

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, APRIL 7, 2015
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

Members present: Robert de Jongh, Charles Dimmick, Earl Kurtz and Will McPhee. Kerrie Dunne arrived at 7:33 pm.

Members Absent: Dave Brzozowski and Thom Norback.

Staff: Suzanne Simone.

Earl Kurtz served as secretary pro-tem.

I. CALL TO ORDER

Chairman de Jongh called the meeting to order at 7:30 pm.

II. PLEDGE OF ALLEGIANCE

All present recited the pledge of allegiance.

III. ROLL CALL

Mr. Kurtz called the roll.

IV. DETERMINATION OF QUORUM

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

V. APPROVAL OF MINUTES

**Public Hearing – March 17, 2015
Regular Meeting – March 17, 2015**

Chairman de Jongh requested that the Commission defer the approval of the minutes to the end of the meeting. Commission members agreed to defer the approval of the minutes to the end of the meeting.

At 8:41 pm:

Motion: To approve the minutes from the March 17, 2015 public hearing and regular meeting with corrections.

Public Hearing: pg. 4 L8 “34,000” to “3,400” SF; pg. 8 L31 “and” to “of”; pg. 9 L13 delete “and”; pg. 11 L20 delete “water”; pg. 13 L16 “would” to “would be”; pg. 19 L38 “access” to “assess”, L40 “prevue” to “purview”; pg. 20 L9, L13 “a” to “as”, L45 “thin” to “thing”; pg. 21 L21 “would” to “would be”; pg. 22 L32 delete “the”; pg. 24 L33 “their” to “they’re”; pg. 25 L10 “imperious” to “impervious”, L13 “comprise” to “compromise”, L29 “would” to “would be”; pg. 28 L13 “field” to “field trip.”

Regular Meeting: Pg. 4 L42 “she if” to “asked if she”; pg. 5 L23 “then” to “them”; pg. 6 L20 should read “be handled”; pg. 8 L39 “date” to “data”; pg. 9 L13 “do” to “do this”; pg. 11 L9 delete “n” and “does” to “dose”, L45 “then” to “than”.

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

VI. COMMUNICATIONS

Ms. Simone reviewed the following communications:

1. **Corrective Order Extension Request for 20 Smith Place**

This communication was reviewed.

2. **Staff Communication: 20 Smith Place
Re: Corrective order #9-1-2014-A**

This communication was reviewed.

3. **Staff Communication: 69 Wallingford Road
Application # 2015-009**

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

4. **Staff Communication: Mount Sanford Road
Application #2015-008**

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

5. **Staff Communication: Jarvis Street
Application #2015-001**

This communication was reviewed. This item would be covered under unfinished business.

**6. Request for Determination
West Ridge Court, Lot 8, Meadowview Estates**

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

**7. Request for Determination
West Ridge Court, Lot 11, Meadowview Estates**

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

VII. INSPECTION REPORTS

1. Written Inspections

Ms. Simone stated there were no written inspections.

2. Staff Inspections

a. 20 Smith Place

Ms. Simone stated there was a staff inspection of 20 Smith Place and explained that much of the material that was stored there has been removed.

Ms. Simone stated the site conditions were quite wet – that’s why they are asking for an extension so they can safely get equipment in and remove the remainder of the material. She stated this item is under enforcement actions.

b. 825 Wallingford Road Re: Driveway Paving & Widening of Driveway

Ms. Simone stated there were two inspections conducted of 825 Wallingford Road. She said they received one complaint that the existing driveway alongside 815 Wallingford Road was being paved.

Ms. Simone stated she did go out there and they were not paving – they did not have paving equipment. She explained she did speak to the permit holder who indicated that he had no interest in paving that area.

Ms. Simone stated the second complaint was that the existing driveway was actively being widened. She said she went out to the property and did not find that the driveway was being widened - she could see that there were some potholes that were being filled in some stone.

Ms. Simone stated there were no violations of either the regulations or the permit for the property.

Chairman de Jongh said you may want to send an acknowledgment of the complaints and just a summary to the people who filed the complaint and let them know you visited the site.

Ms. Simone stated she did respond to them in writing.

Chairman de Jongh said let the record show Ms. Dunne has joined us a 7:33 pm.

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 was on the agenda for monitoring purposes.

Ms. Simone stated she would send a letter reminding them of their upcoming compliance date – she believed it was this June.

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 was on the agenda for monitoring purposes and a reminder letter about the compliance date would be sent.

3. Notice of Violation SC 08/05/14

Terrence and Deanna McIntosh
Unauthorized Activities in the Upland Review Area/Inland Wetlands
20 Smith Place
Assessor's Map 30, Lot 146

SC 09/02/14

CO #9-1-2014-A

Chairman de Jongh said staff had mentioned there was a request to extend the deadline. He said they have done some work on the site but site conditions have prevented them from bringing in any heavy equipment to get the work done.

