

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

Members present: Robert de Jongh, Charles Dimmick, Earl Kurtz, Will McPhee and Thom Norback. New member David Brzozwski was also present.

Members absent: Kerrie Dunne.

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

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

Mr. Kurtz called the roll. Members in attendance were Robert de Jongh, Charles Dimmick, Earl Kurtz, Will McPhee, Thom Norback and David Brzozwski.

Chairman de Jongh welcomed new member David Brzozwski to the Commission.

IV. DETERMINATION OF QUORUM

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

V. APPROVAL OF MINUTES - Regular Meeting – February 19, 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.

At 8:29 p.m.:

Motion: To approve the minutes from the regular meeting of February 19, 2013.

Corrections: pg. 4 L30 “affect” to “effect”; pg. 11 L10 “that if he could get approval”; pg. 13 L29 “their” to “they’re”, L37 “excavate” to “execute”; pg. 14 L44 “barring” to “bearing”; pg. 23 L45 “rood” to “roof”.

Moved by Mr. McPhee. Seconded by Dr. Dimmick. Motion approved 4-0- with Mr. Kurtz and Mr. Brzozwski (both Commission members were not present for the February 19, 2013 meeting).

VI. COMMUNICATIONS

- 1. The Habitat, CACIWC Winter 2012 Newsletter, Volume 24, Number 4
(To be handed out at meeting)**

This communication was reviewed.

- 2. Staff Communication: Old Lane Road
Request for Determination**

This communication was review.

- 3. Request for Determination, 725 North Brooksvale Road
Re: Site Development**

This communication was reviewed.

- 4. Request for Determination, 475 Knotter Drive
Re: Fuel Cell Installation**

This communication was reviewed.

- 5. Staff Communication: 2013-003 Dalton Enterprises, Inc.
Willow Street**

This communication was reviewed.

Handed out at tonight’s meeting:

- 6. Comments from the Requester’s Engineer
Re: Old Lane Road**

This communication was reviewed.

- 7. Comments from the Town Engineer
Re: Old Lane Road**

This communication was reviewed.

VII. INSPECTION REPORTS

- 1. Written Inspections**

Ms. Simone informed Commission members that staff is working on a conservation easement with 575 Mountain Road for the approval that they received for the subdivision that they required that that language be completed and filed on the land records.

Ms. Simone stated the conservation easement is in the works.

- 2. Staff Inspections**

- a) 1165 Jarvis Street**

Ms. Simone stated at 1165 Jarvis Street the erosion controls were inspected and the bond for that development was posted.

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.

- 3. 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.

- 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)**

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

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

Chairman de Jongh stated that now much on this item would be done until the spring time so it remains on the agenda.

IX. UNFINISHED BUSINESS

1. **Request for Determination**
Old Lane Road
Driveway, Build House, Septic and Well and Regrading

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

Mr. Sakonchick addressed the Commission. He informed the Commission that Dr. Jeffrey Norwood was also present – he is the applicant so if there's any question where he needs to respond he's right on site.

Mr. Sakonchick said that the changes made to the plans since they submitted includes additional erosion controls at the edge of the septic system – we now have two rows of silt fence and we have a shaded area where they slopes are and we're calling for a fabric – a jute fabric to be placed on those slopes so that the vegetation can establish without undue erosion during that period.

Mr. Sakonchick said they've also regarded it so there's only about 2' of fill – originally the engineer was noting some areas of 4' of fill – no we only have a little bit of fill over the septic system and they reason we put that fill over the septic system is that is actually makes the septic system work better so they've gone to that additional expense in order to make that system work better and to protect the wetlands so there is a benefit with all that activity.

Mr. Sakonchick said in addition to that a rain garden has been added to the plans – you can kind of see it in the lower left hand corner -

which rain garden is going to receive the runoff from the roof – from the canopy and from sections of lawn and we've computed that that would prevent in any increase in runoff from the site for anything from the two to one hundred year storm.

