

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, OCTOBER 7, 2014
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 PM
*Immediately Following the Public Hearing***

Members present: Charles Dimmick, Kerrie Dunne, Earl Kurtz and Thom Norback.

Members Absent: Robert de Jongh, Dave Brzozowski and Will McPhee.

Staff: Suzanne Simone.

Dr. Dimmick served as chairman pro-tem in Robert de Jongh's absence.

I. CALL TO ORDER

Dr. Dimmick called the regular meeting to order at 7:44 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 at the public hearing were still in attendance for the regular meeting.

Members present were Charles Dimmick, Kerrie Dunne, Earl Kurtz and Thom Norback.

IV. DETERMINATION OF QUORUM

Dr. Dimmick determined a quorum at the public hearing.

V. APPROVAL OF MINUTES **Regular Meeting of September 16, 2014
Public Hearing of September 2, 2014
Regular Meeting of September 2, 2014**

The approval of the minutes was deferred to the end of the meeting by consensus of Commission members present.

At 8:37 p.m.:

Commission members agreed to defer the approval of the minutes from the September 2, 2014 public hearing and regular meeting and the September 16, 2014 regular meeting to the October 21, 2014 meeting.

VI. COMMUNICATIONS

1. Notification to DEEP Re: Farmington Canal Restoration Project

This communication was reviewed.

2. CACIWC 37th Annual Meeting & Environmental Conference, 11/15/14

This communication was reviewed. Dr. Dimmick stated this year's event was going to be held at the Villa Capri in Wallingford, CT. He said anyone who wants to attend should let staff know and she will arrange the paperwork.

3. Public Works Drainage Maintenance Notification Re: 357 South Brooksvale Rd.

This communication was reviewed.

4. Letter to Wallingford IWWC Chairman Mr. James Vitali Re: 16 Lot Subdivision on Chimney Hill Rd., Wallingford

This communication was reviewed.

Ms. Simone explained that this letter was provided to the Inland Wetlands Commission in Wallingford and it basically outlined that town staff had some questions and concerns about the proposal and that there wasn't adequate information for us to be able to access the basic question of does their proposal present any potential impact to wetlands in Cheshire.

Ms. Simone went on explain that this letter was drafted – it was signed by Dr. Dimmick asking that Commission to hold off on making a decision because she was informed that is was likely they would have approved it at the last meeting; so that town staff including Dr. Dimmick could meet with the applicant's engineer and there is a meeting scheduled for this Thursday, October 9 and hopefully they'll get some answers to the basic questions.

Dr. Dimmick said he'd make sure he'd have that meeting written down in his calendar.

5. **Staff Communication with Attachments: RFD #2014-029
Re: 815 Allen Avenue, Sitework**

This communication was reviewed. Ms. Simone stated this was a request for determination under new business tonight.

6. **Staff Communication with Attachments: 64 Rita Avenue
Re: Application #2014-027: Fill Removal**

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

7. **Staff Communication with Attachments: Highland Avenue
Re: Application # 2014-028: Site Plan, Direct Wetland Fill**

This communication was reviewed. This item was subject of tonight's public hearing.

Ms. Simone said with their proposal to modify the plans then there's really no further comment or follow up to the staff report because that was based on the plans submitted last week.

Handed Out at Tonight's Meeting:

8. **Town Engineer's Review for 1430 Highland Avenue**

Ms. Simone said this report is not really relevant because the plans will change.

VII. INSPECTION REPORTS

1. **Written Inspections**

Ms. Simone reported there were no written inspections.

2. **Staff Inspections**

- a. **Mountain Road Certificate of Occupancy**

Ms. Simone stated there was a staff inspection for a certificate of occupancy on Mountain Road.

- b. **1430 Highland Avenue**

Ms. Simone stated there was a sight inspection of 1420 Highland Avenue with some Commission members.

c. 35 Sudol Court

Ms. Simone reported that she received notification from 35 Sudol Court that they had completed their annual mowing of the wet meadow to the rear of their property. She explained they do have an approval that allows them to conduct mowing annually in the fall.

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 the application by Pine Ridge was submitted in response to the enforcement action from December 2013.

