

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, JULY 16, 2013
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:42 P.M.
*Immediately Following the Public Hearing***

Members present: Robert de Jongh, Charles Dimmick, 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 7:42 p.m.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited at the public hearing.

III. ROLL CALL

The roll was called at the public hearing.

Members in attendance at the public hearing were still in attendance for the regular meeting.

Members present were Robert de Jongh, Charles Dimmick, 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 at the public hearing.

V. APPROVAL OF MINUTES – Regular Meeting – July 2, 2013

Chairman de Jongh said since members had not had a chance to review the July 2, 2013 meeting minutes since they just received them yesterday afternoon. The approval of the minutes would be deferred until the next meeting.

Motion: To defer the approval of the July 2, 2013 regular meeting minutes to the August 6, 2013 meeting.

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

VI. COMMUNICATIONS

1. **Public Works Drainage Maintenance Notification Form**
RE: Sorghum Mill Drive/Mountain Road intersection

This communication was reviewed.

2. **Staff Review and Attachments**
RE: Application #2013-006, Old Lane Road

This communication was reviewed.

3. **Engineering Department Response to May 28, 2013 Sakonchick letter**

This communication was reviewed.

4. **Engineering Department Comments**
RE: Application # 2013-018, S. Brooksvale Road

This communication was reviewed.

5. **Staff Review**
RE: Application #2013-020; 25 Judson Court

This communication was reviewed.

Handed out at tonight's meeting:

6. **Draft Motion and further information relative to the Old Lane Road application.**

This communication was reviewed.

VII. INSPECTION REPORTS

1. **Written Inspections**

Ms. Simone reported there were no written inspections.

2. **Staff Inspections**

a. Cornerstone Church

Ms. Simone reported a pre-construction meeting was held with Cornerstone Church which was once of the stipulations in their wetlands permit.

b. Kurtz Farms

Ms. Simone said there was an inspection at Kurtz Farms relative to a valid permit.

c. Huckins Road

Ms. Simone said there was an inspection of a single family home development site on Huckins Road where the silt fence was installed when they received their building permit and now there are some deficiencies and some areas where the silt fences are no longer up so they have been contacted.

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 said this is on the agenda for continued monitoring.

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 |

Tony Tranquillo, registered professional engineer with Kratzert, Jones & Associates, Inc. was present on behalf of the applicant Dr. Jeffery Norwood.

Mr. Tranquillo explained that they have worked with staff extensively on this and he believed they've handled their (staff) review comments – satisfied the review comments.

Mr. Tranquillo said he spoke with Ms. Simone – communicated with her this afternoon – he said he didn't want to bore them with a long

dissertation – he said they’ve (the Commission) has had the application before them for a long time and he was hoping they’ve pretty much reached the end of the line here so they can make a decision.

Mr. Tranquillo said if the Commission had any questions he’d be happy to answer them.

Chairman de Jongh said it was his understanding that the Engineering Department and staff have had an opportunity to have extensive conversations with Mr. Sakonchick who has come before the Commission on numerous occasions to bring this before us and the latest comments from the Engineering Department as well as from staff is that they are both pleased with the information that they’ve received and it appears that the chances and discussion and modifications that were discussed and proposed by the applicant were acceptable to both the Engineering Department and to staff.

Chairman de Jongh said staff has given us a proposed draft motion which he read into the record:

**“STAFF RECOMMENDATION
PERMIT APPLICATION #2013-006
JEFFREY NORWOOD
OLD LANE ROAD
SITE PLAN: SINGLE FAMILY HOUSE, SEPTIC SYSTEM AND
ASSOCIATED GRADING AND PERMIT-AFTER-THE-FACT:
DRIVEWAY**

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, finds the following:

1. That this lot (known as lot 3) was created in the subdivision of 230 Old Lane Road, permit #2004-010 granted July 6, 2004, which stipulated in part that “prior to clearing or construction activities of any type on lot 2 or lot 3” requires individual review and approval from the Cheshire Inland Wetlands and Watercourses Commission.

