

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, MARCH 19, 2013
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

Members present: Robert de Jongh, Charles Dimmick, Kerrie Dunne, Earl Kurtz, Will McPhee and David Brzozwski.

Members absent: Thom Norback

Staff: Suzanne Simone.

I. CALL TO ORDER

Chairman de Jongh called the meeting to order at 7:30 p.m.

II. PLEDGE OF ALLEGIANCE

All present recited the pledge of allegiance.

III. ROLL CALL

Ms. Dunne called the roll. Members in attendance were Robert de Jongh, Charles Dimmick, Kerrie Dunne, Earl Kurtz, Will McPhee and David Brzozwski.

IV. DETERMINATION OF QUORUM

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

V. APPROVAL OF MINUTES

Regular Meeting of March 5, 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 8:39 p.m.:

Motion: To approve the minutes from the regular meeting of March 5, 2013.

Corrections: pg. 4 L25 “engineering” to “engineer”, L40 “regarded” to “regarded”, L42 “no” to “now”, L43 “they” to “the”; pg. 6 L 20 “copy” to “copy of”; pg. 7 L41 “in the engineer’s” to “the Engineering Department”; pg. 8 L36 “they” to “the”; pg. 13 L39 “hog-pog” to “hodge-podge”; pg. 14 L39 “adjacent” to “appropriate”; pg. 16 L 24 delete “mimics”; pg. 19 L 18 “he” to “his”; pg. 21 L23 “wondering” to “wandering”; pg. 23 L5 “access” to “excess”.

Moved by Mr. Kurtz. Seconded by Mr. McPhee. Motion approved 5-0-1 with Ms. Dunne abstaining due to being absent from the March 5, 2013 meeting.

VI. COMMUNICATIONS

- 1. Notification from Connecticut Pond Services
Re: Aquatic Pesticide Permit Application, 791 Wallingford Road**

This communication was reviewed. Ms. Simone stated this was a notification from the State to the municipalities so if there are any comments they can be forwarded back to the State.

- 2. Letter to Philip Tiso, 9 Summer Hill Court
Re: IWWC Permit # 2012-0011**

This communication was reviewed.

- 3. Staff Communication with Attachments: 2013-003, Willow Street**

This communication was reviewed.

Ms. Simone stated this item was on the agenda under unfinished business.

- 4. Staff Communication with Attachments: 2013-006, Old Lane Road**

This communication was reviewed.

Ms. Simone stated this item is on the agenda under new business tonight.

- 5. Staff Communication with Attachments: 1325 Cheshire Street, WPCP
Request for Determination– Expansion**

This communication was reviewed.

Ms. Simone stated this was a request for determination on the agenda under new business.

- 6. Staff Communication with Attachments: 2013-004, Schoolhouse Road**

This communication was reviewed.

Ms. Simone stated this item was on the agenda under new business.

- 7. Staff Communication with Attachments: 2013-005, South Meriden Road**

This communication was reviewed.

Ms. Simone stated this item was on the agenda under new business.

VII. INSPECTION REPORTS

- 1. Written Inspections**

Ms. Simone stated a written inspection was sent to Philip Tiso at 9 Summer Hill Court. This is also on the agenda for enforcement actions.

Ms. Simone stated this letter was reminding him of a time period of which he needs plant the upland area in the wetland on his property.

- 2. Staff Inspections**

Ms. Simone stated there were no staff inspections.

VIII. ENFORCEMENT ACTIONS

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

Chairman de Jongh stated this item is on the agenda for ongoing monitoring.

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

Chairman de Jongh stated that staff had mentioned that a communication has already been sent out to the property owners.

Chairman de Jongh asked if staff had heard back from the Tisos.

Ms. Simone stated no – not yet.

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 this will remain on the agenda for 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 this item is on the agenda for monitoring – not much can be done until the planting season starts.

IX. UNFINISHED BUSINESS

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

Mr. McPhee recused himself from this portion of the meeting at 7:33 p.m.

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

Mr. Carson said they reviewed this application with the Commission last meeting – at that time there were review comments from the Engineering Department which they had not previously received.

Mr. Carson stated those comments have been addressed resulting in some minor modifications to the plan.

Mr. Carson said the first Engineering comment was simply more complete drainage computations which they provide to the

Engineering Department. He said the results of those computations were that they've added a rain garden to intercept overland flow and with the result being zero increase in runoff through a one hundred year storm event.

Mr. Carson explained that they've detailed the rain garden in response to Environmental staff review – we have added a dewatering detail and specified the location of that be in the location of the rain garden during construction.

Mr. Carson said also obviously modify the hay bale protection as the result of adding the rain garden.

Mr. Carson said the third comment on the Engineering Department review was with regard to the catch basin out in the street where they need to change it from a standard type c – curb in what to a flat top basin. He said as you might see from the Engineering Department comments they are going to address that further at the Planning and Zoning level subsequent to writing that he discussed it with Warren Disbrow and he (Mr. Carson) believes this catch basin may in fact be a block catch basin that's been there for many years as opposed to a pre-cast concrete basin. He said if that is the case the basin will be replaced with a pre-concrete basin which obviously takes an H-20 highway loading so they won't have a problem with trucks driving over it.

