

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, APRIL 15, 2014
TOWN HALL AT 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 8:58 PM
*Immediately Following the Public Hearing***

Members present: Robert de Jongh, Charles Dimmick, Dave Brzozowski, Will McPhee.

Members absent: Kerrie Dunne, Earl Kurtz, and Thom Norback.

Staff: Suzanne Simone.

I. CALL TO ORDER

Chairman de Jongh called the meeting to order at 8:32 p.m.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited at the public hearing.

III. ROLL CALL

The roll was called at the public hearing. Members in attendance were Robert de Jongh, Charles Dimmick, Dave Brzozowski and Will McPhee.

IV. DETERMINATION OF QUORUM

A quorum was determined at the public hearing.

**V. APPROVAL OF MINUTES – Public Hearing – April 1, 2014
Regular Meeting – April 1, 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 April 1, 2014 public hearing and regular meeting with corrections.

Regular Meeting: Pg. 6 L41 “haven” to “have”;; pg. 11 L12 “said” to “asked”, L38 “van” to “can”; pg. 15 L35 “regarded” to “regarded”; pg. 17

L8 “Fairview” to “Farview”. L16 delete “have been”; pg. 18 L 11 “7” to “70”; pg. 26 L32 “change” to “chance”; pg. 30 L47 “modeling” to “mottling”.

Public Hearing: Pg. 2 L30 “dominate” to “dominant”; pg. 4 L9 “he” to “the”; pg. 4 L31 add “of” before “well”; pg. 4 L35 “fell” to “fill”; pg.. 8 L31 “concern” to “consider”; pg. 37 “because” to “before”

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

VI. COMMUNICATIONS

- 1. Staff Communication with Attachment: 350-354 Knotter Dr. Request for Determination #2014-016, Site Improvements Modular Storage Bldgs./Cooler Storage Units**

This communication was reviewed.

- 2. Staff Communication with Attachment: Finch Avenue Request for Determination #2014-017, Site Improvements**

This communication was reviewed.

- 3. Staff Communication: Schoolhouse Road and Dickerman Road Request for Agricultural Determination**

This communication was reviewed.

- 4. Staff Communication with Attachments: South Main Street Enforcement Action: Shed**

This communication was reviewed.

- 5. Staff Communication with Attachments: Mountain Road Application #2014-007, Site Plan – House**

This communication was reviewed.

Ms. Simone stated this item was subject of a public hearing tonight.

- 6. Staff Communication with Attachments: Reservoir Road Application #2014-012, Resubdivision/Watercourse Crossing**

This communication was reviewed.

Ms. Simone stated this item was subject of a public hearing tonight.

**7. Staff Communication: Cheshire Street
Application #2014-018, Site Plan – House**

This communication was reviewed.

Ms. Simone stated this was a new application on the agenda tonight.

VII. INSPECTION REPORTS

1. Written Inspections

a. Cornerstone Church – Waterbury Road

Ms. Simone stated she did speak with the engineer for the Cornerstone Church project in regards to the sediment and erosion control reports that are due and we did receive two of those reports.

Ms. Simone said she did also then receive a message from him today assuring me that they will be out at the site tomorrow to take a look at the silt fence after this major rain event and that then will now be reporting on time.

2. Staff Inspections

a. South Main Street – The Dollar Store

Ms. Simone stated staff received a complaint for the property on South Main Street – the Dollar Store – that the landscaper that was cleaning up the site was dumping debris in the retention basin on site which then feed into the Mill River.

Ms. Simone said she did go out to the site and then did clean it up within the next 12 hours and they bagged it up and took it away.

Ms. Simone said she will be sending a letter to them thanking them and also then reminding them to not put debris in that retention area.

b. 108 Blacks Road

Ms. Simone said also an inspection of 108 Blacks Road – she said she did go out to the property today while the storm was coming down and she see that there are hay bales that are to the rear of the property which is on the north boundary of the property

however the hay bales weren't holding back a lot of the water – the water was undercutting.

