

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, JANUARY 15, 2013
TOWN HALL – 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

Members present: Charles Dimmick, Earl Kurtz, Will McPhee, Thom Norback and Sheila Fiordelisi (at 7:39 p.m.).

Members absent: Robert de Jongh and Kerrie Dunne.

Staff: Suzanne Simone.

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

Mr. Kurtz served as secretary pro-tem in Kerrie Dunne's absence.

I. CALL TO ORDER

Dr. Dimmick called the meeting to order at 7:31 p.m.

II. PLEDGE OF ALLEGIANCE

All present recited the pledge of allegiance.

III. ROLL CALL

Mr. Kurtz, secretary pro-tem called the roll.

Members in attendance were Charles Dimmick, Earl Kurtz, Will McPhee and Thom Norback. Sheila Fiordelisi arrived at 7:39 p.m.

IV. DETERMINATION OF QUORUM

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

V. APPROVAL OF MINUTES - Regular Meeting of January 2, 2013

Dr. Dimmick recommended that 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 as suggested.

At 7:43 p.m.:

Motion: To approve the minutes from the January 2, 2103 regular meeting with corrections.

Pg. 6 L29 “within” to “over”; pg. 7 L7 “their” to “they’re”, L21 after “anticipating” add “paving”; pg. 8 L20 ‘begin” to “are”; pg. 9 L21 “the comment was not picked up on record” to “the 2005 delineation missed some of the wetlands shown on the present application”; pg. 12 L12 “too” to “to”.

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

VI. COMMUNICATIONS

- 1. Connecticut Land Use Law for Municipal land use Agencies, Boards and Commissions Seminar Notification, Saturday, March 16, 2013**

This communication was reviewed.

Ms. Simone stated there was funding for all Commission members if they wish to attend. She said so far she’s heard from one member who is interested in attending.

- 2. Staff Communication: Jarvis Street Permit Application: 2013-002**

This communication was reviewed.

VII. INSPECTION REPORTS

- 1. Written Inspections**

Ms. Simone said there were no written inspection reports.

- 2. Staff Inspections**

Ms. Simone stated the staff inspections include inspection from prior to the last meeting since she didn’t have that information available then as well as the time period between the last meeting and now.

- a. 725 North Brooksvale Road**

Ms. Simone stated at 725 North Brooksvale Road there's a permit from the Commission – there was an erosion control inspection.

Ms. Simone reported everything was fine on site.

b. Prinz Court

Ms. Simone reported there was a certificate of occupancy inspection that was completed.

c. Weise Road Subdivision

Ms. Simone reported there was an inspection of 175 Weise Road. She explained there was a minor problem with the silt fence which has been corrected; it was basically getting into the road – she said she didn't see any erosion getting into the river there but they were able to head that off.

d. 1604 Peck Lane

Ms. Simone said there was a site inspection of 1604 Peck Lane regarding conditions as well as a pre-application meeting.

Ms. Simone noted there would be an application would be coming before the Commission.

e. 356 & 366 West Main Street – Romberg Road

Ms. Simone said that the Beachport housing project has started and there was an erosion control inspected completed on that site. She said the application was given about two and a half to three years ago.

VIII. ENFORCEMENT ACTIONS

Dr. Dimmick said this item was listed just to keep on the agenda until it was resolved.

- 1. Unauthorized Activities in a Regulated Wetland Area SC 5/04/10
Dr. Robert Henry and Maria Passaro-Henry
12 Mountaincrest Drive**

Dr. Dimmick said nothing was going until spring if any since they have several years to get the work done.

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

Ms. Simone said the Tisos will be receiving a follow-up letter regarding their time frame – they have until this spring to plant the Dogwood trees.

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

Ms. Simone reported there is a permit and a time frame associated with getting some of that work covered under the permit completed.

4. **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 said they were waiting until spring for a further inspection of this site.

IX. 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

Dr. Dimmick said this application was received in the first meeting in December 2012 and there was a formal presentation of the project at the last meeting.

Dr. Dimmick asked staff if there were any outstanding questions.

Ms. Simone said the Commission did not.

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 construction of a single family house and associated driveway.**
- 2. That the applicant's soil scientist field located the wetlands on site.**
- 3. That this lot has access from Wallingford Road only, per zoning regulations.**
- 4. That the driveway crossing will contain a seepage envelope to allow the continue flow of water from this area, the headwaters, to continue further into the watershed in a manner consistent with pre-construction activities.**
- 5. That 2,280 square feet of direct impact and 1,675 square feet of upland impact are proposed for the construction of the driveway crossing over a wetland.**
- 6. 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 #2012-033, the permit application of WHITNEY C. WATTS as presented on the plans entitled:

**“Site Plan Development
Tamarack Property Development
Tamarack Road, Cheshire, CT
Dated November 28, 2012
Scale Varies on 3 Sheets:
Prepared by Milone and MacBroom, Inc., 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 construction activities covered by this permit grant, the applicant shall have the following items both completed by a qualified party and verified as complete by Commission Staff:**
 - a) Prior to any clearing or earthmoving activities, the accurate staking and/or flagging of all clearing limits shall be completed. Non-encroachment markers shall be installed along the driveway edge of pavement/gravel. No establishment or maintenance of lawn areas shall be allowed in the non-encroachment area. Language shall be placed in the deed of the property and on a map for this property filed in the Cheshire Land Records, which shall, in part, state that no disturbance or activity of any kind other than the above described activity shall be allowed.**
 - b) Prior to the commencement of construction activities, a professional engineer shall certify, in writing to the Commission, that all required erosion and sedimentation controls are in place and functioning as represented by applicant to ensure the prevention of erosion and sedimentation into adjacent wetlands and watercourses. The cost of the professional engineer shall be borne by the applicant. The applicant shall also notify Commission Staff so that Staff may inspect the site to verify that all required controls are in place. Staff may also insist on additional controls if field conditions warrant them.**
 - c) Prior to the commencement of activities covered under this permit grant, the name of a contact individual together with a 24-hour phone number shall be submitted to the Planning Department and designated with responsibility and authority to receive notices of any breaches or deficiencies of sedimentation and erosion controls on-site, and to effectuate repair of any such breaches or deficiencies within 6 (six) hours of**

such notice from the sediment and erosion control inspector, as identified above, or the Town of Cheshire.

Commission Staff may insist on additions to items 3a-3c at any time if field conditions warrant them.

- 4. Per Section 12 of the Cheshire Inland Wetlands and Watercourses Regulations, a bond covering the costs of the erosion and sedimentation controls shall be filed with the Town Planner's Department prior to the commencement of construction activities. The amount of the bond shall be determined by the Cheshire Planning Department.**
- 5. An inspection of the condition, integrity, and adequacy of the sedimentation and erosion controls shall be made by a qualified party either weekly or after every significant rainfall of 1/2" or greater, whichever is sooner, until all disturbed areas are stabilized. Said party shall be independent of the contractor. All reports shall be submitted to the contractor and Commission Staff either within three days of inspection, or prior to the next storm event, whichever is sooner. All breeches or deficiencies shall be forwarded to a contact individual, as defined above, immediately after inspection. The costs of said inspections to be borne by the applicant.**
- 6. 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.**
- 7. This permit grant shall expire on January 15, 2018.**

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

Dr. Dimmick asked if the fee was received.

Ms. Simone stated yes – they fee was received.

Dr. Dimmick said Engineering still had some questions but he did not think it was on anything that affected us.

Ms. Simone said as she is looking at the information for the staff report issued to the Commission for the last meeting it stated that the Engineering Department was currently reviewing this application; she said she didn't see anything in the file for a follow-up so it may be that the Engineering Department did not forward their reviews to us (in the Planning Office).

Dr. Dimmick said he did not believe the Commission had any outstanding questions. He stated the motion was properly before the Commission and if no one wished to discuss then they'd vote on it.

Motion approved unanimously of the four Commission members present.

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

Ms. Fiordelisi joined the meeting at 7:39 p.m.

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 installation of a new septic system at 1072 Coleman Road.**
- 2. That the applicant's soil scientist field located the wetlands on site.**

3. That Chesprocott has approved proposed plans showing the installation of a pipe through a wetland, connecting the septic tank with the leaching fields.
4. That the pipe through the wetlands will be sleeved to minimize potential future disturbance associated with septic repair.
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 #2013-001, the permit application of DENNIS BOUCHER as presented on the plans entitled:

“Site Plan 1072 Coleman Road, Cheshire, CT
Stamped as ‘Approved’ by Chesprocott, Dated December 31, 2012”.

And

“ETI, Excavation Technologies, Inc.
135 Commerce Court, Cheshire, CT
Meeting notes for Wednesday the 2nd of January, 2013
Re: Septic repair at 1072 Coleman Road, Cheshire”.

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 construction activities covered by this permit grant, the erosion controls depicted on the site plan shall be properly installed and properly maintained and monitored throughout the conduct of activities covered under this permit.