Mr. Carson said he'd be happy to answer any questions the Commission may have.

Chairman de Jongh asked staff if Engineering have a chance to respond to the applicant.

Ms. Simone said yes – handed out at tonight's meeting is a memo dated March 19, 2013 – it identifies the items one and two from their previous review have been addressed and number three is just reiteration of the catch basin that was addressed in Mr. Carson's statement.

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

No other questions were asked.

Dr. Dimmick said he thought they were at the stage where they can request staff to draw wording for a permit.

**Chairman de Jongh said that sounded good – he said he thought they have satisfied all concerns and questions that the Commission had on this and they will allow staff to craft her recommendation which they could take up at their next meeting.
Mr. Carson thanked the Commission.**

Mr. McPhee returned at 7:37 p.m.

X. NEW BUSINESS

**1. Request for Determination by WPCP
1325 Cheshire Street
Expansion**

Walter Gancarz, Town Engineer for the Town of Cheshire was present on behalf of the applicant.

Mr. Gancarz addressed the Commission. He explained that previous to taking on his position he was an environmental consultant and also served on the Water Pollution Control Authority for three years. He said so he has a little bit of understanding of being on the other side of the table.

Mr. Gancarz said he wanted to describe what the project is about – he said he was sure most of the Commission was aware recently the referendum that passed allows for the upgrading of the Wastewater Treatment Plant on Cheshire Street.

Mr. Gancarz said although a very sizeable monetary project - the project really is mostly for the upgrading, replacement of existing equipment much of which goes back to even the original plant more than 40 years old and some of the more recent additions are about more than 20 years old.

Mr. Gancarz said there are really only four new buildings that will be put up at the site – one is going to be the administrative building, another one is a small pad for a generator – an emergency generator, an addition to the influent pump station and the most significant one being the phosphorus removal facility and also the replacement of our current chlorination system with an ultraviolet disinfection system.

Mr. Gancarz explained that none of the proposed work actually occurs in the wetlands and actually out of the four buildings he mentioned two of them are more than 300' away from the nearest wetlands.

Mr. Gancarz reviewed the plans. He said as it will be noted – this is the plant as shown with the black ring around it being the existing fence line – the wetlands that are immediately adjacent to it are shown in blue and then the red areas – the top of the flood control dike that surrounds the facility on three sides.

Mr. Gancarz said the majority of the more important wetlands all occur on the river side of the dike and none of the work or access to the work will occur from that side.

Mr. Gancarz said because this project is funded in part from the CT DEP - they are getting approximately a \$7 million grant and a 2% loan on the remainder of the project. He explained they do (CT DEP) does an environmental assessment themselves – they have done that and that was submitted with the package.

Mr. Gancarz stated they also had the Natural Diversity Database indicate two species on concern being the Eastern Box Turtle and the Wood Turtle; they made certain recommendations for how to handle that and mitigate any impacts to them and that has already been incorporated into the contract specifications for this project when it goes out to bid.

Mr. Gancarz stated he would note that on a recent project not related to this but not too far away up at East Johnson Avenue they are doing some work for bridge investigation for bridge remediation and as part of that had a more detailed study done of the same two species that went for a 1,500' radius around that bridge and they didn't find anything – so this is not that far away.

Mr. Gancarz said that's the overall site plan. He showed more plans with a more detailed view – he showed the location of the dike surrounding it on three sides.

Mr. Gancarz stated the wetlands that occur onsite are on the southerly side and the westerly side just outside the fence line and the four buildings mentioned are located here (he showed the location of the buildings on the plans). He showed the location of the new administration building which is going to be more at the far northerly end of the site – 300' or more from the nearest wetland; a new pad for the emergency generator at a sizable distance away and then really two buildings – one being a minor addition to the influent pump station which is about 30' from the existing wetland and the one that's closer is the new disinfection and phosphorus removal building and that's only about 12' away from the existing wetland.

Mr. Gancarz said when these (buildings) are constructed these three buildings (he showed on the plans) are just slabs on grade so they'll just really be about a 4.5' excavation in order to put the footing in – the last building is actually about 15' deep so what's going to happen is there is going to be sheeting driven to separate the area from the wetland and also cut 5' below grade at the end of the project and left in place so there won't be any need to remove it.

Mr. Gancarz stated all of the construction work for this project will utilize existing roadways into the plant – there will be no access from the other side of the dike so it's using really existing roadways.

Mr. Gancarz said just an overview of the erosion control – he said as you can see (on the plans) this whole area except for the front gate will actually have staked hay bales – this will really go up against the existing chain link fence that surrounds the site so that's anchored in place; catch basins exist – they will also be protected with hay bales.

Mr. Gancarz showed a plan that was just a little bit of a blowup of the area of the influent pump station that's going to be expanded – it's going to be about 30' away from the nearest edge of a wetlands; they will only be going down about 4.5' to put the foundation in.

