

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
THURSDAY, NOVEMBER 7, 2013
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS
*Immediately Following the Public Hearing at 8:53 pm***

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

Member absent: Thom Norback.

Staff: Suzanne Simone.

I. CALL TO ORDER

Chairman de Jongh called the regular meeting to order at 8:53 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, Dave Brzozowski, Earl Kurtz, and Will McPhee.

IV. DETERMINATION OF QUORUM

A quorum was determined at the public hearing.

V. APPROVAL OF MINUTES - Regular Meeting - October 15, 2013

Chairman de Jongh said he would suggest unless there are any objections that we move the approval of the minutes of the October 15, 2013 meeting to the end of our agenda and move right into communications.

There were no objections.

Returned at 10:52 p.m.:

Motion: To approve the minutes of the October 15, 2013 regular meeting with corrections.

Pg. 3 L124 “that” to “on the”; pg. 8 L358 “when” to “one”; pg. 9 L375 “as far as”, L385 “determent” to “detriment”, L386 “looking to”, L390 “Hallow” to “Hollow”, L405 “Hallow” to “Hollow”, pg. 10 L421 delete “old folkies”, pg. 11 L484 “your” to “you’re”, L495 “if we” and “here” to “hear”; pg. 16 L698 “their” to “they’re.”

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

VI. COMMUNICATIONS

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

This communication was reviewed.

2. **CACIWC The Habitat, Fall 2013 Newsletter, Volume 25, Number 3**
(To be handed out at the meeting.)

This communication was reviewed.

3. **Staff Communication Re: Request for Determination/Applications for: Apex Developers, LLC – House, Lots 3, 5 & 6 - North Brooksvale Estates, North Brooksvale Road**

This communication was reviewed.

4. **Staff Communication Re: Permit Transfer #2013-012, Peck Lane, Subdivision**

This communication was reviewed. This item is under new business tonight.

5. **Diversified Cook Hill, LLC to Diversified Builders, LLC**
Staff Communication: South Meriden Road,, Bishop’s Corner, Lot 4 Application #2013-029

This communication was reviewed. This item is under new business tonight.

6. **Staff Communication: John Romanik, Jr.: Whispering Hollow Court, Lot 6, Application # 2013-028, Site Plan – House**

This communication was reviewed. This item is under new business tonight and was subject of a public hearing which was requested to be continued to the next meeting.

Ms. Simone stated that the following items were handed out at tonight's meeting:

7. **Engineering comment for PABCO application Lot 6 Huckins Road.**

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

8. **The applicant's engineer for Mr. Pasqualini submitted response to staff comments.**

9. **The Engineering Department has commented on what they have received.**

10. **Wetland report in support of 1143 Summit Road.**

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

11. **43 Lakeview Drive – Request for Determination**

Ms. Simone stated the last item is information that may be taken up the Commission tonight for a request for determination which is not on the agenda but may be taken up by majority vote tonight.

VII. INSPECTION REPORTS

1. **Written Inspections**

- a. **T&D Growers**

Ms. Simone started the first written inspection is to Mr. Arisco at T&D Growers - there was an inquiry regarding starting a farming operation on two separate properties on School House Road and Hickerman Road and he was informed that this is something that would require view from the Wetlands Commission to determine whether its allowed as a matter of right and he was provided with all the details as to how to go about that.

b. 1392 Cheshire Street

Ms. Simone said the second was a written communication sent to the permit holders for the development of 1392 Cheshire Street - they do have an active permit on that property and the Commission may recall recently in September they came before this Commission for a request for determination to change the non-encroachment line.

Ms. Simone stated at that time the Commission had determined that such a change would require an application and they were informed at that time that they needed to comply with all of the requirements of their permit in order to receive their certificate of occupancy and they are on the verge of requesting a occupancy.

Ms. Simone stated that information was sent to them encouraging them to get the plantings in while the weather was still agreeable to that.

Chairman de Jongh said my concern about 1392 Cheshire Street is the fact that we're virtually at the end of the planting season - Mr. Kurtz knows more about that than I but I'm assuming there's going to be very little ability for plants to be planted and survive through this time of the year so what recourse do we have to get back to 1392 - particularly if the property is sold.

Ms. Simone said the permit is held by the person it was issued to so it has not been requested to be transferred to any new property owner.

Ms. Simone said the way that the permit is written is that prior to getting a certificate of occupancy or staff signature on that - that they need to comply with their approval and if they don't do that then staff really cannot then sign off on their certificate of occupancy.

Mr. Kurtz said it made the customary to ask for a bond. He said I know one time I had to have an apron on a driveway and it was in February and there was no asphalt being made so the Town wanted a bond in order to get a certificate of occupancy that.

Ms. Simone stated yes for public improvements there is something already in place to allow for bonding.

Ms. Simone said went she looked at previous information I didn't see that the Commission had entertained bonding after the permit was already issued as opposed to having that as a stipulation.

Mr. Kurtz said it's unusual but that a possible alternative.

Ms. Simone said yes that's why I had reached out to them of a week and half ago to encourage them to get it done sooner then later.

Mr. Kurtz said it's already later.

Chairman de Jongh said he guessed from staff's comments we'll not issue a CO and the house will not pass to a new owner without those plants being put in.

2. Staff Inspections

Ms. Simone stated there are no of staff inspections.

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 continues to be on our agenda for monitoring purposes.

2. **Unauthorized Activities in a Regulated Wetland Area SC 9/17/13**
Apex Developers, LLC
South Meriden Road

Chairman de Jongh Number said staff has crafted a motion to release the cease and desist.

Motion:

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

1. That on September 10, a Cease and Desist/Notice of Violation was issued to Apex Developers LLC for the unpermitted clearing in an upland review area in violation of the Inland Wetlands and Watercourses Regulations and IWWC Permit #2013-005.
2. That on September 17, 2013 the Cheshire Inland Wetlands and Watercourses Commission held a Show Cause Hearing and found the clearing activities were conducted in violation of permit #2013-005. The permittee was ordered to hire an engineer to survey the location of the clearing limit and inspect the installation of the erosion controls.
3. That on October 15, 2013 the permittee's engineer submitted the required clearing limit survey and erosion control inspection documentation.

Therefore, the Cheshire Inland Wetlands and Watercourses Commission does hereby determine that the requirements stated at the September 17, 2013 Show Cause Hearing have been met and completed. Further, the Commission does hereby release and discharge the aforementioned Notice of Violation.

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

IX. UNFINISHED BUSINESS

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|----|-------------------------------------|-----|-----------|
| 1. | Permit Application | APP | #2013-026 |
| | Town of Cheshire | DOR | 10/01/13 |
| | West Main and Jarvis Street | PH | 11/07/13 |
| | Construct Farmington Canal Greenway | MAD | 12/12/13 |

Chairman de Jongh stated that this was subject of a public hearing tonight and a field trip that was conducted a couple of weekends ago and that public hearing has been continued.

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| 2. | Permit Application | APP | #2013-027 |
| | Shawn Stanziale | DOR | 10/01/13 |
| | South Meriden Road | | |
| | Site Plan – House | MAD | 12/05/13 |

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, 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 #1, Bishops Corner, South Meriden Road/Academy Road.
2. That the proposed house is located outside the upland review area, and is surrounded by wetlands to the east, north and west.
3. That the applicant is proposing clearing and lawn within the upland review area and proposes to establish the placement of the non-encroachment 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 #2013-027, the permit application of SHAWN STANZIALE as presented on the plans entitled:

**“Proposed Regulated Activities
Bishop’s Corner, Lot 1
Academy Road, Cheshire CT
Scale 1”=40’: Dated September 28, 2013
By MMI, Realty Drive, Cheshire, CT”.**

And

**“Proposed Wetlands Marker Location
Bishop’s Corner, Lot 1
South Meriden, Cheshire CT
Dated: October 1, 2013
By MMI, Realty Drive, 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 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 wetland boundary 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 November 7, 2018.

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

3.	Permit Application	APP	#2013-028
	John Romanik, Jr.	DOR	10/15/13
	Whispering Hollow Court	PH	11/07/13
	Site Plan - House	MAD	12/12/13

Chairman de Jongh said as we mentioned earlier this was supposed to be part of our public hearing tonight and there was a request by the applicant to postpone that until November 19, 2013.

4.	Permit Application	APP	#2013-023
	Consolidated Industries, Inc.	DOR	10/15/13
	677 Mixville Road		
	Swale Maintenance	MAD	12/19/13

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 the removal and reinstallation of a riprap lined swale within the upland review area of the Ten Mile River.**
- 2. That this initial installation was completed without the required application to and permit from the IWWC. A permit after the fact for this work was obtained on October 3, 2012.**
- 3. That a Request for Determination for drainage swale removal and reinstallation was reviewed on August 6, 2013 and determined the proposed activity requires an application for a permit.**
- 4. That the applicant's engineer submitted a wetland boundary map from a 1999 field survey.**
- 5. That the approximately 20'X15' drainage swale area will be relined with stone to minimize sediment entering the Ten Mile River.**
- 6. That the proposed construction activities will not have a significant adverse effect on the adjacent wetlands and watercourses.**

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2013-023, the permit application of Consolidated Industries, Inc. for site plan approval as presented and shown on the plans entitled:

**"Inland Wetlands Application-Existing Drainage Swale Maintenance
Consolidated Industries Acquisition Corporation
677 Mixville Road, Cheshire, CT
Dated September 30, 2013,
Prepared by Blue River Engineering, Inc.
36 East High Street, East Hampton, CT 06424"**

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. 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.
4. This permit grant shall expire on November 7, 2018.

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

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| 5. | Permit Application | APP | #2013-024 |
| | Dante A. Pasqualini | DOR | 10/15/13 |
| | 815 Allen Avenue | | |
| | Filling in a Wetland | MAD | 12/19/13 |

Mr. Pasqualini of 815 Allen Avenue, Cheshire, Connecticut addressed the Commission.

Mr. Pasqualini stated he was the applicant before you tonight requesting that I may be allowed to restore my property to what it was before the flooding on June 1, 2006 that was created by Meriden.

Mr. Pasqualini stated this would require some regrading and some addition of some topsoil to a basin area that was created that is now ponding.

Mr. Pasqualini said I have photo sequence that I'd like you to take a look at.

Mr. Pasqualini stated I also brought my engineer Mr. Conklin and my soil environmentalist Mr. Sipperly to speak on it.

Mr. Pasqualini passed out to Commission members copies of photos of his property.