Ms. Simone said they wanted two weeks – she would recommend they be given additional time and she would support that because with the wet weather we are getting they may still run into trouble with getting equipment there and they show every interest in cleaning the site up but also doing it when the conditions are appropriate and when the soil is dry.

Chairman de Jongh said he wanted to commend them publicly for working with staff to try to get this issue taken care of.

Motion: That the Commission grants an extension date to June 2, 2015.

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

IX. UNFINISHED BUSINESS

1. Permit Application Apex Developers, LLC Jarvis Street Resubdivision	APP	2015-001
	DOR	01/20/15
	PH	02/17/15
		Postponed
	PH	03/03/15
	PH	03/17/15
	MAD	04/21/15

Ms. Simone explained the Commission had asked at the last meeting for a report on the testimony that was provided regarding turtles that are likely to be in the area as well as a homeowners association.

Ms. Simone put together a report – she looked at the minutes of the meeting from the testimony from Bill Root as well as Sigrun Gadwa and there was some conflicting testimony there so she did refer to the state website and portions of that were copied and put into staff comments.

Ms. Simone stated in conclusion both of those turtle species that were identified use both the riparian and upland areas at different times in their cycle.

Ms. Simone said looking at the plans as proposed it does not appear that it's really any different than any other proposal that has found to have species of concern on the site. She said they indicated in their testimony that they would comply with the comments from the Natural Diversity Database and historically the Commission has stated as a stipulation that if a permit is granted that they would need to comply with the DEP recommendations.

Ms. Dunne asked if that included the time period.

Ms. Simone stated yes.

Ms. Simone said additional the homeowners association – there was discussion with the applicant's attorney that there are some legal mechanisms that can be put in place so that when someone buys a property that they are aware at the time that they have to belong to a homeowners association.

Ms. Simone said additionally they engineering department is working on a list of maintenance items that would commonly be associated with the design that was presented to the Commission and there would also be cost estimate for maintenance that would be submitted to the applicant and there has been discussion from the applicant's attorney that they may then use that estimate in calculating the fees they might apply.

Ms. Simone said the applicant's attorney is here if you want any further clarification on that.

Dr. Dimmick said the main thing he has interest in is we do issue a permit that we have wording in there to take care of something along that line – we have had so many problems over the years with homeowners associations that either didn't form or dissolved after they were formed or didn't perform the way they should.

Chairman de Jongh said the issues with the homeowners associations is one of these things that keeps being bounced around – he said he thought that Planning and Zoning needs to try create some kind of wording that provides some teeth because they are becoming more and more of a tool for use by developers and there's really no way we can monitor it after the fact as to how effective these things are. He said it's not an issue that while we have

concerns about them there are certain things about homeowners associations in terms of their responsibility that we have oversight to – it's really a P&Z issue.

Dr. Dimmick said while there are similarities to condominium associations never the less the legal bidding on a condominium association is such that they have an ultimate authority that tells condominium owners what to do and homeowners associations doesn't seem to have any teeth to be able to tell homeowners to do anything and he's not sure how to get around that problem.

Ms. Dunne asked if we could do some sort of request that might be within our preview to request that the Planning and Zoning Commission stipulate in their subdivision approval that no building permits be granted unless a HOA is established.

Dr. Dimmick said he thinks this is the sort of thing where we have to give a report to the Planning and Zoning anyway when we give a subdivision approval we give a report to the Planning and Zoning and we could certainly include that language in there.

Ms. Simone said when the Commission takes action staff is required to supply a report to the Planning and Zoning Commission for each application so that they know what action the Commission took and she usually attaches to that a copy of the permit the Commission issued.

Ms. Simone said so such a request could be a part of the discussion then actions taken or it certainly could be something that is separately discussed and then forwarded to the Planning and Zoning Commission.

Ms. Simone asked what the Commission would like to see for the next meeting.

Dr. Dimmick said he would like to see proposed wording at least for discussion purposes – not saying we would necessarily pass it at the next meeting but until we get that proposed wording – if there is anything else we want to put in or see it written down as what we might give as a permit. He said that's just his own opinion on it.

Commission members noted the mandatory action date is April 21, 2015 which is the next meeting.

Chairman de Jongh asked staff if there was a way to send out a communication to Commission members with what that draft will

look like ahead of time or does that have to be public; so the Commission can take a look at it and if there is anything they would like to see changed or added they can get back to staff so we can meet the mandatory action date.

Ms. Simone said so if Commission members were to receive it on April 14 or by that date – and would email is okay.

Commission members agreed that April 14 and by email was okay.

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| 2. | Permit Application | APP | 2015-004 |
| | Town of Cheshire Public Works
Grove Street | DOR | 03/03/15 |
| | Site Plan | MAD | 05/07/15 |

Commission members discussed setting a date for a site visit now that the snow has melted.

A site visit was set for Wednesday, April 15, 2015 at 5:30 pm.