Ms. Simone said there are some pictures that were handed out tonight where you can see that water is coming underneath the hay bales and that the stream was flowing pretty consistently.

Ms. Simone said additional there's more than just some tree debris that's in the rear of the property – it appears as though there's some other lumber and maybe some other garbage that has either over topped the hay bales in some areas or was already pushed off into that area prior to the hay bales going up.

Ms. Simone stated the site is lacking hay bales and erosion controls along the stream which borders the property to the west and that is something that I spoke with the property owners engineer today and we will be having a meeting at town hall with the property owner – the business owner and we'll go over everything again.

Ms. Simone said there is a question to whether they're bringing more material onto the site – it did appear as though there's more trees – cut trees that are being brought to the property so that's something else that we will investigate.

c. Allen Avenue

Ms. Simone said staff received a complaint on Allen Avenue – a concern of volume of water.

Ms. Simone stated this is a property that abuts Carriage House Commons and some other houses on Cheshire Street so she is looking into that.

d. Mixville Pond

Ms. Simone said there was a pre-construction meeting at Mixville Park – they are going to start the pond dredging and she did meet out at the site with the town contractor and went through how they're going to maintain the site and how they're going to manage dewater or whether they are taking the sediment out so they're getting on board with that.

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

Chairman de Jongh said this item was subject to staff's comments this evening.

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

Chairman de Jongh said there was an item left over from the meeting the last time that needs to be addressed for the evening and that was the issue with the shed.

Ms. Simone said yes – the shed was denied at the last meeting and that's why this matter is still on the agenda.

Ms. Simone stated there is a draft order for a corrective order.

Ms. Simone stated there would need to be four votes for the Commission to pass that.

Chairman de Jongh said let the record show that Mr. Brzozowski recused himself from this portion of the meeting at 8:38 p.m. so that leaves the Commission one shy short of enough Commission members to really handle this issue this evening.

Chairman de Jongh said his recommendation would be that we need to cease any conversations about this until we have a quorum – that makes it legitimate to carry on this conversation.

Chairman de Jongh said so with that in mind it would be his recommendation that we postpone any further conversation and discussion on this item until the next meeting on May 6.

Chairman de Jongh said let the record show that Mr. Brzozowski rejoined this Commission at 8:39 p.m.

IX. UNFINISHED BUSINESS

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

Ms. Simone said this is a request for determination that was submitted to the Commission – the Commission did hear this back in the beginning of March or it may have been the end of February and at that time the Commission had requested additional information.

Ms. Simone explained that before the last meeting she did reach out to Mr. Arisco and he had indicated that that he would have all the information together to present it for tonight’s meeting.

Ms. Simone said her recommendation to the Commission is that there is no mandatory action date on this however there’s no need to keep it open on the agenda – the Commission could determine that they didn’t have enough information to make a determination and that would always allow Mr. Arisco to come back to this Commission – it doesn’t put him in any state of detriment or prohibition.

Dr. Dimmick moved that since we have not received adequate information to make a determination that we drop the item from the agenda until further notice. Seconded by Mr. McPhee.

Motion approved unanimously by Commission members present.

2. **Permit Application APP #2014-007**
Connecticut Yankee Construction DOR 3/04/14
Mountain Road PH 4/01/14
PH 4/15/14
Site Plan – House MAD 5/20/14

Dr. Dimmick said we closed the public hearing tonight on this – he said he thought we received enough information to turn it over to staff to write up proposed wording one way or another on it.

Chairman de Jongh said we can consider that at our next meeting on May 6.

