

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, APRIL 1, 2014
TOWN HALL 84 SOUTH MAIN STREET
Room 207/209 AT 7:49 P.M.
*IMMEDIATELY FOLLOWING THE PUBLIC HEARING***

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

Member absent: Robert de Jongh

Staff: Suzanne Simone.

Dr. Dimmick served as chairman pro-tem.

I. CALL TO ORDER

Dr. Dimmick called the meeting to order at 7:49 p.m.

II. PLEDGE OF ALLEGIANCE

All present recited the pledge of allegiance at the public hearing.

III. ROLL CALL

Ms. Dunne called the roll at the public hearing.

Members present were Charles Dimmick, Dave Brzozowski, Kerrie Dunn, Earl Kurtz, Will McPhee and Thom Norback.

IV. DETERMINATION OF QUORUM

Dr. Dimmick determined at the public hearing there were enough members present for a quorum.

V. APPROVAL OF MINUTES – Regular Meeting – March 18, 2014

Commission members agreed to move the approval of the minutes was deferred to the end of the meeting without objection.

At 9:01 p.m.:

Motion: To approve the minutes of the regular meeting of March 18, 2014 with corrections. Pg. 3 L15 add “Ziska’s “What’s Legally Required?” and delete “what’s legally required”; pg. 6 L50 “shelve” to “shelf”; pg. 12 L33

“due” to “do”; pg. 14 L38 “Mya” to “mia”; pg. 15 L31 delete “be”; pg. 18 L30 “said” to “said he:; pg.19L7 “ “may” to “may have”; pg. 22 L49 “there truck” to “their trunk”; pg. 25 L5 delete “extinct.

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

VI. COMMUNICATIONS

Ms. Simone reviewed the following communications:

- 1. Public Works Drainage maintenance Notification
Re: 189 Lanyon Drive, Address bank erosion with rip rap.**

This item was reviewed.

- 2. Staff Communication Re: Lot 10, Meadowview Estates, Plank Road**

This item was reviewed. Ms. Simone stated this item was on the agenda under new business.

- 3. Staff Communication Re: Lot 12, Meadowview Estates, Plank Road**

This item was reviewed. Ms. Simone stated this item was on the agenda under new business.

- 4. Staff Communication Re: Lot 13, Meadowview Estates, Plank Road**

This item was reviewed. Ms. Simone stated this item was on the agenda under new business.

- 5. Engineering Comment Re: Lot 10, Meadowview Estates, Plank Road**

This item was reviewed. Ms. Simone stated this item was on the agenda under new business.

- 6. Engineering Comment Re: Lot 12, Meadowview Estates, Plank Road**

This item was reviewed. Ms. Simone stated this item was on the agenda under new business.

- 7. Engineering Comment Re: Lot 13, Meadowview Estates, Plank Road**

This item was reviewed. Ms. Simone stated this item was on the agenda under new business.

8. **Staff Communication Re: Schoolhouse Road and Dickerman Road Request for Agricultural Determination**
This item was reviewed. Ms. Simone stated this item was on the agenda under unfinished business.

9. **Staff Communication Re: Farview Drive Stream Channel Stabilization**

This item was reviewed. Ms. Simone stated this item was on the agenda under new business.

10. **Staff Communication, Re: 680 South Main Street**

This item was reviewed. Ms. Simone stated this item was on the agenda under unfinished business.

11. **Staff Communication, Re: Reservoir Road**

This item was reviewed. Ms. Simone stated this item was on the agenda under new business.

Handed out at tonight's meeting:

Ms. Simone stated in addition to the functions and values report which was heard under tonight's public hearing for Mountain Road is a packet for 680 South Main Street (there were two staff drafts which were handed out to Commission members today and well as two memos from the Regional Water Authority.

VII. INSPECTION REPORTS

1. **Written Inspections**

Ms. Simone stated there were no written inspections.

2. **Staff Inspections**

- a. **Lot 4 South Meriden Road**

Ms. Simone stated there was a staff inspection of South Meriden Road – she said there were some issues there and the developer will be contacted.

b. Waterbury Road – Cornerstone Church

Ms. Simone said on Waterbury Road – Cornerstone Church – they still have yet to comply with the stipulations to have an engineer monitor the site so she will be contacting them again tomorrow.

Ms. Simone stated the next step after that is to send a notice of violation.

Dr. Dimmick asked if staff knew if the 3” of rain we had in the last two days had any to do with the site.

Ms. Simone stated the stipulation had required that within a certain amount of rain fall that they should submit within 48 hours and we have not received anything nor heard anything from them.

Ms. Simone stated that she’d had this conversation with them last week.

c. Summit Street

Ms. Simone stated she conducted erosion control inspection for Summit Street.

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

Dr. Dimmick said this is just being kept on the agenda so we can monitor it.

Ms. Simone stated they plan on coming forward with an application once they can remove all the materials and take survey of the property.

- 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

Dr. Dimmick said this item is under unfinished business on our agenda.

X. UNFINISHED BUSINESS

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

Dr. Dimmick said we were looking for information.

Ms. Simone stated yes – and she spoke to Mr. Arisco – he had indicated that he will have his information together for the next meeting and she reviewed with him on the phone what the materials were that would be required or requested and he said he was aware of it and he would have all that information for the next meeting.

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

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

Mr. Brzozowski recused himself from this portion of the meeting at 7:54 p.m.