Staff agreed to notify the applicant of the site visit date and time.

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| 3. | Permit Application | APP | 2015-005 |
| | Cheshire Public Schools
Atwater Place | DOR | 03/03/15 |
| | Site Plan | MAD | 05/07/15 |

Motion:

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

1. That the current application is for the renovation of playing fields, including the direct filling of inland wetlands and upland review area for the removal of invasive plant species and expansion of the existing ball field.
2. That the applicant's soil scientist identified an herbicide based *Phragmites* removal plan, the application of which must be additionally approved by the DEEP.

3. That the applicant's soil scientist stated that if DEEP approval is not obtained and the invasive plant removal method is to be changed, the applicant will reapply to the Cheshire Inland Wetlands and Watercourses Commission.
4. That the wetland restoration area is approximately 1,400 square feet in area, to the northeast of the existing ball field.
5. That the activities will not have a significant adverse effect on adjacent wetlands or watercourses.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2015-005, the permit application of Cheshire Public Schools for site plan approval as presented and shown on the plans entitled:

**“Site Plan-Existing Conditions
Dodd Middle School
Athletic Field Improvements
100 Park Place, Cheshire, CT 06410
Dated February 25, 2015
Two Sheets
Prepared by Milone & MacBroom, Inc.”**

And

**“Dodd School Invasive Species Control
MMI#5410-02-3
Dated March 11, 2015
Prepared by William Root, Milone & MacBroom, Inc.”**

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

1. Any lack of compliance with any condition or stipulation of this permit shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and an enforcement order shall be both issued and recorded on the Town of Cheshire Land Records.
2. No changes or modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.

3. Prior to any clearing, earthmoving and/or construction activities, the applicant shall accurately stake and flag work limits and properly install erosion controls.
4. Throughout the course of conducting construction activities, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring the following:
 - a) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100' if possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.
 - b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.
5. This permit grant shall expire on April 1, 2020.

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

4.	Permit Application	APP	2015-006
	Clearview Farm Preserve, LLC	DOR	03/03/15
	Cornwall Avenue		
	Subdivision	MAD	05/07/15

Chairman de Jongh informed Commission members that the applicant sent a letter requesting that discussion of the pending application for this project be deferred until the next regularly scheduled meeting.

Dr. Dimmick said they should consider taking a field trip to this site.

A field trip was set for Saturday, April 18, 2015 at 8:00 am.

Chairman de Jongh read into the record the letter dated April 7, 2015 from Darin Overton of Milone and MacBroom into the record.

X. NEW BUSINESS

1. Permit Application	APP	2015-008
Westminster Construction, LLC	DOR	04/07/15
404 Mount Sanford Road		
Site Plan - House	MAD	06/11/15

Phil Tiso of Rose-Tiso, Company in Fairfield, CT was present on behalf of applicant.

Mr. Tiso explained this was a simple residential site plan approval application. He said this is for lot 3 from the Strand Farm Estates – it's a rear lot off of Mount Sanford Road.

Mr. Tiso explained because it's a rear lot in the subdivision there's a 50' access way that serves two other lots and this lot and because it's the furthest away it's a fee-owner right of way.

Mr. Tiso said the right of way provides access via a paved roadway with a turn around and there are underground electric, telephone and cable TV, utilities and a waterline from South Central Regional Water Authority that provides water to the lot.

Mr. Tiso showed the proposed plans to the Commission. He said we submitted a set of drawings and since the time they submitted them they Health Department asked that we modify the septic system which we have done and Mr. Don Nolte had requested we make some changes to the underground infiltration system which we did today – we sent him a pdf but we've not heard back from him yet but he (Mr. Nolte) gave his verbal okay that if we did make one change he'd be happy.

Mr. Tiso submitted three new copies with those changes made on each one of them.

Mr. Tiso said again it's a simple residential house. He said initially we submitted an application for a four-bedroom house and because there was an unfinished space over the garage the Health Department requested that we design a system for a five-bedroom house in the event the owner in the future were to turn that space into a living space.

Dr. Dimmick asked if this was the development that came before us about fifteen years ago.

Ms. Simone said this site received subdivision approval in 2007.

Mr. Tiso said the lots have been undeveloped since – this is the first lot to be submitted for approval.

Mr. Tiso said there is a small strip of wetlands that cuts through the southerly portion of the lot – and then off site to the north there's a wetland that is not on the property but the 50' regulated area does cross into the property.

Mr. Tiso said so we have those two wetland areas that effect the lot. He said what we have done is propose that all the improvements and all the grading are done outside the regulated area so they are all in the upland area – the soil erosion control plan that does not cross into the 50' regulated area so we are protecting those areas.

Mr. Tiso said water is provided by South Central Regional Water Authority – there's no well on the site. They are proposing to put a 500 gallon propane tank at the end of the driveway down an embankment and the septic system is essentially behind the house.

