

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, MARCH 4, 2014
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

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

Member absent: Robert de Jongh and Kerrie Dunne.

Staff: Suzanne Simone.

Dr. Dimmick served as chairman pro-tem in Robert de Jongh's absence and Mr. Kurtz served as secretary pro-tem in Ms. Dunne's absence.

I. CALL TO ORDER

Dr. Dimmick called the meeting to order at 7:30 p.m.

II. PLEDGE OF ALLEGIANCE

All present recited the pledge of allegiance.

III. ROLL CALL

Mr. Kurtz called the roll.

Members in attendance were Charles Dimmick, Dave Brzozowski, Earl Kurtz, Will McPhee and Thom Norback.

IV. DETERMINATION OF QUORUM

Dr. Dimmick determined there were enough members present for a quorum.

**V. APPROVAL OF MINUTES – Public Hearing – February 4, 2014
Regular Meeting – February 4, 2014**

Commission members agreed unanimously to move the approval of the minutes was deferred to the end of the meeting.

At 9:00 p.m.:

Motion: To approve the minutes from the February 4, 2014 public hearing and regular meeting with corrections.

Public Hearing: Pg. 1 L37 turned (on); pg. 2 L15-16 delete “Dr. Dimmick and Mr. Norback recused themselves from the public hearing discussion.” Pg. 3 L49 “conditional” to “additional”; Pg. 12 L10 as “pile-ons” to “pylons”; Pg. 15 L15 delete “her” , L31 & 35 “their” to “they’re”; Pg. 20 L18 “to” to “to be”; Pg. 22 L5 “in sized” to “incised”, L18 delete “a”, L19 “billing” to “building”, L34 – “it’s” to “(is”; pg. 24 L14 “are” to “our”; Pg. 25 L7 “there” to “they’re”, L20 “areas” to “acres”.

Regular Meeting: Pg. 5 under item #2 application CT Yankee Construction, LLC 156 North Brooksvale Road, Lot 2 #2014-002 – under finding # 1 of the motion it should read “That the current application is for construction of a single family house on lot #2” and under the plan title block at L43 it should read “as presented on the plans entitled “Site Plan Lot 2”; Pg. 10 L14 “teem” to “time”, L25 delete “nothing”, L45 delete “explained”; pg. 11 L21 should read “wetland review”, L34 “thinks” to “think”; pg. 12 L37 “di” to “de”.

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

V. COMMUNICATIONS

- 1. CACIWC, The Habitat Newsletter, Winter 2014, volume 26, number 1
(To be handed out at meeting)**

Ms. Simone reviewed this communication was Commission members.

- 2. Staff Communication: South Main Street, App. #2014-005
Site Plan: Shed and Relocation of approved drainage system**

Ms. Simone stated this item was on the agenda tonight.

- 3. Staff Communication: South Meriden Rd.- Bishop’s Corner, Lot – 2,
App. #2014-006; Site Plan: House**

Ms. Simone stated this item was on the agenda tonight.

- 4. Staff Communication: Mountain Road, App. #2014-007
Site Plan: House**

Ms. Simone stated this item was on the agenda tonight.

- 5. Staff Communication: Schoolhouse Road & Dickerman Road Request for Agricultural Determination**

Ms. Simone stated this item was on the agenda tonight.

- 6. Staff Communication: Whispering Hollow Court, App. #2013-028 Site Plan – House**

Ms. Simone stated this application was withdrawn today so there is no action required from the Commission.

- 7. DEEP Training DVD for CT's Municipal Inland Wetlands Agencies**

Ms. Simone stated they did receive two of these DVDs and they are available if Commission members wait to take a look at them and share them among the Commission.

- 8. Spring Eco-Events for 2014**

Ms. Simone said the next communication was regarding the spring eco-events the town is sponsoring.

- 9. Memo Re: Town of Cheshire Facebook Page**

Ms. Simone stated the memo was regarding the Town of Cheshire Facebook page.

- 10. Letter from OCC Design Consortium, LLC Re: 108 Blacks Road**

Ms. Simone said this communication was a letter from OCC Design Consortium, LLC regarding 108 Blacks Road – this item is on the agenda under enforcement actions.

- 11. CT Ecosystems assistance to municipalities**

Ms. Simone this communication was to inform CT Ecosystems changed their business model and now they are solely serving municipalities so they are not working for private industry anymore – and they just wanted to get the word out to municipalities of the services they provide.

VII. INSPECTION REPORTS

1. Written Inspections

Ms. Simone stated there were two bond calculations for lots 1 and 3 for Peck Lane.

2. Staff Inspections

a. Ms. Simone stated there was a staff inspection for Cornerstone Church on Waterbury Road.

b. Ms. Simone said there was a staff inspection on North Brooksvale Road.

VIII. ENFORCEMENT ACTIONS

1. Notice of Violation

SC 1/07/14

**Mr. Nathaniel Florian
Woodruff Associates
Unauthorized Activities in the Upland Review Area/Inland Wetlands
108 Blacks Road
Assessor's Map 19, Lots 43 & 44**

David Carson, a principal of the OCC Group was present on behalf of the applicant.

Mr. Carson addressed the Commission stating that he was here in regard to 108 Blacks Road.

Mr. Carson said he did draft a letter to the Commission which he submitted he believed last Thursday – he said he didn't know if the Commissioners have had a chance to read that.

Mr. Carson said basically it outlines (the letter) his involvement in the project.

Mr. Carson explained he just became aware of this situation he believed on Wednesday of last week and his client is neither the owner of the property nor the landscaper who is the tenant at the property but he is the owner of the material that is stocked piled on the property.

Mr. Carson said at his request (the owner of the material) he reviewed the situation with staff and he believed that was either last Wednesday or Thursday – got himself up to speed with what was going on.

Mr. Carson said he was aware the owner of the property and the landscaper had previously met with staff, with Regional Water Authority, DEP – they have contacted another consulting engineering firm with regard to preparing a special permit application for this particular use on this site.

Mr. Carson said in reviewing that information with staff and with his client it became obvious that the time frame for a special permit on this particular project would probably – final approval would probably not be granted before September of this year.

Mr. Carson said by the time we have some snow melt so that we can do an accurate boundary survey – topo survey – prepare applications both for wetlands – special permit application for P&Z public hearing – Bill Volker and I agreed that September would probably be the earliest that approval can be granted.

Mr. Carson said in light of that he advised his client of that and his client retained us (OCC Group) to prepare an interim remediation plan so to speak for the removal of the material.

Mr. Carson said aside from the issue of the violation and the special permit obviously the end result is all this material has to be removed from the site so rather than waiting until September – until a final decision was made on this property we've prepared a plan for the actual removal of material from site while the special permit application is being prepared and reviewed.

Mr. Carson said so this is the plan I just submitted to day because we have been working on it since Friday – we actually went out and did the field topo on Sunday and he prepared the plan that you have before you.

