

Public Hearing: pg. 3 L9 “property” to “property of”, L24 “brining” to “bringing”, L29 “wetlands” to “wetlands impact”, L36 “or” to “of”, L45 “barrow” to “borrow”.

Regular Meeting: pg. 6 L37 “due” to “due to”, L40 “effects” to “affects”; pg. 8 L32 “back” to “back from”; pg. 9 L27 “unless they” to “been”, L28 “fill” to “surface”, L30 “affluent” to “effluent”; pg. 11 L18 “chance” to “change” and “their” to “there’s”, L29 “thank” to “tank”; L33 “of” to “of the”.

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

VI. COMMUNICATIONS

1. Request for Determination Re: 220 Realty Drive

This communication was reviewed. Ms. Simone stated this item would be covered under new business.

VII. INSPECTION REPORTS

1. Written Inspections

Ms. Simone stated there were no written communications.

2. Staff Inspections

Ms. Simone stated 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

Chairman de Jongh stated this item would remain on the agenda for continued monitoring.

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

CO #12-2-2014-A

Chairman de Jongh stated this item would remain on the agenda for continued monitoring.

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 CO #9-1-2014-A

Ms. Simone stated they (the McIntoshs) have a compliance date of February 1, 2015 so she would remain in contact with them to make sure everything gets done and she'd write an update to the Commission for the next meeting.

IX. UNFINISHED BUSINESS

1. 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
PH 10/21/14
PH 11/06/14
PH 11/18/14
PH 12/02/14
PH 1/06/15
MAD 2/10/15

Motion:

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

1. That this application is for the construction of a daycare facility at 1430 Highland Avenue, and installation of sewer connection.

2. That the installation of the sewer connection will temporarily impact 340 square feet of delineated wetlands.
3. That the Regional Water Authority supplied comments to the Cheshire Inland Wetlands Commission on October 6, 2014.
4. That on December 16, 2014 the Tennessee Gas Pipeline Company, LLC submitted an Encroachment Stipulation Letter to the applicant, Dean Berman, on behalf of FIFTEEN NORTH PLAINS INDUSTRIAL, LLC.
5. That the applicant's soil scientist's *Potential Impacts and Recommendations Report* dated December 10, 2014 and signed by Jay Fain, detailed the management of the temporary direct impact for the installation of the sewer connection.
6. That the date of receipt for this application was September 2, 2014.
7. That on September 6, 2014 and September 10, 2014 Commission members attended site walks of the subject property. Minutes of this walk were not required to be recorded, as less than four members attended the walk.
8. That the Commission declared this application significant within the context of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire, specifically Sections 10.2.a, b, and f.
9. That the public hearing was opened on October 7, 2014 and the Commission closed the public hearing on January 6, 2015.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2014-028, the permit application of FIFTEEN NORTH PLAINS INDUSTRIAL, LLC as presented on the plans entitled:

“Daycare Facility
1430 Highland Avenue, Cheshire, CT
Prepared For: Dean Berman
8 Sheets; Scale Varies
Dated December 24, 2014
Prepared by Rose Tiso & Co., Fairfield, CT.”

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, as well as the interest of the City of Meriden:

- 1. Lack of compliance with any Condition of this permit grant shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and a cease-and-desist order, or other appropriate enforcement, shall be both issued and recorded on the Town of Cheshire Land Records.**
- 2. Any changes or modifications to the plans as presented will require subsequent Cheshire Inland Wetlands and Watercourses Commission review and approval.**
- 3. The Commission makes no warranties or representations, either express or implied, that future regulated activities will be permitted on this site as a result of the present permit.**
- 4. Prior to any clearing, grading, or other construction activities on the site, or the request for a Building Permit, the applicant shall:**
 - a. arrange for and hold a pre-construction meeting with Commission Staff, site contractor, developer, engineer, permittee and all associated subcontractors to review this permit grant’s Conditions.**
 - b. accurately stake and/or flag all clearing limits and permanently mark all non-encroachment lines. The location of non-encroachment lines shall be agreed upon by the applicant and Commission Staff. Work is to be completed by qualified personnel. The applicant shall notify Commission Staff so that Staff may inspect the site to verify all such areas have been properly marked. Staff may also insist on additional markings if field conditions warrant them.**
 - c. provide a professional engineer’s certification, in writing to the Commission, that all required erosion and sedimentation controls are in place and functioning as represented by applicant to ensure the prevention of erosion and sedimentation into adjacent wetlands and watercourses. The cost of the professional engineer shall be borne by the applicant. A visual barrier such as orange plastic construction fence or equivalent shall be used to identify the erosion controls. The applicant**

shall also notify Commission Staff so that Staff may inspect the site to verify that all required controls are in place. Staff may also insist on additional controls if field conditions warrant them.

