

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, APRIL 21, 2015
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

Members present: Charles Dimmick, Kerrie Dunne, Dave Brzozowski, Earl Kurtz and Will McPhee.

Members Absent: Robert de Jongh and Thom Norback.

Staff: Suzanne Simone.

Dr. Dimmick served as chairman pro-tem.

I. CALL TO ORDER

Dr. Dimmick called the meeting to order at 7:30 pm.

II. PLEDGE OF ALLEGIANCE

All present receipted the pledge of allegiance.

III. ROLL CALL

Ms. Dunne called the roll.

IV. DETERMINATION OF QUORUM

Dr. Dimmick determined there were enough members present for a quorum.

V. APPROVAL OF MINUTES Regular Meeting of April 7, 2015

Dr. Dimmick said if there's no objection the Commission would 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 8:06 pm:

Motion: To approve the minutes from the April 7, 2015 regular meeting with corrections. Pg. 6 L27 "they" to "the"; pg. 7 L17 "preview" to "purview"; pg. 16 L 7 "leave" to "leaf", L28 "extension" to "extensive"; pg. 17 L18 "traverse" to "perverse"; pg. 19 L48 delete "this was"; pg. 22 L14 "if" to "of".

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

VI. COMMUNICATIONS

1. **Permit Extension Request for IWWC App. # 2015-004
Site Plan - Town of Cheshire, Grove Street**

This communication was reviewed. This item is on the agenda under unfinished business. The applicant is asking for an extension and will not be making a presentation tonight.

2. **Staff Communication: Mount Sanford Road, IWWC App. #2015-008**

This communication was reviewed.

3. **Staff Communication with Attachment:
Moss Farm Road, IWWC App. #2015-010**

This communication was reviewed.

VII. INSPECTION REPORTS

1. **Written Inspections**

Ms. Simone stated there was an inspection report sent to 108 Blacks Road and 64 Rita Avenue; both under enforcement actions. She explained this was discussed meeting and they were sent letters regarding a reminder for their compliance dates coming up.

2. **Staff Inspections**

Ms. Simone stated there was a staff of the Moss Farms Road property which has an application as well as the Commission and staff went to a site walk for the Grove Street application; as well as the Cornwall Avenue extension at Mountain Road application.

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

Nathaniel Florian was present. David Carson, a principle with the OCC Group was also present.

Mr. Florian addressed the Commission with a property update.

Mr. Florian explained it appears that it's not economically viable for anyone to manufacture mulch on that site and the tenant that was doing it basically – gone out of business.

Mr. Florian stated he has attempting to work with other people in the mulch business just to get the site cleared of all the wood chips and top soil that's there.

Mr. Florian said there were concerns about tests on the top soil – he said he knew it was supposedly tested before it was brought in there.

Mr. Florian said what he is asking for tonight – is that the situation is not deteriorating anymore – we are just working as fast as we can and with as many people as we can to get the site cleared and restored back to normal.

Mr. Florian said one thing that has been complied with is that the storage sheds have been removed the required distance away from the wetlands.

Mr. Florian said the concrete blocks – they are probably still too close to the 10' setback but there's no additional harm to the wetlands because the situation is stable right now – and he is basically just trying to get all that stuff out of there.

Mr. Florian said the work can't just be done overnight so whatever extension he could get to get that site cleared he would appreciate.

Dr. Dimmick asked if he was still working with Mr. Carson.

Mr. Florian stated yes – we are working with him as much as we can.

Mr. Florian stated he (Mr. Carson) was originally hired by the tenant.

Dr. Dimmick the reason why he was asking was the transfer of who was working for and so forth.

Dr. Dimmick said he'd suggest that between done and the June 1 compliance deadline that Mr. Carson consult with our staff so between now and the next meeting we can a more formal proposal if

we need an extension than rather trying to come up with something tonight.

Dr. Dimmick said we certainly understand the change of circumstances.

Mr. Kurtz asked if they had a plan or were they working on a plan.

Mr. Florian said the plan is just to get the stuff out of there as quickly as we can so that we can restore it to just regular yard use for trailer storage or the tenants that exist now need the space for their trailers.

