

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
WEDNESDAY, JANUARY 2, 2013
TOWN HALL 84 SOUTH MAIN STREET
ROOM 207/209 AT 7:30 p.m.**

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

Absent: Robert de Jongh and Thom Norback.

Staff: Suzanne Simone.

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

I. CALL TO ORDER

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.

Members present were Charles Dimmick, Kerrie Dunne, Earl Kurtz, Sheila Fiordelisi and Will McPhee.

IV. DETERMINATION OF QUORUM

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

V. APPROVAL OF MINUTES Regular Meeting – December 4, 2012

The Commission agreed to defer the approval of the minutes to the end of the meeting.

At 8:15 p.m.

Motion: To accept the minutes from the December 4, 2012 regular meeting with corrections.

Pg. 2 L33 delete “know”;; L48 “fields” to “field trips”; pg. 5 L39 “has” to “as”; pg. 16 L37 delete “they reason”; pg. 18 L25-26 delete “which is advise she gives to all applicants”,pg. 29 L36 & L39 “affluent” to “effluent”, L47 “acrostic” to “arkosic”; pg. 31 L48 “showed” to “showed where”.

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

At this point in the meeting, Dr. Dimmick submitted a copy of a document about farm land exemptions. He asked staff to make copies and distribute to Commission members.

VI. ELECTION OF OFFICERS

Dr. Dimmick opened the meeting up for the election of officers.

Dr. Dimmick nominated Robert de Jongh for another term as chair.

Ms. Fiordelisi seconded the nomination.

Nomination approved unanimously by Commission members present.

Mr. Kurtz nominated the same slate of officers in office in 2012 for 2013 - Robert de Jongh for chair, Charles Dimmick for vice-chair and Kerrie Dunne for secretary.

Mr. McPhee seconded the nominations. Nominations approved unanimously by Commission members present.

No other nominations were entertained. The nominations were closed.

VII. COMMUNICATIONS

1. Public Works Drainage Maintenance Notification Form
Re: 514 Cornwall Avenue, Removal of Beaver Dam and Sandbar

This communication was reviewed.

2. IWWC Wetland Determination Letter to Paul McKnight
Re: Barn at 1150 South Meriden Road

This communication was reviewed.

- 3. Bond Release Request by Dixon Inc.
Re: 490 West Main Street Stop & Shop Gas Station**

This communication was reviewed.
- 4. Parks Maintenance Notification: Mixville Park
Conducted by Public Works**

This communication was reviewed.
- 5. Letter to U.S. Army Corps of Engineers
Re: Unauthorized Activities at Mixville Recreation Area**

This communication was reviewed.
- 6. Staff Communication: Coleman Road
Permit Application: 2013-001**

This communication was reviewed.
- 7. Engineering Comments
Re: 1072 Coleman Road**

This communication was reviewed.
- 8. Staff Communication: Jarvis Street
Permit Application: 2013-002**

This communication was reviewed.
- 9. Staff Communication: Wallingford Road
Permit Application: 2012-033**

This communication was reviewed.

Handed out at tonight's meeting:
- 10. Staff Communication: 1165 Jarvis Street**

This communication was reviewed.
- 11. Meeting Notes & Documents from Excavation Technologies, Inc.
Re: 1072 Coleman Road**

These communications in support of the application were reviewed.
This item will be discussed under new business.

12. **Copy of the 2013 Inland Wetland & Watercourses Commission Meeting Dates**

Dr. Dimmick noted that the meeting dates were approved at the last meeting in December 2012.

VIII. INSPECTION REPORTS

1. **Written Inspections**

Ms. Simone stated she would provide an update on written inspections at the next meeting.

2. **Staff Inspections**

Ms. Simone stated that she would provide an update on staff inspections at the next meeting.

IX. 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 stated this item would remain on the agenda until all work has been completed.

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

Dr. Dimmick said the applicant has until the spring to do the proper plantings to get this matter resolved.

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

Dr. Dimmick asked staff what the status of this item was – he said he thought some kind of permit was issued to make corrective actions at this site.

Ms. Simone stated the applicant has until the spring to complete work at the site.

5. **Corrective Order #CO-11-6-2012-A**
Unauthorized Activities in a Regulated Wetland Area FT 10/23/12
Bob Ceccolini – Park and Recreation Department
Mixville Recreation Area, Notch Road (41/13)
Clearing of Vegetation within a Watercourse, Wetland and Upland
Review Area

Ms. Simone stated that this item would remain on the agenda until the permitted work was completed in the spring.

