

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
REGULAR MEETING  
TUESDAY, OCTOBER 16, 2012  
TOWN HALL 84 SOUTH MAIN STREET  
COUNCIL CHAMBERS AT 7:30 P.M.**

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**Members present: Robert de Jongh, Charles Dimmick, Kerrie Dunne, Earl Kurtz, Thom Norback, Sheila Fiordelisi and Will McPhee (arriving at 7:35 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.**

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

**Chairman de Jongh read the non-emergency fire safety announcement required by state statute to be read before all public meetings in council chambers.**

**The fire safety announcement was read into the record.**

**IV. DETERMINATION OF QUORUM**

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

**V. APPROVAL OF MINUTES – Regular Meeting – October 2, 2012**

**Chairman de Jongh recommended that the approval of the minutes be deferred to the end of the meeting. Commission members did not object.**

**At 8:18 p.m.:**

**Motion: To approve the minutes of the October 2, 2012 regular meeting with corrections.**

Pg. 7 L35 "tow" to "toe"; Pg. 12 L14 "acclimation" to "accumulation"; pg. 13 L39 "trial" to "trail"; pg. 15 L43 "just" to "which"; pg. 17 L12 delete "said" Pg. 18 L48 "enlisted" to "listed"; pg. 19 L5 "their save" to "they're safe", L35 "son's live" to "sons lives"; Pg. 20 L44 "to" to "of"; pg. 21 L18 "up and" to "upland"; Pg. 25 L44 "re-dates" to "predates" Pg. 28 L40 "sight" to "site", L 30 "single family house" to a "two family house."

**Moved by Dr. Dimmick. Seconded by Mr. Kurtz. Motion approved 6-0-1 with Chairman de Jongh abstaining (he was not present for the October 2, 2012 meeting).**

## **VI. COMMUNICATIONS**

**1. Staff Communications**

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

**This communication was reviewed. This item would be covered under unfinished business.**

**2. Staff Communications**

**Re: 1146 Waterbury Rd., IWWC App. # 2012-022**

**This communication was reviewed.**

**3. Staff Communications**

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

**Thus communication was reviewed. This item would be covered under unfinished business.**

**4. Staff Communications**

**Re: Notch Road, IWWC App. # 2012-028**

**This communication was reviewed.**

**5. Staff Communications**

**Re: Willow Street, IWWC App. # 2012-029**

**This communication was reviewed. This item is under new business tonight.**

**6. 2012 Municipal Inland Wetland Commissioners Training Program Segment 3**

This communication was reviewed. Ms. Simone said if any Commission member was interested in attending the training session that they should let staff know so they can be signed up.

## **VII. INSPECTION REPORTS**

### **1. Written Inspections**

Ms. Simone reported there were no written inspections.

### **2. Staff Inspections**

#### **a. Silt fence inspection at Alexion.**

Ms. Simone reported there was a silt of the parking lot.

#### **b. 350 Knotter Drive**

Ms. Simone reported that there was a staff of 350 Knotter Drive. They are working towards their permit that they just received for cleaning out the swales.

#### **c. Stop and Shop property**

Ms. Simone reported that the Stop and Shop property on West Main Street – they gas station – they had some issue with their erosion controls where sediment was being dumped directly into the watercourse area there.

Ms. Simone explained that they stopped discharge into that area and used a frag tank and used some flocculants to get the sediments to settle out and that worked. She said they were able to stable everything and there's not a problem currently.

## **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 for monitoring purposes.

- 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 also on the agenda for monitoring purposes.**

**Dr. Dimmick asked if staff had checked on some plantings at this site.**

**Ms. Simone said she had not checked the site for this meeting but that she would do that.**

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

**Chairman de Jongh stated this item was on tonight's agenda.**

**Ms. Simone stated this item was on the agenda under new business. She stated an application was received so it is on the agenda.**

**Mr. McPhee joined the meeting at 7:35 p.m.**

#### **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>  |

**Jack Krudwing of PDS Engineering and Construction, Bloomfield, CT was present on behalf of their client Cornerstone Church.**

**Mr. Krudwing said the last time they met the activities were outlined and one of the questions – or two questions he thought that came up were the drainage calculations were to be for a 100 year flood. He said they presented that to the Engineering Department – he said he hasn't heard back but clearly outlined and was accepted.**