Mr. Carson said the intention is to use the concrete blocks that are on site and put them along the watercourse in the location that they originally planned to be in.

Mr. Carson said if you might recall from being out there – there were a few bins – material that was in those bins – that material has been hauled out and as the rest of the woodchips come out we'll take the wings of the bins and continue that line of concrete block down along the intermittent watercourse as was called for in the original plan submitted.

Mr. McPhee asked how much of the product has been removed so far – a half, quarter or a third.

Mr. Florian said there a lot of different phases.

Mr. Carson said he stopped there tonight on his way to the meeting and he said he was amazed on how much was gone – he didn't think 50% of its gone but as far as the wood chips more than 50% is gone.

Ms. Simone asked Mr. Carson – when you are saying 50% are you including the stock pile – the large soil pile further away from the wetlands.

Mr. Carson said as far as the wood chips – more than half of the woodchips are gone. He said as far as the top soil stock pile from what was originally there 20% maybe.

Ms. Simone said but most of what's been removed is in the vicinity of the wetlands which the Commission was concerned about previously.

Mr. Carson stated right – they are working down that line along the intermittent water course and taking the woodchips and as all of

those come out we'll be able to extend the concrete blocks down that side of the property.

Ms. Simone said and part of the issue with removing the mulch is finding a place to bring it whether it's going to be used or disposed of – is that part of the challenge.

Mr. Florian said exactly – its finding somebody who wants it.

Mr. Kurtz asked who owns it now.

Mr. Florian stated essentially he owned it because the tenant left it – the tenant does not own it.

Mr. Florian said the tenant for all intensive purposes from his understanding legally defunct so there's now much he can do with the tenant.

Mr. Kurtz said he was wondering if there was anything that would impede the removal of the material.

Mr. Florian said it's a matter of demand of someone who needs it.

Mr. Kurtz said he wondering how you develop a plan regarding the question of ownership.

Mr. Florian said it's kind of hard to develop a plan because basically we are just looking for people that need it and if you don't have anybody that needs it at the moment what can you plan – we at least are making some progress and he thought with the warmer weather and the mulch business being more active we might probably do a little better than we have for the last several months.

Dr. Dimmick asked Mr. Florian what kind of time extension he was thinking of compared to the June 1st date.

Mr. Florian asked for another six months that would be a big help.

Dr. Dimmick asked Suzanne since she's had some look at this – how much of this stuff is still a threat – have they moved away most of that stuff.

Ms. Simone said she thought with the active business no longer on this property that that lessens the concern because there's no mulch being moved around or processed – waters not being pumped out of that watercourse so by nature of that business not working there she

thinks its improved the site and now it's just a matter of cleaning up after that business and understanding that that will take some time because there was quite a bit of material.

Dr. Dimmick said if next winter is anything like this winter past December 1st you are not going to get anything done anyway.

Mr. McPhee said he didn't have a problem with the extension as long as we know progress is being made – he said unfortunately they've found themselves in a situation that's out of there control at this point in time.

Motion: That the Commission extends the deadline until December 31, 2015.

Moved by Mr. McPhee. Seconded by Ms. Dunne.

Ms. Dunne asked during that six month period would they be required to come back and report to us.

Dr. Dimmick said he was not sure if it's a comeback and report but some kind of communication with staff from time to time would be helpful so we know what's going on.

Ms. Dunne asked if they should set a date by which there should be a report.

The Commission amended the motion to read:

Motion: That the Commission extends the compliance deadline until December 31, 2015 and that the applicant would provide a progress report by September 1, 2015.

Moved by Mr. McPhee. Seconded by Ms. Dunne.

Motion approved unanimously by Commission members present.

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

Dr. Dimmick said he understood staff sent a letter also advising of a July 1, 2015 compliance deadline.

Dr. Dimmick said there's nothing else then to keep it on the agenda until the thing is satisfied.

- | | | |
|----|---|----------------|
| 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 |

Dr. Dimmick stated some progress has been made there and we had a communication last time.