Mr. Sakonchick explained that the rain garden should work well – we do have stand pipes in the ground there; he said he went there Sunday and looked and there're absolutely dry – there are stand pipes up to 8' deep and there's just no ground water which could be expected because this is really on the crest of the hill so there's not much expectation of ground water which was verified by the standpipe.

Mr. Sakonchick said so he believed that they have a good plan here – good for the town – good for the Wetlands Commission and Mr. Norwood.

Chairman de Jongh asked about the comments from the Engineering Department that were dated today – he said he didn't know whether or not Mr. Sakonchick had a chance to see the comments or review them.

Mr. Sakonchick stated he had not.

Chairman de Jongh said one of the questions that was raised was in connection with the rain garden and what calculations were used in determining the size of the rain garden – it's just a question that is being raised (from the Engineering Department).

Mr. Sakonchick said he just received a copy (of the Engineering Department) comments – he said there is a technical document – Soil Conservation Service TR-55 which is a way of computing not only the peak rates of runoff but also the volume of expected runoff. He explained it takes the soil type – how wet it is before it starts to rain and you can compute and in using that under existing conditions assuming a one acre site with 20% developed or about 8,000 SF they came up with a volume of runoff for both existing and proposed conditions. He said on the lot itself they are building about 5,300 SF of impervious area; and then they used those volumes right up to one hundred year storm going into the rain gardens so that's the premise used.

Chairman de Jongh stated the Engineering Department has not had a chance to review that or is that just additional information.

Mr. Sakonchick stated that information has been submitted to the Engineering Department – in fact that was the first submittal that which was done last week – it was done on the 28th (February 28, 2013).

Ms. Simone stated that the Engineering Department does make some other comments in that documents which basically in summary they're suggesting that there're issues that were raised in their previous review are still not addressed and the information that was provided and they give some other details as far as the drainage calculations that were provided.

Mr. Sakonchick received a copy the most current Engineering Department comments dated March 5, 2013.

Chairman de Jongh said that the Engineering Department office is saying “that their office has reviewed the above referenced information and they're coming up with the following comments – the purpose of the review is to assist IWWC in making a determination if this site will require a Wetland Permit. This office has commented on several versions of this application and received the latest revisions late yesterday (meaning March 4, 2013). At this time, this office has not been able to comment on the provided drainage calculations for the water garden as they are neither clear not concise and will require additional time to review.

In summary, to date this office has raised the following concerns which have yet to be addressed in spite of several rounds of revisions and several conversations with the Engineer:

The proposed driveway is wide with steep grades and steep embankments which will aim runoff at the adjacent property. This area has wetland areas at the toe of the slope. Some amount of erosion into the wetlands can be expected from this proposal.

The proposed fill for the septic system will be difficult to stabilize due to its location which faces northeast and is immediately adjacent to a tree line. Wetlands are located nearby and it is reasonable to expect this proposal will result in some amount of erosion which may reach the wetlands.

The question regarding storm water attenuation has not been clearly answered as previously stated.”

Chairman de Jongh stated the above were comments from the Engineering Department dated March 5, 2013.

Chairman de Jongh said he thought Mr. Sakonchick made some reference to stabilization of where the septic system is but there are some other areas that Engineering has pointed out that they still have some concerns about and he wondered whether or not there's any information that can alleviate their concerns.

Mr. Sakonchick said the rain garden used here is identical to the rain garden that was used as part of a subdivision approved on Wallingford Road – a one lot subdivision and it is the same size rain garden that was used for a recent approval on Jarvis Street that was approved last month by this Commission for the Lovely Development.

Mr. Sakonchick said so basically they have the same structure being used on multiple sites and basically the same drainage computations were used for all of that so as far as the rain garden onsite he thought being the same as what was done on other lots – it has been approved before.

Ms. Simone asked if that was sized appropriately to the site or it's the same size that was done for Jarvis Street.

Mr. Sakonchick replied “well both” they both are glacial tills soils of a similar nature and they are independent calculations customized to this location but they do have certain similarities – they are a one acre area of disturbance figured as a simplistic rule of thumb – 20% of that being made impervious something that the SCS recommends even though the actual impervious areas are less than that and other similar perimeters.

