

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
REGULAR MEETING  
TUESDAY, SEPTEMBER 16, 2014  
TOWN HALL 84 SOUTH MAIN STREET  
COUNCIL CHAMBERS AT 7:30 P.M.**

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**Members present: Robert de Jongh, Kerrie Dunne, Thom Norback and Will McPhee.**

**Members Absent: Dave Brzozowski, Charles Dimmick and Earl Kurtz.**

**Staff: Bill Voelker, town planner and development coordinator was present in Ms. Simone's absence.**

**I. CALL TO ORDER**

**Chairman de Jongh called the meeting to order at 7:30 p.m.**

**II. PLEDGE OF ALLEGIANCE**

**All present receipted the pledge of allegiance.**

**III. ROLL CALL**

**Ms. Dunne called the roll. Members present were Robert de Jongh, Kerrie Dunne, Thom Norback and Will McPhee.**

**IV. DETERMINATION OF QUORUM**

**Chairman de Jongh determined there were enough members present for a quorum.**

**V. APPROVAL OF MINUTES**

**Public Hearing – September 2, 2014  
Regular Meeting – September 2, 2014**

**The approval of the minutes was deferred to the October 7, 2014 meeting by consensus of Commission members present.**

**VI. COMMUNICATIONS**

**Chairman de Jongh reviewed the following communications:**

- 1. Request for Determination by LCR Group  
Re: Parking Lot Modification, Elim Park, Cook Hill Road**

This communication was reviewed. This item is subject of discussion under new business tonight.

2. Letter to Terrence McIntosh  
Re: Corrective Order for 20 Smith Place

This communication was reviewed. This item is subject of discussion under enforcement actions.

3. Staff Communication: 64 Rita Avenue  
Application #2014-027: Fill removal

This communication was reviewed. This item is under unfinished business on tonight's agenda.

4. Staff Communication: Application #2014-028  
Highland Avenue, Site Plan, Direct Wetland Fill

This communication was reviewed. This item is subject of unfinished business on tonight's agenda.

5. Staff Communication With Attachment: Application #2014-023  
108 Blacks Road, Site Plan

This communication was reviewed. This item is under unfinished business on tonight's agenda.

6. Staff Communication: RFD #2009-012B  
Cook Hill Road, Parking Modification

This communication was reviewed. This item would be discussed under new business.

Handed out at tonight's meeting:

7. Town of Cheshire Department of Public Works  
Re: Parking lot improvements at Elim Park

This communication was reviewed. This item is on tonight's agenda under new business.

8. Energy and Environmental Protection – DEEP  
Notice of Tentative Determination to Approve an Application for the Town of Cheshire  
Dam Safety Permit and Intent to Waive a Public Hearing

This communication was reviewed.

9. Fifteen North Plains Industrial Road, LLC

Mr. Voelker said they did get one other piece of correspondence that might be relevant to anyone who came tonight to be heard on a particular matter for Fifteen North Plains Industrial Road, LLC (1430 Highland Avenue).

Mr. Voelker read the letter into the record – the letter requested that the applicant is requesting a continuance regarding Inland Wetlands permit application of Fifteen North Plains Industrial Road, LLC which was scheduled as unfinished tonight. The letter also requested that a public hearing be set October 7, 2014. The letter was signed by the applicant's attorney Ryan Corey.

Mr. Voelker stated that the applicant is not going to be in attendance and is going to offer no testimony tonight – they are requesting that a public hearing be scheduled for October 7, 2014.

Chairman de Jongh stated this item is also under unfinished business.

VII. INSPECTION REPORTS

1. Written Inspections

There were no written inspections.

2. Staff Inspections

There were no staff inspections.

VIII. ENFORCEMENT ACTIONS

1. Notice of Violation SC 1/07/14  
Mr. Nathaniel Florian  
Woodruff Associates  
Unauthorized Activities in the Upland Review Area/Inland Wetlands  
108 Blacks Road  
Assessor's Map 19, Lots 43 & 44

David Carson of the OCC Group was present in the audience. Mr. Carson represents the applicant on this item.

Chairman de Jongh explained that this item has been the subject of a large amount of discussion and conversations were had with the representative of 108 Blacks Road.

Chairman de Jongh said that Mr. Carson indicated tonight that because we have a skeleton crew it may be worthwhile that we postpone more intense conversations on this until everybody's back. He said he knew Charles (Dr. Dimmick) would like to have additional input as well as Earl (Mr. Kurtz) and David (Mr. Brzozowski).

Chairman de Jongh asked if Mr. Carson had any other comments he'd like to make.

Chairman de Jongh said the Commission will postpone any further discussion on this until their next meeting which is October 7, 2014.