Ms. Simone said they have an extension (possibly through June 2015); she'd have to double check that but it was extended and they were allowed time through the spring for the area to dry out so that they could get equipment in there.

IX. UNFINISHED BUSINESS

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

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

1. That the current application is for the resubdivision of a 22 acre lot, into a 15 building lot subdivision, including the existing house (920 Jarvis Street). Boundary changes of 966 and 986 Jarvis Street will provide for the accessway to the proposed subdivision.
2. The subject property is bounded by approximately 1,360 linear feet of the Ten Mile River to the west and is surrounded by town owned open space to the west and north, Cheshire Land

Trust open space to the northwest, a residential cluster subdivision (Orleton Court) to the north and privately owned open space to the east.

3. That the applicant's soil scientist testified to field locating wetlands and watercourses on site: the Ten Mile River to the west, and a pocket wetland to the north.
4. The proposed plans locate three permanent impacts to the 50' upland review area to the west of the Ten Mile River. The first impact (1,740 square feet, 0.04 acres) involves the installation of a drainage pipe and storm water basin in the vicinity of wetland flags 32 and 33. The stone lined level spreader is located within 15 feet of the delineated wetland and 170 feet from the eastern bank of the Ten Mile River. The second impact (1,145 square feet, 0.03 acres) involves the creation of lawn, identified as a grass swale incorporating the footing drain and roof drain of lot 2 and footing drain of lot 1. The third impact (660 square feet, 0.02 acres) involves the installation of a drainage pipe and outlet structure, approximately 30 feet from the delineated wetland and 180 feet from the eastern bank of the Ten Mile River.
5. That the property is contained in the Ten Mile River watershed.
6. That the Commission heard testimony from the applicant and public at the March 3, 2015 and March 17, 2015 public hearings.
7. That the public testimony regarding the clearing of trees neighboring the properties along Maplehurst Drive is unlikely to impact the upland review area located at a distance of 550 feet, the inland wetlands located at a distance of 600 feet, and the watercourse located at a distance of 760 feet.
8. That the Commission heard testimony from the applicant's soil scientist regarding the presence of habitat which could support populations of wood turtle and eastern box turtle.
9. That the Commission received a copy of the Department of Energy and Environmental Protection Natural Diversity Database (DEEP NDDDB) recommendations for site management during site development for the protection of turtle species.

10. That the Commission requested information from Staff regarding the management of turtles, and Staff concluded that the proposed activities are similar to recently approved inland wetland permits and that in those approvals it was stipulated that the DEEP NDDB recommendations be strictly adhered to.
11. That the Commission heard testimony regarding the establishment and responsibilities of a Home Owner's Association (HOA).
12. That the Commission is aware this application is also before the Planning and Zoning Commission, and that subdivision regulations, enforced by the Planning and Zoning Commission, specifically address requirements for the establishment of HOAs.
13. That the proposed storm water management systems are contained within the open space area of the proposed Home Owner's Association.
14. That at the March 17, 2015 public hearing, the applicant's attorney proposed language in the deed to require the creation of the Homeowners Association and the maintenance of the storm water management system by the Homeowners Association.
15. That the Commission is aware that the Public Works/Engineering Department has reviewed the plans and created a storm water drainage system maintenance list to be incorporated into the Declaration of Easements Reservations, Restrictions and Covenants.
16. That the proposal will not have a significant adverse effect on adjacent wetlands and watercourses.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2015-001, the permit application of APEX DEVELOPERS, LLC as presented on the plans entitled:

**“Cedar Crest Subdivision
Planned Residential Subdivision Development
920 Jarvis Street, Cheshire, CT
Dated: January 16, 2015; Revised: March 11, 2015
11 Sheets, Scale Varies
Prepared by Milone and MacBroom, Inc.”.**

And

**“Overall Site Development Plan
Cedar Crest Subdivision
Planned Residential Subdivision Development
920 Jarvis Street, Cheshire, CT
Dated: March 3, 2015
Sheet: SP, 1”=80’
Prepared by Milone and MacBroom, Inc.”**