Mr. Pasqualini stated prior to the destruction of some retention ponds and what have you up and Meriden in a subdivision this was my front lawn on page one.

Mr. Pasqualini said you'll notice that it was pretty well graded - well seeded - grassed - excellent brook on the extreme right side of Sindall Brook – a very beautiful area.

Mr. Pasqualini said if you'll go on to page two – you'll notice that this was about three or four days after the flooding which you'll be able to see on the right on the right hand photos that the grading going down to the brook did hold quite well because the grass structure that was there.

Mr. Pasqualini said if you go on to three as winter closed in and everything you can see now the brook had cut itself a new channel up there on the upper right hand corner photo but yet the embankment tapering from the driveway going down to the brook with the grass and what have you still held very very well with little to no erosion there.

Mr. Pasqualini said if you onto the next page - page four this was after the restoration by the subcontractor that was hired by the Town and you can see through the excavation of the restoring of the rip rap and what have you that I now have the basin that I never had before that it is ponding.

Mr. Pasqualini said if at that right bottom right photo and the one to the left you can still see the excavator track marks that are there.

Mr. Pasqualini said and the last item is that some of that rip rap was not put in and some of the undermining continues there on the left embankment.

Mr. Pasqualini said Mr. Noewatne and Mr. Nolte stopped and did a visit about a month ago and they did identify these things and we discussed them - Mr. Noewatne said that there was some additional work that the Town had not finished and with the Wetlands approval it would not be an issue as far as he was concerned to bring some additional topsoil to do some regrading in that ponding area.

Mr. Pasqualini stated that I do want to note that the Town took out numerous truck loads of topsoil that was there originally.

Mr. Pasqualini said at this time I would like to have Mr. Conklin speak on the engineering that he had done.

Mr. Conklin, a licensed land surveyor of Conklin and Soroka addressed the Commission.

Mr. Conklin explained that we were hired by Mr. Pasqualini to do a confirm field topographic survey of this site just to try to show this depression so we ended up doing a very detailed survey – took many shoots out there and the survey does show - basically the plans you have in front of you show .5' (half foot) – they are very deceiving- there not 2' there .5' and it does clearly show a curve in where the depression has occurred.

Mr. Conklin said and what we did show and I was grading on that plan to slope that out so the ponding doesn't occur there any longer.

Mr. Conklin said the plan does show silt fence and haybale along the edge of Sindall Brook and that's basically what we're proposing for this plan.

Mr. Conklin said I know you guys are already pretty much aware this so I don't know if you have any questions again.

Chairman de Jongh said he just has a couple of questions Mr. Conklin and looking at the letter you sent to us - it was sent to Ms. Simone dated October 25 you talk about the wetland boundary as flagged by Tom Pietras of Soil Science and Environmental

Consultants and that the wetland boundary the boundary was flagged a few years ago.

Chairman de Jongh said as I understand it that was information that was simply copied from the town maps.

Mr. Conklin stated that it was copied from maps created by Tectonic Engineering for the Town.

Chairman de Jongh said okay but Tom Pietras – he has not signed off on his attestation of the accuracy of that.

Mr. Conklin stated no - he has not – he (Mr. Pietras) was not our client for this.

Chairman de Jongh said I understand that.

Chairman de Jongh said I just trying for the record I'm trying to say that your asking this Commission to accept information that was copied from a town map that a soil scientist has not signed off on that says it's accurate.

Mr. Conklin stated yes - correct.

Chairman de Jongh said the second question I've got is you're talking about the second line says there's little or no impact on the wetlands or upland review – this is Mr. Pasqualini's front lawn – he's only tempting to restore the lawn back to its previous state.

Chairman de Jongh said the one thing that this Commission typically asks for whenever there are conversations about filling or regrading is the calculations of any direct or indirect impact on wetlands - we don't have that.

Mr. Conklin stated that is on the larger plan that you should have received.

Ms. Simone asked did that accompany the memo you submitted that had indicated that.

Mr. Conklin stated yes.

Mr. Conklin stated he submitted a three plan set - the original plan was a 24" by 36" and it did indicate the area of disturbance in the uplands and in the wetland area - on the plan phase.

Ms. Simone said so it's just not referenced in your response.

Mr. Conklin stated correct.

The Commission reviewed the plan sets that were submitted.

Ms. Dunne asked if it was 444'.

Mr. Conklin stated yes.

Ms. Dunne asked Mr. Conklin was referring to the 990 square feet for inland wetlands.

Dr. Dimmick said as far as Tom Pietras's line – that line was on maps that we accepted when we gave the Town the approval to do the work out there original and I don't know whether his signature appeared on those maps at that point but at least we accepted that line is being correct at that point so that it would be consistent to say if that was the line that we expected with the previous work that we would continue to accept that at the wetland line.

Mr. Conklin stated his signature (Mr. Pietras) for the record is on the previous map mapping that was prepared by Tectonic.

Mr. McPhee stated he'd like to go back to the Town permit that was issued on this - was that completed.

Ms. Simone stated yes.

Mr. McPhee asked then why is that it's been stated that the Town did not finish the work.

Ms. Simone stated that she did not know and Mr. Noewatne is here and he can comment.

George Noewatne, Director of Public Works addressed the Commission.

Mr. Noewatne stated the work that was under the original permit has largely been finished - there is some grading work on the upland area of Mr. Pasqualini's - what I'm going to lawn adjacent to his driveway that we had agreed to come back and take some rills out of it there – there's some of the fill goes up and down a little bit and just to flatten it off so he can more easily mow it.

Mr. Noewatne stated they we're waiting to do that to see the disposition of this work.

Mr. Noewatne said there was some concern Mr. Pasqualini had with some netting we put in adjacent to the stream channel but that seems to resolve itself. He said he that he thinks Mr. Pasqualini took care of it on his own so those are the only two issues the Town had that this point.

Mr. McPhee said the undermining he mentioned.

Mr. Noewatne stated that undermining is a new issue that has come up - Mr. Pasqualini did make the Town aware that a few months ago.

Mr. McPhee asked if that was on the original application.

Mr. Noewatne stated the extent of that work was not on the original application to the best of my knowledge that would be something we have to come back to you folks with a new application or get an extension to the previous application.

Mr. McPhee asked when the Town completed the work.

Mr. Noewatne asked if meant the original work.

Mr. McPhee stated yes.

Mr. Noewatne said he'd have to double check – he explained his predecessor was involved in that so I don't have the exact date for you but I can certainly get it.

Mr. Pasqualini stated that Town finished the work there in December 2011 - their intention was to come back in the spring of 2012 - they were not able to do that.

Mr. McPhee asked why.

Mr. Pasqualini stated that he did not know.

Mr. McPhee said if I were you I'd be quite upset with what he was told by the Town - not to come through with their promise.

Mr. Pasqualini said he thanked him for that. He said in taking into consideration that all the damage was done in 2006 I've gone an enormous amount of patience and hoping that it will be done.

Mr. Conklin asked if there were any other comments from the Town or engineering.

Ms. Simone stated no.

Ms. Simone stated that she did have a question about the information that was submitted tonight – she said Mr. Pasqualini you show images pages one through four that seem to be pertinent to what the application is about - the filling of the wetland and then in page five you talk about undermining.

Ms. Simone stated I just want to clarify - is this application just for filling in wetland or you also seeking to add additional rip-rap in this area.

Mr. Pasqualini stated no actually and he didn't mean to confuse the Commission – it's only to put my lawn back to what it was.

Mr. Pasqualini stated the undermining did continue - he did speak about it with Mr. Noewatne a couple of months ago when he and Don Nolte were nice enough to take a ride down and look at it - they did it knowledge it you know – to me it's just that area that wasn't completed with the rest of the rip-rap that was done.

Mr. Pasqualini stated no - it is not in my application for tonight.

Chairman de Jongh said if I heard Mr. Noewatne correctly - the Town is amenable to straightening out those ruts or trying to clear out those ruts but we're not talking about extensive filling just taking care of filling in some ruts - was that the commentary.

Mr. Noewatne stated that's correct.

Mr. Noewatne stated when the final grading was done - I can't tell you exactly what happen but it did rut out a little bit so we're talking a few inches just kind of leveling off we're not talking deep ruts or anything significant but certainly if you're trying to mow it or something over like it's a concern - but very minor work we're probably a day's worth of work.

Chairman de Jongh stated he just wanted that clarify for the record.

Dr. Dimmick asked if there was anyway Mr. Noewatne - as long as your still there - if one looks at the original photo on page one there of fact lawn of being able to eyeball roughly what things look like - it looks like we did have a there a fairly even slope going from that driveway down to the Sindall Brook at one point and is there anyway if you compare that with the situation on page four there to have some idea – would 6” bring it back to that or would it take a foot or what would it take.

Mr. Noewatne stated he hadn't calculated any of it to be honest.

Dr. Dimmick said no but eyeballing it.

Mr. Noewatne stated we're probably talking a foot over the whole area.

Dr. Dimmick asked would that bring that back to roughly looking something like what (they had).

Mr. Noewatne said I think we did that on a napkin calculation where we were talking about 20 yards or something like that.

Mr. Pasqualini stated that's correct - Dr. (Dimmick) you're correct - it would be a foot or a less.

Dr. Dimmick stated and about half way between the drive and the stream would be kind of the end of the where you'd need it I think.

Mr. Pasqualini stated that was correct.

Mr. Pasqualini said to put it back to what it was originally was. He said oddly enough during the excavation - there were numerous dump trucks loads taken out and I had asked for to stay on the location until we were completely finished the project and final grading was done but that didn't happen.

Dr. Dimmick said he was told at the time that some of the stuff being hauled out was some stuff that was dumped down there when the stream brought from further up channel - maybe that was wrong.

Mr. Pasqualini stated I don't doubt that that was a part of it but the excavation was a large part of the.

Mr. McPhee asked if this would fall under the original application permit.

Ms. Simone stated no.

Ms. Simone stated this is the area that's completely outside of what was reviewed and approved by the Commission.

Ms. Simone stated this is a depression in the lawn area that when I had been out there previously in 2006 when I when I was first aware complaints that I did see that this area existed and it had tall vegetation in it so what he's (Mr. Pasqualini) is apparently looking to do by evidence in his application is to fill this area in so he can level it off and maintain it as lawn.

Ms. Simone stated so this area is independent of what was previously approved from this Commission.

Ms. Dunne asked so the area we're talking before had vegetation in it and now it's a lawn - I'm confused.