2. Notice of Violation SC 05/06/14  
Ms. Suzy Lynn Antunes Ribeiro SC 06/03/14  
SC 06/17/14

Unauthorized Activities in the Upland Review Area/Inland Wetlands  
64 Rita Avenue  
Assessor's Map 14, Lot 43

Chairman de Jongh said there was a communication that was received on this. He said the applicant has requested that the mandatory action date be extended on this from the original date to December 13, 2014.

Continued discussion of this item would take place under unfinished business.

3. Notice of Violation SC 08/05/14  
Terrence and Deanna McIntosh SC 09/02/14  
Unauthorized Activities in the Upland Review Area/Inland Wetlands  
20 Smith Place  
Assessor's Map 30, Lot 146

Mr. Terrence McIntosh was present in the audience.

Chairman de Jongh said that we had a discussion with Mr. McIntosh at the meeting and he (Mr. McIntosh) was going to be working with staff to try to figure out how to get the stuff off of his property.

Chairman de Jongh explained there was also a letter from Mr. McIntosh which Commission members have received.

Chairman de Jongh said to highlight – in conversations with Public Works Department they advised that there's landscape companies, small earth work companies and tree removal clean up companies that usually have the kind of equipment and access to dispose of the debris that's on the property. Additionally, the town transfer station accepts grass clippings for a fee.

Chairman de Jongh said hopefully they will work towards a resolution on this and be able to move this forward.

#### IX. UNFINISHED BUSINESS

1.	Permit Application	APP	2014-023
	Pine Ridge Enterprises, Inc.	DOR	7/01/14
	108 Blacks Road	PH	9/02/14
	Site Plan	MAD	10/07/14

Chairman de Jongh stated as discussed earlier tonight the applicant has agreed to allow this to have conversations postponed until our next meeting because we only have four of our seven Commission members present.

Chairman de Jongh said let the record note that we'll move this along to the October 7, 2014 meeting.

2.	Permit Application	APP	2014-027
	Suzy Ribeiro	DOR	8/05/14
	64 Rita Avenue		
	Fill Removal	MAD	12/13/14

Chairman de Jongh asked Mr. Norback if he wanted to talk a little bit about what he and Dr. Dimmick were doing (on the site).

Mr. Norback explained they (he and Dr. Dimmick) visited the site and took some elevations and just tried to determine how much fill would be reasonable to remove both reasonable to ask of the property owner – although it would not be unreasonable to make them take it all out but in the spirit of cooperation and the wetlands having been comprised to some degree already.

Mr. Norback explained Dr. Dimmick came up with some calculations as to what he thought would be a reasonable resolve (that was after they took elevations and Dr. Dimmick drew kind of a map or schematic).

Mr. Norback said he thought it was best to discuss this item with the full complement of Commission members.

Chairman de Jongh said he agreed and unless the other Commission members were in disagreement.

Chairman de Jongh said he did want to point out that the letter they got from staff states the applicant has extended the mandatory action date to December 13, 2014 – the applicant has also requested that the discussion of this application be continued to the October 7, 2014 meeting as they (the applicants) will not be in attendance at the September 16, 2014 meeting.

Mr. Norback said he'd also like to add for the record that Dr. Dimmick has gone way over and above (and there was willingness to utilize it).

3.	Permit Application	APP	2014-028
	Fifteen North Plains Industrial Road, LLC	DOR	9/02/14
	1430 Highland Avenue	SW	9/06/14
	Site Plan	SW	9/10/14
		MAD	11/06/14

Chairman de Jongh said as Mr. Voelker had mentioned the applicant's attorney has asked that this be brought up at the next meeting – we can have the public hearing. He said we had a field trip on this last weekend and a number of us were able to walk the property and there were some issues that the applicant was hopeful we would allow but the area has got some issues that he thinks they need to get more information on and discuss in more detail.

Chairman de Jongh explained that alternative plan which is required by us to take a look at to see if it's a reasonable and prudent alternative appeared on the surface to a little bit more attractive although the applicant has this vision about what he would like to see happen so we need to have a discussion about that and we'll do that at our next meeting.

Chairman de Jongh said they (the applicant) assumes we will have a public hearing on this so one of the things we can do is to talk about the significance based on the application – we've accepted the application but we did not determine significance as we wanted to see what the results of the field trip were.

Motion: That the Commission declares the proposed activity significant within the context of the Commission's regulations specifically section 10.2 a, d, and g.

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

Ms. Dunne said that she and David (Mr. Brzozowski) went on a walk as well – they mentioned that they (the applicant) were going to submit revised plans – have they done that.

Mr. Voelker said not to his knowledge have they done that but he knew that Suzanne will certainly write a staff report that would indicate if they had and what they've done to address any concerns that might have been raised but he didn't believe to date they received anything new.

