

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
REGULAR MEETING  
TUESDAY, OCTOBER 2, 2012  
TOWN HALL 84 SOUTH MAIN STREET  
COUNCIL CHAMBERS AT 7:30 p.m.**

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

**Members absent: Robert de Jongh**

**Staff: Suzanne Simone**

**Dr. Dimmick served as chairman pro-tem in Robert de Jongh's absence.**

**I. CALL TO ORDER**

**Acting Chair Dr. Dimmick 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**

**Dr. Dimmick determined there were enough members for a quorum.**

**V. APPROVAL OF MINUTES – Public Hearing – September 4, 2012  
Regular Meeting – September 4, 2012**

**Dr. Dimmick suggested the approval of the minutes be deferred to the end of the meeting.**

**Commission members agreed unanimously to defer the approval of the minutes to the end of the meeting.**

**At 8:30 p.m.**

**Motion: To approve the minutes from the September 4, 2012 public hearing with no corrections and the September 4, 2012 regular meeting with corrections.**

Regular Meeting: Pg. 3 L 37 “area for the” to “area. The”; Pg. 6 L15 delete [not]; Pg. 6 L38 “shad” to “shade”, L47 “why” to “way”; Pg. 7 L42 “work” to “ work with”; Pg. 10 L16 “knew” to “knee”; L22 “grown” to “ground”; L26 “since” to “sense”; Pg. 12 L11 “they” to “they mean”; Pg. 14 L26 “there” to “they.”

**Moved by Mr. Kurtz. Seconded by McPhee. Motion approved unanimously by Commission members present.**

## **V. COMMUNICATIONS**

**Dr. Dimmick stated that most of the communications were mailed or emailed to Commission members.**

- 1. Memo from Public Works  
Re: Informal Discussion of Farmington Canal**

**This item was reviewed. Someone from Public Works would be present to report on this item later in the meeting.**

- 2. Request for Bond Release by FIP Construction  
Re: IWWC App. #2009-012A Elim Park Baptist Home, 140 Cook Hill Rd.**

**This item is on tonight’s agenda.**

- 3. Staff Communications  
Re: IWWC App. 2012-022, Waterbury Road**

**This item was reviewed. This item is also on tonight’s agenda under unfinished business.**

- 4. DEEP 2012 Legislation & Regulation Advisory**

**Dr. Dimmick asked that staff go over this communication and make suggestions because he thought they were going to have to make some changes in the Commission’s regulations. He asked that staff come up with some suggested wording on this and then at a future meeting they can review that.**

**Ms. Simone agreed to provide suggested wording.**

**Dr. Dimmick said he thought they had to have adequate notice before they make any changes.**

- 5. Request to Extend Mandatory Action Date**

**Re: Cornerstone Church, Waterbury Road, IWWC App. #2012-022**

**This item will be covered under unfinished business.**

**6. Staff Communication**

**Re: Cornerstone Church, Waterbury Road, IWWC App. #2012-022**

**This item was reviewed and is part of the application under unfinished business.**

**7. Letter from Quinnipiac River Watershed Association**

**Re: QRWA Base Plan Stakeholder Committee Invitation**

**Dr. Dimmick explained that Ms. Simone has accepted as a representative from Cheshire to be on that committee for input.**

**8. Land Use Academy Course, Saturday, November 10 at CCSU**

**Dr. Dimmick informed Commission members that the Land Use Academy Course at CCSU looks very interesting – he said he hope Commission members look this over.**

**Ms. Simone said that funds are available for any Commission member who wants to attend – the office just needs notification to process and send the payment in.**

**Dr. Dimmick recommended that anyone who could take a Saturday to learn how to learn including how to run this meeting if they are ever stuck with doing so.**

**9. SWCD Soil and Water Fall 2012 Newsletter**

**This communication was reviewed.**

**10. Staff Communication**

**Re: 725 North Brooksvale Rd., IWWC App. #2012-025**

**This item is under new business on tonight's agenda.**

**11. Staff Communication**

**Re: Sindall Road, IWWC App. #2012-026**

**This communication is on the agenda under new business.**

**12. Staff Communication**

**Re: 156 North Brooksvale Rd., IWWC App. #2012-027**

**This communication is on the agenda under new business.**

**Items that came in after the agenda was sent out:**

**13. Engineering Comments Re: 156 North Brooksvale Road**

**This communication was handed out at tonight's meeting.**

**14. CACAWIC Notice for Annual Meeting on November 17, 2012**

**Ms. Simone stated that any Commission members interested in attending should let the office know. There is a discount on registration if the registration is post-marked by October 31, 2012 – it will cost \$40 a person after that it goes up to \$50.**

**VII. INSPECTION REPORTS**

**1. Written Inspections**

**Ms. Simone stated there were no written inspection reports.**

**2. Staff Inspections**

**a. Stop & Shop Gas Station on West Main Street**

**Ms. Simone said there was a staff inspection of the soon to be Stop & Shop Gas Station on West Main Street erosion controls which are in place and functioning.**

**b. 382 South Main Street**

**Ms. Simone stated that there was a staff inspection of the erosion controls that are up on the site.**

**c. Eastridge and Cheshire Street**

**Ms. Simone said there was a staff inspection of Eastridge and Cheshire Street – this was a Public Works project that is now completed for storm water management in that area.**

**d. 350 Knotter Drive**

**Ms. Simone reported that there was a staff inspection at the Alexion building – they are planning on moving forward with their permit to expand their parking lot.**

**e. 1392 Cheshire Street**

**Ms. Simone said the house at 1392 Cheshire Street is pretty much completed. The erosion controls are still up and nothing has affected the wetland boundary markers – they are still in place.**

