

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, JULY 17, 2012
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

Members present: Robert de Jongh, Charles Dimmick, Earl Kurtz, Will McPhee, Thom Norback and Kerrie Dunne. Sheila Fiordelisi joined the meeting at 7:33 p.m.

Staff: Suzanne Simone

I. CALL TO ORDER

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

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, Will McPhee, Thom Norback and Kerrie Dunne. Ms. Fiordelisi joined the meeting at 7:33 p.m.

**V. APPROVAL OF MINUTES – Regular Meeting – June 5, 2012
Regular Meeting – July 3, 2012
Site Walk – July 5, 2012**

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

Commission members did not object to deferring the approval of the minutes to the end of tonight's meeting.

At 8: 47 p.m.

Motion: To accept the minutes of the June 5, 2012 meeting as finally corrected and to accept the July 5, 2012 site walk minutes with no corrections.

June 5, 2012 corrections: Pg. 1 L37 delete “Chairman de Jongh officially welcomed Thom Norback to the Commission.”; L50 – the corrections from the May 15, 2012 meeting were added under approval of regular meeting minutes from the May 15, 2012 meeting; 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 “refererence” to “reference”; L9 “non-encroachment” 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 33 “change” to “chance”; pg. 22 L 31 “being” to “to begin”, L45 “lat” to “last”.) “Pg. 2 L21 delete “Ms. Simone reviewed”, L28 add ‘said that’ before ‘the’; Pg. 4 L22 ‘Consolidate’ to ‘Consolidated’, L23 delete ‘– they’ L24 delete ‘an’, L37 delete “the and she discussed with them that; pg. 5 L47 add “ending” before “battle”; pg. 6 L12 “property” to “property owners”, L32 “per say” to “per se”; pg. 7 L40 ‘their’ to ‘they’re’; pg. 13 L33 “15,000” to “1,500”; pg. 20 L32 “across” to “at cross.”, L48 ‘so’ to ‘to.’

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

Chairman de Jongh said the Commission was in agreement to hold off accepting the minutes from the July 3, 2012 meeting until everyone had a chance to review the minutes as amended by Dr. Dimmick.

VI. COMMUNICATIONS

1. D.E.E.P. Pesticide General Permit Notification Requirements

This communication was reviewed.

2. Letter from AMCE Environment & Infrastructure Re: 250 Knotter Drive

This communication was reviewed.

3. Connecticut Mosquito Management Program

This communication was reviewed.

4. Staff Report with Attachments Re: IWWC App. #2012-017, South Meriden Road

This communication was reviewed.

5. Staff Report with Attachments Re: IWWC App. # 2012-015, Cook Hill Road

This communication was reviewed.

- 6. Staff Report with Attachments
Re: IWWC Application 2012-018, 158 North Timber Lane**

This communication was reviewed.

- 7. Staff Report with Attachments
Re: IWWC App. #2012-019, Talmadge Road
This communication was reviewed.**

- 8. Staff Report with Attachments
Re: IWWC App. #2012-020, Knotter Drive**

This communication was reviewed.

- 9. Letter to Carla Sylvester, Blue River Engineering
Re: Wetland Determination for 677 Mixville Road**

This communication was reviewed.

- 10. Letter to Suresh Patel
Re: Wetland Determination for 164 Rockview Drive**

This communication was reviewed.

Handed out at tonight's meeting:

Ms. Simone stated that there were additional communications handed out at tonight's meeting – the majority of which are for the applications before the Commission tonight – namely there are communications:

Natural Diversity Database to Mr. Carson having to do with the application on North Timber Drive.

A certificate from the Health District for the application for 261 Cook Hill Road.

Dated yesterday, July 16, 2012 there is an Engineering Department review for the subdivision 261 Cook Hill Road.

The next communication was regarding 158 North Timber Lane.

There is staff communication from the Engineering Department dated July 16, 2012.

July 16, 2012 Engineering Department comments for the application for Town of Cheshire on Talmadge Road – this is under new business for tonight’s application.

Engineering Department review for AMEC for 250 Knotter Drive – this is also under new business tonight.

And supporting the application for Hickory Hill Orchard which is under unfinished business tonight is a memo to the Engineering Department from the applicant’s engineer at Milone and MacBroom.

Also, there is a response from the Engineering Department regarding the engineering report.

An application that was received today – it is for a shed at 164 Rockview Drive. The Commission had determined at the last meeting that the placement of the shed would require a permit because it is in the upland review area. This is not listed on the agenda but can be taken up by majority vote.

VII. INSPECTION REPORTS

1. Written Inspections

Ms. Simone reported there were no written inspections.

2. Staff Inspections

Ms. Simone reported there was a staff inspection of 1392 Cheshire Street which found that the erosion controls were in place and the Engineering Department did a review on behalf of the wetlands permit since staff was not available having to do with a CO inspection on Prinz Court which required a detention basin and that was found to be constructed in compliance with the approved plans.

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 was on the agenda just 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 was on the agenda just for continued monitoring.

IX. UNFINISHED BUSINESS

1. **Permit Application** APP #2012-015
Ricci Construction Group, Inc. DOR 6/05/12
Cook Hill Road FT 7/05/12
Subdivision – House MAD 8/09/12

Chairman de Jongh stated this item was subject of a field trip on July 5, 2012 and attending that field trip were himself, Dr. Dimmick, Ms. Dunne, Ms. Fiordelisi and Mr. Norback.

Ms. Dunne asked to make a statement on the record. She said that she met Melanie Williams, she was her real estate agent about ten years ago; she said that she did not believe that would in any way not influence her decision with respect to this application.

Dr. Dimmick said he had no problem with that.

Chairman de Jongh said he thought in general that what they found was just some concerns with regard with the driveway crossing and the proximity to the river and perhaps the applicant's representative could explain what is going on.

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

Mr. Hulk said the project just to reiterate the location – it's located on the east side of Cook Hill Road – 261 Cook Hill Road. The Mill River does kind of traverse the site with the wetlands corridor on either side, which Bill Root from his office will explain.

