

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, JUNE 19, 2012
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 p.m.**

Members present: Robert de Jongh, Charles Dimmick, Earl Kurtz, Kerrie Dunne and Thom Norback. Will McPhee arriving at 7:32 p.m.

Absent: Sheila Fiordelisi

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, Earl Kurtz, Kerrie Dunne and Thom Norback. Will McPhee arrived at the meeting at 7:32 p.m.

V. APPROVAL OF MINUTES – Regular Meeting – June 5, 2012

Chairman de Jongh stated that there were some irregularities in the minutes from the June 5, 2012 meeting. He suggested that the approval of the minutes be deferred to the next meeting until the correct minutes are verified by the recording secretary.

The approval of the minutes was deferred to the next meeting on July 3, 2012 by the consensus of Commission members present.

The minutes from the May 15, 2012 were accepted at the June 5, 2012 meeting but did not appear in the minutes. For the record the motion and corrections are as follows:

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

Corrections from the June 5, 2012 regular Inland Wetlands and Watercourse Commission meeting: Pg. 1 motion should read “To accept the minutes with corrections from the May 15, 2012 regular Inland Wetlands and Watercourse Commission meeting: **Corrections:** Pg. 2 L19 “udder” to “under”; pg. 3 L40 delete “ question”; pg. 5 L8 “who’s” to “whose”, L11 “they” to “the”; L29 delete ‘just’; pg. 6 L38 “they” to “the”; pg. 7 L6 “referernce” to “reference”; L9 “non-encroachemtn” to “non-encroachment”; L34 “in deed” to “indeed”; pg. 13 L21 “intensive” to “intents and”, L33 “perception” to “precipitation”; pg. 15 L42 should read “water usage”; pg. 16 L9 “kind” to “kept”, L10 “another” to “in other”; pg. 20 L 3 “change” to “chance”; pg. 22 L 31 “being” to “to begin”, L45 “lat” to “last.”

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

VI. COMMUNICATIONS

1. Request for Determination

Suresh R. Patel

Re: 164 Rockview Drive – Garden Shed

Ms. Simone reported that the first communication was a determination request for 164 Rockview Drive. This item is under new business tonight.

2. Staff Report- Application #2012-015

Ms. Simone reported that the second communication was a staff report for application #2012-015 which is under unfinished business.

3. Staff Report with Attachment; Application #2012-016

Ms. Simone stated that the third communication was a staff report with attachments for application #2012-016 which is under new business tonight.

4. Staff Summary- Legislative Update 2012

Ms. Simone stated the fourth communication was a staff summary for legislative update for 2012.

VII. INSPECTION REPORTS

1. Written Inspections

Ms. Simone stated there were no written communications.

2. Staff Inspections

a. Weise Road Verna Property

Ms. Simone said the first staff inspection was for erosion controls at the Weise Road Verna permit.

b. Country Club Road – Napolitano

Ms. Simone said the second staff inspection was Country Club Road – Napolitano has a second lot that is developed or being developed which already has a wetlands approval on it and that inspection has been completed also.

Chairman de Jongh asked that the record show that Mr. McPhee joined the Commission at 7:32 p.m.

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 will remain on the agenda for the Commission's review purposes and will remain on the agenda until such review is unnecessary.

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

Chairman de Jongh said the second enforcement action in a regulated wetland area was for Phil and Robin Tiso at 9 Summer Hill Court; he stated this item is on the agenda for the Commission's review.

Ms. Simone stated they received their approval and they have one year from their approval date to plant at least seven Dogwood trees.

Ms. Simone stated she has been in communication with Mr. Tiso and he sounds as though he is eager to get the plantings done this year so she would be in touch and keep this item on the agenda until everything's been completed.

Chairman de Jongh asked staff if when they send a communication out to an applicant or to a property owner – when the Commission requests that a certain activities be done then does the Commission get a signed copy from them recognizing that they received the communication for the file.

Ms. Simone stated yes and in this case they received a permit and the stipulations had identified the time frame in which they needed to get certain things done and that was sent out certified mail so they do get a signed receipt back.

IX. UNFINISHED BUSINESS

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

Darin Overton, from Milone and MacBroom, a licensed professional engineer in the State of Connecticut, offices at 99 Realty Drive in Cheshire was present on behalf of the applicant.

Mr. Overton addressed the Commission. He stated he was here on behalf of the applicant to present a 2 lot subdivision off of Cook Hill Road – this is the Verdi property as they have applied for it.

The plans were reviewed by the Commission.

Mr. Overton explained that it's a 4.8 acre parcel and what he is showing first is the existing conditions and the relevant portion of the property that is colored is the part that is being subdivide and is planned to be built on with a new residential home.

Mr. Overton said there is an existing home that is located (north is straight up on the map) in the north west corner of the property along the frontage along Cook Hill Road is along the property boundary at the

top of the page to the north. He stated that the property is kind of bisected on an angle by the Mill River which flows to the south.

Mr. Overton explained that that also along the Mill River is the zone line so the western portion of the property is R-40; the eastern portion is R-80.

Mr. Overton said what the applicant is proposing to do is subdivide this into essentially into two a little bit oversized lots. The property line for this property actually intersects the Mill River up by Cook Hill Road so they initially looked at this for the potential for subdivision and they realized the only option to get to the buildable area located in the back highlighted in green on the plans would be to bridge the river and that is probably why no one had ever looked at this before.

