

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, JUNE 3, 2014
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS**

Immediately Following the Public Hearing at 8:48 PM

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

Members Absent: Dave Brzozowski.

Staff: Suzanne Simone.

I. CALL TO ORDER

Chairman de Jongh called the meeting to order at 8:48 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. All members present at the public hearing were still in attendance: Robert de Jongh, Charles Dimmick, Kerrie Dunne, Earl Kurtz, Will McPhee and Thom Norback.

IV. DETERMINATION OF QUORUM

A quorum was determined at the public hearing.

V. APPROVAL OF MINUTES of the Public Hearing and Regular Meeting of May 6, 2014

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

At 9:30 p.m.:

Motion: To approve the minutes of the public hearing and regular meeting of May 6, 2014 with corrections.

Corrections to be noted in the June 17, 2014 meeting minutes.

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

VI. COMMUNICATIONS

1. Letter to Pine Ridge Enterprises, Re: Stockpiling at 108 Blacks Road

This communication was reviewed. This is also under enforcement action.

2. Connecticut Pond Services Notification Re: Aquatic Pesticides Treatment to Youngberg Pond, 791 Wallingford Road

This communication was reviewed.

3. PW Drainage Maintenance Notification Re: Ives Farm, Cheshire Street; Streambank Restoration

This communication was reviewed.

4. Staff Communication with Attachments Re: Application #2014-012 Reservoir Road; Resubdivision/Watercourse Crossings

This communication was reviewed.

5. Letter from City of Meriden Dept. of Public Utilities Re: 650 Reservoir Rd.

This communication was reviewed.

6. Staff Communication with Attachments Re: Application #2014-021 566 & 540 Cook Hill Road; Subdivision

This communication was reviewed.

7. Staff Communication with Attachments Re: Application #2014-020 493 West Main Street; Site Development

This communication was reviewed.

VII. INSPECTION REPORTS

1. Written Inspections

- a. Ms. Simone said there was a written inspection sent to the property owners and the owners engineer for 108 Blacks Road

informing them that they are not to bring additional material on to the site and in speaking with the applicant's engineer they indicated they are working towards getting the survey of the property and expect to have an application before this Commission soon.

Chairman de Jongh asked if we had a definition of the word soon.

Ms. Simone said no but she would get a definition from the Commission next time.

- b. Ms. Simone said we are receiving written inspections on a consistent basis from Cornerstone Church on Waterbury Road.
- c. Ms. Simone reported that staff wrote a reminder to John Capone for Hillside Village for a submittal for the application after the fact for the failed culvert head wall needs to be submitted and she would follow up with him this week.

2. Staff Inspections

a. 1488 Highland Avenue

Ms. Simone said there was a staff inspection of 1488 Highland Avenue which is the property behind 108 Blacks Road. She said the property is being used in a different manner than what was approved by the Wetlands Commission; the property owner is aware of that and she was informed from them today that they are working on the application and they are in the process of having a site plan drafted so they will be coming to the Wetlands Commission in addition the Planning and Zoning Commission.

b. 680 South Main Street

Ms. Simone said this is to follow up on the corrective order that the Commission approved at the last meeting of May 6 which was handed out to the Commission tonight.

Ms. Simone explained the order required that the shed and any associated concrete pad on the property of 680 South Main Street would have to be removed at least 50' the watercourse by June 3 – that any exposed soil would be regarded and seeded with a native seed according to the 2004 permit that was granted and that would be done by today and well as the property owner would verify in writing that both items one and two were done and that writing would be submitted to the Commission by today.

Ms. Simone said she did go out to the site today and the shed is still in its location – it has not been modified or removed.

Ms. Simone said the property owners son was handed a copy of this corrective order on May 7 when he came into the office and she is aware that they did get a building permit and a zoning permit to put up two new sheds that do appear to be 50' away from the watercourse – they are in the process of putting up those two new sheds.

Chairman de Jongh stated that this applicant has flaunted the authority of this Commission and flaunted the permission that he's been granted; he has basically thumbed his nose at this Commission and basically said "I'm going to do it on my time table" and from what Suzanne uncovered in staff inspections it appears that they chose to ignore corrective order and build two sheds and probably move the material from the one shed to the other two sheds at their leisure at their time which is not consistent with the corrective order that was issued on May 7.

Chairman de Jongh said he is of the frame of mind that we turn this over to legal authorizes and filing an injunction.