Mr. Carson said this (plan) is simply a colored version of that plan – this is approximately he believed a 6.5 acres parcel – the stock pile material is to the rear of the property – north end of the property – it's both a tremendously large top soil pile and mostly the rest of these piles are mulch – there are some tree stumps in this area (shown on the plan) and this is kind of a tree stump and brush pile.

Mr. Carson said there is an intermittent water course which runs down the property line – takes a ninety-degree bend at the end – is piped under the driveway coming from Highland Industrial Center to a landscape yard owned by another landscaper in town.

Mr. Carson said we were able to field topo this entire perimeter area – come up with elevations and able to discover that what’s actually happening is the top of the embankment here is slightly higher than the elevation of the actual yard area and what is happening right now is because this site sheet flows in a northerly direction across the site where all these are – the sheet flow is kind of concentrated through the piles – there’s actually kind of an eroded swale that comes this way and leaks off the property right of the corner of the intermittent water course makes the bend.

Mr. Carson said what we have proposing here in terms of immediate erosion control is to provide staked hay bales around the corner – around the end here which we feel that there’s enough room to get in there and actually install those without getting in there with a machine to put something in and to provide a sediment check dam in this area right here – right across where the entrance to the swale where this water drains down through here (shown on the plan) and starts to find this swale and discharge here.

Mr. Carson said most of the plan deals with processing the material and getting it off site.

Mr. Carson said there’s approximately 20,000 CY of material that’s on the site – approximately 14,000 CY of top soil and 6,000 CY of mulch.

Mr. Carson said what the intent is of this material is to screen this material – top soil to be screened for screened top soil – take the stones out.

Mr. Carson said the mulch is a little more complicated – it also is screened. He said he was unaware of the actual process that the Pine Ridge Landscaping uses – they specialize in spraying the mulch through pressurized spraying equipment.

Mr. Carson said what he found out is they do like roof top gardens in New York City – places like that – real high end landscaping stuff.

Mr. Carson said so what happens is they screen the mulch to make what you or I would think to consider to be regular mulch like we would buy at Home Depot or something and the fines are screened out of that mulch – there actually mixed with the top soil to make an organic top soil mix to meet landscape architecture requirements for high end gardens so that’s what they do.

Mr. Carson said so the way that is done is they rent a trommel which is basically a drum screening machine with screens in it and they rent that on a weekly basis – apparently it's a fairly expensive piece of equipment and it has an hour meter on it so it can only run for forty hours during the course of the week so basically five-eight hour days – in five-eight hour days they can screen 5,000 CY of material.

Mr. Carson said so it would take four months to screen out the entire 20,000 CY so basically I've outlined on the plan – a plan where they do 5,000 CY a month so that's the best I could estimate – I mean I could tell you anything you want to hear but realistically they would rent a machine one week a month – screen 5,000 CY – that material would be hauled off site – delivered to where it's being delivered – rent the machine for another week – screen another 5,000 CY and that would be done in four consecutive months obviously if they could get rid of the material quicker it would be done quicker – its only in their best interest to do it as rapidly as possible but that's realistically – so he laid out a time schedule on there of basically from April 15 to May 15 and subsequent so by August 15 the material would be gone.

Mr. Carson said he also accounted for the possibility that as they're screening the material it's not immediately trucked off site – he said ideally the thing would be that it would be screened up a conveyer belt and right into a truck and taken away – there's always the possibility depending on what the timing is that that it's going to happen so basically he's laid out temporary containment area – in this location right here (shown on the plan) using concrete blocks around the watercourse side and the lower end designating an area that would be capable of handling a 5,000 CY pile of material in worse case situation.

Mr. Carson said that pretty much lays out what the plan is – obviously in talking with Suzanne (Simone) earlier today what he believed would need to be done if the Commission were to agree to let us move forward with this is for this to be periodically and systematically inspected by Suzanne because obviously as the material is removed conditions are going to change – the water may start to flow in another direction so sediment check dams or additional erosion controls would need to be put in to handle an ever changing situation.

Dr. Dimmick said this is not an application in the usual sense - he asked if there was a way they could prepare a letter of understanding for this sort of thing where this is not the permanent solution – this

is what's going to go on in the interim – he asked if there was any authority for us to put out a letter of understanding and pass that instead of trying to do an application.

Ms. Simone stated yes – she said she believed the Commission is well within their power to take a vote on this tonight understanding that this is not an application but that this would be covered under the enforcement action and that this is just one step towards the filing of an application.

Dr. Dimmick said okay and the other part of that is if we do that - I do what to eventually have something that is in writing that's to the concise part of this – the plan is obviously the part of this but the plans note mostly takes care of the erosion controls and the stock pile protection – the sequencing although is listed here really needs to be formalized in some fashion.

Dr. Dimmick said if everyone is in agreement – or if four of us are in agreement to move for a letter of understanding on this assuming the actual wording may have to wait.

Ms. Simone said she thought a motion could – if there is to be a motion – that it could include the date and the title block of the map so it's covered that way and then if that is approved from this Commission then she could send out a letter to Mr. Carson summarizing what was said here and what the expectations are.

Dr. Dimmick asked if any of the members of the Commission have comments to make.

Mr. Norback asked if he was asking for a text description of what he just spoke of what the intent and what they are going to be doing.

Dr. Dimmick said yes – either put together by us or by him (Mr. Carson) but I think that doesn't deter us from moving along.

Mr. Norback said we just need an actual description along with this which seems reasonable.

Mr. Kurtz asked if Suzanne reviewed this plan and if she agreed with it.

Ms. Simone stated yes – she did review it and it does seem to address things in a common sense manner.

Ms. Simone said there's a lot of material out there and its difficult if not impossible to get a real grasp on the topography to see how to manage this site long term – she said she believed the soil does need to be removed.

Ms. Simone said in talking with Mr. Carson today when it was identified there would be an area – there would be processed material to be stored – that they are going to store it – they propose to store in this area (on the plan) and it was commented that that area would be secured so we discussed putting up concrete blocks in that area as opposed to just silt fence – so she thought that would work.

Mr. Carson said and reference to that same conversation we did add a note on the plan that says no additional material will be stock piled on site until just time as a special permit is issued.

Mr. Norback said so ultimately you'd need to reuse this material to mitigate the problem any way so this is just a step in that direction and a pretty responsible one at that.

Motion: That the Commission allows for the removal of the soil according to the plan that Mr. Carson outlined on the plan entitled "Interim Site Management Plan for the Removal of Stockpile Material, 108 Blacks Road, dated March 4, 2014."

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

Mr. Carson thanked the Commission.

- 2. Notice of Violation SC 1/07/14
John Ricci
Unauthorized Activities in the Upland Review Area/Inland Wetlands
680 South Main Street
Assessor's Map 71, Lot 93**

Ms. Simone stated there is an application under new business for this item – it's item number one.

This item would be addressed under new business.

X. UNFINISHED BUSINESS

1. Permit Application	APP	#2013-028
John Romanik, Jr.	DOR	10/15/13
Whispering Hollow Court	PH	11/07/13
Site Plan - House	PH	11/19/13
	PH	12/03/13
	PH	1/07/14
	PH	1/21/14
	PH	2/04/14
	SW	10/19/13
	SW	1/14/14
	MAD	3/11/14

Dr. Dimmick stated this application has been withdrawn.