Mr. Gancarz stated in addition there's an existing below ground tank that's going to be taken out and moved a little further from the wetlands and actually replaced with an aboveground double-walled tank.

Mr. Gancarz said that also the current piping ran a greater distance underground – now this will be directly adjacent to the building so they'll be much less underground piping from that.

Mr. Gancarz said the more significant building – the ultraviolet and the ultraviolet disinfection and phosphorous removal. He said at this point it's only about 12' away from the existing wetland however prior to starting construction equipment would come in here (he showed on the plan) and drive sheeting in to separate that area and also to allow them to dewater the site because the foundation will be about 15' deep and the phosphorous equipment that's being put in here is part the process they have to install – they are under a State order to install that and it's also tied to receiving funding.

Mr. Gancarz said the current operating permit which they just received a few months ago mandates that they have to have this in place within the next four years.

Mr. Gancarz said there is some associated work – some piping; he said as you can imagine there's a lot of piping that runs around this facility but what he's shown in red here (on the plan) are two chemical feed lines that run over from the chemical building to this. He explained these are small pipes either 1" or 2" in diameter and they are buried approximately 3' below grade and they run from (up there) again adjacent to this area.

Mr. Gancarz said he will say that based upon past construction at the site – there's existing tankage that comes right up to the wetlands – an existing building in one location; he said these wetlands have been disturbed both previously when that work was done and probably more significantly when the flood control dike was put in place so this remaining wetlands is there is really a small area.

Mr. Gancarz said also in addition - in one of the prints there's actually an electric duct bank that runs directly beneath that wetlands – they will be putting new lines in there but they don't require any excavation to do that. He explained there were some holes in the duct bank and new wire will be pulled through that.

Mr. Gancarz showed on the plans the shaded area that shows some new paving – mostly to access the new administration building and also to access the phosphorous and ultraviolet disinfection.

Mr. Gancarz stated there were a number of mitigating items that they've worked into their specifications to try and prevent any damage to the wetlands – he said he wanted to go through those.

Mr. Gancarz said first of all the erosion and sedimentation plan would be put in place prior to starting the project so that they won't have that disturbed.

Mr. Gancarz stated the construction equipment as he said will be using existing paved roadways to get to the site so that they aren't cutting new roadways across virgin land and they certainly wouldn't be on the other side of the dike.

Mr. Gancarz said three of the four buildings as he said only have slabs on-grade so that they require very shallow excavations.

Mr. Gancarz explained that the three new tanks that they are putting in place actually replace three existing underground tanks so the new tanks that are now sitting underground will be above ground – double walled and in one case the largest one – the 6,000 gallon tank is actually been moved significantly further from the wetlands than it currently is.

Mr. Gancarz said the recommendations of the Natural Diversity Database as he said will be followed and that has already been incorporated into the contract specifications and will be requirement that the contractor will adhere to them.

Mr. Gancarz explained that refueling for any construction equipment that will be kept on site only during the day as they do construction will be moved off-site when the plant's not occupied.

Mr. Gancarz said lastly they are in a little bit a unique situation here; he said he was sure the Commission was familiar with the site – he said you tend to locate wastewater treatment plants at the lowest point in town so they are at a very low elevation. He said currently in periods of high stormwater; actually the exist stormwater has to be pumped into the Quinnipiac or else the site would flood – that is the direct result of when the flood control dike was put in place. He said that equipment is not being expanded so really the flows that would go into there afterwards are no greater than currently but they really are in a situation where that's the situation.

Mr. Gancarz said their schedule - our hope is to put the plans out to bid next month. He said there's about a two month bidding period and they do have a requirement from DEP in order to except funding that they have their bids back by the end of June – mainly because they're on a priority list and it there're not ready to go then they move on to the next project so they're at the final stages of it – they actually have a meeting up with DEP a week from Monday to do kind of a final review from their standpoint of the plans and then plan on putting them out to bid and giving bidders about two months.

Mr. Gancarz said he thought that's most of the pertinent points.

Mr. Gancarz said he was happy to answer any questions.

Dr. Dimmick asked when the original plant went in when – in 1968 was it.

Mr. Gancarz said he thought it was the late 1960's – 1968 or 1969.

Dr. Dimmick said to the inner boundary of that wetland Mr. Gancarz showed was more or less setup when they built the plant to begin with and then the outer boundary of that funny looking wetland was there when they put the dike in in the 1980's.

Mr. Gancarz stated yes.

Dr. Dimmick said so in terms of the boundaries of it – it's entirely an artificial construct with disturbed soil on both sides of it.

Mr. Gancarz said yes – clearly when you see the whole footprint of the site it's clear that it must have – and like he said he does not have it here – but there's actually an existing electric duct bank that runs right underneath it so he was sure it had to have been torn up to put that in.

Dr. Dimmick said so the original disturbance of that wetland was far greater than anything they are proposal now.

Mr. Gancarz stated yes but they don't plan on being in it (the wetlands). He said for those of you that have been down to the plant – virtually all of this work with some minor exception in the area of the influent pump station occurs within the existing fence line so this is an area that is already maintained – mowed – walked on and that kind of thing so yes.

