

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
REGULAR MEETING  
TUESDAY, AUGUST 6, 2013  
TOWN HALL 84 SOUTH MAIN STREET  
COUNCIL CHAMBERS AT 7:30 P.M.**

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**Members present: Robert de Jongh, Charles Dimmick, Dave Brzozowski, Earl Kurtz, Will McPhee and Thom Norback.**

**Absent: Kerrie Dunne.**

**Staff: Suzanne Simone.**

**Mr. Kurtz served as secretary pro-tem in Ms. Dunne's absence.**

**I. CALL TO ORDER**

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

**II. PLEDGE OF ALLEGIANCE**

**Those present recited the pledge of allegiance.**

**III. ROLL CALL**

**Mr. Kurtz called the roll.**

**Members present were Robert de Jongh, Charles Dimmick, Dave Brzozowski, Earl Kurtz, Will McPhee and Thom Norback.**

**IV. DETERMINATION OF QUORUM**

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

**V. APPROVAL OF MINUTES**

**Chairman de Jongh suggested the Commission defer the approval of the minutes to the end of the meeting.**

**There was no objection from Commission members.**

**At 7:49 p.m.:**

**Motion: To approved the minutes from the July 2, 2013 regular meeting with corrections.**

**Pg. 3 L30&31 “Terrance” to “Terrace”; Pg. 5 L40 “perimeters” to “perameters”; Pg. 6 L6 “expensive” to “extensive”; Pg. 10 L12 “species” to “specifies”; pg. 10 L17 delete “there were”; Pg 26 L37 “there” to “their”; pg. 28 L28 “Broach” to “Broad”; pg. 29 L29 add “lined lagoons”; pg. 32 L7 “head” to “heard”; pg 33 L6 delete after “review” “and”; L14 to “interrupt” to “interpret”; L33 “prevue” to “purview”, L46 “since” to “sense”; pg. 34 L13 “change” to “charge”; pg. 37 L24 “need possible” to “possibly”; pg 38 L47 “change” to “chance”; pg 38 L27 “ecstatically” to “esthetically.”**

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

**Motion: To approved the minutes from the July 16, 2013 public hearing with corrections.**

**Pg. 1 L28 should read “Mr. Kurtz called the roll”; pg. 2 L10 “in adequate” to “inadequate”, L45 “mental” to “metal”; pg. 3 L6 “mental” to “metal”, L21 “just is”, L26 should read “conflict with the”; pg. 4 L8 after “picture” add “shown was”; L31 “site” to “sight.”**

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

**Motion: To approved the minutes from the July 16, 2013 regular meeting with corrections.**

**Pg. 1 L44 “the” to “they”; pg. 3 L8 “once” to “one”; pg. 4 L19 “chances” to “changes”; pg. 12 L40 delete “that staff had”; pg. 15 L48 “obliviously” to “obviously”; pg. 17 L19 “obliviously” to “obviously”, L21 “its” to “it’s”; pg. 22 L15 “bone” to “boon”, L16 “their” to “they are”; pg. 23 L37 “chance” to “change”; pg. 26 L18 delete “that an applicant determines.”**

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

## **VI. COMMUNICATIONS**

- 1. Public Works Notification Re: 357 South Brooksvale Road  
Removal of road sand from sediment pond**  
  
**This communication was reviewed.**
- 2. Request for Bond Release, 1165 Jarvis Street, #2013-002A**

**This communication was reviewed.**

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

- 3. Request for Determination, Consolidated Industries Acquisition Corp.  
677 Mixville Rd. - Maintenance of Stormwater Drainage Swale**

**This communication was reviewed.**

**Ms. Simone stated that this item would be addressed under new business.**

- 4. RWA Comments Re: South Brooksville culvert replacement, #2013-018**

**This communication was reviewed.**

**Ms. Simone stated that this item would be addressed under unfinished business.**

- 5. Staff Comments Re: HAI Group, Inc. 189 Commerce CT, #2013-022**

**This communication was reviewed.**

**Ms. Simone stated that this item would be addressed under unfinished business.**

- 6. Staff Communication Re: Request for Determination, Consolidated Industries – Maintenance of Stormwater Drainage Swale**

**This communication was reviewed.**

- 7. Letter from Land Use Inspector William Donovan, Town of Prospect  
Re: Debris dumped on land on Plank Road near the wetlands**

**This communication was reviewed.**

**HANDED OUT AT TONIGHT'S MEETING:**

- 8. Engineering Comments Re: Application for Consolidated Industries  
This communication was reviewed.**