**Ms. Simone agreed it was accepted.**

**Mr. Krudwing said secondly the item that was discussed was the discussion for putting the wood chips from the trees that they would be taken done – some in the area – and chipping those and putting those around the silt fence.**

**Mr. Krudwing showed on the plans the location of the silt fence on the plan. He explained there was a detail on the drawings that were presented to the town that shows where they are putting the silt fences with the chips and also those notes are on the drawings.**

**Mr. Krudwing said those two issues were the only two that he believed that were in question the last time they were here. He said he would straighten that out, resubmit and be here for the Commission.**

**Mr. Krudwing said he did not think he had anything left to discuss unless something different has come up.**

**Chairman de Jongh said he had a note saying the plans were revised to accommodate more parking places – is that correct.**

**Mr. Krudwing said they added a few parking places – they stayed with confines of the existing area – they didn't change the line for the silt fence that was shown. He said what they did was straightened out the line as shown on the plan that gave them a couple of extra spots and they added a couple in the corner but they are still within the regulations and there shouldn't be any question about the fact that they added some parking and it's on this drawing which is also on the plan that is being presented.**

**Chairman de Jongh asked if the additional parking places – are they reflected in the calculations that were given to the Commission in the drainage calculations.**

**Mr. Krudwing stated yes.**

**Chairman de Jongh said just for the record when you're saying here and there – for references purposes – you are talking about the additional spaces were put in the northeast and northwest corner of the property.**

**Mr. Krudwing said there was additional parking in the northeast and northwest corner.**

**Chairman de Jongh stated for the record the additional parking was in the northeast and northwest corner of the property.**

**Ms. Simone stated that the engineering department did review the revised plans showing more parking – they did not find any issue with it and the Commission does have a signed site plan from the soil scientist who did the work on the property.**

**Ms. Simone stated the new plans do show the location of wood chips to be used to reinforce the silt fence which was part of a previous discussion that Commission members had.**

**Dr. Dimmick said just to clarify it in his mind where it says where it says 'dump' that means a 'dumpster' – and not just a place where they are going to dump things.**

**Mr. Krudwing said it was the dumpster location.**

**Chairman de Jongh said so the effect of the additional parking spaces really doesn't make it any closer to the wetlands and what the Commission's concern would be.**

**Dr. Dimmick asked staff if she was more or less satisfied with what they're got.**

**Ms. Simone said yes – she believed it covers the bases.**

**Chairman de Jongh asked if they had taken care of significance.**

**Ms. Simone said it was determined that it was not significant on August 7, 2012. She said this is a new plan so the Commission has not seen the new plans before tonight.**

**Dr. Dimmick said at this point with new plans staff needs a chance to go over the new plans and the Commission can vote on it at the next time.**

**Chairman de Jongh said since nothing else needs to come before this Commission they need to have staff craft her wording and then they can take care of this at their next meeting at the being of November if that's acceptable.**

**Mr. Krudwing said the only thing that he asks is – they need to also submit their site plan for approval to try to keep the job moving. He asked if they could submit their site plan to the town to start to have it reviewed.**

**Chairman de Jongh said for Planning and Zoning.**

**Mr. Krudwing said yes – for Planning and Zoning.**

**Ms. Simone stated yes.**

Chairman de Jongh said the Commission should be able to write some kind of letter from this Commission saying there were no issues.

Mr. Krudwing said he knew now they had kind of an informal approval but they (P&Z) will probably ask 'well have you passed through wetlands.'

Ms. Simone said all of that is tracked – the Wetlands Commission does give a formal approval and then you can go to Planning and Zoning and they will see that this was acted on.

Ms. Simone said you can submit to Planning and Zoning except that Planning and Zoning won't act on it until this Commission acts on it and even if they got the application in for this month Planning and Zoning won't act on it.

Mr. Krudwing said he just needed to fill out the application and bring the drawings down – he said they will add the landscaping and the site details.

Chairman de Jongh said the timing of it should be fine.

The Commission informed Mr. Krudwing that it would take two weeks before a motion could be acted on – that would be at the next meeting.

Mr. Krudwing thanked the Commission.

Chairman de Jongh said for the record the Commission will allow staff to do what she needs to do and they will take this up at the next meeting.

|    |                       |     |           |
|----|-----------------------|-----|-----------|
| 2. | Permit Application    | APP | #2012-025 |
|    | Apex Developers, LLC  | DOR | 10/02/12  |
|    | North Brooksvale Road | FT  | 10/16/12  |
|    | Subdivision           | MAD | 12/06/12  |

Chairman de Jongh said this item was subject of a field trip today and at field trip was himself, Dr. Dimmick, Ms. Fiordelisi, Ms. Dunne, and Mr. Norback - there were a lot of them.