Dr. Dimmick said this was a site plan after the fact as it were and we had two issues on the work that was done at variance with the original approval – one was the change in the actual drainage and the second was for the shed that we never approved which is within the area of our regulations.

Dr. Dimmick said staff has drafted two motions for our consideration and also along that line is we've got two communications from the water company – a letter today and a revised letter about two hours later.

Mr. McEvoy stated about six minutes later.

Dr. Dimmick asked if staff could give out – for those who did not receive copies of these letters (Regional Water Authority).

Ms. Simone explained in speaking with Regional Water Authority they reviewed the information today – they submitted their assessment to staff as well as the applicant’s engineer and the first notice under item number one that they recommend the shed be relocated away from the infiltration basin to reduce the possibility of spills and leaks from entering the basin and hazardous materials should be stored in the shed should be stored in secondary containment; all materials should be stored in their original containers; chemical storage should be limited to five gallon containers; any hazardous waste generated on site should be disposed of properly; the shed should be locked; and number two the existing storm water drainage system is acceptable.

Dr. Dimmick said since then he believed they had a conversation with the engineer for the plan and they revised their letter.

Ms. Simone stated they revised item number one only which now states “We would prefer the shed be relocated away from the infiltration basin – if that is not practical an acceptable alternative would be to install a chemical resistant liner on the floor of the shed thus creating secondary containment system for the entire shed. In addition all materials should be stored in their original containers. Chemical storage should be limited to five gallons containers. Any hazardous waste generated on site should be disposed of properly. The shed should be locked.”

Ms. Simone said in the original drafts the one that approves the drainage modification and denies the shed – she said she did not include any language of prohibiting any chemicals in the shed or anything of that nature because that’s difficult if not impossible for staff to monitor and enforce.

Dr. Dimmick said to point out also in staff’s proposed wording - the second version - it grants in part and deny in part – the denial of the installation of the extension of the shed states “The Commission specifically denies without prejudice the installation and expansion of the shed” so if we were to haven gotten that wording it’s quite possible they could come back with a revised plan.

Dr. Dimmick said the other thing that caught his eye – the second version of the water company wording still says they’d prefer the shed be moved but they say if that is not practical – which brings up the whole question of looking at evidence as to whether it is or is not practical.

Dr. Dimmick said we also have the problem that we need to act on this whole matter tonight because we are running out of time on this.

Dr. Dimmick said so we have either motion in front of us and can debate it.

Ms. Simone said one change I'd like to make is to finding number twelve which previously stated that we did not receive Regional Water Authority comments – she said she's like to amend that to say "on April 1, 2014 Regional Water Authority commented on the application and recommended the shed be relocated away from the infiltration and found that the existing storm water drainage system was acceptable."

Dr. Dimmick said so that change would apply to the staff wording for either motion.

Ms. Simone stated yes.

Dr. Dimmick said at this point he didn't think Mr. McEvoy could say anything – it's not a public hearing but when we (the Commission) is trying to reach a decision unless we want specific information from the applicant there's a problem receiving information from the applicant during the actual deliberation.

Ms. Dunne asked even if there's new information.

Mr. Norback said he had a question for somebody... he said he wondered what the water authority would define as practical – he said it seems like here in lies the conundrum and it sounds like that was a product of the conversation that the Regional Water Authority had with said engineer – so he was just wondering what would be considered practical and impractical.

Dr. Dimmick said it would be in line if you wish to ask the engineer.

Mr. Norback said he guessed he would rephrase that and ask what was your discussion with the water company – and define the definition of practical – does practically mean from an economic stand point – does it mean practically somewhere else on the site – what exactly does that mean.

Mr. McEvoy said before he answers that specifically – his conversation with Mr. Walters'- the second to the last in the body of the paragraph "our primary concern would be the possibility of a

chemical spill or leaks from equipment in the shed entering the infiltration basin and contaminating the ground water.”

Mr. McEvoy said so in my discussions with him I suggested if there might be some way to have some sort of a liner or a coating on the bottom of the shed and that would be something they would consider as appropriate on this property given the fact that it doesn't impact the basin in terms of the volume and set above any water level that would be achieved in a storm event; and his (Mr. Walters) was about leakage so we offered that as a potential – something they might consider and he ran it by his superiors and thought that that would be a reasonable alternative – he said ideally any time you have a shed like this – their primary concern as always is leakage of chemicals.

Mr. McEvoy said he thought having some sort of liner on the bottom of the shed would be an appropriate comprise given the site constraints topographically and the fact that anywhere on the rear of that property would be located in an area even partially adjacent to or near the basin entrance.

Mr. Norback said Dr. Dimmick when you say then that the use of the 'practical' as far as the relocation of what's practical – it seems like at that point in the sentence they decided not to push that issue and now they have an acceptable alternative so maybe the practicality is no longer the issue if they found an acceptable alternative then maybe that's what we should be addressing.

Dr. Dimmick said and staff can verify one way or another – we have no plans to show an extension.

Ms. Simone stated exactly and that's something that has been a frustration and sort of an empty pit when it comes to trying to enforce something or educate somebody about their own permit – it is not specially spelled on the plans it becomes very difficult to track that down necessarily because then it's in the minutes and while we can make the minutes part of the record – it's not as easy as looking at a plan.

Ms. Simone stated his property owner in particular when I'm looking through the history on this property – this person had plans in front of them – knew where things were to be located and then changed the design anyway so that's yet another example of why it's very important to have something on the plans to show exactly how everything is spelled out and what's expected – to do it verbally is

difficult when it comes to enforcement when trying to have people follow it.