Mr. Hulk explained that the proposed project has a proposed driveway to service one house with a septic system located to the rear of the building.

Mr. Hulk said through staff comments they have revised the plan and through RWA comments they have also had several other changes.

Mr. Hulk said several of the other changes that occurred are that they moved the septic area – kind of flipped flopped the reserve and primary locations so now that the primary location for the septic system is actually further from the wetlands and from the Mill River. He said this was one of the comments requested by RWA.

Mr. Hulk said one of the comments about the driveway access is actually to have cleared 15' wide and 15' high in all directions – he said this is a comment that they've had a note to the plan.

Mr. Hulk said another comment from Mr. Kurtz – it is to support all 75,000 lbs trucks in all seasons – language has been incorporated into the plans for that.

Mr. Hulk said the last comment would be that the driveway grades shall not exceed more than 10% - and they have added a note to the plan for that.

Mr. Hulk said comments that were received yesterday from the Engineering Department – one of the last comments it has is comment number two asking how long it would take for infiltration gravities to drain to provide storage for the next storm event.

Mr. Hulk said they have done testing for the septic area and around the infiltration areas also. He stated the infiltration rates were found to be fairly good. There are within a range of one to ten minutes per inch, which will be able to disband any amount of storage within twenty-four hours to provide storage for the next storm event.

Mr. Hulk said comment number four has concerns for future responsibility for the Town for riverbank erosion that could possibly occur. He said this is the kind of comment they felt was more to deal flood plain management not necessarily any impacts that are directly related to wetlands at this time.

Mr. Hulk explained that note number five notes on the site plan that it needs to appear on the subdivision also – that is something they are aware of and are going to add to the plans.

Mr. Hulk said if there were any specific comments or questions the Commission might have – either himself or Bill Root would be available to answer those.

Dr. Dimmick said there was a question that they didn't get a definitive number – he said he knew that they were not going to need much fill for the driveway because it's going to be fairly flat but he

presumed that they are not going to be putting the drive directly on the wetlands themselves as they come in that part that they are on the wetlands.

Dr. Dimmick asked if Mr. Hulk if he had a figure of how much fill is going to be required.

Mr. Hulk stated that in that area they are going to be adding about a foot to two feet of fill that will result in about 500 or less cubic feet. He stated he did not have a definitive number.

Dr. Dimmick said if you have 15,000 square feet that you are impacting there with fill which is a figure he saw somewhere; he said its 2' deep and somewhere around 120 cubic yards, if he figured right – he said no it's about 60 cubic yards.

Mr. Hulk said it's not a large amount of material that's going to be placed in that area.

Dr. Dimmick said so 60 cubic yards is still several truckloads full.

Mr. Hulk said yes – there is going to be several truckloads that would come on site for the fill material.

Mr. Hulk said for direct wetlands impacts they have about 30 or so linear feet for the driveway width so that's less than 500 cubic feet which is probably right around the area that Dr. Dimmick is talking about.

Dr. Dimmick said since some water comes down the slope they are going to have to have some kind of under drains under that part where they fill it.

Mr. Hulk replied saying the way they have the proposed activities is they are going to be pitching everything from the driveway down to their proposed rain garden – that's on the southern side of the driveway.

Dr. Dimmick said they are still going to have some wetland to add a little bit of wetland to the east of the driveway and they are putting a foot or so to fill there so the water that gets there – what is going to happen to it – is there an under drain under there – he said they're not going to pump it up and have it run down the driveway.

Mr. Hulk said they could add an under drain.

Dr. Dimmick said he just wondered because it doesn't show.

Mr. Hulk said at this time they are not proposing one – they are proposing for the overflow to travel across the driveway slightly further down.

Mr. Hulk said what is happening here is that there's actually a low point on the eastern side of the wetland area. He said you could see a spot elevation of 147.5 there between the 148 contours.

Dr. Dimmick said so if water collects there it will run over the driveway.

Mr. Hulk stated it would run over the driveway – yes.

Dr. Dimmick said there was also come language about a retention wall somewhere – a low retention wall somewhere on this plan.

Mr. Hulk said what they've added was a small modular block retaining wall.

Dr. Dimmick asked which was located where.

The location of the retaining wall was located on the plan.

Dr. Dimmick stated the retaining wall is located upslope of the house.

Mr. Hulk said – yes – yes it is. He stated it was right around the tree line.

Dr. Dimmick said that it did not affect the wetlands at all.

Mr. Hulk stated nope.

Chairman de Jongh said one of the concerns they had during the site visit was around wetland flag 15, 16, 17 – around that area where it was close to the Mill River. He asked what kind of protection measures were going to be put in place to make sure that anything coming off that driveway is not flowing freely into the Mill River.

Mr. Hulk stated that they have added sedimentation and erosion control measures including silt fence reinforced with hay bales and will be located along the entire limit of disturbance which will stop any impacts that would have on the wetlands.

Chairman de Jongh said that's fine during construction but his concern was for after construction – he said post construction when the house and driveway are finished – what kind of measures if any - are they going to have almost like a gravel sideway or almost like a swale – he said he was just asking what kind of protective measures are going to be in place – he said they are going to be pretty close to the wetland area right in that particular area. He said they know this based on the site visit.

Mr. Hulk said what they are proposing for the development is any of the material that would be traveling to the location would be making its way down into to the proposed rain garden.

Chairman de Jongh said he was talking about wetland flags 15, 16, and 17 – in that area; it's about midway down on the driveway.

Mr. Hulk said they are proposing that to be a low point – that is where their rain garden is actually going to be located so any material would make its way into the rain garden and it would only have minimal – it's 5' of clearing up to the tree line from where the rain garden is so everything will make its way into the rain garden and once that would fill up from any storm events it would fill up and dissipate over through a couple hundred feet so there would be no direct areas that would have water that would go over it directly into them – it would be spread over a couple hundred feet but everything is pitching into there so there's not anything that's going to be pitching directly into the wetlands.