**9. Communication Emailed Re: Consolidated Industries**

**This communication was reviewed.**

**10. Other – none.**

**VII. INSPECTION REPORTS**

**1. Written Inspections**

**Ms. Simone stated there were no written inspections.**

**2. Staff Inspections**

**a. Huckins Road**

**Ms. Simone explained that there was an inspection of Huckin Road to ensure that the sediment and erosion controls were put in back up which they were.**

**b. Mansion Road**

**Ms. Simone stated there was an inspection of Mansion Road to ensure that Marklyn did remove all the soil that they were required to which they did removed.**

**c. Summit Street**

**Ms. Simone stated there was an erosion control inspection of a development lot on Summit Street.**

**d. Mountain Road**

**Ms. Simone stated there was an erosion control inspection of an development lot on Mountain Road.**

**e. Cornerstone Church**

**Ms. Simone stated that the bond for the erosion controls for Cornerstone Church was posted and they will be moving on with their development.**

**f. Other – none.**

**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 item is on the agenda for continued monitoring.

**IX. UNFINISHED BUSINESS**

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

**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, 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 upgrades to the Meriden water filtration facility and pump station on South Meriden Road, including renovations to the existing pump station, a new building at the filtration plant, additional access road and loading dock.
2. That the site location is bordered on the south by the Broad Brook Reservoir, the west by a residential neighborhood, to the north the Quinnipiac River, and to the east by an upland forest.
3. That the applicant's engineer stated that no wetland or watercourse disturbance is proposed during the site project.
4. That the Town of Cheshire Engineering Department is satisfied with the applicant's engineer comments dated July 14, 2013.
5. That the 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 #2013-017, the permit application of City of Meriden for site plan approval as presented and shown on the plans entitled:**

**“Meriden Water Division  
Broad Brook Water Filtration Plant and Pump Station Upgrade  
Submittal to the Town of Cheshire PZC and IWWC  
June 2013  
B&V Project Number 174449  
Scale as Noted: 19 Pages**

**Final Plan for Culvert Replacement  
South Brooksvale Road  
From Station 1+25.0 to Station 3+25.0  
Length=200.0’  
Scales as Noted on 12 Pages  
To Be Maintained by the Town of Cheshire  
May 2013  
Prepared by Cardinal Engineering Associates, Meriden Ct”**

**And**

**“Landscape Restoration Plan  
785 South Brooksvale Road  
Cheshire, CT  
Prepared for and by Town of Cheshire Dept. of Public Works”**

**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. 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, the applicant shall accurately stake and flag clearing limits and properly install erosion controls.
4. All recommendations from the Connecticut Department of Energy and Environmental Protection regarding protective measure for Natural Diversity Database species shall be stringently adhered to.
5. Throughout the course of conducting construction activities, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring the following:
  - a) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100' if possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.
  - b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.
6. This permit grant shall expire on August 6, 2018.

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

2.	Permit Application	APP	#2013-018
	Town of Cheshire, Public Works	DOR	07/02/13
	South Brooksvale Road	PH	07/16/13
	Site Plan – Culvert Replacement	MAD	08/20/13

**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, 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 replacement of a 4 foot by 6 foot corrugated metal culvert with a pre-cast concrete 4 foot by 12 foot box culvert under South Brooksvale Road to convey Sanford Brook.
2. That the two private property owners abutting the culvert have signed the applications.
3. That the hydrologic capacity will increase from 155 cubic feet per second to 375 cubic feet per second.
4. That the 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 #2013-018, the permit application of Town of Cheshire Department of Public Works for site plan approval as presented and shown on the plans entitled:

**“Town of Cheshire  
Final Plan for Culvert Replacement  
South Brooksvale Road  
From Station 1+25.0 to Station 3+25.0  
Length=200.0’  
Scales as Noted on 12 Pages  
To Be Maintained by the Town of Cheshire  
May 2013  
Prepared by Cardinal Engineering Associates, Meriden  
Ct”**

**And**

**“Landscape Restoration Plan  
785 South Brooksvale Road  
Cheshire, CT  
Prepared for and by Town of Cheshire Dept. of Public  
Works”**

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. 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, the applicant shall accurately stake and flag clearing limits and properly install erosion controls.
4. Throughout the course of conducting construction activities, 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 August 6, 2018.

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

3.	Permit Application	APP	#2013-020
	Consolidated Industries	DOR	07/16/13
	Mixville Road		
	Site Plan – Hammer shop	MAD	09/19/13

Chairman de Jongh stated that staff had a recommendation that was sent out to all Commission members.

Ms. Simone the Engineering Department did give confirmation today that they were satisfied with the engineering responses.