Mr. Sakonchick said in the engineer's stated that “the proposed driveway is wide with steep grades and steep embankments which will aim runoff at the adjacent property - the area has wetland areas” what he is referring to is the driveway that goes from our lot line to Old Lane – he showed on the plans the area he was referring to; he said that has been approved by the town as part of the subdivision that created this rear lot that being a paved 15' driveway along property of the seller of this lot which is now at a house at 230 – it is actually on a lot owned by this house over here – so what he's referring to that construction activity that is already in his (Mr. Sakonchick's) opinion something that is expected to be built by the town to the conditions of the original subdivision approval and in

fact has already been graded and has gravel put down on it and the only place they really have to do some work is right at the beginning where (a) they want to put an anti-tracking pad and (b) it's a little too steep for what the Fire Marshal wants which is maximum 10% grade.

Mr. Sakonchick said he believed that is where the Engineering Department and he kind of disagree because he said he kind of stated to him (the town engineer) that we are developing the lot – his comment keeps coming up that the proposed driveway is wide with steep grades and steep embankments basically applies to the portion of the driveway that is off of the lot.

Dr. Dimmick asked Mr. Sakonchick if the driveway get approved from Wetlands with the original subdivision.

Mr. Sakonchick stated that is his opinion – he said he has the original subdivision maps here tonight with him if they want to see them.

Dr. Dimmick asked if there was a wetland approval for that.

Ms. Simone said there is a wetland approval for the subdivision but to clarify in her conversations with the Engineering Department they did not express concerns going from the property line back towards 230 Old Lane – they are talking about and what the Commission talked about at the last meeting are the grades that go down off of the driveway and head down towards what's listed as lot two – a neighboring property where they wetlands were located so Engineering is not necessarily so concerned with water going down the driveway – it's going down the embankment.

Ms. Simone stated here was a question at the last meeting about storm water management along the driveway to prevent any erosion getting into that wetland.

Dr. Dimmick said his question was – when subdivision was approved by Wetlands was that approval of the driveway as a paved road also part of the wetlands approval as opposed to it just being conceptual.

Ms. Simone stated she did not have the 2004 approval with her.

Mr. Sakonchick stated that he had the original subdivision plan in front of him and you can see the driveway going from the cul-de-sac up towards the house and in fact they've even shortened the driveway a little bit as you can see on the plans by putting the garage

right at the minimum 40' set back and this was called in the notes to be a 15' wide paved driveway and they are basically following that same format with the plans in front of the Commission tonight.

Ms. Simone stated at the time of subdivision this was just for concept only – it came in for subdivision and then individual lots came in for individual approvals.

Mr. Sakonchick stated he didn't think that was true because this being a rear lot the Fire Department mandated that that driveway was going to be 15' wide and paved and at this location and that is an exception because it is a rear lot and you are correct under a normal subdivision they don't care if it's a paved driveway.

Ms. Simone said she meant subdivision for this Commission because that lot did come back in before the Commission for individual site plan review and approval for 230 so these lots were required to come for individual review so for the subdivision she did not believe they did it at the same time for the individual review and permit of 230 (Old Lane) and subdivision at the same time.

Chairman de Jongh said he thought part of the dilemma we have is that they are kind of back to where they were a couple of weeks ago in terms of having a lot of questions and very few answers – he said he thought Mr. Sakonchick may be addressed one point that was raised by the Engineering Department but he thought there were some other questions that don't have clear and concise answers to allow the Commission to make a decision on this tonight and rule that they can take care of this with a request for determination – he said that was just his opinion and he didn't want to speak for the rest of the Commission members.

Chairman de Jongh said I for one like the idea of having Engineering taking a look at everything and while there's usually not many comments that come from Engineering the fact that they don't have any negative comments usually gives the Commission a pretty good feel for calculations and the effect of runoff off site.

Dr. Dimmick said they do have two negative comments (from Engineering).

Chairman de Jongh said normally their commentary is pretty neutral and right now there are still questions raised in their mind that they can't render any kind of decision on this.