Chairman de Jongh said there is not a couple of hundred feet between the driveway and that riverbank.

Mr. Hulk showed on the plan a location that when it fills up the length of the rain garden is going to allow the water to build up and dissipate slowly over to the Mill River and there's not going to be a direct outlet to it. He said everything that comes from the site here and from the area (he showed the location on the plan) to the rain garden and won't end up directly impacting any areas in the wetlands.

Dr. Dimmick asked if FEMA make a mapping error when they put the 100 year flood plain line in there; as you get close to the road – the 100 year flood plain according to Mr. Hulk's map goes way up the hill.

Mr. Hulk said yeah – it's interesting.

Dr. Dimmick said obviously if you take the FEMA data for the elevation for the 100 year flood line it shouldn't be anywhere near where they have the line drawn.

Mr. Hulk said they way they have the lines area based on how they've drawn them.

Dr. Dimmick said then in that case they are obviously significantly in error. He said he was just wondering then how accurate the FEMA line is for the other places they have the 100 year flood line there since it's obviously wrong there. He said in other words – it would be easier since the FEMA data does supply you with the actual elevation expected for the 100 flood one could plot where that actual elevation would be rather than taking the FEMA which is something like 1:500 scale then transferring it to this with the errors built into it – he said he thought what happened is they slipped in that that eventually shows up on the other side of the road – the flood plain actually goes out that far and they seem to have misplaced placed the road or something but that he was just not sure.

Dr Dimmick said it would be nice to know where according to their elevation data the actual 100 year flood line is

Mr. Hulk said that's something they could research further n if required.

Dr. Dimmick said his only problem is he keeps on coming up with little questions like this one. He said they saw the field trip and what is being proposed is on the surface reasonable but they keep on having these little questions and the comments from the Water Company in terms of the protection of the river. He said he was beginning to feel that they do need to have a public hearing just so they can get answers to all of these questions otherwise he did not consider this to be a major disaster running or anything like that.

Chairman de Jongh said he thought the field trip exposed some areas – not weaknesses necessarily but areas that need more detail in terms of how the Mill River is going to be protected – just speaking for himself. He stated it was certainly a concern just walking the site.

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

Ms. Dunne asked if thy obtained information about the impact of clearing along the river corridor – she said she knew it was a concern before.

Ms. Simone stated no – they haven't received any additional information and some of those questions are still outstanding just as what is the quantity of fill in the wetland area and then what impacts would that fill have to that wetland area in additional to the development that's proposed – what impact might that have on the Mill River.

Ms. Simone stated they have the wetland delineation report but that doesn't speak to the impacts from the proposal but perhaps that could be discussed tonight.

Dr. Dimmick said in view he moved to declare the proposed activity significant within the context of the regulations so they may have a public hearing and get clearer answers on this.

Motion: To declare the proposed significant within the context of the regulations specifically section 10.2 a, b, and e.

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

A public hearing was set for Tuesday, August 7, 2012 at 7:30 p.m.

Chairman de Jongh stated that they would defer any further consideration and schedule a public hearing for August 7, 2012.

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|----|------------------------------------|-----|-----------|
| 2. | Permit Application | APP | #2012-017 |
| | Fredric M. Kudish | DOR | 6/19/12 |
| | 3515 South Meriden Road | | |
| | Site Plan – Storm Water Management | MAD | 8/23/12 |

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

Mr. Hulk said what they have in this case is the existing field next to Hickory Hill Farm is an area that from time to time the applicant likes to have cars parked there and there is an exiting drainage outlet and headwall that is located in this area here (shown on the plans); he showed the location of South Meriden Road.

Mr. Hulk stated the site is located on the west side of South Meriden Road and what happens is water that is out loaded from that area

which is storm drainage from the roadway makes its way through the site to the existing pond that's located on the south west corner of the map shown here (he showed the location on the map before the Commission). He said there is an existing swale that runs along an area (shown on the plans) and what the applicant is looking to do is just actually pipe the outlet from one location through a storm drainage system that would outlet near the pond and what they are proposing in one location (shown on the plan) is a small plunge pool that would actually minimize any direct channelized flow from directing right into the pond.

Mr. Hulk said they are proposing some sediment and erosion control measures in the form of silt fence and they are also going to have several 6" perforated under drains that will help to elevate the wet areas when parking cars in that area.

Mr. Hulk said what they submitted to the town was some storm drainage computations based on information that the State had given them. He said they revised several of those calculations based on the change from a channelized swale and over land flow to a hard pipe system.

Mr. Hulk said what they have gathered that the increases in time of concentration are relatively negligible. He said the town has reviewed their calculations and agrees.

Mr. Hulk said they are just taking an existing swale that outlets water to the pond and putting it through a storm drainage system just to allow for the area to stay drier in times when there would be cars parked in the area. He showed on the map the location he was referring to. He said the area usually doesn't get cars parking in it; he showed the location they are trying to alleviate the flow from.

Dr. Dimmick asked about the area where the bituminous pavement was coming off of South Meriden Road.

Mr. Hulk said that area is a paved access way.

Dr. Dimmick asked if there was water directed off South Meriden Road off of that paved access way because he presumed it slopes downward.

Mr. Hulk said it does slope downward however there is a lip in the area.

Dr. Dimmick said so it's not another source of water then.

Mr. Hulk stated no – it hits the lip and keeps going.

Dr. Dimmick said it seemed to him that just a little further down probably off the map there was another culvert of some sort at one point – there was another bleed off (but may not affect things there).

Mr. Hulk said as far as the water – anything happened down from it will not affect it where the contours go would be its own system.

Chairman de Jongh said there was some conversation and discussion about the size of the pipe and he said he thought that raised some issues in Commission members' minds.

Chairman de Jongh said for the record – the 15" pipe is adequate to handle the flow of the water from across the street – where there is a nursery and the slope to the east of the property – its slopes downward toward Hickory Hill so that 15" pipe is adequate enough to cover the water coming down from that and alleviating any concerns for Mr. Kudish.

