

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, JUNE 18, 2013
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

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

IV. DETERMINATION OF QUORUM

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

**V. APPROVAL OF MINUTES – Regular Meeting – June 4, 2013
Site Walk – June 8, 2013
Site Walk – June 15, 2013**

Chairman de Jongh suggested deferring the approval of the minutes to the end of the meeting.

Commission members agreed unanimously to defer the approval of the minutes to the end of the meeting.

At 8:22 p.m.:

Motion: To add the approval of the minutes from the June 15, 2013 site walk to the agenda.

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

Motion: To approve the minutes from the regular meeting of June 4, 2013 with corrections.

Pg. 5 L12 “died” to “dead; pg. 7 L22 should read “Chairman de Jongh said that”; pg. 13 L7 “has” to “as”; pg.20 L12 should read “plans have”, L44 “your” to “you’re”; pg. 21 L18 “of the would” to “would be”; pg. 35 L29 “now” to “new”; pg. 36 L34&35 “Subakus” to “Skabeikis”, L40 “there” to “their”; pg. 38 L29 “of” to “for”; pg. 44 L5 delete “the reason”; pg. 53 L19 “backs” to “banks”, L23 “forges” to “fords”; pg. 57 L20 “does” to does not.”

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

Motion: To approve the minutes from the site walks on June 8 and June 15, 2013 with no corrections noted.

Moved by Dr. Dimmick. Seconded by Ms. Dunne. Motion approved 6-0-1 with Mr. Kurtz abstaining from the vote.

VI. COMMUNICATIONS

1. The Habitat CACIWC Newsletter, Spring 2013, volume 24, number 1
(To be handed out at the meeting)

This communication was reviewed.

2. CT DEEP Permit Application of Pesticides Notification
Re: Treatment of McKee Pond, 10 McKee Place

This communication was reviewed.

Ms. Simone said that staff received comments from Dr. Dimmick regarding that if anyone else has any questions or concerns they should let staff know.

3. Staff Communication: Old Lane Road, Application #2013-006

This communication was reviewed.

Ms. Simone stated that this item is deferred on tonight’s agenda.

4. **Engineering Comments**
Re: Subdivision, 505 Peck Lane, #2013-012, Diversified Cook Hill

This communication was reviewed. This item is on unfinished business on tonight's agenda.
5. **Engineering Comments**
Re: Subdivision, 1124 Sperry Road/Crestwood Dr., #2013-014, Ricci Construction Group

This communication was reviewed. This item is on unfinished business on tonight's agenda.
6. **Staff Communications: Kim Adams: Lot 6 Terrell Farms Rd. Site Plan Application #2013-015**

This communication was reviewed. This item is on the agenda under new business tonight.
7. **Letter from Milone & MacBroom, Inc.**
Re: Mixville Park Pond Margin Restoration Project

This communication was reviewed. This item is on the agenda under enforcement actions.

HANDED OUT AT TONIGHT'S MEETING:

8. **Email Re: Staff report regarding the proposed restoration area for application 2007-030A.**

This communication was reviewed. This item is on the agenda unfinished business.

VII. INSPECTION REPORTS

1. **Written Inspections**

Ms. Simone reported there were no written inspections.
2. **Staff Inspections**
 - a. **Lot 8 Prinz Court**

Ms. Simone reported there was a silt fence inspection on lot 8 Prinz Court.

b. Plank Road

Ms. Simone said there was a response to a complaint having to do with the amount of standing water in a designated wetland on Plank Road.

Ms. Simone reported that she, Public Works and Engineering Departments went out to the site four days last week and she didn't see any violation of either the permit for the subdivision or the regulations.

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 continued monitoring.

- 3. 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 said Mr. Ceccolini was present this evening.

Mr. Ceccolini said the Commission had the updated report from Milone and MacBroom.

Mr. Ceccolini said that Matt Sanford of Milone and MacBroom was contacted this spring – he was the gentleman that came out last fall and gave the recommendations that they plant the New England wet mix and that he'd like to come back in late May or early June to review the growth; he was back down there on June 6, 2013 – spent some time down there and pointed out a few invasive plants that he asked the Park's guys to dig up and through them in a dumpster and reviewed it and as part of this report he has the northern shoreline, the island and eastern shoreline – all the growth that was cut is coming back and that he felt (Mr. Sanford) was pretty confident that it was coming back at a fast rate and he did not recommend any further plantings because he thought those plants would out compete the plants that are growing back at this point.