Mr. Tiso said there were tests done - we augmented those test with a new one in the winter and we expect to get approval on the septic system from the Health Department shortly.

Mr. Tiso said grading wise this is the highest portion of the property at 154 and it drops down to 138 in this corner (shown on the plans). He said they are dropping the grade on the high spot/portion and depositing fill to support the driveway for the detached garage with simple grading. He said they have an underground infiltration system – a Cole Trek system that picks up the roof leaders of the house; there's an outlet structure that is an overflow that if it overflows it would go into the outlet and it outlets toward the open area to the north.

Mr. Tiso said Mr. Nolte asked us to simplify the outlet structure that we had and we did that today so he needs to approve it hopefully in time for the next meeting.

Mr. Tiso said there's not much more to it – there's a soil erosion control plan and we are just providing a circle of silt fence to encompass any soil excavation area and protect the upland review areas on both sides.

Mr. Tiso stated he'd be happy to answer any questions.

Chairman de Jongh said if they plan to build up about a 6' grading towards the northern part – it's going to be built up to about 144 down to 138.

Mr. Tiso said yes – it is a fairly substantial fill in that area.

Dr. Dimmick said its worse than that because you have the 152 crossing the 142.

Chairman de Jongh said his question is whether or not there's going to be any additional work to try to make sure that that doesn't get eroded other than just silt fences during construction – he said he didn't know what the distance was between the edge of the fill and the wetlands – he wanted to know if there was any consideration to try to practically during construction and until that area gets seeded and rooted.

Mr. Tiso said that's a good point – they could in that area provide both the double protection with silt fence and hay bales.

Dr. Dimmick said the other thing and it's not exactly a wetlands question but you are going to somewhat concentrating drainage from your property to the adjacent property – he presumed there was some kind of right to drain going to appear on the adjacent property for the adjacent property – that this is more of a P&Z question.

Mr. Tiso explained said they don't necessarily have a right to drain – it's only the overflow – the majority of the water will infiltrated and the water in a severe storm that does make it out it's in a reduced flow from normal condition – we are storing most of the water.

Dr. Dimmick said but that other lot hasn't been built on yet – he said in the past we have had problems with someone puts in something and the neighbor complains that they are putting more water on their property even if they aren't the impression is that it is.

Mr. Tiso said from the standpoint that this is a larger wetland area here – he said he couldn't say for certain but he didn't think this was developable (an area shown on the plans); he said the house for this lot is way over here (shown on the plan) on another adjacent road.

Ms. Simone said in looking at the proposal there should be wetland boundary markers indicated along that 50' upland review area.

Mr. Tiso talked about locating the posts. He said they could set them if need be.

Ms. Simone said markers were needed.

Mr. Tiso stated they'd be happy to set them. He said he did notice there four by four posts there.

Chairman de Jongh said he thought he heard Don Nolte hadn't had a chance to look at this yet.

Ms. Simone said she did get an email from him saying that he was satisfied with the latest plans that were sent about 7:00 pm tonight.

Chairman de Jongh said it doesn't have Chesprocott approval yet for the proposed septic.

Mr. Tiso stated not yet. He said they actually had approval for a four-bedroom house but then they asked the developer to put a note that that room would never be finished and he said he'd have no way of knowing if the people are going to do that so they went with the five-bedroom – it's the same system just increased its size so he expects they'll get approval.

Dr. Dimmick asked if he expected that in the next two weeks.

Mr. Tiso said actually by this week or by next week. He said he dropped off the revised prints off Monday morning and they (Chesprocott) are very quick in responding.

Ms. Simone asked to get a copy of the stamped plan for the record.

Mr. Tiso stated okay.

Dr. Dimmick said assuming that and assuming you come up with some kind of stipulation about what we said about the extra erosion controls maybe staff could prepare wording.

Ms. Simone said if we could get at least one copy of a signed set of plans that would show the silt fence and hay bales in that northern area and then also the two posts.

Motion: That the Commission declares that the proposed activities was not significant within the context of the regulations.

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

Chairman de Jongh said we'll allow staff to do her thing and we'll wait for those missing pieces from the applicant; and if all the pieces fall into place we should be able to deal with this at the next meeting.

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| 2. | Permit Application | APP | 2015-009 |
| | Jennifer Spinach | DOR | 04/07/15 |
| | 69 Wallingford Road | | |
| | Watercourse Stabilization | MAD | 06/11/15 |

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

Mr. Carson reviewed the plans with Commission members. He explained there was an intermittent watercourse that predominately runs through Old Towne Condominium where a 100 LF of it bends on to Mr. Spinach's property.

Mr. Carson said our proposal is to stabilize 100 LF of that watercourse that goes across her property with rip rap and straightening out a kink in the watercourse right in the middle.

Mr. Carson explained what has happened is that the natural bottom of that watercourse as long since disappeared and its down to the B horizon which is a course sand and is eroding rapidly and as it has eroded it's become narrower so the velocity is increasing and its eroding faster.