Mr. Overton explained that the applicant approached the neighboring property owner, who also has an oversized lot – because there is an obvious location to bring a driveway in below the slope. He said there is a sloping up to the east but then there is relatively gentle slope along the river.

Mr. Overton said so the property owner has talked to the neighboring property owner and has an agreement to purchase a triangle of property from that adjacent property owner to bring in a logical driveway location so they don't have to cross the river.

Mr. Overton explained that initially when he went out to look at this property under their feasibility analysis – his untrained eye thought the edge of the wetlands was really the top of bank along the river throughout the whole area but when they sent out their professional soil scientist he however identified a different boundary.

Mr. Overton said highlighted in yellow is the boundary identified by their soil scientist which shows that there is a finger of wetland that kind of extends out up near Cook Hill Road and that is a flatter area – there is a little bit of depression there so the boundary that you see there is the Connecticut Inland Wetland boundary.

Dr. Dimmick asked if they were going to actually cross the Mill River to get to these houses.

Mr. Overton said there was no crossing of the Mill River proposed.

Mr. Overton said next is the proposed plan. He said with that triangle of property they are able to bring the driveway in through that flat area which initially they thought was an upland area.

Mr. Overton said their initial look at this based on the town wetland mapping and what he saw in the field was that they wouldn't have any direct wetland disturbance in bring the driveway in or developing a home with a septic system in the flat area in the southern end of that portion of the property.

Mr. Overton said however as it turned out with the mapping of the wetlands they do have to get the driveway access in – some direct wetland impact to build the driveway. He explained they can't really move it any further over to the east because the steep slope starts to come into play so the access there really is no way to avoid some impact.

Mr. Overton said in reviewing it with the soil scientist and they do have some functions and values that are listed in the wetland scientist report that was submitted most of which the functions and values are associated with the wetland corridor along the Mill River itself.

Mr. Overton stated that the soil scientist notes he it's good for fisheries and several other things but really the fisheries part of it is really only associated with the Mill River.

Mr. Overton said they discussed the driveway crossing and the filling of the small extension there – that finger. He said there really wouldn't be any loss of those functions and values in the overall corridor in bring that through.

Mr. Overton explained that part of what they did in developing the lot was to try and maintain as much of the natural buffer along the actual river corridors as they could so for the most part other than the first couple hundred feet of the driveway – the driveway is 50' away from the edge of the river and there is about a about 30' natural buffer that they plan to maintain all the way along the entire edge of the river on the property.

Mr. Overton said so they fit the house in below the slope – there is a corner of the house that extends within the 50' upland review area but its relatively flat and the way the grade is set-up they are able to create a nice walk out from the garage on the east side down to the basement level on the west side towards the river.

Mr. Overton stated there was very little grading associated with the house – it actually matches in with a nice walkout on that west side.

Mr. Overton said one of the initial concerns that they had was being able to fit the house and a septic system and part of the development of this lot was really dependent on the soil testing. He explained they went out there and did soil testing in this entire plateau area above the river – it's all sand and gravel all the way down to 7' there was no restrictive layer so they were able to put a smaller footprint for the septic system on there then they had initially had anticipated.

Mr. Overton said so they have shown proposed clearing limits. He said the way the house sets up – it's at grade; there is a nice backyard for the septic system and then the driveway they fit into the base of the slope and then been able to keep that for the most part 50' away from the river.

Mr. Overton stated that the only direct wetland impact that they have is crossing that finger that extends out from the river corridor itself.

Mr. Overton said as far as storm water management; you'll never get grate and impervious surface – you are going to get some increase in runoff with the change of the wooded land cover and the construction of the house so they did some runoff computations looking at the volume increase and they have provided for some underground storage for the roof leaders coming off of the house.

Mr. Overton said since the driveway is so linear and there really isn't anyway to collect the runoff across the drive they have proposed kind of a linear rain garden at the lower part of the driveway which will allow the surface water coming across the driveway to collect in a shallow linear depression and allow for some infiltration. He said they have tried to match the natural infiltration that occurs out there now under proposed conditions.

Mr. Overton said with those two things they do end up with a zero increase in runoff which is an important factor because the Mill River does have a flood plain associated with it – a FEMA map flood plain.

Mr. Overton said a portion of the driveway does run through the flood plain at the beginning of Cook Hill Road but then the remainder of the site neither the house nor the septic system – everything is outside the flood plain and elevated above it.

Mr. Overton said he thought this covered everything he had to present. He said if there were any questions he would be happy to try to address them at this point.

Dr. Dimmick said the first thing that occurred to him or course you are directly over the primary recharge zone for the South Cheshire Well Field.

Mr. Overton stated yes.

Dr. Dimmick asked if that septic perks awfully fast right there and he was not sure that they had enough way of slowing that down – he said this is the opposite of the problems that Chesprocott worries about – it's the systems that don't flow fast enough – he said this one is flowing too fast and you would be putting nitrate loading into the aquifer if they were not careful. He said he would like to see some figures to indicate attenuation going on here.

Mr. Overton stated ok.

Dr. Dimmick said the other thing was that he has not had a chance to look at the report that was submitted – the environmental report – he said he was not sure how detailed it was in terms of the area as they are coming in where they are crossing the wetland or flood plain there. He said he would have to look at the report more closely.