Mr. Gancarz said like he said this whole area on the other side of the dike abutting the Quinnipiac River certainly from a habitat and flood attenuation is a much more valuable area.

Chairman de Jongh asked about the standby generators – the fuel storage for that is going to occur where to keep that generation operational when and if it's needed.

Mr. Gancarz showed on the plan the location of the emergency generator – the new above ground tank is directly adjacent to it.

Chairman de Jongh said ok so that's going to be the supplier for any kind of fuel that's needed.

Mr. Gancarz stated yes.

Dr. Dimmick asked if they were going to use some of the gas from the digesteresies.

Mr. Gancarz said yes – that’s actually a benefit. He said right now for the last three – four years they had problems with the digester roof – he said he was sure most of you read it in the paper at one point in time – it hasn’t been capable of capturing that main since that time so by fixing the roof they will then be able to draw of methane and use it as a fuel source.

Dr. Dimmick said he had originally proposed that they use that methane way back – around 1980 or so when he got up on the top of the roof of the digester and felt how warm it was in the middle of winter (because his brother was running a treatment plant in Tennessee at that time and he was using his digester gas for running his plants).

Mr. Gancarz said it supplements it – it tends to not be nearly as high a BTU because there are other items in it but it does supplement – it’s actually used to nip the contents.

Dr. Dimmick said he did not see any concerns that they have here – everything seems to be covered.

Chairman de Jongh said he thought the fact that the Town is pretty much under a gun as mandated by DEP this has to be taken and there is a timeline involved in it.

DEP also sets the guidelines for the project.

Chairman de Jongh said the fact that all the activities taking place on the site not having to encroach on the wetlands any more than what was originally done he thought was an advantage as well.

Motion: That the activities proposed be declared de minimis within the context of the Commission’s regulations and that a permit is not required.

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

Mr. Gancarz thanked the Commission.

2.	Permit Application	APP	#2013-004
	Kurtz Realty, LLC	DOR	03/19/13
	Schoolhouse Road		
	Grading	MAD	05/23/13

Mr. Kurtz recused himself from this portion of the meeting at 7:56 p.m.

Mr. Rogozinski, PE for the project was present on behalf of the applicant.

Mr. Rogozinski explained that the project consisted of activity on a parcel of land identified on city land records as lot 22 on assessor's map 10 – it's has frontage across School House Road.

Mr. Rogozinski said there is an unidentified and unnamed stream along the eastern boundary.

Mr. Rogozinski said the site is currently undeveloped – historically there has been a stock of material on the site. He explained that recently the property owner did place fill on the parcel – the activity is part of this application is to actually remove and push off some of the material further away from the wetlands; stabilize the material that was placed there.

Mr. Rogozinski said the site has a wetland limit adjacent to the stream and is also subject to the FEMA flood plain – there's actually a zone AE which is identified as a limit that is up to the 100 flood limit – flood level and the majority of the parcel is a zone X and then there are two smaller portions that are zone X shaded.

Mr. Rogozinski explained that zones X shaded are zones that have a potential for flood elevations between a 100 and 500 year flood event and a zone X is above a 500 year flood event.

Mr. Rogozinski said the proposed grading has previously indicated would remove the material out of essentially zone AE and stabilize the embankment with a 2:1 slope. He said the slope stock pile adjacent to the wetlands - they are proposing to put erosion control matting in order to stabilize the area and then place seed along with a hay material.

Mr. Rogozinski said in addition some of the work has already been done just to stabilize the area.

Mr. Rogozinski stated there is currently an erosion control fence at the toe of the slope but once the proposed grading is completed we reestablish a silt fence along with hay bales in order to ensure that as the grass is growing there is no further erosion into the wetland area itself.

Mr. Rogozinski said if approved or when it's approved the property owner is prepared to move as soon as the weather breaks – to get out there and start doing the work.

Mr. Rogozinski said that is a very brief presentation of the proposed activity. He said certainly of the Commission has any question he would be more than happy to address them.

Dr. Dimmick asked if Mr. Rogozinski could point out where the old railroad track was – he asked if it was just off the property line.

Ms. Simone said yes it is – she showed on the plan the railroad track running along the boundary line.

Dr. Dimmick so it's along the other side of the stream.

Mr. Rogozinski said the other side of the stream.

Chairman de Jongh said he thought it would be helpful to visit the site. He said some of us know the property while others have not been out to the area. He said he thought it would be helpful to have a site visit on this.

Mr. Rogozinski said they plan to move the material back further away from the wetlands – he said it's approximately 600 cubic yards of material that's going to be moved away from the wetlands.

Chairman de Jongh stated the application has been received this evening. The mandatory action date on this is May 23, 2013.

Chairman de Jongh suggested that they suspend any further conversations on this pending the results of the field trip – significance can be talked about after the results of the field trip.

A field trip of the site was set for Saturday, March 23 at 8:30 a.m. – 8:45 a.m. The Commission agreed to meet Mr. Rogozinski at the red house located on the site.

Mr. Rogozinski said he wanted to verify how much material is getting moved back and that he would notify staff regarding this detail.