Mr. Ceccolini said at this point it looks like it's all coming back pretty lush and Mr. Sanford thought it was coming along fine and didn't recommend any further action at this point.

Chairman de Jongh said he read the report and said thank you to Mr. Ceccolini for your corporation in taking care of this and he thought the report from his stand point address a lot of the concerns that the Commission had – he said he was glad to see that Mother Nature is kind of coming back in the way they had hoped that she would.

Chairman de Jongh said he had a couple of comments about the notice of invasive species and again that was withdrawn immediately when he saw that – is there any scheduled monitoring by Milone and MacBroom to come back to the site – for example every three months or six just to make sure that same invasive species doesn't reappear and take over.

Mr. Ceccolini said even though this completes our contract with Milone and MacBroom to look at it – Mr. Sanford did say that he'd be happy to answer any questions we had and come down and look at the site in the future if we called him and asked him to come down so he's very corporative – that company has always been great with us – he did agree to come down if we needed him to.

Chairman de Jongh said it's usually in the springtime when that stuff really starts to take over and we have obviously nipped that in the bud but it would be nice to make sure that as the native species continue to further develop that we've find of pulled out any invasive species as quickly as possible.

Mr. Ceccolini said he thought Ms. Simone was pretty familiar with a lot of the invasive species – she's been down there – he said he would ask her to go down there to and look at it –she's always worked with us well as far we've asked her to come out and look at something – he said he would have all the confidence in just asking Ms. Simone to do it – he said he didn't know if she was comfortable in doing that or not.

Ms. Simone said that she thought that was reasonable – she said she would be able to identify those (invasive species) in the field.

Mr. Norback asked if the invasive species in existence prior to the work done.

Ms. Simone said that she did not know.

Mr. Norback said so they may not be as a result of the clearing that was done – they may have been an invasive species – what do you do – if it's an invasive it's invasive then and now.

Dr. Dimmick said one of the things about most invasive species is they take advantage of recently cleared land as a way to get their foot hold on things.

Ms. Simone said she thought in the state that it's in now it would be easier to mitigate before they start to mature.

Chairman de Jongh thanked Mr. Ceccolini for his corporation on this – he said they really appreciated it and was glad they came to a good conclusion.

Chairman asked if the eagle project that was an issue earlier – is there any desire on the part of that scout to come back and re-do that project.

Mr. Ceccolini said he's been in contact with the Army Corp of Engineers so anything that takes place down there has to go through them so we have to get them a plan before it would even be considered in the future. He said he talked to the scout and his Dad and they would like to get back involved when it's the appropriate time to put it back.

Chairman de Jongh said as they said at the time he thought the greatest experience that comes from a project like that is understanding how the agencies work together and the right way to put stuff together – he said he loved to see that come to fruition so he'd hate to have him (the scout) .o say “just forget it I'm not going to do it.”

Mr. Ceccolini said they would really like to get that back in – we've had a lot of people- the general public ask about getting them back in so we're working on that.

Dr. Dimmick asked if staff should be instructed to prepare a violation release on this on the basis of the report.

Chairman de Jongh asked if Ms. Simone was comfortable with the content of the report and does it address the concerns that they had.

Ms. Simone stated yes.

Chairman de Jongh said that he thought that was probably a fair request – then if we can design that (release of violation) and be able to bring that into the record at the next meeting.

IX. UNFINISHED BUSINESS

- | | | | |
|----|----------------------------|-----|-----------|
| 1. | Permit Application | APP | #2013-006 |
| | Dr. Jeffery Norwood | DOR | 03/19/13 |
| | Old Lane Road
Site Plan | MAD | 07/27/13 |

Chairman de Jongh said he understood this item was been deferred per the communication received.

- | | | | |
|----|---------------------------|-----|-----------|
| 2. | Permit Application | APP | #2013-012 |
| | Diversified Cook Hill LLC | DOR | 05/07/13 |
| | Peck Lane
Subdivision | MAD | 07/11/13 |

Chairman de Jongh said this item was subject of a site visit on June 8, 2013.

Dr. Dimmick said he had no concerns after the field trip and on that basis.

Motion: To declare the proposed activities under the application not significant within the context of the regulations.

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

Chairman de Jongh said they will allow staff to draw up wording and do what she needs to do.