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 razing of an existing building and the construction of a new hammer shop and associated grading.**
- 2. That the applicant's engineer calculated 2,627 square feet of filing in the upland review area to the north of the property, 75 square feet of fill associated with new building construction and 4,668 square feet of excavation associated with building construction.**
- 3. That the storm water management plan includes the construction of a rain garden partially within the upland review area.**
- 4. 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 #2013-019, the permit application of CONSOLIDATED INDUSTRIES as presented on the plans entitled:**

**"Consolidated Industries  
677 Mixville Road, Cheshire, CT  
Dated July 8, 2013; Revised July 16, 2013  
Six Sheets: Scale Varies  
Prepared by Milone and MacBroom, Inc., Cheshire, CT".**

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

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

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

- 2. No changes or modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.**
- 3. Prior to the commencement of activities covered by this permit grant, the applicant shall have the following items both completed by a qualified party and verified as complete by Commission Staff:**
  - a) Prior to any clearing or earthmoving activities, the accurate staking and/or flagging of all clearing limits shall be completed.**
  - b) Per Section 12 of the Cheshire Inland Wetlands and Watercourses Regulations, a bond covering the costs of the erosion and sedimentation controls shall be filed with the Town Planner's Department prior to the commencement of activities. The amount of the bond shall be determined by the Cheshire Planning Department.**
  - c) Proper installation of erosion controls. Prior to the commencement of construction activities, a professional engineer shall certify, in writing to the Commission, that all required erosion and sedimentation controls are in place and functioning as represented by applicant to ensure the prevention of erosion and sedimentation into adjacent wetlands and watercourses. The cost of the professional engineer shall be borne by the applicant. The applicant shall also notify Commission Staff so that Staff may inspect the site to verify that all required controls are in place. Staff may also insist on additional controls if field conditions warrant them.**
  - d) Prior to the commencement of activities covered under this permit grant, the name of a contact individual together with a 24-hour phone number shall be submitted to the Planning Department and designated with responsibility and authority to receive notices of any breaches or deficiencies of sedimentation and erosion controls on-site, and to effectuate repair of any**

such breaches or deficiencies within 6 (six) hours of such notice from the sediment and erosion control inspector, as identified above, or the Town of Cheshire.

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

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

4.	Permit Application	APP	#2013-021
	Edith A. Pagoni	DOR	07/16/13
	25 Judson Court		
	Site Plan – Septic System	MAD	09/19/13

Dr. Dimmick said he had one question on the proposal and that is on the stipulations there a stipulation about placing markers to mark the

edge of the wetland – he said he was just not sure whether that is necessary in this case but he was willing to take other people’s judgment on it one way or the other.

Commission members reviewed the plans showing the location of the wetlands.

Dr. Dimmick said he knows that certainly they’ve made that requirement in the past when they’ve got new houses being proposed and we are worrying about making sure that the edge of the wetland is well known – he said he just wasn’t sure that although this may be a new residence and an existing building is being converted to a residence as to whether or not that requirement is necessary in this case.

Chairman de Jongh said his only concern is that while he is not necessarily concerned about the current property owner it would be subsequent property owners down the road – those markers are meant for people who have not been privy to the conversations we’ve had here at the Commission.

Chairman de Jongh said he didn’t have a problem with those being installed.

Mr. Norback said the one thing he might add – he has been out to the site and it’s actually so steep a grade over where the wetlands review area boundary (which he believes to be the boundary is); he said he didn’t know what anyone would be doing out there anyway.

Mr. Norback said he agreed with Dr. Dimmick but the markers would be nice to have to keep someone apprised of the area but he didn’t think they were necessary.

Dr. Dimmick said there have certainly been a lot of cases where it is necessary.

Mr. Norback said right but in this case it seems like it’s off the beaten path to get to the wetlands. He said it’s really not a cumbersome thing to put in place anyways so he guessed it wouldn’t hurt to not depart from the norm.

Chairman de Jongh said he thought it retained consistency and he concurred that in applications past but while he thought the points that have been mentioned to night are valid the deviation from the

norm might open that door for that one applicant to say well you didn't do it here how come we're doing it on our place.

Dr. Dimmick said ok then he withdrew his objection.

Chairman de Jongh said that staff pointed out that the language says that the markers will be along the wetland boundary or do they want the markers along the upland area.

Dr. Dimmick stated the wetland boundary is not on the property for the most part.

Ms. Simone stated just a sliver is according to the map.

Ms. Simone stated her intention was upland review area.

Chairman de Jongh said so then they should probably change that wording to reflect upland review area rather than wetland boundary.

