

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, APRIL 2, 2013
TOWN HALL 84 SOUTH MAIN STREET
ROOM 207/209 AT 7:30 P.M.**

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

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 present were Robert de Jongh, Charles Dimmick, Kerrie Dunne, Earl Kurtz, Thom Norback, Will McPhee and David Brzozowski.

IV. DETERMINATION OF QUORUM

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

V. APPROVAL OF MINUTES Regular Meeting of March 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 8:25 p.m.:

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

Corrections:

Pg. 5 L20 delete “– curb in what”, L27 “pre” to “pre-cast”; pg. 7 L23 “on” to “of”; pg. 10 L5 “tree” to “three”, L25 “exist” to “existing”, L34 “except” to “accept”; pg. 15 L29 “used” to “been used”; pg. 16 L43 “limps” to “limbs”; pg. 17 L33 “permutation” to “percolation”; pg. 20 L8 “to” to “to see”, L20 “wetlands” to “wetland flags”; pg. 21 L22 “torn” to “tore”; pg. 22 L25 “it does”; pg. 23 L25 “partially” to “particularly”; pg. 26 L12 “Dr. Dimmick asked”; pg. 28 L14 “minimums” to “minimus.”

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

VI. COMMUNICATIONS

1. SWCD Soil and Water Spring 2013 Newsletter
(To be handed out at meeting)

This communication was reviewed.

2. Request for Determination – Lot 2, 650 Oak Avenue – House

This communication was reviewed.

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

3. Staff Communication: Norwood, Old Lane Road – Site Plan, #2013-006

This communication was reviewed.

Ms. Simone stated this item is deferred per applicant’s request for tonight.

4. Staff Communication: APEX Developers, LLC; Academy Rd. & South Meriden Rd. – Subdivision, #2013-005

This communication was reviewed. This item is under unfinished business.

5. Staff Communication: Ricci Construction; Sperry Road & Crestwood Drive: Subdivision, #2013-008

This communication was reviewed.

Ms. Simone stated this is a new application.

6. **Staff Communication: Pellump Ametli; Waterbury Road Site Plan, #2013-007**

This communication was reviewed.

Ms. Simone stated this was a new application at 1698 Waterbury Road. She stated this item was subject of a request for determination at the last meeting and the Commission determined that it did need an application for a permit.

7. **Staff Communication: 650 Oak Avenue, Lot 2 – Request for Determination**

This communication was reviewed. This item is regarding the request for determination.

VII. INSPECTION REPORTS

1. **Written Inspections**

Ms. Simone stated there were no written inspections.

2. **Staff Inspections**

- a. Ms. Simone there was a staff inspection of 1698 Waterbury Road relative to the application before the Commission tonight.

- b. Ms. Simone said there was a staff inspection of Copper Valley Court for clearing activities – they were found to be outside of the regulated area.

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 remains on the agenda for continued monitoring.

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

Chairman de Jongh stated this item remains on the agenda for continued monitoring.

Dr. Dimmick asked if there was a request that was sent out so that they'd get the work done.

Ms. Simone explained a letter was sent out before the last meeting summarizing what's expected and by what date so she will monitor that.

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

Chairman de Jongh stated this item remains on the agenda for continued monitoring.

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

Chairman de Jongh stated no activity on this is really going to take place until the weather kind of changes.

Mr. McPhee asked if there were action dates on the enforcement items.

Ms. Simone said there is not an action date for item number one – they received their permit (she did not recall when it expires) and they have a number of years.

Ms. Simone stated there is an action dated on the second one as well as an action date on the third one which she is monitoring and for the fourth item they are going to be contacting Milone and MacBroom again to follow up to do a spring inspection and supply a report to the Commission.

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 7:34 p.m.