- 2. That on December 3, 2012 a Request for Determination for the development of lot 3 was submitted to the Cheshire Inland Wetlands and Watercourses Commission and it was determined that an application was not needed, as the proposed development was deemed 'de minimus'.**
- 3. That on February 19, 2013 the Cheshire Inland Wetlands and Watercourses Commission received a Request for Determination for the development of lot 3, and at this time the Cheshire Inland Wetlands and Watercourses Commission and Commission Staff became aware that the existing driveway on lot 2 and lot 3 was installed without the required review and approval of the Cheshire Inland Wetlands and Watercourses Commission, as stipulated in permit #2004-010.**
- 4. That the Cheshire Inland Wetlands and Watercourses Commission determined that the February 19, 2013 Request for Determination required a permit application.**
- 5. That on March 19, 2013 the applicant submitted an application for development of a single family house, septic system, associated grading and Permit-After-the-Fact for the driveway.**
- 6. That the applicant and applicant's engineer requested the agenda item be deferred, and first presentation was made at the June 18, 2013 meeting.**
- 7. That the town engineering department conducted numerous reviews of each revision and was in communication with the applicant's engineer regarding the identified issues.**
- 8. That the town engineering department review dated July 11, 2013 identified the inconsistency in the drainage calculations and proposed stormwater design, and due to such, the applicant's engineer submitted revised plans on July 15, 2013 proposing two catch basins in the existing driveway.**
- 9. That the location of wetlands and watercourses on the site plan are based on the 2004 subdivision map.**
- 10. That this property lies within the watershed of the Mill River.**

- 11. That the Cheshire Inland Wetlands and Watercourses Commission determined the activities to 'not be significant in the context of the regulations'.**

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2013-006, the permit application of JEFFREY NORWOOD as presented on the plans entitled:

**"Dr. Jeffrey Norwood
Lot #3, Palluotto Family Estates
230 Old Lane Road, Cheshire CT 06410
Scale As Noted
Three Sheets
Dated April 3, 2013; Revised July 15, 2013
By Kratzert, Jones & Associates, Inc. Milldale, 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. 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. Prior to the commencement of clearing, grading or any construction activities covered under this permit, or before the request for a Building Permit, the applicant shall provide adequate (48 hour) notification to Staff, so that Staff may verify that the following items have been completed by a qualified party:**
 - 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.**

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.

6. All disturbed areas on the site not directly required for construction activities shall be temporarily seeded and hayed until the site is permanently stabilized.
7. 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.
8. Prior to the written request to release the posted bond upon completion of all permitted work, or request for a Certificate of Occupancy, the Commission shall receive written certification from a state of Connecticut licensed engineer organizing/supervising/witnessing the work, that the driveway and associated stormwater management system were completed in accordance with the approved plans. The cost of the professional engineer shall be borne by the applicant.
9. 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, rain garden, 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.

10. This permit shall expire on July 16, 2018.

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

Mr. Tranquillo thanked the Commissioners.

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

Ms. Simone reported that the outstanding information that was requested was supplied – they identify the location of the erosion controls.

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 16-foot by 37-foot addition to the existing house at 61 Lynwood Drive Extension.
2. That submitted site plan also depicts the proposed location of erosion controls.
3. That the proposed activities are located within or near outside the upland review area, according to the town soils map.
4. That the applicant stated that the proposed construction activities will not have a significant adverse effect on the adjacent wetlands and watercourses.
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 #2013-016, the permit application of SCOTT GRONBACH for an addition to the existing house as presented on the plans entitled:

**“Gronback Residence
61 Lynwood Drive Extension, Cheshire, Connecticut
Dated June 17, 2013
4 Sheets of Varying Scale
Prepared by Connecticut Drafting & Design, LLC,
Oxford, CT.”.**

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

- 1. Any lack of compliance with any condition or stipulation of this permit shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and an enforcement order shall be both issued and recorded on the Town of Cheshire Land Records.**
- 2. No changes or modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.**
- 3. Prior to the commencement of 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.**

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 16, 2018.