2. Agricultural Determination – As of Right Use	RFD	#2014-004
Joe Arisco/T&D Growers		
Proposed Agriculture on Dickerman Rd. & Schoolhouse Rd.		

Joe Arisco of T&D Growers was present.

Mr. Arisco stated he had a map for the Commission.

The Commission reviewed the map presented by Mr. Arisco.

Dr. Dimmick said we have not seen these before so they wanted to take a moment to look them over.

Dr. Dimmick said the first property is lies to the east of Dickerman Road and north of West Johnson Avenue – he said he was not clear what part of this property is involved.

Dr. Dimmick asked if you're not planning on farming that whole piece are you (Mr. Arisco).

Mr. Arisco said they plan to farm whatever you'll let us farm.

Dr. Dimmick said so anything that shows on this map other than the piece that belongs to the State of Connecticut is all your property – there seems to be five to six lots there that are all part of the same property.

Dr. Dimmick said he knew that the part that is closer to Route 10 was historically farmed for cabbages and broccoli and peppers and so forth in the past.

Mr. Arisco said the piece by Route 10 was farmed by John Perrotti.

Dr. Dimmick said so that part of course is not wetlands.

Dr. Dimmick asked if this map indicated which part are wetlands.

Dr. Dimmick said he sees the flood plain lines for the Ten Mile River.

Ms. Simone asked Mr. Arisco if he had any details of the farming operation of what you plan to do and how you plan to execute it.

Mr. Arisco said all those properties were farmed before – Dickerman Farm and John Perotti Farm and the DeBishops was on Peck Lane at School House Road – he said we plan to farm it – whatever is feasible – he said he was here to have a discussion to find out but he was sure he'd have to come back later to see what you think.

Dr. Dimmick said the thing is he's trying to determine what parts here actually come under our regulation and it seems to me on this Dickerman piece north of West Johnson – the entire three-fourths of the eastern part of that is all outside wetlands as far as he knew.

Ms. Simone said we don't have a map.

Dr. Dimmick said we don't have a map here – he said roughly everything east of the gas easement is pretty much non-wetland and we have no jurisdiction over it – the area going west of the gas easement that we have more detail – the whole west side has the wetlands.

Mr. Arisco said his question was if it was farmed before could it be farmed again.

Dr. Dimmick said generally it can be farmed again if it's been farmed before – the only restrictions are in that case is if you're going to start changing the flow of water and if you're going to be filling or excavating in the part that is regulated wetlands – then you would need a permit from us but the part that has been farmed before – but other than that he didn't see a problem with that.

Dr. Dimmick said but once you get close to the Ten Mile Rover there – first of all he wasn't sure how of that you want to farm; secondly I don't think a lot of that flood plain was farmed in the last sixty or seventy years – I may be wrong but.

Mr. Arisco said you might know that better than me but I know this was a farm before.

Dr. Dimmick said all of that to the east of the gas line was farmed – he said he remembered that being farmed.

Mr. Arisco said he just remembered the end by Route 10 – he said he didn't know how they go about figuring out if we can farm it or we can't.

Dr. Dimmick said any part that's not wetland you can just plain farm without coming in front of us – it's when you get close to the wetland then we have to make a determination as to whether there's going to be a problem or not and he thought staff needs to research it – or maybe he (Dr. Dimmick) needed to meet with staff – as he did remember that property going back quite a ways.

Dr. Dimmick said the other people on the Commission never saw this map before tonight either and I'm not sure how familiar they are with it – he said Earl Kurtz knows some of it.

Mr. Arisco said if you need to look at it more he could get them another map or if they need something else they can get back to him.

Dr. Dimmick commented that he didn't remember anyone farming west of the gas line.

Mr. Norback said so the applicant is really just looking for some direction from us and he'd be better served to go to staff.

Dr. Dimmick said we need to have something that actually shows the wetland line to see what our jurisdiction is.

Ms. Simone said and just so that you know the Commission has more to consider than just if it was previously farmed – that they will need to see where the wetlands are located and details from you (Mr. Arisco) of what you plan on doing so you need to present your proposal to the Commission so they could elevate your potential use of the wetlands then they could determine what's allowed as a matter of right and what requires a permit.

Mr. Norback said but it was safe to say that the applicant should be encouraged that since it was a farm that it has some latitude there that certainly part of its going to be able to be farmed so if he just refines the request so we can understand that request then we'd be better able to tell how many acres or where the delineation would be.

Dr. Dimmick said that eastern three-quarters of four-fifths – he didn't see any problem and it's not even in our jurisdiction.

Mr. Norback said he thought that's what he was trying to present to him (Mr. Arisco) the applicant that he should be encouraged but we also need more information.

Dr. Dimmick said on the other hand we get to the other map which is the land...

Mr. McPhee asked where is the work load going to fall on here – for the clarification – is it going to fall on staff – do we have wetland maps that you can overlay on these maps to get a better determination of this.

Ms. Simone said we do have wetland maps in the Planning office that shows a general location and the Commission can decide whether the general location serves the purpose for the Commission in deciding what to use.

Mr. Norback asked if we also have historical record of the farming and where that might have been on the property.

Ms. Simone stated we don't have that yet.

Dr. Dimmick said some of it is on air photos – there are air photos going back to 1935 but staff doesn't necessarily have all of those air photos – they can be used for determining historical agricultural use – there are ways of doing it there are just ways we aren't going to be able to deal with tonight.

Mr. Norback asked if it was incumbent upon the staff to do that of the applicant.

Ms. Simone said she will say the Wetlands Commission went into effect in 1974 so we would only have files from 1974 on – files beginning in 1974 are very sparse – there's not much information contained in those files so it's very doubtful that we will have any information on this – we may have an aerial that may show a clearing

but that may not really provide information to the Commission as to when it cleared and how it was maintained.

Mr. Norback said it's not inconceivable there might be some verbiage in some old deeds right.

Ms. Simone said and that can be searched for on the land records.

Dr. Dimmick said some of this should be that staff and the applicant work together but certain things he thought the applicant has to be able to provide here – staff can't be expected to all of it.

Mr. Norback said that's what he was asking so they can work in concert.

Dr. Dimmick said the wetland line itself is one thing he knows roughly where that wetland line is – but he really did need it on a map – it's not up to me to draw the line on there.

Dr. Dimmick said but staff has maps that we've approved for use for that sort of purpose which they can work on that.

Dr. Dimmick said when you look at the other piece we've got more problems – that piece which is Peck Lane and the railroad track and south of School House Road – he asked Earl if that was right next to your property is it not.

Mr. Kurtz stated yes.

Dr. Dimmick said and if I remember correctly the major part of that are wetlands and a lot of it is wooded is it not.

Mr. Arisco said he thought it was farmed by DeBishops – it wooded it's not really heavy woods – he said he was sure they would have to do more research because you don't have the information you need.

