

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, JULY 2, 2013
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

Members present: Robert de Jongh, Charles Dimmick, Kerrie Dunne and Earl Kurtz.

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 and Earl Kurtz.

IV. DETERMINATION OF QUORUM

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

V. APPROVAL OF MINUTES – Regular Meeting – June 18, 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 8:30 p.m.:

Motion: To approve the minutes from the regular meeting of June 18, 2013 with corrections.

Pg. 3 L36 “agenda: to “agenda under”; pg. 4 L43 “through” to “throw”; pg. 5 L37 “to” to “too”; pg. 6 L25 “Corp” to “Corps”; pg. 10 L24 “way” to “was”, L29 [were] (where)pg. 13 L10 “since” to “sense”, L22 “concert” to “concrete”; pg. 14 L46 “roll” to “role”; pg. 15 L26 “as” to “has”; L31 “conservation” to “conversation”; pg. 16 L5 “yes” to “yet” pg. 17 L43 “develop” to “development”; pg. 20 L16 “change” to “chance.”

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

VI. COMMUNICATIONS

1. **Staff Communications Re: City of Meriden; 1285 S. Meriden Road, Application # 2013-017**

This communication was reviewed. Ms. Simone stated that this item is under new business tonight.

2. **CT DEEP Notification: Consolidated Industries**

This communication was reviewed.

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

This communication was reviewed. Ms. Simone noted that this application was under unfinished business.

4. **Staff Communication Re: Ricci Construction; Sperry Road and Crestwood Drive, Application # 2013-014**

This communication was reviewed. Ms. Simone noted that this application was under unfinished business.

5. **Staff Communication Re: 61 Lynwood Drive Extension; Addition Application # 2013-016**

This communication was reviewed. Ms. Simone noted that this item was under new business tonight.

6. **Permit Transfer Request, #2009-007, Eva Skabeikis, Peck Lane**

This communication was reviewed. Ms. Simone noted that this item was under new business on the revised agenda.

7. Request for Determination, Plank Road, Lot 14 – Meadowview Estates

This communication was reviewed. Ms. Simone noted that this item was under new business on the revised agenda.

HANDED OUT AT TONIGHT'S MEETING

8. Engineering Department comments for Crestwood Drive Subdivision

This communication was reviewed which is under unfinished business.

9. Engineering Department comments for the City of Meriden

This communication was reviewed.

VII. INSPECTION REPORTS

1. Written Inspections

- a. 140 Willow Street, 121 Laurel Terrance, 113 Laurel Terrance, 437 Spring String Street and 447 Spring Street

Ms. Simone stated a written inspection was conducted at 140 Willow Street, 121 Laurel Terrance, 113 Laurel Terrance, 437 Spring String Street and 447 Spring Street regarding some complaints of drainage backup at 140 Willow Street from this winter so written inspections and notifications were sent out to those addresses.

2. Staff Inspections

Ms. Simone said she only had a partial list of staff inspections to report on at the meeting tonight.

- a. Marklynn Industries

Ms. Simone stated there was a staff inspection of Marklynn Industries on Mansion Road. She said if the Commission recalled there was an issue where they were stock piling soil next to the Mill River and they had indicated that they would remove everything within 30 days and her basic observation from yesterday is that they have removed the soil – and that she hasn't prepared an official report on that yet.

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 would remain on the agenda for continued monitoring.

- 3. Corrective Order #CO-11-6-2012-A FT 10/23/12
Unauthorized Activities in a Regulated Wetland Area
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 he believed there was a staff recommendation to release the corrective order.

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors relevant to the issuance and release of the subject Corrective Order, Commissioners' knowledge of the area, and after review of Staff inspections and information provided by the property owner on this matter, finds the following:

- 1. That on November 6, 2012, Corrective Order #CO-11-6-2012-A was issued to Bob Ceccolini for the clearing of vegetation within a watercourse, wetland and upland review area at Mixville Recreation Area and found to be in violation of the Inland Wetlands and Watercourses Regulations.**
- 2. That on June 18, 2013 the Commission reviewed the June 11, 2013 Environmental Assessment and Recommendation Letter compiled by Matt Sanford, soil scientist with Milone and MacBroom, Inc.**
- 3. That on June 18, 2013 Mr. Ceccolini stated that the invasive species identified in the report have been removed and that the site will continue to be monitored for invasive plants, and if found, will be removed by Park staff.**

4. That the Commission found that the above stated actions support compliance with Corrective Order#CO-11-6-2012-B.

Therefore, the Cheshire Inland Wetlands and Watercourses Commission does hereby determine that the requirements of Corrective Order #CO-11-6-2012-A have been met and completed. Further, the Commission does hereby release and discharge the aforementioned Corrective Order.

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

IX. UNFINISHED BUSINESS

- | | | | |
|----|---|-----------------------|---------------------------------------|
| 1. | Permit Application
Dr. Jeffery Norwood
Old Lane Road
Site Plan | APP
DOR

MAD | #2013-006
03/19/13

07/27/13 |
|----|---|-----------------------|---------------------------------------|

James Sakonchick, PE with the engineering firm of Kratzert, Jones & Associates, Inc. was present on behalf of the applicant Dr. Jeffery Norwood.

Chairman de Jongh said he thought they were waiting for Engineering Department comments.

Ms. Simone said after the mailing went out we received revised plans – she stated she had not had a chance to really look at them in detail as of yet. She stated Walter Gancarz from the Engineering Department is out this week and he will be reviewing it next week.

Ms. Simone stated she sees that Mr. Sakonchick is here tonight.

Mr. Sakonchick said he was just updating what they did – he said they did meet with the Engineering Department and they did set certain perimeters for example they said that even though there's a big pond – they don't want them the use that for mitigation calculations – definitive answer – we accepted that answer.

Mr. Sakonchick said in order to do mitigation they're showing a rain garden on the plan – the same rain garden that they had previously and they sized that to take care of the proposed driveway impervious – the garage and the building itself.

Mr. Sakonchick stated the drainage calculations were quite expensive – about 17 pages worth of data – so they could appreciate it that it took some time to develop that and he certainly appreciate it's going to take some time for the staff to review the same. He said hopefully they could get that well resolved before the next meeting.

Mr. Sakonchick said he will not personally be at the next meeting because he will be out of state but there will be somebody else here from his office.

Mr. Sakonchick said with that in mind he wanted to quickly highlight the big picture – he said they have a large lot – over two acres and there is a private road which is called Old Lane Road but it comes off of the public road Old Lane which is shown off of the sheet being reviewed.

Mr. Sakonchick said there's an existing house and extensive driveway and they are proposing a 350' driveway – a garage and a house cresting the hill and a septic system – all activity on the lot is more than 50' away from the wetland buffers.

Mr. Sakonchick said in order to take care of the grade which is starts high at the garage going down they have a catch basin proposed with a discharge to an existing 36" pipe that goes underneath the private driveway.