Mr. Norback said being somewhat familiar with the construction process – as they ended up with a storm water management system that was acceptable – it could almost be characterized as field revisions while it wasn't probably the ideal way to do it – he said he knew often times on the job field revisions are made and then probably should have been documented and explored prior but it looks like a field revision – he said that he's comfortable with but I'm just not understanding – it seems like we've leaping right past the relocation and then so we need to determine then if the other one is acceptable but then they need to illustrate it.

Dr. Dimmick said yes and they need to show – as it says if it's not practical – that would be an argument they would have to come forward with so it's up to us to make that decision.

Mr. Kurtz said personally I don't understand what the liner is all about – it sounds to him like something that needs monitoring and maintenance.

Ms. Simone said that's not anything staff can do.

Mr. Kurtz asked how that was going to be carried out.

Dr. Dimmick asked about the shed door being locked.

Ms. Simone said just for practical purposes for a staff inspection-that's not anything she could really add to regularly monitor.

Mr. Norback asked why do you think the idea of locking the shed is important.

Dr. Dimmick said it keeps somebody from going in to it.

Mr. Norback said so only the property owner is supposedly should be going in there and he should then be a responsible property owner and complying with that.

Dr. Dimmick said I think we all can think of a few vandalism problems that we've had in town.

Mr. Norback said he was just curious – he said to him it seems like we leap frogged ahead right to the alternative.

Ms. Dunne stated she was not comfortable with this because first of all it says that we have to assume that they are going to lock it – then that they’re going to put this lining in – then they can only have five gallon containers – then what they’re going to be having in the containers – she stated there are so many variables here that we can monitor and given the history of non-compliance – she said she also didn’t understand how the Regional Water Authority should be looking at a cost benefit – she thought financial analysis...

Dr. Dimmick said he didn’t know if it means practical for us or if it’s possible to pick up the shed and move it practical.

Ms. Dunne asked why it would not be.

Dr. Dimmick said he didn’t know.

Ms. Dunne said why could you not move it – she said she’s not in the business but you can move a shed – right.

Ms. Simone stated that she believed the shed was moved to this location – she believed the shed came from another location and was moved here.

Ms. Dunne said she was looking at it as an economic issue.

Mr. Norback said he was just thinking at being in the construction business and I know the Commission is frustrated with this particular applicant but it just seems like by the apparent use of the shed now doesn’t really seem that it be a chemical storage area – he said he supposed it could be but it doesn’t seem like that’s what it was meant to be.

Mr. McPhee asked if there were any zoning issues here – with setbacks or usage of this shed.

Ms. Simone said she did not know the Zoning details.

Dr. Dimmick stated he (the applicant) did not have a building permit.

Mr. McPhee said but as far as any variances and all of that.

Ms. Simone said well they didn’t get their permit.

Mr. McPhee said well that’s a violation.

Mr. McEvoy asked the Commission if they would be willing to grant an extension so we might be able to clarify some of these issues and identify perhaps what exactly we would propose on the floor of this thing (shed) that might be acceptable to Regional Water Authority so there can be some clarify on this.

Dr. Dimmick said staff if extensions are allowed on this sort of thing.

Ms. Simone said yes.

Mr. Kurtz said he thought they were making a decision – to him the only thing clear about it is its two issues.

Dr. Dimmick said we have no trouble with the drainage at this point.

Mr. Kurtz said right and if he would get around to moving the recommendation from the drainage modification and shed denial and the reason for it would be that the shed is a separate issue – we don't know about the zoning – we don't know about the setbacks – we don't know what's going to be put in it – we do know that they the Water Authority expects something to be put in it that's not going to be good to leak into the flood plains and then when it comes to this trap or layer of something below the shed – he really didn't know because that's a very difficult thing once its established I don't know how to monitor it – who's going to check it – who's going to replace it.

Mr. Kurtz stated it was clear to him it was two issues.

Mr. Norback asked what a denial was.

Mr. McPhee said it's without prejudice – they van come back with an application.

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission (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 this property was subject of a Notice of Violation and Cease and Desist order, dated December 31, 2013 for the construction and expansion of a shed within/abutting an intermittent watercourse without the review and approval of the Commission.
2. That during the January 7, 2014 Show Cause Hearing, the property owner, John Ricci informed the Commission that in addition to the construction and expansion of the shed without Commission review and approval, that the stormwater drainage system design was altered, without the review and approval of the Commission.
3. That the current application is for a Permit-After-The-Fact for the construction of the shed within/abutting an intermittent watercourse and the modification of the stormwater drainage system, already in place.
4. That the site is within the watershed of the Mill River.
5. That an isolated depression area to the rear of the property, subject to intermittent flooding has been previously investigated by a certified soil scientist. The soil scientist has previously determined that this area did not contain wetland soils and did not possess vernal pool characteristics, but could be characterized as an intermittent watercourse.
6. That the area of the intermittent watercourse was disturbed and filled by the applicant prior to the filing of the 2004 application.
7. That during the course of disturbing a portion of the area of the previously-identified intermittent watercourse, a liner was discovered and removed by the applicant.
8. That, in a July 29, 2004 letter from Kenneth Stevens, Soil Science and Environmental Services, Inc. to John Ricci, Ricci Construction Group, Mr. Stevens states that “the regulated area has no wetland quality for wildlife habitat and none for most of the other functions associated with wetlands and watercourses. The principle functions of the area are for storm water detention and possibly water quality enhancement.”
9. That the applicant’s engineer previously represented (in 2004) to the Commission that the currently-proposed stormwater management basin has volume to fully contain a 10-year storm

event at the site, and that stormwater from a 25-year storm will not exit the property.