**f. Elim Park**

**Ms. Simone said there was a staff inspection of Elim Park for the bond release which is subject of new business tonight.**

**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**

**Dr. Dimmick asked Ms. Simone if there was any progress in terms of planting on this item.**

**Ms. Simone stated no.**

**Dr. Dimmick said they had considerable more time to follow through on that.**

**Ms. Simone said they do.**

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

**Ms. Simone said Mr. Tiso was required by the end of this month to plant some Dogwood trees so she would be following up with that to see that they're planted.**

- 4. Unauthorized Activities in an Regulated Wetland Area SC 8/07/12  
CMJ Willow, LLC c/o Chad Horning  
151 Willow Street (56/196-1)**

**Dr. Dimmick said the owners of 151 Willow Street were asked to submit an application.**

**Ms. Simone said yes and after the last meeting she did meet them out on the site to see the conditions and the areas where they had cut back the vegetation - some of it which was viney vegetation was seeming to grow back.**

**Ms. Simone reported that they did discuss at that time that they (the owners) were interested not only in submitting a permit after the fact but also submitting some plans for new plantings and they haven't settled on that as of yet.**

**Ms. Simone said she has an email out to Jay Hershman to ask him for an update on this. She explained there was no required date by which to submit the application but she would stay in communication with them and relay it back to the Commission.**

**Mr. Kurtz said it was mentioned there was no time given to submit an application.**

**Ms. Simone said at the time of when the notice of violation was issued and the Commission discussed it with at a show cause hearing – the Commission had indicated that they need to submit an application but no time frame was given to them by which they were required to submit by this meeting or the next meeting.**

**Mr. Kurtz said so in the meantime the Commission has decided they are in violation.**

**Ms. Simone and Dr. Dimmick both stated yes.**

**Mr. Kurtz asked if they put a note on the land records for that.**

**Ms. Simone stated yes.**

**Dr. Dimmick said so it's in their interest to do something.**

**Mr. McPhee asked at what point to they have to respond – how long can this go on.**

**Dr. Dimmick said they have had some drag on.**

**Ms. Simone said if it got to the point where the Commission was unhappy and an application wasn't coming forward she would have a conversation with the town attorney so say how can the Commission**

revisit this to give them a time frame by which to submit an application or to move forward with action.

Mr. Kurtz said he personally think the Commission was very friendly and corporative in this and he knew himself and he was not speaking for the Commission but speaking for himself – he said plant a few trees to put the shade back there let's call it a day. He said he thought it was kind of funny they (the owners) did not submit an application.

Mr. Norback asked staff if she would characterize them as being communicative and willing or has there just been some lapse in decisions – but have they been communicating with staff and they've been forth right and forth coming.

Ms. Simone said they seem earnest in wanting to submit an application and move forward with the process but since the last meeting they (staff and the owners) have fallen out of communication; she has not tried to reach out to them and they haven't tried to reach out to her.

Ms. Simone said that just until recently that she sent an email yesterday to ask for an update.

Ms. Simone said so at this point based on having met them out at the property and talked about what their goals were that they seem as though they are interested in moving forward with an application. She said they don't seem to be dodging her.

Mr. Norback said he agree with Mr. Kurtz on that – that at some point they (the owners) have to tow the line.

Mr. McPhee asked if communication could be made to them that they have a set time frame.

Dr. Dimmick said he thinks they know that – he said he thinks they're putting something together.

Mr. McPhee said they have had four weeks and the Commission had their last meeting cancelled since then and they've yet to just have an application in place.

Ms. Simone said she thought this was something that she would have to think about and possible talk to the town attorney on how can the Commission revisit then imposing a deadline to them – a

**deadline by which the application has to be received because it wasn't set forward in the showcase hearing.**

**Dr. Dimmick said he almost got the feeling that there was a little bit of internal dissention that they had to settle in which case he did not want to get involved.**

**Ms. Fiordelisi said this is probably the best time to plant trees though – the fall.**

**Dr. Dimmick said yes – tis in deed.**

**Mr. McPhee said in his opinion they may purposely be missing the planting season.**

**Mr. Norback asked staff what was the tenor of her communication with them.**

**Ms. Simone said they had some phone calls and some emails and met out at the site.**

**Mr. Norback asked if today's email was just reaching out to them to get in touch with staff or did she have some specific request.**

**Ms. Simone said yes. She said she was reaching out to them looking for an update of where they're at in this process and that she was just trying to monitor what's going on.**

**Mr. McPhee said on the same note it was mentioned that Philip and Robin Tiso have to a deadline in place for this month to get their plantings in.**

**Ms. Simone said yes – the Commission stipulated that in their approval.**

**Mr. McPhee said and the same thing for Dr. Passaro-Henry – that's been on the agenda since he joined the Commission so is there a deadline on that or not.**

**Ms. Simone said no – just their regular deadline of what was originally five years and then state law changed and she believed they have nine years by which to complete this.**

**Dr. Dimmick said they had done part of the work – it wasn't a case of not doing anything but it was a case of completing what they started.**



**Ms. Simone said they (the Passaro-Henrys) have shrubs that remaining to be planted.**

**Mr. McPhee said he just wanted to be clear on that.**

**IX. UNFINISHED BUSINESS**

- |   |            |                  |
|---|------------|------------------|
| <b>1. Permit Application</b>              | <b>APP</b> | <b>#2012-022</b> |
| <b>Jack Krudwing (Cornerstone Church)</b> | <b>DOR</b> | <b>8/07/12</b>   |
| <b>Waterbury Road</b>                     |            |                  |
| <b>Site Plan – Addition/Parking</b>       | <b>MAD</b> | <b>11/06/12</b>  |