Chairman de Jongh said that he was sure that Mr. Sakonchick was aware that the plans came in without time for Town Engineer Mr. Gancarz to review this and provide us with comments – he's of course away for the holiday and he'll take a look at this when he returns next week but hopefully they'll be able to get some commentary back from the Town Engineer in time for staff to review it and also to be prepare for commentary at the next meeting.

Mr. Sakonchick said he thought Ms. Simone had advised him to try to get that resolved because apparently the next meeting is the last time they have to work on this.

Ms. Simone stated that was correct.

Chairman de Jongh said yes – they have a mandatory action date of July 27.

There were no other questions or comments from Commission members.

Chairman de Jongh said he'd suggest that they defer further consideration and discussion on this pending the results of the Engineering comments and staff's review as well.

Mr. Sakonchick thanked the Commission.

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

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 subdivision of 18 acres +/- into 3 development lots, totaling 4.87 acres, with the remaining 13.18 acres to remain as undeveloped land.
2. That the previously existing house has been razed and no further demolition is requested or required.
3. That on June 8, 2013 the Commission conducted a site visit of the property.
4. That the applicant's soil scientist field located the wetlands and watercourses on proposed Lot #1 and Lot #3.
5. 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 #2013-012, the permit application of DIVERSIFIED COOK HILL, LLC as presented on the plans entitled:

“Subdivision of 505 Peck Lane
505 Peck Lane, Cheshire, Connecticut

Dated May 6, 2013
6 Sheets: Scale Varies
Prepared by Milone and MacBroom, 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 any clearing, earthmoving and/or construction activities on Lot #1 and Lot #3, Lots #1 and #3 require individual site plan review and approval from the Cheshire Inland Wetlands and Watercourses Commission.
4. 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.
5. This permit grant shall expire on July 2, 2018.

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

Ms. Simone stated there was an 8-26 referral that's required for subdivision – she stated its standard language and it reflects the stipulation which requires lots 1 and 3 to come back to the Commission which was in the approval that was just granted.

Chairman de Jongh said and that requirement to come back before us was for individual site plan approval.

Ms. Simone stated yes.

8-26 Referral

Pursuant to Section 8-26 of the Connecticut General Statutes and the Cheshire Inland Wetlands and Watercourses Commission Regulations, CIWWC permit application #2013-012, the permit application of DIVERSIFIED COOK HILL, LLC., has been reviewed and approved with stipulations. The application is for subdivision activities as shown on plans entitled:

"Subdivision of 505 Peck Lane
505 Peck Lane, Cheshire, Connecticut
Dated May 6, 2013
6 Sheets: Scale Varies
Prepared by Milone and MacBroom, Cheshire, CT".

The Commission has found that there are regulated wetlands on site. Prior to any clearing, earthmoving and/or construction activities on Lot #1 and Lot #3, Lots #1 and #3 require individual site plan review and approval from the Cheshire Inland Wetlands and Watercourses Commission.

Further, the Commission finds that, based on wetlands and watercourses considerations, there is no compelling reason that the Cheshire Planning and Zoning Commission should deny the subdivision request of the applicant.

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

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|----|---|-----|------------|
| 3. | 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 |

Ms. Simone stated there was a revision to the motion previously sent to the Commission.

Dr. Dimmick stated there were two small changes compared to the version that was emailed to them.

Ms. Simone said the main change in the stipulation is in #19 where it specifies that the expiration will run in concurrence with the existing expiration date on the current permit and that would be January 2, 2017.

Chairman de Jongh said that Ms. Simone also noted in her email that when the draft was created there were some discrepancies were found between the site plan summaries and the details and those were corrected.

Ms. Simone stated yes.

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors set forth in Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire, information gained from site visitations and the Commissioners' knowledge of the area, and information provided by the applicant and others on this application during the course of the public hearing and the pre-hearing proceedings, finds the following:

1. That this site has been the subject of previous Cheshire Inland Wetlands and Watercourses Commission permit grants, with stipulations, including, but not necessarily limited to a permit grant, with stipulations, to John Errichetti Associates for Site Plan for shopping mall on October 15, 1985, subsequently modified on December 13, 1990, and most recently, permit #2007-030 was granted, with stipulations, on January 2, 2008 for the construction of a commercial and residential project.
2. That the site is located in an interchange zone adopted into planning and zoning regulations on May 25, 1985 and that said interchange zone is part of the plan of development for the Town of Cheshire. Planning and zoning regulations adopted on July 13, 2007 permit residential, retail and office uses on the subject property.
3. That the current application includes an additional 4.5 acres of

abutting properties (1973 and 1989 Highland Avenue border the proposed development to the south, totaling 2.8 acres. The 1.7 acres of 2061 Highland Avenue totals borders the site to the north and the Ten Mile River).

4. That the record of permit #2007-030 is fully incorporated in the support material of application #2007-030A.
5. That the Cheshire Inland Wetlands and Watercourses Commission conducted a site inspection on June 15, 2013.
6. That on June 18, 2013 the Cheshire Inland Wetlands and Watercourses Commission determined the activities to 'not be significant in the context of the regulations'.
7. That the wetlands and watercourses on site have been identified in accordance with Connecticut statutory and Cheshire Inland Wetlands and Watercourses regulations.
8. That this property lies within the watershed of the Ten Mile River, and the Ten Mile River flows north, bisecting the property from the southwest to the northeast portion of the site.
9. That in 2007 the applicant submitted documentation regarding the history of human impact on the subject property. The uses included the construction of the Farmington canal aqueduct, the filling and regrading associated with the 'Great Fill', the construction of the 18-foot stone arch named the Ten Mile River culvert, extensive agricultural practices that essentially denuded the site of vegetation apart from a vegetated wetland area in the southwestern portion of the site, excavation practices associated with agricultural use, the extensive use of recreational vehicles, and the dumping of agricultural material, equipment, appliances and motor vehicles.
10. That the proposed development of the 111.5 acre site includes approximately 635,000 square feet for retail/commercial uses and 254,000 square feet for residential development, and 3,004 parking spaces for the commercial and residential uses.
11. That the applicant's engineer has determined the direct impact to the wetlands and watercourses. These regulated activities equal approximately 8,885 square feet and 170 linear feet: 4,065 square feet of proposed mitigation/restoration of the east bank of the deep pool; 20 square feet for pile installation for the proposed vehicle bridge on the west and east banks of the Ten Mile River;

3,200 square feet for direct wetland filling for the construction of a proposed retaining wall and road; 1,600 square feet for reconstruction of the headwall and endwall of the existing historical culvert; and 170 linear feet in the repair/replacement of the culvert over the Ten Mile River.