Chairman de Jongh stated it has happened with this applicant on too many occasions – he said he remembers having the conservation downstairs in 209 and he pleaded mea culpa – and nothing's happened.

Chairman de Jongh stated he's quite fed up at this point and he thinks we need to turn this over to the town attorney (that's just this recommendation).

Mr. McPhee stated he agreed.

Motion: That staff be authorized to turn this whole matter over to the town attorney with whatever wording is necessary.

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

Ms. Simone said the two new shed were outside the 50' area.

Chairman de Jongh asked why the town provided building permits for two sheds when there's an injunction against the property for the one shed.

Ms. Simone explained that the dividing line was that the sheds were in an upland area away from this effected area.

Chairman de Jongh said it raises an issue of miscommunication between departments – if there is an issue on a particular property what needs to be rectified before any further work can be done on the property then it just begs the question why do they issue a permit when in fact it's just going to acerbate the situation.

Mr. McPhee asked but does the permit reflect that they are going to be taking down the existing shed and in a words become in agreement with our injunction.

Ms. Simone stated no – the building inspector is bound by state statue for what she understand and that if it meets the building code then he signs off on it.

Mr. McPhee said Planning and Zoning also has to sign off on it.

Ms. Simone stated she didn't sign off on it because it's outside the 50' area.

Mr. McPhee asked what good is our cease and desist.

Ms. Simone explained it's still good – this will go to the town attorney for injunctive action so it will take it to the next level.

Chairman de Jongh said he thought what we can do at the point now is to notify the property owner that this is now turned over to legal authorities and it's in their best interest to get the shed off the property per the corrective order but it also provides an opportunity that we need to have some communication with the different departments and somehow we need to notice the departments that there is partially – you know at 680 South Main Street any activity that's proposed at 680 South Main Street should be held up because there is a corrective order.

Ms. Simone said she will say she was aware that they were planning on putting up those two sheds and she did have conversation with John Ricci, Jr. and he had stated that he's putting those sheds up to take the material out of that one shed and then he would be done by that time and all of that passes the test as far as it met the zoning regulations and it was outside the

bounds of what requires her signature so it did sound as though they were working towards a solution it's just that they didn't.

Chairman de Jongh said they didn't do what they were supposed to do.

Chairman de Jongh said they should have found a place to store the material of the old shed and then build the other two sheds.

Ms. Simone said she'd contact the town attorney and it will now be his legal battle to fight.

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

Ms. Simone stated this is the one that she'd get the definition of soon (regarding the submission of an application).

2. SHOW CAUSE HEARING SC 05/06/14
Notice of Violation SC 06/03/14
Ms. Suzy Lynn Antunes Ribeiro
Unauthorized Activities in the Upland Review Area/Inland Wetlands
64 Rita Avenue
Assessor's Map 14, Lot 43

Jackson Rivers and Suzy Lynn Antunes Ribeiro of 64 Rita Avenue were present.

Ms. Simone said this was held over from the last meeting of May 6 and Commission members were planning on going out to the site.

Chairman de Jongh said he thinks many of us never made that visual inspection.

Mr. Norback said he did from the Fire Department – he said he could see everything he needed see. He could see all of the debris and it was obvious what's going on there.

Dr. Dimmick said he did the air photos but admittedly he didn't get out to the site. He said he believed it was said that the material

seemed to have been there when they moved in but unfortunately when you buy the property you buy the violation.

Dr. Dimmick said he would be happy to something where the worst of that on the wetland ends of things was removed and let them cover the rest with dirt; he said he would be fairly happy with that.

Mr. Norback said with proper erosion controls during the removal and we establishing of it is a fair to everybody.

Dr. Dimmick said it would a comprise and the worst part is the part that's closest to the wetland – the other part – the original idea was to cover it with dirt.

Mr. Norback stated the area is a mess.

Mr. McPhee asked Dr. Dimmick how we helped them do this – work with staff and create the limits to that.

Dr. Dimmick said working with staff is obviously is always the best thing not that he wants to give more work to our over worked staff. He said staff has a good feel for what we would want - he said he's not sure how much of that could be removed by hand and how much is going to require one of these little miniature backhoe type of this to do it.

Mr. Rivers said some of them are large slabs – he said he was able to move them by hand – he said he moved a lot of that but clearing the land out with his own pickup truck – a truck with a snow plow on the front – and plowed the land and pushing it down because it kept coming up.