- | | | | |
|----|------------------------------|-----|-----------|
| 3. | Permit Application | APP | #2013-013 |
| | Gil Mor | DOR | 05/21/13 |
| | 817 Wallingford Road
Shed | MAD | 07/25/13 |

Dr. Dimmick said one of the questions – did we satisfy ourselves as to what is in that shed or what might be stored in that shed because that was a matter of concern last time.

Ms. Simone said they didn't receive any additional information since the last meeting to see what was stored there so in stipulation number three it's written in a way that would specify what could be

stored directly in that wetland area or meaning what would be prohibited as far as oil gasoline and chemicals.

Dr. Dimmick said that is the wording that we normally have when there is construction of some sort proposed whereas in this case we don't know what else might be in there – this talks about oil, gasoline and chemicals needed at that site - it doesn't say anything about what might be stored there whether or not it's needed.

Ms. Simone said she agreed – that language is restrictive in that way and perhaps it could be amended to say all oil, gasoline and chemicals shall be stored a minimum of 50' from the delineated wetland.

Dr. Dimmick said he thought that would take care of it.

Ms. Dunne asked if that was the only shed – she said she seemed to recall there were several.

Dr. Dimmick said there were five sheds on the property – he said that is the one that is of concern because it's right in the edge of the wetlands itself – he said he was looking for wording that says “no oil or chemicals shall be stored in the shed or within 50' of the shed.”

Ms. Simone amended the motion to incorporate the revised wording.

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 a permit-after-the-fact for the installation of two sheds within a wetland, as defined by the official Town of Cheshire soils map.
2. That the applicant states that no trees, clearing or grading was conducted in order to accommodate the shed installation and that the sheds were existing when they purchased the property in 1997.

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 #2013-013, the permit application of Gil Mor for permit-after-the-fact for shed installation as presented on the plans entitled:

“Fiderio & Sons
687 Broad Street, Meriden CT 06450
Dated As Received May 16, 2013
Prepared by Paul Verselil, Fiderio & Sons, Meriden 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. No oil, gasoline, and chemicals shall be stored in the sheds or within 50 feet of the wetland boundary to prevent contamination of any wetlands or watercourses from possible leaks.
4. This permit grant shall expire on June 18, 2018.

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

Ms. Dunne asked if a copy of the motion would be sent to the homeowner highlighting that language regarding the stipulations.

Ms. Simone said yes the property owner will be provided with a cover sheet so she can write to direct him to review number three on that cover sheet.

- | | | | |
|----|------------------------|-----|------------|
| 4. | Permit Application | APP | #2007-030A |
| | Cheshire Route 10, LLC | DOR | 05/21/13 |

Highland Ave, Dickerman Rd. and I-691
Modification

MAD 07/25/13

Attorney Anthony Fazzone and Darin Overton of Milone and MacBroom were present on behalf of the applicant.

Attorney Fazzone said as they indicated two weeks ago this is an application for modification of the existing permit.

Attorney Fazzone stated that the Commission has taken a site visit. He said they did go through all of our presentation at that time. He said they did receive they staff memo this afternoon and he would like Darin Overton to go through their response to that and also we are prepared to answer any questions they may have.

Mr. Overton said he tried to prepare kind of an overlay graphic – he said he took the prior plan and overlaid the proposed plan – he said it seems like that’s what staff had done in looking at some of the changes and the impacts in the area of the deep pool – he said that way kind of the focus of the presentation at the last meeting and he said he hoped this would clarify some of the issues.

Mr. Overton said there was some question about the restaurants being removed or relocated – he showed the locations in the prior application were the restaurants were located overlooking the deep pool area – they were two stories so they stepped out at a lower level down to this plaza area and there were stairs that went straight down between the two – the restaurants now have been pulled back and are actually located in the building adjacent to pool area as part of the change in the overall building configuration of the complex.

Mr. Overton said the outline in yellow is where they were situated before – the dashed line was an overhead deck that came off of the first floor and overhead of the walkway below and then the walkway wrapped around.

Mr. Overton said the handicap access to the lower area of the restaurants started over by the Heritage monument so this ramp – series of ramps and landing areas that make handicap access all the way down to the lower level of the restaurant and into this plaza area – the hardscape walk them continued down to this area – basically the outline of this is that the plaza is almost identical to what was permitted before and from there the dash line outlines what was a soft scape trail previously.