Dr. Dimmick said the problem with an area that is wooded and wetland then clearing that land for farming there are more restrictions on that if you were taking the first piece we were talking about just has scrub brush sort of thing – it's not actually wooded.

Mr. Arisco said if you look at Peck Lane and School House there's a lot of brush too (his comments were not clear on the tape).

Dr. Dimmick said the brush wasn't too bad it's when you're actually having to cut timber of something then you start getting into more restrictive – the state regulations that we try to work under give a restriction on clear cutting of land unless it's for expansion of existing farm land – in other words if you have a farm and the edge of your field is treed and you want to expand your crop land you can do that but if you don't presently have a farm operating there and you've got wetland with trees on it – that is one of the cases where the state law we operate under says you need a permit to do that.

Dr. Dimmick said so that's a different category.

Mr. Arisco said so if it was farmed before – years ago – and it's not a farm now – can the area that was farmed before - can it be farmed again.

Mr. Norback said he would caution Mr. Arisco that asking for – if Charles says that we need an application – that doesn't mean anything necessarily negative – it's just means you have to go through a different process – it isn't an indictment.

Mr. Arisco said I'm not making an indictment.

Mr. Norback said I'm not saying you are – I'm just trying to let you know to set your mind at ease.

Dr. Dimmick said the section of the state code that gives you agricultural exemption from regulation has all kinds of little clauses in it and one of them says that you can't clear cut trees unless for expansion of an existing field and there is no existing field there now – there may have been historically – the Indians may have had one there for all that – but there's not an existing piece of working farm land then clear cut trees in wetlands you need a permit – it doesn't say you can't do it – it does say you need a permit – it's just one of those little technicalities on there.

Dr. Dimmick said I think we had a little bit of view – staff can work with you and I'll try to work with staff on this and Earl – if he's got some input on this.

Mr. Kurtz said he had some general input – he said what he thought you (Mr. Arisco) needed to do is say this is where I'm going have a field – whether its Dickerman Road area or the School House Road area there are obviously certain areas that are no arable- there not useful for agriculture and good farming practices as they were

carried out – and I’m certain more familiar with the School House road property – the DeBishops farmed about all the land they could but it wasn’t the heavy swamp land and it wasn’t where a pond was obviously – we just need to have it defined.

Mr. Arisco said so what he’s hearing is we need to get more information and do research and come back to the Commission.

Mr. Kurtz said its information that would be helpful to the Commission.

Mr. Arisco said so he needs to go back and do his homework.

Mr. McPhee said he thought he needed to work with staff and provide a layout of where you want the farmland to be – you’re not going to farm in an area where it’s just not practical to farm and he needs to provide a plan showing the wetland delineations on it so the Commission will have a better perspective on this.

Mr. Kurtz said so it makes sense to everyone.

Dr. Dimmick said you don’t want to be farming in an area where the tractor sinks up to the hubs.

Ms. Simone said so this item will then remain on the agenda – it will remain open.

XI. NEW BUSINESS

1. Permit Application	APP	#2014-005
RLJ Properties, LLC	DOR	2/04/14
680 South Main Street		
Site Plan	MAD	4/10/14

Dr. Dimmick stated this item is in reference to the previously referenced cease and desist enforcement action.

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

Dave Brzozowski recused himself from this portion of the meeting at 8:11 p.m.

Ms. Simone said so that leaves four Commission members which is the required amount for a quorum.

Mr. McEvoy addressed the Commission.

Mr. McEvoy explained said this property was before you last month – I believe for show cause for activities that have been going on or had been constructed on the property that were different from the approved site plan.

Mr. McEvoy stated the property is 680 South Main Street – the location of the existing office building.

Mr. McEvoy said this was originally approved by this Commission going back to 2001 subsequent modifications occurred in 2004 and the plan we have in front of you is essentially – and caused some confusion with staff – we built upon the last approved plan by this Commission which was in September 2004 to depict the changes that have happened on the site since then and those changes include specifically the relocation of a storm drain pipe.

Mr. McEvoy explained this pipe used to outlet into a basin into the eastern part of the property in the rear along the northern edge of the parking lot.

Dr. Dimmick said used to – what it ever built.

Mr. McEvoy said no – it was never built that way.

Mr. McEvoy said it used to be proposed in that location.

Mr. McEvoy said and subsequent to the construction we prepared an as built or an approved location survey in December 2004 which actually reflected the constructed location of this pipe – I believe Mr. Ricci of RJL Properties presented that map last month with some sort of confusion as to whether or not that was the map that we prepared with post conditions or in fact with as-built conditions – and it was an as-built map – it wasn't something we necessarily proposed however I can testify that the location of the pipe – the pitch of the pipe – the size of the pipe – and the destination of the pipe do not change in anyway what so ever the drainage conditions of the property.

Mr. McEvoy said previously all the drainage on the west side and north side were conveyed through this pipe into the basin and now it is still directed into the same exact basin – the pitch of the pipe is

identical under as-built conditions to what was originally proposed – it's just shifted further south.

Mr. McEvoy said there has been some rip rap splash pad installed as part of it – additionally to the relocated pipe is shed – which he believed was the reason why they were in front of this Commission for the violation.

Mr. McEvoy said the shed was not originally proposed as part of the site plan – but it was constructed in some part – he wasn't exactly when prior to recent times and it's been recently expanded or expansion of it has begun until the brakes were put on by this board and I believe the Building Department as well.

Mr. McEvoy said the result of the this shed – it's that it does fall within the zoning setback lines – he knew that was not necessarily their concern (the Commission's) but just so their aware of it – it's about 500 SF and change in size and it is located partially in the area where we had this infiltration basin to the rear – now when they constructed it they never filled it in and in fact it's built above grade with four by four piers going into the bottom of the infiltration which in this area is quite dry.

Mr. McEvoy said so it doesn't impact the volume or size of this basin in the back and in fact we reviewed the as-built map that we prepared in 2004 to check the impervious coverage relative to the proposed conditions and it is actually a 1,000 SF less than in impervious overall then what was proposed so the 500 plus SF sheet will not result in any increases in impervious surfaces for the property.

Mr. McEvoy said historically there was a small water holding pond - I guess in the back of the property that was used for skating purposes or something like that and there was a liner that was actually a liner that was in there that held the water in and I believe that was the reason why it came before this Commission in the first place – that may have been deemed a wetland.

Dr. Dimmick said it's a watercourse – again the regs (regulations) say that whether natural or artificial any watercourse comes under our regulation.

Mr. McEvoy said so that was obviously – well not obviously – that was in the rear of the property and it was proposed to be entirely removed and paved over and reconstructed and built over so in

relativity there are no remaining areas of that original wetland on this property.

Mr. McEvoy said given the relocated storm drain not being any substantial change in terms of the drainage characteristics on the property and the shed being constructed in the back doesn't have any increase in impervious surfaces from what was originally proposed.

Mr. McEvoy said we hope the Commission finds this to be an acceptable modification to the approved site plan.