Mr. Hulk stated yes – yes it is (referring to the 15" pipe).

Dr. Dimmick stated there is water that comes over the road that the existing pipe can't handle and the existing pipe is at only .7 slope and you have drop box and a 4% slope so you are able to get a lot more water through the pipe.

Mr. Hulk stated yes – the pipe has been sized accurately to convey the flow.

Chairman de Jongh said he just wanted to get that on the record because he knew that was a concern.

Mr. Hulk stated again the pipe has been sized adequately to convey the flow.

Dr. Dimmick said so the water then is going through a plunge pool and a little bit of an additional distance before it actually gets to the pond.

Mr. Hulk said what happens around the pond area is it actually slopes p rather significantly from the pond elevation at 280 within 10' or so you are up to elevation 283 – an increase of 3' in elevation and in the area where they are actually proposing to have their outlet that's where the water would get to from the swale.

Dr. Dimmick said and at the edge of the plunge pool is there some kind of spreader so they will not get erosion from the water coming off of the plunge pool heading to the pond.

Mr. Hulk said yes – they have created a small berm that would allow the plunge pool to fill up and dissipate in a spread over area.

Mr. Norback said he had a question – he said with the efficiency of the conveyance now or what they are proposing for the water they then can assume that they are getting more water than has been conveyed through the swale – correct. He said they must be getting a lot of additional water if you are getting rid of it more efficiently – he said he thought they were collecting it more efficiently so one would assume there was an increased volume and now he would assume gives them more water conducted to the pond and then after the plunge pool and then the pond what are the affect after that.

Mr. Hulk said there is actually no increase in volume in going to the pond. He said what happens is this pipe which outlets now and gets overland flow – they are just taking that water and conveying it through the storm system so there is the same amount of water that's going through it.

Mr. Norback said even giving those curtain drains – you don't think they are increasing the volume for what the curtain drains are also conveying water to that storm system – correct.

Mr. Hulk stated that was correct. He said what happens with the ground water is it's going to make its way to the pond anyway and he overland flow which would be added to the swale is still going to make it's way to the pond and that's going to be collected in some areas through curbless catch basins that would be placed however there is no increase in actual flow to the pond.

Dr. Dimmick said he thought what they have is a balance here where you are getting immediate storm water a little faster to the pond but in the other hand with the curtain drains you are pre-draining the area so that some of the water that was there won't be there and it balances out in the long run.

Chairman de Jongh said he thought they have addressed the concerns that they had – he said this goes a long way to clarify some of the questions that Commission members had.

Dr. Dimmick said they were previous to this getting a number of I don't know type statements when they were asking.

Dr. Dimmick said he was happy enough with this. He said they had previously voted that this was not significant within context of regulations but they needed more detail.

Dr. Dimmick said he was happy enough to turn this over to staff – but that he did not know about the rest of Commission members.

Chairman de Jongh stated he felt confident in the information – he said he thought the question they had was the details as well intended Mr. Kudish was to present that to us they needed to have a professional state this is the exact reason why and then if anything goes wrong they know who to point their fingers to.

Chairman de Jongh said he thinks this information certainly clears up the record significantly.

Chairman de Jongh said he didn't think they needed anything and they could now have staff to craft her wording.

Dr. Dimmick said then they could have something to vote on at the next meeting.

Chairman de Jongh said then they would be all set to handle this at the next meeting unless there are any objections.

No objections were entertained.

Chairman de Jongh informed Mr. Kudish that by law they have to wait two weeks – the state ties their hands – they can't do anything on the application tonight – they have to wait two weeks when they've gotten all of the information. Staff would craft the wording over the course of the next couple of weeks and then at the next meeting and assuming nothing happens between then they will be able at least say into the record that he has the permit to do the work as outlined before this Commission.

Chairman de Jongh explained that they have just gotten the information, the Engineering Department has looked at it, they have the comments – Suzanne was not in a position he thought to make a recommendation for tonight's meeting.

Chairman de Jongh said he was wrong in saying two weeks.

Mr. Fred Kudish, Hickory Hill Orchards addressed the Commission. He said he was under the assumption that it was two weeks from the application date especially being it was vote not significant and they (the Commission) just needed this 'little' clarification on the volume, which ended up being not significant.

Dr. Dimmick said he was correct the two weeks is from the other but on the other hand staff until she receives this information and they were able to comment on it is now able to draft a motion so there is no way they could draft a motion tonight.

Mr. Kudish said just make a motion and sent it.

Chairman de Jongh said he wished it were that easy.

Chairman de Jongh said to be fair staff only now is able to have the material necessary and the Commission is only now have the questions that that they had based on the last meeting answered tonight – staff is now prepared to take that information put together the Commission's recommendation that they can read into the record at their next meeting; she was not prepared to do that at this evening's meeting.

Mr. Kudish asked if they needed to come back at that meeting.

Chairman de Jongh and Dr. Dimmick stated no.

Chairman de Jongh said there is no reason to believe that anything will change between now and ten and they will be able to go ahead and conduct those activities following the August 7th meeting.

Dr. Dimmick said he could start lining his (Kudish) ducks up but just don't have then quacking until they get the permit.

Ms. Simone said the permit would be sent out to Mr. Kudish – there will be stipulations –it will have language – it will have specifics that he will need to comply with so he will see that once the Commission makes a motion and acts on it they will send that out to him.

Chairman de Jongh said Mr. Kudish is working with a firm that has worked with the Commission before so he was not going to get into trouble.

Mr. Kudish thanked the Commission.

**3. Request for Bond Release
Justin Haley
15 Sherwood Lane**

Ms. Simone stated this was held over from the last meeting. She said she did leave a message and tried to send an email out to Justin Haley to convey this information. She explained the Commission didn't formally act on this at the last meeting so she did draft a denial for the bond release.