Mr. Overton said the difference in this application is that the ramping down for handicap access actually starts back in the area where there's a pedestrian plaza that exists down adjacent to the restaurants so the pedestrian plaza provides for some outdoor seating adjacent to the restaurants that are proposed here and the ramp actually starts – because that's kind of gathering space there so the ramp for the pedestrian access starts in this location down and ramps down towards the stairs near the Heritage monument connects into a small little viewing area at the bottom of the stairs – previously this was just a soft scape trail – you can see that the trail was closer to the stream before so the hard scape trail ramps down here again we've added this hard scape viewing for handicap access and then we've also provide ramping back up to the lower level plaza below the reconfigured stairs that are kind of in an L shape here now.

Mr. Overton said so now they have handicap access throughout to all the areas similar to what was there before but it's all a hard scape trail opposed to soft scape – the only soft trail really is this area down towards the open area that views the outlet of the arch.

Mr. Overton said there were a couple of trees they were trying to save here before and previously they had a pretty substantial gap between the two walk ways and there were a couple of trees in this location that were shown to be saved – unfortunately the switch back in the walk now causes us to lose those trees – one is located here by that access right on the retaining wall and the other one is in the walkway.

Mr. Overton said previously the turn in the handicap access was in the plaza area but because we are starting from this point (shown on the plan) we are actually sweeping back and getting down to the deep pool area in that configuration now.

Mr. Overton said so unfortunately we do lose those two trees – all the other trees that were shown to be saved before still remain so you can see the walkways generally follow the same configuration before – there've just shifted a little bit either closer or further away from the river itself and the actual starting point of the ramping down for the handicap access is on the opposite side then it was before.

Mr. Overton said you can see the outline in gray the actual curb line where the paving was before on the western side of this area – we actually had some parking and part of a turnaround or drop off area for the restaurants that actually was closer to the river – we've now pulled that edge of the parking back and there's actually some more

plantings that are proposed in that area and then limits of paving are the same – it's just a shifting of whether the restaurant buildings are here or as they've been shifted back over here.

Chairman de Jongh said during the site visit there was some discussion about and there was no surprise about the significant flow in the river coming through there and the encroachment and erosion in the area which was pretty significant and the discussion was how the runoff was going to be redirected a little bit more efficiently not changing the velocity but certainly changing the direction of where the water is going to runoff – and the question he had raised was while they are changing the direction we're not changing the volume of the water and what kind of measures are going to be taken for example in the pool area to protect any erosion coming back into the areas that you've developed.

Mr. Overton said so right now there are two relatively enormous gullies that are represented in the contours – as shown on the plans – and they all lead down to this area and part of this sandy delta that's here is part of the washout from these gullies it's just deposited in a flatter area here.

Mr. Overton explained right now the changes in the topography for the ATVs and the trails and the erosion and disturbance that's been caused out there from the large kind of broad and gentle sloping area that's been disturbed in the past kind of gets directed and channelized down into this area so as part of the development we're pulling the stormwater kind away from this area.

Mr. Overton said we are going to be stabilizing this either with the hard scape or plantings and then we have one discharge point – a stable discharge point just on the north side of the great fill and then we have a second discharge point just below the bridge so where that water is being channeled into this pool area now we are actually putting it into stable areas on either side of it.

Chairman de Jongh said that was described in the site visit and he just wanted to get that on the record so we had that clearly.

Mr. Norback said your associate Ryan who was present on the site walk said that it would be part of the reason for that was a timing issue that you were going to introduce that water prior to when that swelled from up river flooding so he guessed he seemed to say that they were getting that water in sooner instead of introducing it when it was a flood stage already – is that accurate.

Mr. Overton said yes as part of the analysis we did we looked at the overall Ten Mile River watershed as well as its confluence and the timing associated with it coming into the Quinnipiac River and basically what they found was is the peak of the Quinnipiac is well beyond the peak of the Ten Mile River and since we are very much in the lower part of the Ten Mile River watershed it made sense to pass the peak of the site through – get into the river and let it go down stream before the actual river peak itself.

Mr. Norback said that was important to get into the record.

Mr. Norback said when you describe it as a hard scape what is the material of the hard scape – is it asphalt, concrete or is there going to be some kind of composite decking or when you say hard scape is it strictly asphalt.

Mr. Overton said they don't expect it to be an asphalt walk it would likely be a concert type surface – it could be pavers or a stamped type of concrete – he said they haven't finalized how those surfaces were going to be treated but it's intended to be a hard scape type of surface.