Chairman de Jongh said there wasn't too much that they saw – they did take a look at that one area - that wetland pocket which is going to be have to be impacted because of a site line change that P&Z is

going require. He said other than that there didn't seem to be any other issues that he saw.

Dr. Dimmick said considering that the present application is only for subdivision, for that site line and for the access road – he did not see that any of those activities rise to the level of significance.

**Motion:**

That the Cheshire Inland Wetlands and Watercourses Commission declares the proposed activity not significant within the context of the Commission's regulations; reserving the ability to go back and talk about individual lots.

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

Chairman de Jongh read the following motion into the record:

**Motion:**

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

1. That the current application is for the clearing for site line in the upland review area along North Brooksvale Road, the subdivision of 23.6 acres into 6 lots in an R80 zone and the creation of a rearlot access.
2. That the proposed Lot #1 is already developed and no further developments are included in this application.
3. That the proposal is for subdivision only, individual site plan development is not proposed in this plan.
4. That the applicant's soil scientist field located the wetlands and watercourses on site.
5. That the Commission has determined the activity to not be significant under the context of the Cheshire Inland Wetlands and Watercourses Commission regulations.

**Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2012-025, the permit application of APEX DEVELOPERS, LLC as presented on the plans entitled:**

**“North Brooksvale Estates  
725 North Brooksvale Road, Cheshire, CT  
Dated September 11, 2012; Revised October 12, 2012  
Scale Varies on 8 Sheets:  
Prepared by Milone and MacBroom, Cheshire, CT.”.**

**The permit is granted on the following conditions and stipulations, each of which the Commission finds to be necessary to protect the wetlands and watercourses of the State and the Town of Cheshire:**

- 1. Any lack of compliance with any condition or stipulation of this permit shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and an enforcement order shall be both issued and recorded on the Town of Cheshire Land Records.**
- 2. No changes or modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.**
- 3. Prior to any clearing and/or construction on lots 2, 3, 4, 5, and 6, lots 2, 3, 4, 5, and 6 require individual site plan review and approval.**
- 4. Throughout the course of conducting construction activities covered by this permit grant, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring the following:**
  - a) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100' if possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.**
  - b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.**
- 5. This permit grant shall expire on October 16, 2017.**

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

**Subdivision Section 8-26**

**Referral for permit application 2012-025 APEX Developers, LLC, 725 North Brooksvale Road; Subdivision and Rear Lot Access.**

**Read into the record by Ms. Simone:**

**Pursuant to section 8-26 of the Connecticut General Statutes and the Cheshire Inland Wetlands and Watercourses Commission regulations wetland permit application 2012-025 the permit application of APEX Developers, LLC has been reviewed and approved with stipulations.**

**The application is for subdivision and rear lot access activities as shown on plans entitled:**

**North Brooksvale Estates  
725 North Brooksvale Road, Cheshire, CT  
Dated September 11, 2012; Revised October 12, 2012  
Scale Varies on 8 Sheets:  
Prepared by Milone and MacBroom, Cheshire, CT.”.**

**The Commission has found that there are regulated wetlands on site.**

**The Commission finds that based on wetlands and watercourses considerations there are no compelling reasons that the Cheshire Planning and Zoning Commission should deny subdivision request of the applicant.**

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

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

**Motion:**

**That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors pursuant to Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire, Commissioners’ knowledge of the area, site visitations, and after**

**review of written information provided by the applicant on this application finds the following:**

- 1. That the current application is for the installation of a deck on the riverside of 850 Sindall Road.**
- 2. That the applicant's representative indicated that the work would consist of the installation of sonatubes and stairs on the side of the house, the farthest from the wetlands.**
- 3. That the proposed construction activities were found to be not-significant under the context of the regulations.**

**Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2012-026, the permit application of 850 Sindall Road, LLC. for site plan approval as presented and shown on the plans entitled:**

**“Site Development Plan  
850 Sindall Road Property  
850 Sindall Road, Cheshire, CT.  
Prepared by Milone and MacBroom, Inc.”**