Mr. Carson said he was first out there in October and we actually flagged and did a field topo at that time – we were not able to put a plan together before the snow came so we delayed and submitted the application in case the Commission wanted to go out there and actually take a look at this.

Mr. Carson said we are able to do all the improvements from this side (shown on the plans). They located all the mature trees that are along there and there won't be any disturbance to those trees or root structure of those trees.

Mr. Carson said he was surprised to see out there that there are two discharges from Old Towne Condominiums – there is one pipe from the roadway that comes in and there's another one (shown on the plans) – he said one of the pipes discharges just past Jennifer's property.

Mr. Carson said there is absolutely no erosion that either of these (pipes) discharges – he said in October – November there wasn't even any disturbance of the leave matter.

Mr. Carson said what appears to have happened here – Old Towne Condominium is over twenty-five years old now – the area that goes out to South Main Street – the entrance from Old Towne Road that comes in – there are paved parking lots – there's quite a bit of impervious area – there's no drainage at all – it's just surface runoff and it's been that way for years. He said it does appear that there may be more pavement out there than there was twenty five years ago – there has definitely been some clearing of vegetation but that pretty much sheets flows and that's concentrated because of the watercourse.

Mr. Carson said its fairly level across here (an area shown on the plans) that actually has some stones and stuff in the stream bottom – it's not until it gets to here where it starts to make these bends and the gradient increases a little bit that that's where the erosion has occurred and is basically eating away the embankment on the northerly edge as it tries to make the bend around.

Mr. Carson said he is aware of that the fact there has been a pretty extension site plan approved several years ago for development on the South Main Street – Old Towne Condominium property – there's an extensive underground storm water dispersion system that was proposed as part of that development so he would assume that once that done that would mitigate the situation that's here right now without stabilizing the stream it's just going to continue to erode and it's so defined that its going straight down.

Mr. Carson stated be believed all the work could be done from Ms. Spinach's side of the property.

Mr. Carson said the work would obviously be done in the dry time of year. He said it would either be done with a smaller piece of equipment that would actually get in here and follow this or an excavator on top of the hill working its way along.

Mr. Carson said he did get today some comments from the engineering department.

Dr. Dimmick said they want the rip rap to be 12".

Mr. Carson said they had no problem complying with those comments and they revise the plan in accordance with that and any additional comments that the Commission would like.

Dr. Dimmick said for erosion controls where you are moving the channel he presumed they are going to fill that bit of channel.

Mr. Carson said right – they basically would excavate this and back fill here (shown on the plans). He explained how they work could be done.

Dr. Dimmick said they are going to have to have something where they are going to be putting that fill in – if the stream has a habit of following that path before – streams are traverse things that want to follow that path again – so be extra care the kind of stabilization you use to keep it from trying to occupy the old channel.

Mr. Carson said they have it in the notes that that material needs to be placed and compacted.

Dr. Dimmick said you might want to put in some plantings there that gets a dense root base – he hesitated to mention Multi Flora Rose because he didn't want to see if planted there- its immovable once it grows in and there are other things that could be planted; staff might have some suggestions.

Ms. Simone said she was out at the property last year and the property owner was inquiring whether this was something the town could undertake and the erosion was pretty severe then so she could imagine it's only gotten worse.

Mr. Carson said it's an intermittent watercourse – it has no water except when you get a major storm and when you get a major storm you got quite a large area - that becomes a concentrated flow – it's all sheet flow – several acres of sheet flow.

Dr. Dimmick said it's not something you'd call a pristine stream habitat by any means.

Mr. Carson said he'd like to do this work this summer – he said the more he thought about it it's been since the middle of last summer that he was contacted about this but it was so dense they couldn't do good topography until the leaves came down. He said at that time the work could only be done until the summertime.

Ms. Simone said from what she recalled along the rear of the property she believed there was Japanese Knott Weed that was basically holding the bank back. She asked if it was part of the plan to try to remove that or did he think it was necessary to hold the bank back.

Mr. Carson said he wouldn't be taking anything out.

Motion: That the Commission finds no significant adverse impact from the proposed changes.

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

Chairman de Jongh said they'll allow staff wield her magic pen and have a draft motion for the next meeting.

Ms. Simone asked Mr. Carson if he could provide a revised to show the 12" rip rap.

3.	Permit Application	APP	2015-010
	H & H RE, LLC	DOR	04/07/15
	Moss Farm Road House	MAD	06/11/15

Ryan McEvoy, PE of Milone and MacBroom was present on behalf of the applicant.

Ms. Simone stated there is not a staff report on this but there is a significant history that this property did receive an approval back in 2002 for the construction of a home on lot 2 that was not completed so now they are back with the application that shows the direct fill within the wetlands.

Mr. McEvoy explained that this property which we refer to as 916 Moss Farms Road was subject to a subdivision approval back in 2002 by both this Commission and the Planning and Zoning Commission.