Ms. Simone asked if Mr. Overton had any information about the zones – about the area of the zones and the planting schedule and if that will remain.

Mr. Overton said yes so there was one question about a loss of planting space in the zone one area – he showed the details on the previous plan and revised plan – he said they had this kind of contiguous zone one area with a defined number of plantings and the soft scape walkway came in along the western edge of that – under the current plan you can see the old location in red.

Mr. Overton said the walkway is now in another location (as shown on the plan) – he said they do lose a little bit of that area for this viewing area that they've put in but they didn't change the density of the plantings – he said he didn't really know if they need to but they may consider reducing the density there a little bit to fit that reduced area.

Dr. Dimmick said that he has not seen anything presented that causes any serious concern – these modifications do not increase impact in his view compared to the original application which they approved previously.

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

Moved by Dr. Dimmick. Seconded by Mr. Kurtz.

Chairman de Jongh said he concurred and thought the overall revisions actually improved the site and were better than they were the first time around which may not have been what the original intention was but economics actually came to our advantage this time.

Motion approved unanimously by Commission members present.

Chairman de Jongh said they will now allow staff to craft her wording and we can go from there.

5. Permit Application	APP	#2013-014
Ricci Construction Group, Inc.	DOR	06/04/13
Sperry Road/Crestwood Drive		
Subdivision	MAD	08/08/13

John Gable of CT Consulting Engineers was present on behalf of the applicant.

Mr. Gable said as the Commission was aware – we have been here a few times already and based on the original application back in April 2013 we had met all the engineering comments regarding the application and this Commission had voted to approve that they didn't have a significant activity at that time.

Mr. Gable said they understand that Engineering has a few comments regarding the current application which is the same one they had back in April.

Mr. Gable said there were three comments and the first one basically states that the proposed storm water runoff is not mitigated at the time of road construction – he said they can address this issue by relocating the infiltrators closer to the road so that would take care of the runoff at that point.

Mr. Gable said the storm tech infiltrators – they do have a special roll that wrap in filter fabric and act like a sediment tank or basin so that will take care of the issue in terms of the sediment that's running off from here.

Mr. Gable said there other comment was how long will it take for the attenuate water to complete and infiltrate into the ground. He said again they looked at the soil data in that area and they have high permeability rates and basically those infiltrators that they have are about 30" high and it will take about four hours for them to complete and drain into the ground once they fill up.

Mr. Gable said lastly the Engineer was asking that the sediment chambers require between the last catch basin and the drainage outlets – what that layout was he didn't like that catch basin top over the tank so he was basically saying have a catch basin connected to a tank and let it outlet but with the infiltrators we don't need a tank anymore we can use one of those isolator rows instead – they would have to provide calculations for that too.

Mr. Gable said they feel they can address these issues and once they're completed they're still outside the 50' wetland buffer so it's still not in the 50' area so they feel that the approval they had originally had should be the same as this one even with the changes – he said the intent is not to go beyond that 50' mark.

Chairman de Jongh said just as a clarification staff as reminded him that there was no approval before the application was withdrawn so they have not approved anything yet – just to keep the record straight.

Ms. Simone said in her conversation with the Engineering Department they acknowledged that they didn't identify this issue previously and what they are really looking to do is just make sure any storm water infiltration designed for the roadway will actually be developed at the time the road is developed as opposed to having these placed on individual lots and waiting for the individual lots to then be develop.

Ms. Simone said they would want to see the road that's extended so that the stormwater management associated with that road was done all at once.

Mr. Gable said and that's what their plans are going to have and we are confident once we make the changes and put them in the drawing that Engineering will be fine with the three comments.

Chairman de Jongh asked Mr. Gable if these comments have been conveyed back to staff in writing.

Mr. Gable said not yes – they just got the comments this past Thursday afternoon.

Chairman de Jongh asked that those comments be put in writing so that way the record could be complete.

Mr. Gable asked if that was something based on not having anything placed in the 50' buffer – is that something like they did last time – they don't want to interfere.

Mr. Gable said based on their last layout they didn't want to do any construction activity within the 50' wetland buffer and they are doing the same thing here so with the changes they are making we are not going to be past that limit.

Chairman de Jongh said they will take a look at it and let him know.

The Commission reviewed the plans.

Ms. Simone said for the record the water is planning to be discharged from the road extension then into the wetlands.