10. That during the proceedings for the 2004 application for expansion of the parking lot, the results of infiltration tests were discussed and the Commission requested additional drainage for the October 5, 2004 meeting, this dialog may be the drainage revisions the applicant's engineer spoke of at the March 18, 2014.
11. That the constructed stormwater basin includes an infiltration trench to encourage stormwater infiltration.
12. That on April 1, 2014 the Regional Water Authority commented that the shed should be relocated from the current (unpermitted) area and that the existing storm water drainage system is acceptable.

Therefore, the Commission grants in part and denies in part the CIWWC permit application #2014-005, the permit application of RLJ Properties, LLC for Site Plan as presented and shown on the plans entitled:

“Property of Craig & Susan Sutherland and William I. & Jane W. Willets
660-678 South Main Street, Cheshire, Connecticut
Sheet 2 of 5, and Sheet 4 of 5 Scale 1”=20’, Dated April 20, 2001, Revised January 31, 2014
Prepared by Milone & MacBroom, Inc.”

The Commission specifically denies without prejudice the installation and expansion of the shed.

with the following stipulations:

1. Lack of compliance with any stipulation of this permit grant shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and a cease and desist order shall be both issued and recorded on the Town of Cheshire Land Records.
2. Any changes or modifications to the plans as presented will require subsequent Cheshire Inland Wetlands and Watercourses Commission review and approval.
3. All conditions and stipulations of the CIWWC permit #2004-032 granted, with stipulations, to RLJ Properties, LLC on October 5,

2004 are incorporated by reference as though fully set forth herein to the extent they are not in conflict with the present permit grant.

Moved by Mr. Kurtz. Seconded by Ms. Dunne.

Dr. Dimmick asked if there was any further discussion.

Ms. Dunne asked if we are doing it without prejudice as to the shed.

Dr. Dimmick stated yes – as to the shed denial.

Ms. Dunne said so they can come back.

Dr. Dimmick said they can come back.

Ms. Simone said in the draft it states the Commission specifically denies without prejudice the installation and expansion of the shed.

Dr. Dimmick asked if there was any further discussion.

Motion approved unanimously by Commission members present (to approve the drainage modification and deny without prejudice the existing shed).

Mr. Brzozowski was not present for the vote.

Dr. Dimmick said now we have a problem that having denied even without prejudice the actual shed – we have a shed in place and normally in case of a violation that we have not approved we would have a corrective order to do something or course to be modified or we can defer action on the corrective order that staff has also put together potential wording for a corrective order.

Commission members reviewed the corrective order.

Ms. Simone said one item she would add was between eight and nine – that on December 31, 2013 that the property owner was issued a notice of violation and cease and desist for the installation of the shed.

Tape change.

Mr. Kurtz said based on what Will McPhee said he didn't know if we can outside of removing the shed we can make any

recommendations because if they come in with a proposal they've got to get at least a Planning and Zoning okay and then get a permit – as to their regulations as well – it's not our prerogative to consider that.

Dr. Dimmick said one of the things we can do is we can issue an order and at the next meeting entertain from the applicant a request to suspend action on (order).

Mr. McPhee said or we can just wait on deciding on this order until the next meeting and see if the applicant has a different conversation with staff.

Ms. Simone said the Commission could certainly take time to consider the language here.

Ms. Simone said she thought just for the record that it would be better for the Commission to just keep this on their horizon to make a decision at some point because there is a notice of violation and a cease and desist on the property.

Mr. Norback said if we move for a denial – then is all this the corrective order part in parcel of that – so he really does have to get rid of it.

Dr. Dimmick said we did deny it.

Ms. Simone said this would be separate – this corrective order identifies that the shed would need to be removed to an area away from the wetland, the watercourse and the upland review area; that the exposed soil be regarded and seeded by a particular date and that the owner has to submit in writing that both were done by May 10, 2014.

Mr. Norback asked if the corrective order was part of the denial.

Ms. Simone and Dr. Dimmick stated no.

Dr. Dimmick stated this is a separate action – we don't do them very often – it's been quite a while since we've had one quite like this but it's quite possible as a way to keep this one the record to have a formal motion to defer action until the next meeting on this – by so doing it will automatically put it on the agenda for the next meeting rather than just dropping it.

Motion: That the Commission moves to defer action on this corrective order until the next meeting.

Moved by Ms. Dunne. Seconded by Mr. McPhee.

Dr. Dimmick said you understand that what we are doing – we are keeping the issue alive but we are not acting yet.

Ms. Dunne said and that way if the applicant wants to come back – we can think about it.

Mr. McPhee said and if it's still in compliance with zoning – he didn't know all that stuff.

Motion approved unanimously by Commission members present. Mr. Brzozowski was not present for the vote.

Ms. Simone stated this item will be on the agenda under enforcement action for the next meeting; the unfinished business item is now removed because the Commission (took action on the motion).

3.	Permit Application	APP	#2014-007
	Connecticut Yankee Construction	DOR	3/04/14
	Mountain Road	PH	4/01/14
	Site Plan – House	MAD	5/06/14

Mr. Brzozowski returned to the meeting at 8:16 p.m.