Ms. Simone said yes when I was out there in 2006 I did see that it had vegetation - there was never any discussion of that particular area from that moment on I was really there to take a look at the damage caused by flooding in of the brook and then all material that came to this Commission subsequently was just focusing on the condition of the brook in this area was never part of that application.

Mr. Pasqualini said on page one it shows the lawn prior to the flooding in Meriden that created - that was like that since about 1980 right up to June 1, 2006 when the flooding took place that is shown on page two.

Mr. Kurtz asked what is the Town offering to do as far as putting a couple in inches of topsoil - is that related to this application at all or is it in an entirely different area.

Mr. Conklin stated no it is not.

Mr. Conklin said he (Mr. Pasqualini) had asked the Town to topsoil this area - he asked for three things from the Town and they agreed to two out of three they do not agree to do this area.

Mr. Kurtz asked if this was correct - he wasn't sure what Mr. Noewatne had said - he said it seems the applications are different here.

Chairman de Jongh stated he wanted to get a clarification on exactly what's before us - we're talking about filling ruts - we're talking about - right now it's nothing but the noise and if Ms. Simone could clarify that it would be immensely helpful.

Ms. Simone stated yes – yes. She explained the application that's before Commission tonight is for filling in of a wetland.

Ms. Simone said the additional issues that Mr. Pasqualini is bringing up are issues that this Commission had seen some communications that have gone on for about a year - a year and a half between Mr. Pasqualini and different departments in Town.

Ms. Simone said after the work that was completed - that was permitted to the Public Works Department Mr. Pasqualini had expressed concern and dissatisfaction with many aspects of the quality of work and he was asking for different things such as the netting that was there for erosion control that he wanted that removed so that he could mow the area more efficiently - he had indicated that some tracks or some settling had occurred so he wanted additional soil brought in.

Ms. Simone said so there's been discussion between Mr. Pasqualini and the Town – that the Town was willing to bring some soil back into the area that they had the permit in - that they felt they had completed the work in but was willing to address Mr. Pasqualini is concerns and bring some material in.

Ms. Simone said Mr. Pasqualini did indicate in some of the correspondences that he requested that the Town fill in this wetland area also.

Ms. Simone explained and that's where the Town had said - we aren't going to entertain doing that - that's outside of the scope of the permit - if you want to do that that's something you need to bring up independently before the Commission and the Town had an elected to halt doing any work on the property until this issue could be addressed.

Ms. Simone stated so that's where we're at right now.

Chairman de Jongh said let me just ask a question then - these pictures that we have before have nothing to do with filling in the wetlands.

Ms. Simone stated in her estimation correct.

Ms. Simone said if the focus of this application is to fill an amount of square footage 440' which has indicated on the plan – that's the application that before the Commission today so the history of how things occurred and who maybe it all fault – none of that is part of this application.

Chairman de Jongh stated that is what he wanted to clarify.

Ms. Dunne asked how is it that this October 25 letter says there's no impact on the wetlands or upland review if we're talking about a permit that wants to fill in the wetland - does this have to do with the permit.

Ms. Simone stated yes it does.

Ms. Simone stated that (the letter) is in response to staff comments as well as the Engineering Department comments and the applicant's engineer department comments possibly then could address that since they did craft that response.

James Sipperly, a certified soil scientist addressed the Commission.

Mr. Sipperly explained the wetland proper that's being considered to be filled is an existing lawn area that has always been an existing lawn area since 1980 as Mr. Pasqualini stated earlier.

Mr. Sipperly stated I will recall that we came back to the Commission to request a permitted use as of right earlier - a couple of months feeling that Mr. Pasqualini had the permitted use as of right to maintain residential property to fill this small area in - the Commission disagreed and asked us to submit an application so here we are.

Mr. Sipperly said now I will also put this on the record - several years ago I can't remember when it was – I'll say five years ago - I did a wetland delineation for Mr. Pasqualini – the wetland delineation at that time was only associated with wetland soils close to Sindall Brook.

Mr. Sipperly said since then they had that major erosion storm that occurred from Meriden all the way down through his property – when I saw the wetland delineation line that Tom Pietras has now delineated which is much further up I was kind of shocked but after looking at the property I think what has happened - one of two things – either when that storm event rushed through and eroded soil from Mr. Pasqualini's property the modeling that you look at for wetland soil characteristics became shallower or the Town when they went in there and removed some of the topsoil that he states happened – when I say he Mr. Pasqualini - the topsoil was removed the modeling came out shallower so when you dig a hole with your auger instead of having a soil profile characteristic from 0” to 18” or below now you've got these features 0” to 6” and Tom Pietras delineated the wetland according to the new elevation of the soils based on the characteristics.

Mr. Sipperly stated so the wetland to be filled is a small isolated depression and the existing lawn.

Ms. Simone asked Mr. Sipperly if I can ask you a question - the information that you provided for that request that you just referenced that you and Mr. Pasqualini went through - you had submitted a document that showed that the line that you referred – that you had looked at as well as Mr. Pietras - are you now - just to clarify for the record - are you asking now that that be part of this application.

Mr. Sipperly stated no – no.

Ms. Simone said so Mr. Pasqualini then is going with Tom Pietras's identified wetland which covers the majority of that area.

Mr. Sipperly stated yes that is correct.

Mr. Sipperly stated he was giving this for historical information.

Ms. Simone thanked Mr. Sipperly.

Mr. Pasqualini said and if I may clarify one thing – the photographs one is what everything was before the June 1, 2006 flooding that took place - the photographs in number four is what that same area is now and has been the since December 2011 and I'm only trying to put back what was originally there - it is a very small area - Mr. Noewatne will confirm that - so it doesn't flood or pond anymore so as you see the excavator track marks are graded and pitched to the

brook as it once was in photograph one and I want to mow it and what have you.

Mr. Pasqualini said I'm just asking to restore it to what it originally was.

Chairman de Jongh said again I just want to clarify that that we're talking about the ruts and stuff that are shown on page four - those are the ruts that Mr. Noewatne representing the Town said that they would certainly entertain the idea of kind of putting in that layer of topsoil to get rid of those ruts - is that same property we're talking about.

Mr. Pasqualini said Mr. Noewatne is referring to and I may use photographs one - this front area that fronts Allen Avenue - this area here needed topsoil - it was the stripped and was left in a gravelly condition.

Ms. Simone stated just to clarify it - that is an issue separate from what your application is.

Mr. Pasqualini stated that's correct.

Ms. Simone said okay so if we can keep the two issues separate then the Commission is not really asked to weigh in on what the Public Works Department has already agreed to which is to fill in those areas.

Mr. Pasqualini stated thank you for clarifying it - yes that is the work that was going to be completed in the spring of 2012 that didn't get done.

Mr. Pasqualini stated I'm requesting to fill in that excavated area in photograph four.

Mr. Conklin said photograph four depicts the area that we're looking to - you can see the ponding in it and that's what we're looking to fill in.

Chairman de Jongh stated forgive me but all I see is tire tracks and spotty grass - I don't see any ponding.

Mr. Conklin asked if you (Chairman de Jongh) didn't see the water in the pictures.

Dr. Dimmick said I see the water that's all water – that's all water in there.

Chairman de Jongh said those were tire tracks that he can see- he said it looks like bare ground to me - it doesn't look like water.

Mr. Conklin said if you look at the smaller of the two maps the 18" by 24" and if you look at the existing contours on here you can see and these are .5" (half foot) contours mind you that that they loop around and that is where the ponding is occurred – now to clarify this is south of where Mr. Mr. Noewatne is going to do his work but that's the area that is currently has standing water in after rainstorm and it was previously was lawn that he (Mr. Pasqualini) cut and now he can't cut it after a rainstorm because it remains wet until it slowly drains out towards the brook.

Chairman de Jongh said I know we had this conversation before relative to what the existing contours were prior to and we have no benchmark for prior to.

Mr. Conklin stated we don't we just have Mr. Pasqualini word that he mowed it before and there was no standing water.

Chairman de Jongh stated so we're going on supposition as to what the previous and where we are right now.

Mr. Conklin stated yes.

Mr. Conklin stated I can assure and I wish the town engineer here that while the Town did go through that process of coming up with their idea that it did not change - it is impossible to use a class TD survey with 2' contours to show a 6" depression - they're not accurate enough - not even close.

Mr. Walter Gancarz, town engineer addressed the Commission.

Mr. Gancarz said yes when this came up a few months ago I was at the hearing for one bridge project and I'm here for another bridge project but as long as I'm being characterized I might as well explain I said.

Mr. Gancarz explained we took to try to look at this in a fair way we took 1992 aerial photography and 2012 aerial photography and we looked at the 2' contours - plotted them on a map and actually

provided that map and what we concluded was in this low area it was the same as it had been.

Mr. Gancarz said so that's why it originally wasn't part of restoration plan that the town did come before for permit and so that was our conclusion.

Mr. Gancarz said I believe the current .5' contours are the existing contours but we don't have anything of the same accuracy from before so we're using like and like 2' contours versus 2' contours - I believe what Mr. Conklin is trying to do is use new contours and field survey against a picture it appears – okay but there's no bases of the pre-flood contours that you've shown on your map I believe.

Mr. Conklin stated he agreed with that.

Mr. Conklin stated that is true but I'm still telling you and I would like to hope that you would believe me that are that is aerial photo surveyed that is class T-D 80% of the contours had to be 1' of the contour interval so already 20% of these contours can be 2' off and 80 percent can still be 1' set off so regardless of what they are using from 1980 to now it's not accurate to a show depression whether it existed or not and I have nothing to judge that by - there's no way that mapping is accurate enough to show that this depression was there.

Ms. Simone asked Mr. Conklin a question - why is the origin of the basis of that basin - why do that's germane to this application - if the application is for filling in an area why is there so much time and energy being spent in confusing the matter to even come up with how this has created - the application is to fill in a wetland – it's a simple application.

Mr. Conklin stated I just bring that out because the Commission at previous meetings to describe - to kind of use it against us saying it wasn't there.

Ms. Simone said so the Commission is not being asked to adjudicate how this basin came to be.

Mr. Conklin stated no.

Ms. Simone said the Commission is only looking at – there's an application before them to fill in a wetland and have it maintained as lawn correct?

Mr. Conklin stated that is correct.

Chairman de Jongh thanked Ms. Simone. He said what he was going to try to do is just get back the crux of what we were asked to do and that is to take what is now a lawn although it is considered a wetland at this point and to fill that in to make it a better lawn - to prevent it from ponding.