Dr. Dimmick said Mr. Rogozinski should feel free to communicate with staff if anything comes up.

Chairman de Jongh said further conservation was deferred pending the results of the field trip.

Mr. Kurtz returned to the meeting at 8:04 p.m.

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| 3. | Permit Application | APP | #2013-005 |
| | Apex Developers, LLC | DOR | 03/19/13 |
| | South Meriden Road
Subdivision | MAD | 05/23/13 |

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

Mr. McEvoy addressed the Commission.

Mr. McEvoy explained the proposed project was for a 6 lot subdivision. He said there are actually two pieces that are under the same ownership – Cornwall Associates, LLC; he said he'd be referring to the two parcels as one parcel just for simplicity purposes.

Mr. McEvoy said the parcels are located across from the intersection of Yalesville Road, South Meriden Road and Academy Road – so it's at the Route 68 – Route 70 intersection.

Mr. McEvoy said the parcel is currently more or less vacant and has historically used for agricultural purposes and much of the site is in fact wetlands.

Mr. McEvoy stated that the western two-thirds of the parcel are roughly in fact wetlands (as highlighted on the plans).

Mr. McEvoy said there are two upland areas on the property – in the north east corner and the southern corner just to the south of the stop light. He said these are the areas where they are proposing the concentration of development.

Mr. McEvoy said the site generally drains away the state highway from east to west – towards the Honey Pot Brook which is off the property adjacent to the Richmond Glenn Development and Norton Farm which is the abutting property owner to west.

Mr. McEvoy said the properties to the north are vacant land as well as well as this property.

Mr. McEvoy said the high point is about 285 – the north west corner is the low point of 240 at the west – generally mildly sloping with the

exception of this vicinity where it's roughly 10% where it's coming off the road.

Mr. McEvoy said the runoff off the highway – the state way is generally uncontrolled so it runs directly on to the site with the exception of small catch basin which does discharge to a stream course that runs through the wetland corridor.

Mr. McEvoy said the 6 lot subdivision will consist of 5 lots in the north east corner of the property – this particular part of the development the 50' upland review area can be entirely respected – they are not proposing any activities within the buffer.

Mr. McEvoy explained there will be 3 lots that would be standard frontage lots and there will be 2 lots that would be served by a common rear lot access way.

Mr. McEvoy said presently they do have one of the lots that are standard frontage lots taking access off of the common driveway – that's something they will be working with Planning and Zoning on but the reason why they are proposing that is to limit the number of curb cuts and the number of driveway openings on Route 70.

Mr. McEvoy said the lot in the southern most portion of the property is somewhat isolated and removed from the other properties and that is in a pocket of upland area – he said there will be some minor activities propose with this namely because the septic system is limited in the location of it because of the pecculation rates on other parts of the property and they'll need about 500 SF of activity within the upland review area to fill and construct the septic system.

Mr. McEvoy said there is also what he'd describe as secondary impacts along the driveway. He explained that currently this area is sparsely grassed with some vegetation – some light vegetation that will need to be periodically mowed and maintained in order to maintain sight lines looking out of the driveway.

Mr. McEvoy said there were a couple of trees that may require some branches and limbs in the lower parts the tree to be removed again to achieve the sight line.

Mr. McEvoy said right now – during the winter when you're out there is no major issues looking to the north but he imagined come spring there will be a need to clear out some of the lower parts of those trees.

Mr. McEvoy said so again he classifies these as secondary impacts and they are not primary in the sense there is no soil disturbance – there's no need to clear cut – there's no need to remove the vegetation it's just a case of mowing the existing grassed areas periodically and removing branches.

Mr. McEvoy said because of the fact they are developing these properties with houses, driveways, etc. there will be some minor increases in runoff and they are proposing to handle those increases as they have done with other subdivisions with rather non-intensive means by underground infiltration from roof runoff, rain gardens from driveways areas and things of that nature.

Mr. McEvoy said he'd be happy to give more information if the Commission would like but at this point he imagined the Commission may have some other questions.

Dr. Dimmick asked what the upland soils were that they are going to be putting the rain gardens and about the infiltration.

Mr. McEvoy said he did not remember the exact classification of soils off the top of his head but they did do extensive soil testing to determine what kind of septic systems might be viable there and they only hit any ground water at any depth at the rear most of the rear lots where they had about 4' to 6' down and all of the testing they had in one area (shown on the plan) had fairly reasonable perk rates between one and ten minutes per inch and ten to twenty minutes per inch with no ground water within the entire test pit – so 6' to 7' at least to ground water with reasonable permutation rates.

Mr. McEvoy said the infiltration measures and rain gardens have been calculated designs such that they will not require any infiltration rate to match any flows – the volume is essentially entirely sized to capture the increase in runoff for the 100 year storm so any infiltration they do get during the course of a storm would not advance to further reduce runoff volume.

Dr. Dimmick said he is just looking at the copy of the report and it says they are Yalesville soils and Yalesville soils you can hit admittedly very crumply bedrock but you can hit bedrock within 20" of the surface.