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. All recommendations from the Connecticut Department of Energy and Environmental Protection (CT DEEP) regarding protective measures for Natural Diversity Database (NDDDB) species shall be stringently adhered to.
4. Prior to any clearing, grading, or other activities on the site, associated with this permit or the request for a Building Permit for ten lots #1-#10, the applicant shall accurately stake and/or flag all clearing limits, install erosion controls and permanently mark all non-encroachment lines, as shown on the reference plans above. 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.
5. 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 in compliance with the CT DEEP NDDDB comments (Stipulation #3) and as far as practical from all wetlands and watercourses, at least 100' where 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.
6. The Declaration of Easements Reservations, Restrictions and Covenants shall include language that instructs:
- a) All lot owners, by virtue of such ownership, shall become members in the Cedar Crest Homeowners Association.
 - b) The Homeowners Association shall be responsible for the servicing, repairing, maintaining and replacing the storm water drainage facilities for the subdivision including clear and clean clogged pipes, mow area of the drainage basins and an area at least 20 feet in width around the drainage basins, no less than once every two years, clean and maintain the underdrains and keep walls and berms of the basin free of overgrowth of vegetation.
 - c) In the event the Homeowner's Association fails to properly maintain the storm water drainage system, the Town of Cheshire shall have the right to enter the property, make repairs/improvements and may bill the Homeowners Association or all lot owners for the cost of repair/improvement and attorney's fees.

7. This permit grant shall expire on April 21, 2020.

Moved by Mr. Kurtz. Seconded by Mr. McPhee.

Dr. Dimmick stated there are 16 findings on this and 7 stipulations highlighting only the one that there has to be a homeowners association that will be responsible for serving, repairing, maintaining and replacing stormwater drainage facilities – he stated this was a big item of discussion among the Commission members.

Ms. Dunne said as was they have to comply with the Energy and Environmental Protection – February 11 letter with certain requirements which has been put in this (motion) as well.

Ms. Simone said its stipulation number three – Natural Diversity Database.

Dr. Dimmick said that stipulation reads, all recommendations from the Connecticut Department of Energy and Environmental Protection (CT DEEP) regarding protective measures for Natural Diversity Database (NDDDB) species shall be stringently adhered to.

Ms. Dunne stated it was added to number 5 as well.

Dr. Dimmick said so it's in there in two places; number 5 is regarding refueling of vehicles further protection for rare and endangered species.

Ms. Dunne said for the record that she is a member of the Cheshire Land Trust but that has not affected the way she plans to vote on this given Mr. Waldo's testimony that it did not meet the probability standard.

Dr. Dimmick stated the (motion approved unanimously by Commission members present) to grant a permit for the work on APEX Developers according to the stipulations in the wording that we just approved.

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

Dr. Dimmick said we did a field trip last Wednesday and the town has requested that we postpone our discussion on this until they make a few more changes.

Ms. Simone stated based on comments at the site walk the town does plan on changing the design and asked for an extension as well as to have discussion postponed.

Dr. Dimmick asked if they need an extension.

Ms. Simone said they do – there mandatory action date is May 7th – she said she thinks what they wanted to do also is to provide the

Commission with the opportunity in the event they found it to be a significant change then they could call for a public hearing.

Ms. Simone stated that's required that the Commission do that within 65 days of receiving the application – it was received March 3rd so they just want to provide ample time.

Dr. Dimmick asked if that mandatory date for calling a public hearing still hold if we give an extension.

Ms. Simone said once they grant an extension, they can use that for anytime in any part of the process including starting a public hearing. She stated they are looking for the full 65 day extension.

Dr. Dimmick asked if there were any objections to the extension.

Commission members present were in agreement to grant the 65 day extension.

Dr. Dimmick stated the Commission would postpone any further discussion to the next meeting.

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

Attorney Anthony Fazzone was present on behalf of the applicant.

Dr. Dimmick said they took a field trip this past Saturday looking at this site. He said they need to look at whether or not they need to hold a public hearing.

Dr. Dimmick said they have a request from the applicant to postpone further discussion on this until they can make some further changes.