Mr. Overton said the perk tests both that they did onsite – they did one in the primary and one in the reserve and they were both one to ten so not overly fast like they saw on the Briar Cliff Subdivision where there is an area of concern where it's less than one minute per inch. He said they could work with Chesprocott on this and provide some computations if necessary.

Dr. Dimmick said he knew it met their standards but they are interested to see if the system will work but it can work just fine and still travel too fast as far as being too close to the Mill River and the aquifer. He said if Mr. Overton could give the Commission proper narrative on that – if they have people on staff to give proper narrative on that then that would take care of the Commission's worries.

Chairman de Jongh said he wondered if whether or not they should just take a visit to see what the site looks like.

Dr. Dimmick said yes – he thought thinks there is enough here to accept the application.

Dr. Dimmick asked if the application had been accepted.

Ms. Simone stated no - it has not.

Motion: To accept the application.

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

Chairman de Jongh said he had one question and he knew this was an issue that had come up when this was first brought up to the Commission – he asked if they had the proper property owners all on board on this; he said he thought there was some work on the abutting property. He asked staff if that was the case.

Ms. Simone stated yes. She explained in order to achieve the access to this proposed lot they will need to purchase from the neighbor. She said that aside they needed the signature from that abutting neighbor to recognize that someone is taking out an application in order to have work done on their property.

Chairman de Jongh said and that is part of the application.

Ms. Simone said a photocopy has been submitted and they are awaiting the original signed document.

Chairman de Jongh said he just wanted to make sure that the record showed that the signatures are at least either – they have gotten them or they are in the process of being added to the record.

Dr. Dimmick said next thing is he really thought they needed to see this before they can go forward in terms of determination of significance and other factors.

Chairman de Jongh agreed.

A field trip was set for Friday, June 22, 2012 at 5:30 p.m.

Mr. Overton said Commission members can park across the street at the Fresh Meadows Open Space parking lot.

Chairman de Jongh said the Commission would defer any further significance pending the results of the field trip.

X. NEW BUSINESS

**1. Request for Determination
164 Rockview Drive
Shed**

Ms. Simone said according to their letter there is not going to be anyone here tonight at the meeting to represent their request.

Ms. Simone handed out a copy of the official soils map – the parcel is highlighted in yellow and the reason why staff is not signing off on this administratively is because the wetlands right behind the house – it's a large contiguous wetland and it is within 50' of the house so it's certainly within 50' of the area they would like install their shed.

Ms. Simone said they are asking for a 10' by 12' shed in the northwest corner of the property; it's going to be installed on a gravel bed and then they will place concrete blocks on top of the gravel which will not require any digging or disturbance of the soil.

Ms. Simone said the letter goes on to detail what they are going to use the shed for – the storage of lawn mower, wheel barrel.

Dr. Dimmick said it was they would love to have some stakes out there so the Commission could go take a look at it because if it is where they say it is it looks like it's going to be 10' within the wetland boundary.

Ms. Simone stated exactly. She said they do reference that its 50' from the canal pathway but it's not the same as wetland soils.

Dr. Dimmick stated no not at all.

Ms. Simone said they did indicate that they are not going to cutting any trees or have to clear any area to install the shed and that they are going to be doing it in an area that's now lawn.

Ms. Simone said everything they reference is just sketches that they submitted to the Building Department which isn't necessarily helpful for this Commission-- it's their own sketches and their own setbacks that they put on there so that's why it's not included.

Dr. Dimmick said this is one of those that if they put a couple of stakes in roughly where the shed is going to be and a couple Commission members can go out and take a look at it and report back. He said he didn't think they had to have a formal field trip but if staff could get

permission for two or three Commission members to go take a look at the site.

Chairman de Jongh said they might be able to take a side trip and go take a look at it Friday night.

Dr. Dimmick said yes if they have permission.

Chairman de Jongh said yes with permission. He asked staff to contact the homeowner and ask that they place markers as to where that shed will be located and if the Commission has permission to go see it Friday evening.

Ms. Simone said ok.

Chairman de Jongh said otherwise they will do an independent trip.

Dr. Dimmick asked if the Commission had another application on Rockview a few years ago.

Chairman de Jongh said it did not ring a well with him.

Dr. Dimmick said it was something in that whole complex there off of either Rockview or Lilac or somewhere over there.

Ms. Simone said Lilac sounds familiar.

Dr. Dimmick said Lilac – wasn't that the pumping station they were putting in.

Chairman de Jongh said it was close by there – he said the pumping station is further down.

Dr. Dimmick and Ms. Simone looked at the map determining the location of the proposed activity and the pump station.

Ms. Simone noted the pump station is very close to the wetland edge.

Chairman de Jongh said he would suggest then that they defer the determination pending the results of the independent visits and the Commission will make their decision at their next meeting.

Chairman de Jongh asked staff to let the Commission know if they have permission to see the location of the proposed activity.

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| 2. Permit Application | APP #2012-016 |
| Town of Cheshire Public Works | DOR 6/19/12 |
| Grove Street | |
| Proposed Drainage Improvements | MAD 8/23/12 |

Don Nolte, Engineering Technician for the Cheshire Public Works Department was present.