X. UNFINISHED BUSINESS

1. **Permit Application APP #2012-033**
Whitney C. Watts DOR 12/04/12
Wallingford Road
Site Plan – House & Wetland Crossing MAD 2/07/13

Sheila Fiordelisi recused herself from this portion of the meeting at 7:38 p.m.

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

Dr. Dimmick stated that this application was received at the meeting in December (December 4, 2012).

Mr. McEvoy said what the applicant is seeking approval for is regulated activities associated with the driveway crossing in the wetland corridor on a property that does not have an address – it's listed Assessors Lot 2 on Map 8.

Mr. McEvoy stated the parcel has direct access off of Tamarack Road which is a dead end street on the south side of Wallingford Road and there are also access rights to this property out to Wallingford Road.

Mr. McEvoy reviewed the site plans with Commission members.

Mr. McEvoy stated the entire property is approximately 44 acres and it's roughly oddly shaped with 5.5 to 6 acres portion of the northwestern most corner of the site which is the focus of the application. He said the remainder areas of the parcel are fairly

steeply graded with wetland corridors and essentially has very difficult terrain and they are not proposing any activity in the eastern portion of the property.

Mr. McEvoy showed an area on the map indicating the northwest corner – again 5.5 to about 6 acres; Tamarack Lane cul-de-sac is located on the lower part of the sheet.

Mr. McEvoy said what they are proposing is a single family house with a driveway crossing through the wetland corridor which is highlighted on the plan.

Mr. McEvoy stated the properties in the vicinities of this area are residential in nature and are all in an R-80 zone.

Mr. McEvoy stated that the lot would be served by a septic system which has been designed far enough away from the wetlands and the drainage associated with the house and driveway will have a small rain garden with overland spreads directly to that rain garden.

Mr. McEvoy explained that the wetland activities and the upland review activities are associated with the crossing. He said what they are proposing over this wetland which is essentially the fairly flat grassed wetland – is a driveway that's raised up a couple of feet within a seepage envelope which will allow sheet flow that flows essentially right across the wetland in an equal and concentrated flow to continue that drainage pattern underneath the driveway.

Mr. McEvoy explained that they do have a few culverts or cross pipes in that seepage envelope for larger flows but in general the typical runoff that comes through the wetland corridor will continue to sheet flow underneath the driveway.

Mr. McEvoy said the driveway and seepage envelope will total 2,200 SF of direct wetland impact and the approach to the corridor is 3,400 SF of direct wetland impacts.

Mr. McEvoy said they are also proposing that because of some constrains with zoning which he would be happy to go into if the Commission was curious but they are proposing that the primary access to this house will combine with the existing driveway on the neighboring parcel out to Wallingford Road.

Mr. McEvoy stated it was the desire of the applicant to keep access off of Tamarack Road but because of the number of lots on a dead

end street technically their not permitted to do that so have to apply for some special permits.

Mr. McEvoy showed on the plans the proposed access way to the proposed house.

Mr. McEvoy said he would be happy to answer any questions Commission members had.

Dr. Dimmick commented about a stream of the subject parcel that goes into a pond off the property; he showed the location of the stream on the plans. He said quite a few years ago there was a problem with that stream causing eroding of the banks and undercutting the banks and debris dropping into that pond; he said the pond was right next to driveway access – he asked if they were anticipating any part of the property.

Mr. McEvoy stated not at this time (improvements were not being proposed).

Dr. Dimmick said they had an application at one time where they wanted to change the drainage but now no other changes are being proposed.

Mr. McEvoy stated at this time they have no desire to upgrade that driveway at all and they would come back to the Commission in the future if changes were required. He said he was not aware of any other changes proposed.

Dr. Dimmick asked how many houses were allowed off a driveway like what's there.

Mr. McEvoy showed on the plans the parcel that actually owns the access so they actually take access off of a piece that off the property; he said they are working with zoning on the nature of that the because of the uniqueness of this property that has rights to two different roads. He said right now they are working under the assumption that they are going to be able to use this driveway as is but that's something they're working out with zoning and that they need different approvals from different agencies.

Dr. Dimmick said it's a unique piece.

Mr. McEvoy said it's a little tricky – it's not straight forward.

Dr. Dimmick asked if the Commission wanted to go out and see this parcel.