- d. post a bond covering the costs of the erosion and sedimentation controls, per Section 12 of the Cheshire Inland Wetlands and Watercourses Regulations. The bond shall be filed with the Town Planner's Office. The Cheshire Planning Office shall determine the amount of the bond.**
 - e. submit contact information with a 24-hour phone number for the individual with the responsibility and authority to receive notices of any breaches or deficiencies of sedimentation and erosion controls on-site, and to effectuate repair of any such breaches or deficiencies within six (6) hours of such notice from the sediment and erosion control inspector, or other appropriate staff of the Town of Cheshire.**
- 5. An inspection of the condition, integrity, and adequacy of the sedimentation and erosion controls shall be made by a qualified party on a regular basis, either weekly or after every significant rainfall of 1/2" or greater, whichever is sooner, until all disturbed areas are stabilized. Said party shall be independent of the contractor. All reports shall be submitted to the contractor and Commission Staff either within three days of inspection, or prior to the next storm event, whichever is sooner. All breaches or deficiencies shall be forwarded to a contact individual, as defined above, immediately after inspection. The costs of said inspections shall be borne by the applicant.**
 - 6. All disturbed areas on the site not directly required for construction activities shall be temporarily seeded and hayed until the site is permanently stabilized.**
 - 7. Any maintenance or refueling of equipment and vehicles shall be performed at least 100-feet from all wetlands and watercourses. 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. Any and all leaks or other discharges of oil, gasoline or chemicals onto the ground shall be reported immediately both to the Cheshire Planning Office and the Connecticut**

Department of Environmental Protection.

8. All recommendations from the Regional Water Authority (October 6, 2014 memo) shall be stringently adhered to.
9. The permit grant shall expire on January 20, 2020.

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

2.	Permit Application	APP	2014-030
	Chris Hillburn	DOR	11/18/14
	80 Suffield Court		
	Septic Replacement	MAD	1/20/15

Ms. Simone stated the Commission did receive a signed copy from Chesprocott and an indication that they do not plan on changing the plans. She stated what the Commission has is what Chesprocott has.

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, and after review of written information provided by the applicant on this application, finds the following:

1. That the current application is for the installation of a new septic system at 80 Suffield Court.
2. That the wetland delineation depicted on the below referenced site plan is sourced from a subdivision map dated November 18, 1988.
3. That Chesprocott has stamped and approved the proposed plan, detailed below.
4. That the importation of fill is required for the installation of a replacement septic system.
5. That on October 8, 2014 Chesprocott submitted an email to Commission Staff indicating the septic system failure at 80 Suffield Court.

- 6. That at the October 21, 2014 meeting, the Cheshire Inland Wetlands and Watercourses Commission became aware of the septic system failure and allowed emergency repair work to begin prior to receipt of the application.**
- 7. That the Commission has determined the activity to not be significant under the context of the Cheshire Inland Wetlands and Watercourses Commission regulations.**

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2014-030, the permit application of CHRIS HILLBURN as presented on the plans entitled:

**“Septic System Repair Plan
Land of Chris & Mariella Hillburn
80 Suffield Court, Cheshire, CT
Dated September 29, 2014
Prepared by LRC Group, Cromwell, 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. Prior to any construction activities covered by this permit grant, the erosion controls depicted on the site plan shall be properly installed and properly maintained and monitored throughout the conduct of activities covered under this permit.**
- 4. Throughout the course of conducting construction 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 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 January 20, 2020.

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

X. NEW BUSINESS

1. Wetland Determination RFD 2014-031A
220 Realty, LLC
220 Realty Drive
Amended Cemetery Plan

Attorney Anthony Fazzone was present on behalf of the applicant. Ryan McEvoy, a licensed professional engineer from Milone and MacBroom was also present.

Attorney Fazzone addressed the Commission.

Attorney Fazzone said that most Commission members will recall at the meeting in December 2014, after review of the plans that the Commission determined that the proposed facility – a cemetery did not include any regulated activities that would require an application or permit. He said the Commission determined at that time no application was necessary.

Attorney Fazzone explained since that time there's been some revisions to the plan and since talking to Suzanne and Bill Voelker in the Planning Department they were requested that they come back here and let you (the Commission) see the changes and ask for a further determination.

