

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, FEBRUARY 5, 2013
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

Members present: Robert de Jongh, Charles Dimmick, Earl Kurtz, Kerrie Dunne, Sheila Fiordelisi and Thom Norback.

Members absent: Will McPhee.

Staff: Suzanne Simone.

I. CALL TO ORDER

Chairman de Jongh called the meeting to order at 7:31 p.m.

II. PLEDGE OF ALLEGIANCE

All present recited the pledge of allegiance.

III. ROLL CALL

Ms. Dunne called the roll.

IV. DETERMINATION OF QUORUM

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

V. APPROVAL OF MINUTES - REGULAR MEETING OF JANUARY 15, 2013

Chairman de Jongh suggested deferring the approval of the minutes 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 8:05 p.m.

Motion: To approve the minutes from the regular meeting of January 15, 2013 with corrections.

Pg. 3 L28 delete "there would be"; pg. 11 L30 should read "to see", L31 delete "is"; pg. 12 L10 should read "600' east" and L42 "review area"; pg. 13 L8 "is" to "in"; pg. 14 L27 "said" to "asked"; L44 "you're" to "your"; pg. 15 L22 "ladder" to "leader", L30 delete "do address."

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

VI. COMMUNICATIONS

1. Conflict of Interest Ordinance

This communication was reviewed.

**2. Staff Communications with Attachments
Re: Request for Determination – 267 Finch Avenue**

This communication was reviewed.

**3. Staff Communication with Attachments
Re: Jarvis Street, IWWC Permit Application: 2013-002**

This communication was reviewed.

Handed Out at Tonight's Meeting:

**4. Drainage Information
Re: Jarvis Street Application**

This communication was reviewed.

**5. Drainage Notification Report
Re: 140 Willow Street**

This communication was reviewed. Ms. Simone stated that she'd discuss this report under staff inspections.

**6. Engineering Department Comments
Re: 1165 Jarvis Street**

This communication was reviewed.

**7. Engineering Department Comments
Re: Finch Avenue Request for Determination**

This communication was reviewed.

VII. INSPECTION REPORTS

1. Written Inspections

Ms. Simone stated there were no written inspections.

2. Staff Inspections

a. 1275 Wolf Hill Road

Ms. Simone stated there was a staff inspection of 1275 Wolf Hill Road regarding clearing on the gas easement.

Ms. Simone stated there were no immediate wetland concerns in that area. She informed the Commission that she'd keep an eye out to see how far they extend – if they do extend onto the line.

b. 1072 Coleman Road

Ms. Simone informed the Commission there was a staff inspection of 1072 Coleman Road. She said that is was a silt fence inspection regarding a permit that was issued at the last meeting for septic installation.

c. Cheshire Crossing

Ms. Simone stated there was an inspection of Cheshire Crossing. She explained there is a neighboring property to Cheshire Crossing up on Wallingford Road regarding outdoor storage which is not in a wetland area so there will be no further action.

d. Drainage Notification 140 Willow Street

Ms. Simone said a drainage notification for 140 Willow Street was handed out at tonight's meeting.

Ms. Simone explained after the rain that we received in town on Wednesday; we received notification from several property owners surrounding the address of 140 Willow Street. She said there's a private inlet pipe at 140 Willow Street and it appears as though that was constructed prior to the Wetland's Commission being in effect – this was done in the 1950s.

Ms. Simone said it appears as though they have piped in a stream and then put a house on top of the pipe so the pipe goes directly through the garage, through the house and then exists out on to the street.

Ms. Simone also explained that the inlet was clogged. She said Public Works had previous conversations with surrounding property owners that this was a private matter – that Public Works wouldn't be involved in maintaining the pipe however going out to the property to inspect it they found out at 140 Willow Street was a 92 year old woman who had a foot of water in her basement and

she was in the house without any heat so Public Works cleared the inlet.

Ms. Simone said she was present at the site when the Fire Department came to pump out the basement and what they did at 151 Willow Street – across the street – if Commission members remember there was a violation there and then they received a permit – there was an outlet pipe and there was a question at that time ‘when was the pipe put in and there was no documentation in Town Hall’ but understanding that piping out the basement would result in a flush of water coming through that outlet pipe.

Ms. Simone said Public Works cleaned the debris around that outlet pipe so the water would come out and go into the brook without eroding the bank area. She said so this is ongoing as to what will happen with that outlet pipe; the town is still researching that of who was to maintain that outlet.