Dr. Dimmick said this item was subject of a public hearing this evening and we continued the public hearing to the next meeting.

XI. NEW BUSINESS

1.	Permit Application	APP	#2014-011
	Town of Cheshire Public Works Dept.	DOR	4/01/14
	103 Farview Drive		
	Site Plan- Stream Channel Stabilization	MAD	6/05/14

Dr. Dimmick stated this was an issue which first came up about ten years ago.

Ms. Simone stated 2007.

Don Nolte, engineer technician for the Department of Public Works was present on behalf of the town.

Mr. Nolte said he was here to present our proposal to stabilize 100 lineal feet of highly eroded stream channel on the north side of Fairview Drive.

The Commission review photos of the property.

Mr. Nolte said he was familiar with this by just reading through the correspondence file – he said his current resident – the DeCaprios lived at this property for 30 years and in her letter she references about 15 years ago the channel started getting really bad – in 2007 there was have been a hellacious rain storm that washed out the driveway and brought the top of the slope to within 6’ of her garage.

Mr. Nolte said with these pictures you have near vertical slopes in sections – and rocks are falling in – trees are getting undermine.

Dr. Dimmick said three or four members did go out and look at it at that time and there was a proposal as far as he recollected.

Mr. Nolte said for some reason it got stalled and its back – he said last fall he was tasked with coming with a remediation plan.

Mr. Nolte said so the suggestion came up to install gabion baskets back at that time which we feel is an appropriate means of creating as much separation as possible from the driveway to the channel and it beats the alternative of a trapezoidal channel that would be basically just a drop-off several feet off the driveway that you’d need a guide rail or something and it wouldn’t create any useable space between to get around the house so this is the channel geometry we are proposing – 3.5’ wide crushed stone base with 3 by 3 gabion sections filled on either side – since the channel right now is 3.5’ deep by 4’ wide roughly.

Mr. Nolte said it will be fairly level to the driveway but it will be pitched away – we are going to straighten out one bend near the house to get a little more room but the homeowner has agreed to allow us to remove the driveway because there’s no space for the driveway to the stream and the house and its shown on the site plan and they are all on board with that.

Mr. Nolte said there is going to be a need to remove some 8” trees and between the properties we have consent for this applicant from the Kelly’s who have lived next store for 50 years and are pleased that is getting taken care of.

Mr. Nolte said we have a planting restoration plan – a Dogwood tree and about 15 shrubs.

Dr. Dimmick said his recollection is this channel is entirely artificial anyways – it was put in when they put in the culvert across the street which was about 7 years ago and it's just gotten worse with time.

Dr. Dimmick said his own opinion on it is that while temporarily there's some stuff that has functional value but you have a much better chance of restoring something – he said he's seen gabion channels which have been vegetative beautifully – they're quite capable of not being solid and not just rocks – all kinds of plants can grow in there.

Mr. Nolte said you can see the examples of similar applications.

Mr. Nolte said he didn't think the geometry was ever right the way it was built in 1957 or whatever.

Dr. Dimmick said the stream disappears when it gets out at the other end of it into semi-wetland conditions if he remembered.

Mr. Nolte said it dried out pretty good last fall which the resident said is not usual but we had such a dry period – but to handle the dewatering this time we have some flow there – we can bypass it by moving upstream and working on town property – establishing a low point and running a hose through the pipe – through the Kelly property and down to a stabilized rip rap plunge pool.

Mr. Nolte said if we pick a good week for weather - a week in the summer it should go pretty quickly – we are going to do it with town forces to keep the cost down.

Dr. Dimmick said he thought the wetland back there was partly a shallow bedrock wetland – he described the area – he said it's either very wet and he's seen absolutely bone dry.

Mr. McPhee said just for clarification there was an application for this that wasn't approved.

Ms. Simone said it wasn't an application – the homeowner had submitted a letter to the Wetlands Commission basically asking if they would do work on the town property.

Mr. Nolte said there's been some agreement with the homeowner and their attorney – a definite agreement that we are not responsible for the driveway – it's in very poor shape – it needs to be reconstructed – we are just going to do the channel and they'll come and fix the driveway and be responsible for that.

Mr. Nolte said its working out for the best – he said he didn't think the town created the problem per say – it's a large water shed – its large enough to have this mapped as an "A flood zone" which is hard to believe when you can step over the stream.

Dr. Dimmick asked if all the paper works in order.

Ms. Simone said yes and both property owners have submitted there consent.

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

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

Dr. Dimmick said they now turn this over to staff for the proper wording. He said you'd probably want to get working on this this summer around June or so – you wouldn't want to do it now.

Mr. Nolte said they are just getting prepared and order materials and schedule the tree work.

Dr. Dimmick said you should have the permit next time.

Ms. Simone asked if this was something the town plans on doing in the summer.

Mr. Nolte stated yes.

2.	Permit Application	APP	#2014-012
	Kathie A. Welch	DOR	4/01/14
	Reservoir Road		
	Resubdivision	MAD	6/05/14

Dr. Dimmick stated this is an application we originally had in front of us in 2012 and it was scheduled for a public hearing and for some reason the item was withdrawn before the public hearing so it's back in front of us again.

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

The Commission reviewed the plans.

Mr. Overton said he was here on behalf of the applicant for this proposed subdivision at 650 Reservoir Road.

Mr. Overton said some of you are familiar with this from 2012 – some of you may not be so he'd just go through the particulars of this briefly.