Mr. Nolte said he was before the Commission on behalf of the Public Works Department to discuss the matter of a drainage problem at 139 Grove Street – the property is owned by Michael Cheviot and he has called to the Public Works Department attention the outfall to the drainage pipe that drains the three catch basins on Grove Street is submerged with sediment. He said it's a 12" RCP pipe discharges about 60' from the Farmington Canal and it does bubble up and eventually make its way out.

Mr. Nolte said what he is submitting for the record is a picture basically standing at the edge of the Farmington Canal looking up towards the pipe outfall and in the background of the picture the Commission can see the water bubbling up – of course this was after a rainfall and coming down onto of the surface – he said one of the problems with this is that the pipe backs up 150' and springs out of the group on the slope between the two homes and causes erosion and maybe 75' away the pipe is caved in and it bubbles out of the ground; it's about a fist size opening that they hope can be repaired – they will know better once they get in there.

Mr. Nolte said the good news is was that it was not check full of sediment 75' away – he said he was a little bit surprised with that so they were actually able to get a shot on the bottom of the pipe.

Mr. Nolte explained that at one point this ditch outfall flowed by gravity into the canal – the canal probably has 2' to 3' of sediment over the past 30 or more years accumulated and the elevation of the invert of the pipe is that same as the edge of the water during low flow.

Mr. Nolte said during high flow the water is going to come up into this swale and actually the owners told him in recent storms the water floods the entire back yard – it's a wetland flood plain and they have been able kayak all the way up to Jarvis Street right from their back steps.

Dr. Dimmick said its flood plain all right and its wetlands.

Mr. Nolte said Raynham is the soil type.

Mr. Nolte said what they are proposing to do is minimal disturbance as possible – the site is fairly inaccessible – it drops down like 15% and it's very narrow between the properties.

Mr. Nolte explained what they are proposing to do is bring a mini-excavator in; he said there are trees that can stay – you can see those in the foreground of the picture but cut the saplings and shrubs that have ground into the ditch. He said actually there are roots on top of the pipe – they dug down and got to the top of the concrete pipe and there are like roots encircling it so they will have to excavate that out but the swale itself will only be 1' deep; 2' at the bottom and 6' at the top.

Dr. Dimmick asked if they understood that this isn't going to keep their property from flooding.

Mr. Nolte said yes they do but it will help their side yard and maybe with of this level of saturation they are getting in their yard that comes out of the pipe in the middle of their back yard. He noted that it is very wet there and this is really isn't going to change that – it's a high water table; water is at the surface most times of the year – you can barely walk across it even though it's all lawn; he said he really didn't get a good picture of the backyard but it's basically a lawn.

Dr. Dimmick said all of those homes are preexisting before there were any wetlands regulations so all of the amenities have been there since year one as it were.

Mr. Nolte said you can see the sewer runs parallel to the storm drain and then there is the interceptor which runs along the canal but they won't be anywhere near the depth to cause a problem.

Mr. Norback asked if the existing sediment or the problem – that's generated from this culvert or is it generated from the Farmington Canal itself.

Mr. Nolte said this issue is from the road sands over 30 years but if you go out there the canal is very heavily silted especially in this area.

Mr. Norback said so that silt just builds up.

Mr. Nolte stated yes and then you can't flush out.

Mr. Norback asked this proposed onsite sediment disposal area – what sediment is that interrupting; what’s the flow from north to south there – it’s coming across the back of these lots.

Mr. Nolte said they are proposing to take the ten yards maximum out of there and put it in the uplands just near the break in the slope between the backyard and the flood plain outside of the wetland so it will be out of the flow area sort of tucked between the neighbors fence around his pool.

Mr. Norback said so the grade does not allow to resediment that area.

Mr. Nolte stated no – it’s out of the flood zone.

Chairman de Jongh asked if he heard Mr. Nolte say correctly that the sediment that they are taking out is not going to be taken off site but they are going to use it onsite.

Mr. Nolte said yes just because of practicality – what they think they’ll do is rent these small buggy machines so they don’t have heavy excavation equipment there that they have to restore a lot of yard.

Dr. Dimmick said so onsite immediately outside the wetlands.

Mr. Nolte stated correct – like 10’ away minimum.

The Commission discussed the location of this property.

Mr. Nolte said so it’s about a day project – two day project with the cutting and chipping what little vegetation there is and restoring what tire tracks there – they don’t expect there are going to be any deep ruts; they would like to do this in July or August when it’s at its driest.

Dr. Dimmick said so the town is doing this partially because it feel partially guilty for providing the sand that washed down the culverts into yard.

Mr. Nolte said yes and it’s backing up into his neighbor’s yard.

Chairman de Jongh asked Ms. Simone if they had all of the information necessary.

Ms. Simone stated yes.

Motion: To accept the application.

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

Dr. Dimmick said this is one of these under one set of definitions could be called significant but under another because they are talking about maintenance of existing property and drainage falls into a different category. He said he was not even sure how they would research that and decide which it was.

Mr. Norback said he used to live about two doors down and on the east side of the street and it's real obvious that it would maintenance so he did not think this was of...he said he thought it was just maintenance – necessary maintenance.

Chairman de Jongh said he was leaning more towards that idea as well.

Dr. Dimmick said its reestablishment of conditions that existed in which case it could be considered the same as when they give the town permission to clean out from around culverts.

Dr. Dimmick said the activity still needs a permit but it doesn't need a public hearing under the usual sense. He said if someone was going to do this brand new and it was something that never existed before they would be talking needing a hearing and everything else like that.