Mr. McEvoy said in this particular case what they found on site didn't really have that condition.

Dr. Dimmick stated he was just looking at the report and they are what you call ripable bedrocks when you hit them because your shovel goes right through them but septic does not necessarily if you hit those layers.

Mr. McEvoy said there really didn't find any shallow ripable bedrock - it was fairly gravelly sandy mixture.

Dr. Dimmick said so the soil report maybe in error or it may have looked like Yalesville from the surface but not at depth.

Mr. McEvoy said he believed Yalesville was the designation on the original county soil designation; he said he has a soil report that reflects that designation.

Chairman de Jongh said let the record show the application was received this evening. The mandatory action date is May 23, 2013.

Chairman de Jongh said he thought most Commission members have driven by this but he for one would love to see what the activity looks like.

Chairman de Jongh asked Mr. McEvoy if there were any kind of staked areas in this where they have an idea of where the homes may be.

Mr. McEvoy said they've flagged all the locations where the test pits have been done.

Chairman de Jongh asked if the location of the driveway locations and cul-de-sac is going to be – has it been staked.

Mr. McEvoy said they would be happy to provide that out in the field prior to any site walk.

Dr. Dimmick said this application is for subdivision only not for putting in any of the amenities in just being able to subdivide the land.

Mr. McEvoy stated that was correct – they would like to be able to at least construct the common rear lot access way – that is significantly a distance from any wetland areas. He said he hoped that was something that could be considered by this Commission.

Chairman de Jongh said but that's not part of the application before us tonight.

Mr. McEvoy said right because what they are proposing for each individual lot is feasible layout of a generic house foot print and that way the builder has an idea or where he's approved for subdivision they will have to come back to us for a design.

Dr. Dimmick said that Mr. McEvoy just said he wanted to put the common access way in so he would plan to do that with permit which in that case would have to be included as an activity in the permit.

Chairman de Jongh said that's why he was trying to get a clarification on this.

Chairman de Jongh said so if the application is just for subdivision then he guessed the Commission's review would just cover that but if they are talking about subdivision and the installation of a common access way that's a little more than what the application is for.

Ms. Simone asked Mr. McEvoy if he could talk about the drainage from the access way and how that would be handled – would it be tied into the road - how was that going to be done.

Mr. McEvoy explained as the grade drops away from the road so will the grade of the driveway – it's proposed to pitch down towards the central area of the uplands corner of this property – there will be a couple of dry well catch basins that would catch the runoff before the turn around and discharge to a rain garden beyond the edge of the turnaround area.

Dr. Dimmick asked about the actually sizing of that would come with what.

Mr. McEvoy said the sizing of all the components of the drainage system in totality would result in the decrease in the volume of runoff specially to this driveway the catch basin dry wells and the rain garden are oversized for just simply the common access way itself – they do have some of the residential driveways pitching in that direction as well so this collectively accounts for not just the common driveway but for some of the individual driveways as well. He said all buildings will have their own modest infiltration system.

Tape change.

A field trip was set for Saturday, March 23 at 8:30 a.m.

Chairman de Jongh said if Mr. McEvoy's request is that the Commission considers the common driveway and houses as they take a look at the application then it would be helpful for the Commission to where that access way was going to be and approximately where that cul-de-sac is going to be. He said he'd just like to get a visual idea of what the activity is going to be in that general area.

Mr. McEvoy commented about the fill associated with the construction of the septic system.

Chairman de Jongh asked that that area on site and also the sight line – not that that is going to be an issue for them it's a P&Z issue but it may have some impact.

Dr. Dimmick said wetland 25 and 26 are right there – they can pick up the flag number.

Mr. McEvoy said the wetland flags are onsite – they were flagged in March.

Ms. Simone asked where people can park for the site walk.

Mr. McEvoy said the Commission can park is on the northern most part of the property – there's a fairly substantial shoulder off the road and there's plenty of site going north and south so hopefully there's no safety concerns. He said then they can certainly walk along to get to the lot to the south.

Chairman de Jongh said the field trip would be held at 8:00 a.m. on Saturday, March 23, 2013.

Chairman de Jongh stated that further consideration on this application was deferred pending the results of the field trip.

- | | | | |
|----|---------------------|-----|-----------|
| 4. | Permit Application | APP | #2013-006 |
| | Dr. Jeffery Norwood | DOR | 03/19/13 |
| | Old Lane Road | | |
| | Site Plan | MAD | 05/23/13 |

Chairman de Jongh informed Commission members that this item has been postponed from discussion this evening per the applicant's request.

5. Request for Determination
1698 Waterbury Road (25/16)

House

Chairman de Jongh explained this item came before the Commission after the agenda was prepared – it's a request for determination at 1698 Waterbury Road.

Motion: That the Commission add this item to tonight's agenda.

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

Pellump Ameti, owner of the property at 1698 Waterbury Road was present.

Mr. Ameti addressed the Commission.

Mr. Ameti explained that he got this lot – it was a house and he torn it down and he would like to build a new one.

The Commission reviewed the map of the property.