**Dr. Dimmick said the Commission has a request to defer consideration.**

**Ms. Simone said yes – they plan on reworking their plans and will be submitting it for the next meeting.**

**Ms. Simone said they (the applicants) are aware that if the changes are considered significant that there may be a public hearing and they may have to go through that whole dance of withdrawing and resubmitting because the time permit pass for the Commission.**

**Dr. Dimmick asked if there was a request from them to extend the mandatory action date.**

**Ms. Simone stated yes.**

**Motion: That the Commission approves the extension of the mandatory action date.**

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

**Dr. Dimmick said besides the extension he wanted to make sure there was no problem with postponing further action tonight until the next meeting since there is nothing they can do tonight.**

- |   |            |                  |
|---|------------|------------------|
| <b>2. Permit Application</b>            | <b>APP</b> | <b>#2012-024</b> |
| <b>Consolidated Industries, Inc.</b>    | <b>DOR</b> | <b>9/04/12</b>   |
| <b>Mixville Road</b>                    |            |                  |
| <b>Stormwater Drainage Swale Repair</b> | <b>MAD</b> | <b>11/08/12</b>  |

**Dr. Dimmick said staff had prepared a proposed wording for granting a permit for Consolidated Industries.**

**Motion:**

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

- 1. That the current application is for a permit after the fact related to the installation of a riprap lined swale within the upland review area of the Ten Mile River.**
- 2. That the work was done prior to application to the Inland Wetlands Commission and that a Request for Determination for drainage swale installation was reviewed on July 3, 2012 and determined an after the fact application be submitted.**
- 3. That the applicant's engineer submitted a wetland boundary map from a 1999 field survey.**
- 4. That the drainage swale area was constructed to minimize sediment entering the Ten Mile River. The swale is approximately 20'X15'.**
- 5. That the proposed construction activities will not have a significant adverse effect on the adjacent wetlands and watercourses.**

**Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2012-024, the permit application of Consolidated Industries, Inc. for site plan approval as presented and shown on the plans entitled:**

**"Drainage Swale Repair  
Consolidated Industries, Inc.  
677 Mixville Road, Cheshire, CT  
1 Sheet, Scale 1"=60'; Dated July 31, 2012,  
Prepared by Blue River Engineering, Inc.  
36 East High Street, East Hampton, CT 06424"**

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

- 1. Any lack of compliance with any condition or stipulation of this permit shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and an enforcement order shall be both issued and recorded on the Town of Cheshire Land Records.**
- 2. No changes or modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.**
- 3. Throughout the course of conducting construction activities, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring the following:**
  - a) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100’ if possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.**
  - b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.**
- 4. This permit grant shall expire on September 18, 2017.**

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

## **X. NEW BUSINESS**

- 1. Informal Discussion  
Farmington Canal**

**Don Nolte, engineering technician for the Department of Public Works was present.**

**Mr. Nolte thanked the Commission for letting him show them this concept – that’s all it is at the moment – it’s for cleaning or creating a channel through about a 13,000 LF section of the Farmington Canal starting at West Main Street and for the most part moving north up 12,000’ to the old trolley alignment where there’s some stanchions left but nothing of a bridge at that area.**

**Mr. Nolte said he was sure this has been a known problem for many years – its probably 30 or 40 years of acclimation of road sands and channel erosion that makes its way down into the Grove Street neighborhood where they were here a few months back to clean a channel out that was no longer flowing through a private property and low and behold they clean it out and it fills in with water so it’s very apparent to him that the ground levels come up several feet in this area and the homeowner has known that for a while.**

**Mr. Nolte said the flooding was just horrendous before the box culverts went in by the state and he was told that the homeowner at 139 Grove Street was able to kayak up to Jarvis Street from just out his back door.**

**Mr. Nolte said now this is a good improvement and unfortunately there’s still flooding – he said you can see on either side of the pictures of the new culvert – there’s large sediment accumulation and as you look up stream you can see that there is a lot of overgrowth of vegetation – a very narrow channel – there’s poor flow through here.**

**Dr. Dimmick said it seemed to him that at certain times of the year you can walk dry shot across part of the canal.**

**Mr. Nolte said yes – it’s gotten chock full of sediment.**

**Mr. Nolte said this issue is affecting the design of the rail trail that’s being considered now and that’s at the northern end here where there’s a pond – he said it’s his opinion that the pond water levels have been artificially raised due to the accumulation of sediment logs and debris at these old trolley stanchions.**

**Mr. McPhee asked about if he was talking about the pond north of the trolley stanchion.**

**Mr. Nolte said yes it is.**

**Mr. McPhee asked if at that point didn't the canal flow north.**

**Mr. Nolte said the canal flowed south.**

**Mr. McPhee asked if he was one hundred percent sure of that.**

**Mr. Nolte said as far as he walked up to beyond the pond area – it's still flowing in that direction.**

**Mr. McPhee said he believed the canal changed direction – somewhere between Jarvis Street and the trolley stanchion – he said he believed it was north of the pond.**

**Mr. Nolte said it's what's shown on the map – that it's still flowing south but that Mr. McPhee was right as some point it does break north.**