Ms. Simone said in her correspondence with Justin she had suggested that if he is able to secure this site to contact her prior to this meeting and she would go out and check that and she did not receive any contact so thus the denial for the request of the release.

Ms. Simone stated the motion for denial was handed out at tonight's meeting.

Chairman de Jongh read the staff recommendation into the record:

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission considered the request for the release of an erosion control bond by Justin Haley and finds the following:

- 1. That the CIWWC site plan approval #2011-003 was granted with stipulations for the development of a single family house on May 3, 2011. The posting of an erosion control bond was stipulated in the approval. The cost of this bond was based on the amount of required erosion controls indicated in the approved site plan for this application.**
- 2. That staff inspection of the property and the documentation for this permit indicates that the work is not complete. The soil in the rear yard area, nearest the brook, is not secure, and in one area the erosion controls are missing.**

Therefore the Commission denies the bond release request by Justin Haley.

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

X. NEW BUSINESS

1. Permit Application	APP	#2012-018
Tanguay Pools, Inc.	DOR	7/17/12
North Timber Lane		
Site Plan – In-ground Pool	MAD	9/20/12

David Carson, one of the principals from the OC Group was present representing the applicant Tanguay Pools and the property owner Susan Coffman.

Mr. Carson said the proposal is for an in ground pool in the rear yard at 158 North Timber Lane. He said they have surveyed the property with regard to existing conditions and topography.

Mr. Carson stated the wetlands have been flagged by Soil Science and Environment Services and field located.

Mr. Carson explained that the olive green line represents the limits of the wetlands as flagged in the field; the lighter green line is the edge of the existing wooded area; from the wooded area to the house is all presently lawn.

Mr. Carson said the proposal is for an in ground pool where the pool itself is right at the limits of the 50' buffer to the wetlands. Inside the buffer area is a maximum of 20' of disturbance for the pool surround area and the regarded lawn area back down to existing grade, which is where the proposed silt fence is shown.

Mr. Carson said he did have a couple of GIS area photos that kind of give you a good idea of what is presently looks like. He said as you can see the whole backyard is lawn up until the tree line itself.

Mr. Carson said there is a minimal amount of disturbance within the buffer. He said the material that would be excavated from the pool itself would be sufficient to grade a nice gentle 4:1 slope around the low side of the pool back into the existing lawn area.

Dr. Dimmick said there is a question that came from our (the town) Engineering Department wanting to know about pool back wash discharge and so forth.

Mr. Carson said Mr. Tanguay is here this evening and he could elaborate further if the Commission would like but there is a not on the plan under the wetland data – this is a closed filtration system

using a cartridge filter and there is no back wash into this pool what so ever.

Dr. Dimmick said ok because they have not only a comment from Engineering on that but they do have a memo from the state from several years ago of cautions about pools.

Mr. Carson said that was his very first question to Mr. Tanguay.

Dr. Dimmick said he wanted to make sure that was covered. He said you re not going to do every once and a while decide to empty the pool and empty it out into the wetlands.

Ms. Simone asked if Mr. Carson could direct as to where that notation is on the plan.

Mr. Carson said it was right underneath the wetland data – there’s a note up in the upper left hand corner.

Dr. Dimmick asked if the application was complete.

Ms. Simone stated yes.

Motion: To accept the application.

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

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

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

Dr. Dimmick said he understood once you move into the wetlands they get very wet very, very quickly in that area; and there are some peeks and mucks and such.

Mr. Carson said as soon as you are actually across the property line – obviously when you did the subdivision they put that rear property line right down there.

Dr. Dimmick said they put that subdivision in before they had a wetlands commission – they moved around a lot of soil; they put a lot of fill in places. He said back when they started as a wetlands commission in 1974 they went out and some of the fill still looked

fresh in those days but that was all before they had any jurisdictions and streams got straightened out and various other things.

Mr. Carson said that does explain why this wetland line comes up in this area and comes into the lawn.

Dr. Dimmick said there was a house a few yards down from there – is said he got mixed up when this application came in he thought it was the other one at first where a woman kept complaining about her back yard turning into a swamp but that’s a few houses down from here and that was a case they didn’t put quite enough fill in.

Mr. Carson said just for a point of information – the area topo of the town shows that there actually was an above-ground pool previously located inside the marker shown on the plan.

Chairman de Jongh said all that’s left is for staff to go ahead and craft her magic pen and the Commission can then address this at their next meeting.

Dr. Dimmick asked if they put erosion control on the map.

Mr. Carson stated yes.

Dr. Dimmick said that would be incorporated by reference in the stipulations.

Mr. Carson thanked the Commission.

2.	Permit Application	APP	#2012-019
	Town of Cheshire Public Works Dept.	DOR	7/17/12
	Talmadge Road Drainage Improvements	MAD	9/20/12

Don Nolte, Engineering Technician for the Department of Public Works and Engineering was here on the matter of what are culvert maintenance activities at 235 Talmadge Road. He explained this happened to be a culvert that the own installed back in 1996 – a permit was obtained from this Commission in 1994.

Mr. Nolte stated that it’s a 35 acre parcel on the southwest corner of Academy Road and Talmadge. He said it’s a farm and there are Evergreens being grown there. He said you could see from the pictures – the view from the street as you step off the road looking down the grass access way to the pond which is about 400’ west of the road.

Mr. Nolte explained there is a stream on the left side of this that was very natural and nice aside from the two surge stone check dams that were installed at the time of construction.

Mr. Nolte said surprisingly there is very little silt in this settlement area – behind the stone or in the stream all the way up to the culvert – actually Vincent and Susanne Robitallie’s culvert. He went on to explain it’s a very nice watercourse and seems to be a very light sediment load to the pond.

Mr. Nolte said the problem that’s occurred is that this 30” metal pipe has become disjointed at the first section and water has bypassed from the stream along the sides of the culvert and it caused erosion – it’s not total – it’s isolated but there has been settlement and there are big voids of 18” o 24” deep along the side the pipe in areas so its unsafe to traverse the area – its impossible to mow safely; you have to go from either edge of the pond and they would like to fill in these voids in the middle.