Mr. River explained said there was an area where he started to flatten off the land and he was coming up footing in the ground. He said he spoke to his neighbor and he said there used to be a barn back there and the barn deteriorated and they knocked it over and that's what a lot of the debris is from and the previous owner had a construction company and he stocked piled a bunch of stuff there instead of getting rid of it and that's what he's coming across – when he bought the house there were permits that we not even closed.

Chairman de Jongh asked if there was anything they could try to work out with the town and the applicant relative to the removal of this materials – admittedly it's not a town problem – he understands that but he feels for the property owner because of the situation they're in but at the same token you own the property you own the

violations. He said was there any we can make a corporative solution.

Mr. McPhee asked if the abutting property was the town.

Ms. Simone said she did not believe the town owns all the wetland to the back there.

Mr. Norback asked if staff was comfortable going out and at least trying to locate some erosion controls – that might help if we can define where the wetlands are and how to protect them and that might better illustrate what needs to be done and what could be done in lieu of protecting the wetlands and without having too heavy a burden on the homeowner and maybe he knows someone with a backhoe or some kind of a machine that could help do this where he wouldn't incur any expense; if we could see how to better protect the wetlands then it better tells us what can be done.

Ms. Simone said yes she could do that.

Mr. Norback agreed to go out to the site with staff (and provide some construction insight).

Chairman de Jongh said he does not want staff to be the one who delineates the wetlands because that's not her area of expertise while he understands what Mr. Norback is asking in terms of a general overview again it is purely an unprofessional and he didn't mean that in a derogatory sense but it's an unprofessional assessment of the area so while she can certainly lend guidance it's not a total delineation of where the wetlands are.

Dr. Dimmick said maybe he and Tom should go together – he can worry about the wetlands part and Tom can worry about the construction part.

Dr. Dimmick said we are trying to help you at the same time uphold or regulations.

Chairman de Jongh said he knows this drags this out a little bit but he thinks the solution that we are ultimately trying to get to is going to satisfy both of us without running up the tab for you – and as a new homeowner that's criticality important.

Chairman de Jongh suggesting getting in touch with Suzanne and the coordinated efforts of the professionals that we have on sight

here we can at least give you some guidance as to what can be done and go from there.

Chairman de Jongh said so let's leave this open pending the results of the partnership between staff and some of the Commission members and report back at the next meeting.

Ms. Antunes Ribeiro addressed the Commission and expressed her concerns that last time they were here the Commission said they would come to the house – it was the same discussion they told her now they told her the last time; she said it was continuing and postponing; she said last time it was scheduled for May 14 to come out and tell them about the guidelines – she said no one showed up – no one called her cell phone – she said if you couldn't make it don't make it just give us a call (so no work time was lost); she explained that they want to be a part of this and in her view the Commission is continuing and postponing this and nothing is getting done.

Chairman De Jongh said her point was very well taken and it was a lack of courtesy on our part to make sure they informed her whether or not they could make the commitments that they made and on behalf of the Commission he apologized. He said what they are talking about tonight is a little bit different then what they talked about the last night – what they are trying to do is craft a solution to be able to say how do we remove this stuff – he said initially they were trying to go out and get a visual of what the site looks like without any discussion of how to remove this; now we are talking about moving two things at one time – take a visual sight line and give you some ideas as to how this stuff can be removed with the expertise of both someone from construction and someone with wetland experience – a little bit more than an informative overview of what's going; we are not going to take shovels and take it away for you but what we are trying to do is to craft a solution that meets your expectations to the limit that we can as a Commission.

Dr. Dimmick also apologized for not attending.

Ms. Simone said she was hoping that herself and the two Commission that we can find a time that works for both of you so you're not missing work and we can move forward.

Ms. Simone asked if there are specific dates they can meet staff would follow up with them to coordinate a meeting date and time.

Mr. Rivers asked if they could meet on Saturdays.

The Commission discussed meeting on Saturday, June 14, 2014.

Chairman de Jongh said why don't we shoot for June 14 at 8:30 a.m.

IX. UNFINISHED BUSINESS

1. Permit Application	APP	#2014-012
Kathie A. Welch	DOR	4/01/14
Reservoir Road	SW	4/05/14
Resubdivision	PH	4/15/14
	PH	5/06/14
	PH	6/03/14
	MAD	7/08/14

This item was subject of tonight's public hearing which was closed.

X. NEW BUSINESS

1. Permit Application	APP	#2014-020
Ball & Socket Arts, Inc.	DOR	6/3/14
493 West Main Street		
Site Development	MAD	8/07/14

Mr. McPhee recused himself from this point in the meeting at 9:10 p.m.