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors pursuant to Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire, Commissioners' knowledge of the area, previous site visitations, and after review of written information provided by the applicant on this application, finds the following:

- 1. That the current application is for the installation of wetland crossing and associated 30-foot wide driveway to provide access across the Farmington Canal off Willow St.**
- 2. That the applicant's engineer stated that the twin 36" reinforced concrete pipe (RCP) culverts will maintain flow capacity in the watercourse.**
- 3. That the Commission has determined the activity to not be significant under the context of the Cheshire Inland Wetlands and Watercourses Commission regulations.**

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2013-003, the permit application of DALTON ENTERPRISES, INC.as presented on the plans entitled:

**"Proposed Access Drive Plan for
Dalton Enterprises, Inc.
71 Willow Street, Cheshire, CT
Dated August 21, 2000; Revised March 18, 2013
Two Sheets:
Prepared by OCC Design Consortium, LLC., Cheshire,
CT".**

The permit is granted on the following conditions and stipulations, each of which the Commission finds to be necessary to protect the wetlands and watercourses of the State and the Town of Cheshire:

- 1. Any lack of compliance with any condition or stipulation of this permit shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and an enforcement**

order shall be both issued and recorded on the Town of Cheshire Land Records.

- 2. No changes or modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.**

- 3. Prior to the commencement of activities covered by this permit grant, the applicant shall have the following items both completed by a qualified party and verified as complete by Commission Staff:**
 - a) Prior to any clearing or earthmoving activities, the accurate staking and/or flagging of all clearing limits shall be completed.**

 - b) Per Section 12 of the Cheshire Inland Wetlands and Watercourses Regulations, a bond covering the costs of the erosion and sedimentation controls shall be filed with the Town Planner's Department prior to the commencement of activities. The amount of the bond shall be determined by the Cheshire Planning Department.**

 - c) Prior to the commencement of construction activities, a professional engineer shall certify, in writing to the Commission, that all required erosion and sedimentation controls are in place and functioning as represented by applicant to ensure the prevention of erosion and sedimentation into adjacent wetlands and watercourses. The cost of the professional engineer shall be borne by the applicant. The applicant shall also notify Commission Staff so that Staff may inspect the site to verify that all required controls are in place. Staff may also insist on additional controls if field conditions warrant them.**

 - d) Prior to the commencement of activities covered under this permit grant, the name of a contact individual together with a 24-hour phone number shall be submitted to the Planning Department and designated with responsibility and authority to receive notices of any breaches or deficiencies of sedimentation and erosion controls on-site, and to effectuate repair of any such breaches or deficiencies within 6 (six) hours of**

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

4. An inspection of the condition, integrity, and adequacy of the sedimentation and erosion controls shall be made by a qualified party either weekly or after every significant rainfall of 1/2" or greater, whichever is sooner, until all disturbed areas are stabilized. Said party shall be independent of the contractor. All reports shall be submitted to the contractor and Commission Staff either within three days of inspection, or prior to the next storm event, whichever is sooner. All breaches or deficiencies shall be forwarded to a contact individual, as defined above, immediately after inspection. The costs of said inspections to be borne by the applicant.
5. Throughout the course of conducting construction activities covered by this permit grant, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring the following:
 - a) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100' if possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.
 - b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.
6. This permit grant shall expire on April 2, 2018.

Moved by Dr. Dimmick. Seconded by Ms. Dunne. Motion approved 6-0-1. Mr. McPhee was not present for the vote.

Mr. McPhee returned to the meeting at 7:35 p.m.

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

Mr. Kurtz recused himself from this portion of the meeting at 7:35 p.m.

Chairman de Jongh stated this item was subject of the field trip that took place last weekend. He said those present at that field trip were himself, Mr. Norback, Dr. Dimmick, Ms. Dunne and Mr. Brzozowski.

Mr. McPhee stated he was not on the field trip but he did visit the site.

Ray Rogozinski, the engineer for the applicant was present.

Mr. Rogozinski said for the record the subject lot is 24 off of School House Road. He said as indicated the Commission did have the opportunity to look at the site and the applicant has revised the plans to address several of the Commission's comments at the meeting.

Mr. Rogozinski said the end purpose of the application is to remove the fill away from the wetlands and out of the flow film.