Dr. Dimmick asked if they were going to replace on of the pipe sections.

Mr. Nolte said they are going to remove the first pipe section and put in a precast headwall with a cutoff wall – it’s a 10,000 lbs structure with wing walls that are 5,000 lbs each and will go about 30” into the ground to prevent this water from mitigating through the soil right along the pipe. He said they would back fill it first with stone so they get the optimum compaction as it falls beneath the stone and half way up the spring line and compact grave in these areas to within 6” of surface and top soil seed and loam (the meadow).

Mr. Nolte said surprisingly it is a wetland – he said he was quite surprised – they had Ken Stevens flag it – it’s a Wilbraham silt series and it seemed firm – it seemed like an upland meadow to him but virtually all this area shown is a wetland soil type beside from the fill area off the street from the trail and another small area that they are crossing – a non-wetland soil but it is firm and dry. He said he has driven back there several times and you don’t sink in this time of year anyways and they are proposing to do this work in August.

Mr. Nolte said not much volume of material involved – 5 to 10 yards of material along the pipes. They will be restoring 20’ almost of natural stream and just taking back the slopes and removing the first section and then putting top soil and seed and straw blankets down to stabilize it.

Mr. Nolte said at the outfall of the pipe the grass is kind of deep but it doesn't look like there is a large fan delta into pond but there may be some sediment so they are looking for permission to remove whatever – 5 yards of sediment by machine.

Mr. Nolte said he did notice there was some modified rip rap there as well; if they have to remove that in the process they will replace that – he said it's like 8' from the edge of the pond so they just have to replace the level of the spreader – energy dissipated.

Mr. Nolte stated this could be accomplished within a 5 day period of good weather. He said it could probably be done with a backhoe except they will need an excavator to put the heavy precast headwall into place.

Mr. Norback asked about the thrust of this project is to improve that steel pipe so are they replacing the whole steel pipe and would it be at this point would it make more sense to chase it farther up rather run the risk of this happening again or is it in such condition that its not apt to happen.

Mr. Nolte said it is actually in very good condition – you can see daylight from either end – its not filled with sediment – you don't see light filtering down at the joints – they will fully explore every joint, every 20' if it is separating they will evaluate the need to pour concrete over it.

Mr. Norback said that was his question - he said a project like this seems like you don't want to do it half way.

Mr. Nolte said if they find anything troubling or that requires a greater repair they would stop work and come back to the Commission.

Mr. Nolte said the pipe seems good – it has probably 6' to 8" of coverage on it. Not enough for loading of any kind of heavy equipment but the farm tractors can certainly get across that that is what this is – a farm field.

Chairman de Jongh asked in regard to the sediment stuff they are going to be clearing out - he said he presumed that's going to be trucked off site.

Mr. Nolte said yes – it would be taken back to the yard and if the Commission wanted to visit the site before the next meeting that's

fine. He said the plunge pool work right off Talmadge is really kind of optional – its really a very pretty area and its only a couple of yards and he frogs are jumping and happy there and the dragon flies and they don't really need to disturb it but while they're there they could take out a couple of yards from the south side and call it a day.

Chairman de Jongh asked if this was the property that Jim Fazzone built the house.

Mr. Nolte stated that was correct.

Mr. McPhee said he grew up right there. He asked on the easterly side of it of the construction – what did the culvert look like there – the other pond.

Mr. Nolte said he did not inspect that that's an RCP – it comes through – a 24" RCP and it's in very good condition on the subject property – he said he did not know its condition on the neighboring property.

Dr. Dimmick asked staff if they had sufficient information for this.

Ms. Simone stated yes.

Motion: To accept the application.

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

The Commission agreed to stop by the site for individual site visits.

Mr. Nolte said just be careful if they do because the voids will break their legs if they are not careful around the pipe area when you first come across them.

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

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

Dr. Dimmick asked staff if she had seen the site.

Ms. Simone replied that she had not been out to the site.

Dr. Dimmick said he did not think they needed a formal field trip but a number of them should take a look at it. He asked Mr. Nolte is they did want to get moving in August.

Mr. Nolte said yes absolutely – in the driest month.

Chairman de Jongh said what he would recommend is to allow staff to go ahead and craft her wording but at the same time he would recommend that those Commission members who are interested to take a look at the site, carefully.

Dr. Dimmick said just in case they additional language they can stick it in – they will have most of the motion prepared to act on.

Ms. Simone said perhaps they could schedule something while Mr. Nolte is available during regular works hours to go out to the site and take a look at it.

Chairman de Jongh and Mr. Nolte agreed.

Mr. Nolte said there is a base flow to the stream just to let them know and they plan to divert – it's a very small flow but they plan to divert with a pump – they won't allow turbid water to go through the pipe as they are putting the headwall in. They will have a sandbag dike and a pump to get it into the field.

Chairman de Jongh said so they will be in a position to move forward on this to Mr. Nolte could get started on this in August.

3.	Permit Application	APP	#2012-020
	Maria Kaouris	DOR	7/17/12
	250 Knotter Drive		
	Drainage Improvements	MAD	9/20/12

Andrew Harris with AMEC and he is representing the applicant – the owner of 250 Knotter Drive; Goodrich is the current tenant of the property. He said over the years it's been a number of metal finishing plating operations – he said he thought it was an Allied Signal facility at one time and across the road with the UTC facility.

Mr. Harris said the applicant has been investigating some environmental impacts of the site as part of the Connecticut property transfer program.

Mr. Harris explained that this facility was built in the early 1970's. As part of the original construction there were two roof drain outfalls – one

on the east side and one west side of the building and then all of the catch basins drain out to a parking lot outfall on the north east corner.