Attorney Anthony Fazzone and Ryan McEvoy, a licensed professional engineer in the State of Connecticut of Milone and MacBroom were present on behalf of the applicant.

Attorney Fazzone explained this application relates to the restoration of Ball and Socket property on West Main Street at Willow Street. He said he thinks we all recognize the group of buildings which is the Ball and Socket previously a manufacturing facility.

Attorney Fazzone said the applicant plans to restore the property for use among other things artist studios, galleries, instruction spaces, some retail space and a restaurant space.

Attorney Fazzone said in addition it will contain a laxer and a small performance auditorium. All but one of the buildings on the site right now will remain and the property is bordered by the canal which is the wetland in question – there are no other wetland soils on site; you have a soil report – the site plan shows the flagging of the wetlands – there is plan to build a parking area in one of the upland

review areas and with that he'd try it over to Ryan so he can go through the details as to what will take place on the site.

Mr. McEvoy addressed the Commission.

Mr. McEvoy said we have a rendered aerial of the site – highlighted in yellow – the property is 3.3 acres in size at the intersection of Willow Street and West Main.

Mr. McEvoy showed on the map the extent of the wetlands and were delineated in the field; he explained most of the wetlands are off the property; the wetland edge in fact a concrete wall that supports some of the buildings on site and there is a portion of the wetlands that does encroach on this property – it's on the southwestern most corner and also nearest to the culvert improvements that were constructed in the last year or so.

Mr. McEvoy said the site is currently almost completely developed – roughly 90% of includes existing parking areas, buildings, etc. – the only area that's really begun to restore itself as a wooded area is in the southern most corner area of the parcel; historically that area has been disturbed but currently vegetation is starting to take over.

Mr. McEvoy said this plan represents a rendering of the proposed condition which Attorney Fazzone has mentioned almost all the buildings onsite will be retained – there is a small building on the south central portion of the property that will be removed in order to reconstruct and construct parking areas for the proposed use.

Mr. McEvoy said the parking areas will be primarily in the south with some minor improvements to the areas to the north along West Main Street and also in that area that he just spoke about that is somewhat vegetated will be proposed for additional parking.

Mr. McEvoy said this particular parking area represents the only substantive change in terms of coverage on the property the remainder of the site while we are reshaping some of the grades and realigning some of the parking generally is similar to the existing condition but we do have some minor storm water detention – underground storm water detention in this area because of the increase in impervious surfaces.

Mr. McEvoy said currently from the site there are a number of discharges that are very difficult to determine what exactly comes from the site into the canal – many of the drains out site are in total state of disrepair so what we are looking to do is collect and treat

runoff from the parking areas and the building that drains generally towards the parking areas currently into three storm discharges – the first will be an outflow from the underground storage area located in the south most part of the parcel; the second is a another drain that will pick up primarily parking areas and in the more central portion near an existing crossing of the canal and lastly in the parking areas nearest the reconstructed culvert we are going to have a discharge into the concrete retaining wall itself; the first two he mentioned will have activity within the wetland itself in order to construct a concrete end wall – the discharge will go directly to the edge of canal so we estimate that total square footage of impact for both these will be very limited to the installation of the pipe and the headwall – we’ve accounted for 50 SF in both cases and that’s probably a conservative number – it will likely be slightly less than that but 50’ is what we propose and what we are seeking approval for.

Mr. McEvoy said additionally the activities in the upland associated with the reconstruction of plaza space, rehabilitation of the exterior buildings and new parking area total approximately 18,500 SF of activity of which only about 6,000 SF plus or minus is within an area that is vegetated presently so the majority of the activity that we are proposing is merely is reconstruction of existing disturbed areas within the upland review limits.

Mr. McEvoy said obviously we do propose silt fence, hay bales and things of that nature upslope of the wetland areas to protect any runoff from entering directly into the wetlands during construction.

Mr. McEvoy said in general with the improvements that we’re making to the drainage on site as opposed to the current condition which is in disrepair along with sediment and water quality features that we are proposing including as he already mentioned underground storage, infiltration, and also swirl chambers prior to the discharges in the north and central outfalls will be enhancing the water quality that’s exiting the site presently and also providing for no net in fact a minor decrease in the rate and volume of runoff under proposed conditions.

Mr. McEvoy said so that’s a brief summary of what we are seeking approval for – if you have any questions he’d be happy to answer them.