Moved by Dr. Dimmick. Seconded by Mr. Kurtz. Motion approved 5-0-1 with Mr. McPhee abstaining from the vote.

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

Ms. Simone reported that additional information was handed out to Commission members tonight.

Ms. Simone explained that the Engineering Department did review some material that came in today and they are satisfied with the drainage information.

Mr. Gagnon was there were a few Commission members that were here tonight that were not here at the last time. He explained that he was professional engineer with BL Companies, licensed to preform professional engineering in Connecticut. He said is working with Blacken Beach the official applicant and engineer – he said they are a local consultant helping out Blacken Beach with the erosion and stormwater management, etc.

Mr. Gagnon said as Ms. Simone said they have responded to Engineering comments – he said he believes the response is satisfactory based on her recent comments.

Mr. Gagnon said they have supplied the required signatures on the documents – the drawings as well as the application and they have also received the response from the Natural Diversity Database which he understands it is a fairly standard response for the area and so they have provided all of the required information except for the application fee.

Mr. Gagnon said as they may recall they did discuss whether that fee could be waived last time - based on the fact that it was a short week after the meeting with the 4th of July we could not secure the check-out of the City of Meriden in the time between the two meetings so he believed that is the only remaining outstanding issue.

Mr. Gagnon said he was not sure of the Commission's policy but he would request that if at all possible there could be some sort of condition associated with that check or if it has to be they could wait until the next meeting.

Mr. Gagnon said as he understands it they are in front of the Cheshire Planning and Zoning Commission and it was determined that a public hearing is required based the proximity of the treatment plant to the residential neighborhood therefor they will not be heard in front of the Planning and Zoning Commission until September because they do not have an August meeting therefore if it is necessary it does not impact our schedule should they have to wait until the August Wetlands meeting for the official approval.

Mr. Gagnon said so all that being said he believed that's where we sit – if there are any questions or comments from the Commission or staff he'd certainly be willing to address them at this time.

Dr. Dimmick asked if staff had any questions that staff had at this point except for the lack of the check.

Ms. Simone stated that is the only issue and she did speak with Meriden about that today and informed them there was nothing prepared tonight for a draft motion because a lot of the information was last minute so there wasn't the ability to prepare.

Dr. Dimmick said he would suggest if people were willing to allow staff to draft a motion for the Commission to review for the meeting at which time they should have the check. He said he did not see any outstanding problems at this point – he said they (the applicant) has been diligent in answering those the Commission raised last time.

Chairman de Jongh said he thinks the issue is they have actually been busy which is a good thing but it also creates some other pressures and that is there is not enough time to kind of put words on paper so the information may have been received in enough time to have a discussion and decision unfortunately it doesn't leave enough time to put those decisions and discussions on paper.

Chairman de Jongh said he thought they could postpone any further action pending receipt of the check and allowing staff to craft her recommendation to us and they can take this up at their first meeting in August which is actually their only meeting in August.

Dr. Dimmick said unless they get emergency information to the contrary this will probably move forward with no problem.

Mr. Gagnon said he understood and asked if someone was required to represent the application at that meeting.

Chairman de Jongh said no unless something material changes between now and then.

Dr. Dimmick said and if so they'd let Mr. Gagnon know – other than that he could assume they'd just move ahead smoothly.

Mr. Gagnon said he thought there were not going to be any actions tonight but he wanted to show the respect to the Commission.

Dr. Dimmick asked if Mr. Gagnon notified his office about having the wrong geology in that report.

Mr. Gagnon said they did talk about that – they did not submit a revised report.

Dr. Dimmick said he was not worried about it.

Mr. Gagnon said he had a side bar (with the geologist) on that as well.

Dr. Dimmick said having done work with geology in Connecticut for 40 years it kind of jumped out at him.

Mr. Gagnon said he understood completely.

Mr. Gagnon thanked the Commission for their time.