Mr. McEvoy said the proposal was to take a two lot residential subdivision with the existing home to remain – on this plan the existing home is located on the westerly side of this map.

Mr. McEvoy said lot two was to be served by a rear lot access way in the rear property. He said the first lot is 1.8 acres in size and the second lot is 1.2 acres in size in an R-40 zone and the plan was

approved back in 2002 with a driveway crossing across lawn wetland area.

Mr. McEvoy said shown on the plan is yellow shows an existing lawn behind the house on lot one and the driveway crossing would be constructed using a seepage envelop and raise the grade approximately 4' roughly in elevation having drainage piping crossing beneath the seepage envelop serving the house located in the back.

Mr. McEvoy stated the total wetland impact associated with the driveway crossing is about 3,300 SF of impact and the total regulated impact for the construction on both sides of the wetland corridor along with the improvements to lot two itself consist of 12,800 SF of impact.

Mr. McEvoy said as part of the approval on lot two there was a non-encroachment line that was required by this Commission; he said it was kind of interesting language required in that – he said the red line (shown on the plan) was what was approved as a non-encroachment line – he said the rear of the property is an active lawn area for the existing house that the Commission determined that the non-encroachment line be set along the existing tree line on this side of the property and on the other side of the property the non-encroachment line is struck between the north of the driveway crossing and along the entire wetland boundary to the north.

Mr. McEvoy said ultimately what we are proposing for this is no different then what was approved in June 2002 we are essentially reprinting that information.

Mr. McEvoy said submitted as part of the package was the soils report submitted as part of the 2002 approval and we are also requesting approval to what was approved but not constructed and the approval has since lapsed.

Mr. McEvoy said the map was filed on the land records to create the subdivision so the lots do exist just as they are shown on the plans but note that the improvements that were done in particular was the wetland crossing and all the associated construction for the second lot.

Mr. McEvoy said he knew this (the presentation) was relatively brief but he did want to emphasis this was something this was that was reviewed and approved by this Commission.

Mr. McEvoy said if there were any questions about the application he'd be happy to answer them.

Chairman de Jongh asked if staff what the conditions of the approval were last time.

Ms. Simone said she had copies of the approval.

Commission members reviewed copies of the approval.

Chairman de Jongh asked Mr. McEvoy if everything about this presentation was exactly the same as it was in 2002.

Mr. McEvoy stated identical.

Ms. Simone said the wetlands that are shown on this plan were copied from the 2001 map so this is the older delineation and the plans do need to be signed which she and Ryan discussed today.

Ms. Simone said the subdivision approval granted March 2002 had stipulated that prior to clearing or construction of any type that lot two needed to obtain a permit from the Commission and that a non-encroachment line needed to be established on lot one generally along the existing tree line to the east of the property.

Ms. Simone said in the same year in June lot two came before the Commission and the permit was issued which stated that a non-encroachment line would be established on lot two generally along the wetland line to the west of the property and generally 10' upland of the wetland line to the north and the east of the property.

Ms. Simone said basically the only stipulations for the non-encroachment area – the rest of the language is boiler plate.

Chairman de Jongh said presumably there will be monuments that need to be placed along that area to make sure that homeowner knows they can't go beyond that point.

Mr. McEvoy said in 2002 he didn't think that was a common practice by the Commission but he could certainly testify that that would be something they would be willing to do.

Chairman de Jongh said he could work with staff to determine where those would be strategically placed.

Mr. McPhee asked if Chesprocott has to sign off on this again.

Mr. McEvoy said the lot would be served by septic and public water. He said he the code does change over time and they'd be happy to review the plans with them (Chesprocott) to make sure they are comfortable with the design.

Dr. Dimmick said he seemed to remember the soils are hard pan soils on that slope

Mr. McEvoy said roughly two feet below existing grade.

Dr. Dimmick said so the design of the septic system has to take that into account.

Mr. McEvoy said when the design was approved in 2002 but as mentioned there have been code revisions thought out the years that may impact that.

Dr. Dimmick said more likely to have impacted with the hard pan then it would with some other factors in terms of code changes.

Mr. McEvoy said he did take a quick look at the design and with respect to current standards there is one thing that we might be able to accomplish is they can tighten up the placement of the rows because they have actually laxed the requirement about separation distance from leaching rows.

Mr. McEvoy said that was one thing that popped into his head when he first looked at the previous plan but he didn't think there was any significant revisions to the septic layout.

Dr. Dimmick asked if the house was going to be the same size as originally proposed.

Mr. McEvoy said correct.

Mr. McEvoy said if Commission members wanted to view the site they could pull in the driveway – the house is currently unoccupied.

Chairman de Jongh suggested Commission members individually go out and take a look at it (the site).

Dr. Dimmick asked if that rear driveway has been built.