The Commission reviewed the plans for what was being proposed.

Mr. Kurtz said what is being proposed does not provide an alternative to the wetland crossing.

Mr. McEvoy said the majority of the access is located on private property so unfortunately the wetland crossing is necessary to access the subject parcel. He explained that when they first approached this property and looked at it the available town wetland map seemed to indicate there were actually wetlands that began on this property but as it turned out when their soil scientist's performed his investigation he discovered the wetlands are just off the property so there's no way to get to the parcel without crossing wetlands.

Ms. Dunne asked if a functions and values assessment report was submitted.

Mr. McEvoy said he believed their initial report was simple a soils investigation – it didn't include a functions and values investigation of the corridor which would be something provided typically of the activity was found to be significant.

Mr. McEvoy talked about the location of the tree line and property line relative to the subject parcel.

Dr. Dimmick commented the very upper nose of the wetland actually belongs to the adjacent properties. He talked about the location of the defined channel and wetland corridor.

Mr. McEvoy said that the nature of the drainage area that contributes to that wetland corridor is relatively small and it associated with the backyards of the properties located on Tamarack Road; the nature of the soil conditions are poorly drained. He said he imagined that before the development of Tamarack there were probably larger wetlands that did reach here but currently it doesn't.

Dr. Dimmick said he hadn't looked at the soils report yet – he asked Mr. McEvoy what soil types were found.

Mr. McEvoy said he did not recall the exact soil types.

Dr. Dimmick said it seemed to him they vary because there were some Cheshire soils and some sand and gravel also.

Mr. McEvoy said they didn't find the sand and gravels – they found Cheshire.

Ms. Dunne said based on the report there were Wilbrougham soils.

Dr. Dimmick said that he knew there were two soil types – some were Cheshire Yalesville and some of it was sand and gravels.

There was discussion about the soil types found based on the soil reports findings.

Ms. Simone made a comment about wetland delineation based on an application made in 2005; the comment was not picked up on record.

Dr. Dimmick stated in response to her comment that it was quite possible that those were just marginally wet soils at the time.

Dr. Dimmick stated that the application was accepted at the last meeting.

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

Moved by Mr. Kurtz.

Mr. Kurtz said he'd like to see more details and further explanation regarding the proposed activities including details for the wetland crossing.

Seconded by Mr. McPhee. Motion approved 4-0-0. Ms. Fiordelisi was not present for the vote.

Dr. Dimmick asked if the town engineering department had reviewed the applications.

Ms. Simone stated they had and read the December 28, 2012 engineering comments into the record. The comments addressed the proposed seepage pad and installation of pipes that would require engineer's certification of the seepage pad....comments not picked up on the record.

Mr. McEvoy was handed a copy of the engineering department comments dated December 28, 2012.

Mr. McEvoy said in reply to the engineering department's second comment – the proposed driveway is gravel....comments not picked up on the record. He said he would review the engineering comments in more detail and address the concerns noted.

Mr. McEvoy stated there is a slight increase in runoff proposed; a rain garden is proposed to handle the increase in runoff.

Dr. Dimmick said that Mr. McEvoy should provide any outstanding information to Ms. Simone and then staff would be able to put together wording for the next meeting.

XI. NEW BUSINESS

- 1. Request for Bond Release by Dixon Inc.
IWWC App. # 2012-003
490 West Main Street
Gas Development Cheshire, LLC**

Ms. Fiordelisi returned to the meeting at 7:58 p.m.

Ms. Simone stated the applicant received their certificate of occupancy in December 2012.

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission has considered the request for bond release by Phil Dixon for sedimentation and erosion control bond stipulated as part of IWWC Permit #2012-003, 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 Phil Dixon for the sedimentation and erosion control bond as stipulated in permit #2012-003.

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

2. Permit Application	APP	#2013-001
Dennis Boucher	DOR	01/02/13
1072 Coleman Road		
Septic Replacement	MAD	3/08/12

Dennis Boucher, the applicant was present. Keith Erickson of Excavation Technologies, Inc. (ETI), a licensed septic installer was also present.

Dr. Dimmick stated that the application was for a septic replacement. He said he understood the system had a failure and Chesprocott went out and looked at it; the septic replacement will require a wetland crossing.

Ms. Simone stated yes and the applicant is present as well as his consultant.