12. That an indirect impact to the wetlands and watercourses has been determined. These regulated activities equal approximately 97,701 square feet total and is comprised of: 28,212 square feet for a proposed mitigation/restoration of the upland review area of the east bank of the deep pool; 10,275 square feet for the construction of proposed retaining walls, roads and vehicle bridge on the west and east banks of the Ten Mile River; 26,300 square feet for the construction of proposed retaining walls, roads, buildings and grading to the east of the deep pool; 2,100 square feet for the construction of a storm drainage outlet channel; 8,150 square feet for the construction of a proposed retaining wall and fitness center to the west of the Ten Mile River; 2,100 square feet for construction of proposed retaining wall to the west of the tributary flowing into the Ten Mile River; 10,000 square feet for the reconstruction of the embankment on the north side of the Ten Mile River; 10,500 square feet for construction of walls, roads and bridge over the Ten Mile River; and 64 square feet for construction of wall in the residential development area.
13. That the applicant has proposed that public water will service the site.
14. That, as required by regulation, on July 31, 2007 the Regional Water Authority supplied the Cheshire Inland Wetlands and Watercourses Commission with comments regarding this land use application and determined that 'based on the proposed site plan not involving any development within the Level A North Cheshire aquifer, we have no comment on the various applications regarding this development'. The Planning Office has not received comments from the Regional Water Authority regarding this application for modification of permit #2007-030.
15. That after due consideration of the entire record, the Commission finds that the applicant's proposed regulated activities are not reasonably likely to have the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state, including the inland wetlands and

watercourses and the upland review areas that are the subject of the application. And that, as proposed, and with the following conditions of approval, the proposed site plan activities will not have a significant adverse effect on adjacent wetlands or watercourses.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2007-030A, the permit application of Cheshire Route 10, LLC. for modification of permit #2007-030, as presented on the plans entitled:

“Environmental Assessment: The Shoppes at Cheshire, Special Development Plan, Route 10 And Interstate 691, Cheshire CT

Dated: September 4, 2007

Prepared for: Cheshire Route 10, LLC c/o W/S Development Associates, LLC

1330 Boylston Street, Chestnut Hill, Massachusetts 02467.

Prepared by: Milone and MacBroom, Inc., 99 Realty Drive, Cheshire CT 06410”.

And

“Water Quality Monitoring Program and Construction Sequence

Contained in document regarding: Inland Wetlands Application

The Shoppes at Cheshire, Cheshire Route 10 LLC, Applicant MMI #3016-01

Dated: October 10, 2007.”

And

“The Outlets at Cheshire

Special Development Plan Application

MMI #3016-04-2

Dated May 28, 2013”

And

“The Outlets at Cheshire, Special Development Plan Highland Avenue (Route 10), Cheshire, CT.,

Permitting Set; May 20, 2013

18 Sheets:

Sheet 1: Scale 1”=200’

Sheets 2: Scale 1"=80',
Sheet 3 and 4: 1"=150'
Sheets 5, 6 and 7: Scale 1"=100'
Sheet 8: Scale 1"=20'
Sheet 9: Scale As Noted
Sheet 10, 11 and 12: Scale 1"=100'
Sheets 13, 14 and 15: Scale 1"=100'
Sheets 16 and 17: Scale 1"=100'
Sheet 18: Scale As Noted
Prepared by: Milone and MacBroom, Inc., 99 Realty
Drive, Cheshire CT 06410."

The permit is granted on the following terms, conditions, stipulations and limitations (collectively referred to as the "Conditions") each of which the Commission finds to be necessary to protect the wetlands and watercourses of the State and the Town of Cheshire:

1. Lack of compliance with any Condition of this permit grant shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and a cease-and-desist order, or other appropriate enforcement, shall be both issued and recorded on the Town of Cheshire Land Records.
2. Any changes or modifications to the plans as presented will require subsequent Cheshire Inland Wetlands and Watercourses Commission review and approval.
3. The Commission makes no warranties or representations, either express or implied, that future regulated activities will be permitted on this site as a result of the present permit.
4. This permit (#2007-030A) shall modify permit #2007-030, in order to construct the modifications specified in "The Outlets at Cheshire" in the above referenced plans.
5. Prior to any clearing, grading, or other construction activities on the site, or the request for a Building Permit, the applicant shall:
 - a. arrange for and hold a pre-construction meeting with Commission Staff to review this permit grant's Conditions.
 - b. accurately stake and/or flag all clearing limits and

- permanently mark all non-encroachment lines. The location of non-encroachment lines shall be agreed upon by the applicant and Commission Staff. Work is to be completed by qualified personnel. The applicant shall notify Commission Staff so that Staff may inspect the site to verify all such areas have been properly marked. Staff may also insist on additional markings if field conditions warrant them.
- c. provide a professional engineer's certification, 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. A visual barrier such as orange plastic construction fence or equivalent shall be used to identify the erosion controls. 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. post a bond covering the costs of the erosion and sedimentation controls, per Section 12 of the Cheshire Inland Wetlands and Watercourses Regulations. The bond shall be filed with the Town Planner's Office. The Cheshire Planning Office shall determine the amount of the bond.
 - e. submit contact information with a 24-hour phone number for the individual with the 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 six (6) hours of such notice from the sediment and erosion control inspector, or other appropriate staff of the Town of Cheshire.
 - f. submit a copy of a completed DEP Registration Under a General Permit – Storm Water and Dewatering Wastewater From Construction Activities.
6. An inspection of the condition, integrity, and adequacy of the sedimentation and erosion controls shall be made by a qualified party on a regular basis, 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 below, immediately after inspection. The costs of said inspections shall be borne by the applicant.

7. The applicant shall abide by the October 10, 2007 Construction Sequence prepared by Milone and MacBroom, Inc. and the management of turtle species detailed in the September 4, 2007 Environmental Assessment prepared by Milone and MacBroom, Inc.
8. The applicant shall perform supplemental subsurface exploration to ensure that the designed subsurface storage and infiltration systems are adequate for those subsurface site conditions which had not been tested during the public hearing portion of this application. The results of the subsurface exploration shall be forwarded to the Commission within ten (10) days of testing. Any proposed design changes to the subsurface system shall be submitted to the Commission for review, as detailed in the November 9, 2007 document prepared by Milone and MacBroom, Inc.
9. All disturbed areas on the site not directly required for construction activities shall be temporarily seeded and hayed until the site is permanently stabilized.
10. Any maintenance or refueling of equipment and vehicles shall be performed at least 100-feet from all wetlands and watercourses. 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. Any and all leaks or other discharges of oil, gasoline or chemicals onto the ground shall be reported immediately both to the Cheshire Planning Office and the Connecticut Department of Environmental Protection.
11. A biological/wildlife survey shall be conducted to verify applicant's previous claim that the proposed activities will have no discernible effects on adjacent habitats. The monitoring program will cover the review of areas addressed

in the Environmental Assessment, detailed in the September 4, 2007 document prepared by Milone and MacBroom, Inc. Such monitoring shall be performed by qualified personnel (i.e., a professional biologist, ecologist or wildlife scientist) independent of (i.e., no an employee of) the applicant. Monitoring shall be conducted quarterly during construction, and for three (3) years following construction. Each report shall be certified by qualified personnel, and submitted to the Commission within 30 days of inspection. The cost for said independent professionals shall be borne by applicant.