Mr. McEvoy said no there is an existing driveway that is proposed to be reconfigured when the rear access way is constructed the area

around the house a little steep to get down but as long as there's no ice.

Dr. Dimmick said one thing staff probably needs to review is to see if the proposed crossing design is the best available.

Ms. Simone stated the engineering department will review this – they have not seen it yet.

Chairman de Jongh said the other thing they want to make sure if too is that there has been no significant changes to the wetlands in the thirteen years. He asked that someone sign off on the accuracy of the information.

Mr. McEvoy said they can have Bill Root review his previous logging and update his information in his letter.

Ms. Simone said you do identify there is a vernal pool on the property.

Mr. McEvoy stated yes – and in Bill's report in 2002 there is a little excavated pond to the north of our crossing and he says "that the tiny manmade pool shown as a vernal pool may or may or may not provide breeding habitat for amphibians since it held water on August 22 it had amphibians in it and it was conservatively categorized as a potential vernal pool – the access way does not directly impact this area and any amphibians using the pool would most likely reach it in the wooded areas to the north a non-impact area."

Mr. McEvoy said what he (Bill Root) is essentially trying to clarify is that because this area is already essentially maintained lawn where we are putting our driveway crossing the impacts from the driveway wouldn't likely affect any amphibians that currently use that depression or pool but we could certainly update his letter.

Chairman de Jongh said yes – if you could have Bill Root verify and make whatever changes are necessary to the comments made twelve or thirteen years ago and then provide that information to staff.

Mr. McPhee asked if they could get a pdf of this plan.

Mr. McEvoy said yes and he could place some stakes along the center of driveway.

Chairman de Jongh said they would defer any further consideration on this pending the results of individual field trips and the receipt of information from the engineering department and the applicant regard to the details that were mentioned.

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| 4. | Wetland Determination | RFD | 2015-011 |
| | Diversified Cook Hill, LLC | DOR | 04/07/15 |
| | West Ridge Court | | |
| | Site Plan – House, Lot 8 | | |

Ryan McEvoy, PE of Milone and MacBroom was present on behalf of the applicant.

Mr. McEvoy explained this lot is a lot in the Meadowview Estate Subdivision that was approved by this Commission in 2010.

Mr. McEvoy said this is one of the lots that was stipulated to be reviewed by this Commission for individual site plan approval.

Mr. McEvoy said this lot is located to the rear area of the parcel of the subdivision – the cul-de-sac on West Ridge Court which is the roadway for the subdivision is located to the south east of the lot and I-84 is located to the west so this is pretty far back for those of you who recall this particular subdivision.

Mr. McEvoy said we had previously showed the lot with no regulated impacts or activities in the wetlands as part of the original subdivision and continues as part of our proposed site plan.

Mr. McEvoy stated the driveway, house and septic areas are all located outside the 50' upland review area and the fact this particular lot given the topographic which slopes from the highway to the east we are actually downslope of the wetland area – this wetland is a poorly drained pocket.

Mr. McEvoy said all of our activity is outside of the 50' boundary and we show non-encroachment markers and the non-encroachment boundary and given the fact that we are downslope actually all of the erosion controls are located to the east of the improvements.

Mr. McEvoy said they have a request for a determination as part of the submission of that application. He said he hoped this was reasonably straight forward and he hope they (the Commission) could determine a permit was not needed.

Mr. McPhee asked a signed statement from Chesprocott.

Mr. McEvoy stated no – they did review it and had no comments.

Dr. Dimmick said in this particular case because it is down slope from the wetlands and you've got no way of eroded material getting into the wetlands from the construction he didn't see a problem with this.

Motion: That the Commission declared the proposed activities as depicted on the map de minimis and does not need an individual site plan approval.

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

5.*	Permit Application	APP	2015-011
	Diversified Cook Hill, LLC	DOR	04/07/15
	West Ridge Court		
	Site Plan – House, Lot 8	MAD	06/11/15

Ryan McEvoy, PE of Milone and MacBroom was present on behalf of the applicant.

Mr. McEvoy requested that the application on this item be withdrawn.

6.*	Wetland Determination	RFD	2015-012
	Diversified Cook Hill, LLC	DOR	04/07/15
	West Ridge Court		
	Site Plan – House, Lot 11		

Ryan McEvoy, PE of Milone and MacBroom was present on behalf of the applicant.

Mr. McEvoy said this particular lot is on the east side of the roadway – it's in the similar vicinity to lot 8 – lot 8 is located to the upper north west of this location.

Mr. McPhee asked if there was map of what is being shown.

Ms. Simone stated yes.

Mr. McPhee said in the future he wanted to make sure the house didn't move. He said he wanted to make sure what was being pointed out (on the plan) was submitted.

Mr. McEvoy said the lot is on the east side of the cul-de-sac; the property drains completely to the east toward a wetland area and an open space area buffering the property to the east.

Mr. McEvoy said to the south is a detention basin which is partly located on this property – only a small portion falls actually within the property limits.