**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 October 16, 2017.**

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

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|--|------------|------------------|
| <b>4. Permit Application</b>           | <b>APP</b> | <b>#2012-027</b> |
| <b>PT Real Estate Investments, LLC</b> | <b>DOR</b> | <b>10/02/12</b>  |
| <b>156 North Brooksvale Road</b>       |            |                  |
| <b>Subdivision</b>                     | <b>MAD</b> | <b>12/06/12</b>  |

**Dr. Dimmick and Mr. Norback recused themselves from this portion of the meeting at 7:52 p.m.**

**Ms. Simone said the Commission was waiting to get a signed copy of site plan from the soil scientist which they have received.**

**Motion:**

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

- 1. That the current application is for the subdivision of 2.98 acres.**
- 2. That the proposal is for subdivision only, no development is proposed in this plan.**
- 3. That the applicant's soil scientist identified the offsite location of the neighboring watercourse and has signed the site plan.**
- 4. That the Commission has determined the activity to not be significant under the context of the Cheshire Inland Wetlands and Watercourses Commission regulations.**

**Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2012-027, the permit application of PT REAL ESTATE INVESTMENTS, LLC as presented on the plans entitled:**

**“Subdivision of 156 North Brooksvale  
156 North Brooksvale Road, Cheshire, CT  
Dated September 17, 2012  
Scale Varies on 5 Sheets:  
Prepared by Milone and MacBroom, Cheshire, CT.”.**

**The permit is granted on the following conditions and stipulations, each of which the Commission finds to be necessary to protect the wetlands and watercourses of the State and the Town of Cheshire:**

- 1. Any lack of compliance with any condition or stipulation of this permit shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and an enforcement order shall be both issued and recorded on the Town of Cheshire Land Records.**
- 2. No changes or modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.**
- 3. Prior to any clearing and/or construction on lots 2, and 3, lots 2 and 3 require individual site plan review and approval.**
- 4. This permit grant shall expire on October 16, 2017.**

**Moved by Ms. Dunne. Seconded by Mr. Kurtz. Motion approved 5-0-2. Dr. Dimmick and Mr. Norback were not present for the vote.**

**Dr. Dimmick and Mr. Norback returned to the meeting at 7:53 p.m.**

**X. NEW BUSINESS**

- |  |            |                  |
|--|------------|------------------|
| <b>1. Permit Application</b>                 | <b>APP</b> | <b>#2012-028</b> |
| <b>Town of Cheshire Parks and Recreation</b> | <b>DOR</b> | <b>10/16/12</b>  |
| <b>Notch Road (Mixville)</b>                 |            |                  |
| <b>Wetland Crossing</b>                      | <b>MAD</b> | <b>12/20/12</b>  |

**Chairman de Jongh stated this was an application for a permit after the fact.**

**Bob Ceccolini, Director of the Cheshire Parks and Recreation Department was present on behalf of the applicant.**

**Mr. Ceccolini handed out pictures of what was an Eagle Scout project at Mixville Park.**

**Mr. Ceccolini stated he had written a letter along with the application explaining that what the project was – was the moving around of the rip-rap that separates the two ponds at Mixville – the north and southern ponds.**

**Mr. Ceccolini said what they did was they went in and moved some of the 6” to 8” rock – it’s about a 30’ path wide and it’s about 60’ from one side to the other so it’s 60’ and they replaced it with some concrete and some granite blocks.**

**Mr. Ceccolini said they realized after the fact – he thought when Ms. Simone was down walking through the park she spotted it and said ‘I think you needed a permit before you did that.’**

**Mr. Ceccolini said so here he was to present the project – what they have noticed since they did it last Spring was that it really has enhanced the park – people are able to walk from one side to the other. He said the flow of water in those pictures was fairly light but he has seen water flowing right over the top – it has not influenced or deterred the flow of water through the park and it has allowed people – toddlers to senior citizens – fisherman – day camp users to move from one side of the park to the other without stepping on the treacherous rip-rap or having to get their feet wet in most cases.**

**Mr. Ceccolini said when the water does go over the top – he explained that one of the pictures shows a block of concrete that has the 198 – that’s the scout troop – and you can see the texture of the concrete was left in like a brushed surface so that it would not get slippery and the granite pieces that are at each end also have a rough type surface to prevent them from being slippery.**

**Mr. Ceccolini said he would be happy to answer any questions.**

**Mr. Kurtz asked if there were any scouts here.**

**Mr. Ceccolini said no – the scout is now in college. He said he (the scout) did it as his eagle scout project as a senior at Cheshire High and he is now in college.**