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

Dr. Dimmick stated this item was under unfinished business item number two.

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

Ms. Simone stated the Commission had determined that they have until November to get this work completed. She explained she did receive a phone call from a potential contractor that be hired by the McIntoshs and she met him out at the property to talk about the scope of work and he then proposed his services to the McIntoshs and so it seems as though they are pursuing different means of looking for someone to do the work. She stated they still do have time.

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

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

Dr. Dimmick explained a proposal has been made which they have gone over extensively; staff has prepared a motion to approve the proposal which includes time frames to complete some site work. He said assuming they do approve the motion the cease and desist will remain in effect until the work is done.

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, previous site visitations, a public hearing and after review of written information provided by the applicant on this application, finds the following:

1. That the current application is for landscape material storage and processing, stormwater management and the diversion of an intermittent stream for the landscape material processing, located within the upland review area.
2. That on December 31, 2013 a Notice of Violation/Cease and Desist Order was issued for the unauthorized activities in the upland review area, specifically, the storage and processing of mulch and top soil. That the 1975 town aerial photograph shows the property to be cleared with a storage trailer on site.
3. That on March 4, 2014 the Commission heard testimony from the applicant's engineer regarding the timeframe for material removal from the site and intermediate control of sediment and erosion.
4. That the 1992 town aerial photograph locates a warehouse and storage trailer on site. That from 1972 to 1991 the previous property owner received seven permits from the Planning and

Zoning Commission for contractor's storage yard (1972 and 1982), sale of fuel (1976), storage garage (1979), truck and auto repair (1981), building addition (1984) and underground oil tank removal (1991). There are no Inland Wetlands and Watercourses Commission permits issued for this property.

5. That the 1981 Planning and Zoning Commission application for truck and auto repair contains a site plan that identifies the property as cleared, with a 10-foot vegetated buffer along the area containing wetlands on the western boundary of the property.
6. That the engineering department has reviewed and commented on the proposed development, including proposed storm water detention system.
7. That the applicant's engineer stated that a vegetated buffer, a minimum of 10 feet in depth to 32.5 feet in depth, will be maintained along the western property boundary and that storage trailers and container totes will be moved to accommodate this vegetated buffer.
8. That the applicant's engineer stated that the proposed stormwater management system will not increase the volume or velocity of water leaving the site, into an already existing culvert, to the north of the subject property.
9. That the applicant's engineer stated that none of the applicants'/owners' storage containers or container totes contains hazardous materials.
10. That the applicant will utilize water diverted from the intermittent watercourse to the west, to a pond, for mulch processing. Water will be pumped from the pond, and will be stored in the container totes, which can each hold up to 3,000 gallons each.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2014-023, the permit application of Pine Ridge Enterprises, LLC as presented on the plans entitled:

**“Site Development Plan
For Landscape Material Storage and Processing
By Pine Ridge Enterprises, LLC**

**On Portion of Property of Woodruff Street Associates,
LLC
108 Blacks Road, Cheshire, CT
Compiled June 23, 2014, Revised Thru August 4, 2014
Prepared by OCC Design Consortium, LLC
2091 Highland Avenue, Cheshire, CT”.**

The permit is granted on the following conditions and stipulations, 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. The comments from the Regional Water Authority, dated August 29, 2014, shall be strictly adhered to.**
- 4. The December 31, 2013 Notice of Violation/Cease and Desist shall remain in effect until the established buffer demonstrated in the above referenced plans is completed, the mulch bin barriers are installed in the proper location and offending storage trailers and container totes are relocated. This work shall be completed by June 1, 2015. The applicant’s engineer shall submit a letter to the Commission indicating that the work is complete, at which time the December 31, 2013 Notice of Violation/Cease and Desist shall be eligible for release.**
- 5. Throughout the course of landscape material storage and processing activities covered by this permit grant, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring 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.**

6. This permit grant shall expire on October 7, 2019.

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

Discussion:

Mr. Kurtz said he wanted to know if the applicant has seen motion.

Ms. Simone stated no - he has not. She provided Mr. Carson will a copy of the motion; there are six proposed stipulations – most of them are standard with the exception of number four.

Mr. Carson reviewed the motion.