Dr. Dimmick said wouldn't it be easier to just make a determination that they do need a permit – it's the only way to make sure they get the answers.

Mr. Sakonchick said he will say that he specifically asked for an audience with Mr. Disbrow but he apparently was too busy for me. He said he did have an opportunity to meet with Ms. Simone during that period because he was specifically trying to get this information in and the comments from engineering that were made on the 28th he responded to and the comments that were made on Friday the 3rd I was right here on Monday morning with the responses and he said he thought they were through.

Chairman de Jongh said he thought one of the things they try to take care of the last meeting was to give Mr. Sakonchick some direction as to what the Commission was looking for so that they might be able to take care of this at tonight's meeting and it doesn't look like those things were taken care of so it kinds of put the Commission back in the same position at least for him – in the same position he was two weeks ago in that there's still a lot of questions that are unanswered that can only be answered in a routine application process – again at least for me (his opinion).

Mr. McPhee stated for the record he completely agreed with the Chairman's comments – he said he spoke up the last time that the applicant did not have clear concise direction from Engineering; they still don't on this matter so he thought that the Commission had to either request more information or a permit.

Chairman de Jongh asked if any other Commission member had any other comments or feeling the information before the Commission.

Mr. Norback stated that he concurred - he was right where he was the last time.

Chairman de Jongh said they have a request for a determination before the Commission so they need to render a decision on that and give the applicant some direction on what the Commission wants them to do.

Motion: That the proposed activity will require a Cheshire Inland Wetlands Commission permit.

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

Mr. Sakonchick said if he could make a request – he asked if Ms. Simone could act as a liaison – he said clearly he has made a lot of attempts to meet with Warren (Mr. Disbrow) - to talk with Warren and understand where he's coming from in a verbal conversation and it just hasn't proved adequate especially since he believed he was following the same format for other things he has been happy with so there's something he sees and I just can't understand where he's coming from.

Ms. Simone said she's talk with him (Mr. Disbrow) and maybe they could coordinate a sit down meeting and go over the plans.

X. NEW BUSINESS

1.	Permit Application	APP	#2013-003
	Dalton Enterprises, Inc.	DOR	03/05/13
	Willow Street		
	Site Plan – Wetland Crossing, Driveway	MAD	5/09/13

Mr. McPhee recused himself from this portion of the meeting at 7:54p.m.

David Carson, one of the principals of the OCC Group was present on behalf of the applicant Dalton Enterprises.

Mr. Carson said he was here this evening for a permit application for a proposed truck access drive off of Willow Street to serve Dalton Enterprises existing storage yard and future warehouse building.

Mr. Carson said just to familiarize yourself with where we're at right now – he showed the location of the existing driveway entrance into the end of the manufacturing portion of Dalton Enterprises.

Mr. Carson showed the location of the large open outside storage area which came before this Commission and Planning and Zoning last year for this proposed warehouse building which is to be built in three phases – that construction has not started yet.

Mr. Carson stated that Dalton presently utilizes a second means of access along the railroad tracks and canal out to Railroad Avenue.

Mr. Carson said part of the thinking is to at least to provide the opportunity to alleviate pending conflicts with the extension of the linear trail and Railroad Avenue and truck traffic and so forth.

Mr. Carson said this connection actually came before this Commission in 2001 and a permit was granted at that time for this driveway connection from Willow Street crossing the Farmington Canal into the property. He said at that time as it still is this was just a large storage yard – there was no thoughts about building a warehouse at that time now with the warehouse approval.

Mr. Carson showed on the map the end of the warehouse approval location on the plans – they are proposing to realign this previous approved driveway connection as before – it came in at the same point – came across at an angle but ultimately this will be the truck loading docks for the building so they brought it in perpendicular – made a slight angle to cross the canal more perpendicular and be able to enter the property in a location where there will not be any conflict with the future construction of the warehouse building.