Chairman de Jongh said that's pretty much the crux of what we're asked to do.

Ms. Dunne said she wanted like to finish a question she had started to ask (of Mr. Conklin) – we're talking about filling in this area that's a wetland and I believe that you're saying its 990 square feet but I'm confused about your letter of October 25, 2013 where you are say there's little or no impact on the wetlands or upland review.

Mr. Conklin said well I guess the point of that is that this an existing yard and it's going to go back to an existing yard - we're not effecting any wildlife - we're not effecting any vegetation other than grass and putting it back so what I said there's no lasting effect because it's going right back to grass.

Ms. Dunne said well you don't dispute it that it's a wetland area.

Mr. Conklin stated oh - no we're not.

Mr. Conklin said I actually put the impact on the plan itself. He said my point was that we are restoring it exactly the way it is other than removing this ponding effect - this whole area is in the wetlands so there's no detrimental effect afterwards on the wetlands.

Ms. Dunne thanked Mr. Conklin.

Mr. Sipperly said he wanted to make one clarification - we're not asking the Commission to determine how this wetland was formed - how long it's been there but we are representing to you through our testimony – through the photos that this area was not a wetland area - the area was eroded and excavated and now because of the elevation of the soil and that depression it's been classified by our soil scientist as a wetland.

Mr. Sipperly said when Chris Conklin says that there's not going to be any impact to the wetlands - wetlands provide different functions

and values - education value - flood storage - wildlife habitat - the ability to disseminate waste - none of those functions exist out there right now - it's an existing lawn before and he's proposing to do an existing lawn has is.

Mr. Sipperly said and I'll remind you that in your regulations as a permitted use as of right ---

Dr. Dimmick interrupted Mr. Sipperly and stated you're making the case worse for your client - I was beginning to believe I could do something for him and I am hearing one miss-distortion after another from you to the point where I would have to reject everything based on you testimony - you've distorted everything presented to us.

Dr. Dimmick stated that I was beginning to understand what was going on - now you want us to accept it on the basis of things that you cannot prove and of your total misunderstanding of the wetlands law.

Mr. Sipperly said I'm going to argue with you with no disrespect.

Dr. Dimmick stated don't argue with me!

Mr. Sipperly stated the permitted use as of right states someone has the right to maintain residential property.

Dr. Dimmick stated you don't understand the law!

Chairman de Jongh said I think what we need to do is rather than having a verbal bantering back and forth, I think it's important to get back to what we're being asked to look at as a Commission - we've brought it back to the part - we're talking about what was a lawn is now a wetland - they want to fill in a wetland to make it back a lawn again.

Mr. Conklin stated what you said is correct.

Chairman de Jongh said we need to decide how we want to move on this as far as this Commission is concerned - before us is an application to take what was testimony by the applicant that it was a lawn previous - it is now wetland which they are saying their soil scientists agree with that and now they want a fill that in to make a lawn.

Mr. McPhee said it is a wetland that is a lawn currently – correct - to clarify that for the record - it is a wetland that's a lawn now - so let's let common sense apply – we're just putting topsoil on it to make a level – it's already being mowed why not just move forward.

Chairman de Jongh said I'm just trying to clarify what we're doing and what we have to talk about and then we have to make a decision.

Mr. McPhee asked what the next step was here.

Ms. Dunne said she would disagree because I think that we have in other applications - I think it was South Brooksvale we did - somebody had a wetland on their lawn - it was a small area and we enforced that - I don't know that we should be allowing somebody to change something that is a wetland and just filling it in because it doesn't and what they want to do with their property.

Mr. McPhee said then we have to get back into their argument that the fact that this is truly a wetland or if it was created by the 2006 floods and what have you because it's not right to Mr. Pasqualini to have his property value affected by this so I don't know how we want to deal with this - I don't know the right thing – I just see common sense needs to prevail here we are arguing about a 6" depression in a 440 square foot area of just putting topsoil on it and replanting grass that existing grass already – why are we wasting this time on this.

Ms. Dunne asked Mr. Conklin if there was something he wanted to add.

Mr. Conklin stated basically a lot of this all comes down to whether not you believe Mr. Pasqualini and his pictures as to whether not he could mow this area before without standing water in it and he will attest that he could.

Chairman de Jongh said I think what we need to do is allow staff to gather all the information.

Chairman de Jongh said we have to determine whether not this is significant - we have an application before us – we haven't even dealt with that issue.

Chairman de Jongh said we need a motion to determine significance and then we can kind of move on from there.

Dr. Dimmick stated that under the context of what we're dealing with this is not significant within the context of the regulations and this is not the sort of thing that needs a public hearing.

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

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

Chairman de Jongh said we've had a lot of testimony - a lot of argumentative statements made and I think we need to allow staff to kind of disseminate and kind of pull all this stuff together and come up with a recommendation at our next meeting as to which way we're going to go on this.

Dr. Dimmick said I think that staff needs to delineate and delineate exactly what the limits would be of what would be done if we permit something.

Chairman de Jongh said so I would recommend that we defer any further consideration on this pending the results of staff coming up with recommendations and then we can address this at our November 19 meeting.

Mr. Conklin and Mr. Pasqualini thanked the Commission.

X. NEW BUSINESS

1.	Permit Application	APP	#2013-029
	Apex Developer's, LLC	DOR	11/07/13
	South Meriden Rd., Lot 4 - Bishop's Corner		
	Site Plan - House	MAD	1/11/14

Ryan McEvoy, licensed professional engineer with Milone and MacBroom was present on behalf of the applicant.

Mr. McEvoy stated I'm here on behalf of the applicant Apex Developers for a site plan application for lot four at Bishops Corner.

Mr. McEvoy stated this lot as I'm sure you recall from both the last meeting and the recent subdivision approval is a lot located on a common rear lot access way on South Meriden Road.

Mr. McEvoy stated this lot is 1.75 acres size and in an R-40 zone.

Mr. McEvoy said and as he just mention the subdivision was approved earlier this year as part of a larger six lot subdivision.

Mr. McEvoy said the lot will be served by well and private septic system with the proposed house shown here in brown with a septic system behind it.

Mr. McEvoy explained the house is proposed to be located approximately 110' from the wetlands with the septic system with the nearest approach to the wetlands being 75' from the wetlands on the south side of the property shown here in yellow-green.

Mr. McEvoy stated there are no regulated activities associated with this site plan.

Mr. McEvoy said at the last meeting there was a request for a determination as to whether not an application was needed on this lot and the Commission made a determination that an application was needed.

Mr. McEvoy said now I must say it was the applicant's desire and it was our intent at that meeting to submit an application hopefully to be received by the Commission at the last meeting to allow the Commission an opportunity to act on it at this meeting unfortunately through clerical error on our part that application was never submitted at the meeting itself.

Mr. McEvoy stated so what we're requesting at this point in addition to the site plan application itself is a determination as to whether not a foundation may be installed at the location that is shown on the plans here.

Mr. McEvoy said he knows this is slightly unorthodox request - given the statutory limitations of the site plan application in terms of the date of being today the Commission would not be in a position to act on the site plan itself into the first meeting in December as he understands it based on discussions with Suzanne.

Mr. McEvoy said so we do have - if the Commission would entertain at least a request in writing that the foundation itself be construction commenced with the understanding that no other site plan activities would be permitted until such time that the Commission acted on the site plan in totality.

Mr. McEvoy said so I do have the request here - I'm not exactly sure of the procedure in terms of whether or not that would be something that you and taken to the end of the meaning or as part of this application currently.

Mr. McEvoy said I do have a request in writing along with 11" by 17" plan that shows just the house location itself with no other proposed site activities shown.

Chairman de Jongh said we can take request now.

Chairman de Jongh said I certainly can speak for my fellow Commission members but my inclination for me personally is that we need to continue to recognize the restrictions that are imposed on us by the state and not be allowed to have any activity done without following that formal protocol.

Chairman de Jongh said add to that to that some history of some missteps by the developer - I'm inclined to just as I said follow protocol and defer because of the timing we obviously had to move the meeting that was normally scheduled for Tuesday we had a move it to Thursday because of election night - our inability to have the availability of the council chambers which was obviously needed based on the presentation that was made for the linear trail and that's why we move the meeting until Thursday.

Chairman de Jongh said that certainly changes the timeline a little bit I know for you're applicant but for me personally I'm inclined to say that it probably could have been taken care but as you pointed out that was a clerical error - I'm not sure who's part.

Mr. McEvoy stated it was on our part as the applicant's consultant again it was our intent with the request that if the Commission determined that it was needed they would essentially hand over the application request and it would be received at the last meeting with the hope that it would be acted on favorably tonight.

Chairman de Jongh stated I'm always less inclined to try to open up the door for an exception because it creates a bigger opening for someone else to take abuse of.

Mr. McEvoy said and he understood that and I think and again with respect to the construction it would just be for the foundation really - there are a couple of issues that are associated with this - the first being the timing given the proximity of winter and the difficulty of

pouring foundations as the cold weather approaches and secondly obviously the applicant's concern with his contractual obligation with the buyer of a lot so given those two sets of circumstances which I don't necessarily expect you take into consideration but again given the fact it really that it was the applicant's intent to follow the procedure that we had laid out with him and fortunately it was our mistake not his.

Chairman de Jongh stated he understood.

Dr. Dimmick said he concurred that the chair's comments. He said he didn't want us to set a precedent that could lead us to possible problems.

Chairman de Jongh said he did know how the rest of the Commission members feel.

Ms. Dunne stated she agreed.

Mr. McPhee said he agreed – it's the law – it's unfortunate but it's the law.

Mr. Kurtz said it's the law is not personal.

Chairman de Jongh stated he thinks it's the general consensus of the Commission that unfortunately we're going to have to wait for the meeting in December before we move forward with this - we certainly have enough to act on the application this evening relative to having enough information determining significance, etc. and then we can have staff do what she does well and create that draft motion for our next meeting - not the November 19 we're talking about the first meeting in December.

Motion: That the Commission moves to declare the proposed activity not significant within the context of the regulations.

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

Chairman de Jongh said again I believe that is the general consensus of all of the Commission members that the request to be able to pour the foundation prior to our December meeting is denied by this Commission and that we would follow protocol to allow staff to read into the record her draft recommendation at that meeting.

Mr. McEvoy thanked the Commission.

Chairman de Jongh said we'll allow staff into go ahead and take her trusty pen and do what she does well in present that recommendation at the next meeting.