Mr. Gable stated that was correct but they are going to be slowed down by that plunge pool and the level spreader after it's been treated through either a sediment tank or an infiltrator. He said you almost have a two-tiered treatment system – were you go with an isolator row for the sediment capture that will discharge to the plunge pool which will also capture some sediment and oil spreader.

Ms. Simone asked Mr. Gable so sort of point out to the Commission the area on the plans the areas that he's talking about.

Mr. Gable showed the location of the low spot in the road which is around station 480 – he pointed on the plan the location of the two catch basins and then there's a tank with a catch basin top and you have all these infiltrators on each lot which the Engineer was sayings these are capturing the increase of the runoff from the proposed road and other impervious surfaces.

Mr. Gable said what they are going to do is take these infiltrators and put them after this catch basin in this area there where the yellow is and they are going to have it dissipate to the plunge pool and level spreader.

Mr. Gabel stated so they are just going to relocate the infiltrators so that they are not here anymore so when they do construct the road

they must construct this with the catch basins for treatment purposes.

Chairman de Jongh said so all those structures will be in place before –he said that was one of the Engineering concerns.

Mr. Gable stated yes. He said they feel since they're not going to be anywhere past this red line which is the 50' buffer – we want to keep as much natural buffer as much as possible.

Ms. Simone said just for the record where the road extends off of the cul-de-sac that is in the upland review area so that's what triggers the initial need to come before the Wetlands Commission and discuss all this.

Chairman de Jongh said he thought the information they have it what they were looking for and all the details they have are sufficient for a determination to be made.

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

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

Chairman de Jongh said they will allow staff to prepare wording and they will go from there.

X. NEW BUSINESS

- | | | | |
|----|--------------------|-----|-----------|
| 1. | Permit Application | APP | #2013-015 |
| | Kim Adams | DOR | 06/18/13 |
| | Terrell Farm Place | | |
| | Site Plan – House | MAD | 08/22/13 |

Christopher Juliano, land surveyor and professional engineer with Juliano Associates was present on behalf of the property owner and the applicant in respect to the develop of the reconfigured lot 6 of Terrell Farm Place.

Mr. Juliano explained as many of you may remember approximately two years ago we came before this Commission and Planning and Zoning to subdivide this parcel from the lot to the south – it was the Abate property.

Mr. Juliano said as you all know economic times went what they were so it kind of sat for two years but a buyer has come along and wish to build a house on this particular lot.

Mr. Juliano said for that approval two years ago they basically came before this Commission requesting permission for the driveway crossing through the wetlands and again as many of you who were on the Commission then may remember they had a site walk to go through the wetlands – we went very diligently – we looked at alternatives for the other side of the lot unfortunately there were a number of constraints not just the wetlands but the Algonquin Gas mains and high transmission mains that run across the front of this and the property comes up very steeply from the road and they would have had to cut that down – and they would have been too close to the gas mains.

Mr. Juliano said the location as originally depicted and as depicted on the new plan is on the north side of the property.

Mr. Juliano said very little has changed between this plan and the previous plan as far as the layout, the engineering – basically the three significant changes are the house has become smaller in footprint – it's about 15% smaller than what was originally reviewed (the Commission didn't approve the house); as a result the driveway area right adjacent to the garage is also smaller and then they had a very minor change to the septic trench product – the company that they were proposing they discontinued their 12" model so now we are using their 18" model – so those are the only three changes to the entire plan from 2010 until now.

Mr. Juliano said he knew there were staff comments and Ms. Simone was gracious enough to send those to him and he responded with a letter – he said the comments talked about the non-encroachment area which is the same it's not changed – the erosion control for the upper part of the development of the lot.

Mr. Juliano said they have placed silt fence along the stone wall and as he indicated in his letter to staff the reason for that location is the stonewall acts as a structural barrier along with the silt fence so if they get a heavy rain they are not going to have the silt fence falling down or breaching – it's a very optimal location and we are able to make efficient use of that wall for that purpose.

Ms. Simone said she apologized for not seeing that originally with all the lines and fence – he did have that on the original plans.

Mr. Juliano said no apologies were needed – he said there were a lot of lines going through that area so he understands.

Mr. Juliano said another comment that staff raised was over the foundation drain – it is approximately 25' off the edge of the wetlands - he said he pointed out that was the same location – he said Ms. Simone reminded him that it hadn't been approved and he does understand that but he wanted to make note that this had been looked at and reviewed so he's not trying to sneak something in – it's pretty much the same plan the town and staff has reviewed.