**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 at 25 Judson Court.
2. That the applicant's site plan locates wetlands in the southwest corner of the property and that the septic system will border the upland review area.
3. That the Commission has determined the activity to not be significant under the context of the Cheshire Inland Wetlands and Watercourses Commission regulations.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2013-021, the permit application of EDITH PAGONI as presented on the plans entitled:

**"Proposed Septic System**

**Prepared for Edie Pagoni  
25 Judson Court, Cheshire CT  
Scale 1"=20': Dated May 9, 2013; Revised June 17, 2013  
By DD Group, 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 the commencement of clearing, grading or any construction activities covered under this 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.**
  - 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 upland review area as located in the above referenced site plan.**
- 4. All disturbed areas on the site not directly required for construction activities shall be temporarily seeded and hayed until the site is permanently stabilized.**
- 5. Throughout the course of conducting construction activities covered by this permit grant, and per Section 11.2K of the**

**Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring 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.**

- 6. 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.**
- 7. This permit grant shall expire August 6, 2018.**

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

<b>5. Permit Application</b>	<b>APP</b>	<b>#2013-022</b>
<b>HAI Group</b>	<b>DOR</b>	<b>07/16/13</b>
<b>189 Commerce Court</b>		
<b>Site Plan - Building Addition/Parking</b>	<b>MAD</b>	<b>09/19/13</b>

**Ms. Simone stated they were waiting on the fee and the signature which we received today so she did have a staff motion to hand out to Commission members right now.**

**Commission members reviewed the motion.**

**Dr. Dimmick asked if the motion included the bit of changing the shape of the detention basin that's sitting there.**

**Ms. Simone said that's not included in the findings but it could be added.**

**Dr. Dimmick said that was part of the reason for having them apply.**

**Ms. Simone said number one does include that – it's doesn't go into elaborate detail.**

**Dr. Dimmick said ok he sees that it says that the current application is for the redesign of an existing drainage system; and the permit is for the plans as submitted so that is covered in that sense.**

**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 construction of a building and redesign of an existing drainage system.**
- 2. That the applicant's soil scientist identified that there are no wetlands or watercourses on the site.**
- 3. That the storm water management plan includes the construction of a rain garden.**
- 4. 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 #2013-022, the permit application of HAI GROUP as presented on the plans entitled:**

**"HAI Group Facilities Expansion  
Commerce Court, Cheshire, CT  
Dated June 15, 2013**

**Seven Sheets: Scale Varies  
Prepared by Milone and MacBroom, Inc.,  
Cheshire, CT".**

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

**1. Any lack of compliance with any condition or stipulation of this permit shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and an enforcement order shall be both issued and recorded on the Town of Cheshire Land Records.**

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

**3. Prior to the commencement of activities covered by this permit grant, the applicant shall have the following items both completed by a qualified party and verified as complete by Commission Staff:**

**a) Prior to any clearing or earthmoving activities, the accurate staking and/or flagging of all clearing limits shall be completed.**

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

**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 August 6, 2018.

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

**X. NEW BUSINESS**

1. Request for Bond Release APP #2013-002A  
Jarvis Street, # 2013-002

Dr. Dimmick stated staff has looked this over and found that everything is copasetic.

Ms. Simone stated that was correct.

**Motion:**

That the Cheshire Inland Wetlands and Watercourses Commission has considered the request for bond release by Janet Schwenn for sedimentation and erosion control bond stipulated as part of CIWWC Permit #2013-002, and finds the following:

That staff has inspected the area and verifies that all areas are generally stabilized and all conditions of the permit grant have been generally met.

Therefore, the Commission grants the bond release request by the applicant for the sedimentation and erosion control bond.

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

2. Request for Determination RFD #2013-023  
Consolidated Industries Acquisition Corp.  
677 Mixville Road  
Maintenance of Stormwater Drainage Swale

**Ms. Simone stated that Commission members were sent a copy of the letter from Blue River Engineering as well as a sketch.**

**Ms. Simone said this area as Commission members may recall was the subject of a notice of violation last year that was installed without a prior permit.**

**Dr. Dimmick said and we gave them a permit after the fact.**

**Ms. Simone stated yes.**

**Ms. Simone said according to the letter the State DEEP had inspected and had required that sand and sediment be removed from the rip rap and that the smaller size rip rap be exchanged for a larger size.**

**Ms. Simone stated they indicate they are not increasing the footprint of that swale but that they are replacing stone and removing the soil.**