- | | | | |
|----|---------------------------------|-----|-----------|
| 4. | Permit Application | APP | #2013-018 |
| | Town of Cheshire, Public Works | DOR | 07/02/13 |
| | South Brooksvale Road | | |
| | Site Plan – Culvert Replacement | MAD | 09/05/13 |

Chairman de Jongh said this item was part of a public hearing tonight presented by Mr. Nolte.

Chairman de Jongh said that they closed the public hearing tonight and they would take this up at the next meeting unless there were any questions.

Dr. Dimmick said he thought they covered what they had to.

Chairman de Jongh said they will allow staff to take out her crafty pen and do what she needs to do.

X. NEW BUSINESS

- | | | | |
|----|-------------------------|-----|------------|
| 1. | Permit Application | APP | #2013-0020 |
| | Consolidated Industries | DOR | 07/08/13 |
| | Mixville Road | | |
| | Site Plan – Hammer shop | | |

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

Mr. McEvoy reviewed the location of Consolidated Industries – it is in the western part of town along Waterbury Road towards I-84, Mixville Road along the southern portion of the property and Marion Road along the western part of the property.

Mr. McEvoy stated the parcel is about 15 acres in size roughly and its boarder by residential properties along Mixville Road and a residential development; to the east on the other side of Waterbury Road is the town transfer station and to the west is undeveloped property.

Mr. McEvoy said the property is occupied by Consolidated Industries which is a forging manufacturing and supplier – they have been in business in town for 65 years and their business is primarily manufacturing parts for air craft – helicopters and airplanes and things of that nature.

Mr. McEvoy said the entire development of the parcel exists on the southern part and is bisected from west to east by Mountain Brook and associated wetlands – Mountain Brook is a mapped flood plain with FEMA boundaries.

Mr. McEvoy explained that the focus of the application is on the eastern part of the property – they are not proposing to change anything on the western most part of the property.

Mr. McEvoy stated they are looking to add a new hammer shop in the location of the existing building on the eastern part of the brook.

Mr. McEvoy reviewed the existing conditions map with the Commission.

Mr. McEvoy said there's an existing building - he said if there's any discussion or questions about what goes on in that building members of Consolidated are present tonight.

Mr. McEvoy stated the proposal is to demolish a portion of the building to the rear and also some of the existing paving and gravel areas.

Mr. McEvoy said further to the east on the eastern most part of the property is Mountain Brook – flowing to the east and there's some vegetated woodlands along a fairly steep slope on the back side of the building with some disturbed areas that they show as unwooded but its probably to generous to call that grassed – it's actually heavily overgrown at this point although there were a number of activities that occurred in this area over the decades.

Mr. McEvoy reviewed the plan showing the proposed conditions.

Mr. McEvoy said what will be to the rear of the existing building after the demolition of a building that's primarily used for storage will be a new hammer shop.

Mr. McEvoy said the existing hammers on site – steam hammers on the western part of the property will be discontinued upon the formal installation of these new hammers which will provide a number of benefits both obviously to the business itself and to hopefully the neighboring property owners primarily these will be extremely efficient and up to date for their needs to allow the business to continue to grow and expand.

Mr. McEvoy explained that ultimately the steam driven hammers represent a possible source of pollution which discharges into the river. He said these will not be steam driven at all and will essentially be a much cleaner – greener technology than the relatively old technology that they currently use on the property.

Mr. McEvoy said they will have to expand the parking area slightly in the vicinity of the new building – the reason being is not to create existing proposed parking areas as they have plenty of parking areas on site – it's to allow for delivery vehicles to be able to enter into the new building with parts and supplies.

Mr. McEvoy said as part of this they'll have to do some grading along the slope going down towards Waterbury Road and also in the northwest corner of the building is located down the slope having – its roughly a 20' change in grade from the existing building down the slope so they'll be a fair amount of grading to establish the finish grade needed to construct the building in that corner.