Mr. Kurtz asked how the pipes got there.

Mr. Nolte stated that they are quite old – they are probably 50 years old just by the condition of them; there are three catch basins draining the street right in that vicinity as shown on the drawing.

Mr. Nolte said he did not see any drainage easement on the record map but its town drainage.

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

Moved by Mr. Kurtz. Seconded by Dr. Dimmick.

Dr. Dimmick asked staff if they had any comments on that – are they steering in the right direction.

Ms. Simone said she believed so – it is an existing issue and she thought it's in keeping with findings that the Commission has had for similar applications.

Dr. Dimmick said ok – he just wanted to be reassured.

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

There were no other questions asked.

Motion approved unanimously by Commission members present.

Dr. Dimmick said he just wanted to make sure they had on the record why they were making this decision so they didn't have someone else come in and say you didn't ask any.

Mr. Kurtz said he thought it was pretty obvious it's a maintenance issue.

Chairman de Jongh stated they still need staff to go ahead and craft her use of the English language.

Mr. Nolte asked if they needed a site walk.

Chairman de Jongh said he thought they were good.

3. Hickory Hill Farm (Orchard)

Ms. Simone informed the Commission that there was a gentleman here tonight that may have enough information to be submitting an application tonight so my majority vote if the Commission wants to take up business for Hickory Hill Farm.

Chairman de Jongh said he did not see a problem with that.

Dr. Dimmick stated there was no objection.

Fred Kudish, the owner of Hickory Hill Orchard was present. He said he and his wife purchased the farm in 1976 and then have been operating it since 1978; he and his wife comingle this farm together – he grows the fruit and she works in the store and it's been a rather exciting but difficult project. He explained that what he is presenting is also been a very difficult thing that they deal with.

Mr. Kudish submitted some paper work, maps and copies of photos for the record.

Mr. Kudish said he wanted to thank Steven Hazelwood from Hazelwood Excavating – he is also going to present what he is going to do to help him go ahead and prevent this flooding of about a 2 acre field in the front of the farm which they had some existing drainage there which they put in maybe 30 something years ago before he knew anything about farming, drainage - whatever and it worked well for a number of years; they hayed the field and used the field for farming and it's just been within the last 10 years that it's been horrible.

Mr. Kudish said he would show the Commission some photos of what it looks like today with what he thought was less rain fall then average this year – it still shows – you will see standing water in one of the photos.

Mr. Kudish asked if he could give out an existing plan of...he said he really apologized for bringing so much material but Suzanne was very helpful in getting him the inland wetlands map which he thought he had somewhere but now isn't sure so he is going to give the Commission a copy of that.

Ms. Simone said so basically in discussion with Mr. Kudish she realized the maps that he had it seemed as though one map would have the topography and the other map would have information relative to the pond so he suggested that in lieu of having an engineer go out and redraw a map that he bring all of the maps to the Commission and the Commission could make a determination of whether this is enough information or he needed to show site plans.

Mr. Kudish said this map that he has mentioned is map number one – it is a State of Connecticut right of way for drainage which was gotten in 1936 from the owner at that time. He explained this has been one of the big problems in the flooding.

Mr. Norback asked Mr. Kudish if he could tell the Commission what he is striving for he could follow along.

Mr. Kudish said in his application basically what they would like to do is take this land and make it usable. He explained that it is a constant flooded area.

Mr. Kudish said the elevation from across the street which is Joe's farm is at least 30' to 40' higher then where he is and is just constant runoff from there. He said his parking lot is a little higher than this field – constant runoff from there and then they have this right of way which has...he said

he could show with the photo graphs a drain that drains underneath into that swale into that right of way right into this field.

Mr. Kudish said so only on a very dry year can they utilize that field.

Dr. Dimmick said from all of these maps he was still not clear which field they were talking about.

Chairman de Jongh agreed – he said he knew where the pond was and knew where the retail store was.

Ms. Simone said if Mr. Kudish didn't mind she would just direct the Commission since she was familiar with what was being proposed.

Mr. Kudish said sure.

Ms. Simone said basically there was drainage in the street that runs overland into the pond and so what they are interested in doing....

Dr. Dimmick said from near the parking lot in front of the farm stand.

Ms. Simone said when you look at the state map it will show you where it is in the road.

Mr. Kudish handed out a map that he said shows it even better.

Dr. Dimmick said that is what he was saying – from the parking lot area towards the pond.

Mr. Kudish said it shows the headwall, the parking lot where it pours in – so these two are the biggest flooding areas.

Ms. Dunne asked if Mr. Kudish could put the maps on a chair so they could all see it where Mr. Kudish was pointing to.

Mr. Norback asked if this was surface drainage – surface water that they are talking about at this point or are they taking it subturnurianous and then up.

Ms. Simone said they are wanting to pipe it – they are taking surface flow and piping it now directly into the pond.

Dr. Dimmick said the actual piping itself is not in wetlands – the pond is a regulated watercourse but everything to it is not and therefore – what they

are essentially what they are talking about is permission to have a drainage that is....

Mr. Norback stated redirected.

Dr. Dimmick said directed discharge as opposed to overland.

Mr. Kudish said exactly – just flooding this field. He said here is the headwall that is coming in and providing this area all the water from across the street.

Dr. Dimmick stated that he knew what was going on here now.