Mr. Rogozinski said the revisions are that they have added the large 2' by 3' concrete block at the tow of the slope. They also revised the grading so they are removing approximately 250 cubic yards of material away from the wetlands out of flood zone AE.

Mr. Rogozinski said as indicated at the last meeting they will grade the slope to a 2:1 slope in order to stabilize it.

Mr. Rogozinski said they are also establishing a 10' shelve level area half way up the embankment and they are proposing to put erosion control matting along the whole face of the slope that's parallels the wetland area.

Mr. Rogozinski said inly general they are going to regrade the site – remove approximate 250 cubic yards of material from the site and at the conclusion of it they are going to seed and put additional erosion control silt fence and hay bales at the toe of the slope until the area is stabilized.

Mr. Rogozinski stated this was a brief summary of the revisions since the last time the Commission saw it.

Mr. Rogozinski said certainly if there are any questions or concerns he's be more than happy to try to address them.

Chairman de Jongh said he thought one of the questions that they had one the site visit was the method that they are going to be using

to remove what appeared to be roughly about a 2.5' to 3' width of silt that was right at the edge of the flood line.

Mr. Rogozinski apologized for not mentioning that – he said they did include in the plan what they call a mitigation plan/construction sequence and in that they detail that essentially the recommendation out of the soil scientist report are going to be addressed – and one of those was the removal of sediment with the flood lines and they are proposing to do that by a combination of hand and small backhoe – the intent is to keep the existing vegetation there – the small bushes and small trees and only excavate down to the top soil level.

Mr. Norback asked if that wetland changes location and depth seasonally – so would it be prudent to wait an extra month and a half until things dry out a little more so they are in a wetter area – would there be less water in a month and a half.

Mr. Rogozinski said if Mr. Norback is asking him when the best time to do the work – he said he probably would wait for at least a couple of weeks.

Mr. Norback said he thought that time frame was ambitious and generous.

Chairman de Jongh said he remembered at the field trip at the north east section of the property the vegetation is really dense – he said he was curious if that's going to have to be removed by hand in that area unless you are going to wind up with a back hoe which is ripping out some stuff – so he assumed as they got closer to that north east corner of the property – that going to be all hand removed.

Mr. Rogozinski stated correct.

Chairman de Jongh said he was glad to see a concrete wall – it goes a long way to keep from further erosion.

There were no other questions or comments from Commission members or staff.

Chairman de Jongh asked about the determination of significance.

Dr. Dimmick said they have a situation where it has a potential for having a significant impact on the other hand that's not how they determined- they determined whether the proposed activity would have a significant impact – he said the proposed activities did not have a significant impact.

Motion: That the proposed activity is not significant within the context of the regulations.

Moved by Dr. Dimmick. Seconded by Mr. Norback. Motion approved 6-0-1 with Mr. Kurtz removing himself from consideration on this item.

Chairman de Jongh said they would go ahead and ask staff to go ahead and do what she needs to do in terms of the proper so they could address this at the next meeting.

Mr. Kurtz returned to the meeting at 7:42 p.m.

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

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

Mr. McEvoy said as many were a where there was a field walk associated with this project last weekend and a few issues were raised. He said he go over a few issues quickly.

Mr. McEvoy said based on discussion with Chris Hulk from his office the majority of the concerns raised at the field walk associated with lot one which is the lot he would call the isolated lot on the south side of Route 68 & 70 intersection.

Mr. McEvoy explained that this lot is 18 acres in size with 2 acres of area that is upland soils outside of the wetland delineation and there is actually a little bit over an acre that's completely outside of the 50' upland review area.

Mr. McEvoy said during the field walk there were some concerns raised about the swale alongside the road – he said almost the entire width of Route 68 & 70 in this particular area cross pitches to a swale – a fairly gentle swale alongside the road and in fact the upper portions nearest to the intersection are flagged as wetlands and they propose to cross that swale actually at the location where the driveway is coming in – the soil scientist determined that this area was in fact not wetlands although it does convey water after a storm event.