- 12. A water quality monitoring program shall be conducted according to the Water Quality Monitoring Program detailed in the October 10, 2007 document prepared by Milone and MacBroom, Inc. Such monitoring shall be performed by qualified personnel (i.e., a water-quality professional) independent of (i.e., not an employee of) the applicant.**
- 13. The applicant will employ 'Best Management Practices' to ensure water quality before, during and after all construction activities.**
- 14. The 'Riparian Corridor Enhancement Plant Notes' detailed on Sheet 8 of the above referenced site plan, shall be strictly adhered to.**
- 15. All plantings within 50-feet of a wetland or watercourse shall be monitored semi-annually for five years following the establishment of the cover. Each report shall be certified by a qualified party, and submitted to the Commission within 30 days of inspection. Dead or damaged plants are to be replaced within four (4) months of documentation and the cost of the inspection, planting and monitoring shall be borne by the applicant.**
- 16. No disturbance of any kind, including clearing, shall be allowed beyond the established non-encroachment line, other than activities as proposed on the above-referenced plans, maintenance of proposed stormwater management facilities, and passive recreational activities. The wetlands non-encroachment line and associated restrictions shall be recorded on the Cheshire Land Records.**
- 17. All recommendations from the Connecticut Department of Environmental Protection regarding protective measures for**

Natural Diversity Database species shall be stringently adhered to.

18. Prior to application to the Building Department for a Certificate of Occupancy, and per Section 11.12 of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall provide the Commission with the following:

- a) an as-built map (A2 survey) by a licensed land surveyor, at a suitable scale, showing, at least, all buildings and setbacks from the property lines, wetland boundaries and acreage, wetland non-encroachment lines and markers, limits of clearing, utility locations, and all paved driving surfaces.
- b) written verification from the owner/applicant/agent that all conditions and stipulations of this permit grant have been met, that all yard areas are properly stabilized, and that all non-encroachment lines and associated restrictions are recorded on the Cheshire Land Records and will be recorded in the deed of the lot upon transfer of property.

19. This permit modification adheres to the valid time period prescribed by the Commission for permit #2007-030 and adopted in Public Act 11-5, and therefore permit #2007-030A shall expire on January 2, 2017.

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

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

Ms. Simone explained that the Engineering Department has had communication with the applicant's engineer and the Engineering Department is now satisfied with the plans and specifically with the details for the level spreader.

Dr. Dimmick asked for a minute to review the Engineering comments submitted in their packets (handed out at tonight's meeting).

Ms. Simone said and this follows the same standard language and it specifies that lot 3 would need to come back for individual site plan

review and approval and lot 3 is the lot that contains wetlands in the upland review area.

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 subdivision of 26.75 acres, of which 5.8 acres is wetlands, into four development lots.
2. That the proposed storm water systems consist of catch basins in the road and discharges into a sediment basin, and ultimately into the downslope wetlands.
3. That the applicant's soil scientist field located the wetlands and watercourses.
4. That the applicant's engineer stated that the storm water management systems would be installed at the time the road is extended.
5. 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 #2013-014, the permit application of RICCI CONSTRUCTION GROUP, INC. as presented on the plans entitled:

"Topographic Plan
Prepared for Ricci Construction Group, Inc.
Royal Crest Estates
Sperry Road and Crestwood Drive
Cheshire, Connecticut
Dated March 26, 2013, Revised Date: July 1, 2013
Prepared by Connecticut Consulting Engineers,
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. Prior to any clearing, earthmoving and/or construction activities for the single family home on Lot #3, Lot #3 requires individual site plan review and approval from the Cheshire Inland Wetlands and Watercourses Commission.**
- 4. 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.**
- 5. This permit grant shall expire on July 2, 2018.**

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

8-26 Referral

Pursuant to Section 8-26 of the Connecticut General Statutes and the Cheshire Inland Wetlands and Watercourses Commission

Regulations, CIWWC permit application #2013-014, the permit application of RICCI CONSTRUCTION GROUP, INC., has been reviewed and approved with stipulations. The application is for subdivision activities as shown on plans entitled:

"Topographic Plan
Prepared for Ricci Construction Group, Inc.
Royal Crest Estates
Sperry Road and Crestwood Drive
Cheshire, Connecticut
Dated March 26, 2013, Revised Date: July 1, 2013
Prepared by Connecticut Consulting Engineers,
Meriden, CT".

The Commission has found that there are regulated wetlands on site. Lot #3 requires individual site plan review and approval from the IWWC prior to commencement of house construction.

Further, the Commission finds that, based on wetlands and watercourses considerations, there is no compelling reason that the Cheshire Planning and Zoning Commission should deny the subdivision request of the applicant.

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

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

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 construction of a single family house on Lot 6, as created in the Abbate, Yalesville Road subdivision permit #2010-027 granted April 5, 2011.

2. That Stipulation #3 of permit #2010-027 required an individual site plan review and approval of Lot 6.
3. That this application does not include or seek to modify the existing approval of permit #2010-027 for the installation of a driveway and associated stormwater management system.
4. That the proposed activities are located outside the upland review area, and that the non-encroachment line depicted on the site plan is consistent with the non-encroachment line established in permit #2010-027.
5. That the applicant's engineer stated that the proposed construction activities will not have a significant adverse effect on the adjacent wetlands and watercourses.
6. 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 #2013-015, the permit application of Kim Adams single family house construction as presented on the plans entitled:

**“Site Development Plan; Reconfigured Lot 6
Land of Richard J. Abbate & Sylvia V.S. Abbate
Terrell Farm Road, Cheshire, Connecticut
Dated May 30, 2013
Scale 1”=20’
Prepared by Juliano Associates, Wallingford, CT.”.**

And

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 clearing, grading or any construction activities covered under this permit the applicant shall complete the following and notify Staff, so that Staff may verify that the following items have been completed:
 - a. The accurate staking or flagging of all clearing limits conducted by a qualified individual. Staff may insist on additional staking or flagging if warranted by field conditions.
 - b. The proper installation of all sediment and erosion controls indicated on the above referenced plans. Staff may insist on additional controls if warranted by field conditions.
 - c. The proper and permanent installation of non-encroachment markers along the non-encroachment boundary as located in the above referenced site plan and established in permit #2010-027.
4. 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.
 - c) That the 'Site Development and Erosion Control Narrative' is strictly adhered to.
5. This permit grant shall expire on July 2, 2018.