Mr. Carson said the only wetlands in the area is the canal itself – the canal channel itself; the proposed crossing is proposed to be done with two 36” concrete RCP culverts – extra strength culverts in order to minimize the fill over the top of the culverts at the crossing – get back on grade immediately there’s presently a fence at the top of the canal berm – they’d be crossing that right on grade putting a sliding gate in the existing fence and allowing the trucks to come in.

Mr. Carson said the detail at the crossing is basically the same as previously proposed with it being rip rapped at both ends; a paved driveway, shoulder areas.

Mr. Carson said the difference between this plan and the previously approved plan is in 2001 they had proposed using a single 54” culvert which is what exists at the existing driveway crossing that Dalton presently has.

Mr. Carson said in looking at that a second time and realizing that they now have proposed finished grading in the Dalton site to work with their building and truck dock they wanted to lower the height of that crossing so they are proposing twin 36” culverts – same capacity as the 54” – basically there is no flow in the canal itself except what comes from rain storms – there’s no contributing area to the canal from the development of the site.

Mr. Carson said obviously there is a slight increase in runoff from a paved driveway as opposed to it being undeveloped.

Mr. Carson said that pretty much sums it up and that he'd be happy to answer any questions.

Chairman de Jongh asked if this access way is anywhere near where the entrance or access way for Mr. Nigro's property is.

Mr. Carson showed on the plans the access to the Nigro property – he said it's a common access into Dalton and crosses at Nigro's bridge.

Chairman de Jongh said and the truck traffic going across the two 36" RCPs – those are strong enough to support the truck traffic which invariable goes back and forth.

Mr. Carson said right – they'd be classified pipes with a minimal of 2' of cover so that's DOT standard.

Dr. Dimmick said the flow that does come down – that was mentioned during rain storms – is that culvert that goes under West Main Street the same one that feeds into this or does that culvert feed into something else.

Mr. Carson said the one that goes under West Main Street is the same canal culvert.

Dr. Dimmick said ok and that culvert is which size.

Mr. Carson stated that culvert although he couldn't positively attest to it – he said his believe is that it's actually a hog-pog; there was a culvert under the road years ago – he said he didn't know if the work the state just did they actually modified the culvert.

Dr. Dimmick said the state did modify the culvert but he didn't know to what size they modified it to.

Mr. Carson said he actually thought it was a box now but he was not positive.

Dr. Dimmick said there was a box just south of there and it has some funny thing under the road itself which they changed.

Mr. Carson said yes – he thought originally there was the same type of 54" culvert – everyone one of these crossings had the same – they had 54" culvert which was probably the way it existed back when West Main Street was maybe only 24" wide.

Mr. Carson said he thought when they expanded the road they left the old culvert in there and changed the head walls on both sides and became more boxing but that he was under the impression that they tore it out and replaced it but that he can't attest to that – even though he crossed over it a number of times.

Dr. Dimmick said the point is the main flow is going to come down is whatever is going to get through that culvert under West Main Street.

Mr. Carson said basically there's another culvert between here and West Main Street – it's the culvert that comes across from Railroad Avenue into the old Ball & Socket piece – there's another culvert there and that's a 54" culvert.

Mr. Carson said basically the 54' is the restricting factor on the whole canal and capacity wise this is the same and actually in flow characteristics the twin 36" culverts carry more flow because obviously you have more opening at the lower level not requiring the head necessary –the canal would never fill up with 4.5' of water - you know to fill up with 54" so even though it's a 54" culvert it wouldn't flow more than a third to a half full – unless it backed.

Chairman de Jongh said there's a question about the reference on the notes for the dewatering and the comment that has to do with the culvert installation notes and the referencing to the dewatering – he said there is no details on that so it's tough to determine whether or not the erosion controls that are being proposes are adjacent for what they are trying to do (and consisting with the erosion controls and everything else). He said more details are needed.

Mr. Carson said he has not seen the comments but he could certainly address those. He said he understood the need for more details regarding the dewatering – where you're dewatering to and that you're protecting that area.

Dr. Dimmick asked if the application complete.

Ms. Simone stated that all the basic information has been provided.

Motion: To accept the application.