2.	Permit Application	APP	#2013-030
	PABCO Cheshire, LLC	DOR	10/15/13
	Huckins Road, Lot 6 - Saddlebrook Farms		
	Site Plan – House	MAD	1/11/14

Ryan McEvoy, licensed professional engineer with Milone and MacBroom was present on behalf of the applicant.

Ms. Simone said just to clarify there was an error on the agenda – the date of receipt for this application item number to PABCO for lot six – the date of receipt was actually October 15, 2013 so they don't fall under the same sort of timing issue as applications received tonight so I just wanted to make that change on the record.

Mr. McEvoy said this particular lot is a site plan application on a lot that was part of an original subdivision and then a resubdivision to create this which is considered to be lot six of an original six lot subdivision.

Mr. McEvoy said this particular property is again located at the end of the rear lot access off of Huckins Road - just to the west of the Meriden Road - Huckins Road intersection.

Mr. McEvoy said this particular property is 1.3 acres in size and the dominating feature at least from this Commission as perspective is Cuff Brook which bisects the property from west to east.

Mr. McEvoy said and this lot was originally in the subdivision application – it was intended that the barn structure or old cider mill structure that is immediately adjacent to Cuff Brook would be able to be rehabilitated to be utilized as a single family house.

Tape change.

Mr. McEvoy said stated in the winter of 2010 the roof and the structure became essentially unable to be rehabilitated and it won't be able to be used as a single family home so what we're proposing now is a newly constructed single family house located on this plan

in brown with the 50' upland review area highlighted in a red dashed line.

Mr. McEvoy said and the existing barn structure is located in this beige color immediately adjacent to Cuff Brook.

Mr. McEvoy said a portion of the existing barn is constructed with the concrete floor and other areas are dirt floors so what the applicant's looking to do and the structure that's there is essentially leave the concrete floor in place and utilize that as a patio area adjacent to the brook- primarily to limit the amount of disturbance to remove it.

Mr. McEvoy said additionally the areas with dirt floors further to the east of the areas with the concrete floors will just be seeded and planted upon removal of the walls of the structure.

Mr. McEvoy said we do compose a small rain garden that designed to attenuate flows into the hundred year storm - in the same location that was shown on the original subdivision site plan.

Mr. McEvoy said the total impact to wetlands associated with the new construction and the tear down of the existing house along with site grading is approximately 6,500 square feet with no direct impacts to the wetlands associated within Cuff Brook.

Mr. McEvoy said in general the house is – we made the best attempt to grade to situate the house so that it wouldn't require a significant amount of grading.

Mr. McEvoy said we actually incorporated a very high basement wall foundation in this house - about 12' high so we would limit the amount of fill the backside of the house so it's a little bit higher of a basement than you typically have in a single family home.

Mr. McEvoy said that's a brief summary of the application. If there's any questions that the happy to answer them.

Chairman de Jongh asked if he was looking at this map correctly and that concrete slab is right by the Cuff Brook.

Mr. McEvoy stated yes that's correct.

Dr. Dimmick stated that's the old floor of the old cider mill.

Mr. McEvoy stated and that portion that we show with the hatching across it is the portion that has a concrete floor presently and essentially what we do is to just take down the walls and the concrete floor will remain.

The Commission reviewed the plan for the proposed activity.

Chairman de Jongh said there's going to be no protection measures at all between the patio or what they presume will be a patio and Cuff Brook.

Dr. Dimmick said there's a stone wall there he believed right now is there not.

Mr. McEvoy stated I'm not exactly familiar with the wall construction itself but essentially what we would do is between the concrete pads - the existing wall between the concrete floor and the brook would be removed and the floor would remain so it would essentially be able to be done without any earth work or any significant grading.

Chairman de Jongh said he was just looking for protection to the Cuff Brook - there's going to be nothing there - it's just going to be the slab and the brook.

Dr. Dimmick said if I believe there was a stone wall along that entire length on Cuff Brook on that side - it's in better shape in some places than others but I think it would pass the cider mill also.

Mr. McEvoy stated in terms of protection for safety we do have a fence proposed along between the brook and the pad - I wasn't sure if you were referring to the erosion protection.

Chairman de Jongh said I'm thinking about a number of things - certainly safety is one of them but from the standpoint of flooding and the stand point and what the elevation changes between the two are.

Mr. McEvoy stated the floor elevation is above the flood elevation of the brook there's a drop-off to the brook itself.

Mr. McEvoy said stated it varies and I'd have to give back with the exact dimensions between the brook and the floor itself.

Mr. McEvoy stated it's certainly a unique property and again I think it's probably a responsible thing for the applicant to leave the concrete floor placed rather than rip it up.

Chairman de Jongh said probably because you talk about eroding that whole wall by the Cuff Brook – you'd have to jack hammer that whole wall by the Cuff Brook.

Mr. McEvoy stated that's right.

Mr. McEvoy stated in terms of the location of the proposed house we kept it as far away from the wetlands as we can given the topographic limitations of both the maximum grade of the driveway going down and the building's septic locations.

Chairman de Jongh said to left of the pad - is that lawn right now.

Mr. McEvoy stated yes - essentially there's not a significant amount of vegetation around that cider mill.

Chairman de Jongh asked if there's any vegetation that borders the edge of the Cuff Brook there.

Mr. McEvoy stated yes there's some vegetation but it's not significant and we're not looking to grade up to the brook at all - the only activity near the brook is really just the pulling back of the structure of the walls and the structure.

Chairman de Jongh asked Ms. Simone if they had all the proper signatures and stuff needed.

Ms. Simone stated yes - we are still waiting on the application the fee and a response to the engineering department comments.

Mr. McEvoy said he knew the comments were prepared back a few weeks ago and through some miscommunication on their part he just actually just received the comments today so I can briefly try to characterize his comments but since this application is likely going to be continued to the next meeting we can respond in writing if that would be better.

Chairman de Jongh said so what he would suggest is that we can deal with the issue of significance tonight if we want but I would certainly defer any further discussions unless we wanted to defer the

discussion of significance until the receipt of those comments at the same time.

Mr. McEvoy said he would say that the comments are directed towards drainage mostly associated with the rain garden and not with the activities adjacent to the wetlands or within 50 feet of the wetlands.

Chairman de Jongh asked what the Commission's pleasure is.

Dr. Dimmick said seems to me that in a sense there's somewhat less impact this then what was previously planned on this.

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

Moved by Dr. Dimmick. Seconded by Dave Brzozowski. Motion approved unanimously by commission members present.

Chairman de Jongh said we'll allow staff to go ahead and work magic pen but we would like to get the replies to the engineering comments.

Dr. Dimmick stated in the money (for the application fee).

3.	Permit Application	APP	#2013-031
	Town of Cheshire	DOR	11/07/13
	Creamery Road		
	Bridge Replacement	MAD	1/11/14

Walter Gancarz, town engineer was present on behalf of the applicant the Town of Cheshire.

Mr. Gancarz explained Creamery Road bridge over Honey Pot Brook and I know you've has been there a long time and there's still a lot of folks that still have to speak and I'm pretty sure this is probably headed to a public hearing so I'll just give you the quick highlights.

Mr. Gancarz said it is a very old bridge - 1930s - has a waterway opening about 14' by only about 2.5' high because there's a deep beam under it.

Mr. Gancarz said what we're proposing is to replace it with a box culvert that is 18' wide so we have a waterway opening a 5' actually 6' deep but will have a foot of natural material put in.

Mr. Gancarz said there are wetlands both upstream and downstream of the site - a total of about 0.04 acres of wetlands and another 0.16 of upland areas.

Mr. Gancarz explained the areas that would be disturbed this is Honey Pot Brook (shown on the plans) flowing to the north - here is the existing bridge - the new bridge would be put in the same place but certainly the disturbances would be associated with rip-rap - the box culvert itself and wing walls on four sides.

Mr. Gancarz said we certainly have to do this for a safety reason and it is also going to decrease the flooding because the hydraulic opening will be increased and we do have a commitment from state for a 31% grant to help with the construction.

Chairman de Jongh said I think you are safe to say that you are correct it probably would go a public hearing but we can deal with the formalities of significance.

Motion: To declare the proposed activity significant within the context of the Commission's regulations specifically section 10.2 a, d, e.

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

Chairman de Jongh stated the public hearing will be scheduled for the first meeting in December because of the time restraints imposed on us by the state.

The public hearing will be December 3.

4. Permit Transfer Request APP #2013-012A
Diversified Cook Hill, LLC to Diversified Builders, LLC of Cheshire
Peck Lane

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 #2013-012, was granted, with stipulations, to Diversified Cook Hill, LLC for subdivision on July 2, 2013.
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 Builders, LLC, who is currently requesting that CIWWC Permit #2013-012 be transferred from Diversified Cook Hill, LLC to Diversified Builders, LLC.
4. That the transfer requestor's attorney has submitted a copy of the property Warranty Deed, dated October 1, 2013, showing the property purchase from Diversified Cook Hill, LLC to Diversified Builders, LLC.

Therefore, the Commission grants the permit transfer request of Diversified Builders, LLC to transfer CIWWC Permit #2013-012 from Diversified Cook Hill, LLC to Diversified Builders, LLC., said transferred permit to hereafter be referred to as CIWWC Permit #2013-012A, 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 #2013-012 granted, with stipulations, to Diversified Cook Hill, LLC for subdivision on July 2, 2013 are incorporated by reference as though fully set forth herein to the extent they are not in conflict with the present permit transfer grant.

This transfer application is not proposing any development modifications, and therefore can be acted upon the same night received.

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

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| 5. | Permit Application
Francis Switajewski
1143 Summit Road | APP #2013-032
DOR 11/07/13 |
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Site Plan – Garage

MAD

1/11/14

Scott Meyers, a professional engineer and land surveyor with Meyers Associates PC and I have also with me David Lord who is sitting in the front row – he’s the soil scientist who delineated the wetlands on the site.

Mr. Meyers said we’re both here tonight on behalf of Mr. Switajewski at 1143 Summit Road for a proposed storage garage - I have here on my map highlighted in orange.

Mr. Meyers said the garage is proposed in your upland review area approximately 22’ at the closest point - a total regulated area disturbance in order to construct the garage and associated grading activities around it is 0.05 acres.

Mr. Meyers said in conjunction with the garage we will be removing a shed that is also slightly within the regulated area and is located here toward the south west of where the new garage will be located.

Mr. Meyers said the purpose of the garage is to store antique cars that Mr. Switajewski currently has - he actually has them parked near his driveway with covers on them but he would like to get them under cover in a new structure.