Mr. McEvoy said they are proposing to – as this swale dips down they are going to be raising the grade up of the driveway about 1' as the grade drops down a foot and they are going to be crossing that swale with a 15" culvert – that 15" culvert is large enough to contain the flows associated with the surface runoff that comes from essentially this portion of the road – from the intersection to where the driveway is – it's a rather minor amount of flow over as it was noted and does convey water and was a little wet at the time of the field walk.

Mr. McEvoy said the remainder of the development of the lot will require some fill particularly for the construction of the septic system. The soil testing in the area was determined to be suitable by the Chesprocott Health district however the system will be constructed and septic fill filled around it to the point where the grade of the un-septic area will have to be raised about a 1.5' to 2' to construct the septic system according to the health code.

Mr. McEvoy said the house itself they are proposing to have the basement in about 3' to 4' of grade – into the grade and the first floor or the grade around the building will be about 3' to 4' of fill.

Mr. McEvoy said so the reason why they are sort of balancing the depth of the basement with the grade around the house is primarily so that they can be able to daylight the footing drain from the basement outside the upland review area and be able to discharge by gravity.

Mr. McEvoy stated there was a high ground water table in this area and they don't want to have a situation where the basement is constructed below that ground water table in the event there is a power outage or things of that nature which could result in water in the basement.

Mr. McEvoy said they have the house located in a conceptual area that is a fairly dry portion of the parcel relative to some of the areas a little further to the west and they are able to handle runoff from the house and driveway which is essentially the only real change in coverage – the remainder of the developed portion of the property is currently grassed even though it's a little bit on the overgrown side at the moment.

Mr. McEvoy said they have been able to handle the increase in runoff with infiltration galleries for the roof leaders that are rather shallow structures for this particular lot because of the high ground water table and also a rain garden that is going to be constructed out of

gravel and impervious soil which will collect runoff from the driveway.

Mr. McEvoy said now ultimately this lot as they propose it has very limited regulated activities –there are about 500 or so square feet associated with the fill for the septic system and there are also some secondary disturbances associated with some clearing of low lying vegetation and occasional mowing of the grassed area and the scrubs along the right of way to establish site lines looking to the north.

Mr. McEvoy said the applicant is willing to install conservation markers and things of that nature to indicate to future homeowners where the limits of disturbance are to be and where they are not to be.

Mr. McEvoy said ultimately this lot even though it is almost entirely wetlands with the exception of the two acres in front – it's an R40 zone so he said he thought given the fact that there are two acres of upland soil in this area – one house on that upland area certainly is within reason he would suggest.

Mr. McEvoy said in terms of the remainder of the parcel there was some questions raised about the potential for conservation easements to protect the wetland areas – there on lots 2-6 and the applicant is also willing to consider or willing to include as part of an approval – he said he did want to have a small discussion with the Commission to see if they could figure out where they'd want that located; he said there were other applications in town where that conservation area has been located in the upland review area. He said he did not want to propose something without discussing with the Commission what they might feel is appropriate for these lots.

Chairman de Jongh said he wanted to go back to the basement elevation – he said according to the topo it looks like 256 is the elevation going through roughly the center of the basement – he said the map shows the basement finishes at 254.

Mr. McEvoy said the basement floor is actually the elevation of the top of the concrete slab so you have excavation below the basement fill elevation to put a concrete slab itself and subgrade material. He said so they do have to excavate down the initial foot or so below the basement floor elevation to construct the basement so when he said that where there is 3' to 4' of cut depending on where you are – it's not just from the basement floor elevation from the grade its actually roughly a foot below the basement floor elevation.

Chairman de Jongh said ok so they are not going to have a problem – he guessed that is what he was getting at – they are not going to have a problem with the water table being as close to the surface in some of those areas as it is – they are not going to have a problem with this elevation.

Mr. McEvoy stated no – the basement floor elevation at 254 – they are going to be able to discharge a foot drain not shown in the plan but they can add that if that's something that the Commission would like see at this stage of the application process. He said they also have a discharge on the opposite side of the septic system outside of the upland review area to grade without the need for a pump or sediment.

Chairman de Jongh said he would like to see that added to the map.