Mr. McEvoy said they will be removing a large area of pavement and bringing the grade down to the north of the proposed building which will be used as fill material to construct the parking area and also to bring material to establish finish grade to the building.

Mr. McEvoy said because of the fact that much of this site is paved and occupied by buildings currently these a limited increase in stormwater runoff which they are handling with low impact devices that they've used in other applications including drive wells in the parking area and a small rain garden behind the proposed building which will handle roof runoff entirely.

Mr. McEvoy said so that's the quick and dirty presentation – again with any application they have sediment control measures in place including silt fence and hay bales at the toe of the slope and at the limit of disturbance and this application does include regulated activities within the upland review area specially approximately 7,370 SF that are in three distinct areas – one for grading associated with the rain garden – second is grading associated with the construction of the building – and there is an isolated pocket just as the 50' upland review area – there's a small disturbance in one area.

Mr. McEvoy said so essentially that's the brief presentation – if there were any questions at this point he'd be happy to answer them.

Chairman de Jongh asked what's going to happen with the materials that they are demolishing and trucking off site – is that stuff going to be hauled off site – the black top and the existing building.

Mr. McEvoy said there may be possibilities depending on the nature of the sub-base material underneath the roadway to reuse that for general fill materials – he said they have to bring in roughly 10' of fill to construct the driveway and up to 20' at the most to construct the back corner of the building so if there's an opportunity if there's clean material to be re-used as general fill that would be the intent.

Mr. McEvoy said obviously there's been a lot of disturbance on the site in the past and the nature of the fill will have to be determined upon excavation to see if its reusable or not.

Mr. McPhee asked if it would be tested for contaminants at that time.

Mr. McEvoy said there's been extensive environmental analysis of this property – he said he was not aware of any of that soil having potential contaminants but that's something that when its excavated would have to be by people who were trained to handle that sort of thing.

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

Ms. Simone said she hasn't yet reviewed the application nor has the Engineering Department.

Chairman de Jongh said the Commission has sufficient information before them tonight to consider what they have.

Ms. Simone stated yes.

Chairman de Jongh asked if the Commission wanted to go out and see this property.

Dr. Dimmick said most of the Commission has a general feel for the property.

Dr. Dimmick said all of this work except for the one place they are expanding the fill – most of its being done in areas that they already disturbed pretty badly.

Mr. McEvoy stated that's correct and even where they're doing the filling on the far corner of the building – that whole area both at the

bottom of the slope and along the slope that's there currently have been disturbed in the past. He said most of this site on the south side of the river has seen disturbance on some level or another over the years most of it prior to any wetland regulations.

Dr. Dimmick said in what would be the north west corner – where he talked about the fill in through there - there used to be a drainage way or drainage swale of some sort.

Mr. McEvoy said basically the information they have there was there was a lagoon in the rear along the bottom of the slope there and that's been since discontinued and filled in so there's no formal drainage way on the bottom of that slope.

Dr. Dimmick said going west from that to the north western corner of the building up in that area where they have more fill going in – was there a drainage way of some sort there.

Mr. McEvoy said historically maybe - he said he's looked at some aerials from the 1960s and there appears to be some indication of a watercourse in this area but that there's no evidence of that today.

Mr. McEvoy said as he's mentioned a couple of times there's obviously been a lot of work on this property over decades.

Ms. Simone said there was a rip rap swale that came before the Commission to get a permit after the fact – where is that located on site and will that stay in place.

Sal Cappola, facilities director at Consolidate Industries addressed the Commission.

Tape change.

Mr. Cappola showed on the plans the location of the drainage.

Mr. McEvoy said the location Mr. Cappola was describing was several 100' to the west of where they are proposing the current activity.

Chairman de Jongh asked if the Commission feels there's a need to go out or are they all familiar with the site in terms of where the activities is going to be.

Dr. Dimmick said he's satisfied but didn't know about the rest of the Commission.

Commission members all agreed they were familiar with the site.