Mr. Overton explained the property is just shy of 10.5 acres in total and there's about .7 acres of wetlands on it which are highlighted in pink outline – and there are a couple of watercourses on the property that are highlighted in blue.

Mr. Overton said it's in an R-80 zone – its north on this map to the right so on the west side of the property is an existing residential home and it's also bordered by Bishops Farm on the west side – on the north is property owned by the City of Meriden which is part of the Broad Brook Reservoir – to the east is existing residential property and then off to the south is Reservoir Road and existing developed residential on the south side of Reservoir Road.

Mr. Overton stated the property itself is mostly wooded other than the development of the existing home that's here and what you don't see under the rendering of the driveways here is there was a former barn location here and you can see the outline of the fence line for the horse pasture that exist there.

Mr. Overton said the property pretty much entirely slopes in an easterly direction and there's an easement here along the back portion where there's an Algonquin Gas transmission line.

Mr. Overton said so there's a small intermittent watercourse here that collects from a watershed – on site that drains – it's a pretty small watershed that drains – he said this meets the criteria under the Connecticut requirements to call this a watercourse and we mapped it as such.

Mr. Overton said the other watercourse shown is the main watercourse that runs through the site – it's a perennial stream that begins up at a pond on the south side of Reservoir Road – that pond

feeds the stream through a cross culvert under reservoir road – makes its way down – crosses the gas transmission line and eventually makes its way down to Broad Brook Reservoir.

Mr. Overton said we are proposing a two-lot subdivision – each lot will have its own individual driveway – two houses associated with it – each both being served by well and septic – this was approved back in 2012 by Chesprocott for the well and septic locations and feasibility of lot development.

Mr. Overton stated that they have proposed a rain garden on each lot with the roof leaders from the houses feeding those rain gardens in order to mitigate potential increases of runoff for the development of the lots.

Mr. Overton said there was a stormwater report that was provided as part of the application – there was a wetland delineation report that backs up the delineation of the wetlands shown on the plan and there was also an impact assessment report that was submitted.

Mr. Overton said the delineation report also discusses functions and values of the wetland – the impact assessment talks about the two cross culverts that are proposed for the driveway - it talks about the impacts associate with and relates them to the functions and values of the wetlands themselves.

Mr. Overton said so there's a good amount of information that we had put together back in 2012 and that's been submitted for the record again.

Mr. Overton stated the total wetland impact is about 2,180 SF for the cross culverts – it's about .05 acres and it's about essentially about 100 LF of impact to run the length of the cross culverts and the rip rap pads.

Mr. Overton said we did this in part because it's in a public supply watershed – we did notify the water company and he has a copy of that notification that he'd give to the Commission.

Dr. Dimmick asked why this was withdrawn last time.

Mr. Overton said he believed the owner had approached the Meriden Water Company as far as purchasing the land.

Dr. Dimmick said and that didn't work out.

Mr. Overton stated not to date.

Dr. Dimmick said have you received the comments from our Engineering Department on this proposal.

Mr. Overton said he had - he said there seems to be a misunderstanding regarding some of the information provided so we'll go ahead and talk to the Engineering Department to try to clarify that.

Dr. Dimmick said you had mentioned it goes right into the Broad Brook Reservoir and there are concerns there.

Dr. Dimmick said his own feeling is that last time there was a public hearing set and the proposed was declared significant within the context of the regulations – he said he would advise consistency.

Mr. McPhee asked what the original concerns were – he said he was present but he'd not remembered.

Dr. Dimmick explained the two stream crossings – particularly the second stream crossing there was quite a bit of concern about potential impact on that; the second one requires a fairly good size culvert and a certain amount of fill necessary to put a culvert in – it's almost in a little bit of ravine at that point – that was part of our concern – part of our concern was that the fact that it was in the recharge area of the reservoir.

Motion: To declare the propose the activity significant within the context of the Commission's regulations specifically 10.2 a, b, and f.

Moved by Ms. Dunne. Seconded by Mr. Brzozowski. Motion moved unanimously by Commission members present.

Dr. Dimmick said the public hearing was set for Tuesday, April 15, 2014.

Mr. Overton stated he believed they submitted everything that's needed for review – we will talk to the Engineering Department to try to clarify and respond to those comments.

Dr. Dimmick stated those comments will be part of the record for the public hearing.

Mr. Overton asked if the Commission would expect any other reviews as part of this.

Dr. Dimmick stated the City of Meriden.

Ms. Simone said staff review and possibly City of Meriden.

The Commission set a field trip for Saturday, April 5, 2014 at 8:00 a.m. – meeting at 650 Reservoir Road.

- 3. Wetland Determination RFD #2014-013
Diversified Cook Hill, LLC
Plank Road (Meadowview Estates)
Site Plan – House (Lot-10)**

Dr. Dimmick said the next items 3-8 – three lots off of Plank Road – and for each of the three they want to do a wetland determination and if we determine they need a permit they want to submit an application.

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

Mr. McEvoy said this request is to determine if an application is needed for a single family house – grading – septic system on lot 10 which is part of Meadowview Estates.

Mr. McEvoy said Meadowview Estates is a 14 lot subdivision that's off of Plank Road adjacent to I-84 and in close proximity to Waterbury municipal boundary.

Mr. McEvoy said this particular lot is located in the rear most part of the subdivision – this is actually the cul-de-sac – the house is located up at the front setback – the septic system is located in the rear as the grade drops towards the wetlands with the wetlands shown on the plan in light green.