**Mr. McPhee said it does break north.**

**Dr. Dimmick said when you get up to where Bozzutos there is a different flow.**

**Mr. McPhee said he actually walked this portion all the way to Jarvis Street today and he had the pleasure of doing it in the rain which was very helpful because when the rain drops were hitting you could the current direction hitting the water – north of the pond to him appeared to be flowing north but he could be wrong but that was just from his sight today and south of the pond which was just north of the trolley was flowing south which makes sense. He said there was a tremendous amount of sediment which he was all for but he just wanted to clarify that.**

**Mr. Nolte said where the break in that watershed is or it could be artificially changed by this dam at the trolley location - you can see back in January when he walked the trail after they just cleared it that the water table's up to within 10' of the trail – there looks like vernal pool on one side and there's probably old clogged culverts going beneath – there is no evidence of now but the design engineer is going to have to come up with a crossing that's probably with a lot of stone or pipe or wrapping fabric – he said he was not sure what direction they were going in.**

**Mr. Nolte said one benefit of cleaning this channel other than these private properties having reduced flooding is that it may make the**

trail easier to construct and maintain over the years if this is kept clean.

Dr. Dimmick said there is one place that he found – he said there were old mine shafts up there – he said there is a 300’ mine shaft from one of the old barite mines up that way.

Dr. Dimmick explained that there was a proposed subdivision and when they were reviewing it he had them check one lot and they found a 300’ foot deep mine shaft there.

Dr. Dimmick said going north north-east and south south-west from that main mine shaft there have been other small depressions one of which is right about at the canal and he has seen water drain into it so they have to watch that because the horizontal adits from the old mine run all the way under the canal at one point.

Mr. Nolte said he would love at some point for Dr. Dimmick to point those mines out to him.

Dr. Dimmick said he probably could – he has some maps to indicate where they are. He said he believed that was north of where they are working but it was one of the things to consider.

Mr. Nolte said after having some experience in the coastal communities with low ground pressure equipment and marsh ditch cleaning operations he called Paul Capotosto of DEP Mosquito and Wetland Habitat Restoration and invited him up to see if his equipment could help us out potentially in this area to minimize disturbance necessary to get sediment out of this channel because they can traverse areas that you can’t even walk so he did come up and felt that yes he could get in there although he would still like to come up and do some probings through the sediment with his staff; he would have to traverse the center of the channel and he could cast the material to the sides mainly away from the proposed trail side and regrade it and reseed it into the bank and for a total of about 15,000 CY.

Mr. Nolte said this operation could be done very cost effectively and very unobtrusively with only cutting of a few dozen saplings and whatever is overhanging in the way of his (Mr. Capotosto’s) equipment. He said the town crews would help him (Mr. Capotosto) out with.

**Mr. Nolte said by not removing all of the sediment you don't have to test it – be concerned with contaminants, state and federal permits would not apply because you are leaving it in place essentially.**

**Mr. Nolte said the cost benefit ratio seems very good to him because Mr. Capotosto could do this quarter mile section for like \$23,000 – they work very cheaply for a municipality – you enter into a memorandum of agreement. He said it is an exciting possibility for him because if they were to approach this conventionally it could be fifteen times the cost or if they had to remove all of the material from that area it would be many truck loads on West Main Street and a real traffic hazard.**

**Mr. Nolte said he did include in his correspondence some pictures of Mr. Capotosto's equipment – he has done work in his division – Wallingford, Guilford, Branford, Clinton, Old Lyme, Westbrook, Wethersfield and working in Durham now.**

**Mr. Nolte said they are really experts in their field – they also have the benefit of being an agent of the state and the state owns this property so they would be willing to sign the application as agent of the owner so there's not the problem of trying to track down someone from the State of Connecticut to sign off on this – he is going the contact – people at DOT – other divisions at DEP and check on other permits that apply.**

**Mr. Nolte said his purpose before the Commission tonight was just to float this item – this concept to see if they wanted to look at it or he would be happy to take a field walk with the Commission to see if the Commission could live with a new channel – removing maybe 2' of sediment trapezoidal geometry – maybe 10' to 12' wide but it could meander to a degree and they would put it where it makes the most sense – they would kind of disguise the material and seed it over in the Spring – mulch it in the winter and try to get something done this season of at least before the trail starts getting constructed so they are not making a mess of that.**

**Dr. Dimmick said he just checked – no worry about the mine – it's up near Cambridge Drive just is pretty far north compared to this map.**

**Dr. Dimmick said the AT&T long lines – does that go through here.**

**Mr. Nolte said he believed so – he said he has not seen their posts out there but it does the rest of the northern end there.**

**Dr. Dimmick said he was wondering just to make sure there is no interference if they are going to pile the waste material on the slopes that you're not interfering with that.**

**Mr. Nolte said they work very closely with them and they are very careful working around the fiber optics.**

**Mr. McPhee said he first wanted to clarify one of the things that Mr. Nolte said – that the state owns the property north of West Main Street – he said he wanted to clarify that comment. He said he could speak on behalf of the property owner to the south of West Main Street and that they are all for this so they are not going to have any objection along the line.**

**Mr. McPhee asked if the plan improves that drainage in West Main Street in anyway.**

**Mr. Nolte said he knew there had been back up on West Main Street and he would like to examine that with DOT officials because he was not sure of the route of that problem.**

**Mr. McPhee said he wanted to provide his two cents – again he walked the site both north and south today and he completely agrees with the proposal but he would just like them to expand the scope if possible to the box culvert that is on Railroad Avenue which is another 100 yards almost towards the end of the Ball and Socket property at the end of Railroad Avenue near where County Lumber's entrance is. He said to him without doing that was doing the job half way.**

**Mr. Nolte said admittedly this is like a first phase – he said he knew there were some legal issues and access right and design issues and he did not know where the trail was going to go in the future and his dream is to carry it on another 1,200' and then to target areas along the existing trail where they can get in with special equipment and move the logs and bed them into the slope and do it cheaply.**