**Chairman de Jongh said and they are looking for whether or not there's an application necessary for that activity.**

**Ms. Simone stated yes.**

**Dr. Dimmick said in one since it is a modification of the original permit.**

**Chairman de Jongh said he would like to have the details in a file as opposed to just a letter.**

**Dr. Dimmick said he has no problem with them making these changes but he did want it on the record because this is a modification of a permit.**

**Chairman de Jongh said he was inclined to suggest that they have an application to provide details to this Commission.**

**Dr. Dimmick said okay but they need to keep in mind this is not a new permit it's a modification of an existing permit which is not quite the same.**

**Dr. Dimmick stated that they are going replace the smaller rip rap with the larger rip rap.**

**Mr. Norback said and the original permit was for maintenance.**

**Dr. Dimmick said the original permit was to construct the swale which they constructed without a permit and after the fact they came in and got a permit to construct the swale they constructed and in that they specified certain characteristics – now they are going to change some of the characteristics requested of the state so it's a modification of the permit after the fact.**

**Mr. Norback said at the request of the state they're doing it.**

**Dr. Dimmick stated yes.**

**Mr. McPhee asked if they approved the original permit with designs of what they did.**

**Dr. Dimmick said Commission approved the original permit; with designs of what they did.**

**Chairman de Jongh came in and said they had to change that.**

**Mr. McPhee asked if the state took jurisdiction over us (the Commission).**

**Dr. Dimmick stated no not on this they don't – he said they have overlapping jurisdictions in this case so the state may request changes but permits have to go through the Commission unless it's a state project which it isn't.**

**Mr. Norback said so is the spirit of this application if it is indeed an application for monitoring purposes.**

**Ms. Simone stated it's for maintenance.**

**Mr. Norback said from our standpoint are they looking for us to not only approve...apparently it's a good idea to change it so then why then do we feel the need to scrutinize it if indeed that's the right word.**

**Chairman de Jongh said he concern was that while the state is saying that they need a larger rip rap etc. – his concern is just making sure that they removal takes place the way it should be and the reinstallation takes place the way it should be – that is consistent with the permit that they granted them after the fact and that it is not done differently. He said just so there's a consistency with the**

approvals that were granted even through the materials might be different everything stays the same.

Dr. Dimmick said one of the things they have to do is - is that they will have to remove the material they've already placed and put in larger size rip rap in so it's a removal and replacement which is different than an ordinary maintenance - if they're just cleaning the sand out that's maintenance of the existing structure but they are actually changing the characteristics of the structure - that's the difference so if the town comes and cleans the sand out from the culvert that's maintenance and we just need notification - if the town decides to change the size of the culvert or change the headwall design that's a change and needs a permit.

Mr. Brzozowski said so you're worried if the footprint changes or something that they footprint might change - is that what you're worried about.

Dr. Dimmick said he wasn't worried he just wanted to get it documented.

Chairman de Jongh said the letter says they're not going to do that but he thought what the application does is verify that it's not going to be done differently - it shows us that the placement of larger rip rap is not going to change fundamentally the footprint. He said rather than giving them carte-blanch to do it he would like to see in print - and with map detail.

Mr. Norback said okay he's good with that. He said he was just looking for some insight.

Motion: That having looking at the facts this Commission has determined that Consolidated Industries does need a permit modification application for the proposed activities of the stormwater drainage swale.

Moved by Dr. Dimmick. Seconded by Brzozowski.

Mr. Kurtz asked if this would require a formal application.

Chairman de Jongh and Dr. Dimmick both stated yes - it was going to be a formal application.

Mr. Kurtz asked if that (a formal application with details) was needed to re-visit this or is it just formality.

**Chairman de Jongh said at least with an application they will be able to give us the details of what's going to happen.**

**Mr. Kurtz said once they give the details we can approve the modification so they can look at it now or look at it later – he said he didn't think there was much of change.**

**Chairman de Jongh said they are assuming it's not much of a change so he'd like them to verify that in an application that it's not going to be much of a change other than the size of the rip rap but by putting in the larger rip rap does that change the footprint.**

**Mr. Kurtz said he was wondering if it had to be that formal.**

**Chairman de Jongh said yes – he thinks it does and for him it does.**

**Dr. Dimmick said we've been burned about a dozen times over the years.**

**Mr. Kurtz said okay that's fine.**

**Motion approved unanimously by Commission members present.**

**3. Property of Dante Pasqualoni  
Request for Determination**

**Ms. Simone said that the Commission received a request for determination for the property of Dante Pasqualoni however he has requested that that be put off until the September 3, 2013 meeting.**

**XI. ADJOURNMENT**

**The meeting was adjourned at 7:51 p.m. by the consensus of Commission members present.**

**Respectfully submitted:**

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