Dr. Dimmick said one of the things he was fairly certain about - they are probably going to ask for if they approve this that the lots come back for individual site plan approvals and the elevations would be one of the things they checked for at that time as well as to make sure you are putting the house more or less in the position they are showing now.

Dr. Dimmick said the other thing – just so he could get it on the record – he said he knew there was some discussion in the field but it's best to get it on the record – for the other five lots the application is for the subdivision and for the construction of the center road going down there. He said for the record Mr. McEvoy made comments in terms of the placement of the rain garden elevation to the timing of putting the road in and for the putting the rain garden – he said once the road goes in they were going to have flow going off of that long before the house were built – he asked for this to be explained.

Mr. McEvoy said ultimately when they show the houses the septic systems for the houses are of a conceptual nature – they don't have the exact foot prints from the builders because they don't have customers yet who have identified what they want to have built but they do know where this common access drive will be built – it has to be built – untimely with the approval of this Commission and by Planning and Zoning – in order to really market the properties and be able to get customers back to see what they might be able to buy – the developer will have to build a common access drive and the associated drainage with that; they show a couple of dry wells before the turn around at the bulb of the common access drive – all of the

rain garden is just down slope of it and those features will to be constructed as part and our part really of the design of the rear lot access way.

Mr. McEvoy said other drainage features are more directly associated with the roof runoff of the houses so the future construction of lots 2-6 in terms of the house and driveways ultimately would be handled on an individual basis – the runoff from the driveway will be handled by the dry wells and the rain garden combination.

Dr. Dimmick said the greatest potential for erosion to occur is going to be during the actual construction of that road and so he thought since that road construction was part of the application here they'd need to see a sequencing to make sure that they have the proper controls to handle whatever is going to happen during construction – he said he was not sure that was in the plans that they have now.

Mr. McEvoy said there is a sediment and erosion control plan and a brief narrative.

Dr. Dimmick asked if there was a sequencing part of the discussion.

Mr. McEvoy said there is a construction sequence on the title sheet – he said they could tailor it a bit more to the specific construction.

Mr. McEvoy said one of the pages has information regarding the finished surfacing, top soiling and when grass conditions were going to be needed.

Dr. Dimmick said he did not go over the sequencing in detail.

Mr. McEvoy explained there was sequencing on the title sheet – it's more general in nature – he said they could provide something more specific to the construction of the road itself.

Dr. Dimmick said his feeling was they were probably going to pass this along to staff for review.

Ms. Simone stated it's just the standard.

Mr. McEvoy said it was more general in nature but was not specific just for the construction of the driveway.

Chairman de Jongh said they deferred the discussion of significance pending the results of the field trip; he said he didn't know based on the discussion that took place relative to lot one and the general location of the activity – whether or not it's the Commission's feeling that they need a public hearing on this.

Dr. Dimmick said for what it's worth – he has had people come up and ask me about this work so there is some public interest in it – he said a couple of people from the land trust asked him about it – he said he was not sure if what they had in mind unless they are going to try to bid in for some of the open space.

Dr. Dimmick said some of the traffic concerns are not the Commission's concern.

Chairman de Jongh said like he said when they walked lot one – there were some concerns that were mentioned amongst the Commission members and he thought this was an opportunity to get into the construction sequence and things of this nature – while they need the details it may also be the opportune time to have that discussion but he was thinking it was his suggestion is that they at least consider that this evening (to hold a public hearing).

Mr. Norback asked if they wanted to hold a public hearing would they need a public hearing for the whole subdivision.

Dr. Dimmick said the whole thing has to be open although it very well be the public hearing may focus on lot one.

Chairman de Jongh said they can't really segregate it out.

Mr. Norback asked if on lot one – he said Mr. McEvoy talked about conveying – there was a swale following South Meriden Road and he said he thought it was a good idea to take it under the driveway – the beginning of the driveway – he asked if they were introducing any additional water from the site – he said it looks like it's coming from as your building up around the houses you are sending some water that way and ultimately where is are you conveying it and are you adding a significant amount to that swale to be conveyed elsewhere – where will that be.