Moved by Dr. Dimmick. Seconded by Mr. Kurtz. Motion approved 5-0-1 with Mr. McPhee not being present for the vote.

Ms. Simone provided Mr. Carson with a copy of the comment from the Engineering Department.

Dr. Dimmick said he knew the Commission gave an approval back in 2001 – did they ever at that time approach the habitat question – would there be any change on that because he believed that there was some kind of note since then about some kind of endangered species somewhere along that canal.

Mr. Carson said in the application of last year for the building they did go through the Natural Diversity Database and got a clean bill of health from them for this site.

Dr. Dimmick said as long as they get the proper erosion controls and get a few more answers in terms of the dewatering the proposed activity will not be significant.

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

Moved by Dr. Dimmick. Seconded by Mr. Norback. Motion approved 5-0-1 with Mr. McPhee not being present for the vote.

Dr. Dimmick asked Mr. Carson to provide more information about the dewatering.

Chairman de Jongh asked that Mr. Carson work with staff and figure out what's missing that would be great.

Mr. McPhee returned to the meeting at 8:07 p.m.

**2. Request for Determination
725 North Brooksvale Road
Site Development**

Ryan McEvoy, PE from Milone and MacBroom was present on behalf of the applicant APEX Developers, LLC.

Mr. McEvoy addressed the Commission.

Mr. McEvoy explained that this request is for a site plan associated with a development of lot four at North Brooksvale Estates.

Mr. McEvoy said the Commission may recall North Brooksvale Estates is a subdivision that this Commission approved in 2012 and

one of the stipulation conditions was they come back for lots 2-6 for review and approval necessary for this Commission.

Mr. McEvoy said this lot in particular is – well subdivision in general is on the south side of North Brooksvale Road across from Ward Lane and this lot is southern end of the subdivision at the end of a common rear lot access way.

Mr. McEvoy stated that the lot was approved in the subdivision conceptual phase with no regulated activities with some limits of clearing that approached the upland review area and our plan currently mimics in several ways mimics the approved plan for the subdivision; the septic system is in the identical location; the house is a different shape but it's substantially in the same place as approve previously.

Mr. McEvoy said on this particular map he highlighted in blue where the house used to be and in brown where its proposed currently; the main difference between this particular plan and the approved plan during subdivision is the location of the driveway; he said he has also shown the driveway in blue where it was previously proposed.

Mr. McEvoy explained the purchaser of this lot preferred to have a configuration that was a little a bit more straight coming out of the turnaround rather than sort of the traditional configuration they have in the subdivision plan.

Mr. McEvoy said as proposed the development will result in no regulated impacts – they will be able to keep the 50' upland review area in its natural state.

Mr. McEvoy said at this time they are looking for some feedback from the Commission as to whether a permit is needed.

Dr. Dimmick said in looking at this he sees that you've got roof leader footing drain outlet to daylight – he said if you follow that dotted line which supposedly the roof leader is out letting within the 50' buffer zone.

Mr. McEvoy asked to clarify that for the record – he said that would be a drafting error – that's not supposed to be located in that area- he said you can see a clearing line or a tree line is upslope of that – that line that you see there is a mistake and apologies for that.

Mr. McEvoy explained that drain will be located outside the upland review area – it has no need to be discharged that far into the upland.

Dr. Dimmick said he thought they were trying to get it so the down gradient and where you've got it there he didn't see how you'd get it down gradient without getting into the upland review area.

Mr. McEvoy said the elevation of the basement relative to the grade in the area will require a sump pump so this line will discharge at grade with a sump pump if needed – the evaluation of the basement is higher than where we discovered ground water when they did their soil testing.

Dr. Dimmick said you have the basement at 141 and without a sump pump you would have a real problem because you don't get to 141 roughly until you almost get to the wetlands.

Mr. McEvoy said that unfortunately was a drafting error that he didn't pick up – he apologized for that. He said that is not intended to be in the upland review area.

Dr. Dimmick said the erosion controls don't show on this – are they on the first page or what; and although there are details about silt fence he didn't see which symbol is being used for the erosion controls – he just doesn't see them.