Mr. Kudish said he just wants to redirect it so that it goes into the pond. He explained that the outlet for this pond has never not worked well – there is a very good outlet and the biggest rains of the pond – it has never flooded.

Mr. Kudish stated he would continue to maintain the outlet even better because maybe they may be getting even more water because they will be directing it properly into the pond.

Dr. Dimmick asked if this was a manmade pond from about 60-70 years ago.

Mr. Kudish said they did the pond with the help of the state and through some special farm program.

Dr. Dimmick said there is kind of an earth berm along that south side of it.

Mr. Kudish said yes there is and he could show the Commission photos of the berm.

Chairman de Jongh said so they are looking for permission to install a 12” RCP – approximately how long would the pipe be.

Dr. Dimmick said the proposed pipe is 120 linear feet.

Mr. Kudish said if they needed any specifics Steven Hazelwood could give the Commission more information about the exact – you know what the process would be.

Ms. Simone asked if Mr. Kudish had a narrative. She said they had spoken about having a narrative of how he was going to go about doing the work.

Mr. Kudish said he had it (the narrative) in the application.

Mr. Kudish read the narrative into the record. He said they proposed to channel water into the existing pond which has been flooding a 1.5 to 2 acre field from water coming from higher elevations, state catch basin into his right of way of drainage established in 1936 and also coming from his parking lot which is also at a higher elevation.

Dr. Dimmick said what he thought they could do at this stage is he thought they had enough to accept the application and then the discussion will focus on going further.

Motion: To accept the application.

Moved by Dr. Dimmick.

Mr. Kudish said the only other thing he wanted to ask is...again he thanked the Commission for letting him come at this time without too much notice – he said he was in a little bit of an urgency to do this because July is the best time and said if he does not get this done he was going to have another year of mud so he did not know if there was anything – beginning that he is only redirecting the water - the only existing wetland is the pond that they are just putting water into and flowing into wetlands.

Dr. Dimmick said he needed to clarify that they have a state law which states that they cannot grant an application the night that the Commission receives it – they have to wait at least 14 days by state law so they can't go any faster than this – the next meeting is the first week in July and that is the soonest they could act on it but if they accept the applicant now they can start the process going.

Mr. Kudish said ok.

Seconded by Mr. McPhee.

Mr. Kudish said also he wanted to let the Commission to know he is working with the State, who has been very corporative – they are going to continue to provide that swale and make it better so Tom O'Connor said no problem – they will pipe that culvert right into Mr. Kudish's existing catch basin into the 12" pipe – they (the state) will maintain Mr. Kudish's catch basin and another one that they'll provide right at the culvert to make sure that they solve this problem – they have been very nice.

Chairman de Jongh said he wanted to make sure – he said they are having random conversations – he said they needed to follow the "process."

Chairman de Jongh said they have a motion made by Dr. Dimmick and seconded by Mr. McPhee. He asked if there were any other questions or comments by Commission members or staff.

Ms. Simone said she did but did not think it was relevant at this point when they were making the motion but that she did have a couple of comments.

Motion approved unanimously by Commission members present.

Dr. Dimmick said the next thing he needed to know – this pond has been designed by the Soil Conservation people perhaps.

Mr. Kudish stated yes sir.

Dr. Dimmick asked if they had a minimum depth of 7' when they designed it.

Mr. Kudish said its 8' to 12'.

Dr. Dimmick said ok 8' to 12' – he said he knew they never would let it be shallower than 7' although they (Kudish) has had some fill go in there since then from highway wash and so forth and some of it has gone down to the swale – he asked if Mr. Kudish had any idea what the depth was at this point.

Mr. Kudish said he didn't.

Mr. Kudish asked the Commission if they cared to see any of the other photos of the pond.

Chairman de Jongh said just to clarify for the record – they are looking for the installation of approximately a 120 linear feet of a 12" RCP to be able to direct what is now currently sheet flow from property above elevation that is currently coming into Mr. Kudish's property and also from his parking lot but just to redirect everything to come directly to the pond and avoid that overflow and there tends to be flooding on the adjacent property.

The Commission looked at photos distributed by Mr. Kudish.

Mr. Kudish said one of the photos shows the existing water today – he said he took the photo yesterday. He said the photos show the field and the construction of the pond.

Ms. Simone asked Mr. Kudish to speak into the microphone because all of this does need to be on the record – it's something the Commission members rely on.

Mr. Kudish said some of these photos are maybe more pertinent than others but one photo that he has shown the dike and off to the south of it there is a big drop and the water flows very well from the outlet of the pond which can be seen in the photo.

Chairman de Jongh asked what photo number that was.

Mr. Kudish said it was photo number seven.

Chairman de Jongh said so photo number seven really shows Joe's Greenhouse above Mr. Kudish's property – when you are looking from the back where the apple orchard is back up towards the....he said the greenhouse is on the opposite side of the property in photo seven.

Mr. Kudish said that is South Meriden Road and Joe's on the other side.

Dr. Dimmick said so Mr. Kudish is planning to end this culvert short of the actual pond so that the existing rip rap will continue to function; he said it essentially acts as a water break before you get into the pond.

Mr. Kudish said that culvert is going to be piped right into his drain and then off to the pond.

Mr. Kudish introduced Steve Hazelwood who is the first person to tell him that he better go to Inland Wetlands and describe what they were doing.