Mr. Meyers said you’ll also notice of our plan there is already a stone wall that offers buffers the wetland to this particular area which is at the top of the slope.

Mr. Meyers said you’ll also notice if you look Mr. Lord’s report - he does have some pictures of the site that the area currently is already a grass area – there’s a couple of trees in the area but it’s already been developed and it already is grass.

Mr. Meyers said so there wouldn’t be any major clearing or intrusion toward the wetland with the proposed application as it’s been put forth in front of you this evening.

Mr. Meyers said Mr. Lord is here if you have any questions about his report or the delineation.

Ms. Simone informed the Chairman that Commission members received this report at the meeting tonight - do you think would be beneficial for Mr. Lord to give a presentation.

Chairman de Jongh said I think so despite the fact that it's late it might be worthwhile.

David Lord, professional soil scientist and environmental consultant – his company is Soil Resource Consultants in Meriden, CT addressed the Commission.

Mr. Lord said you have as part of the application package and it's just been referred to a document dated October 24 which I prepared concerning the proposed application.

Mr. Lord said for those of you who were on the Commission back in 2005 - we also discussed this with the Commission the restoration of wetlands back in this corner (shown on the plan) that work was done back in 2004.

Mr. Lord said the wetland boundary that you see on the drawing was re-establish by myself and October 18 of this year and it mirrors what was previously delineated and restored again along the rear property line where the wetland boundary begins to go off site.

Mr. Lord said for the sake of brevity I won't go into the description of the soils.

Mr. Lord said as Scott has already mentioned the dimensions of the proposed garage storage structure - the distances to the closest wetland edge and from my perspective the most important thing is that the garage structure itself is to be established not only above the top of the slope leading down to the wetland but a distance back and on the other side of an existing short stone wall.

Mr. Lord said you can see in the attached photographs to the report that this site of the garage is relatively flat basically with the construction just can take place on that site without any major regrading - reconfiguration of the area - it is a grass lawn area now - construction would be very simple – straightforward.

Mr. Lord said I see no reason to believe that there's any potential for adverse impact to the wetland because the runoff is proposed to be handled from the impervious surfaces with the drainage system that is proposed basically a stone trench to take the runoff from the roof areas.

Mr. Lord said I have recommended the removal of certain invasive plants species primarily Japanese Knot Weed which are established along the slope and the replacement of those areas where the removal of the Japanese Knot Weed is to take place with ten to twelve berry reproduced in wildlife beneficial shrubs to restore and enhance the wild habitat functioning of that transition zone between the wetland at the base of the slope – the slope and the proposed storage structure building.

Mr. Lord said and in conclusion I'll just read very quickly my conclusion - in my professional opinion the proposed storage building does not represent a significant potential for adverse environmental impacts to the associated wetland resource or its long-term functioning at present levels.

Mr. Lord said that very quickly is the report. If you have any questions at this time I will be happy to try to answer them.

Dr. Dimmick said David in retrospect since you were involved in the original restoration attempts in 2004 - has most of what was proposed then taken hold properly.

Mr. Lord stated yes it has – the regrading of that area in removal of the fill was done according to the proposed restoration that the Commission approved back in 2005 I believe.

Dr. Dimmick thanked Mr. Lord.

Chairman de Jongh said he just had one question with regards to the storage garage and if those are for restoration of antique cars or whenever it might – restoration of cars in general - what if any protection measures are going to be there relative to the runoff of any oil or gasoline or have you as it kind of seeps out Is there going to be a drainage system to collect any kind of oil that might come from the cars – where's that going to go - I'm just curious.

Mr. Meyers said it's just a storage garage - nothing is going to be worked on.

Chairman de Jongh said so there's no maintenance of the cars in there.

Mr. Meyer said there will be no maintenance of the cars in that garage; he has an existing garage at his house where he has tools - this particular garage - the shed's going to be removed so what they

do is store patio furniture things like that so that shed is being removed so some of the garage will be used for that purpose otherwise there will be four cars.

Chairman de Jongh said okay so they're just parking them there and that's it.

Mr. Meyers said yes.

Ms. Simone said engineering needs to review this.

Chairman de Jongh said so we haven't gotten those comments yet.

Mr. McPhee said so it does have a concrete floor though - correct.

Mr. Meyers stated that is correct.

Mr. McPhee asked if the sidewalls at all extended of the footings - are there footings.

Mr. Meyers said yes – there will be footings typically they stick up 8”.

Chairman de Jongh said we're waiting for engineering comments on this which we do not have as of yet so what I would suggest is that if you wish we can certainly address significance tonight but we may want to wait until engineering comments come through and then we can address everything at the same time - he asked what was the Commission's pleasure.

Dr. Dimmick said it doesn't make much difference.

Chairman de Jongh said okay then why don't we dispense with any further consideration of this pending the receipt of engineering comments and will take this up again at our next November meeting.

Dr. Dimmick said is at that meeting we can deal with significance if we need to but we still can't make a decision until the December meeting.

Chairman de Jongh said we have ample time to take this off our agenda if the Commission so sees fit by the first meeting in December.

6. Request for Determination RFD #2013-033
Apex Developers, LLC

**North Brooksvale Road - Lot 3, North Brooksvale Estates
Site Plan – House**

Ryan McEvoy, licensed professional engineer with Milone and MacBroom was present on behalf of the applicant.

Mr. McEvoy said he was present on behalf of Apex Developers for three lots at North Brooksvale Estates.

Mr. McEvoy said we'll start with lot number three - this is part of the subdivision approved in 2012 by this Commission.

Mr. McEvoy said and what we're proposing on this particular lot is a single family home and septic system on a property that is historically been used for farming purposes.

Mr. McEvoy said there is a pond and associated wetland to the southern area of the property.

Mr. McEvoy said in total the property is 2.5 acres in an R-80 zone and the location of the house is essentially as close to Brooksvale Road as we can possibly get given the requirements or lot width requirements on this property.

Mr. McEvoy said and it's in a very similar location that what shown on the subdivision site plans.

Mr. McEvoy said the septic system again outside of the 50' upland review area.

Mr. McEvoy stated there are no impacts within the upland review area associated with this lot so I can go into more detail but in the interest of time I would hope might consider that a permit is not necessary for this property.

Dr. Dimmick said asked Suzanne did we not on the original permit for the subdivision stipulate that this lot would require an individual site plan.

Ms. Simone stated yes.

Dr. Dimmick said in which case I don't see how we can avoid having to have a permit for it.

Mr. McEvoy said if he may interrupt - lot four on this development was also required to come back before this Commission and the request is made for determination and the Commission found that it was not needed because there was no activity within the upland review area – just to compare it to the most recent lot on this development.

Chairman de Jongh said he had a question in regard to the installation of the septic - you are right up against the upland review area – are they going to be able to install that without having to have any grading in the upland review area.

Mr. McEvoy said the soils on this particular subdivision and particular this property are such that the systems will be built into grade so there will be no fill associated with it so we'll essentially excavate down about 18" and install the system - fill it back in - topsoil and seed it and there will be no change in grade.

Chairman de Jongh said alright then there will be no activity in the upland review area.

Mr. McEvoy stated absolutely not – and we have a silt fence and haybales proposed upslope of the 50' line to protect any siltation from the grading and construction of a lot from getting both in the upland review area and of course the wetland.

Ms. Simone asked if Mr. McEvoy if he could show where the limits of clearing are – I don't know if this area is currently lawn.

Mr. McEvoy stated he did highlight it on this particular plan with the limit of vegetation is because this area is cleared entirely up to the pond currently.

Mr. McEvoy said its actually overgrown weeds right into the wetland itself.

Chairman de Jongh said I think we're caught between a rock and a hard place if we approved lot number four.

Dr. Dimmick said I'm trying to remember with lot number four it seemed to me that lot number four - the septic system was a little further back from the upland review area.

Chairman de Jongh said he wants see what the difference – there had to be a reason.

Ms. Simone said I don't have the permit for lot four with me but I do have the subdivision approval that shows the location of wetlands.

Commission members reviewed the subdivision plan.

Mr. McEvoy said and the septic system said just for clarification on lot four as part of the lot development plan or final development plan was essentially in the same location as where it's shown on the subdivision site plan.

Ms. Simone asked Mr. McEvoy if part of the proposal was to continue or to establish a lawn from the non encroachment line to the pond - if it's cleared now is that something that is being asked.

Mr. McEvoy said to continue - he said would have to confer with the applicant – off the top of my head I do know that we are not proposing any changes to the condition - I can definitely state that.

Ms. Simone said but the non-encroachment line that a shown on there is more for the depiction purposes as opposed to trying to establish it in the field and allowing everything behind it to be revegetated naturally.

Mr. McEvoy said I know the applicant would be willing to install non-encroachment markers along the 50' upland review area – we are not looking to do any constructive activities in that area – in terms of any activity - there is a gravel driveway that currently cuts through – presently that was part of the farming operation historically.

Dr. Dimmick said this things sound like things that we really can't guarantee will happen unless we have a permit and then have these things as condition of the permit.

Ms. Simone said that's correct – there's no ability to provide conditions on a determination.

Chairman de Jongh said I am inclined to require an application on this rather than just a request for determination - you know there are a couple of issues on here that are somewhat out of the norm again I don't remember what happened on lot four but there are some things on lot number three that cause enough of question mark to require an application - that's just me.

Motion: That after reviewing the request for determination that the Inland Wetlands Commission has determined that an application is needed for lot number three.

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

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| 7. | Permit Application | APP | #2013-033 |
| | Apex Developers, LLC | DOR | 11/07/13 |
| | North Brooksvale Road - Lot 3, North Brooksvale Estates | | |
| | Site Plan-House | MAD | 1/11/14 |

Ryan McEvoy, licensed professional engineer with Milone and MacBroom was present on behalf of the applicant.

Mr. McEvoy said he could go through the merits of the application again if the Commission would like.

Chairman de Jongh said it was not necessary (details were covered under item six).

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

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

Chairman de Jongh said we will allow staff to go ahead and craft her magic pen and do what she needs to do for the next meeting.

Ms. Simone informed Mr. McEvoy that she would be in touch with you to get further information for the application.

Chairman de Jongh stated and to get the application fee.

Mr. McEvoy said yes - we withheld it (the fee) in the event that the permit was not needed – Apex will be happy to submit the fee.