Dr. Dimmick said the infiltration trenches are there – that is an as-built so the infiltration trenches are there.

Mr. McEvoy said no – this plan is not an as-built – this is a reflection of the last approved site plan with the modifications so it sort of builds upon the previous.

Dr. Dimmick said you just said this was an as-built.

Mr. McEvoy said no – this plan – I think that's why there was some confusion with Suzanne and Warren – we took the original approved plan from September 2004 and we wanted to reflect this change as if it's a new proposed situation so you can review it with respect to the original approved plan.

Dr. Dimmick said okay I'm asking because you said the pipe is there so the pipe is as-built.

Mr. McEvoy said yes it is – it is as-built that's correct.

Dr. Dimmick said he's also asking about those infiltration trenches - are they there or aren't they.

Mr. McEvoy said he was not positive – he said he did speak to John Ricci about it and he said there in and since I've been involved in the last month it's been entirely frozen – snowed over – and I can't verify personally but he did tell me that they are in.

Mr. McPhee said clarify for me – there are no wetlands on this property.

Ms. Simone stated there's an intermittent watercourse which is this area (shown on the plan) – she point to the location of the intermittent watercourse.

Mr. McPhee said it was created for the runoff for the impervious space.

Dr. Dimmick said no there was an intermittent watercourse there before hand.

Ms. Simone said there was an area that was filled in.

Mr. McEvoy said the pond was where the parking lot was essentially – the skating pond with the liner. He said this basin was built in the back along with some areas in the front for the purposes of not increasing the runoff from the site which also included holding the water that was held in the original pond plus attenuation of impervious surfaces under proposed conditions.

Mr. McEvoy said so this is a storm water management basin in the back – he said he suppose this has mitigation of the pond and its creation of a new pond from what was there before which is now a parking lot – it's a little confusing.

Ms. Simone said if she could just expand on that – this is what was shown back in 2004 – and this area was already serving as an intermittent watercourse somewhat because you had the topography there and that has now been modified to be a bit more severe with the tighter contours but this existed pretty much.

Mr. Norback said with any impact – negative or positive.

Ms. Simone stated there was no proposal for work to be done in here other than changing the contours to allow for what she believed was a larger capacity of water storage.

Mr. McEvoy said it was increased in size ultimately for the purposes of both the size of the pond plus increases in runoff from the base of the parking – the whole western part of it.

Ms. Simone shared the plan with Commission members showing the approved outlet was to be – where the shed is currently located so the Commission never got to review this drainage structure because the shed.

Mr. Norback said that was during the original construction.

Mr. McEvoy stated that's correct.

Mr. Norback said but it wasn't before any board.

Mr. McEvoy said it wasn't as part of a site plan approval – no.

Mr. McEvoy said he would offer – I looked at the records and through the minutes and didn't see anything specific to the location of the outlook as being something of concern to the Commission so given the fact that it does have the same capacity it is going to the same destination and conveys the same water – from an engineering perspective certainly is negligible – whether it came up through here or down here – if that makes any since.

Mr. Norback said basically you're characterizing it as a field revision.

Mr. McEvoy said I don't know why it was constructed in that location in the field.

Mr. McPhee asked what was the shed used for.

Mr. McEvoy said he didn't know.

Mr. McPhee said it makes a difference to me it does – is there a diesel generator in there.

Mr. McEvoy said no he believed it's just for property maintenance equipment – he didn't think there was any heavy machinery or fuel storage in there.

Dr. Dimmick said so Suzanne we have an application – is the material in the application sufficient for us to work with.

Ms. Simone said the basic information has been provided – yes.

Ms. Simone said the Commission can make a determination whether further information is required.

Dr. Dimmick said one of the things we need to do is I think it's just routine – but to determine significance – whether there's any significant adverse impact as a result of the proposed...

Dr. Dimmick said actually in this case proposed after the fact.

Mr. Norback said the shed that's there now was built in violation also besides the fact there's additions going on it and I think to Will's point that we've looked at shed locations – people come before the board about a shed location and it's always been of interest to the Commission what the purpose of the shed was going to be stored in there and that was on a private property – residential use and here we are with a commercial use and we are only hearing conjecture on what its being used for so I think it would really probably be relevant (to know what was being stored in the shed).

Dr. Dimmick said so you (Mr. Norback) need additional information.

Mr. Norback said it seems like it.

Mr. McEvoy said was that discussed with Mr. Ricci at the last meeting – he said he believed that may have been in the minutes – he said he didn't remember off the top of his because he wasn't in the room at that time.

Ms. Simone said she didn't recall off hand but that should be part of these proceedings since it's an application.

Mr. McEvoy reviewed the minutes from the previous meeting where this item was discussed (January 17, 2014 meeting); he could not find a reference to the shed.

Ms. Simone said she also review the minutes (January 17, 2014 meeting) and couldn't find about what was in the shed or any testimony about the infiltration trenches.

Mr. McEvoy said he could find anything and at the next meeting he'd have to get back to you on that.

Dr. Dimmick said one of the things that does show up – the other plan shows an infiltrator in the middle of the basin – we have two infiltrators a north and a south.

Mr. McEvoy said that was part of the plan from 2004.

Dr. Dimmick said that was part of the plan but we don't really know if they went in that way or if they went.

Mr. McEvoy said he did actually look for them but it was just completely iced over.

Dr. Dimmick said we can either vote on significance or wait until we get information on what's in that shed but one way or another when we get the actual permit stage of this we can always write in stipulations one way or another.

Mr. McEvoy said I would like to add if the actual contents of the shed – the determination of significance doesn't mean there's still not more discussion that can be happen about the application – and if there are things in the shed that are not desirable for whatever reason we can certainly move them.

Dr. Dimmick said there is a question if you're storing gasoline there and you do have an infiltrator – it might not be doing any danger to surface conditions on surrounding properties but this is part of the primary aquifer for the South Cheshire Well Field among other things and they really don't like to have that kind of material under those conditions –if we get a letter from them they always talk about storage of volatile materials and fuels and so forth.

Mr. McEvoy said I guess my only point is with the determination of significance – if we do come back the next month and there's gasoline and they say take it out that would be fine – he said he just doesn't want that to be a reason to cause potential delay in the application process – if that's the only thing that concerns the Commission at this time.

Ms. Simone asked if the Commission was also interested in getting more details on the infiltration trenches – whether they are actually in place.

Mr. McEvoy said just out of curiosity is that more of an enforcement of the approved site plan or is that more directed towards the modifications we're proposing now.

Dr. Dimmick said it goes back to the fact that that was part of what we approved – that there be an infiltrator and then the other part of it goes right back to what's in the shed because an infiltrator then also does allow more direct input into the primary recharge zone for the South Cheshire Well Field.

Ms. Simone said and this site plan is different than most other site plans as you're aware because it does show what was proposed in 2004 and what site conditions exist now and she said she thought it would be important for the record for there to be clarity as to what

exactly exists out there – the Commission has raising the infiltration basins as a concern so at the very least they should be verified and depicted and noted as such on the plan.