Mr. McEvoy said the topography of the lot generally flows from east to west – across the lot. He explained the area that contributes to the drainage swale on the road is almost entirely road runoff – there is a minor component of a wetland that actually does drain down in this

area (shown on the map) so it's a little counter intuitive that the wetland in some cases is upslope of non-wetland areas.

Mr. McEvoy said there is a minor ditch surrounding this area that sort of keeps the remainder of this property in a drier state and what they are doing with the grading of this lot is that they are directing all of the impervious surfaces to the storm drainage features and there are going to be some grassed areas that are regarded and directed in various areas but this area where the lot's proposed is currently a meadow area – it's been grassed up to the last year or two but it hasn't been maintained so it's a bit overgrown. He said they are not going to be changing the coverage of this area to cause any increase in runoff rates or volumes so another words they are handling the impervious surfaces with storm drainage features.

Mr. Norback said his question was – was it being redirected toward an area.

Mr. McEvoy said no in general they are actually they are taking a majority of the site and bringing it around the house so there is a minor component that will get to work the driveway but the driveway is crossed pitched – it's not going to be a significant change at all in terms of the area that gets to that roadway swale.

Dr. Dimmick asked about the greenish colors on the map and the yellow green shading on the map up near lot one – is that a case of that is wetland and is also not treed – is that the significance of that.

Mr. McEvoy said he probably should explain that the color scheme – he explained under existing conditions they have identified the areas that are for the most part wooded as a dark green; areas that are mostly mowed are open areas as light green; and everything that is a wetland regardless of the surface coverage condition is identified with a yellow cross hatch. He said where they show that sort of yellow crossing over anything is where wetlands have been identified so in this area where lot one is proposed – it is for the most part open areas as they saw in the field walk and under proposed conditions they keep that same color scheme to indicate what is proposed to be mowed and what is currently existing as lawn or open areas in which case this lot here (he shown on the map) they are not proposing to touch.

Dr. Dimmick said so it's a wet meadow but it's not trees.

Mr. McEvoy said to make a long story short – yes.

Chairman de Jongh asked about the selective trimming of the trees – is there a possibility of that he may be directed by either the Police or the Fire Department or Transportation or what have you to make sight line a lot clearer increasing the activity that’s proposed in the wetland area.

Mr. McEvoy said he’d say never say never but they are at the Planning and Zoning process concurrently with the Wetland process and up to this point they haven’t had any feedback on the sight lines they’ve proposed.

Mr. McEvoy said he did know looking to the left there’s a little grove of trees right near where the driveway is and those are going to have to basically have to be removed as part of the driveway construction. He said as you go further toward the wetland there’s a few fairly decent diameter in size trees with some minor under growth around them. He said from the view of the sight lines he did not feel those trees would have to be removed – ultimately the sight line plans have to be reviewed by the Cheshire Police Department and ultimately by the DOT – is it possible they will want those trees taken out – yes but did he feel that was needed at this point or are they proposing to do it – no.

Mr. Norback asked if the trees were in the upland review area.

Mr. McEvoy said those trees are in wetlands. He said this area was identified for occasional mowing and maintenance of vegetation and removal of low lying limbs and things of that nature – small shrubs or whatever that’s in the way – he said he thought it should be enough to get them a safe sight distance. He said if they decided that one or two trees are truly problematic then they’ll have to address that issue.

Dr. Dimmick and Chairman de Jongh commented that the public interest on this application was reason enough to hold a public hearing.

Mr. McEvoy asked what the requirement for notification for abutters was – the notification of property owners nearby - what it just abutting property owners.

Ms. Simone explained they were not required to do that – it just that they (the Commission) needs to notice it twice prior to the public hearing.

Motion: To declare the proposed activity significant within the context of the Commission's regulations specifically section 10.2 b and f.

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

Mr. McEvoy asked a few questions about the public hearing process.

Dr. Dimmick said there is the bit of examining alternative for the proposed activity including whether there is any alternative and if it would have less impact and whether such alternatives would be prudent and feasible. He said the public hearing will allow for public participation and the other part is looking at alternatives.