Mr. Juliano said with respect to drainage – again Warren Disbrow and he butted heads two years ago a little bit on drainage – they ended up having to add galleys both on the house both on the side and on the front to take care of the roof drainage and some galleys to handle the runoff from the driveway – and although they've reduced the size of the house footprint and some of the pavement they have not reduced the size of the galleys at all so it's a little bit larger than what's required and needed.

Mr. Juliano said other than that the plan is pretty much straight forward – it's just the development of an approved building lot and they are requesting permission to construct a house and septic system as depicted.

Dr. Dimmick asked if this septic system is one of these where's its upslope from the house – you are going to have to have a pump chamber to pump it up.

Mr. Juliano stated that was correct.

Dr. Dimmick said because of the ground water level you are going to have to put fill in the septic system area.

Mr. Juliano stated that was also correct.

Dr. Dimmick asked if this has all been checked with Chesprocott and they approved the plan.

Mr. Juliano said yes – they got it approved back in 2010.

Dr. Dimmick said he just wanted to clarify so they got all of that straight.

Mr. Juliano said he sent it to Lorraine (Chesprocott) again to make sure because it has been two years – they had the minor revision for

the septic product and he does have a letter included with the application from Lorraine (Chesprocott) saying that it was approved.

Dr. Dimmick asked if there was going to be some kind of power back up in case there of a power failure to make that pump.

Mr. Juliano said it's a typical as all are – it's an alarm as per Chesprocott so there's a low level, high level, emergency and generally with the way things are-yes there generally is some kind of back up.

Dr. Dimmick said there is a real change they could be without power for six or seven days.

Mr. Juliano said many of his clients now who are not within the Wallingford electric system he always tells them a gas powered generator – a small one when they are on septic is almost imperative because UI or CL&P has trouble getting the power on after these large storms.

Mr. McPhee asked if this application had been previously withdrawn.

Ms. Simone stated what was approved was for subdivision and the creation of the driveway so that was already previously approved so what's before the Commission now is the actual location of the house and the septic.

Mr. Juliano said that they were subdividing the lot because of a divorce that was going on and unfortunately there was no buyer for the lot so they proposed it with a very large house basically saying we can put this 3,000 SF foot print house on this lot make everything work – work with your regulations and then two years passes and no one came and bought the lot economic times being what they were

Mr. Juliano said now someone has stepped forward to purchase the lot so now we have the exact house they want to build depicted on here and as part of the original approve was when they finally got to that point they needed to come back to make sure that they are doing everything they were supposed to do.

Chairman de Jongh said it's not uncommon to require individual site plan approval.

Ms. Simone said she also wanted to remind the Commission that the non-encroachment line shown as established here is consistent with what was established in the subdivision phase so what they are

showing as the non-encroachment line with the stone all being the border that is consistent with what was established in the subdivision approval.

Chairman de Jongh asked if all the information that they have is up to their normal standards.

Ms. Simone stated yes

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

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

Chairman de Jongh said they'll allow staff to craft her wording and take care of this in two weeks.

Mr. Kurtz asked if the comments that were made were taken care of – the narrative.

Ms. Simone said yes – Engineering in going to look at it – if the Commission had any comment about the footing drain being discharged out into the non-encroachment line that is something they could consider.

Ms. Simone asked Mr. Juliano if he could clarify where the footing drain discharges – so you have an outlet and it's going to have a screen – is it going to have any sort of energy dissipater of rip rap or anything like that.

Mr. Juliano said basically on a foundation drain which is basically collecting subsurface water that collects against the foundation at the very bottom – the velocity is really only the ground water or rain water that percolates down so the flows are very low less than 3' per second generally so energy dissipation on that is not need – if that's something you'd like they can put some stone there but he thought it was overkill.

Ms. Simone said but that's a design standard basically that you wouldn't put rip rap on that.

Mr. Juliano said the screen is really so eroded so stuff doesn't get clogged up in there and cause a problem – it's very low flow – intermittent at best after rain storms and just because of the

elevation on the lot that was the most logical place to put it instead of putting something way down the along the edge of the driveway – again it’s just for the foundation and to protect the basement from flooded.

XI. ADJOURNMENT

The meeting was adjourned at 8:22 p.m. by the consensus of Commission members present.

Respectfully submitted:

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