Ms. Simone stated that it’s clear that the inlet is private but it will be an ongoing matter to get that squared away.

Ms. Simone said it’s odd that the inlet pipe is not on any of the drainage system maps that they have in Town Hall so it’s unclear as to when it was put in and who put it in and why.

Ms. Simone stated that the pipe is under the street and the catch basins in the street don’t pick up the street water because they are not tied into anything else – they just convey from 140 Willow Street across the street exiting onto 151 Willow Street. She noted that the house was on top of that section of pipe.

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 that this item would remain on the agenda for monitoring purposes.

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

Chairman de Jongh stated that this item would remain on the agenda for monitoring purposes.

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)

Chairman de Jongh stated that this item would remain on the agenda for monitoring purposes.

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

Chairman de Jongh stated that this item would remain on the agenda for monitoring purposes.

Chairman de Jongh said just to let the Commission members know he will be attending the Parks and Recreation Commission meeting tomorrow night to try to give them an idea of what the Commission (Inland Wetland) looks for and the reasons why their concerns were the way they were. He said they were hoping to do this in the beginning of this month but it wasn't going to happen so he'll be meeting with them (Parks and Recreation) tomorrow night so we'll see how that goes.

IX. UNFINISHED BUSINESS

- | | | | |
|----|--------------------------|-----|-----------|
| 1. | Permit Application | APP | #2013-002 |
| | Lovley Development, Inc. | DOR | 01/02/13 |
| | 1165 Jarvis Street | | |
| | Site Plan – House | MAD | 3/08/13 |

James Sakonchick, engineering with the firm of Kraterz and Jones and Associates was present on behalf of the applicant.

Mr. Sakonchick explained that they have the plan that's very similar to the one that was before the Commission's last time. He said the major change has been drainage improvements in order to meet the desired of no-increase in runoff achieved by the use of a rain garden that is a little bit deeper – it's a foot deep instead of 6" and underneath the bottom of it – it has some varied stone that would allow the water to seep in and it gives it more surface area in order to infiltrate and it has an advantage – kind of like a septic system it does encourage some anaerobic bacteria action which does some nice things with the nitrogen.

Mr. Sakonchick said so that is what they have and they did do drainage computations that show it takes care of all proposed storms in an adequate matter.

Dr. Dimmick said it appears as though you've got an emergency 8" outlet just in case.

Mr. Sakonchick said he would show how that works – he showed the Commission members on the plans the rain garden. He said basically there is a cross section of the rain garden – they have a vertical riser that will pick up the water and discharge it down trying to avoid the water going over the top which might create erosion situations.

Dr. Dimmick said so this is essentially if the water level does not soak down fast enough into the rain garden then this will carry the excess.

Mr. Sakonchick stated that is it – the purpose – yes.

Chairman de Jongh said there was a communication received this evening from the Engineering Department - they are saying the question about the rain garden was addressed or the issues on the property they had were addressed – the memo said the rain garden detail as shown on PL-1 is no longer correct; it should be removed to avoid any confusion with the correct detail shown on sheet D-1. He asked if this detail had been taken care of.

Ms. Simone said no – those comments were not faxed out today but figuring that was something that the applicant could care of. She said it does reference the old cross section on the cover sheet – that's what Engineering was commenting on.

Mr. Sakonchick showed on the plans the section the Engineering Department was referring to – he said he was happy to eliminate as a stipulation.

Chairman de Jongh said ok and thanked Mr. Sakonchick.

Dr. Dimmick said the Commission had not yet determined significance on this application.

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

Chairman de Jongh said before they determine significance those of us that were on the site visit were himself, Mr. Norback, Ms. Fiordelisi, Dr. Dimmick and Mr. Kurtz – he said virtually all of us were there. He said the only thing they noticed in the field was there was a manhole cover that was kind of buried around the center of the low point and they brought that to the Engineer's attention at that time because the town has spent a lot of money on raising a lot of the manhole covers throughout the town so he said he knew Ms. Simone

has a conversation with Dennis Divert from the town about that and he guessed they were looking into whether that would be worthwhile trying to raise that manhole cover. He said it makes sense to do that pre-construction opposed to post-construction.

Dr. Dimmick asked if you (Mr. Sakonchick) have a lateral already in place that you're connecting to with that manhole.

Mr. Sakonchick said that's his understanding.

Dr. Dimmick said "you hope it's there."