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

X. NEW BUSINESS

1. Permit Application	APP	#2013-016
Scott Granbach	DOR	07/02/13
61 Lynwood Drive Extension		
Site Plan – Addition	MAD	09/05/13

Scott Granbach of 61 Lynwood Drive Extension was present.

Mr. Granbach said he was basically adding a master bedroom on to the far side of the house – there are some wetlands on his property.

Mr. Granbach stated they are not going to be disturbing any of the trees or the house plus they are extending the kitchen that's on the other side of the house – he stated they were nowhere near the right side.

Mr. Granbach shared pictures of the site that he dropped off to show.

Dr. Dimmick said so this extension is entirely within the existing lawn.

Mr. Granbach stated yes.

Dr. Dimmick said and you do have two small out buildings or some sort on the property on the aerial photo – he said he wasn't sure what they are.

Mr. Granbach said there is a shed and there's a play set, the pool and decks.

Dr. Dimmick asked where was the shed was in relation to the addition.

Mr. Granbach said the shed was off in the corner of the property.

Dr. Dimmick asked if that was also near the wetlands.

Mr. Granbach said the wetlands were further away. He showed on the plan the location of the shed. He said they had checked all the

permits for the shed and the pool and all that had been done before he moved into the property about six years ago.

Dr. Dimmick said he did look at the aerial photos and he was just trying to remember.

Ms. Simone said in the review of the Building Department there is a permit for the pool as well as the deck.

Ms. Simone said because the soils map shows that this proposed addition is likely within the 50' upland review area that's why it came before the Commission.

Dr. Dimmick said okay so it does need a permit but it doesn't get into anything of any significance.

Chairman de Jongh said one thing that they probably do need is any kind of erosion controls that might be necessary.

Mr. Granbach said a silt fence or something.

Chairman de Jongh said yes and if Mr. Granbach could draw that on the map and just make the map complete to give the Commission an idea of where that would be and the location he could work out with staff of where the silt fence goes.

Dr. Dimmick said as he remembers Mr. Granbach's property is relatively flat with just a very slight drop off into the wetlands.

Mr. Granbach said it's very flat – the whole property site – he'll put the silt fence in.

Dr. Dimmick said the silt fence is for just in case sort of a thing.

Chairman de Jongh said Mr. Granbach could take the map and draw the silt fence location on with the assistance of staff and that would make the file complete.

Mr. Granbach asked if he should just come into the office to do that.

Ms. Simone stated yes.

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

Moved by Dr. Dimmick. Seconded by Ms. Dunne.

Ms. Dunne said it was indicated there was not going to be any clearing or grading being done.

Mr. Granbach stated no.

Dr. Dimmick said he got the impression that the activity is entirely within the existing lawn area.

Motion approved unanimously by Commission members present.

Chairman de Jongh said staff needed a chance to prepare wording and they'd be able to address this at their next meeting.

Dr. Dimmick said Mr. Granbach could get the positioning of the silt fence on the copy of the map.

Mr. Granbach agreed to stop by the office and take care of that detail.

2.	Permit Application	APP	#2013-017
	City of Meriden	DOR	07/02/13
	1285 South Meriden Road/Reservoir Road		
	Site Plan	MAD	09/05/13

Christopher Gagnon, a licensed engineer in CT who works for BL Companies was present representing the applicant as well as the applicant's engineer of record for the redesign of the water filtration plant Blacken Beach.

Mr. Gagnon explained Blacken Beach wanted to be here at this meeting but they are simultaneously trying to obtain permits in the City of Meriden with respect to the same project and their meeting was supposed to be tomorrow night but with the holiday it got moved to tonight so they are dividing and concurring.

Mr. Gagnon said at this time they have Dennis Waz from the city's water department as a representative of the applicant should there be any specific questions with respect to the actual filtration plant.

Mr. Gagnon stated he was a site civil engineer so the process itself he is a little green with – he said he has had somewhat of a crash course in the process of the water filtration situation but he is a site civil engineer and he assisted in the preparation of the wetlands

report as well the erosion and sedimentation control plan and as he said he's had a crash course in the process side of things.

Mr. Gagnon said with the Commission permission he'd like to give a little run down as to why they're doing this proposed change to the Meriden water filtration plant which happens to be in Cheshire which is why we're here and then briefly discuss the measure they are doing in terms of erosion control, etc. to protect the wetlands.

Mr. Gagnon said at this time the Meriden water filtration plant uses a somewhat antiquated system of water filtration and it is a sedimentation and filtration system as the raw water gets brought into the system chemicals are added to it and then they rely on the flocculation in those chemicals to settle out the contaminants to settle out of the system and that becomes a problem for the treatment plant during the summer as the algae blooms in the reservoir.

Mr. Gagnon said the algae is very light and it has a real hard time settling out so it's kind of a double whammy in the heat of the summer in times of highest water usage the existing filtration system is not very efficient for the city therefor – and this was a technology that was developed – he didn't know when it was developed – but it was implemented at this plant in the 1970s so this is a plus/minus 40 year old operation – all the processes in it are 40 years old, the concrete in, etc., etc.

Mr. Gagnon explained that Blacken Beach – the process engineers have taken sample processes and they've done tests to determine which work a couple of summers ago – they did some new processes and they've determined it's the dissolved air flotation method is going to work best for this site.

Mr. Gagnon said they've build a mock plant essentially ran it in the summer and found that it worked out fantastic so that is the design that they are going with and as a result they were originally just going to upgrade the interior - essentially renovate the interior based on some value engineering of a third party review.

Mr. Gagnon said it was determined that completely removing the sedimentation building and constructing a new building with a new process in it was the most efficient way to do that and at that time they're also going to upgrade the chemical delivery methods, the chemical storage methods.

Mr. Gagnon said they'll have some safer chemical storage going from a gaseous chlorine to a bleach as an example of ways that their improving the technology.

Mr. Gagnon said what brings them here is the fact that this building needs to get removed and they need to construct a new building.

Mr. Gagnon said the building that they're discussing right now is shown on the plans – he said the reason they are in front of you guys is there is an unlined lagoon which their wetland soil scientist determined was indeed wetlands.

Mr. Gagnon said they provided the Commission with a detailed wetlands report and it's a low functioning wetlands – it is created and necessary as a result of the filtering process when they've got too much going through the plant itself it overflows into this lagoon and this lagoon allows some material to settle out and there's really no outlet to this lagoon.

Mr. Gagnon said so as the system essentially overflows and outlets into the lagoon – its deep enough that they're never going to overflow it but it is indeed wetlands – it's got Phragmites and things like that in it and there's the Broach Brook down here (shown on the plan) so Wetlands Watercourse Commission here we are.

Mr. Gagnon said this building right here (shown on the plan) along with some utilities existing pipes are going to get demolished and they're going to construct a new building.