3. **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

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors pursuant to Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire, Commissioners' knowledge of the area, site visitations, and after review of written information provided by the applicant on this application finds the following:

- 1. That the current application is for the stabilization of 100 linear feet of eroded stream channel, a tributary of Cuff Brook.**
- 2. That the two private property owners abutting the brook have signed the applications.**
- 3. That the 3' X 3' gabion baskets on both the east and west banks of the stream will prevent future erosion, due to the volume of water deposited into the brook from the road drainage.**
- 4. That the activities will not have a significant adverse effect on adjacent wetlands or watercourses.**

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2014-011, the permit application of Town of Cheshire Department of Public Works for site plan approval as presented and shown on the plans entitled:

**“Site Plan
Proposed Stream Bank Stabilization
103 Farview Drive, Assessor's Map 24, Parcel 28,
Cheshire, CT
Prepared for The Town of Cheshire
Prepared by the Town of Cheshire, Public Works
Dated January 20, 2014
Sheet 1: Scale 1"=10; Sheet 2: Scale As Noted.”**

The permit is granted on the following terms, conditions, stipulations and limitations (collectively referred to as the “Conditions”) each of which the Commission finds to be necessary to protect the wetlands and watercourses of the State and the Town of Cheshire:

1. Any lack of compliance with any condition or stipulation of this permit shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and an enforcement order shall be both issued and recorded on the Town of Cheshire Land Records.
2. No changes or modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.
3. Prior to any clearing, earthmoving and/or construction activities, the applicant shall accurately stake and flag clearing limits and properly install erosion controls.
4. Throughout the course of conducting construction activities, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring the following:
 - a) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100' if possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.
 - b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.
5. This permit grant shall expire on April 15, 2018.

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

4.	Permit Application	APP	#2014-012
	Kathie A. Welch	DOR	4/01/14
	Reservoir Road	SW	4/05/14
	Resubdivision	PH	4/15/14
		MAD	5/20/14

Chairman de Jongh stated this item was subject of a public hearing this evening which is continued to our next meeting.

X. NEW BUSINESS

1. **Wetland Determination** **RFD** **2014-016**
Alexion Pharmaceuticals
350-354 Knotter Drive
Modular Office Bldgs./Cooler Storage Units

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

Mr. Carson said he was sure the Commission recalls that he was here last month for a determination with regard to the installation of two temporary office modules – those are the two that were proposed.

Mr. Carson explained subsequent to the submission of plans for site plan review the architect commissioned a peer review of the building code and discovered that these temporary office modules need to be a minimum of 60' from the main structure even though they'd been place there three times in the past.

Mr. Carson said so the plan has been revised – building number two stays in the exact same spot – building number one has been rotated 90 degrees to parallel and had to be made smaller because of the limitations by landscaping and fire hydrant.

Mr. Carson said so that is the revision.

Mr. Carson said we've also taken the opportunity to add a 10' by 20' concrete pad against the wall on the side of the building here to house the two proposed cooler units for the kitchen facilities for employees inside the building so that is the extent of the changes.

Mr. Carson stated there's actually a reduction in total impervious area he believed by about 675 SF – distance to the wetlands – flood plain – everything remains the same – engineering has reviewed it and has no comments.

Dr. Dimmick said this is a modification of something that came before us that we previously considered to be de minimis and not needing a permit – he said he things the changes are also de minimis and propose that these do not need a permit.

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

2. **Wetland Determination** **RFD** **2014-017**
Franciscan Sisters of the Eucharist, Inc.
267 Finch Avenue
Site Improvements

Biff Schechinger, a licensed landscape architect in the State of Connecticut was present representing the Franciscan Sisters.

Mr. Schechinger said you saw this in December of 2012 you would have seen us because we got our final approvals for the special permit in February of 2013.

Mr. Schechinger said in a nut shell we are asking for a determination – he showed on the plans the existing stream corridor – it’s very thin in dark blue – that’s the wetland line that was established – that’s the 50’ upland review buffer.

Mr. Schechinger said this is the closest thing which is 74’ from the wetland line or more than that and this is our storm water recharge system which you have a letter from our engineer Skip Balford from Balford Associates – we did a complete recharge ground water system so there’s not surface discharge as a result of this development which is a little under 6000 SF one story chapel as an addition by taking an old 900 SF chapel off and putting this adjacent to the residents there – it’s for the Sisters campus facility.