Mr. Kurtz said he had a question about the May 1, 2015 deadline; he said that's significant and that the applicant needed to look at that date to have the area cleaned up.

Mr. Kurtz said a lot of the movement of top soil and chips is going to be April or May even into June – he was wondering if they understand that.

Mr. Carson stated that his only comment would be that May 1 would be a difficult date – realistically during most years you won't want to get in there to do any of the work adjacent to the wet wetlands probably before April 15. He said as far as putting the perimeter containment blocks, moving the material around – if there was latitude he said he didn't think he'd have any problem with a July 1 date but its whatever the Commission's pleasure is. He said he just didn't think the May 1 date allows a lot of opportunity in the springtime.

Mr. Carson said he'd like to say that the applicant would go in there immediately and start doing the work – as you realize pending your approval we then have to go through a public hearing process with P&Z and that's certainly going to take us into the winter.

Ms. Simone asked what was the idea of the time frame for the mulch to be moved from the property – the intent behind that stipulation really deals with the vegetated buffer where the mulch is located where the detention pond is to draw the water out of so what do they plan on doing with the mulch over the winter.

Mr. Carson said he didn't know that they would propose to do anything with it over the winter whatever is still in place. He said certainly it would just freeze – we do have the perimeter temporary erosion control measures in place which if necessary could be beefed up but realistically the key element of this plan really is the placement of the concrete bins barriers around the perimeter which of course if there still is material on site come springtime that material needs to be pulled away in order to get in there and put the barriers and he would assume it would be less than ideal to be trying to do that in March and April in order to meet a May 1 competition deadline.

Mr. Kurtz stated all this in spite the fact that is was going to be taken care of in the summer of 2014.

Mr. Carson stated absolutely. He said he understands.

Mr. Kurtz stated he was not sure he wants to change the date.

Mr. Carson stated he understood completely and of course looking at it from the property owner and applicant's perspective there's a great deal of things that we've proposed on this plan and unless its approved there really isn't an incentive to do the improvements to the site; he said we want the drainage and everything installed – that is also something that we would not want to commence work on something like that probably until May 1.

Ms. Simone said just to specify that that stipulation number four really just deals with creating and managing the vegetative buffer - it doesn't deal with the installation of the storm water management system.

The Commission reviewed the motion.

Ms. Dunne said it seems to be talking about the barriers and the trailers as well.

Ms. Simone stated correct and the container totes. She stated it's along that buffer was her intent so it didn't deal with the creation of the storm water management system or the stock pile of the soil to the north.

Dr. Dimmick said that he's hearing the May 1 is not going to be feasible if we really expect to get done and the applicant's agent

is asking for July 1 – he said we could look for some kind of comprise.

Mr. Norback asked if phasing be a realistic option.

Dr. Dimmick said phasing would be possibly if Mr. Carson can tell us what part could be done when.

Ms. Simone said if it could be spelled out in detail and what would be expected by particular dates in the stipulation that would be clear.

Mr. Norback asked if it was realistic to endeavor to come up with a phasing plan without the actual applicant here being able to have some input as to what he thinks he can achieve.

Mr. Carson said he certainly understands the point Commissioner Kurtz is making – he said he'd be making the same point if he was sitting in your place. He said he thought the phasing in a way might be problematic – he said he's in favor of it – it's just that much more regulatory scrutiny required in order to make sure this steps done and this steps done – if we could amend the May 1 to June 1 that at least gives him a solid dry month to what's requested in here (the motion).

Motion: To amend the motion to change the date in stipulation four from May 1, 2015 to June 1, 2015.

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

The Commission returned to the main motion to approve staff's wording with the change from May 1 to June 1, 2015.

Motion approved unanimously by Commission members present. The vote was a 4-0.

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

Suzy Ribeiro and Jaxon Rivers of 64 Rita Avenue were present.

Dr. Dimmick explained he and Mr. Norback went out and managed to get a general idea of the present contours of the land and the estimate of what the original contours were partly with the aid of a topographic map which had been made before the fill - keeping in mind the topographic map can have an error of several feet.

Dr. Dimmick said by super imposing our new data on top of the old topo he constructed a couple of profiles and made some estimates of the amount of fill. He stated he didn't guarantee that these are within 20% of the being the right figure but at least before we had no information what so ever.