4. **Per Section 12 of the Cheshire Inland Wetlands and Watercourses Regulations, a bond covering the costs of the erosion and sedimentation controls shall be filed with the Town Planner's Department prior to the commencement of construction activities. The amount of the bond shall be determined by the Cheshire Planning Department.**
5. **Excavation in the wetland area, as delineated in the December 13, 2012 wetland report completed by Thomas Pietras, soil scientist with Soil Science and Environmental Services, Inc.**
6. **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.**
7. **This permit grant shall expire on January 15, 2018.**

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

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

Ms. Simone stated that revised plans were submitted on Friday (Jan. 11, 2013) and the Commission now has submitted comments from the Engineering Department that were before them tonight that they do have questions; there was a written response received today (Jan. 15, 2013) from Sev Bovino (from Kratzert, Jones & Associated, Inc.), the Engineering Department then reiterated that they still have some outstanding issues as far as seeing a net zero increase so the

revised plans that were received address the staff concerns of requiring this square footage or area of the upland review and wetland impacts which they have completed and the Commission does have on the revised plans so that's basically the extent of the revised plans.

Ms. Simone said the revised plans show the rain garden – it shows the planting plan for the rain garden.

Dr. Dimmick said this is the one that last time the Commission expressed some interest in taking a look at the property before moving forward and they don't seem at present to have a representative to review the proposal.

This item was deferred at 7:43 p.m. until Sev Bovino was present to present the application.

At 7:44 p.m.:

The Commission discussed setting date for a field trip to view the site this Saturday, January 19, 2013 at 9:00 a.m.

Ms. Simone said she would contact Mr. Bovino to get a solid idea if he could be present for this Saturday.

Dr. Dimmick said he wanted see essentially what's going on – on the back of that; he said the lower part of that land is shows as flood plain and there's a sewer line which is outside the flood plain.

Ms. Simone asked the Commission if they wanted to see anything marked in the field prior to the visit.

Mr. Kurtz suggested something to identify the lot unless they could tell by just looking at it; he said he guessed the neighbors' lawns were finished.

Dr. Dimmick said the neighbors' lawns were finished.

Mr. Norback said he was having trouble orienting the location of the lot.

Dr. Dimmick said the lot is on Jarvis almost but not quite to Marion – just past Currier Woods on the left hand side.

Mr. Bovino, planner Kratzert, Jones & Associated, Inc. located at 1755 Meriden-Waterbury Turnpike, Milldale, CT addressed the Commission at 7:49 p.m.

Mr. Bovino explained that the property in question is located at 1165 Jarvis Street on the south side of the street approximately 600' of its intersection with Marion Road.

Mr. Bovino said this is the approved subdivision map; to the north you see Jarvis Street and Marion Road is to the west. He said the property is about 600' from the intersection.

Mr. Bovino said the land area is 2.05 acres served by public water and sewer; the land slopes gently from the north to the south towards the wetlands and flood plain associated with the Cuff Brook; he showed on the plans north where the land slopes gently and the location of Cuff Brook that runs east-west and there's a wetlands that's associated with that.

Mr. Bovino explained the soils are very sandy soils; the land is covered with scrub brush; the proposed house is to be built on an existing lot of record that was approved in 1998.

Mr. Bovino submitted for the record - the map of record from 1998.

Mr. Bovino said the rear of the house is located approximately 185' to the wetlands; he said it's about 185' from the back of the house to the beginning of the wetlands; there's about 370' to the brook which is to the rear of the property.

Mr. Bovino said there's an existing sewer trunk line that runs east-west through the property about 25' inside a wetland area.

Mr. Bovino said the reason he's here tonight is because we have to tie the sewer pipe into the manhole that exists on the truck line on their property. He said to do this they're going to impact about 30 LF of wetland area from the manhole heading toward the house and about 50' of upland area.

Mr. Bovino said the trench is normally about 3' wide but he calculated a 10' disturbed area so in his application he has 300 SF of wetland disturbance and 500 SF of upland area.

Mr. Bovino said once the trench is excavated and back filled the wetlands in the upland area will be restored by back filling the trench

with native soils and stabilizing the surface loam and appropriate seeds.

Mr. Bovino stated that the seed mix is the wetland area will be an appropriate wetland seed mix and the rest would be regular seed.

Mr. Bovino said the work area is shown to be surrounded by silt fence on the plan all around the area they need to work; it will be surrounded by silt fence and carries out to the back of the house and to the street.

Mr. Bovino said they also show a construction entrance with the appropriate detail.

Mr. Bovino said on the plan they have multiple notes which indicate who's responsible to implement the construction sequence and that they have to notify town staff prior to starting any activity on the property.

Mr. Bovino said to attenuate the impacts they are proposing a rain garden following the UCONN guidelines; the details, the sizing calculation and the suggestive plantings are shown on the plan highlighted in blue.

Mr. Bovino said if the Commission or the staff feels that they should add more they would be glad to entertain the suggestion.

Mr. Bovino said they have provided – he said he faxed to Suzanne this afternoon a copy of the sizing recommendation by the UCONN report.

Mr. Bovino submitted for the record the UCONN guidelines for the Commission. He said one of the sheets addresses the sizing calculations.