Chairman de Jongh said seeing there were no further comments from Commission members of staff he thought as staff had pointed out this was received in the office but there was not enough time to have Engineering comment and for staff to take a look at it so he thought they need to postpone any further consideration on this but they did need to take up the issue of significance.

Dr. Dimmick said he didn't see any flags going up himself but he didn't know about anyone else.

Dr. Dimmick said as it was pointed out – the area has been pretty much disturbed and they're not making any new incursions into virgin territory.

Motion: That the Commission declares the proposed activities not significant within the context of the regulations.

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

Chairman de Jongh said they'll allow staff to do her review and see what Engineering comments there may be assuming there are not any issues that either parties have a problem with they should be prepared to address this and take care of this at their next meeting in August.

2. Permit Application
Edith A. Pagoni
25 Judson Court
Site Plan – Septic System

APP #2013-021
DOR 07/10/13

Ralph Barilla, 1629 Meriden Road, Wolcott was present on behalf of his sister-in-law Eddie Pagoni to build a home on 25 Judson Court.

Ms. Simone stated there was a staff report.

Dr. Dimmick said there was also a map that shows the stamp from Chesprocott.

Ms. Simone said yes Chesprocott has signed the maps – the site plans locate the wetlands that are in the far south west corner of the property.

Ms. Dunne asked if the Engineering Department has reviewed this.

Ms. Simone stated no.

Dr. Dimmick said the erosion controls supposed to be on here somewhere (on the plans).

Ms. Simone said there are some newer maps that do locate erosion controls and proposed silt fence.

Dr. Dimmick reviewed the plans showing the dashed line locating the erosion controls.

Chairman de Jongh said he takes it the septic is failing.

Ms. Simone said right now there is a building on site that was used for storage for a neighboring property – some of that building from what she understood was going to be taken down because it doesn't meet the zoning setbacks - she believed that was the case and they plan on putting up a four bed room house and associated septic so it was her understanding there was not currently a septic system located there.

Dr. Dimmick said he sees the wetlands located to the southwest – what do they find when they go to the west or north west – the contours kind of peter out – are there any wetlands in the next adjacent land or anything.

Ms. Simone said to the south yes there are wetlands.

Ms. Simone said there are homes along the other land.

Dr. Dimmick said the only reason to have the silt fence where it's proposed is to keep it off the neighbor's property; the slope of the land being the way that it is doesn't look like there's that much of a hazard anyway.

Ms. Simone said from what she understood was the applicant indicated that the area is already maintained as lawn so it is already cleared that no trees will needed to be cut.

Mr. Barilla said there's a carriage house on it and a building with a car garage for storage so it's been already a lot that's been cleared and it's been maintained – cut grass – it's just that she is going to add on the home on the higher part and try not to disturb any grass at all.

Dr. Dimmick said soils look good for septic – perks just a hair fast.

Mr. Barilla said they designed the septic system – it's a GO Green system – it's a new system that's just coming out and the Health Department loved it and said she'd like to see more of these system coming in; there's baffles in it when it slows down the water and slowly clarifies it and then drains straight down versus going through the lot.

Ms. Simone said they have all the signatures they need.

Motion: That the Commission declares the proposed activities not significant within the context of the regulations.

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

Chairman de Jongh said they'll allow staff to go ahead and craft her wording and they should be able to take care of this at the next meeting in August.

Mr. Barilla thanked the Commission.

3. Request for Determination by HAI Group
Facilities
189 Commerce Court

Ms. Simone said a request for determination was received yesterday and so there is an amended agenda to reflect that.

Ms. Simone stated there were no wetland soils on the property they just wanted an official determination.

Attorney Matt Hall was present on behalf of the applicant Housing Authority Insurance Group.

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

Attorney Hall addressed the Commission and staff.