Mr. McEvoy said the house, driveway and septic systems – septic located to the north of the property are all located well outside the 50' upland review area.

Mr. McEvoy stated all the grading is consistent with way it was depicted on the original subdivision plan with surface flows from the driveway being directed towards the detention basin and we have shown non-encroachment line markers at the 50' upland review boundary.

Mr. McEvoy said it get into more detail if they'd like.

Dr. Dimmick asked if that detention basin already constructed – stabilized.

Mr. McEvoy stated it was and generally yes (stabilized); it's been built and in place now for a couple of years now.

Dr. Dimmick asked about the tree line – is that partially established.

Mr. McEvoy said the tree line is associated with the detention basin in this area is established as part of the grading.

Dr. Dimmick said but going down towards the septic system and that's something that will be constructed.

Mr. McEvoy said right – the rest of this property with the expectation of the immediate vicinity of the detention remains wooded and some of the clearing right along the street edge.

Dr. Dimmick said the only part of this one that is only a slight concern is somehow getting on the record so we can verify the tree line will stay where it is because that is one of the biggest protections for the wetlands is having that tree line to the east of the septic system stay in place.

Ms. Simone asked if there were markers.

Mr. McEvoy stated they do have four by four posts along the non-encroachment line shown on the plan.

Dr. Dimmick said along the non-encroachment line but this one had that little extra protection by having the tree line a little further.

Ms. Simone said and that might establish that as the non-encroachment line.

Chairman de Jongh said he didn't know how you could enforce or have the wording state that we would like to have that tree line remain but how do you enforce that after the fact.

Ms. Simone said she believed that was the case whether this is granted through a request for determination or a permit – they are beholden to what's shown on the plan.

Dr. Dimmick said we do have markers – are they in place.

Mr. McEvoy stated no – not yet nothing other than the construction of the basins has been done with this lot.

Chairman de Jongh asked about the trees that you (Mr. McEvoy) indicated that were on that detention basin – how big are they.

Mr. McEvoy stated it's a mature forested area.

Ms. Simone said they can look at the approved subdivision plan for that lot and show what it looked like then.

Commission members reviewed the subdivision plans.

Ms. Simone stated the plans show what was proposed and the existing.

Mr. McEvoy stated the existing is almost the entire property.

Mr. McEvoy said to reiterate this is an area more than 100' from the wetland boundary.

Dr. Dimmick said he didn't have any serious problems with this it's just that this being a major wetland there - he wanted to sure those markers are there for the encroachment line it's not going to be that much of a problem.

Chairman de Jongh commented about wanted some language on the map that those trees would remain and that that area could not be clear cut and it should remain intact – present site conditions should remain intact.

Mr. McEvoy said the have the non-encroachment – no excavation, filling, clearing or other disturbance without a permission from the Inland Wetlands and Watercourses Commission; and that line along with the markers is there.

Chairman de Jongh said he thought their main concern was the tree line around the detention basin.

Dr. Dimmick said the question is can we handle this with a modified determination motion or do we go to the full application.

Ms. Simone stated there can be no stipulations or comments in a request for determination – it's either allowed without needing a permit or it's not.

The Commission reviewed the plans and discussed the possible need for an application in this case and what they would like to see maintained on the site.

Mr. McPhee said maybe a way around that is if they volunteered to do something – and he is saying they are putting the monuments there – what's to enforce that.

Ms. Simone said the Commission still has the ability to enforce – this is a request for determination and is tied to a plan and is submitted as part of the Commission's record so whether a permit is issued the Commission still has the ability to enforce.

Mr. McEvoy said in either case whether there is a permit or not we are still certainly not proposing anything beyond the upland review area and the tree line we are showing is what we are proposing and that would change.

Ms. Simone said one thing in looking at this – if the Commission was interested in changing the non-encroachment line to the proposed clearing line that there would need to be some new information that comes to light that requires action to make them change a position that was already taken.

Commission members discussed this item regarding what action to take.

Chairman de Jongh said there seems to be consensus of opinion that the activities being proposed are similar to what was approved twelve to thirteen years ago but while the tree line moved a little bit but is not a major change to what was approved before.

Motion: That the proposed activities are de minimis and no site plan is needed or wetland permit.

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

7.*	Permit Application	APP	2015-012
	Diversified Cook Hill, LLC	DOR	04/07/15
	West Ridge Court		
	Site Plan – House, Lot 11	MAD	06/11/15

Ryan McEvoy, PE of Milone and MacBroom was present on behalf of the applicant.

Mr. McEvoy requested that the application on this item be withdrawn.

At 8:41 pm: return to the approval of the minutes.

XI. ADJOURNMENT

The regular meeting was adjourned at 8:42 p.m. by the consensus of Commission members present.

Respectfully submitted:

Carla Mills
Recording Secretary
Cheshire Inland Wetland and
Watercourse Commission