Chairman de Jongh said other than that he didn't know of anything else that came up during the site walk unless other Commission members have any other recollections.

Dr. Dimmick said he thought the main secret in this is going to be proper erosion controls when you put the line down to connect to the sewer and relatively rapid refilling and re-vegetating and whatever goes with it – other than that it looks good to me.

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

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

Dr. Dimmick said ok now they need staff to draft proper language.

Ms. Simone said yes and she did have a question – at the last meeting there was a comment made that dewatering may be necessary. She asked if Mr. Sakonchick had any further details on that.

Mr. Sakonchick said you mean dewatering in terms of installing the sanitary sewer.

Ms. Simone stated yes.

Mr. Sakonchick said not really because it's his opinion that should that be required using the skills of the excavator – some prefer pumps – really they would just prefer to just use trench box and a pump on the bottom of the excavation and work quickly. He said if for some reason those soils happened start getting into the soft silty stuff they might have to go to a more extensive thing but he certainly didn't think something like well points should be required.

Dr. Dimmick said it's not that so much as worrying about the water that you are pulling out with the dewatering sometimes in kind of

muddy and they don't want that going directly into areas that could be affected by it.

Mr. Sakonchick said there are a couple of options they can do – the first would be to excavate a temporary basin and run the water into that to give it a chance to settle; the second option would be to go to what they call a bag where you pump into a basically a bag perhaps – a 10' by 10' that lets the water weep out.

Dr. Dimmick said they were familiar with both these methods; he said he thinks what they want is that somehow in their final version here it shows that one or the other will be used. He said he didn't think they were going to tell him which method to use or whether there's a third method but something that would indicate that a suitable method such as "....." will be used for that purpose so that the application is complete in terms of showing that all the proper procedures are being followed.

Mr. Norback said or in the event if they did happen to need the use of the method.

Dr. Dimmick said what they have to watch out for is if someone says "well you never told us we had to do anything about that."

Mr. Sakonchick said he would be happy to accept as a condition of approval the use of a bag unless other arrangements are made with the Engineering Department.

Dr. Dimmick said it sounded good to him.

Dr. Dimmick said Mr. Sakonchick should contact staff with that detail because she will be putting together the forms that the Commission finally votes on.

Chairman de Jongh said so they will allow Ms. Simone to craft a recommendation and the Commission can take this up at the next meeting.

Mr. Sakonchick stated that he had another item he'd like to informally discuss – discussion of this item would be covered under new business item number two (Old Farms Road – Dr. Norwood permit).

Ms. Simone also had a comment regarding Mr. Sakonchick request for an informal discussion regarding property at Old Farms Road.

X. NEW BUSINESS

1. Request for Determination

**Franciscan Sisters of the Eucharist, Inc.
267 Finch Avenue
Chapel and Parking**

Biff Schechinger, a licensed landscape architect and Christian Alford, a licensed engineer and surveyor were present on behalf of the applicant.

Mr. Schechinger said he and Mr. Alford were the project team for a new chapel for the Franciscan Sisters – Cheshire Complex.

Mr. Schechinger said he would give a quick overview and would tell the Commission why there are asking for consideration of determination of impact.

Mr. Schechinger showed on the plans the majority of the 21.66 acres or the site; he said after it drops down into a ravine and where there's an extreme corridor and a very narrow wetland are; and then it goes over to the hill and it's all wooded and then goes up and goes down again.

Mr. Schechinger said he was showing about 2/3 of the site. He said they have a very nice complex; it's been extremely densely developed – it's nicely developed; the grounds are beautiful but it's a contrived landscape; they build a village here.

Mr. Schechinger said you can see all the paving that exists already on site.

Mr. Schechinger showed on the plans what's existing on site; he showed the location of all the paved area and all the buildings.

Mr. Schechinger said right now there is a two-story residence with a one-story chapel adjacent to it - it's 860 SF and right now there's a storm drain system that goes all through here (an area he showed on the plans) and some of it gets discharged here in the field and then a level spreader and another one gets to another level spreader; he said that all of that drainage goes into that field with a big modified rip-rap level spreader before its gets down into that one little wetland corridor by the neighbors down to the south. He said he believed the Whites are the neighbors.

Mr. Schechinger said on the drawing you can see the stream, the wetland line, the 50' regulated buffer area; he showed where the existing level spreader is – it's about 40' off the regulated buffer line.