Attorney Hall said just by way of some context – the applicant has operated a facility at the terminus of the Commerce Court cul-de-sac since 1989; they currently employ in the Town of Cheshire over 100 people and nationwide they oversee an umbrella group of insurance companies much to Cheshire's bone and to their own success their seeking to add a second building of similar size to the one that already exists at the property so that involved a few additional procedural hoops in that the Commerce Court right of way was partially abandon and the terminus of the cul-de-sac will be relocated a little farther to the east and the site plan applicant will be accepted (they believed) next week at Planning and Zoning.

Attorney Hall said they are here for a request for determination tonight. He said Mr. McEvoy has a projected work and much of the conservation will center around the detention basin that is already on site.

Attorney Hall said he believed the Commission via a letter addressed to Chairman de Jongh on the 15th of July has Milone and MacBroom's determination that the detention basin was sized in anticipation of development of all the property to the west of end of the Commerce Court cul-de-sac which is all owned by the applicant at this point.

Attorney Hall stated with that he'll have Mr. McEvoy come up and do the heavy lifting here.

Dr. Dimmick said Mr. McEvoy has to realize none of them saw this until they sat down tonight – it may have come in yesterday but it didn't appear in front of us until this evening – this is not something that got sent out to us so they've not had a chance to do any reviewing of it.

Mr. McEvoy said he'll be quick then in that case.

Mr. McEvoy said at the end of Commerce Court at Highland Avenue is Little Scholars – on the plans they should the end of existing cul-de-sac and the proposed reconstructed cul-de-sac.

Mr. McEvoy said HIA Group is the sole owner of all the properties – all the parcels along the rear part of the road and as Attorney Hall mentioned their going to be expanding their building and as part of

that they are in front of this Commission to see if any application is needed.

Mr. McEvoy said Bill Root of his office did do a site visit and determined there were no natural wetlands on the properties – on any of the properties at the end of the road. He said there is a detention basin – a fairly large detention basin to the rear of the property that's shown on the plan around the rear of the existing building – that has wetland characteristics anytime you put water into a hole sometimes you'll get some hydrophilic vegetation.

Mr. McEvoy explained you'll get some standing water and in this case – he's not sure as to whether or not it's intercepting ground water or if it's just because of the natural storm water that gets in there that it keeps it in a wet condition but it is a wet pond so he (Root) does note that in his review and ultimately what we are proposing to do is to expand the building and allow for a drive access to some equipment in back of the existing building that will fill in a small portion of the basin.

Mr. McEvoy said they've reviewed this preliminarily with Warren Disbrow of the Engineering Department who of course will review anything that comes before Planning and Zoning as well so he didn't want the Commission to think that his review is necessary for a determination because he'll be reviewing the impact of the detention basin as part of his Planning and Zoning review as well.

Mr. McEvoy said the amount that we're filling in the basin – we're going to be excavating on the far side so it will really be no change in size.

Mr. McEvoy said ultimately this basin was designed for the development for the entire roadway and all the parcels and the resulting impervious area associated with our proposal is actually less than what was originally proposed for the entire development of the site with all the individual parcels around the old cul-de-sac.

Mr. McEvoy said it's actually a decrease in impervious surfaces from what the basin was designed for.

Mr. McEvoy said so really the question before the Commission is how you regulate or do you regulate a storm water structure that has certain wetland characteristics and if so will they require a permit to do some minor modifications to it.

Dr. Dimmick said it was his understanding is their soils expert has said that it is not a wetland by the soil definition – from the description is sounds like it's a wetland from Army Corps definition but we're not the Army Corps – he said the Army Corps puts great emphasis on vegetation and does not require soils to match but the hydrophilic conditions and vegetation make it an Army Corps wetland but they have no jurisdiction if it doesn't connect to a stream.

Mr. McEvoy said he didn't know if there was any precedent in town.

Dr. Dimmick said the only precedent he remembered was from some 32 or 33 years ago when someone had a manmade pond that they had dug and then wanted to fill it in afterwards but in that case the Commission did issue a permit allowing them to fill it in but it was functioning as a pond even though he himself had dug it 8 years earlier and then changed his mind.