Mr. McEvoy said there's no activity within the regulated upland review area and the general location they proposed the house and septic is in accordance with where we showed them on the subdivision plans.

Mr. McEvoy said with respect to the house and driveway it's a little bit less impervious then it's shown on the site plans and he thought the Engineering Department could review it in that respect.

Dr. Dimmick said if we do determine that this does not need an individual site plan permit then he would think we should stick in the wording on the basis of the map that was submitted.

Dr. Dimmick asked Commission members to take a look at the map – he said there’s no activity with the actual upland review area including no regrading on this.

Mr. McEvoy said they are keeping it all natural.

Ms. Dunne said she also thought it was said there’s no call for clearing in the upland review area.

Mr. McEvoy stated none what so ever – in fact we do include non-encroachment markers that are at or above the 50’ upland review area.

Mr. Norback said its minimum grade that he’s worried about.

Mr. McEvoy said it’s really a little bit of fill for the septic system.

Dr. Dimmick said that is one of the least problematic lots considering there’s a lot of wetland in there.

Motion: That a permit is not necessary based on the plans submitted – plan March 26, 2014 5129-01 for Lot 10 (Meadowview Estates).

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

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| 4. | Permit Application | APP | #2014-013 |
| | Diversified Cook Hill, LLC | DOR | 4/01/14 |
| | Plank Road (Meadowview Estates) | | |
| | Site Plan – House (Lot-10) | MAD | 6/05/14 |

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

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| 5. | Wetland Determination | RFD | #2014-014 |
| | Diversified Cook Hill, LLC | | |
| | Plank Road (Meadowview Estates) | | |
| | Site Plan – House (Lot-12) | | |

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

Mr. McEvoy said this lot is in the same subdivision – it's a little further to the south of the cul-de-sac but on the same side of the roadway as the previous lot that we just looked at.

Mr. McEvoy said one dominate feature of this particular property is the storm water management basin for the development which has been approved as part of the road way construction – and it was reviewed and they did have some regulated activities with an outlet pipe from the basin – that was all permitted under the original subdivision plan as activities associated with the roadway construction.

Dr. Dimmick asked if the detention basin has been built.

Mr. McEvoy stated no – not yet – it's partially under construction.

Mr. McEvoy said with respect to the lot the activities associated with the lot – the house is again up close to the roadway – right near the front setback – the septic system actually is drained pitches back to the rear part of the property – this is an area where we found the most suitable soils – actually the whole subdivision in this general area.

Mr. McEvoy said actually where the house and road are – we had to shallow depth of ledge so back in this area (shown on the plan) where more restrictive layer ground water was down 7' to 8' so actually this area is going to be constructed entirely in grade – there will be no fill associated with it.

Mr. McEvoy stated once again there's no activity associated with the development of this lot to the upland review area.

Mr. McEvoy stated there was activity that was approved and is associated with the roadway construction but that's not part of the construction of this lot.

Mr. McEvoy said again we do include non-encroachment markers at or above the review limit.

Dr. Dimmick asked if there were any questions.

Ms. Simone said some of the comments are the more basic ones where the location of the markers – there should be more markers or at least one more added – she asked Ryan if this was partially constructed.

Mr. McEvoy stated it's not completed – the roadway is not completed.

Ms. Simone said so none of this has been completed – pointing to an area on the plans.

Mr. McEvoy stated no that was part of the original permit and the activities associated with the outline were part of the regulated activity in advance of the construction.

Mr. McEvoy pointed to an area on the plan and stated the area was all dedicated easement in favor of the homeowner association for the maintenance of the basin itself so in reality this has already been approved – it's not yet completed but it's been approved.

Mr. McEvoy said what they are asking for is a determination relative to the septic, house, driveway and the grading associated with those things.

Dr. Dimmick asked if staff has had a change to look at what has been done out there or have they even been notified it's been going on.

Ms. Simone stated she's been out to this property but as you indicated the road is not yet completed.

Mr. McEvoy stated they've rough graded the road in this area – he said he hasn't been out there himself in quite some time but he did know that's hasn't been completed.

Mr. Norback asked if the detention pond acting as a rain garden for this.

Mr. McEvoy stated not at all – its collecting from the road – now the stormwater management system for the whole development was designed with in mind the development of the lots so in other words clearing that we proposed for the lots was included in the overall analysis that was used as a design basis for the size and nature of the basin.

Dr. Dimmick asked if anyone wanted to look at the file that shows the original approval for the subdivision.

Mr. McPhee said he's okay with it as long as staff is.

Dr. Dimmick said the Commission will take a 3 minute recess so staff gets the subdivision file at 8:45 p.m.

Dr. Dimmick said calling back from recess at 8:48 p.m. – staff has a map of the overall subdivision.

Commission members review the subdivision map.

Ms. Simone said it does say under number three – prior to any clearing and or construction for purposes outside those covered under this permit grant which includes installation of roadway, sidewalk and stormwater management systems at lots 2, 7, 8,9,10, 11, 12, 13 and 14 require individual site plan review and approval so the approval does specify the stormwater management system was part of the subdivision approval.

Dr. Dimmick reviewed the lot map again – he note the actual septic design was slightly different but that wasn't part of our approval anyways.

Ms. Simone said they should have one more encroachment marker.

Mr. McEvoy added one additional encroachment marker to the plan – he then initialed and dated the plan change revised to April 1, 2014.