Dr. Dimmick said if they aren't there do you plan to put them in.

Mr. McEvoy said that was his point – regardless of whether they are there are not we are showing you a site plan – that shows them – and if there not in in fact that would be something that was incumbent in the applicant to do.

Dr. Dimmick said he had no problem with whether we deal with significance tonight or not but there are still questions that need to be raised before we can carry any further action on it.

Dr. Dimmick said staff's recommendation is we hold off – it's probably not going to be a problem but we really just feel a little uncomfortable.

Dr. Dimmick asked if there were any more questions while we have the applicant here.

There were no other questions asked.

2.	Permit Application	APP	#2014-006
	Apex Developers, LLC	DOR	3/04/14
	S. Meriden Rd. Bishop's Corner Site Plan – House, Lot 2	MAD	5/08/14

Dave Brzozowski returned to the meeting at 8:29 p.m.

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

Mr. McEvoy explained this is a site plan application for construction of a single family house, septic system, driveway on Lot 2 at Bishops Corner.

Mr. McEvoy said this is a lot in a subdivision that was approved by this Commission last year.

Mr. McEvoy said this particular lot is located on Route 70 just to the north of Yalesville Road which is just to the east below this map here.

Mr. McEvoy said the site is just about 63,000 SF in area and is in an R-40 zone.

Mr. McEvoy said the property includes a flagged wetland on the southern side of the property and on the bottom side of this map and on the western portion of this property – again these were identified as part of the original subdivision approval.

Mr. McEvoy said this particular lot was approved in the conceptual phase with this Commission with having the upland with the impacts for the house and septic system and with the current architecture designed by the future homeowner here is that the house while beginning located outside of the regulated upland review area is slightly larger in size than what we had depicted on the conceptual plans and will require some grading to the rear of the house in the upland review area.

Ms. Simone confirmed this application was for Bishops Corner lot 2 South Meriden Road.

Mr. McEvoy said the septic system is located to the south of the house and that still remains outside of the regulated area so ultimately what we are proposing for this is what we're seeking approval for is the clearing and minor grading behind the house totaling 2,275 SF.

Mr. McEvoy said he didn't know if the Commission recalled from the field walk that this is an area of the property was historically farmed and cleared and what exists out there now is essentially just overgrown briars for lack of a better term and this area was cleared and sediment and erosion controls installed outside of the 50' upland review area recently but if you take a drive by it I think you'll be able to see that the existing vegetation there is essentially just overgrowth.

Dr. Dimmick said he was a little confused by the location map – it seemed to be marking another lot.

Mr. McEvoy said he was right – the location map is the original subdivision so we didn't identify the actual lot which is located roughly in the middle on the eastern side of the original property – he said he apologized for that.

Dr. Dimmick said they can't tell by just glancing at that location map exactly where this lot is in relation to the rest of it.

Mr. McEvoy said let me point it out so it's clear – it's located in this area here (shown on the plan) just north of Yalesville Road.

Ms. Simone said we have the subdivision map here as part of the original approval if you're interest in seeing where it's located.

Dr. Dimmick said this is one of the lots that has a driveway right out to South Meriden Road rather than coming out on that other (way).

Mr. McEvoy stated that was correct – it's not tied to any other property in terms of access.

Mr. McEvoy said we do propose non-encroachment markers with the exception of the activity proposed in the upland review area – all the non-encroachment markers outside at or outside of the upland review area limits.

Mr. McEvoy said because of the increase in size of the house we did also slightly increase the size of the underground infiltration chambers so that there's no net increase in runoff with the larger house.

Dr. Dimmick asked if people had questions on this.

Dr. Dimmick asked if there was a motion for significance on this.

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

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

Dr. Dimmick said if there were no other questions then we have to wait for staff to do some final wording on and act on this at the next time (next meeting).

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|----|---------------------------------|-----|-----------|
| 3. | Permit Application | APP | #2014-007 |
| | Connecticut Yankee Construction | DOR | 3/04/14 |
| | Mountain Road | | |
| | Site Plan – House | MAD | 5/08/14 |

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

Mr. McEvoy explained this site plan is for Connecticut Yankee Construction for a property with no address on Mountain Road – it is referred to on the plans and known by the town as assessors map 62 lot 4 – is on the west side of Mountain Road – not shown on this map is Sorghum Mill Road which is to the north.

Dr. Dimmick said it makes it somewhere between 500 and 600 Mountain Road – somewhere in that vicinity.

Mr. McEvoy said he believed the adjacent house to the north is 499 – and he believed the house to the south is 517 (Mountain Road) so its roughly 500 Mountain Road for the lack of a better address.

Mr. McEvoy said the property is currently vacant with the exception of a small area of clearing in the south east corner of the property - it's not shown on this map – this is a proposed conditions plan but existing conditions – this is actually shown to be entirely wooded - with the exception of a small area of clearing down here.

Mr. McEvoy said there's a wetland in the north west corner of the property that's associated with Roaring Brook which is a little further to the west and there is a flood plain associated with this area and this wetland corridor which essentially falls right on top of the wetland its self.

Mr. McEvoy said this site is as relatively moderate grades along Mountain Road and has an area of steep grades as you approach the wetland – where again it levels off substantially in the wetland area itself.

Mr. McEvoy stated the high elevation is about 206 at Mountain Road with the low elevation of approximately 176 at the bottom.

Mr. McEvoy said we are proposing a single family house to be served by public water and a septic system – we did the soil testing with the health district a few years back and we found that there's actually found there's sand and gravel in the upper limits of the property which were found to be quite suitable for septic systems.

Dr. Dimmick said there's a question that they might perk too fast – those are accessible drained soils in that part of the parcel.

Mr. McEvoy stated it was a one to ten minute range in percolation – it wasn't faster than one minute per inch which is considered at least from a health code perspective and septic design.

Dr. Dimmick said from a health code perspective you're fine – but you've got enough of a drop between there and the wetlands that there is a problem as to whether there's going to be adequate treatment before your affluent actually gets to the wetland area itself.

Dr. Dimmick said the health code allows for installation of properties that meet the health code standards – it may still possible propose a threat to nearby watercourses in particular because part of that wetland near there floods if I remember.

Mr. McEvoy said that's right – there's no particular watercourse on this property based on our investigation based on our investigation by Bill Root – his report is part of your packet – but there is a flood plain – Roaring Brook does come just to the west of this site and this area does lighter floods – it's on map flood zone in the since they determine the exact elevation but I think it's pretty safe to say that it will follow essentially the bottom of the slope there.

Mr. Norback said he sees you have the mantis system here – does that help Charles concern as far as the affluent.

Mr. McEvoy said what the mantis system does is it's a proprietary system - it is a more effective on a per linear foot basis septic system to treat affluent than say a more standard concrete gallery or a stone leaching trench – it is more expense on a per linear foot basis but it does allow for more bang for your buck – for the lack of a better term in order to provide a smaller window for septic.

Mr. Norback said but doesn't that help the leeching aspect.