Mr. McEvoy said he would like to note that obviously as an active stormwater management basin regular maintenance is required and he is not sure how this Commission regular maintenance and how that fits into minor reshaping of the basin.

Ms. Simone said according to the soil map – the wetland soils map – it does identify this area as a depression but it does not identify as containing a wetlands soil type so it does identify that it may have potential because of the topography.

Mr. McPhee asked if this was a manmade depression for the culvert.

Dr. Dimmick said it's a manmade depression – the wetlands law for Connecticut says that the wetlands they regulate have to be wetlands by soil definition however they also regulate watercourse which includes ponds even if they don't have wetlands soils on them so the question is whether a detention basin which is not wet all the time is his understanding – detention basin that does not have wetlands whether or not that constitutes a pond and therefor a watercourse.

Attorney Hall said as it is otherwise regulated and regular maintenance is required – he said he wasn't sure frankly.

Dr. Dimmick said he was running through his mind on it and he was not sure either and he has been dealing with these all these years.

Dr. Dimmick stated its neither fish nor fowl or good Red Herring.

Attorney Hall said opposed to using the 33 year old man-made pond for example – that would otherwise not be regulated if not for the Inland Wetlands Commissions – in this instance it's a little different.

Dr. Dimmick said this is not a regular pond in that sense – it that sense the regulation talks about watercourses whether natural or manmade are regulated if they are watercourse now the question is whether a pond is a watercourse; a detention basin that runs dry may or may not be a watercourse – if it's not a watercourse then it's not regulated.

Mr. McPhee said this maybe more of a P&Z question but how does the water get there – are there outlet pipes coming to it or is it flowing from the culvert to it- is it downstream.

Mr. McEvoy said currently the basin has a couple of inlets from roadway drainage from Commerce Court shown on the plan that discharge directly into the basin and there's a formal outlet control structure not shown on this plan but on the side of the basin which conveys the detained water.

Mr. McEvoy said so ultimately this is an active stormwater management structure.

Dr. Dimmick said so it's a watercourse under those circumstances if it's got inlets and outlets.

Mr. McEvoy said it has inlets that only convey water during a storm-rain fall event.

Dr. Dimmick said the fact that it's got inlets and an outlet – the precedent is that it is a watercourse.

Mr. McPhee asked what type of outlet it was.

Mr. McEvoy stated it's the outlet control structure.

Dr. Dimmick said then it becomes the same as a drainage ditch and a drainage ditch is regulated.

Chairman de Jongh it sounds from the most recent comments that it seems to get a little bit clear that an application will probably be required simply to be able to cross the t's and dot the i's and be

consistent when we're dealing with structures of a larger much more detailed system than what they have here but by definition of having both the inlet and outlet he thought by nature it will require an application.

Motion: That the Commission having examined the request for determined and the additional information provided by the applicant determines that an applicant determines that an application will be needed for the alternations to this manmade watercourse.

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

Mr. McEvoy said the applicant has prepared an application – he said he didn't know if it was something the Commission would consider receiving tonight to get the clock running.

Chairman de Jongh said they can receive it tonight and they can take it up again and be that further ahead at the next meeting.

Mr. McEvoy asked to submit the application for the proposed activity.

Dr. Dimmick said that doesn't indicate the amount of material being removed and re-deposited.

Mr. McEvoy said the report says there are no wetlands located on site – the building addition required filling of north east corner of basin – basin size will be maintained by excavation on the west side.

Mr. McEvoy said he'd check the plans again but he believes they had information on grading.

Dr. Dimmick said if that information could be supplied to staff between now and the next meeting – he said that would be the one piece they need to have in there – the amount of material that's moving or approximately. He said other than that – there is no wetland impact – it is a watercourse impact.

Chairman de Jongh said let the record show they received the application tonight from the applicant.

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

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

Chairman de Jongh said they will allow staff to do what she does best and they may be able to take care of this at the next meeting.

XI. ADJOURNMENT

The meeting was adjourned at 8:41 p.m. by the consensus of Commission members present.

Respectfully submitted:

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