Chairman de Jongh said maybe Mr. Hazelwood could answer the Commission's questions.

Steve Hazelwood, owner of Hazelwood Excavating in Wallingford. He said he carried a P7 State of Connecticut drainage layer's license and he is a friend of Fred Kudish's and has helped him with the sketch and just some preliminary ideas on how to correct the existing problem here.

Mr. Hazelwood said what the Commission is looking at – he did draw in a flared end structure. He said what they are actually proposing was an ADS end 12 product – a perforated product – the smooth wall of course starting at the flared end at the pond but there is an existing rip rap plunge pool if you will just as it enters the pond – right at the end of the existing grass swale and so what they are proposing is to stay away from the pond outlet that flared structure and bring it back to the first concrete catch basin.

Dr. Dimmick said you want to be able to break the energy a little before she goes into the pond otherwise you are going to be doing things to the pond itself.

Dr. Dimmick asked if there was any problem with the fact that they are going to be transmitting road sand more efficiently towards the pond - whether they wanted to put a tiny forbay in there or something they can clean out to get the sand.

Mr. Hazelwood said there are more details of course – he said this is just a rough sketch – he said what they proposed were two regulation basins with 2' sumps and also – he said he has not been involved with this part of it but Mr. Kudish has been talking with the State and they have agreed apparently to tie in from the existing headwall at Route 70 to their last proposed structure. He said again, he did not know what there thought are in terms of pipe or if they will use RCP but he would also think that where they would make the transition from the headwall to their new section of pipe that they will also install a structure and quite probably with a sump.

Dr. Dimmick said because otherwise you are going to get a lot of sand in that pond because it's not going to get caught in the grass it's going to go directly to.

Mr. Hazelwood said of course. He said with that you'd have three 2' sumps between where it exists on to the road now and the pond that would be maintained.

Dr. Dimmick said and you have equipment on the farm to clean those sumps out if they needed to because they want to clean them out.

Mr. Kudish said the State dis say they would take care of a new catch basin at that culvert and the one that they put in where the parking lot drains so the others they can take care of but the State will take care of the two biggest ones.

Mr. Norback said now that they are taking about the State being involved – he said he knew that was an area that floods across the road on occasion there so would that then – would this be done in concert with the project and wouldn't the State indeed need to make application as well.

Dr. Dimmick said the State can do whatever it wants as long its highway without applying to local wetlands commission – the State Department of Transportation clears with the State Department of Environmental

Protection and bypasses the towns usually unless it involves private property in the town.

Mr. Norback said doesn't this seem to involve the State.

Mr. Kudish said the State has this easement and he thought what Tom O'Connor was saying was when they go ahead with this pipe they are going to change that easement because it's going to pipe right into his catch basin and the problem should be resolved.

Mr. Norback said the reason he asks the question is just so Mr. Kudish wouldn't get himself in a bind – him doing half of the project and wait for them (the State) to do the other half or vice-a-versa; he said it's only a matter of continuity.

Mr. Kudish said sure, sure, sure. He said he has been working with Tom for a few years – this project has been thought out and talked and talked and swaled and swaled and back and forth and so – he has been very nice and he agreed if they do this they (the State) are going to do that but he could get that in writing – he said he has gotten other things in writing from him about keeping that swale going but it just doesn't work.

Mr. Norback said again he was just looking for continuity and scope.

Mr. Kudish said sure, sure – thank you.

Chairman de Jongh asked if there was any concern as to the volume or the velocity of the water that is going to be coming down that currently sheet flows and not all of a sudden they are trying to condense it into a 12" pipe – he said he was just concerned about that.

Dr. Dimmick said that is why he was concerned about velocity in terms of breaking at the end but the volume over the long run will be the same the question is whether it's going to all fit into that 12" pipe although its coming out of a 12" pipe.

Mr. McPhee said the overflow being in the current condition that it's in.

Dr. Dimmick said the overflow is coming out of that pipe from under the road that spreads out on to each property but if you are connecting a second pipe in there then the stretch where the two pipes come together to the pond – he said they might need a 15" instead of a 12" pipe.

Mr. Norback said the other question he would have is that they have a hell of an originally address here a differential in elevation so they are also going to pick up quite a

Chairman de Jongh said that is why he was concerned – he said they mentioned earlier in the narration that they were looking at a 30’ difference in height elevation from where they are currently to where Joe’s Greenhouses are for example.

Mr. Kudish said that is why they have that additional curtain drain provided by Steven and the way he looks at it is – this is going to help – it may not make it perfect but it’s got to help.

Dr. Dimmick said you’ll have it flooded for one month instead of three months.

Mr. Kudish said he did not know but he knew that there is little existing pipe that they put in years ago that was high near the stone wall on South Meriden Road and he did not even have records of it – he said he did not know if it for 4”, perforated or 6” – it’s still draining – still working but just not enough and it did a pretty good job because it was at the height and getting that water when it was seeping underneath from that higher elevation so he thought what Steven has proposed is just going to do a great job – it’s going to make a big difference.

Chairman de Jongh said for the Commission’s record he thought in order to make the records complete and they have accepted the application this evening – they would need a more detailed narrative of what the process is going to be, what the installation of the pipe is going to be, what the steps are going to be so the application can be complete.

Dr. Dimmick said and if you get that to staff she can go through that before the next meeting – he said they are not saying he has to wait until the next meeting to submit those materials.