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| 8. | Request for Determination | RFD | #2013-034 |
| | Apex Developers, LLC | | |
| | North Brooksvale Road - Lot 5, North Brooksvale Estates | | |
| | Site Plan-House | | |

Ryan McEvoy, licensed professional engineer with Milone and MacBroom was present on behalf of the applicant.

Mr. McEvoy said this is another lot in the same subdivision off of the common rear lot access way that was constructed as part of lot four.

Mr. McEvoy said so the common rear lot access way is installed currently in what we're looking to do is build a single family house - site grading and a septic system installation on the property again in the same general location as shown on the original subdivision application plans.

Mr. McEvoy said on this particular plan we're proposing no activities within the upland review area - we're looking to maintain existing vegetation in wooded areas upslope of the wetlands shown in yellowish-green on the plan further to the east on this property are Roaring Brook and tributaries of it along the Farmington Canal.

Mr. McEvoy said if there's any more details you would like to have on this again I would be happy to provide it but we do have a request as to whether not an application is required on the lot and we also have submitted an application the event that you do find one is needed.

Dr. Dimmick said we are dealing with one now where we have a tree line between there and a regulated area and we also seem to have a case where only one corner of the septic system is getting near the review line so I think we're back into a condition where we could consider waiving the application - I'm not saying we should at least it does not seem a serious as the lot three - it's a fine line that we're talking about here.

Ms. Simone said she just had a question - the clearing limits that are shown are they proposed or are they existing already.

Mr. McEvoy said I don't believe they've cleared this lot but I haven't been out there in a while - last time I was out there wasn't cleared - I hope it's not.

Ms. Simone said so right now then it is wooded.

Mr. McEvoy said it is wooded - yes.

Ms. Simone said so what's shown here is proposed.

Mr. McEvoy stated that's right and in just as a clarification with regard to the construction of the septic system - again we had favorable soils here so the system will be constructed and in-grade

no fill will be required and the nearest approach to the wetlands is 15' away although it does diverge.

Dr. Dimmick said 15' from the upland review not 15' from the wetlands.

Mr. McEvoy stated 58' from the wetlands - I'm sorry 58' and then 8' from the upland review area so there are no regulated activities.

Chairman de Jongh said so we have a motion to approve this request for determination – what's the Commission's pleasure.

Motion: That the Commission approves the request for determination.

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

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| 9. | Permit Application | APP | #2013-034 |
| | Apex Developers, LLC | DOR | 11/07/13 |
| | North Brooksvale Road - Lot 5, North Brooksvale Estates | | |
| | Site Plan-House | MAD | 1/11/14 |

Mr. McEvoy requested that the application on this item be withdrawn.

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| 10. | Request for Determination | RFD | #2013-035 |
| | Apex Developers, LLC | | |
| | North Brooksvale Road - Lot 6, North Brooksvale Estates | | |
| | Site Plan-House | | |

Ryan McEvoy, licensed professional engineer with Milone and MacBroom was present on behalf of the applicant.

Mr. McEvoy said this is the third lot that off of the common rear lot access way in the same development.

Mr. McEvoy said this particular lot is about five acres in size with wetlands in flood plains associated with Roaring Brook and once again we're proposing a single family house with site grading and a septic system none of which will require any activity within the upland review area.

Mr. McEvoy said the nearest approach to the construction of the septic system to the wetlands is approximately 65' away with some minor grading - this one will have to be built slightly above grade

with a small amount of fill just because the depth to ledges are 5' underground so we have to build so that it's 4' above the ledge so we're going to just need a little bit of fill which is why we show some clearing beyond the septic system but no activities are required within 50' of the wetlands on any part of the property.

Mr. McEvoy said and we're going to be maintaining existing vegetated areas within those regulated areas.

Mr. McEvoy said so once again we have a request for determination as to whether or not a permit is needed and again we've submitted a permit application in case the Commission feels that the do.

Chairman de Jongh asked what was the pleasure of Commission members - he said it seems like we have the situation that is very similar to what we had on lot number five.

Mr. Kurtz said I think we should stop granting these things and determining if they don't need a permit until we really get a chance to look of this.

Mr. Kurtz said I'd like to look of this stuff for a minute - the maps and proposed plan.

Commission reviewed the maps and plans for the proposed activity.

Dr. Dimmick said of course the factor is the reason we asked for individual site permits originally is that the subdivision did not guarantee the placement of the house or the septic - it's not until you look at the individual lots to actually make that individual plot plan determination which is why we can go either way once we do look of this.

Chairman de Jongh said again to Dr. Dimmick's points the reason why we ask for these site plans approvals is because we only had proposed houses locations and septic systems and we just wanted to know exactly where they were to be located.

Mr. Kurtz said it just takes a second to look at the plans. He said he didn't see anything that raises a flag.

Motion: That the Commission determined that an application is not needed for the individual site plan for this lot.

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

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| 11. | Permit Application | APP | #2013-035 |
| | Apex Developers, LLC | DOR | 11/07/13 |
| | North Brooksvale Road - Lot 6, North Brooksvale Estates | | |
| | Site Plan-House | MAD | 1/11/14 |

Mr. McEvoy requested that the application on this item be withdrawn.

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| 12. | Permit Application | APP | #2013-036 |
| | Krista Ostuno | DOR | 11/07/13 |
| | Sindall Road | | |
| | Site Plan-House | MAD | 1/11/14 |

Ryan McEvoy, licensed professional engineer with Milone and MacBroom was present on behalf of the applicant.

Mr. McEvoy said this application is for a site plan on Sindall Road.

Mr. McEvoy said the existing condition or existing parcel in which I will refer to in the singular nature actually consists of two parcels presently - the first is known as assessor map 39-60 which is about 3.5 acres which has frontage on Sindall Road and the second one which is a larger parcel which is known as assessor map 39-157 which is 15.5 acres that has no frontage on any town road but both properties are owned by the same person Krista Ostuno who is the applicant for this particular site plan application.

Mr. McEvoy said so the nature of the existing parcel again its two parcels but I'll get away from that for this discussion is essentially all wooded presently - it's bordered by the municipal line between Cheshire and Meriden - to the east is bordered by residential properties to the west along Sindall Road - a residential parcel on the other side of Sindall Road and a large portion of the western edge of the parcel is a large swamp or the marshland in that area.

Mr. McEvoy said we've shown the limits of the wetlands in the middle of the property in light-green yellowish-green and the wetlands do continue off the property further towards Sindall Avenue where there's a stream crossing in the culvert beneath the roadway.

Mr. McEvoy said the property varies in elevation - there is a ridgeline that runs essentially for the most part from north to south with the majority draining towards the marshland - there in some on the far

eastern portion of the site that drains towards an existing excavated area off the parcels into Meriden into a previous earth removal operation that I believe was subject to some review by this Commission a few years ago.

Mr. McEvoy said the grade ranges from roughly 160 in the south eastern corner to about 110 in the wetlands so the area along Sindall Road represents generally the steepest slope of the property - the remainder is moderately sloped with an existing grades ranging from 5% to 20%.

Mr. McEvoy said currently there's an existing gravel drive that is in relatively poor condition from Sindall Road into the property.

Mr. McEvoy said that gravel driveway is approaching 20% in slope in some areas but that is the only access into the properties presently for both lots.

Mr. McEvoy said and what we're proposing to do is a single family home to the rear of the site with a 600' driveway that will come off of the existing gravel driveway off of Sindall Road and we would have to regrade this to a safer standard that would be approvable or acceptable to the Fire Department and we've shown this to be regrading to 10% until it reaches roughly existing grade some 200' into the property so there is a cut associated with the reconstruction of that driveway to town standards and we'll be chasing grade up the slope to the east.

Mr. McEvoy said we won't need to do any significant activity or earth work activity within the 50' upland review area and in fact the only upland impacts on our property are the reconstruction of the driveway in the first 100' to 150' near offsite wetlands on a neighboring property.

Mr. McEvoy said as you continue through the parcel we're proposing a rain garden that's designed to attenuate increases in volume of runoff associated with the driveway and the house - we're showing roof runoff from the house pitch to a swale along the side of the driveway that will drain house runoff or roof runoff to the rain garden.

Mr. McEvoy said this property will be served by public water and a septic system and the septic system has been tested with Chesprocott and we have found sand and gravel in this particular

area so once again the system will be able to be constructed in ground with no grading required above the leaching fields.

Dr. Dimmick said it seems to me if I remember with that soil is like there - you may have to add some fines to it because you may end up perking in inches per minute instead of minutes per inch.

Mr. McEvoy said yes - the perks were very quick they didn't cross the threshold of greater than one minute per inch which would require additional review and separation distance from wells - it was something along the lines of two or three minutes per inch which is a very fairly fast rate.

Mr. McEvoy said so it certainly suitable for a septic system and other than the regrading of the gravel driveway in the front right of the property - there are no regulated impacts associated with the remainder of the lot construction.

Mr. McEvoy said we do total about 2500 square feet of activity within the 50' upland area in the beginning part of the parcel.

Mr. McEvoy said we do have sediment and erosion controls along the entire limit of disturbance from Sindall Road all the way north through the construction and grading associated with the house and septic system.

Mr. McEvoy said so again this is the first time you've heard this presentation so I expect you may want to either consider a field walk or if you have any questions I'd be happy to answer them.

Tape change.

Chairman de Jongh said I think the recommendation of the site walk on this is certainly worthwhile. I remember going out there when there was reason to couple of years ago - it was about three or four years ago.

Mr. McEvoy said three years ago.

Chairman de Jongh said so the site is very interesting and I recommend we go out on the site visit on this - this weekend I am not going to be around.

Ms. Simone said next week and is CACIWC - Dr. Dimmick and I will be attending.

Chairman de Jongh said he's been to the site so you can go without him.

The Commission discussed setting the field walk on this site so they could act on this application.

Ms. Simone said it would be preferable if the Commission was able to get information to know what direction to go in - if there's going to be a public hearing just for the timing of everything.

Chairman de Jongh said he would recommend if there were Commission members available to go ahead and have of this weekend – he's been out to the site before.

Ms. Simone asked if Mr. McEvoy would be available maybe during the week if there were a few Commission members that we were able to coordinate a day and contact you.

Mr. McEvoy said given the fact that sundown we should probably do before 5:00 pm.

Chairman de Jongh said so what I would suggest is that Commission members kind of coordinate the staff and then staff can coordinate with Mr. McEvoy to get a date and time to get out there and see this site and I think it would be worthwhile to do that before our next meeting so we're not holding the applicant down and we're making sure we're getting the information that we need.