Mr. Rivers stated he has seen the maps and profiles.

Dr. Dimmick explained what they are looking at is a map which shows the contours lines from an earlier aerial topographic map of the area with a couple of point locations – the location of the house – the location of Rita Avenue and then the put in dashed lines to indicate the approximate present contours of this land.

Dr. Dimmick stated the greatest amount of fill is in an area the original map shows a swale of some sort going more or less west to east from Rite Avenue towards the swamp in the back which has been almost completely eliminated by the placement of new material.

Dr. Dimmick went on to explain as you go more or less to the south the original contours and the new contours come very close to matching. He said as we get to the existing swale where the intermittent stream comes down along the north side of the of the property we're less certain as to where things go and he would not take that as being valid in terms of exactly where things are there.

Dr. Dimmick said this is really a case of whether you (the applicant) are willing to accept this at least as a general idea of where the fill material is because this is something we have no idea before the work.

Ms. Simone asked to clarify (on the map) the red lines indicate the area of fill and the dashed line show the contours that were estimated in the field.

Mr. Norback asked how they would know where to start and end our proposed remediation.

Dr. Dimmick said one of the things he did put on the profiles and it was purely his suggestion of what amount of removal would result in a stable slope – it was not trying to get back to the original.

Dr. Dimmick explained he wanted to see if they (the applicants) find this to be a reasonable interruption under the circumstances.

Mr. Norback said the plan in the applicant's left hand is easier to understand because it has the calculated yards of fill for removal.

Ms. Simone stated for the record it would be best that the applicants discuss what they think of this map – if you have any questions to interrupt the map then the creators can assist you with that and then it's up to you whether you want to submit this as part of your application – you are not required to do so or if you wanted to go with some other means – get a different survey or something along those lines.

Ms. Simone stated the Commission is not requiring you to accept this – Commission members volunteered to assist and give you a possibility of something to look at.

Ms. Simone said in general do you understand what this map is showing the large map.

Mr. Rivers stated not really.

Ms. Simone tried to explain what the map was showing; the information taken from a town map and it shows the location of the house and it shows the contours – there were no numbers assigned in this section but we can assume and being out on the property you can see if goes downhill from the back of your house it goes down.

Ms. Simone explained when Mr. Norback and Dr. Dimmick went out to the property they had taken a look where you see that there are the dashed lines in pencil that have numbers on them – starting at 600 along that blue line going down to 592 – they're estimating that those are the contours – that's measured in feet.

Dr. Dimmick said the elevation along each of those dashed lines is what you would find today as opposed to the solid lines which indicate what the elevations were before the fill material was put in.

Ms. Simone explained this is shown to sort of demonstrate what is what like pre-fill (solid black lines) and after-fill (the dashed pencil lines).

Mr. Norback stated each one of those lines represents a 2' variation in the elevation or topography.

Mr. River said he question was in between each dashed line what's the linear feet – he said he know they have a 2' increment.

Dr. Dimmick said each dashed line 2' higher than the previous one – if you want to get the elevation anywhere in between the two you would interpolate (he explained the process).

Ms. Simone said if you look at the second sheet – this gives the measurements to you in profile. She explained how to get the measurements.

Dr. Dimmick also explained how to see how much fill is at each spot.

Mr. River said he appreciated Dr. Dimmick doing this and the only question he had is on profile for b – he didn't mark how far the span is.

Dr. Dimmick said is about 75' roughly.

Mr. Norback said probably the most relevant information – is the actual cubic yards that our rendering is asking to be removed.

Ms. Simone said if she could just clarify for the record that the Commission is not asking that any particular amount be removed but just in the work that you did that you came up mathematic of a slope that would then be stable.

Dr. Dimmick said the cross section shows the original topography the best that we can understand and the present one and then he tried to come up with what would be a stable slope considering the present slope is over steepened as we saw ourselves; so that was kind of the maximum stable slope he put in the intermediate line there so the amount of fill that is out there is a little bit more than 600 CY of fill at least and what he's proposed to remove a little bit less than half of it and bring it back to some kind of stable slope.