Chairman de Jongh said if they can get the pieces of the puzzle together sooner it’s going to be quiescent with Mr. Kudish’s timetable otherwise they are looking at the third week in July if they don’t have all of the pieces together by the Commission’s first meeting.

Chairman de Jongh said he thought it was imperative to pull all of the pieces together and work with Suzanne in terms of what’s missing – but they do need more details – he has given them a rough narrative of what is going to be but there has been some issues raised about the size of the pipe and things like that so he is going to defer to the experts as to ok – here are

the reasons why we are doing a, b and c and here is the narrative to support that and then he thought they could kind of move from there.

Dr. Dimmick said he did not see any red flags on this.

Motion: That the Commission moves to declare that the proposed activity is not significant within the context of the regulations.

Moved by Dr. Dimmick. Seconded by Mr. Kurtz.

Dr. Dimmick said they needed more details.

Mr. Kurtz said Mr. Kudish offered something in writing from the State – he said he thought that would be critical because his project depends what they are going to do and visa-a-versa and the Commission’s decision’s depends on both of them.

Mr. Kudish said he would get something very shortly if he can – sure. He said it’s his benefit - to the Commission’s benefit – all of their benefit. He said he is being trusting of Tom O’Connor who has been very nice.

Mr. Kudish thanked the Commission.

Chairman de Jongh asked staff if she had any comments.

Ms. Simone said she had just a couple of things. She said in speaking with Mr. Kudish in preparation for this application she had mentioned to him the need to have a narrative to detail things, also to show erosion controls and what is going to be done on site to help manage any potential erosion getting into the pond as well as getting details on the outfall – what the size is and what the condition is of the pond because without knowing even what the Commission was already talking about – what is the volume and velocity getting into that pipe they also don’t have details currently of what is the exit strategy for water getting into that pond.

Dr. Dimmick asked if very quickly on one of these maps if they could point out where the outlet to the pond was – where the exit was.

Chairman de Jongh asked that the record show it is approximately kind of north west-west or north-north west.

Dr. Dimmick corrected Chairman de Jongh and said it was in the south west corner of the pond.

Mr. Hazelwood stated that it was the south east corner.

Mr. Kudish should the location of the pond outlet on the plan; he said in is shown in photo number 7 – it shows the pond and runoff or outlet if you will – where the Bull Rushes are.

Chairman de Jongh asked that there be no conversations being had off the record – those conversations need to be director for the record that would be helpful.

Mr. Kudish said sure – sure.

Ms. Simone said that they are recapping what they are talking about – getting the narrative and all the information.

Dr. Dimmick stated they had a motion on the floor (to determine significance).

Motion approved unanimously by those Commission members present. Chairman de Jongh said the motion was for the significance – being not significant within the context of the regulations.

It was asked where the water goes.

Mr. McPhee made a comment it is going off the dam – where does it head towards.

Dr. Dimmick said it goes into a massive wetland.

Mr. Kudish said it went into this south west wetland that is shown on the map – he pointed to the location.

Dr. Dimmick said he believed it ended up in the Quinnipiac eventually.

Ms. Dunne asked if they could say for the record where Mr. Kudish was pointing.

Mr. Kudish was pointing to the south east corner heading towards a south easterly direct off of the property.

Chairman de Jongh said to sum up where they are right now – the application has been accepted and significance has been determined and again all they really need is just to tie up the loose ends with the narrative and details that applicant can work with staff on in terms of crossing the t's and dotting the i's and putting the necessary pieces together.

Chairman de Jongh said as Mr. Kurtz pointed out that narrative from the State seems to be a critical piece and certainly puts this whole project in balance so if they (the State) could work with Mr. Kudish that would 'a' be a surprise and 'b' be beneficial to him.

Mr. Kudish said people were amazed when they heard that.

Dr. Dimmick said head waters of Honey Pot Brook.

Ms. Simone said if Mr. Kudish had the application form she could take that from him tonight.

Chairman de Jongh said they will allow staff to craft her essay after receipt of the information.

Chairman de Jongh said they appreciated Mr. Kudish coming in tonight.

Tape change:

Mr. Hazelwood asked a question as to where the outlet is to this proposed drainage would be – into the pond but into what is now an existing rip rap swale area.

Dr. Dimmick said if they made it a little larger it would act as a forbay – it might actually help things out.

Mr. Hazelwood said a little bit of a plunge in one more place that could be maintained.

Chairman de Jongh said he thought that would eliminate some of the concerns about the velocity of that water coming down as well.

XI. EXECUTIVE SESSION

Discussion of Open Space Acquisition

The Commission went into executive session at 8:31 p.m.

The Commission came out of executive session at 8:40 p.m.

The following motion was voted on in executive session:

Chairman de Jongh read the motion into the record.

Motion: The Cheshire Inland Wetlands and Watercourses Commission hereby expresses its support for the purchase of additional property along the ridgeline that defines the westerly boundary between Cheshire and Prospect and finds that the establishment of this open space is consistent with the 2002 Cheshire Plan of Conservation and Development. The Commission recognizes that additional acreage will provide linkage between existing open space parcels that are already owned by the Town, the State of Connecticut, and the Cheshire Land Trust.

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

XII. ADJOURNMENT

The meeting was adjourned at 8:41 p.m. by the consensus of Commission members present.

Respectfully submitted:

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