**Mr. Kurtz said he wanted to comment that the Commission has had other applications by the scouts and he thought it was very nice how they came in they explained themselves very well what they intended to do and he said he enjoyed it and he thinks they (the scouts) learned a lot by doing it – he said it's too bad he's (the scout) not here.**

**Mr. Ceccolini said he said they have about a half a dozen eagle scout projects every year – some have to come and some don't but this is one of the projects that was probably one of the bigger ones because he had a big group of Dads and scouts to be able to move these blocks and they did the work and they were very painstakingly moved whatever they had to do and they wanted to keep it at the same level to not disrupt the flow from one pond to the other.**

**Mr. Ceccolini said they really did an outstanding job. He said at the time, the scout sent him about 300 pictures – they did like a video history of everything from start to finish. He said unfortunately he must have taken the pictures off his email last spring when he did it but they really did a nice job with this project.**

**Chairman de Jongh said the only comment that he had was it certainly looked like they took an awful lot of time to make sure it was done correctly but his only comment/concern and it's an after the fact comment but he said he thought when they talked about this project in the beginning he said he thought it was expressed that the Commission wanted an application before the work was done and he thought that was expressed and made clear and here they are looking at an application after the fact after the work was done.**

**Chairman de Jongh said that troubles him – 'a' from the fact that's it's contrary to protocol number one and number two the other thing that bothers him is that the perception on the part of the public is that the town was able to do it without a permit or an application how come we can't. He said those two things kind of disturb him as the chairman of this of this commission because they do try to hold everyone to the same standards so he did not know where the breakdown in communications occurred but he thought it was important to stress that activities like this generally get the blessing of this Commission but it's important that they follow protocol.**

**Mr. McPhee said he absolutely agreed with the chairman. He asked who this Eagle Scout was reporting to – what committee – was it Park and Recreation.**

**Mr. Ceccolini said the procedure is they come in – they talk about projects whether they have one in mind or if they (the town) comes up with a project for him and if he remembered correctly in this case he had lived in that area – it was something he had wanted to do – they had probably five or six projects at Mixville in the last few years to try to improve that park.**

**Mr. Ceccolini explained that what they do – they take the idea and go to their scouts and get it signed off on – they get approvals through them and then they do come back to Park and Rec for a signature later on and that was probably his fault at the time because some of these projects like he said do need approvals from other bodies but normally it's just the Park and Recreation Commission that looks at it and says – yeah ok it's a great idea – let's go ahead with it.**

**Mr. Ceccolini said he did not catch this at the time and he believed at one point in talking with Ms. Simone – it was last spring so it was too late already that she said you're going to need to come back to the Commission to get permission for this so which is why he was here tonight.**

**Mr. Ceccolini said it did slip through the cracks and he apologized for that so if anything he would take the blame for it because that young man would not know.**

**Mr. McPhee asked if this occurred last spring – that the project was completed and Ms. Simone brought it to your attention.**

**Mr. Ceccolini stated yes – right.**

**Mr. McPhee asked why in October the Commission is now just seeing Mr. Ceccolini.**

**Mr. McPhee said he is only saying that because if this was the public the Commission would be holding them to a higher standard.**

**Mr. Ceccolini said again that's probably his fault because when he did get the paper work from Ms. Simone some of the paper work which he had said – engineering drawings and some things like that – permission from the water company so he tried to get some of that straightened out and it just got pushed back and delayed and then finally when he got with Ms. Simone she said he did not have to go through all of those – jump though all of those hoops and do all that with the engineering plan – just come in and explain it to the Commission.**

**Mr. Ceccolini said it just got pushed back on his calendar.**

**Mr. McPhee said he did not think there was anyone on this Commission that's against what the Eagle Scout has done in anyway – it's just that they are more disappointed with Park and Rec for not following through with protocol.**

**Mr. Ceccolini said he understood that.**

**Chairman de Jongh said what he would suggest to Mr. Ceccolini going forward is – he said he (Mr. Ceccolini) has been involved with the town long enough to know what projects even have a gray area so as part of and he imagined there's some kind of a check list that the Eagle Scouts have to go through when presenting the programs to Mr. Ceccolini, so he would recommend as an addendum to that check list that they make sure that they check with the various Commissions.**