Ms. Simone showed the Commission the location of where the house was and the location of the proposed house

Mr. Ameti handed out copies of what he was proposing for the property.

Mr. Ameti stated that there was nothing on the lot other than the shed.

The documentation presented to the Commission stated the property is .79 acres in an R 20 zone and that a new home from 2200 SF to 2500 SF is being proposed following the setbacks 12' from the rear line; 50' from the front line and 50' from the wetlands; the proposed house would be 60' x 38.6'. The applicant is proposing to keep the grass area from the house to the wetlands; wetland buffer markers would be placed along the wetland; stock pile soil would be away from the wetlands to the backyard; silt fence would be installed to protect the wetlands.

Ms. Simone said when they discussed this property is identified that this area is grass – as shown on the plans and that Mr. Ameti would like to keep it as grass.

Mr. Ameti stated yes.

Ms. Simone said they also discussed putting up the wetland markers around to show the wetlands so he wouldn't go into the wetlands and that Mr. Ameti was not interested in doing anything in there.

Mr. Ameti stated yes. He said he just want to build a house between the areas that he need and to stay away from the wetlands and the property lines.

Ms. Simone said the area being described is between the house and the wetland which would be the south west – south eastish portion of the property.

Dr. Dimmick asked about the existing house that was there before it was torn down was built when.

Ms. Simone said 1920.

Dr. Dimmick said so this is a preexisting building lot approved before the Commission's regulations went into effect that means the 50' setback which is part of their regulations does not have quite the authority does on a brand new lot.

Ms. Simone said she and Mr. Ameti also discussed when he was going to build the house – the soil and where he would put the soil.

Mr. Ameti said he was going to put the soil on another side of the property.

Chairman de Jongh said so he was going to use it on site but more in the backyard.

Mr. Ameti stated yes – more in the back yard.

Ms. Simone said that area was located to the north east corner of the property.

Mr. Ameti said he could for this area (he pointed to the location on the map) he just wanted to put a little bit more so he can slope it down because where the pool is it's a little bit lower – he said he just wanted to make in gradual to fill it in.

Ms. Simone said Mr. Ameti wanted to fill in the ruts in the lawn.

Chairman de Jongh asked about the area Mr. Ameti wanted to fill in – does in go all the way down or half the way down (to the wetlands).

Mr. Ameti said it is about 2' to 3' high near the shed so he wants to make it gradual from the driveway lower.

Chairman de Jongh asked the fill that Mr. Ameti will get when he excavates for the house – is that fill going to gradually go all the way down to the edge of the wetland or maybe half way down.

Mr. Ameti said it might be half way down.

Chairman de Jongh said so they are still well away from the wetlands.

Mr. Ameti said yes – exactly.

Dr. Dimmick said it does not look significant but it looks like it's they should have a permit on the record because they will then have other people who want to do it or something similar.

Dr. Dimmick said this is a request for determination – he said in his opinion the activity did need a permit but that they did not need to be partially stringent. He said once you get that close to the wetland- they needed to be consistent with past practice; he said they can't insist on the 50' setback because this was a preexisting building lot so the 50' setback was put in after the fact.

Chairman de Jongh said that because applications like this come before the Commission frequently and the fact that the Commission has required that there be a formal process before permission is granted the conversation tonight is really an understanding as to whether or not the Commission will require that implantation of the formal process and it sounds like the comments from the Commission members in order for us to be consistent so that no one feels they are getting favorable or unfavorable treatment that they have a consistency in the process so they will probably have to go through a formal application but the activity does not seem to be such that it's going to require an awful lot of work on Mr. Ameti's part - the application will tell us in detail what it is that he would like to try to do and then they can move on it a little bit more efficiently than they can right now and he can work with Ms. Simone to try to pull that application together and how that's supposed to be filled out and what information the Commission would need to say yes.

Chairman de Jongh asked if that was the general consensus of opinion.

Commission members stated yes.

Ms. Simone asked if this information was enough information that the Commission would be satisfied with the location of wetlands from this map from 1998.

Dr. Dimmick asked if that line was more or less consistent with what is already in the record.

Ms. Simone stated yes.

Dr. Dimmick said then he didn't have a problem with it. He said he wanted to clarify – that with a preexisting building the way the law reads as he understands it is since this a preexisting lot they cannot deny a permit but it doesn't stop the Commission from setting conditions. He said if this was not a preexisting building lot they could just plain deny a permit – with this they can just set conditions.

Chairman de Jongh said he thought it was safe to say permission was going to granted – they just need to know a little bit more of the details and that's where the application comes into effect.

Ms. Simone suggested that Mr. Ameti contact her tomorrow and they would go over everything.

Motion: That the proposed activities will require a permit under the Commission's regulations.

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

**6. 80 Suffield Court
Request for Determination**

Ms. Simone stated there was another request for determination. She explained that a gentleman was here for 80 Suffield Court so if by majority vote the Commission would like to take this item up on tonight's agenda.

Motion: That the Commission add this item to the agenda.

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

Chris Hillburn of 80 Suffield Court was present.