**Dr. Dimmick said the box culvert Mr. McPhee is talking about came before the Wetlands Commission about 20 years ago when there was a proposal to clean it out or modify it – nothing ever happened.**

**Mr. McPhee said if you check the records right – they dredged the canal but they didn't dredge that box culvert so it was kind of useless. He said they never cleaned out that box culvert so that probably has 40 to 50 years of sediment.**



**Mr. McPhee said by just clearing out between West Main Street and that second culvert you are not improving the drainage for West Main Street in any way.**

**Mr. McPhee said the next point said once you get south of that culvert you have a very deep v-channel canal - so it does clean itself out where ever you get a good hard storm so it almost all the way towards Cornwall Avenue.**

**Dr. Dimmick said they had a dredging of the canal south from Cornwall Avenue at one point many years ago.**

**Mr. McPhee said it actually went from West Main Street to Cornwall Avenue and then Cornwall Avenue to Higgins Road and that was in 1989 and 1990.**

**Dr. Dimmick said that sounds about right. He said he remembered that and they were supposed to do something with that box culvert at that time.**

**Mr. McPhee said from all the records he could see in the town clerk's office nothing was ever done with the culvert.**

**Dr. Dimmick said maybe they should ask Engineering to take a look at that.**

**Mr. McPhee said he was just saying based on his knowledge that it makes more sense to him if you have the equipment there to go that extra 100 yards and get that culvert cleaned out so then you hopefully are also improving the drainage on West Main Street.**

**Dr. Dimmick said that may take a different technique. He said the West Main Street part is on Ball and Socket land.**

**Mr. Nolte said they may have to do that conventionally – he said he did not know where the property lines were.**

**Mr. Nolte said they were happy to pursue that – he said they have a very short window now.**

**Mr. McPhee said it just made sense to him to correct West Main Street's problem because they do have a problem –they had that last year's flooding on route 70 and he thinks they improved the culvert and drainage into the canal as far as when they did the road**

**construction but now they have to find a way for the water to get out – he said why not take care of Grove Street and West Main Street.**

**Mr. Nolte said they have a limited window of construction.**

**Dr. Dimmick said he was not sure that old box culvert does anything anymore.**

**Mr. McPhee said it does – there is still traffic over it.**

**Mr. Nolte said if it's a one targeted area – he said like they were talking about this phase just going to the building south and just get all the sediment out although 95% would stay in the channel – it has to come out there and on the other side of the road (he showed where in the pictures of the site) and be removed.**

**Mr. McPhee said he did not think it was more than 300' from the end of Ye Old Body Shop where they propose now to the other end of the box culvert.**

**Mr. Nolte said there may be something they can do with their own excavator – he said Mr. Capotosto said the project is a big deal and that he did not have time for it – he said Mr. Capotosto does a lot of work for the coastal communities in the season – this is his off season and he is moving his place of business and so that's going to take a lot of his time this winter.**

**Dr. Dimmick said the Commission was certainly willing to entertain an application to do this work and he understood he would have plans for stabilizing the sediment and re-vegetating it.**

**Mr. Nolte stated yes.**

**Dr. Dimmick said and with the DEEP input as to the way they think it should be done.**

**Mr. Nolte again stated yes.**

**Mr. Nolte said he did not think it was necessary to flag the wetlands in this area – he said it's all wetlands from the fill down – he said they can come up with an area of volume but money is not well spent doing that – he said he did not know if there were any enlisted species there – he said he is pretty sure there is not from when they did the application on Grove Street so he thinks their save there but**

unless the Commission has some special concern for biological evaluation.

Dr. Dimmick asked if staff was going to check on that just to make sure.

Ms. Simone said yes – she would look at the updated map.

Mr. Kurtz said it state land so there are no reports.

Dr. Dimmick said the state is not necessarily subject to its own regulations as he's discovered.

Dr. Dimmick thanked Mr. Nolte for his report and that he looked forward to seeing what the plans look like.

Mr. Nolte said when the contractor comes back to take a second look with his staff he'll advise Ms. Simone and invite her along so she's well informed as to what there thinking is. He said he will find time to get working on this right away.

2.	Permit Application	APP	#2012-025
	Apex Developers, LLC	DOR	10/02/12
	North Brooksvale Road		
	Subdivision	MAD	12/06/12

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

Mr. Kurtz informed the Commission that one of his son's live he believed right next to this property – he said he did not have any financial interest himself but did not know if the applicant or anyone here thought he should recuse himself he would.

Dr. Dimmick said he did not have any problem – he asked if anyone else had any problem – no one addressed any concern about Mr. Kurtz's statement.

Dr. Dimmick said if Mr. Kurtz got uncomfortable at any point in the application presentation he could recuse himself at that point.

Mr. McEvoy said he was here tonight on behalf of the applicant Apex Developers, LLC.