Mr. Schechinger said what they are proposing and Mr. Alford is going to very briefly tell you about the technical aspects of the storm drainage system that they're proposing which is a recharge system

and the requirements of the town in terms of water runoff, volume post development.

Mr. Schechinger said to deal with the development – he showed the proposed bituminous (shown in gray) that's being added to that plan; the dark greens are actually pavement that's being taken back and put into landscape land; the orange shows ornamental paver edging that's also going to be extra coverage but that's going to be done as a dry laid sand packed with weep holes through the concrete base so they are actually 'technically in your zoning' but in practicality there's somewhat porous but they are going to count them as impervious area in their calculation.

Mr. Schechinger said in actual fact the 3' shoulders on either side of the road which they needed to do and actually the widening of the road – the little strips are increased all because the Fire Marshal requested it and they agreed and the upper echelon of the order said anything to make the town happy we do.

Mr. Schechinger said what's in red (on the plan) – the building is actually 6,048' but it's got 860 SF of an existing chapel that's taking away and covering over; it's got a parking lot area it's covering over but when you add the whole thing up the net building is about .55% increase in coverage; the impervious area on the rest of the site that they are adding is .13% so they are adding 1.8% increase in coverage over the whole site so that's the impact of this.

Mr. Schechinger said their storm drainage now picks up the roof leaders and takes the new parking lot and also an area that's already under stress right by their transformer which keeps blowing because the storm drainage – he said they don't have one over here (he showed an area on the plans) and they have a very low spot so they are alleviating that problem as well; he said that's going to an infiltration system in ground as described by Mr. Alford.

Mr. Christian Alford. Professional engineer and land surveyor addressed the Commission.

Mr. Alford explained that the existing storm drainage for most of the area is tied into this storm drainage system show on the plans.

Mr. Alford stated there will not be increasing any of the flow towards the existing level spreader (shown on the plans) so that the water that's coming out of this location is not going to change.

Mr. Alford stated there will be some increase in pavement on this side- he said this side was kind of like the top of the hill here – it goes down and it's basically at the top of the hill.

Mr. Alford said they are proposing a new storm drainage system (he showed on the plans) and then it would go into some infiltration chambers that would be 4' by 4' concrete galleries that would be buried underground and allow the water to infiltrate out between storms.

Mr. Alford stated the increase in impervious area would be stored in these chambers and then percolate into the ground afterwards so there would be no increase in flow after construction.

Mr. Alford said so that's why they are asking for a determination that this is not a significant impact on the wetlands – they are staying outside of the 50' regulated area – it's a relatively small activity well away from the wetlands and so that's why they're here tonight.

Chairman de Jongh said the big concern that he's got is that area has been under extreme duress for a long time because of coming in from Meriden and Mr. White has been before us on several occasions because water seems to flow down to his property – Mr. White has been before us on several occasions because of the work that's been done and it's not all work that's been done on Cheshire but unfortunately the water from Meriden flows down towards that area down Allen Avenue and it goes to the lowest point and Mr. White's area happens to be in the path of least resistance.

Chairman de Jongh said the one question that I've got is with all of the work although it's only less than 2% that you are trying to change – what impact is it going to have on the downstream property owners.

Dr. Dimmick said looking at this – that stream to the rear doesn't go through White.

Chairman de Jongh said he was just talking about in general – he said he thought this was a conversation that needed to be had for the public record so that if that question comes up we've addressed it.

Mr. Alford stated that there will be no increase in runoff off the property.

Mr. Alford stated there will be no change in this location (he showed on the plans) and whatever increase in impervious area they have they are going to store during the storm and allow it infiltrate back into the ground so there would be no increase in sheet flow off the property.

Chairman de Jongh said he just wanted to make sure that was on the record because he knew that was a concern of the abutting property owners.

Mr. Alford said as far as the stream – they wouldn't change the runoff to that is not affected at all.

Mr. Schechinger stated that none of the surface runoff runs into the back watershed.

Mr. Alford stated that was correct.

Dr. Dimmick said he did not see any impact factor here at all.

Chairman de Jongh said any significant setback – we are looking at over 70'.

Chairman de Jongh asked staff if she had any questions or concerns.

Ms. Simone stated no.

Motion: That the proposed activities de minimis within the context of the Commission's regulations.

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

2. Old Lane Road Informal Discussion - *added to tonight's agenda.*

James Sakonchick was present on behalf of the applicant.