Mr. Gagnon showed the plan that depicts the demolition which needs to occur – there's some piping in this area that needs to be demolished – this building itself is going to come out and it will be replaced by a new building with a smaller footprint.

Mr. Gagnon said they are going to be returning an area back to lawn around the building but the new process does require them to have loading dock access to the building so they need to add in a bituminous drive to a loading dock – the impervious areas is essentially a wash due to the reduction of the size of the building.

Mr. Gagnon said they have graded the drive so it's not pitched towards the wetlands – it pitches back on itself and allows for a vegetated swale to a structure to get the stormwater out – he said they didn't want to have the runoff coming off of the drive on to the slope and down into the wetlands.

Mr. Gagnon said there is some grading to raise-up the drive so the loading dock can function properly and there are some other minor things – the front steps are pretty beat up so they're putting in new front steps and things like that.

Mr. Gagnon said they are most concerned and discussing here the work shown on the plan.

Mr. Gagnon said to mitigate any potential runoff into the unlined lagoon for the slopes where they have 2:1 slopes they are proposing erosion control blanket.

Mr. Gagnon said they are proposing a construction entrance and they are proposing inlet protection to all the existing stormwater management structures.

Mr. Gagnon said they have a stock pile area with siltation fencing around it and then they have a perimeter silt fence and hay bale combination system to just protect the entire construction site.

Mr. Gagnon stated it should also be noted that there are two lined lagoons.

Mr. Gagnon said they have thick black plastic lagoons – that is for when water is coming out of the plant and for the back wash of the filters. He said there are obviously filters in a water filtration plant – to clean the filters just like your pool filter – things like that – you need to back flow through the filters – that back flow water is directed to these lagoons where its allowed to evaporate and then any of the sediment in the lagoons – in the back wash-back flow is then removed from this area and deposited in a legal manner as you would with any sort of material like that.

Mr. Gagnon said these lined lagoons – the lining is getting replaced as part of this project.

Mr. Gagnon said just as a side note the reason they are in Meriden – this tank here is where you store the processed water – there's a line that runs down Meriden Waterworks Road across the street – across the river into the Finch Avenue pump station.

Mr. Gagnon said there's some work going on in the Finch Avenue pump station redoing the pumps – redoing the controls – there's not just fixing the rear end of the car they're fixing the hole car here –

there's improving the filtration system and then they're improving the pumping system that then supplies it to Meriden.

Mr. Gagnon said he was actually informed today and it's not just Meriden – there are a number of municipalities which does get water from here – you guys in Cheshire, Southington, Wallingford, Middletown, Middlefield so this is a community wide important piece of infrastructure.

Mr. Gagnon said a couple notes about the construction – part of the value engineering – the entire plant is coming off line during construction to not have to worry about contamination and things like that during the construction process.

Mr. Gagnon said it's a 14 month process that's coming off line – they have already entered into agreements with the Regional Water Authority with respect to providing more water to the cities users while this is off line.

Mr. Gagnon said with respect to administrative stuff – they have contacted the Regional Water Authority – they have determined this is out of their watershed; they got an email today from them.

Mr. Gagnon said they have a letter from Chesprocott Health District – this is on the sewers. Chesprocott Health District has given them a clean bill of health.

Mr. Gagnon said they have provided a stormwater management report detailing what's going with respect to the runoff to Broad Brook – they've provided the plan set and the wetlands report.

Mr. Gagnon said so that really is a rundown of what's going on out there – he said he's not sure how aware everyone is of this project.

Mr. Gagnon said they've entered into pre-application conversations with staff and with the planner, with engineering so they were aware this was coming but they wanted to make sure that during the construction process everyone here on this Commission was comfortable that they were doing everything that they could to protect the onsite wetlands and watercourses and with that he believed it's a somewhat cliff note version of the process itself.

Mr. Gagnon said the construction measures they're using to protect the site he believed are through and he would be certainly happy to answer any questions that anyone of the Commission may have.

Chairman de Jongh informed Mr. Gagnon that he thought his professor would be proud of the crash course that he took.

Mr. Gagnon thanked Chairman de Jongh.

Dr. Dimmick said the Commission's regulations require that one copy of one of the maps have the signature of the soil scientist that shows the wetlands line – he asked if that was on one of the maps.

Mr. Gagnon said he did not believe so – he apologized.

Dr. Dimmick said that can be added.

Mr. Gagnon said the soil scientist happens to be in Pennsylvania right now but they'll get him out here next week.

Dr. Dimmick said you could do that or they could accept a faxed signature just so they have something where the signature appears on a map so that they have some kind of verification that an engineering has to sign one copy of the map.

Mr. Gagnon stated he understood.

Dr. Dimmick said second is an error in the report that will not hurt the review of the application but someone ought to really correct it – the geologic part of the report is entirely wrong – they are describing the geology that underlies the water treatment plant in Willimantic, CT rather than the one here in Cheshire, CT – he said they have the wrong rock.

Mr. Gagnon said he read the report – he said he was not savvy enough to catch that – he said he was ready to report on the rock they reported on – he thanked Dr. Dimmick for pointing out the error.

Dr. Dimmick said it looks like they have boiler plate from another report and since he knows the rock is underneath the Mansfield Hollow Dam and that's what they were describing – he suspects that's where it came from but certainly not the rock that's underneath ours but it doesn't hurt our review because they are not getting into the bedrock.

Dr. Dimmick said thirdly in the report it says that they have not yet head back from DEEP concerning rare and endangered species – that the general map indicated there was some in the area and they were looking for further from DEEP and that is not yet in there.

Mr. Gagnon said they have exchanged emails – they (DEEP) are reviewing they NDDB submission at this time – as the soil scientist was out they didn't get to check their email this week but he didn't know if they heard back but that application was submitted and they have gotten correspondence back from them that they are indeed reviewing it at this time he could not actually tell them if they responded to us or not.

Dr. Dimmick said since there has to be a minimum of two weeks from the time they receive an application before they can act on it – he hopes there's plenty of time to get that sort of thing resolved and staff can assure us that's been taken care of.

Mr. Gagnon said he was certain that will not be a problem at all.

Chairman de Jongh said just for a clarification for the record – the comments about the geological nature of the area – Dr. Dimmick is a licensed geologist so that's the reason why those comments were made so they're not being made as he just went to a Holiday Express.

Dr. Dimmick stated he had been doing geology in Connecticut for 40 years.

Chairman de Jongh said they also need on the application the signature of the owner which previous on that same paperwork was a David Lowman has signed it as the owner but did not sign it on the first page of the paperwork so they need to get his signature on there as well.

Mr. Gagnon stated okay.

Chairman de Jongh said obviously there's a great deal of information here that needs to be reviewed – he said he thought the application and the paper work and stuff was received around the middle of last week by staff so certainly staff hasn't had a chance to go through it and either has our Town Engineer Walter Gancarz and the Commission will certainly reply on their commentary as well so it's important they have the opportunity to review that.