Mr. Norback asked about the quality of the wetlands that you are going working within what is that – he said he’s a little bit familiar with that area and if his memory serves it seems pretty beat up.

Mr. McEvoy said it's essentially a manmade channel – remnants of the former canal. Mr. Root in his report characterized the area as simple as watercourse without the characteristic wetland soil associated with it so it does meet the regulations in terms of the wetland and watercourse but the quality is low – its manmade – its obviously has a lot of activity along either side historically and currently; he said he's not a soil scientist but as an engineer he would probably say it's a low quality wetland.

Mr. Norback said so it seems that's why he asked the question so this is actually improving the discharge and some of the discharging areas that exist – will those be abandoned or ignored.

Mr. McEvoy said they are going to be abandoned – we are going to be rerouting all drainage from the site into our new upgraded discharges so any existing discharges though that existing wall will essentially be abandon and no more discharge will come through those; although presently he can tell you it was very difficult to determine where the drains go today because they are all clogged and there's no real way of us doing an thorough investigation of where each individual drain goes – we are looking to essentially abandon those and then them in a silted condition where no water will be discharging any water to the wetland.

Dr. Dimmick said I have to agree with you that they are low quality wetlands; he didn't see any real problem with what you are proposing and he applauds the abandoning of the existing drainage system partly because in the 1970s the State of CT listed this site as having contaminated soils and ground water; so the existing drains are probably not contributing any healthy and if you abandon them you are probably shutting off some of the problem.

Motion: To declare the proposed activity not significant within the context of the Commission's regulations.

Moved by Dr. Dimmick. Seconded by Mr. Norback. Motion approved 5-0-1 with Mr. McPhee abstaining.

Dr. Dimmick said at this stage will let staff prepare wording.

This item would be addressed at the next meeting.

Mr. McPhee rejoined the meeting at 9:22 p.m.

2.	Permit Application	APP	#2014-021
	A.M. Napolitano, LLC	DOR	6/03/14
	566 & 540 Cook Hill Road		
	Subdivision (Farm Meadows at Cook Hill Rd.)	MAD	8/07/14

Steve Latour of Berkshire Engineering and Surveying was present on behalf of the applicant.

Mr. Latour explained that A.M. Napolitano is proposing an 8 lot subdivision off of Cook Hill at 566 and 540; he said the property consists of 24.2 acres – there are two existing houses on the property already as shown on the plans.

Mr. Latour reviewed the plans of the property; he said there are numerous sheds along the property.

Mr. Latour said they are proposing an 1100' road to serve the lots and we've got wetlands shown on the plan – in three locations; there's a manmade channel that comes down to the existing 12" RCP that runs underneath Cook Road.

Mr. Latour said there's going to be a water quality basin/detention basin for the runoff.

Mr. Latour said right now the existing 12" RCP is undersized so during a 50 or 100 year storm event it's not capable of handling the water that comes out of this drainage system right here and our detention basin will elevate that problem so the 12" will be sufficient to do the post drainage.

Mr. Latour explained each site is going to have an individual septic system and we are proposing town water so there are no individual wells on the site.

Mr. Latour said we do 3.7 acres of wetlands – we are disturbing wetlands (as he shown on the plan) but once again it's a manmade channel where we are putting water quality basins in and a little bit of the road is; there's .1 acres of wetlands disturbance and then 1.6 acres of upland area disturbance.

Mr. Latour said the orange band is the regulated area line.

Dr. Dimmick asked if this was an existing Leech farm.

Mr. Latour stated yes. He said it's mostly meadow through the area.

Mr. Latour said he apologized but his partner's (the engineering half of Berkshire Engineering and Surveying) father past away last week so he was filling in for him; he said they received an engineering department memo but it has not been addressed yet; the comments will be addressed for the next meeting and you will see the changes on the plans at the next meeting.

Dr. Dimmick said he if remembered correctly that area has some pretty tight soils if you are trying to put septic in.

Mr. Latour said they have reports here – they have been testing out there a lot; he reviewed the plans noting some of the drainage areas.

Chairman de Jongh asked if they needed to do a site visit.

A field trip was scheduled for Monday, June 9, 2014 at 5:30 p.m.

Chairman de Jongh said they will defer any consideration of significance pending the results of the field trip.

At 9:30 p.m.: The Commission returned to the approval of the minutes.

XI. ADJOURNMENT

The regular meeting was adjourned at 9:31 p.m. by the consensus of Commission members present.

Respectfully submitted:

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