Earlier in the meeting, Ms. Simone informed the Commission that she did meet with the property owner on this property today and he submitted plans but we haven't in the office reviewed what was previously approved compared to what they want to do now, compared to how that might impact the Planning and Zoning application which they currently have.

Mr. Sakonchick showed the plan that was previously approved.

Mr. Sakonchick stated he was present to discuss Dr. Jeffery Norwood's proposal to build on lot 3 on Palmoto Family Estates at 230 Old Lane Road, Cheshire, CT which was he guessed approved for construction by this Commission about a month ago with a garage.

Mr. Sakonchick reviewed the plans with the Commission. He discussed that there was a 490' driveway and apparently there's a

regulation saying a driveway should only be 350' so they want to move the garage from one location to another and shift the septic to another location.

The Commission reviewed the plans for the newly proposed activity.

Mr. Sakonchick showed on the plans showing the location of where the garage was and where they now wish it to be. He said he thought it had the equivalent impact at least as far as this Commission is concerned – at least that's what he hoped.

Chairman de Jongh said by moving that septic system in the back and reconfiguring it – what if any changes are there in the calculations that we used when the Commission made the approval on this.

Mr. Sakonchick said he didn't think there would be any – that's all underground.

Chairman de Jongh asked if he didn't think or if there weren't any.

Mr. Sakonchick stated there would not be. He said what it does effectively is it increased my MLSS because now he has a long thing running the slope which is a desirable thing for a septic system design.

Chairman de Jongh asked if that conclusion was in writing. He said the reason he was asking was to make sure the application on this was complete because obviously we are looking at a significant change - maybe the impact is not a significant change but looking at a significant change in what was represented to the Commission when we made the approval so he thinks that kind of conclusion ought to be part of the record in writing not only verbally but also part of the record.

Ms. Simone asked if this was an application that you are filing tonight.

Mr. Sakonchick said he was hoping that determination could be made that this is substantially similar to what was approved and no additional application would be required.

Dr. Dimmick said any application would be for modification of an existing permit.

Ms. Simone said they did receive the information today but haven't reviewed it so she does not have the files with her to see what was originally required as far as their site plan - she said she did know that there was the action that was taken recently with the

Commission and that was required as part of a required site plan – she said she thought there was already an approve site plan and that was a modification.

Mr. Sakonchick said he believed the original approved site plan wanted them to come back just coordinate – that was a footnote on the approval.

Chairman de Jongh said he thought he had an idea of what Mr. Sakonchick was trying to do but to be honest he was a little bit uneasy about giving a verbal approval for something that they don't have anything in writing on other than just a drawing.

Chairman de Jongh said he was just speaking for himself – he didn't want to speak for the rest of the Commission members but he thought in order to keep the record complete and then again allow time for staff to take a look at it and make sure what's being verbally committed to is in fact numerically working out the same way – he said he would rather see something in writing and presented to us (the Commission) as a modification to the approval.

Dr. Dimmick said he thought the fact that staff wants to take a closer look is important here in terms of whether or not they actually ask for an application – he said if staff wants to take a closer look staff needs the opportunity to take a closer look.

Dr. Dimmick said this item was brand new – it wasn't on the agenda for tonight and it's not something they've had any time to review.

Mr. Sakonchick said he brought it up just because he was here (on another application).

Chairman de Jongh said again to keep everyone comfortable with how we act (the Commission) it just makes more sense to be part of the record.

Dr. Dimmick said whether or not they decide they need an application for a modification he wants the change on file – even if they finally decide it's di minimis he still wants the change on file for their records. He said over the years they've had incidences where someone has done something and they don't have any record that they had permission to do it.

XI. ADJOURNMENT

Chairman de Jongh said before they adjourn tonight he thought it was important to note that and he thought he was correct in saying this was Ms. Fiordelisi will no longer be with us (on the Commission).

Ms. Fiordelisi said probably not (she received a phone call last night about her appointment ending).

Chairman de Jongh said he due to politics they may have a replacement for Ms. Fiordelisi.

Chairman de Jongh said in light of this he wanted to thanks Ms. Fiordelisi for being part of the Commission – your energy – your time and knowledge that you brought was much appreciated and it was a pleasure to have you as part of this Commission.

Ms. Fiordelisi thanked Chairman de Jongh and it was her pleasure to be on this Commission – with great people and a great Commission.

The meeting was adjourned at 8:08 p.m. by the consensus of Commission members present.

Respectfully submitted:

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