Mr. McEvoy said what he thinks Dr. Dimmick is probably referring to is travel time and that is something we can certainly take a look at – typically with the health code.

Dr. Dimmick said you have a relatively steep slope into a wet area and that has certainly been a concern in the past.

Mr. McEvoy said we can certainly take a look at it and estimate the travel time to the wetland.

Dr. Dimmick said he was just familiar enough with that general area that what might be called professional concerns on it – having had to sit and do those travel times myself for similar situations – I think before we actually act on this this information is needed.

Mr. Norback said the only reason he ask is that he thought the mantis system actually ended up drying affluent faster and it didn't travel as far as fast because of that – he said he thought that was one of the benefits of that system but I could be wrong.

Mr. McEvoy said well when you use the mantis system what it essentially has is more interface with the nature of the design where affluent collects in the actual chambers itself and the soil that surrounds it so that interface between the soil and the system allows again more bang for your buck.

Mr. McEvoy said he did not think it will ultimately impact the travel time that it will have in the ground itself.

Dr. Dimmick said one of the problems with these very gravelly soils – you know a good septic system works by building up a bio-chemical crust around the leeching pipes and very gravelly soils have trouble building up a proper crust – he said if he believed if he remembered – it allows the bio-chemical crust to build up right up on the edge of the system

Mr. McEvoy said that's right because – it's hard to describe – you can see from the detail they have on the site plans – the area in-between this filters is packed with sand and that allows for that bio-mat to grow in and around and up and through as opposed to going around the perimeter like a concrete leeching gallery would so that's where you get your enhanced leeching credit.

Mr. McEvoy said we can certainly to ease Dr. Dimmick's concern – he didn't have any trouble at all running a quick calculation to see what that travel time estimate is.

Mr. McEvoy said the house itself we are proposing is located outside of the upland review area however there is a deck that just enters into the 50' upland review area.

Dr. Dimmick said he thought there was more concern of the amount of regrading within the upland review area – you are getting into in that part – you are getting close to those Branford silt loams on that property which some of them – if he remembers – some of them which erode rather badly if you are not careful on your erosion controls – you are making a steep slope – moving these materials around.

Mr. McEvoy said just again to clarify Dr. Dimmick's point – is that while we are taking advantage of the topography on site in the sense with a walkout and the front of the property is grade essentially at existing grade there is some fill that will have to incur to grade out what he would describe as a very small back yard and we propose a slope going down about 10' to 15' from the wetlands so certainly to your point sediment and erosion controls in there and monitoring in there are going to be critical to prevent any intrusion of sediment into the wetlands and to that we have provided for silt fence and hay bales and things of that nature.

Mr. McEvoy said obviously this being a single family lot and a single family home this will be constructed relatively quickly and depending on the time of year that can be established in a matter of weeks if not months so the construction time associated with this would presumably be fairly quick so it's not going to be an exposed site for most or years on end.

Mr. McEvoy said we do handle runoff from the roof and driveways in a small rain garden that's to the rear of the property that's located for the most part outside of the upland review area with some very minor grading that will extend into the upland review area – the total effect of the site improvements we are proposing has about 5,000 SF of impact in the upland review area with no direct wetland impacts.

Mr. McEvoy said so that's a brief summary.

Dr. Dimmick asked if anyone wanted to see this property – it's a terrible time of year to take a look at it unless we get a thaw.

Dr. Dimmick said he foresaw difficulties with this particular lot.

Mr. McEvoy said he thought one thing you get a sense of is the topography – he said he thought you probably don't get a great feel for the wetlands themselves - but you'll see where they are.

Dr. Dimmick said and you may – again he didn't know this particular lot but along there - there are places where there are little springs that come right at the edge of the wetland.

Mr. McEvoy said he would suspect that this is a ground water seep – this wetland.

Dr. Dimmick said and those will show up even in this weather.

Mr. McEvoy said probably yes. He said it's supposed to be a little bit warm over the weekend – he said he didn't think they were going to get a substantial amount of snow melt but he hoped we do.

Dr. Dimmick asked if there were questions or what their (the Commission) feelings were on this.

Mr. Kurtz said we need the calculations.

Mr. McEvoy explained the where the lot was located – he said you can see some of the clearing that's gone on – primarily on the neighboring property where he thinks some of it came on this property too (on the southwest corner of the property).

Ms. Simone said so for the proposed grading change and that gets within about 10' of the wetland line – is that grading proposed to accommodate the walk out feature of the house.

Mr. McEvoy stated yes – in fact the grade – the back corner of the building will be constructed in a couple feet of fill and then to have a very small modest backyard that's reasonable level – only about 15' to 20' in total depth at the narrowest – we're proposing this grading in the back.

Mr. McEvoy said there would be grading under any circumstance to build any house on this lot – we are proposing what he would characterize as a small backyard that's level before we grade down to catch up to existing grade.

Ms. Simone asked if this was a design with a specific buyer in mind – that there's someone that's interested in the property and wants this particular design.

Mr. McEvoy said he believed the applicant is looking to build this house on spec – if everything gets approved – it's actually the same house they are proposing to build on lot 2 of North Brooksvale – 156 North Brooksvale Road.

Ms. Simone asked if there were any other options that were explored as far the location of the house to prevent the amount of grading and impact to the upland review area.

Mr. McEvoy said the house cannot go any further forward or any further to the south - it is tucked in as tight as we can possible make it to the building setback lines.

Dr. Dimmick said the only thing it can do is go 3' lower – that's going to take grading the front instead of grading the back.

Mr. McEvoy said and we are going to have to lower the grade somewhat in the front so some of this gravel from the front can be used as fill in the back as a more stable material that is more well drained.

Mr. Kurtz asked about the distance of the house from the road.

Mr. McEvoy said essentially there's a front porch that's only a couple of feet wide – but the building setback is –

Dr. Dimmick said the building envelop is the long dashes on the map.

Mr. McEvoy said it has to be 40' from right of way and we are showing this house essentially – the nearest we can possible make it is essentially on that front 40' line.

Mr. McEvoy said we did review it with the Zoning Enforcement staff to make sure – to see if we could push that further forward with the understanding that this porch or this overhang over the front door could be considered an allowable intrusion under the zoning setback line a- and they said no.

Dr. Dimmick said you have some real constraints on this piece.

Mr. McEvoy said he would certainly agree with you that this is essentially the only location the house can go – it's not a terrible large house by modern standards and the grading we proposed in the back – there is a certain amount of fill that has to go in there and there is some grading that has to be done – he said he thinks what we've proposed is essentially as modest of a plan on a lot like this that he would say is reasonable.

Mr. Norback asked Charles what his concern was- he said frankly it doesn't spook him as far as the grading.

Dr. Dimmick said that non-wetland soils on this property are two types – where he's got the septic – he's got the excessive drainage – where he's got the fill – if I remember right I don't see the soil line between the two here – is that Branford silt loam which is will have problems with excessive drainage in fact it's a little slower than other

non-wetland soils but being silt when you cut vegetation on it which you are going to do when you are building and so forth – it can erode like crazy if you get the wrong combination of rain and lack of controls – it can really gully.