Mr. McEvoy said on ultimately this particular lot they didn't show up on the plans again – he said they have proposed silt fence and hay bales as approved on the original plan.

Mr. McEvoy said he supposed as part of this request if they were to proceed without an application that staff would still have the opportunity to review any plans for a building application so what they would have is silt fence and hay bales down slope of the location of the septic system and the house as was consistent with their subdivision approval.

Mr. McEvoy said if this Commission feels that an application is needed they'd be happy to provide revised plans and if not they'd still provide revised plans for Ms. Simone's review.

Dr. Dimmick said the Commission always felt more comfortable if they have the erosion controls showing on what's in the file.

Mr. Norback asked if Mr. McEvoy might happen to have the map with the original that did show erosion controls.

Mr. McEvoy said he didn't have that map but that he could testify that if the Commission thinks an application was not needed given the conditions the applicant would be happy to provide a revised plan that does show those items – and if the Commission thinks an application is needed then revised plans would be provide for their review.

Chairman de Jongh said the Commission technically always has those details before them before they make a determination.

Commission members talked about how to address the missing details from the plans and handle the request for determination at tonight's meeting.

Ms. Simone said if it's a request for determination that's different then a stipulated approval. She said a request for determination the Commission would be looking at these plans, referencing these plans and saying this is good – you don't need a permit. She said if the Commission wanted to move in the direction of finding that this does not need a permit perhaps they could allow Mr. McEvoy to mark up one of the plans now.

Chairman de Jongh said that would certainly suffice and satisfy all concerned.

Mr. McEvoy added the required additions to the plans to satisfy the Commission's need for installation of silt fences on the map and erosion controls – and crossed out the roof drains extending into the upland review area.

Mr. McEvoy submitted and signed the revised plans for the record.

Chairman de Jongh stated for the record they now have erosion controls on the map.

Mr. McEvoy explained that the water line shown on the plan is going to run down the common access.

Dr. Dimmick asked about the flow where they are diverting water around the house; he said you have to follow it so it doesn't go into the septic system.

Mr. McEvoy stated that's going to cross the driveway at a low point. He explained that surface runoff can be directed over a septic system – the system is going to in-grade – there's not going to be any fill associated with the septic system; it's going to be about 2' to 4' in the existing grade.

Dr. Dimmick said he concerns were satisfied.

Motion: That the Commission declares that the proposed activity does not require a wetlands application.

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

**3. Request for Determination
475 Knotter Drive
Fuel Cell Installation**

Robert Streker, PE of Core States Group was present on behalf of the applicant Bloom Energy.

Mr. Streker explained that Bloom Energy is proposing to install three fuel cell systems at the Bloomingdale's Macy's Distribution Center on Knotter Drive.

Mr. Streker reviewed a picture of the site – he said you can see the developed portion on the property and the surrounding vegetated wetland areas.

Mr. Streker said the property is about 72.6 acres in total - a lot of that is wetlands and regulated areas.

Mr. Streker said what he has now is a colorized version of the plan that was submitted for consideration; it's an exact copy it's just been colorized.

Mr. Streker said what the intention of this plan to show the Commission exactly where they are proposing to put the fuel cells which is just to the south of the building adjacent to the parking lot that currently exists to day

Mr. Streker said there was an action before the Commission and before the town previously for a gravel pad that is a seasonal overflow parking area on the facility.

Mr. Streker said they are proposing to put the fuel cell within that gravel pad area.

Mr. Streker stated the pad serves as a circulation area for trucks because they are loading docks are right on the southerly side of the building and it's also connected to the employee parking lot.

Mr. Streker said every time he's been to the site and he's been there about three times always tractor trailers parked and stored over there so that's really what they're using it for - for the most part.

Mr. Streker said they did some research into the prior approvals and they looked at the old site plan approvals and they saw no designated parking stalls – no designated access isles within that gravel pad area.

Mr. Streker said so from what they've seen they don't see that their impacting any prior site plan approval by eliminating parking or impeding circulation.