Mr. Harris said during the investigation of the site there were some PHs – semi volatile hydrocarbons and petroleum hydrocarbons that were identified in some of these outfalls and streams – there is no environmental release to indicate that there was a larger issues related to those contaminates – he said the conceptual model for the site is that those are typical contaminants that one would find coming off of an asphalted type roof and asphalt parking lots; nothing more significant than that.

Mr. Harris said unfortunately currently under CT DEP RSR regulations there is not exemption for some impacts related to parking lot runoffs and roof drain outfalls so the simplest solution is just to clean out those drainage swales of the recent sediment that has accumulated in those swales and treat that material like they would any other environmental remediation.

Mr. Harris explained that part of the excavation areas are within the Natural Diversity protection area – there are Eastern Box Turtles and Wood Turtles that potentially have this as their habitat.

Mr. Harris said they have received some information back from the folks at DEEP which have given them some precautions as they can work with those turtles and that essentially amounts to silt fencing off the construction areas and doing an inspection for turtles as long as they are doing the work in the summer and the fall months.

Mr. Harris said their goal would be to do this work in the dry season so they would not need to deal with too much saturated sediments; for the most part ground water is 5' to 6' below the surface.

Mr. Harris said the 100 year flood plain is about the topographic elevation of 136 which essentially a curb incorporates most of the back half of the building.

Mr. Norback said he was having a little trouble with scope here as far as the area Mr. Harris would be working in and exactly what the work is – is it soil removal and mitigation – how much therefore. He said he was struggling with scale.

Mr. Harris explained that the drainage swales are all about 5' to 8' wide and they run in various lengths. He said the two sheets that have the current features are the third and fourth sheets that give a little bit better view of the individual excavation areas.

Mr. Harris said the scope is to really just focus on the accumulated sediments – the underlying soils at the site are predominantly sand soils. He said what soil boring and sampling that they have done has shown that the materials that have the PHs and the hydrocarbons are limited to about the top foot of the accumulated sediments so their plan is to take out that top foot of sediments and then replace that with some stone to stabilize those swales and that outfall.

Chairman de Jongh said they are talking the top foot of excavation – over what length.

Mr. Harris said on the eastern most roof drain outfall he believed it was able 80'; on the western one it is about 120' and the last one is about 100'.

Mr. Harris said based on their previous soil sampling they have a pretty good handle on the extents and don't feel it's going to continue much farther than shown.

Chairman de Jongh said so we are talking about 1' deep, roughly about 300' long and about how wide.

Mr. Harris said these two swales are about 5' wide – the other one is a little bit wider – it's probably about 10' wide.

Mr. Norback asked if there were going to use machinery to move this.

Mr. Harris said they didn't have anything specified now but it would probably end up low pressure rubber mounted tire – they are going to need to do a little bit of clearing of the recent shrubs that have grown up on the north side of building but they are going to clear those and not grub out the stumps to keep the soil intact.

Chairman de Jongh asked Mr. Harris if the details of what he just said verbally somewhere on the map to show the map as being complete and give the Commission some idea of what the depth is and what the length is and how much excavation they are going to do.

Mr. Harris stated yes.

Dr. Dimmick asked staff how they were regarding receiving enough data on this.

Ms. Simone said the basics are in.

Dr. Dimmick asked if they had the soil scientist signature.

Ms. Simone stated no – there isn't one on those maps. She said she did not know if there was something supplemental that was going to be submitted.

Mr. Harris said there is a note on the second page that the wetlands were delineated by a soil scientist but there is no ink signature.

Dr. Dimmick said they normally request that the Commission has the signature of a soil scientist on at least one of the maps.

Mr. Harris said the note is on the plans.

The Commission reviewed the soil scientist information.

Chairman de Jongh said the soil scientist was Charles Lyman.

Dr. Dimmick asked if Mr. Lyman was a Connecticut resident.

Mr. Harris stated no – he was a Massachusetts resident.

Dr. Dimmick said but he was familiar then was Connecticut soils in terms that they are not quite the same.

Mr. Harris stated correct.

Dr. Dimmick said they did have experience with someone else working that working in that industrial park that came from Maryland acted as a soil scientist and had some of the soils really screwed up in his accounts.

Mr. Harris said luckily Connecticut has similar geology to Massachusetts.

Dr. Dimmick said so they do need the soil scientist signature on something.

Mr. Harris said they could easily provide that.

Ms. Simone said they just need that on one copy.

Chairman de Jongh asked if the Engineering Department has provided any commentary on this yet.

Ms. Simone said they did – they submitted it yesterday and it states one point that says, “Material removed from this site should be dewatered prior to its removal – this office does not want water running out of the trucks onto the town roads.”

Mr. Harris said that was perfectly reasonable – the material wouldn’t be accepted at a disposal facility with water draining out of the back.

Dr. Dimmick said but they did not want the water disappearing between the site and the facility.

Motion: To accept the application subject to receiving the soil scientist signature on one of the maps.

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

Chairman de Jongh asked the Commission to consider significance.

Dr. Dimmick said this is in sense maintenance – it’s just a little bit more complicated than usual. He said you are not filling wetlands – you are not creating any new wetlands; not changing the flood perimeters.

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

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

Dr. Dimmick said they did have documents mailed to the Commission concerning this activity – he said he did not have any outstanding questions except getting that signature.

Chairman de Jongh once they get the soil scientist signature and they tie up those loose pieces then they will allow staff to go ahead and craft her wording and they will be prepared to handle this at their next meeting.

Mr. Harris thanked the Commission.

4. Shed Installation 164 Rockview Drive

Chairman de Jongh said the final item before them is a last minute application that came before them – he said they could decide to take it up or not.

Ms. Simone said yes – by majority vote if the Commission desires to.

Chairman de Jongh said it's an application by Usua Patel at 164 Rockview Drive – he said he guessed they want to put in a shed. He asked if this is something the Commission wanted to take up tonight.

Mr. Kurtz asked if there was anyone present representing the applicant.

Ms. Simone stated no and they has stated that they will not be able to attend and likely won't be able to attend he next meet – they travel for business.

Mr. Norback asked if this was the one they looked at.