Chairman de Jongh said so what I would recommend is that we defer any further consideration on this pending the results of the field trip and we'll be ready to bring this back up again on November 19.

13. Whole Foods East Johnson Avenue – Request for Determination

Ryan McEvoy, licensed professional engineer with Milone and MacBroom was present on behalf of the applicant.

Mr. McEvoy was present on behalf of the applicant. Whole foods east Johnson some avenue determination.

Mr. McEvoy said the request that you have before you this evening is to determine whether or not a permit is needed associated a parking expansion of the Whole Foods Warehouse on East Johnson Avenue.

Mr. McEvoy state this site has been subject to site plan review over a number of different iterations over the years.

Mr. McEvoy said what we're proposing at this point is to alleviate some backup of the truck traffic on East Johnson Avenue that has cause problems for Whole Foods and the town by creating a new truck queuing area in the southern portion of the site with north to the right on this particular map.

Mr. McEvoy said the limit of disturbance associated with parking will be some 760' from the nearest approach to conservation easement that was established along the Quinnipiac River or upslope from the Quinnipiac River and about 850' from the nearest wetland on the property.

Mr. McEvoy said runoff will be sheet flow from into the existing basin which again is well away from the wetlands itself so ultimately it is somewhat clear that the activity is quite a distance from the wetlands but of course will defer to your judgment as to whether not a permit is needed given that the property itself and the use of the property.

Chairman de Jongh said if I remember correctly when Whole Foods - when we were approved for the approval on the original building - all of that drainage calculation that they were pretty much oversized recognizing that these expansions at some point in the future would take place so we don't have to worry about them being inadequate.

Mr. McEvoy said and ultimately this will be – even if you determine an application is not needed for the purposes of regulated impacts this will have to go in front of Zoning for a site plan approval and certainly engineering staff does review drainage impacts associated with that so there is a level of protection I guess for lack of the better term if you determine that you don't need a permit.

Chairman de Jongh said for me I am inclined to request an application simply because of the sensitivity of the area the Quinnipiac River – the watershed association and all of the people associated with that area - that's been a very sensitive area for a long time – there's been a number of applications that were proposed for that particular lot that created a bit of anix in the community so it may be I am inclined to say that in applications probably worthwhile it's almost like belts suspenders because of the distance from the Quinnipiac River - but that's just my feeling.

Dr. Dimmick said I'd tend to disagree with you - I do need an answer thought as to exactly what happens to the drainage from the parking area - is it going to be paved.

Mr. McEvoy stated yes.

Dr. Dimmick asked and the drainage is going through this other structure to the lower left of it.

Mr. McEvoy said yes it will sheet flow into this basin - the basin that's visible directly from East Johnson Avenue where it will be treated and contained and then that's piped to secondary basin - a larger basin closer to the Quinnipiac River so the treatment train is sheet flow into the basin - out of this basin - into this basin prior to any discharge into any wetland areas.

Dr. Dimmick stated I not worried about it.

Mr. McPhee said he disagreed with you Bob in that I understand your sensitivity but it's not within our regulations - I mean we're worried about wetlands and there's nothing here that we should be concerned.

Dr. Dimmick said I think Bob's concern is that we do have a very long history - long before Whole Foods on this but having that long history and trying to put in that context I said I don't see a problem.

Chairman de Jongh said I agree with you this application by itself in my opinion is not an issue I'm thinking about the history of the property that's all I was thinking of - and I just raise that issue for everybody else to think about.

Motion: To determine that within the context of the regulations a permit from this Commission is not needed for the proposed activity. Moved by Dr. Dimmick. Seconded by Mr. McPhee. Motion approved unanimously by Commission members present.

14. 45 Lakeview Avenue - Request for Determination

Chairman de Jongh said we do have something that was brought up today for request for determination.

Ms. Simone said it can be brought up by majority vote.

Chairman de Jongh said we can elect to take it up tonight since these people were gracious enough of to sit as long as we were so my recommendation would be that we should hear what they're trying to say and then we can determine it.

Ms. Dunne made a motion to accept to hear the request for determination for 45 Lakeview Avenue. Seconded by Mr. McPhee. Motion approved unanimously by Commission members present.

Stanley and Robin Edmond of Edmond builders were present on behalf of the applicant's Gary and Liz Carter.

Plans for the proposed activity were handed out to Commission members.

Mr. Edmond, a remodeling contractor who lives at 2060 Waterbury Road which my property is on the same pond that this property is on.

Mr. Edmond said Gary and Liz Carter the property - they're sitting in the back of the room here.

Mr. Edmond said I've done work on their house before about 26 years ago I believe.

Mr. Edmond said they want to do an addition - he proposing addition - I went down and saw Suzanne and we determine that the property itself doesn't have wetlands issues in itself and we had an addition we proposed - we got everything surveyed and we tried to move the addition back within the back sets of the property lines so we would have to go for a variance and in doing that we ended up approximately - I believe 3' to 4' too close to the pond.

Mr. Edmond said we have pictures there that show - I have a map that shows where I propose putting the silt fence and in the stone wall on the pond actually has like a 4" lip up but I'll put a silt fence across there.

Mr. Edmond said the lower piece of property there's going to be driveway coming in and then there's a stone wall on the spillway that's about 40" high and I believe that shows in second to the last picture and I propose to take a silt fence from there to keep any runoff from getting into the brook.

Mr. Edmond said the deck that I proposed on there like it says in the letter I can dig that after with post hole diggers so there won't really be any silt issues with the pond as far as that goes.

Mr. Edmond said I was hoping to get a foundation in because of the cold weather - this would be something we can work on and get going sooner than later I think in the spring it would be a bigger issue with all the rain - with the silt trying to keep it on property then at this time of the year and then that we could actually seed and hay and get things rolling quicker.

Ms. Simone said and Mr. Chairman if I could just provide some background information - I did initially look at a proposal or just discuss a proposal of an addition that would be more towards the front of the house and apparently that would require going to Zoning Board of Appeals so there was an alteration to this plan so that's what the Commission is looking at tonight and all the information that we have in the town hall indicates that there's the pond on the property that the area that they're proposing the addition in is currently lawn area so there's no proposed clearing.

Ms. Simone went on to explain that there is a retaining wall running parallel with the house and that they're planning keeping that retaining wall in that area and the plan does show they will cord in off that area with the proposal for silt fence to the rear.

Ms. Simone said and in measuring this it comes to about 47' - 48.5' away from the actual waterline not including the two stone walls - the one bordering the pond and then the other one that's on the property.

Mr. Edmond said correct.

Dr. Dimmick said I certainly remember this site vividly with a 40' wide wall of water coming over totally inundating that inlet there.

Ms. Edmond said stated before the dam was done over.

Mr. Edmond said the dam has changed everything - the dam was done over by our customer.

Mr. Edmond said the state came in - Army Corp of Engineers and I believe our customers spent somewhere of the tune of \$85,000 out of his pocket to put a new dam in and it changed what happens on the property - this property never got flooded.

Mr. Edmond said I don't know of anyone remembers Charlie De Laverne he was the oldest member of the fire department - I used to talk to him he was 91 years old and just past away - this original house built in the thirties by a German family and he moved and this is how hard core people were then he moved his family into this lower piece of property that we're talking about in an army tent for two years while he built the original structure - winter and summer they lived in a tent.

Dr. Dimmick said he vividly remember Larson pond totally ignoring the old outlet that was there and it was the 40' wide stream of water coming over there narrowed down to about 20' wide by the time it went out the end of the property.

Mr. Edmond said it's all different now.

Ms. Edmond said now there's a house to the south of this house that was where – there was no house there – and they built a house there of seven or eight years ago and we've major rain and they don't even get flooded.

Mr. Edmond said a couple things changed with what goes on on the pond and one of the things is when state did route 70 over they had a lot of the water from the culvert pipes that go into the pond out and they deterred down the hill and then also when the development happened off of Musso View.

Dr. Dimmick stated he suggested a number of improvements – they put in several water retention basins up there.

Mr. Edmond said and we haven't seen the kind of flooding we saw in the past it just doesn't occurring anymore.

Dr. Dimmick said I've been watching that since 1973 roughly of what goes on there.

Mr. Edmond said we used to see some pretty good water coming through – it was through that lot that was next to me – it wasn't this property.

Chairman de Jongh said what we have before us is a request for determination.

Chairman de Jongh said and I'm thinking out loud – it certainly an area that has some history but I don't see whether or not the activity is really one deserving of an application.

Dr. Dimmick stated the activity as proposed doesn't seem to be anything that would have any real impact on the watercourses involved if that's what you're saying.

Ms. Simone said Mr. Chairman also the closest activity that's proposed is the deck and they have indicated in discussion with me as well as in the letter that their plan on digging that by hand.

Mr. McPhee asked if the deck the only portion that falls within the upland review.

Ms. Simone said the addition gets to within about 1.5'.

Mr. McPhee asked if this was survey.

Ms. Simone stated yes they did have a survey completed.

Mr. McPhee said so that 1.5' will not turn into 10' or 20' or something like that.

Mr. Edmond stated actually we have some care of the pond to because we live on the pond to and we plan on staying there for awhile.

Dr. Dimmick said so since your downstream from the pond so it's going be awfully hard to affect what goes on.

Mr. Edmond said and actually this house is being done all handicap accessible on the first floor so I think my customer is planning on staying there for a long time to - their just setting up for anything were to ever occur in the future happen its basically on a ranch with all three doors.

Ms. Simone said and also for the record if I could just clarify the shed that's shown there - you are indicating that that will be moved.

Ms. Edmond said that's going away.

Ms. Simone said okay and that shed is actually the closest point to the pond.

Ms. Edmond stated correct.

Dr. Dimmick said and that was there before we had a wetlands commission I think.

Ms. Simone stated yes most likely.

Ms. Edmond said if you look where the shed is there's a stone wall that goes to the pond and then there's one that goes across - that all much lower than the pond.

Mr. Edmond said even the stone wall that runs along the brook has a height to it above the grade level.

Ms. Simone said and that's what we can see in the pictures that you provided us.

Mr. and Ms. Edmond stated yes.

Motion: That an application is not needed.

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

Ms. Simone said if I can just let you (the Edmonds) know then we can go ahead and sign off on the zoning permit as far as a staff – that I can sign off on it's so just can you call tomorrow.

The Commission returned to the approval of the minutes.

XI. ADJOURNMENT

The meeting was adjourned at 10:52 p.m. by the consensus of Commission members present.

Respectfully submitted:

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