Dr. Dimmick stated that was not a problem for this Commission – drainage is more the problem. He said they are making a slight change in the impervious surface there but the drainage there goes directly across the gravel and not into any particular drainage system – if he was correct.

Mr. Streker stated that was correct. He said if you look at this parking area – this whole parking area here actually sheet flows down into this gravel pad.

Mr. Streker said what they are proposing is they are going from gravel to really an impervious surface – it's a concrete mat with a mechanical system on top for all intents and purposes.

Mr. Streker said the total is 2,710 SF of additional impervious over 556,000 SF of impervious surface that's currently on the property so what they are talking about is a very, very small increase in impervious surface – it works out to be less than half a percent of impervious coverage increase on the property so there will be a slight increase but it would be contained within that gravel area – they see no impact beyond there.

Mr. Streker said they also show on the plan the wetland lines that were based on that prior action to the Commission – he said they

haven't done an updated delineation – that was some of the questions that they had initially when they first started talking.

Mr. Streker said the location of the fuel cell and where they are proposing to do our work is over 220' from that prior wetland line and what they identified was – even if the wetlands were very aggressive and established themselves all the way up to the edge of that gravel parking lot there's still sufficient room where they wouldn't even impact the buffer proposed at that portion of the property.

Dr. Dimmick said he knew that wetland intimately – he has 40 years of wondering around in through there and you are pretty even when you get to that wetland – you are another 80' or 90' into it before you get to a channel or any sort.

Chairman de Jongh asked if there was any storage of any materials that are required to make the fuel cells functional.

Mr. Streker stated that no – it's a solid oxide fuel cell – it comes basically in an enclosed cabinet.

Mr. Streker said he had a picture of the unit for the Commission review.

Dr. Dimmick asked what the feed into it was.

Mr. Streker said it runs on natural gas and it's not a combustion system; there's no combustion associated with it so it's not noisy – it doesn't spill out a lot of exhaust and it's to supplement the electrical needs of the facility.

Chairman de Jongh said he was concerned about any potential run offs into the wetlands but if there's no storage of any materials or anything like that it's a moot point.

Motion: That the Commission declares that the proposed activity does not require a wetlands permit under the regulations.

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

4. Elim Park

Chairman de Jongh informed the Commission that a request for determination for some work to be done at Elim Park.

This item is not on the agenda but was added to the agenda at the last minute and can be taken up tonight by a majority vote.

Motion: That the Commission moved to add the Elim Park request for determination to tonight's agenda.

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

The Commission reviewed the plans.

There was no one present on behalf of the applicant.

Ms. Simone said just to bring the Commission up to date on this - a request for determination was made in August of 2012 for Elim Park which one of the items the Commission determined did not need a permit was the interior renovation of a space that was already existing and at the time they had calculated that the interior renovation would be about 3,800 SF.

Ms. Simone said they have now come to realize that it's going to be more along the lines of 5,500 SF and they indicate that it will still remain to the interior of the building so it's an existing building – they are just renovating the inside – there's not going to be any change to the foot print or any increased drainage runoff.

Ms. Simone said Elim Park wanted to bring this before this Commission because one there's a change in what was previously reviewed and secondly they do need to go to Planning and Zoning and they want to make sure this Commission reviews it first before the go ahead and submit their application to Planning and Zoning.

Dr. Dimmick said he remembered that any additional run off here is going into existing drainage system going into that pond which they had constructed north of the building complex which serves as a type of control when that pond was built – he said he was not trying to be so much of an advocate for them but just refresh his memory - he said he believed the pond was built with 20% access capacity over what was expected so there's plenty of room in there.

Chairman de Jongh said he thought it was oversized.

Ms. Simone said because there was a change in square footage they wanted to make sure they brought it to this Commission's attention.

Dr. Dimmick said as far as he was concerned this is de minimis.

Motion: That the Commission declares that the proposed activity is de minimis and does not require a wetlands permit.

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

At this point in the meeting the Commission returned to the approval of the minutes.

XI. ADJOURNMENT

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

Respectfully submitted:

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