Ms. Simone explained submitted for tonight's meeting is a sketch of the property, a depiction of the septic system, ETI meeting septic repair notes for 1072 Coleman Road.

Commission members reviewed the materials submitted.

Dr. Dimmick stated that the applicant had a pie shaped pieces of property – good soil in front and good soil in back and a wetlands corridor running down the middle. He said a couple of years ago the Commission saw another property that was going through the same thing.

Dr. Dimmick asked about the type of pipe being proposed and if the sleeve extended a couple of feet beyond the wetlands on both sides.

Mr. Erickson addressed the Commission.

Mr. Erickson stated as a license septic installer he'd be installing a new septic system at 1072 Coleman Road where there's a situation where the present system has failed. He said there's in a situation where there's a property transfer and its dependent on the new system and the only area that can be used requires crossing the to the north of the wetlands; he said two neighbors had the same issues.

Mr. Erickson said he was going to take some measures as shown in the plan – he is going to install silt fence. He said they are going to do as limited disruption as they can – they are going to use a smaller

excavator with rubber tracks and a low amount of pressure; they are going to berm up the water so it's not running toward them while they're working.

The proposal is to install approximately 130 linear feet of 2" PVC force main through the wetlands area; approximately 30 linear feet of this run is directly through the wetlands and will be installed in a 4" PVC sleeve pipe to limit future disturbance.

Mr. Erickson stated they are going to disrupt the area as little as possible and put as much soil back as it was.

Mr. Erickson said upon completion they are proposing to use a New England wetland seed mix covered with hay in the affected wetland area so it will stay dormant until spring and if they have touch it up then they will.

Dr. Dimmick said as it was pointed out the neighbors on both sides had something similar done with septic repairs or restorations.

Mr. Erickson said there's going to be limited disruption

Motion: To accept the application.

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

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

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

Dr. Dimmick explained the application process moving forward including the state mandated two week waiting period.

Ms. Simone informed the applicant that once the Commission votes on the motion to approve they could then start on the work the next day once they receive their approval letter.

The next Wetland Commission meeting will be January 15, 2013.

Further action on this item was deferred pending staff review and recommendation.

3. Permit Application	APP	#2013-002
Lovely Development, Inc.	DOR	01/02/13
1165 Jarvis Street		
Site Plan – House	MAD	3/08/12

There was no one present on behalf of the applicant.

The Commission reviewed the plans for a site plan for a house at 1165 Jarvis Street.

Dr. Dimmick said this was a lot that was not developed when the rest of this was subdivided – this property is located at the west end of Jarvis Street on the south side and to the south of where this house is the lot goes down and there is a stream that goes through which usually has very little flow in it but in the spring it occasional has tremendous amounts of water going through it.

Dr. Dimmick said when this whole area was developed and the subdivision went through the Commission had a lot of concern about how high the water rose at times.

Ms. Simone reviewed the map with Commission members showing the general location – it runs from Jarvis Street to Marion Road.

Ms. Simone stated that the engineering department has reviewed this application and issued a comment letter dated January 2, 2013.

Ms. Simone read into the record the engineering comment: It appears from the plans submitted that there is a potential to increase the amount of site run-off to the adjacent property to the east. Combining the proposed regrading with increased impervious area may adversely affect the adjacent lot. The applicant should re-grade the current proposal and add storm drainage attenuation to insure that there is no adverse impact to adjacent properties. This office has a new zero increase policy which requires compliance for the 2, 10, 25, 50 and 100 year storm events.

Ms. Simone stated that lot 1 is currently developed; the currently proposed lot is lot 2.

Ms. Simone said she has not had any communication with Mr. Sakonchick regarding the application.

Dr. Dimmick suggested the Commission field trip this site.

Motion: To accept the application.

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

Dr. Dimmick said there were a lot of things they needed to do before they could move forward on this application. He suggested having the applicant provide more information before a field trip date was set.

Commission members reviewed the site plan.

Dr. Dimmick reviewed the plans noting there was a flood plain line on the plans. He noted that it appeared the sewer was outside the flood plain.

Ms. Simone said she would contact Mr. Sakonchick about providing more details for the proposed activity.

Ms. Simone said they don't have a soils report or a soil scientist's signature on the plans and other details needed.

Further action on this item was deferred pending the submission of additional details.

XII. ADJOURNMENT

The meeting was adjourned at 8:18 p.m. by the consensus of Commission members present.

Respectfully submitted:

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