**Chairman de Jongh said he would rather they check with Planning and Zoning and the Wetlands Commission – and whoever and be told by Ms. Simone or a staff person you don't have to do that - we looked at it and its fine you don't have to come here. He said they can check it off on their check list but he thought it gives them an appreciation for the role of the commissions within the communities and the procedures that have to be followed and it taken you (Mr. Ceccolini) out of the loop that way nobody is making a mistake – it's a learning experience for the scout and they get to know the process and the appreciation of the process. He said he would add this as an addendum – it's a learning experience for the scout and they get to know the process and the appreciation of the process.**

**Chairman de Jongh said so they should add this as an addendum and make sure that's a check list that they have to be responsible for and if they don't do that they can't go forward with the project.**

**Mr. Ceccolini stated ok.**

**Chairman de Jongh said he was just saying this as himself – he did not know if the Commission wants to concur on that. He said it takes the issue right off the table.**

**Commission members agreed.**

**Chairman de Jongh asked Ms. Simone if the application that was received was suitable for acceptance – do they have all of the information.**

**Ms. Simone stated yes.**

**Motion: To accept the application.**

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

**Ms. Simone said she need to keep one set of the pictures for the file.**

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

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

**Chairman de Jongh suggested that Mr. Ceccolini may want to take checklist and just run it past Ms. Simone to see if there's any input that she might want to give him. He said that way the Commission can make sure the details are taken care of.**

|           |   |            |                  |
|-----------|---|------------|------------------|
| <b>2.</b> | <b>Permit Application</b>                           | <b>APP</b> | <b>#2012-029</b> |
|           | <b>CM J Willow, LLC</b>                             | <b>DOR</b> | <b>10/16/12</b>  |
|           | <b>Willow Street</b>                                |            |                  |
|           | <b>Permit After the Fact, Retaining Wall, Fence</b> | <b>MAD</b> | <b>12/20/12</b>  |
|           | <b>Clearing &amp; Plantings</b>                     |            |                  |

**Mr. McPhee recued himself from this portion of the meeting at 8:03 p.m.**

**Jay Hershman of Baillie and Hershman, 290 Highland Avenue, Cheshire was present on behalf of the applicant and with him tonight was Chad Horning of 305 Maple Avenue.**

**Chairman de Jongh said they have activity that has taken place and they have an application coming before the Commission after the fact.**

**Ms. Simone stated yes – this is a combination of permit after the fact and then also seeking permission for some additional activities which include installing a fence in the upland review area, repairing an eroded retaining wall in the upland review area, continued clearing and planting in the upland review area.**

**Ms. Simone said there is a narrative that was attached to the drawing that was submitted by the applicant.**

**Ms. Dunne asked what the circles on the plans represented – what is the ornamental grasses.**

**Ms. Simone said from what she understood yes – ornamental grasses.**

**Ms. Simone said she did speak with Mr. Horning - he does not have a species selected as of yet but they discussed non-native invasive species and that he is planning on purchasing these from a nursery so there won't be an opportunity then to buy something that's going to totally take over.**

**Chairman de Jongh asked if there would have to be any clearing or any excavation of any type – obviously a retaining wall you are going to have to go down roughly 6” or 8” for the retaining wall to set the rocks in place.**

**Dr. Dimmick said it's repairing a wall that's already there – are they not.**

**Mr. Horning said there's an older one there – it's partially buried – they are going to actually put it closer to the house than the one that's there – there's one that actually - part of it's down into the riverbed – they are going to be rather up closer to the house.**

**Chairman de Jongh said what he was asking was whether or not there's going to be any excavation on the installation of any fence.**

**Mr. Horning stated the excavation is all going to be done by hand – there's going to be no machines – you can't even get a machine in the area where the wall is going. The only machine that might be used is a post hole digger for the fence – just because it's small enough to use.**

**Mr. Kurtz asked if a retaining wall had to go down below the frost line – don't they have to go 42” down – he said the retaining wall he was thinking of has to go 42” into the ground.**

**Chairman de Jongh asked if they were talking about a rock wall.**

**Mr. Horning said he was going to do a natural type wall of a man-made block type thing just to hold the erosion back.**

**Mr. Kurtz asked if he was going to use a Mafia block.**

**Mr. Horning said nothing to that extent – a manmade block in the sense that it's probably 12" by 16" by 8" high – you know stuff that you would probably see at Superior Stone Work.**

**Dr. Dimmick said Mr. Kurtz is right – if you are doing something like that the base of it should be below the frost line which they used to say 42" but the winters we have been having lately probably make that 36" and you could get away with it.**

