Seconded by Mr. McPhee.

Mr. Kurtz’s stated that he was an abutting property owner – he said this does not seem to be controversial but he was just not going to vote on the motion.

Motion approved 6-01 with Mr. Kurtz recused himself from voting on this motion due to the fact he is an abutting property owner.

5. Legislative Updates

Ms. Simone said he wanted Commission members to know she went to a Legislative Update meeting and they provided some information on updates for the past year and instead of just handing it over to the Commission she is going to review it and give a short summary and provide the support materials for the next Commission packet.

XI. ADJOURNMENT

The meeting was adjourned at 8:04 p.m. by the consensus of Commission members present.

Respectfully submitted:

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