Mr. Voelker said in fact in his discussions with Ryan Corey (the applicant's attorney) he indicated that their biologist has more work to do and they really didn't want to come in tonight and give them (the Commission) the short version which he thought was a really good idea that he postpone it and come in with complete revisions whatever they may be.

Chairman de Jongh said the public hearing will be scheduled for October 7, 2014.

## X. NEW BUSINESS

1. Wetland Determination RFD 2009-012B  
LRC Group for Elim Park  
Cook Hill Road  
Parking Lot Modification

Henry Thomas from the LRC Group was present on behalf of the applicant.

Mr. Voelker explained that the Commission received a memo from the town engineer Walt Gancarz. He explained the memorandum was received today and read it into the record "We've reviewed the design plans and drainage report for the project listed about and have no comments. The previous approval had already accounted for the storm water flow" (this is regarding Elim Park).

Mr. Voelker said you will see in the submittal tonight you are getting a plan that had grass pavers in the parking area – the original drainage calculations accounted for that as paved surface which means that the impacts on the stormwater management system and

those that may occur to the wetland system were already factored into the original application which was back in 2010.

Mr. Voelker said in terms of impact those number have already been factored in and what impacts that may occur from paving this parking lot had already been factored into their application and your decision.

Mr. Voelker explained they do want to take and you can see that shaded area on the plan that they (the applicant) wants to pave now and make it permanent parking but he'd leave that (discussion) to Mr. Thomas and he can better fill you in if you have any questions.

Mr. Thomas addressed the Commission. He explained that he thought Bill (Mr. Voelker) did a pretty good job at simply summarizing the plan. He said the plan will look horizontally speaking identical to what was approved before.

Mr. Voelker asked how many spaces was that again.

Mr. Thomas stated they are building 34 but the net is going to be 32 because where the isle and the far eastern end is presently two parking space because it's not a connecting space – they actually park their bus there so it's a net 32 which is the same as the original.

Chairman de Jongh said for the record while Mr. Voelker did a great job of summarizing what you are intending to do he'd like to hear those words coming from you (Mr. Thomas).

Mr. Thomas said you may recall even going back one previous approval in 2009 Elim Park did not own that parcel of land over on that edge – so we had basically the building approved with less parking. He explained when the property became available they were able to reconfigure the lot which he thinks everybody was much more pleased with in terms of getting parking off of the drive and so on.

Mr. Thomas explained at that time the parking that was designated as grass pavers was not required to be compliant in terms of quantity of spaces but Elim Park thought it would be good for event parking if they needed it on an occasional basis.

Mr. Thomas said what they found experientially is that for the fire lanes and for the other grass paver parking that they do have around the main entrance to the facility. He said it was a little more difficult to establish the grass then they had hoped it would be and for a

parking lot of this scale they think that's probably a little bit ambitious in terms of actually being able to have be really effective; it works terrific on the fire lanes in back of the facility where it doesn't get any regular traffic.

Mr. Thomas said also given the construction of the dining facility expansion in the near future they'll be temporarily be using one of the parking lots on the back side as staging mobilizing for contractor parking and things like that so they are looking at this as a potential to give some relief to other people they displace in the meantime.

Mr. Thomas said all things considered they think that the paved surface is a better solution for them in the long run and since its already accounted for drainage-wise it doesn't create infrastructure requirements that aren't already there.

Chairman de Jongh said to reiterate comments that were made what you're suggesting and what you're telling us is that the calculations that we looked at in 2010 even though it wasn't paved at the time it was already factored in as it were paved.

Mr. Thomas stated it was treated as if it were paved – correct.

Chairman de Jongh said so there's no impact or change to the calculations.

Mr. Thomas said if we did them again they would be identical – they would yield the same results.

Mr. Norback said he was just making sure that this actual configuration was calculated in or just this amount of square footage.

Mr. Thomas said this plan itself – all the curb lines – everything is the same – we'll put in the lights and everything else that was approved as part of that parking lot which is lights and landscaping.

Motion: That the Commission finds that the impacts from this proposed change were already factored into a previous approval and the Commission sees this as no change to the approval that had been granted previously and therefor moves that no additional application is necessary. Map on file (two pages) titles "Grading and utility plan proposed for apartment expansions and sight improvements and site improvements at Elim Park, 140 Cook Hill Road, Cheshire, CT, September 9, 2014, exhibit 1 and exhibit 2, approved and deferred parking area to be constructed".

**Moved by Mr. McPhee. Seconded by Mr. Norback.**

**Chairman de Jongh said so for the record we have a motion that basically states because of the information that we had in 2010 while the appearance changes the calculations have not changed and everything is exactly the same.**

**Mr. McPhee suggested referencing the map in the motion.**

**Motion approved unanimously by Commission members present.**

## **XI. ADJOURNMENT**

**The regular meeting was adjourned at 7:51 p.m. by the consensus of Commission members present.**

**Respectfully submitted:**

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