Mr. Norback said couldn't that be addressed with aggressive silt fence and erosion controls.

Dr. Dimmick said it can.

Mr. McEvoy said as he mentioned before – because of the fact that we are going to be taking down this knoll on the front of the property – that's the good stuff – and that will be used primarily as fill in the back – there will be some additional material needed.

Dr. Dimmick said he thought there would need to be narration to show that because existing soils there.

Mr. McEvoy said and if it would help he could certainly show on the plan and delineate the differences between the gravel and sand – he said he believed it was Manchester's sand and gravel.

Dr. Dimmick said Manchester sand and gravel and the other is the Branford silt loam.

Mr. McEvoy said we can add that to the plan and also he could provide calculations.

Dr. Dimmick said it's just one of these things that I've worked on enough of these that something can go wrong it will go wrong.

Dr. Dimmick asked if they need anything else - we've got the application – we've got the questions that are going to come in – staff can take a look at this.

Ms. Simone asked if Commission members will go out on their own (to the site).

Dr. Dimmick said he thought Commission members would go out on their own as the weather permits – and it's not too hard to find that particular piece – there's no house on there now – if you walk back you can see the bend in the wetland.

Mr. McEvoy said if it would help he can throw a stake right in the middle of the driveway or just next to the driveway and identify it as assessor's map 62 lot 4.

4. Wetland Determination RFD #2013-025A
Town of Cheshire, Public Works
Blacks Road (Honeypot Brook)
Bridge Replacement Changes

Walt Gancarz, town engineer was present on behalf of the applicant.

Mr. Gancarz said this is for Blacks Road bridge replacement over Honey Pot Brook – we received a permit from the Commission on October 9 (2013) for the complete removal and replacement.

Mr. Gancarz said after doing that and finishing final design – going to the Army Corp of Engineers for our category one permit and also meeting with utilities – there were two really minor modifications we made which actually have a less of an impact on the wetlands and really the two areas that were adjusted was on the westerly side of the bridge where we had our outfall pipe – it previously went further down street which it meant it went outside the town street line and meant a couple different things but principally we'd be on Regional Water Authority property – we'd need a change of use permit from them so what we did was to pull the outfall back to within the street line so it exits through the wing wall – this is actually very close to what is out there right now so tis really putting outfall back pretty much where we are.

Mr. Gancarz said in addition the other plan showed a second catch basin on the northerly side of the road – so that the road was just slightly modified so that that drainage is carried to a catch basin on the easterly side.

Mr. Gancarz said so the net impact is really is the reduction of about 200 SF of impact because we are not going as far or further downstream – the outfall pipe is closer – this wing wall angle changed somewhat to accommodate that so that's really one impact – the second one was on the upstream side and that's showing an existing rip rap stone lining of the channel and that remains constant – but the previous plans also showed some stone lining going along the westerly side of the brook for a further distance.

Mr. Gancarz said in order to qualify for our Corp of Engineers category one permit we had to eliminate that portion of it.

Mr. Gancarz said the crux of it which is the 35' upstream of the bridge is armored so that we can protect the abutments from being scoured out and undermining which is that current condition.

Mr. Gancarz said so those are really the two changes – like he said they are actually an improvement from the wetland standpoint he believe – he said they are respectfully asking the Commission to consider this a de minimus affect.

Mr. Gancarz said at the present time – the project's going out to bid tomorrow – we still have time certainly but our Corp permit limits our work in the stream between June 1 and September 30 – right now we are pretty much on schedule to meet that so we can get this bridge constructed this year.

Mr. McPhee asked if the property owner been notified of these changes.

Mr. Gancarz said yes – the property owner – Regional Water Authority - on the downstream side – on the downstream side no they actually haven't talk to them since – at the time we talked to them in the previous application – they were certainly ware of our work in the stream – again this is a little bit less of an impact – he said he did know when he did speak with them in the field originally was to minimize any kind of taking down of trees so by eliminating this brining up there we'd actually have to cut a few less trees down further upstream so I think respectfully I think they'd like less of that impact on their property.

Motion: That the Commission has determined the proposed activity is de minimis and therefor no application is required.

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

Dr. Dimmick asked that the change in the plans get filed.

- 5. Wetland Determination RFD 2014-008
Apex Developers, LLC
725 North Brooksvale Rd., Lot 2
House**

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

Mr. McEvoy informed the Commission this was a site plan application for lot 2 at North Brooksvale Estates.

Mr. McEvoy said he was here on behalf of Apex Developers who is the applicant and owner of the property.

Ms. Simone said just to clarify – first is the wetland determination.

Mr. McEvoy said the first item is the wetland determination – a request for determination as to whether or not a permit is needed for this particular property.

Mr. McEvoy said this lot is located – our location map is on point with this particular development – it's located across from Ward Lane on the northern most side of the original property – it is on the south side of North Brooksvale Road and it has its own driveway – again there was a rear lot access with three of the lots further to the east in the subdivision.

Mr. McEvoy said this particular lot had originally proposed the house to be served by a septic system and public water and that condition remains associated with this one.

Mr. McEvoy said the distinctive feature of this property is a gas lien that runs essentially north through south right through the middle of the property – there's a large wetland area in the southern roughly third of the parcel.

Mr. McEvoy stated the house, septic and all of the site improvements are proposed to the east of the gas line and outside of the upland review area limits.

Mr. McEvoy said you may recall on this particular property originally there were a number of areas that were cleared right to existing ponds and watercourses and things like that.

Mr. McEvoy said this particular lot includes some of those areas however we have proposed the non-encroachment line and markers to be placed upslope of the 50' upland review area and there was some clearing that was proposed to create sight lines for this particular lot so that those non-encroachment markers are placed in locations that won't interfere with the potential future maintenance of those sight lines looking to the west.

Mr. McEvoy said so the end result is there are no disturbances in the upland review area associated with the development of this lot – we are proposing non-encroachment markers upslope or along at minimum the 50’ upland review area so given that they request the need for any further consideration and review by this particular Commission.

Dr. Dimmick asked if there were any questions or if there was need for any clarification – any comments from staff.

Dr. Dimmick said this was part of an approved subdivision but the original plan was conceptual so they needed to come back to us for final on this and their asking now for determination whether they need a permit or not.

Mr. Norback said he was on the original field trip and it doesn’t seem like e strayed far from what the original plans were.

Mr. McEvoy stated the house is essentially in the same exact place.

Motion: That the Commission has declared that the proposed activity is de minimis and a permit would not be required.

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

6.	Permit Application	APP	#2014-008
	Apex Developers, LLC	DOR	3/04/14
	725 North Brooksvale Rd., Lot 2		
	Site Plan – House	MAD	5/08/14

Mr. McEvoy requested that this application be withdrawn.

XII. ADJOURNMENT

The meeting was adjourned at 9:01 p.m. by the consensus of Commission members present.

Respectfully submitted:

Carla Mills
Recording Secretary
Cheshire Inland Wetland and
Watercourse Commission