Attorney Fazzone said as you know, we were already in front of Planning and Zoning with public hearings – the statutory requirement is that we come here first – we now need a further determination.

Attorney Fazzone said the only thing he would add at this point in time from his point of view that the Regional Water Authority after a consultation with the Department of Public Health and the DEEP that a cemetery is not prohibited in this area – it's allowed under the Cheshire Zoning regulations and would be allowed under the aquifer protection regulations.

Ryan McEvoy addressed the Commission.

Mr. McEvoy said based on some comments they received during the planning and review process from Engineering, Fire and Planning Office, they had to make some modest revisions to the plans and those revisions triggered the discussion of coming back to wetlands for further determination would be necessary.

Mr. McEvoy said the first (revision) is when you enter the property where the cemetery is located – he said we had proposed a parking area to be a gravel surface and zoning regulations require for commercial use of the property that a paved parking lot be required – in discussions with Bill Voelker – this is a quasi-commercial activity so this would be a paved lot so the surface of this area for the parking spaces would be converted from gravel to pavement.

Mr. McEvoy said additionally, the Fire Department had some concerns about the width of the main driveway that accesses the cemetery plots. He said on the plans you (the Commission) reviewed in December, it was a 20' wide road and is now widened to 24' – that would allow vehicles to park along side of the road and emergency vehicles should they be necessary to also go on the opposite side without any obstructions.

Mr. McEvoy said lastly from a coverage standpoint we were asked to widen this driveway (shown on the plans) is more or less an access to the burial plots themselves from what was originally 12' wide with gravel shoulders to 16' wide with gravel shoulders and increase the diameter of the turnaround from 30' to 50'.

Mr. McEvoy said so those were the changes they made at the request of Planning, Engineering and the Fire Department comments. He said there were a few other items that needed to be address from the engineering report including providing a plan and profile of this driveway and some additional grading measures around the cul-de - sac – the turnaround for the driveway that will access properties further north and some clarification on the septic system in and around the existing building.

Mr. McEvoy said in terms of drainage – in terms of hydrology there will be a net decrease in the flow despite the approximately 20,000 SF of additional impervious surface as a result of these revisions.

Mr. McEvoy stated all of the changes that will be made are on the upland side of the limit of disturbance – there are no changes to the limit of our roadway, parking, drainage, etc. on the wetland side of the property.

Mr. McEvoy stated there are no additional regulated activities – there is no additional disturbance towards the wetlands and there's no change to the drainage design or the site hydrology and a modest increase to impervious surfaces in a couple of areas.

Mr. Norback asked in the impervious surface calculations - did they throw the headstones in there.

Mr. McEvoy said not exactly – he said those are really quite small relative to the area and we really don't know if the end user will have a headstone or maybe just a plaque or two – no we did not.

Dr. Dimmick said one other minor thing just to clarify – the turnaround – he said he heard you (Mr. McEvoy) say you increased the radius from 30' to 50'.

Mr. McEvoy stated the diameter. He explained this is very much like a rear lot access driveway in terms of dimensions; it's a 25' radius.

Chairman de Jongh asked Mr. McEvoy about the area that was going to be gravel which is now going to be paved – he asked Mr. McEvoy to go into a little bit of detail what kind of protection measures you are going to put around that to keep runoff from cars parked there from going down because it's pretty steep slope off that so if you could go into a little bit of detail for the record.

Mr. McEvoy explained what they are proposing is the parking area to be pitched to the west towards a grassed depression which will encourage infiltration – we call it a water quality swale – that will promote for all storms up to 1" of rain fall will be contained entirely within this grassed area before it raises up to a level that will spill into the structure that is slightly elevated with respect to the swale itself.

Mr. McEvoy said if there is a storm that would result in flow entered into that structure – it will be directed towards a level spreader which

is an elongated depression to allow for additional infiltration but more importantly to prevent erosion from a point discharge – if you have a culvert end without protection you may see some erosion on a slope like that but by spreading out over some 50’ length with a reinforced grass berm you are going to see a very gentle – level flow of that basin for larger storm events.

Dr. Dimmick said as he did originally, he still doesn’t see any measurable impact on our regulated area as a result of what’s being proposed.

Motion: That the Commission finds that the proposed activities are de minimis and will not require a permit.

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

At 7:42 pm: The Commission returned to the approval of the minutes from the January 6, 2015 public hearing and regular meeting.

XI. ADJOURNMENT

The regular meeting was adjourned at 7:43 p.m. by the consensus of Commission members present.

Respectfully submitted:

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