Ms. Simone explained this came before the Commission as a request for determination and at the last meeting the Commission determined that because it was within the 50' upland review area to remain consistent an application would be needed.

Dr. Dimmick said they were going to look at it the same night they had the thunder storms that kept them looking at the other site.

Mr. Norback reported that he wound up going on his own.

Dr. Dimmick said he kind of saw if from the back by going down the linear trail – although he couldn't walk to it because it was a little wet in between the trail and the yard but at least he could see roughly where it was and it's definitely within 50' of the wetlands.

Ms. Simone said there is material that was copied to be provided to Commission members tonight – the materials were handed out.

Mr. Norback said he thought they all agreed that the placement of the shed was pretty non-invasive.

Dr. Dimmick said it was non-invasive but it was pretty close to the wetlands.

Dr. Dimmick said if they accept it tonight it doe start the clocking moving.

Ms. Simone said they are not providing any additional detail other than just that is a 10' by 12' shed; there's the applicant that was submitted to Commission members tonight and a copy is attached that shows the location of the property in yellow.

Ms. Simone said basically they are going to have this she installed in their backyard and their application states – ‘I’m proposing to install a shed 10’ by 12’ in my backyard to store lawn equipment; equipment is currently stored in the garage preventing me from using the garage as space to park my car.’

Ms. Simone said in their request for determination they had provide information pretty similar to – that it was a level area that’s currently grassed – they are not going to be cutting any trees – they will be bring some gravel in to place the shed on and that none of this will require any digging or disturbance of soil.

Dr. Dimmick said he would still really like to actually see this or at least it staked where it is and have a couple Commission members go out and look at it.

Ms. Dunne asked if that lawn equipment would include lawn mowers and gasoline and such.

Dr. Dimmick said probably.

Ms. Simone said yes – but in their letter for the request for determination they go on to state that ‘my shed will not contain any materials deemed to be hazardous to the environment. I plan to use it solely as a storage facility for equipment such as lawn mower, snow blower, wheel barrel and other gardening tools. Any material such as paint and insecticides will be kept in the garage.’

Dr. Dimmick said what about the gas can.

Ms. Simone said one thing that she did know that they are eager to get a determination or action from the Commission. She said they understand that can’t happen tonight but apparently they have something on hold and they are trying to secure the sale price.

Mr. Norback said he thinks they are just sticking a shed on their lawn – he said he thought they were just beating this thing up too much.

Dr. Dimmick said well they do have a whole bunch of prescient within 50’ of wetland boundaries and this is definitely a shed within 50’.

Chairman de Jongh said he thought there was certainly a consistency in requiring the application.

Motion: That the Commission add the application request to install a shed at 164 Rockview Drive to the agenda.

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

Chairman de Jongh asked staff if the information they have complete enough where they can accept the application.

Ms. Simone stated yes.

Motion: To accept the application.

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

Mr. Kurtz said between now and the next meeting he would like the applicant to provide some information of what they are proposing.

Dr. Dimmick said they are traveling on business but if they put a stake in the middle of where the shed is going to be and give the Commission permission for some of them to go look at it.

Ms. Simone asked Mr. Kurtz what type of information would be like to see.

Mr. Kurtz said he wanted to know what kind of shed it was – he said he keeps thinking it's going to have concrete floor. He said it doesn't say its not and it doesn't say it is – it doesn't say anything.

The Commission wants to know if is it going to be on blocks or are they going to put gravel down or sona-tubes.

Ms. Simone said so Mr. Kurtz wants to know what type of flooring

Ms. Simone said they talked about sona-tubes in their letter for request for determination – they said they would bring gravel in but she could ask then for clarification of what flooring they're going to have.

Mr. Kurtz said he was not saying they have to hire an architect or anything.

Chairman de Jongh said he was wondering if it's a prefab shed - for example someone is going to bring in.

Ms. Simone said it is a prefab shed.

Chairman de Jongh said so changes are it's going to be either put on blocks.

Mr. Norback said frankly he thought that when this originally came up – he thought that was determined or maybe he just submized it. He said when he went out there they did have a staked area where it was going and in deed it is pretty damn close to the wetlands but as far as disturbing the wetlands it just doesn't seem like its going to.

Chairman de Jongh said he thought it was clear what the Commission members would like is some kind of location marker of some type –or they can put the four points of where the shed is going to go and give them an idea of where the shed is going to be.

Ms. Simone said she will ask them if the markers are still up – she said she did know they put them up prior to the thunderstorm but she would check to see that they're still up and let Commission members know.

Chairman de Jongh said so they will defer determination of significance.

Dr. Dimmick said that was his feeling about it. He said he in not denying what Mr. Norback saw but he wants to see it with his own eyes.

Chairman de Jongh said he did not think it's going to be a significant activity.

Mr. Kurtz said he would like to get a little information that's all.

Chairman de Jongh said there is enough uncertainty that they can hold off on significance but the problem is that they have one meeting in August.

Dr. Dimmick said you can still prepare wording because there's nothing to keep them from determining significance and voting on the permit the same night if they determine it's not significant which is the probable case – he said he gets just a little bit uneasy when they are dealing with only paper descriptions of something and not actually seeing them.

Chairman de Jongh said then what he would suggest is deferring any further consideration pending the results of the informal field trip. He said lets go out and take a look at it and then be prepared to be able to deal with this at their next meeting if there are no problems.

Ms. Simone agreed to contact the homeowner and let them know that Commission members may be stopping by individually to take a look at it and to make sure the area is marked off and then to ask for details

about what type of flowing in addition to whatever gravel is being brought in.

Chairman de Jongh said presumably it's not going to be secured it – its going to sit like most shed do and not become a table part of their property.

Chairman de Jongh asked that the record show the Commission has deferred any further consideration on this pending the results of the informal fieldtrip.

XI. ADJOURNMENT

The meeting was adjourned at 8:49 p.m. by the censuses of Commission members present.

Respectfully submitted:

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