Mr. Hillburn addressed the Commission. He explained he was looking to replace an existing structure – it's a shed right now – he was looking to put a two car garage in the place of the shed that's there.

The Commission reviewed the plans.

Mr. Hillburn said he had a drawing of the site and photos for the Commission's review.

Mr. Hillburn reviewed the location of the driveway entrance, the house and the existing shed. He said the setback is going to be the same – it a little bit closer to the property line but that's well within the appropriate distance.

Mr. Hillburn said what they are looking at is the marker that indicates the pipe that runs under the driveway and it's a steep decline down into the wetlands area and there's a creek or something that doesn't run all year long – it runs periodically that runs behind the property – he showed the location of another wetlands as shown on the plans.

Mr. Hillburn said he is looking to take the existing shed and get rid of that and put a new structure in its place.

Ms. Simone said for the record – the information the Commission has in front of them are officials soils wetland map does identify this wetland area (as pointed to on the map) but it does not identify the intermittent stream which may be just due to the scale of the official maps and on this map which was field located from the soil scientist they identify this as drainage way; so that's the only information they have on that and according to the property owner this pipe is not in that location any longer from when he has lived in the house the pipe is now is another area.

Mr. Hillburn showed photos of the site from the back; the hole where the drainage is and the shed. He said another photo shows the driveway and where he wants the shed to go.

Mr. Hillburn said the driveway goes up a hill – you can see from the photos the driveway and where the pipe is. He said it's about the length of 30' down – he showed where the hill drops dramatically – he said it's a drop – he said you go about 20' straight down to get to it.

Chairman de Jongh said so the pitch on that is pretty severe.

Mr. Hillburn said it is in the front. He said you can see from the driveway – one area is more of a flat surface.

Mr. Hillburn said the whole pitch on the property is going down and he is basically looking to replace the current structure, take two trees down and put the garage there (he showed the location on the plan).

Dr. Dimmick if staff just got this item today.

Ms. Simone stated yes.

Dr. Dimmick said he thought they needed to do a little more research on this before they move forward.

Chairman de Jongh said with the construction of the garage – he said he assumed the shed is either on sonatubes.

Mr. Hillburn said the shed an existing structure that has been there since he bought the property.

Chairman de Jongh asked if the garage was going to be on slab construction.

Mr. Hillburn said it's going to go on concrete in the same spot – it's an existing structure that's there – the garage is going to go right where the shed was – it's not going to affect anything to do with anything on the dry bed or anything in the front – he said it's going to go closer to the property line which he already determined is more than enough distance and he has already talked to Planning and Zoning on that.

Mr. Hillburn showed plans for the new construction of a garage.

Chairman de Jongh said so Mr. Hillburn is just going to expand the concrete pad.

Mr. Hillburn said he didn't even know if he was going to have to do that because the shed is now sitting on tar – the tar driveway actually goes back so actually he was not changing anything other than going to the right – there is already a tar structure going underneath the shed extending about 8' behind it.

Chairman de Jongh said so he was going to use the same footprint just put in another structure.

Mr. Hillburn said that's all he was doing. He said it has two cinder blocks under each of the four corners but its sitting right on the driveway structure.

Mr. Hillburn stated he the shed is currently on black top. Its 8' of black top extending beyond this point (he showed on the plan).

Mr. Hillburn said he's not changing anything he is just replacing what's there.

Chairman de Jongh said he was trying to get a clarification as to what was already there – he said based on the commentary he did not see a problem with what is already there.

Ms. Simone said he (Mr. Hillburn) did submit some information relative to erosion controls that is part of the contract with the person who is going to be constructing the garage where they identify the silt fence and erosion controls - in an email they go further saying they will protect streams and wetlands.

Ms. Dunne asked about the removal of tree stumps.

Mr. Hillburn said there are two little trees on the property that grew in – about 8' high and there are two large trees that would come down.

Ms. Dunne said the plan says 10 trees would come down.

Mr. Hillburn said there are two big trees and two tiny ones – he said that's a wooded lot and there are extensive trees all over the place and he takes trees down all the time because they are dying.

Mr. Hillburn said they are going to put in a concrete base – they are going to remove the tar and put the concrete in.

Chairman de Jongh said so they are removing the black top and putting in a new base for the garage.

Mr. Hillburn said they are just going to take the tar out and put the concrete in – he will go to the right of it closer to the property line but there is nothing there other than trees.

Chairman de Jongh said but there is going to be excavation of the black top and the reinstallation of a concrete pad for the garage.

Mr. Hillburn said that was correct and that is why they will have the silt barriers to protect any sort of runoff. He said the property angles

down - he showed on the plan how the property angled and say nothing was going to come through to the bottom – it's too far away.

Mr. Hillburn said he did have an issue with runoff coming from the neighbor's property but that was a different problem.

Mr. Hillburn said the shed that's there now is a decent size shed – he said has cars outside and just wanted to have a spot to put them in.

Motion: That the proposed activity is de minimums and does not require an application.

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

XI. ADJOURNMENT

The meeting was adjourned at 8:40 p.m. by the consensus of Commission members present.

Respectfully submitted:

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