Mr. McEvoy said that is what he was getting at – feasible and prudent alternatives and whether they had any direct wetland impact on wetland soils.

Dr. Dimmick said one of the things the state statute states is including the alternative of not doing anything at all but then they get into if that's feasible considering the economic factors.

Mr. Norback asked if the applicant met with staff and engineer and if would be expeditious to not do it as one application since it's just one lot that seems to be the issue.

Chairman de Jongh explained that splitting the application, filing two applications – that would be more of a problem. He said the reason for the public hearing is to get more detail as to what the activity is going to be specifically on lot one and to allow there to be an opportunity for any public input because they were contacted by members of the public; he said with regards to the reasonable and prudent alternatives - you know the shifting of lots for example may cause a greater impact to the wetlands than current locations – things of this nature - these kind of things will be looked – the alternatives. He stated that particularly for lot one more details were needed relative to the driveway construction.

A public hearing was set for Tuesday, April 16, 2013.

Further consideration on this item was deferred pending the public hearing.

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| 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 stated this particular application was deferred by request of the applicant so it will not be taken up this evening.

X. NEW BUSINESS

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|----|---------------------|-----|-----------|
| 1. | Permit Application | APP | #2013-007 |
| | Pellump Ametli | DOR | 04/02/13 |
| | 1698 Waterbury Road | | |
| | Site Plan – House | MAD | 06/06/13 |

Pellump Ametli was present.

Chairman de Jongh stated this application came before the Commission at the last meeting for an information discussion and it was the Commission's desire that an application be filed.

The Commission reviewed the plans for the proposed house.

Ms. Simone said this latest map show basically the same location of the proposed house from what the Commission had reviewed previously – this map also does indict the 50' upland review area.

Ms. Simone said she did go out in the field with the applicant to identify areas that they were interested in filing in and those areas at the closest point get to be about 20' from the wetlands edge in an area that is already existing lawn and they are divert or rocks and other material have been moved out so they are definitely filling in depressions.

Ms. Simone said she and the applicant did speak about putting in non-encroachment markers along the wetland boundary - they propose that the top soils stock plié to be furthest away from the wetlands and they do depict a silt fence going around the site for the construction of the driveway as well as the house.

Motion: That the proposed activity is not significant within the context of the Commission's regulations.

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

Chairman de Jongh said they now need staff to craft her wording that the applicant has permission to go ahead and do what they plan on doing.

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|----|--------------------------------|-----|-----------|
| 2. | Permit Application | APP | #2013-008 |
| | Ricci Construction Group, Inc. | DOR | 04/02/13 |
| | Sperry Road/Crestwood Drive | | |
| | Subdivision | MAD | 06/06/13 |

John Gable with CT Consulting Engineers on behalf of Ricci Construction (Mr. Ricci was present) as well as the soil scientist Eric Davidson.

Mr. Gable explained the project consists of a lot known as 1142 Sperry Road – it's located approximately 1000' south of the intersection of Jinny Hill Road.

Mr. Gable said the site is approximately 26.7 acres. He said there is an existing home on this lot – they are going to cut this lot into four lots – three proposed and one existing.

Mr. Gable explained that currently the existing house has a private well and septic system – they are proposing to extend Crestwood Drive 400' to serve the next three lots – they are also going to have septic systems and private wells on those lots.

Mr. Gable stated there were wetlands on this property – there is another upland area (he showed the location on the plans) and an area that is potentially effected.

Mr. Gable said with the development they are actually outside of the 50' regulated area and they are trying to keep as far away as they can from the wetland.

Dr. Dimmick said they do have a watercourse to watch for – the drainage from Crestwood goes into an existing channel.

Mr. Gable stated yes – he also said there is an easement on this lot for the drainage pipe and the wetland scientist had indicated on the plans the location of the watercourse and the swale area is on the plan.