Mr. Bovino said they basically oversized the garden area – the rain garden area; he said as you can see on the plan the property is graded – the easterly property is graded in such a way that it takes the flow into the garden area; also the roof drain is directed into the garden area; the soils are very sandy so they expect this to percolate very well but again as he said if the Commission feels they need more they can add an additional rain garden pretty much doubling the size of the area.

Mr. Bovino said as you can see from the UCONN recommendation this will take care of 90% of the runoff. He said they show on the plan that the required square footage is 583 SF that have to post 650 SF – he said they were generous in their calculations.

Mr. Bovino said for the Commission he had copies of the approved subdivision that shows where the house was proposed originally and the sewer connection; he also had copies of the grading plan associated with the house construction. These plans were submitted for the record.

Mr. Bovino said depending the time of year this house is constructed – if it's a wet time of the year they will provide a dewatering pit so they will be pumping the water from trench into the dewatering pit which is not indicated on this plan but they will stipulate that they'll do so during the construction.

Mr. Bovino said at this point if the Commission had any questions he'd be glad to answer them.

Dr. Dimmick said he thought last week or last meeting when they got this one of the things that several of us expressed an interest in taking at least a short look at the property. He said what Saturday morning looked like for Mr. Bovino or someone to go out to the site. He said they won't need to have too long it's just that every once and a while they want to go take a look at a piece of property particularly one that nobody's looked at here since 1998; he said in fact he thought there were only two members of the Commission that were still around in 1998.

Mr. Bovino said it used to be farmed now shrub brush has grown and it hasn't been maintained.

Dr. Dimmick said Cuff Brook used to and still does every once and a while turn from that little tiny rivulet to a huge flood that goes through there which is why you have the flood plain the size it is.

Mr. Bovino stated there is a flood plain associated with that.

Dr. Dimmick said you're sewer line runs through the wetlands as you've pointed out – at least through this property – as it goes west it is no longer in the wetland but this is one of the larger expansive of wetland from the actual Cuff Brook as you go through there that is one of the reasons they want to take a look at it; he said they might

have some interest in seeing just where the sewer line connection will go through the wetland area.

Mr. Bovino said there's no trees on the property but there is an area right now because of the snow melt it's a little bit wet that you kind of have to step over; there's a swale on the property in the rear.

Dr. Dimmick asked if the connector was going to partly down that swale.

Mr. Bovino said it's going to go across that little swale that's there – he said you'll see it's probably 6" deep; he said they'll be going to the other side of the swale.

Mr. Norback asked what the depth of the inlet was at the manhole.

Mr. Bovino said it's approximately 7'; indicated at 141 – 148; it's less than 7'. He said his ladder obviously would not go to the bottom of the pipe – he said it's a 15" interceptor so they'll be above that – probably be 6' or less.

Ms. Simone said the Engineering Department received the response from the applicant regarding the revised plans and the Engineering Department basically reiterated what they had stated at the last meeting but then they do identify that the revisions submitted do address do address the concerns about additional runoff affecting the property to the east however there are no calculations or other information to indicate that the net zero increase policy has been adhered to.

Mr. Bovino said they provided the calculation for the rain garden and because the rain garden takes care of 90% of the runoff and because of the generous design and also the sandy materials they felt there was no need to go through drainage calculations as you normally receive a drainage calculation based on the impervious area but they could provide the calculation if it's necessary also they could change or add – instead of having a rain garden they could add an underground storage which would specifically would address the storage of water with an overflow then during the 100 year storm would come out of the storage area and just flow out.

Mr. Bovino said there's a lot of grass area - he said there's a lot of surface for infiltration – he said he didn't see a problem. He said normally on a property that's right next to a flood plain you would want your runoff actually to move toward – obviously to treat the

runoff towards the flood plain sooner rather than later because if you wait for a large storm to bring the volume down the hill you are feeding a larger flooded area.

Dr. Dimmick said the main peak on Cuff Brook in Mr. Bovino's position is going to say 6 to 8 hours after the runoff from his property.

Mr. Bovino said he didn't think it's something to worry about but it's a small issue.

Dr. Dimmick said it's just a case of satisfying Engineering somewhere along the line; he said he for one didn't have a problem with this for the exact reasons he (Mr. Bovino) said – the timing of the runoff.

Dr. Dimmick said the Commission would see Mr. Bovino at 9:00 a.m. on Saturday, January 19, 2013 for a field trip of the site.

Dr. Dimmick asked staff if there were no problems was she ready to move ahead for something for next meeting.

Ms. Simone said she could but that she was not able to attend on Saturday so she could touch base with Dr. Dimmick or Chairman de Jongh and get some guidance from them.

Ms. Fiordelisi said she would not be able to attend the field trip.

X. NEW BUSINESS

There were no new business items on tonight's agenda.

XI. ADJOURNMENT

The meeting was adjourned at 8:00 p.m. by the consensus of Commission members present.

Respectfully submitted:

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