**Mr. Kurtz said if it's not going to be a retaining wall – it's just going to be pile of rocks then that's no big deal.**

**Mr. Horning said the purpose of the retaining wall is - basically there's probably almost 2' of soil that over the years has washed up behind the house and the footing of the house – part of the house is actually showing. He explained the purpose of the retaining wall is to build up so they can put more soil between the house and the retaining wall. He said as far as the depth goes – the 42" – he said he knew that applies in some cases with a retaining wall but that depends on the size – he said has never seen them go down 42" then come all the way up.**

**Ms. Simone said she was out at the property – to the rear of the house it's almost a valley where it just comes down to a point and that washes directly down into the watercourse. She explained that the foundation of the house is exposed and where there's been erosion from the house down towards the water – you can see that there was an old retaining wall there that has crumbled and that has eroded – that's allowed all the soil to continue to erode.**

**Ms. Simone said in speaking with the applicant out at the site they had indicated that they wanted to bring soil back into that area and to stabilize so that's there's no further erosion.**

**Ms. Simone said what was there as far as a retaining wall – it appears as though it was just a very short section – maybe 3' in length – it was a small section that was just set there – she said she did not know if over time that's all that's left but from what she understood it was just going to be a small retaining wall not really going to go out past the dimensions of the house.**

**Mr. Horning said that was correct – it was just going to be basically the width of the back of the house just enough to hold the soil back**

from washing out anymore and adding just a little between the retaining wall and the house.

Mr. Norback asked how far off was the retaining wall from the riverbed.

Mr. Horning said he did not have those dimensions in front of him – from the back of the house to the edge of the riverbed – he thought was about 15' so as far as the dimension from the back of the house to the retaining wall was about 5' or 6'.

Mr. Norback asked how about from the riverbed to the retaining wall.

Mr. Horning said it would be about 6' – 8'.

Mr. Norback said so in other words – this swale that staff described – you are going to fill that swale so it's no longer really a swale – it's going to continue what was grade a or grade b.

Mr. Horning stated correct. He said right now the waters running from the left to the house down behind and then going into the river – it's to bring it back up so the water just flows over the edge.

Mr. Norback said so the water would still be probably directed to that point anyway but just less severely.

Mr. Horning said over time the gutter on the left side of the house in the rear is dumping water there and there's one on the right and they're dumping it in – it's to bring it back up so the water flows over instead of in one little single point.

Chairman de Jongh said he thought the concern that Mr. Kurtz was alluding to was if the depth of the retaining wall isn't sufficient enough to give the retaining wall integrity then you are going to have under cutting of that retaining wall at the same frost is going to move the wall anyhow. He said he was trying to see how much activity there was going to be in a very narrow space – he said you know if you are going to have to dig – in a 10" trench to be able to place the stones – is that all going to be done by hand and how deep is that going to be and what effect is it going to have on the remaining wall to the river bed – he said that is all he is trying to get a handle on.

Mr. Horning said he understood – he said the only option that they've had and they've haven't gone into depth of exactly how they are going to do this because they wanted to put it all in one application – is there is no sun back there so they couldn't even put plants in to

stabilize the banks so the only option is the retaining wall and they haven't uncovered anything in that area so even see – he said there may be an old foundation that they can attached but they haven't started digging so they actually haven't gone as far as how deep they are going to go – they are only going to go enough to hold the wall the back.

Dr. Dimmick asked Mr. Norback a question – doesn't a wall like that – if it doesn't a suitable base start leaning towards the downslope side.

Mr. Norback said in his professional opinion that a wall like that at least should have weep holes in it.

Dr. Dimmick said if its loose stone then that would take care of the weep holes.

Mr. Norback said usually you put some pipes in to take care of some of the pressure – he said it's hard to say because he's having a hard time with scale. He said the plan says 20' long but Ms. Simone said it's 3' long.

Ms. Simone said 3' is existing.

Mr. Norback said ok – existing so he's thinking the swale goes like a 'v' more than a gentle swale but that's either here nor there – he said ideally the Commission would have had some pictures then he probably wouldn't have been going on like this. He said trying to understand it – he thought Dr. Dimmick is correct in saying at some point they are probably going to want to see a drawing design route of entry or not of how the wall is going to be constructed so they can better tell what's going to be affected. He said he assume since they are going to be digging it by hand and they need dirt on the east side of the wall to fill that swale logic tells him you are going to dig the hole and throw the direct towards the house and not towards the riverbed – he said that stands to reason and then he would like they are going to need some kind of base for the wall – maybe it's processed stone dust or something like that. He said he thought Mr. Kurtz concerns is that it goes deep enough so it isn't going to become a problem unto itself.