**Mr. McEvoy said he was here to apply for an approval for a six lot subdivision at 725 North Brooksvale Road.**

**Mr. McEvoy showed the Commission on a map location of the parcel in question – it's about 23 acres in size and it's located on the south side of North Brooksvale Road, across the street from Ward Lane and Mountain road is in the extreme western side of the property.**

**Mr. McEvoy explained that the parcel is surrounded by residential properties to the north east – across from North Brooksvale Road to the south and by the Farmington Canal all the way to the south eastern corner of the property.**

**Mr. McEvoy said there is an existing single family home that is on about 2.75 acres of leased land on the western part of the parcel – that lot was approved in 2003 by this Commission – its been constructed and they are not proposing to change that what so ever – it's somewhat isolated on the property and that area is going to remain exactly as it is today. This house is lot number one on the proposed plan.**

**Mr. McEvoy said what they have essentially is a flood plain for Roaring Brook that runs along from the south west to the south east side of the parcel towards the Farmington Canal. There are some farm ponds that were dug in the central portion of the parcel that are feed partially by drainage coming across from North Brooksvale Road and there is an area in the northern part – right near the roadway that is somewhat obscured by vegetation along Route 42 of cultivation where they plant mums and things like that over the years and only recently have ceased that operation.**

**Mr. McEvoy said there is also a gas line that runs from north to south roughly through the center of the parcel.**

**Mr. McEvoy said the topography is best described as sort of moderately sloped. Coming down from North Brooksvale Road everything generally runs to the southeast - generally.**

**Mr. McEvoy said there is a high part in the middle of the parcel where some to the development is concentrated – that area generally consists of sand and gravel mounds where the drainage flows essentially in all directions but eventually it gets into the flood plain and out to the east.**

**The Commission reviewed the plans for the proposed activities.**

**Mr. McEvoy stated again that they are proposing a six lot subdivision with five new lots and the existing lot on the western side to remain as is. Lot number one is the existing house – lots numbered two and three with take access directly off of North Brooksvale Road and lots four, five and six in the center portion of the property will be served via a common rear lot access way.**

**Mr. McEvoy stated there were no regulated impacts associated with any of these lots in the back part of the parcel nor is there any for the construction of the two lots in the front. There is a minor regulated activity - they have to clear about 400' to the left of the driveway on lot two in order to obtain a safe sightline and that will result in some minor clearing in the up and review area right along the right of way so it's very minor in nature and in terms of regulated impacts.**

**Mr. McEvoy stated that all the lots would be served by septic systems which he mentioned earlier the site is primarily sand and gravel so it's well suited for septic systems.**

**Dr. Dimmick noted there was a sand and gravel quarry there at one time he believed – probably where lot one is now.**

**Mr. McEvoy said that makes sense. He said it's flat today but probably not twenty years ago according to town aerial mapping.**

**Mr. McEvoy said all lots will be served by public water and they will be placing a new hydrant across from the town access way on North Brooksvale Road.**

**Mr. McEvoy said they are achieving a zero net increase in runoff from a very minor increase in the coverage on the site due to the existing cultivated area which is almost an acre and a half in the northern part of the parcel by converting that from an essentially exposed ground to grass and vegetated areas – he said that immediate area in lot three has a decrease but the result of the construction in the remainder of the parcel – they do have to provide some storm water management – they are taking runoff directly from a swale along the rear lot access way into a rain garden and on the other side to a drywell – the size of those have been calculated to net out the increases in volume of runoff from the development.**

**Mr. McEvoy stated this was a brief summary of that they are proposing – there is a sediment and erosion control plan associated with this proposal – there are silt fence and hay bales along with**

**construction entrances – a pretty standard erosion control plan for residential development like this.**

**Mr. McEvoy said he was happy to answer any questions that the Commission had.**

**Dr. Dimmick asked for a clarification – is the present permit for subdivision only or is it for the subdivision and the construction of the road.**

**Mr. McEvoy stated it's for the subdivision construction of the rear lot access way and the associated drainage.**

**Dr. Dimmick said ok but not for the construction of any of the houses – those would have to be handled individually.**

**Mr. McEvoy said that was correct because there was no determined architecture for any of the lots so they will have to come back and verify those details.**

**Dr. Dimmick said he just wanted to make sure what they are dealing with.**

**Ms. Simone confirmed the documentation was clear and matched what Mr. McEvoy has represented.**

**Dr. Dimmick said one of the things they would have to do in acting on this permit is that they would also have to prepare a report for Planning and Zoning so they have two things to consider so if the Commission grants a permit they can also grant it with conditions that each individual lot come back in front of them because almost every lot here has wetlands on it and the actual design – event thought they have conceptual lots on the plan the Commission would probably have to look at them closer.**

**Dr. Dimmick asked staff if the documentation was complete that the Commission needs at this point.**

**Ms. Simone said basically – there was some discussion that they had back and forth about the application fee but they were able to get a handle on what the scope of the application is and now the applicant is aware of what the application fee is – she said they are just waiting on that.**

**Motion: To accept the application.**

**Moved by Mr. McPhee. Seconded by Mr. Norback. Motion approved unanimously by Commission members present.**

**Dr. Dimmick said before they address significance – did any Commission member want to go take a look at this.**

**Dr. Dimmick said he was sure there would be no problem if Commission members want to go take an individual look at the site.**

**Mr. McEvoy stated that would not be a problem.**

**Commission members agreed to take a look at the proposed location for subdivision before declaring the application's significance.**

**Dr. Dimmick stated again the application is for subdivision only – individual lots would have to come back.**

**Mr. Norback said putting that in perspective it would pay to go out and take a look at the site.**

**Dr. Dimmick said it's not one of these that you could automatically say it's not significant – it's not one of those that you can say it is significant.**

**Dr. Dimmick said maybe if they mull it over and if it results in the Commission deciding it's not significant – the applicant has saved himself a public hearing.**

**Dr. Dimmick suggested Commission members take individual site visits.**

**Dr. Dimmick asked if the rear access line was staked.**

**Mr. McEvoy stated no – not presently but the driveway for the abutting property runs right along their property line so if you just follow right along their driveway – Paul Zentek's house.**

**Ms. Simone said that she would be available to go with Commission members during the day and possible if enough members contacted her she would be able to coordinate with Mr. McEvoy's schedule to see what would work – even though it would be listed as informal – if there were enough people it would not be.**

Dr. Dimmick suggested at this point the Commission think this application over and defer the declaration of significance unit the next meeting and also to get input from staff and then handle this at the next meeting.