Mr. Gable said the drainage is going to consist of two catch basins and an oil water separator catch basins – he said they are going to take the roadway drainage in addition to some offsite drainage – the drainage will be contained in the oil water separator and then it's

going to go out to meter out to a rip-rap detention pond and then to a stone level spreader so it's going to help reduce the velocity of the water coming out during heavy storms.

Mr. Gable said they feel that they are trying to keep away as much as they can from the regulated area. He said they do have proposed underground infiltrators for the leech so that will be contained on site.

Dr. Dimmick said the portion that they are extending to the cul-de-sac is relatively close so in the since you need a setback in that whole area – he asked about the erosion controls they'd be using.

Mr. Gable said they'd be using staked hay bales with silt fencing and if the Commission deems they would double up on those that's not a problem. He said they could definitely add another row of silt fence and staked hay bales in the front.

Dr. Dimmick commented on his concern for the 75' area – slope area.

Chairman de Jongh said if something could go wrong it going to happened in the slope area.

Mr. Gable said they are about 15' out from the road edge before it starts sloping down. He said the town requirements for the road design you have to provide at least that much.

Mr. Gable said they could definitely double up on all the erosion measures in that area and up around that area (as shown on the plans).

Chairman de Jongh asked if the flow was going to sheet flow off the driveway.

Mr. Gable said no – it's going to be curbed – it's going to be a town road. He showed on the plans how the area runoff and flows would run and to which catch basins. He said the oil water separator was going to have a catch basin top.

Tape Change:

Dr. Dimmick asked where the drainage going off the wetland area eventually goes.

Mr. Gable said there is a drainage report – they have the drainage maps showing that – it is something like a 190 something acre watershed area that’s coming through this area.

Dr. Dimmick asked if it eventually gets down to the Mill River.

Mr. Gable said yes – he said the plans show the pre and post conditions – they show the drainage areas. He showed the overlay of the town topo on the plans with their developed - it also shows the limited of the watershed area. He said the discharge area shown on the plan is south of where everything is discharging to.

Mr. Gable said the Commission needs to take into consideration the whole watershed area too because they do have off site drainage coming into their area.

Chairman de Jongh said he wanted to see where that oil water separator was going to be – he said he wanted to see that 75’ perimeter that Dr. Dimmick was talking about – he said he wanted to some indication as to where that is on the property – what the center line of the road is.

A field trip was set for Saturday, April 6, 2013 at 8:00 a.m.

Further action was deferred pending the results of the field trip.

3. Request for Determination
Lot 2, 650 Oak Avenue
House

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

The Commission reviewed the plans for the proposed activity.

Mr. McEvoy explained that this lot is for the construction of a single family home and associated grading at lot 2 at 650 Oak Avenue.

Mr. McEvoy said the lot is one acre in size and it is roughly 200’ by 200’ so it’s just under an acre.

Mr. McEvoy said the original approval had the house located as it is now – with grading as a walk out configuration similar to what is proposed under this plan.

Mr. McEvoy stated there are no regulated impacts – the wetlands are shown in the yellowish greenish color on the plans. The upland review area is shown in black dashed lines – he said what he has identified in color is the light green is the limits of construction associated with the grading of the lot.

Mr. McEvoy explained there are some minor activities in the upland review area that were approved as part of the subdivision – he said there is a dirt road – a gravel road that goes from the existing house on the property up to a farmed area in the northern portion of the overall pre-subdivide parcel. He said all they are calling for in this area is for that to top soiled and seeded so it becomes vegetated but again that was part of the original subdivision approval.

Mr. McEvoy said he would be happy to answer any questions the Commission might have.

Dr. Dimmick asked if the storm tech units are such that there's no net increase in runoff as a result of the development.

Mr. McEvoy stated that was correct.

Dr. Dimmick said they were installing municipal water and sewer.

Mr. McEvoy stated yes.

Motion: To declare the proposed activity de minimis and does not need an application.

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

XI. ADJOURNMENT

The meeting was adjourned at 8:26 p.m. by the consensus of Commission members present.

Respectfully submitted:

Carla Mills
Recording Secretary
Cheshire Inland Wetland and
Watercourse Commission