Mr. Kurtz said perhaps considering everything maybe the idea of the Mafia blocks would be better because it would be less disturbance.

Dr. Dimmick said Mafia blocks would be too big for what he's got in mind.

**Mr. Horning said at 13' of a Mafia block at 4' there's not much room – he said he would be encroaching on the river which he did not want to do.**

**Mr. Horning said they do make a stabilization fabric that does go in between the blocks and you can pull back which holds the wall back from leaning towards the river – he said he would actually making the wall so that it would actually step back towards the house.**

**Dr. Dimmick said that makes more since now – he said now they are talking about something he understands.**

**Mr. Horning said the wall its – he said the Commission might be picturing a tall wall – it's probably only going to be 2' maybe 3' tops – it's just enough to hold the soil back. He said he can't go down to far because he might be hitting water. He said you are kind of between a rock and a hard place.**

**Dr. Dimmick said this is sort of a dry wall construction as they say – you are just placing stuff there – you are not trying to cement anything together.**

**Mr. Horning said he was just probably going to put a 6" to 12" base of processed crushed stone and then build the stone by hand up.**

**Dr. Dimmick said but if it does lean back or build back towards then you probably have the stability you need there.**

**Dr. Dimmick said they are picturing walls – even low ones which eventually start tilting down slope.**

**Mr. Horning said he understood and that was the purpose of the drainage pipe with the weep holes to make sure the pressure doesn't build to push it over.**

**Chairman de Jongh said he thought the general concern or the direction of the concerns expressed by Commission members is to make sure this doesn't have to come back to us again when it starts to fall back into the river either because its undercut and starts to fall apart underneath or just the integrity along it kinds of caves in on itself – that is why they are raising these kinds of questions.**

**Mr. Horning said he understood.**

**Ms. Fiordelisi said she was thinking that maybe they should have a field walk just to see what he is taking about with the shade.**

**Dr. Dimmick said it's an easy enough stop – they could go take a look at it.**

**Mr. Horning said he could email some pictures if the area.**

**Mr. Norback said that would be worthwhile – just because he was having trouble with the scale – he was having trouble with how tall it was but now it sounds like Mr. Horning is really on track it's just hard for the Commission to wrap themselves around it.**

**Mr. Horning said and as far as the height of the fence – it would be 6'.**

**Mr. Kurtz asked about the shed.**

**Mr. Horning said it was an existing shed.**

**Ms. Simone asked if the applicant would have a problem with either staff or Commission members stopping by the property to take a look to get an idea of what it looks like.**

**Mr. Horning said he did not have an issue with it.**

**Ms. Simone asked if he would like them to contact him first.**

**Attorney Hershman said yes – if they could just give Mr. Horning a heads up.**

**Chairman de Jongh asked what Mr. Horning's time frame was to take care of this.**

**Mr. Horning said most of this stuff would probably not be touched until the spring – this now is just the part of the process he talked to staff about.**

**Ms. Simone informed the Commission that the basic information was in for the application.**

**Motion: To accept the application.**

**Moved by Dr. Dimmick. Seconded by Ms. Fiordelisi. Ms. Dunne asked Mr. Horning to give them a little bit of an idea on number two – with the clearing of the remaining brush – would that includes trees.**

**Mr. Horning said it's just more of the brush that there – there are a couple of small trees that he wouldn't be cutting – there are just vines growing over them that have covered the area – its probably 10' wide on the road and by 15' deep.**

**Ms. Dunne said so he is not cutting any trees down.**

**Mr. Horning said no.**

**Motion approved 6-0-1 with Mr. McPhee not being part of the vote.**

**A field walk was set for Tuesday, October 23, 2012 at 2:00 p.m.**

**Mr. McPhee rejoined the meeting at 8:18 p.m.**

**Chairman de Jongh said the Commission would postpone discussion of significance pending the results of the field trip and take this up at the next meeting.**

#### **XI. ADJOURNMENT**

**The meeting was adjourned at 8:19 p.m. by the consensus of Commission members present.**

**Respectfully submitted:**

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