Ms. Simone asked the applicants if they believe they've had enough time and understanding of this to really sort process that or do you

believe that now that it's been explained of how this was arrived at that you need time to consider that to see if that's what you want to propose to this Commission.

Dr. Dimmick said you may want to go ask someone else about this and that's fine with him and not make a rash decision on this.

Mr. Rivers said he totally agree with you on that and he said he needs to sleep on this a little bit. He said he's looking at 600 CY of material is a lot to remove by hand.

Dr. Dimmick said he thinks it's possible that if you pulled out 200' CY you can get back to the slope that he's proposing and there's nothing formally at this point. He said there's too much out there to be stable. He said he didn't think the Commission is looking to get every last concrete block out of there.

Ms. Simone explained just to familiarize you (the applicants) with the process – there's a mandatory action date of December 13 and you had offered the maximum amount of the extension so this is the absolute drop date the Commission has to come up with a decision.

Dr. Dimmick explained that's not the drop date to get it all out – that's the drop date for coming to an agreement as to what's going to happen.

Ms. Simone said so there is still time for you to consider this and to come back to the Commission with a proposal because the Commission still as yet to really hear from you of what your plans are of how much you are going to remove and how you are going to remove it and how you are going to remove it and the time frame. She said so those would be two points and if Commission members have anything to add to that – she said she thinks those are key points to sort of think about.

Dr. Dimmick recommended the applicants keep in touch with staff on a regular basis – she's our coordinator – she's the one what will tell you what you need to know – don't wait to call her to call you - you call her.

Ms. Simone said the next meeting is October 21 so this item will always be on the agenda until the Commission makes a decision which again they need to do by the first meeting in December.

Mr. River asked if they can't make a meeting between now and December.

Dr. Dimmick said written communications always help and might possibly be adequate – ask staff she will tell you. He said at the point they are finalizing something and they need to talk to the applicant directly other than through staff (would they need to be present); so it's not absolutely necessary you be here at every meeting but it is necessary you keep in touch with staff.

Mr. Rivers thanked Dr. Dimmick and Mr. Norback for coming out and helping them. He said they would be in touch.

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
		PH	10/07/14
		MAD	11/06/14

Dr. Dimmick said this was subject of a public hearing tonight which has been continued to the next meeting.

X. NEW BUSINESS

1.	Permit Modification	APP	2014-011A
	Town of Cheshire Public Works	DOR	10/07/14
	103 Farview Drive		
	Stream Channel Stabilization	MAD	12/11/14

Don Nolte of Public Works was present on behalf of the applicant.

Mr. Nolte addressed the Commission regarding the Farview Drive applicant to install a culvert in lieu of gabions that were originally approved due to the fact that we found unbreakable ledge – we worked for days at it – it was so iron rich and fishers or weakness plains we were just dulling the drill and therefor came to you in the form of memo at an earlier meeting in September he thinks they received unanimous consensus that this pipe at this location at this instance the town going in to fit a severe erosion problem on a 55 year old subdivision would be acceptable so we continued on with the work to stabilize the site as quickly as possible to the satisfaction of both property owners involved – this is between two properties.

Mr. Nolte said he submitted some pictures that show the lawn area that now exists – we constructed probably 15 gabion baskets – we just had the need to use two of them at the outfall to stabilize the slopes and then it transitioned to rip rap.

Mr. Nolte reported the work's done very well and all that's left to be done is to plant the area which will probably happen this week and we are going to plant three trees and a dozen shrubs – they want shrubs in front of the drop off of the gabions and rip rap slopes to keep kids away and what not.

Mr. Nolte said Dr. Dimmick said the rock and certainly after we gave up on it (he has a sample of the rock in his office – it's quite heavy and dense).

Dr. Dimmick said it's a rock called Amphibolite – it's an iron magnesium silicate – it's a very, very tough rock.

Mr. Nolte said on the as built it's basically what it is – we just couldn't move it so there's a bend in the pipe.

Mr. Norback said for the record he went out to the site as well and it seemed like under the circumstances you did everything and more that could be done with the least amount of disturbance and he thinks the Amphibolite actually might have turned out to be a bonus because it's not going to erode.