Ms. Dunne said she thought there was a concern that staff had about erosion controls in one of the rear lots.

Ms. Simone said yes for the rear lot access – the length of the access way does not reflect erosion controls – she said she just wanted to mention that to the Commission and to see if the Commission has an opinion on that – it is a distance enough away from the wetlands – she said she believed about 200’ but with the topography it was something she wanted to offer to the Commission for consideration of what they thought.

Dr. Dimmick said one thing they wanted to make sure was the road while it’s still under construction doesn’t end up as being a drainage ditch heading back towards the back end of it – you need water bars or something like that.

Mr. McEvoy said he thought that was certainly something they could add to the plans given that they are seeking approval to construct a rear access way before the lots are built – that center erosion controls are being incorporated into the design as opposed to – they show sort of general erosion controls along the perimeter of the lot construction.

Dr. Dimmick stated the road itself is likely to be the main issue – he said he was sure they’d seen sights where the road under construction becomes the drainage channel. He said these details could be shown on the plans for next time if that was a matter of concern.

3.	Permit Application	APP	#2012-026
	850 Sindall Road, LLC	DOR	10/02/12
	Sindall Road		
	Site Plan – Deck	MAD	12/06/12

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

Mr. McEvoy addressed the Commission. He stated he was here on behalf of the applicant 850 Sindall Road, LLC.



**Mr. McEvoy said what they are seeking approval for is the construction of a deck on an existing house along Sindall Road. He said this particular lot is located on the south side of Sindall Road between the road and the Quinnipiac River – not too far only a few hundred feet from the municipal boundary of Meriden and a few hundred feet to the east of Cheshire Street.**

**Mr. McEvoy explained that this lot is just over two acres and the wetlands were flagged along the Quinnipiac River in February 2012.**

**Mr. McEvoy said there is an existing house shown on the plans – the house currently has no deck – the clearing limits go right down to the river with the grassed area shown on the plans as well as the wooded areas.**

**Mr. McEvoy said what they are proposing is a deck that will allow access to existing second story doors that go to nowhere – he said unfortunately there are somewhat of a safety hazard.**

**Mr. McEvoy said the deck will be within the regulated area – roughly 2,000 SF of impact associated with it – the deck itself will be elevated to the second level so really the only impact on the ground will be the construction of the footings and the piers.**

**Mr. McEvoy said they have calculated the footprint as a regulated impact just because obviously there won't be vegetation in the same manner as there is today.**

**Mr. McEvoy said other than that it's very straight forward – there is very little if any earth work associated with just – just again to put in the supports for the deck and they do have silt fence and hay bales down slope of the deck itself.**

**Dr. Dimmick asked if the soils were mapped in conjunction with the original construction of the house.**

**Mr. McEvoy stated no because the house re-dates the Commission's existence – he said he thinks the house was constructed at least 50 years ago.**

**Mr. McEvoy said there are two doors to the house that lead to nowhere – you can open the doors and fall out of the house – presumably there was something there at some point.**

**Ms. Simone said when they looked at the building department permits they didn't see any permits for decks or anything like that.**

**Dr. Dimmick said so it was something long ago that was taken down.**

**Mr. McEvoy said one other item – the property line is along the Connecticut River so a variance was obtained to construct the deck to be within the building setback – the rear building setback on this lot so that has been approved by ZBA.**

**Mr. McPhee said just to be clear – the area for the pilings for the footings – that's all grass now.**

**Mr. McEvoy said yes – it's along there.**

**Motion: To accept the application.**

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

**Mr. Kurtz asked if this was the lot where there was septic problem a few years ago and they wound up putting it in the ground that had already been disturbed.**

**Ms. Simone stated yes.**

**Dr. Dimmick said they put it in an old railroad line or something like that.**

**Ms. Simone said she believed they didn't actually do the work – they just received the permit and then after they received the permit this property changed hands to Ostuno who lives across the street and as far as she was aware the work has not been done – she asked if the house was vacant.**

**Mr. McEvoy said at the moment he thought that is was vacant.**

**Dr. Dimmick said so they still have an active permit that has not expired yet.**

**Ms. Simone said it was actually a company out of Prospect who now owns the permit and she said she knew there was discussion to try to get that permit transferred the current property owner so they could do the work.**

**Dr. Dimmick said he seemed to him the only place they found suitable for new septic was in an old railroad bed.**

**Mr. Kurtz said he thought it was in a pre-disturbed area.**

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

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

**Dr. Dimmick said at this point they will turn this over to staff to come up with a motion proposal.**

- 4. Request for Bond Release by FIP Construction  
Re: IWWC App. #2009-012A Elim Park Baptist Home, 140 Cook Hill Rd.**

**Dr. Dimmick said that staff has examined this and has found that it has met all of the requirements.**

**Ms. Simone stated that was correct.**

**Motion:**

**That the Cheshire Inland Wetlands and Watercourses Commission has considered the request for bond release by Allen Cox Jr. on behalf of FIP Construction, Inc., operating under the Elim Park Baptist Home, Inc., for sedimentation and erosion control bond stipulated as part of IWWC Permit #2009-012A, and finds the following:**

**That staff has inspected the area and verifies that all areas are generally stabilized and all conditions of the permit grant have been generally met.**

**Therefore, the Commission grants the bond release request by Allen Cox Jr. on behalf of FIP Construction, Inc., operating under the Elim Park Baptist Home, Inc., for the sedimentation and erosion control bond as stipulated in permit #2009-012A.**

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

5.	Permit Application	APP	#2012-027
	PT Real Estate Investments, LLC	DOR	10/02/12
	156 North Brooksvale Road Subdivision	MAD	12/06/12

Dr. Dimmick and Mr. Norback recused themselves from this portion of the meeting at 8:21 p.m.