Mr. Schechinger said the big change we’re doing – he said they kind of cross the staff review line for the change so we’re going back to get our permit modified so that’s what triggered this request.

Mr. Schechinger said he tried to get all the geometry to work – get in and get approved – he said once we did it he realized he had time to finesse it to save a bunch of really nice mature Pin Oaks and Sugar Maples on site so what he did was basically brought the road geometry out – they have a lot of really nice Japanese Maples and things of movable size – there are a lot of trees that are memorials there.

Mr. Schechinger said they also had a very weird kind of half-moon landscape curbed island which the Fire Department didn’t like – we are going to continue the paving pattern – pointing to locations on the plans he said these are all places we’ve expanded or taken off paving – we’re pretty much off set the 230 SF that we recovered.

Mr. Schechinger said again the engineer reviewed all that and there's no increase to our storm drainage and the volumes that were already ground water recharging.

Mr. Schechinger showed the location of the trees they are saving by shifting the road down to the south and also to the west.

Mr. Schechinger said there's no increase in coverage – we actually have a decrease in the development envelop of over 1000'.

Chairman de Jongh said his only question and certainly far enough away from the wetland areas that we have concern – his only concern is certainly that area has been under a tremendous amount of stress and strain from water fun off – not only from the City of Meriden but just down that Finch Avenue and that whole area and with the construction of this new chapel – will that in any way have a negative effect on the runoff coming down Finch Avenue towards Cheshire Street and down that area.

Mr. Schechinger said no and that's why because of the history that happened before – we specially went and decided to do a whole inground recharge system so all our storm water runoff gets recharged in the ground as ground water.

Mr. Schechinger said we have no development runoff.

Dr. Dimmick said essentially 98% of what you are showing us had been approved previously.

Mr. Schechinger said 99.9% - yes. He said the biggest change is we are not increasing coverage – he said we are actually decrease the development envelope a little bit and we are saving trees because of the change in geometry and we are also putting in a little bell tower which the planner would like me to address publically in front of the neighbors – that's necessitate the domino effect of coming back to you for another determination.

Chairman de Jongh said he knew we talked about this with the previous application so he just wanted to make sure the record was clear because again anytime a spade hits the earth in that area people get a little bit upset.

Mr. Schechinger said it's very tight soil too – we engineered and factored that in and that was specifically because you had that huge blow out with the flood with the neighbor – just driving on that road is an act of courage some days.

Chairman de Jongh said he thought it was de minimis.

Dr. Dimmick said he thought that was the case.

Motion: That the proposed modification is found tonight to be de minimis in regard to our regulations and not needing a permit modification.

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

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|------------------------------|------------|------------------|
| 3. Permit Application | APP | #2014-018 |
| John Hilzinger | DOR | 4/15/14 |
| Cheshire Street | | |
| Subdivision | MAD | 6/19/14 |

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

Mr. McEvoy explained we have an application for a subdivision at 1715 Cheshire Street.

Mr. McEvoy said this particular property is about 3 acres in size and located in the west side of Cheshire Street – just to the south of Sterling Ridge Court which is on the opposite side of the road.

Mr. McEvoy said very simply this application will create a new lot – a two acre parcel to the rear of the existing house which is located right along Cheshire Street – it’s an old farm house and in the rear of the property there was more recently constructed a barn; there’s currently gravel driveways that access the barn and gravel driveways associated with the existing house itself.

Mr. McEvoy said from a wetland perspective there are some off site wetlands located on the farm property that is owned by the land trust to the south.

Dr. Dimmick asked if this house was the Emily Pelz house.

Mr. McEvoy said its old – he was not sure who the original owners were but the current owners are John and Juliet Hilzinger – he said he believed the house was at least 100 years old.

Dr. Dimmick said all the property directly to the north of it was Papandrea and the Pelzs owned directly south of Papandrea – he said he’s looking here – at the plans – he said he recognized the

house and it was Ci Pelz and Emily Pelz – she was the power of the Planning and Zoning Commission here for twenty years.