Mr. Nolte said it's a heck of a lot saver for the nearby driveways and the elderly residents that inhabit those homes.

Dr. Dimmick stated there's an application that's been submitted for modification.

Ms. Simone said that usually because it is an application that it's recommended they wait the 14 days. She said if the Commission found that the change was de minimis then the application could be withdrawn and then it could be dealt with tonight but if it's an application they have to wait 14 days.

Dr. Dimmick said it's not a de minimis change even though we are all in favor of what's being done.

Mr. Norback said it must come close to being an emergency repair.

at our garage – it was incredibly intense the channel filled causing some erosion above – not as bad as he had feared or could have been given that much water – it wasn't designed to take over a 100 year storm of intensity.

Mr. Nolte said this property was always the subject of sedimentation causing meanders into the yard and this area of the plunge pool that had rocks of 300 to 400 hundred pounds got pushed out of the way and there was some erosion on that banks that we'd like to repair at this point.

Mr. Nolte said in addition to that we never really finished this project in his opinion – we had finished it in November of 2011 – we weren't able to seed or rake we just hayed it over and there were a lot of rocks left at the surface and we came back in 2012 and sort of disagreed on what the limits were.

Mr. Nolte said we're down grading so we had removed fill in November and at this point we're not and we never did propose to fill in the low area of this property so he went out in September and did a highly detailed topo with 6" contours to document the existing conditions and we would like to at this point – we feel we have position drainage and we'd like to just go in there and eliminate the rocks at the surface that are causing more blades to crack and dent as so forth and go flying out the shoot and that would involve putting 2" of top soil over this area maybe 30 years total in the low area which we didn't grade but we did traverse with our excavator when we were tucking rocks into the stream bank to abate the old erosion.

Mr. Nolte said Tom Petrus, Mr. Pasqualoni's soil scientist feels we over compacted the area and he'd like to have us aerate that are and top dress that as well with several inches of loam.

Mr. Nolte said the stream has been completely dry and there's a lot of cobble deposits – we put in millions of pounds of stone on the upstream properties and we have maybe 20 yards of cobble that deposited out here so while its dry we thought we'd take that out, stabilize the slopes, rebuild the plunge pool and replant some shrubs – we actually had planted this originally but a lot of them got washed down stream with the intensity of the storm.

Mr. Nolte said he knows we are in a regulated wetland area with alluvial soils.

Mr. Nolte said we'd like your determination whether this is consistent with our earlier permits and try to resolve the matter in past debuts with the property owner and do it quickly which its dry and it's a good seeding season or else we'll have to wait until six months.

Mr. Norback asked about the aeration process – that's done how and to what end.

Mr. Nolte said they'd run an aerator with spikes into the ground like a golf course so soften up the soil.

Mr. Norback said and the benefit of that is for growth or drainage.

Mr. Nolte stated both growth and drainage and seed and establishment of turf. He said it's grassed already but there are a couple of digs in there – there's a stump that had been removed in the past so it's makes it easier for the home owner to maintain by doing that.

Dr. Dimmick said a great deal of what you are asking to do is either finish the project that you originally got approval for or go back and repair the part that you did once and needs to be redone.

Mr. Nolte stated that's correct.

Dr. Dimmick said it doesn't seem to him that part of what you are asking for needs any further permit.

Dr. Dimmick said if you are putting material in where there was no material in the original application that would need some kind of a permit.

Dr. Dimmick said what he thinks they are asking for is the visible – and 90% of what you are asking for is something you can go ahead and do without our permission – it's the other 10% that might be a problem.

Mr. Nolte said he knew there was a past history with this low lying area and the rest of it we had always planned to fix what we had left in the winter when we couldn't grow grass and have a proper lawn re-established.

Mr. Norback said he agreed with Dr. Dimmick's assessment that it might – maybe 10% of the project is in addition to the permit but he thought it would be more realistic to consider it an augmentation

having learned from experience that it would make the original plans better if not significantly different than the original plan.

Mr. Nolte said it's probably about three or four yards in the lowest area that you are mostly concerned with – it's really not a lot of material spread over a small area so he agreed with his (Mr. Norback's) assessment.