Dr. Dimmick said although they'll still wait for staff review and he said he was not seeing anything that would indicate it would be significant within the context of the regulations so he did not anticipate a public hearing unless something like a rare and endangered species in the middle of their lagoon shows up.

Mr. Gagnon stated he appreciated Dr. Dimmick's comments.

Chairman de Jongh said was he to interrupt that they will hold off making that determination until the next meeting.

Dr. Dimmick said he would just say because they've got that one item still outstanding – that could make a difference but other than that he had no problems with it.

Chairman de Jongh stated they would defer significance pending the results of staff's commentary as well as the Town Engineer's.

Chairman de Jongh said there was also a question to waive the application fee and the application fee was approximately \$460 unless there was a public hearing and then it would be more than that – that's a request before this Commission for determination.

Chairman de Jongh said typically when they require application fee is when an applicant is putting in a shed or putting in a pool those kind of things but if there's an emergency repair that needs to be they typically waive that – he said he didn't believe this falls under the same kind of prevue as those items so speaking for himself he didn't see a compelling reason to waive the application fee.

Mr. Kurtz asked if that was a custom to waive the fee from one town to another.

Chairman de Jongh said not typically – he said he knew they've paid application fees when they brought them up with other towns in the past. He said it's not a courtesy he was aware of as long as he's been on the Commission. He said they have waived fees when situations required emergency action and it was beyond the applicants control where they needed to get this work done – they was no since imposing an additional burden on the applicant for that reason.

The Commission discussed the application fee and instances when a fee was waived. Dr. Dimmick said in the 39 years he's been on the Commission he remembered the fee was waived maybe a half dozen

times – it's was for something like someone having a septic system emergency.

Mr. Kurtz said he just didn't want to appear discourtesy. He said he thought there should be a fee unless there was an established custom not to change a fee.

Chairman de Jongh said it's a point well taken. He said he was not aware of a custom to waive the fee in the 20 something years he's been on the Commission.

Ms. Simone said she did not recall any other municipality coming before this Commission since she's been staff to the Commission so she doesn't have any first-hand experience with that.

Dr. Dimmick said this is about the fourth time in 40 years Meriden has come before Commission and they never waived the fee before for them.

Mr. Gagnon said he understood and precedence has set and they will follow through accordingly.

Motion: That the Commission requires the application fee.

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

Chairman de Jongh said they'd allow staff and the Engineering Department to do what they normally do best and report back at the next meeting and they could go from there.

Mr. Gagnon asked if they were anticipating a site walk or anything of that nature by the Commission – he said it's a little bit difference than a private development with the coordination of the Water Department – it would be requested that that not be an unannounced visit.

Chairman de Jongh said it would not be an unannounced visit – he said he personally didn't see the need for a formal visit.

Dr. Dimmick said they can pick up from the maps and air photos and their general knowledge of the area.

Mr. Gagnon said he just wants to know if there was something to reply back to the operator to be expecting a visit of anything like that – he just wanted to cover all the bases.

Chairman de Jongh said he thought they were in good shape and thanked Mr. Gagnon.

Mr. Gagnon thanked the Commission.

3.	Permit Application	APP	#2013-008
	Town of Cheshire, Public Works	DOR	07/02/13
	South Brooksvale Road		
	Site Plan – Culvert Replacement	MAD	09/05/13

Don Nolte, Engineering Technician from the Town's Public Works Department was present on behalf of the applicant.

Mr. Nolte said he was here tonight to present the application for the replacement of a culvert that conveys Sanford Brook beneath South Brooksvale Road at the intersection of Abrams Road and Cranberry Lane.

Mr. Nolte said the intersection is located about 700' south of the Route 42 North Brooksvale Bethany Mountain Road intersection.

Mr. Nolte said currently there's a 4 by 6 arch type corrugated metal pipe beneath the road and they are proposing to install a 4 by 12 pre-cast box culvert – it's going to be closed on the bottom.

Mr. Nolte said this happens to be the same size box culvert that has been installed on Abrams Road about 260' to the west.

Mr. Nolte said they've gained permission from the two directly affected property owners where they'll be working – constructing and installing the ends of the box and wing walls – they have agreed to give the town drainage easements for the professional maintenance of structures by the town in the future.

Mr. Nolte stated regulated activities consist of the temporary alteration about 2,000 SF of designated wetlands soil – Alluvial soil and the area of the box culvert and also about 1,000 SF of channel maintenance work at 785 South Brooksvale Road where the property's been flood severely several times in the past – there's sand bars and there's erosion and some vertical undercut banks.

Mr. Nolte said where they are working there they have agreed and offered to put in some large rip rap to stabilize the slopes – not going from the toe to the top because it's a pretty defined bank but going up about 30" from the toe of the slope in the highest velocity zones.

Mr. Nolte said they've used as they have done with the rest of the project of intermediate to slightly larger stone because the modified stone that was there is in the past has washed away.

Mr. Nolte said he'd like to give the Commission pictures of the flood...

Tape Change.

Mr. Nolte reviewed the pictures with the Commission – he said that they could see from the flooding of the road that the road was closed.

Mr. Nolte said it presents some serious public safety concerns and possible road damage and infrastructure damage that they want to prevent in the future.

Mr. Nolte said they also want to provide passage for emergency vehicles during those most critical of times – storms which are becoming increasingly severe and frequent.

Mr. Nolte said they are very fortunate that the structure will not be all that difficult to construct – the reason being that they are going to change the alignment to reduce the 90 degree bend that exists there currently so they will be able to leave the existing culvert in place as a bypass of the entire stream during construction.

Mr. Nolte said they won't have to pump – they won't have to put a temporary pipe in.

Mr. Nolte said they'll just have to do some minor coffer damming to guide the water away from the excavation and they can see that the new box culverts essentially are entirely out of the wetland areas which are shown in green except for one wing wall.

Dr. Dimmick asked if this was all sand and gravel in this area.

Mr. Nolte said there's some silt loam and gravelly loam mentioned in the soil report and Alluvial soil – he said it looks pretty sand and gravelly.

Dr. Dimmick said as opposed to glacial till stuff. He said one it makes it easy to excavate but two you have an erosion problem.

Mr. Nolte stated yes. He said of course they will do some limited pumping in the area of excavation and do an upland area into filter bags or staked hay bales or silt fence enclosures to prevent downstream siltation.

Dr. Dimmick said so when you get through with this your new channel is going through as was said non-wetland – are you filling in some of the existing channel afterwards.

Mr. Nolte said yes – they will remove the pipe at the end and fill in the channel that's not needed – there will just be a big hole there.

Dr. Dimmick said he hated to tell Mr. Nolte but he may need possible need either a State approval or an Army Corps approval.