Dr. Dimmick turned the meeting over to Ms. Dunne to serve as chair pro-tem since he had to recuse himself from this portion of the meeting.

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

Mr. McEvoy said that the application is to seek approval for a subdivision – a three lot subdivision with two new houses.

Mr. McEvoy stated that the property is located at 156 North Brooksvale Road – it is located between King Road and South Main Street. The lot is surrounded by residential properties along the south including Dr. Dimmick’s house – residential properties to the west and a Cheshire Land Trust parcel which is essentially a broad flat wetland area to the east and residential properties to the north east.

Mr. McEvoy said currently there is a single family house on the lot with a few out buildings and a garage in the back and a chicken coop – the majority of the rear portion of the parcel is wooded.

Mr. McEvoy stated they flagged wetlands on the north east edge of the parcel – they actually fall just off of the parcel associated with the Land Trust wetland property.

Mr. McEvoy said it’s a fairly flat sight – it gently slopes from south to north towards the wetlands. There is a portion of the front area of the parcel that drains directly to North Brooksvale Road.

Mr. McEvoy said the plan in front of the Commission is the proposal – the two new lots will be served by a common rear lot access way which the existing house will take access off as well.

Mr. McEvoy stated both lots will be served by sewer pending approval from the WPCA and by public water – there are no septic systems on this parcel.

**Mr. McEvoy said they are providing for zero net increase in runoff with small rain gardens on each proposed lot as well as some minor storm drainage features on the existing lots such as dry wells and infiltration trenches.**

**Mr. McEvoy said again they have a sedimentation and erosion control plans associated with this and there are no direct wetland impacts nor are there any regulated activities – he said the map shows the regulated line and they are staying quite a distance away from that line with their development.**

**Mr. McEvoy said it's pretty straight forward – again they are going to be looking for approval to build the access way and if the Commission feels the need even though there are no wetlands on either one of these parcels – there are wetlands in the proximity of the parcels they will come back for individual construction at the time when architecture is settled.**

**Ms. Simone said she had a question – she said Mr. McEvoy mentioned that wetlands were flagged.**

**Mr. McEvoy said yes and that it was kind of tricky when there are off the parcel and when the soil scientist went out there wasn't sure he was on or off so he flagged the locations shown on the map but it turns out when he returned to the office and determined the location – the wetlands were just off the parcel.**

**Ms. Simone asked if Mr. McEvoy had a set of plans that has the soil scientist signature.**

**Mr. McEvoy state no – they didn't provide that on any of the plans but could provide that if that's helpful.**

**Ms. Simone stated thank you.**

**Ms. Dunne asked if there were wetland on the neighboring property – on the Cheshire Land Trust.**

**Mr. McEvoy said yes – when you drive down North Brooksvale Road on the right hand side – that wooded area – that periodically fills up with water and that's actually the parcel that neighbor's the site – it's basically a large broad wetland plain along North Brooksvale Road.**

**Ms. Dunne asked if they knew what the location was in location to this piece.**

**Mr. McEvoy said they are in the south – south west of those wetlands - heading towards King Road where North Brooksvale heads to the right.**

**Mr. McEvoy said the road where Dr. Dimmick lives is just to the south.**

**Mr. Kurtz asked Mr. McEvoy if he was aware of the staff comment in reference to the Verde Property.**

**Mr. McEvoy stated yes – he said Mr. Disbrow picked up on a couple of foot notes in the report that reference the Verde Property Subdivision – he said that was a typo on his part.**

**Mr. McEvoy said the report is correct it's just the footnote were carried over incorrectly.**

**Mr. Kurtz said they also talk about the drainage report and the runoff.**

**Mr. McEvoy said that was his initial comment – they have provided the drainage report subsequent to that.**

**Mr. McPhee said just to be clear this is an application just for the construction of the road and the applicant would come back to the Commission for the construction of the homes.**

**Mr. McEvoy said yes – if that was something the Commission wanted them to come back for – given the fact that there is not any wetland on the parcel.**

**Motion: To accept the application.**

**Moved by Mr. Kurtz. Seconded by Mr. McPhee.**

**Motion approved unanimously by Commission members present.**

**Mr. Kurtz asked if all the comments have been addressed.**

**Ms. Simone stated she believed so for the most part – yes that the Engineering Department did not identify any short comings**

or requested additional information just that one notification and then something else that is a Planning and Zoning issue.

Mr. McEvoy said his (the town engineer's) other comment was a question about the radii of the common driveway itself.

Mr. Kurtz said that's P&Z.

Mr. McEvoy said Mr. Kurtz was right – they may have to tweak it just to ease his concerns there (the town engineer's) but it's not going to affect any activity.

Mr. Kurtz said based on what they have heard he did not think there was any problem with significance – he said it's remarkably unremarkable.

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

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

Dr. Dimmick and Mr. Norback returned to the meeting at 8:30 p.m.

Dr. Dimmick returned as chair at 8:30 p.m.

The Commission returned to the approval of the minutes.

## **XI. ADJOURNMENT**

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

Respectfully submitted:

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