Ms. Simone said for the record – Mr. Nolte had stated there were shrubs that were planted there before and that they were damaged due to heavy rain.

Mr. Nolte said yes – although plants weren't called for on this part of the project we planted heavily in the other upstream reaches of the stream and we have them left over and probably planted forty shrubs in this area – some you see remnants of on the banks of the woods the others he didn't see anywhere.

Ms. Simone asked if these would be planted in the same location.

Mr. Nolte said he thinks they'll go to the top of the bank with these – not on the side of the bank. He explained it's incredible the amount of water that comes out of Meriden.

Dr. Dimmick asked if Saturday's rain caused much of a problem.

Mr. Nolte said it soaked in but didn't increase flows at the treatment plant – they got 1.2" at the plant over those two days.

Mr. Nolte said they are looking just as an aside to get in weather stations – we already purchased them to set them up at the treatment plant – they are going to be automated and we can track them online – rainfall at the public works garage and treatment plant and at the south end fire station because we've see this time and time again where you have a 2" intense storm at the south end and nothing in the north end.

Dr. Dimmick said the closer to get to Sleeping Giant the higher the rainfall seems to be.

Ms. Simone asked where the shrubs are proposed now has the property owner expressed to you what his intentions area – if he's going to mow from where the shrubs then down to the bank.

Mr. Nolte said he's let Mr. Pasqualoni speak to that – it's like a 3:1 slope and I don't know what success he's had knowing what he's done or will do so he can't comment.

Mr. Pasqualoni said he would like to do any mowing that would make the proper look decent and presentable. He said he has not been able (obviously) to mow the embankment as it was left because there were so many rocks and everything that are all over the place so wherever Mr. Nolte decides to plant he'll just try to get a mower from here onward.

Ms. Simone said so where it's proposed then from the shrubs down to the stream you do plan on mowing along that strip.

Mr. Pasqualoni said he would like to if that's acceptable.

Dr. Dimmick said he had no problem with the mowing under the circumstances. He said his feeling is anything that was more or less in the spirit of the original permit doesn't need any further clarification there – not the additional filling that Mr. Pasqualoni wanted which he understand.

Ms. Simone said then as far as maintenance of the shrubs – that's something that Public Works will do or the owner will take care of.

Mr. Pasqualoni said he'd take care of the shrubs – he didn't expect the town to come back and create a maintenance plan.

Mr. Pasqualoni said the trouble is as Mr. Nolte pointed out and Dr. Dimmick had mentioned in past meetings this area has a long history of some real, real strong currents and flooding and shrubs and trees – a lot of stuff gets washed out here on a regular basis.

Ms. Dunne said the only thing that's different is the plantings were not in the original and then are in this (application).

Mr., Norback said and three or four extra yards of top soil.

Ms. Dunne said it seems the planting is actually a good thing so she didn't see that any being anything negative that would cause us not to.

Dr. Dimmick said it might possibly improve things and of course Mather Nature might come along and tear out everything through here.

Mr. Pasqualoni said and it's done it many times.

Dr. Dimmick said that area – he has a feeling no matter what you do to that area sooner or later Mother Nature is going to tear it up again but at least we can try.

Mr. Kurtz said he remembered past discussions we had on this and we are taking Mr. Nolte's word for it that the town is really fixing what didn't work the first time. He said it's not a new proposal and he was going to take him (Mr. Nolte) at his word that you are doing that.

Dr. Dimmick said the proposed that modification does not require a permit as long as the applicant follows the original guidelines.

Mr. Norback said expect for the four extra yards of top soil they really are but the four yards helps it.

Ms. Simone said it's a request for determination so does the proposed work require a permit or not – there was a permit.

Motion: That the Wetlands Commission has determined that a permit is not required for the work that has been described to them.

Moved by Ms. Dunne. Seconded by Mr. Norback.

Mr. Kurtz asked if they were going to get a report upon completion of the project.

Mr. Nolte said sure they can come back at the next meeting – he'd like to get it done before that time.

Motion approved unanimously by Commission members present.

The Commission returned to the approval of the minutes.

XI. ADJOURNMENT

The meeting was adjourned at 8:40 p.m. by the consensus of Commission members present.

Respectfully submitted:

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