Mr. Nolte said there're aware of that and they've prepared the paperwork for a PGP2 permit application for Army Corps.

Mr. Nolte said its only 3,000 SF of temporary disturbance – it's like a no net loss.

Dr. Dimmick said but you have all that watershed upstream though and that's what triggers some of the silt.

Mr. Nolte said yes and that's about nine-tenths of a square mile so they are aware of that.

Chairman de Jongh said he was a little bit confused by a comment made earlier – the existing pipe that's there – Mr. Nolte said that was going to be used for overflow.

Mr. Nolte said overflow during construction- after the three wing walls are poured in place then they'll divert the water into the pipe and then they'll remove it and fill it with compacted granular soils.

Dr. Dimmick said he thought this was going to need a public hearing pretty much under the circumstances.

Motion: To declare the proposed activity significance with the context of the Commission's regulations specifically section 10.2 a, b and d.

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

Chairman de Jongh asked if there was time to notice the public hearing for the next meeting.

Ms. Simone said with the holiday it would be difficult to notice – she said that they wouldn't be able to advertise twice in the Cheshire Herald where they usually but they do have the opportunity to advertise in the Record Journal so they are able to advertise twice.

Mr. Nolte said that Public Works would be happy to pay the legal notice for both papers.

Ms. Simone said there was some discussion she had that there was an interest in conducting this work during the dry period so that would be during August.

Mr. Nolte said they were hoping but that's optimistic – it will probably go into late summer.

Dr. Dimmick said had they heard about this in April.

Mr. Nolte said it's been a while negotiating the easements and making contact. He said they didn't feel there would be a road closure necessary – they can work half the road – half the road so the school season it's a big issue.

Dr. Dimmick said that's part of the problem but the other part is the weather has gotten so weird they don't know when the dry season is anymore.

Chairman de Jongh said staff just reminded him public notice doesn't have to be in the Cheshire Herald they can do it in the Meriden Record Journal and they have plenty of time to do that and have the public hearing on July 16 and then have their first meeting in August to be able to respond to any questions or comments that come up – it will also give them a change to get out there for a site visit which they may want to do.

Chairman de Jongh said they could drive by and see the area – they didn't need a formal visit.

Mr. Nolte said he could be available during the week if a site visit was needed.

Chairman de Jongh set the public hearing for Tuesday, July 16, 2013 at 7:30 p.m. with the proper notices to be placed in the Cheshire Herald and Meriden Record Journal.

Mr. Kurtz asked if the affected properties – do the property owners understand exactly what's going to happen temporarily and what the end result is going to be.

Mr. Nolte stated yes they do.

Mr. Kurtz said the reason he said this is because he knows of two instances recently where they really didn't understand; one was right and he believed the other was off base.

Mr. Nolte said they've review the plans in details actually several times over the past couple of years as a matter of fact – they've made revisions – we've made it more ecstastically appealing so it meets their satisfaction.

Mr. Kurtz said whatever it is he just wants to make sure the property owner knows what's happening.

Mr. Nolte stated yes and they are ready to sign the easements as well.

Chairman de Jongh said and he thought they will be at the public hearing also so they'll be in the position to ask questions at the public hearing if need be as well. He said any misunderstandings or lack of information can be directed to them during the public hearing as well.

Chairman de Jongh postponed any further consideration pending the public hearing on July 16, 2013.

- | | | | |
|----|---------------------------|-----|------------|
| 4. | Permit Transfer Request | APP | #2009-007A |
| | Diversified Cook Hill LLC | DOR | 07/02/13 |
| | Peck Lane | | |
| | Site Plan | MAD | 09/05/13 |

Ms. Simone said this is a straight forward request asking for a permit to be transferred.

Ms. Simone said the applicant's attorney submitted the warranty deed which shows that there's a new property owner to this property on Peck Lane and so they are asking that the wetlands permit for a single family house which was issued in 2009 that it be transferred to Diversified Cook Hill, LLC.

Ms. Simone noted the permit actually goes with the individual – wetlands is specific that it goes to an individual – Planning and Zoning it runs with the land that's why its required it be transferred.

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 request for permit transfer finds the following:

1. That a previous CIWWC permit, CIWWC Permit #2009-007, was granted, with stipulations, to Eva Skabeikis for single family house construction on May 19, 2009.
2. That the permit grant stipulated, in part, that any changes or modifications would require CIWWC review and approval.
3. That the subject property has been transferred to Diversified Cook Hill, LLC, who is currently requesting that CIWWC Permit #2009-007 be transferred from Eva Skabeikis to Diversified Cook Hill, LLC.
4. That the transfer requestor's attorney has submitted a copy of the property Warranty Deed, dated July 24, 2009, showing the property purchase from Eva Skabeikis to Diversified Cook Hill, LLC.

Therefore, the Commission grants the permit transfer request of Diversified Cook Hill, LLC to transfer CIWWC Permit #2009-007 from Eva Skabeikis to Diversified Cook Hill, LLC, said transferred permit to hereafter be referred to as CIWWC Permit #2009-007A, with the following stipulations:

1. Any changes or modifications to the plans as presented will require subsequent Cheshire Inland Wetlands and Watercourses Commission review and approval.
2. That all conditions and stipulations of CIWWC Permit #2009-007 granted, with stipulations, to Eva Skabeikis for single family house construction on May 19, 2009 are incorporated by reference as though fully set forth herein to the extent they are not in conflict with the present permit transfer grant.

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

5. Request for Determination
Plank Road
Lot 14, Meadowview Estates

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

Mr. McEvoy said he was here tonight on behalf of the potential applicant Diversified Cook Hill, LLC – they're the owners of Meadowview Estates which was a subdivision approved in 2010 originally.

Mr. McEvoy said this lot was subject to a site plan review and approval by the Commission as part of the original subdivision.

Mr. McEvoy said this is lot 14 – it's the first lot on the right coming off of Plank Road.

Mr. McEvoy said what is being proposed is a single family house and septic system with associated grading. He said on this plan the light blue line represent where the house and septic system were respectively on the original subdivision plan and he said he thought it's fairly clear that the locations are consistent with what was originally approved.

Mr. McEvoy stated there are some wetlands in the back rear of the property and also on the south east corner and the 50' upland review area is shown in red and they are not encroaching with that upland review area and they do have silt fence at the down slope edge of the septic system to prevent erosion into the wetland areas.

Mr. McEvoy stated there's also a gas easement off the east of the property but they are not encroaching in that area at all.

Mr. McEvoy said hopefully it's fairly straight forward - Chesprocott has approved the layout of the septic system.

Dr. Dimmick said in his opinion he didn't see there was going to be any impact.

Motion: To declare the proposed activities de minimis with regard to the Commission's regulations and declare that no application for individual site plan is needed.

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

XI. ADJOURNMENT

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

Respectfully submitted:

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