Motion: That the proposed project 5129-01 originally dated March 26, 2014 and revised on April 1, 2014 for lot 12 Meadowview Estates does not need an application.

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

6.	Permit Application	APP	#2014-014
	Diversified Cook Hill, LLC	DOR	4/01/14
	Plank Road (Meadowview Estates)		
	Site Plan – House (Lot-12)	MAD	6/05/14

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

7. **Wetland Determination** **RFD #2014-015**
Diversified Cook Hill, LLC
Plank Road (Meadowview Estates)
Site Plan – House (Lot-13)

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

Mr. McEvoy said again this lot 13 is one lot further to the south then lot and again similarly to the previous two lots that we discussed then house is going to be very close to the road or relatively close as building setbacks will allow and the septic system as with lot 12 is located pretty far to the rear in an area where we did find again the most suitable soils on the whole development with sand that went down some 8' to 10' in the vicinity of the closed system.

Mr. McEvoy said to pipe through that area we went around a wetland finger that extends up through the middle of the property and the piping associated with the septic will be located outside – it's about 275' from the tank system and all pitch back gravity and no pump chambers needed.

Mr. McEvoy said and again we've specifically gone with this location to route around the upland review area which is shown in red around this existing wetland corridor.

Mr. McEvoy stated this area through here is not exactly wooded – it was cleared at some point in the past long before any involvement by the current applicant – we are just reflecting the current conditions – it's kind of shrubby brushy right now – it's not a mature forest at all.

Mr. McEvoy said we are not going to be doing any clearing other than what's needed to install the septic system and again we propose markers around this particular wetlands, upland review area and additionally there's a corner in the northern most part of the lot that we'll be adding three markers in as well for a total of seven markers on the property.

Mr. Norback asked if that area was proposed as lawn.

Mr. McEvoy stated no – he said he just wanted to depict it as not wooded – he said currently we are not looking to do any clearing.

Mr. McEvoy stated this activity can occur essentially probably 10-15' of the septic area itself and there's not proposed activity in this area.

Dr. Dimmick said although you probably do want to keep trees from growing in the septic system area afterwards.

Mr. McEvoy said it will have to be maintained from time to time – he said he imagines once or twice a year will be sufficient.

Mr. McEvoy stated again we are not looking to do any activity down here and we have established non-encroachment markers to protect that wetland finger as well as this little section.

Dr. Dimmick asked if staff had any comments on this.

Ms. Simone said he's either proposing a permanent passage in the upland review area quite close to the wetland marker.

Mr. McEvoy said the red dash line here represents the upland review area – it's about 10' to 15' away. He said that pipe in this vicinity is in the lowest area – and would actually only be a foot deep so the trench would be no wider the bucket.

Ms. Simone said so if she's understanding this presentation tonight – because that area where the septic system is proposed that you are not planning on having that lawn....

Tape change.

....Mr. McEvoy stated they have three non-encroachment markers in the back corner.

There was discussion about an area on the site being lawn.

**Mr. Norback said even though he asked if that was lawn there's nothing that we are asking or nothing you are applying for that would preclude someone from turning that into a lawn so he thought we should protect that area– he said because of the insignificant grade plus he thought it was an easy place to get to and he thought he'd want to put some markers around the whole upland review area – he stated that's valuable real estate from a homeowners standpoint
Mr. McPhee said what you are saying is put in more markers.**

Mr. Norback stated yes so we can define this and then they can utilize this – it's just a matter of delineating where they could do it.

Ms. Simone said originally that's what she thought then his testimony that this wasn't planning on being lawn then she thought that was the strategy for not having any (markers).

The Commission discussed the need to protect that area to prevent the homeowner from encroaching on that area and constructing something like a lawn or tennis court.

Mr. McEvoy added additional non-encroachment markers to the area of concern for a total of ten markers on this property.

Mr. McEvoy added the non-encroachment markers to the plan and initially the plans.

Mr. McEvoy said with that he was pretty sure the homeowner would have to see them.

Dr. Dimmick commented about the distance of the house to the septic system (distance of the pipe to the septic system).

Mr. Norback said he thought that was outside the Commission purview and that he was surprised about that design.

Ms. Simone said she didn't see a stamp on here from Chesprocott which is not necessarily required but they did test this recently – this is not going off of the subdivision.

Mr. McEvoy stated is going off of the subdivision testing and in some cases they wanted additional tests and in some cases they don't – this isn't one of the ones they wanted tested again.

Dr. Dimmick said so from what you are saying this is one of those pockets of very sandy soil you'll find out there even through the rocks.

Mr. McEvoy stated this whole area through here actually including where the detention was which is why we located it where it was has excellent infiltration capability and the rest of the development has a very shallow depth of bedrock in areas and high modeling ground water levels on the other side.

Dr. Dimmick said you are actually in western Connecticut –when you get up towards Darcy School you are getting into completely different material.

Motion: That lot 13 does not need an application as depicted in map 51290-01 originally dated March 26, 2014 revised on April 1, 2014.

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

8.	Permit Application	APP	#2014-015
	Diversified Cook Hill, LLC	DOR	4/01/14
	Plank Road (Meadowview Estates)		
	Site Plan – House (Lot 13)	MAD	6/05/14

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

XII. ADJOURNMENT

The regular meeting was adjourned at 9:02 p.m. by the consensus of Commission members present.

Respectfully submitted:

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