Mr. McEvoy said so essentially the activities associated with this subdivision will simply be limited to underground utilities that would have to be installed to serve the proposed house to the rear of the property – the offsite wetlands to have a 50' non-disturbance line or upland review area that shown in red – we would anticipate no more than 6000 SF of total activity in order to install underground utilities again to serve the house.

Mr. McEvoy said there would be very limited change associated with runoff because of the fact they would be using the existing driveway or existing gravel roadway that goes to the rear of the property and the runoff from where the house is proposed all drains to west towards the farmland that's in the open space property.

Mr. McEvoy said they will be handling any minor increases in runoff with a small rain garden behind the existing barn.

Mr. McEvoy said he didn't want to over complicate this hopefully its fairly straight forward from the Commission's perspective.

Mr. McEvoy said he'd be happy to answer any questions the Commission may have.

Chairman de Jongh said so basically the area where the utilities are going to be installed – that's already been disturbed.

Mr. McEvoy stated correct – he said so all it will be is a simple trench.

Mr. McEvoy said one of the discussions he had with staff was why didn't we put in a request in for determination and that wasn't something he hadn't considered just because we do have activity proposed within the 50' upland review area but if perhaps the Commission would consider this de minimis in nature he'd certainly be happy to request whether or not a permit is needed – but that was our reason for not making the request in the first place.

Chairman de Jongh said because there is activity in the wetland area even though its already been disturbed he thinks the procedure you are following continues with precedent that was set before and it doesn't crack the door open for anyone to misinterpret their permission if its granted by this Commission so he thought the course of action that you chose was the wise one.

Mr. McEvoy said additionally we will obviously have to go in front of Planning and Zoning – he said he didn't believe Warren in engineering reviewed this at least from a wetlands perspective yet but he would ask if this was acted on favorably by the Commission that they would consider approving it without the need to come back for an individual site plan for this rear lot just because there's no activity that can literally occur within that area – at least from the perspective of construction of houses or because of the narrowness of the corridor where we would be using the existing gravel road.

Chairman de Jongh said he thought the activity was pretty simple speaking for himself – it looks pretty simple in its purpose.

Dr. Dimmick said he knows that land – he said he didn't have any alarm bells going off.

Ms. Simone said she just had a question about erosion controls – she said she didn't see any listed on here.

Mr. McEvoy said we do have silt fence along the rear part of the property.

Ms. Simone asked if there was anything shown in the upland area for disturbance.

Mr. McEvoy said they didn't proposed any silt fence there but they could add some in just on the downside of the driveway in case there's any vehicular disturbance associated with construction equipment for the house – adding it wasn't a problem.

Chairman de Jongh said he didn't think it hurts.

Ms. Simone said one other thought she had was the possibility of location non-encroachment markers along the boundary because the wetland offsite did immediately touch – just to identify it so any potential new homeowner may see that –she knows how the Commission feels about that.

Mr. McEvoy said he thought that was certainly logical – it is offset wetlands but it is quite close – it will also keep them honest with any encroachments off the property from a trespassing perspective too.

Chairman de Jongh said and we can include that in the stipulations with any wording staff may put together.

Ms. Simone said and Ryan if you could get something in a map that would be ideal then we have it.

Mr. McEvoy said he'd submit a revised plan depicting sediment and erosion controls along the south side of the driveway along with non-encroachment markers.

Ms. Simone said they are waiting on the application fee – this was submitted on the deadline so its understanding that they didn't get the fees in.

Chairman de Jongh said he thought they had all the information that they needed.

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

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

Chairman de Jongh said we'll allow staff the opportunity to put her pen to paper and we should be able to take care of this at the next meeting.

At this point in the meeting the Commission returned to the approval of the minutes.

XI. ADJOURNMENT

The meeting was adjourned at 8:58 p.m. by the consensus of Commission members present.

Respectfully submitted:

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