Dr. Dimmick asked if they are going to run into problems with that because they haven't asked for an extension.

Ms. Simone said they did not ask for an extension. She explained at the next meeting which is scheduled for May 5th it will be 63 days from the date of receipt.

Dr. Dimmick said so at that point if we want to hold a public hearing we need (an extension).

Dr. Dimmick said there are three ways to determine the need for a public hearing – we can hold a public hearing if we deem the activity significant within the regulations; hold a public hearing if there's been a petition to do so or hold a public hearing if we think it's in the public interest to have a public hearing – any one of those three would be justification for having a public hearing.

Ms. Simone stated staff would recommend that either the applicant provide an extension for the Commission to make that decision to open a public hearing or that the Commission decide that tonight so that for the next meeting of May 5th that they could comply with opening the public hearing within 65 days of date of receipt.

Attorney Fazzone stated what he could represent to the Commission – he said he heard for the first time that because some Commission members thought there might be public interest in this – he said can't go on without commenting that the neighbors in the area are really away from the wetland area and it seemed to him their public interest is going to be more in the Planning and Zoning.

Dr. Dimmick said he tended to agree with him there but there certainly has been public interest.

Attorney Fazzone stated in any event – he could represent that we would grant the extension at the May 5th meeting if the Commission decides that they want to hold a public hearing.

Ms. Simone said just one concern with that – is that staff will need to prepare an approval and a denial for the next meeting.

Attorney Fazzone stated we would grant an extension of both things – both to make your decision – the 65 days to make your decision and if you decide to hold a public hearing we'd grant the extension of time within you have to commence the public hearing.

Ms. Simone asked if that was an extension he was requesting tonight.

Attorney Fazzone stated he would do that by the 5th (May) – he would state that on the record that we would grant the extension.

Dr. Dimmick said he thought that would leave us off the hook of having to do anything tonight. He said the whole thing is that while this was submitted quite some time ago it's been a while getting some of the information in and getting our field trip and so forth.

Attorney Fazzone stated there have been a lot of discussions with the various staff members and departments in town so there's some tweaking going on with the roadway.

Dr. Dimmick stated they'd postpone further action on this until the May 5th meeting.

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

Manny Silva, civil engineer of Rose, Tiso and Company of Fairfield, CT was present.

Dr. Dimmick said staff was waiting for revised plans.

Mr. Silva stated he had some record copies he passed out to Commission members.

Dr. Dimmick asked if they voted on significance yet.

Ms. Simone stated she didn't recall – the Commission was waiting on some modifications – one to show non-encroachment markers in the north area and to include erosion controls, silt fence and hay bales in the area of the fill also in the north area and to provide a Chesprocott signed plan for the record.

Mr. Silva stated they have an approval from Chesprocott.

Mr. Silva summarized the proposed activity. He stated this was a subdivision that was approved with a private street – the street was in place and they are proposing a two-story dwelling here on the rear lot.

Mr. Silva said what they had to do with the health district was again a septic system approval – he showed on the plan where the septic system was going and the reserve area and the house that's turned towards the street with an extended driveway; they have the wetlands to the back of the property.

Mr. Silva said one thing the Commission requested was to have reinforced silting fencing along the fill areas; he explained how they will obtain that by putting a silt fence and staked hay bales in between two sets of silt fence so it's kind of like a reinforced siltation barrier.

Mr. Silva explained and showed on the plan the location of some proposed filling which is guessed was the concern because there is a wetland area off the property to the north so this would be protected by that reinforced silt fence.

Mr. Silva stated they do propose a cullect recharger system just outside of the driveway with a small yard drain and the roof leaders tying into it – basically what that does is reduce the discharge finding from existing conditions to proposed conditions at the 10 year storm for 1.3 CFS down to 1.2 CFS – 25 year storm from 1.6 to 1.7; the 50 year from 2.3 to 2.0; 100 year storm from 2.92 to 2.91; so we have a reduction in storm water off site at all the storm events.

Mr. Silva said there was a distribution box just outside the yard drain which controls the outflow down towards the wetland to the north; where the water is currently today – they are going to hold that water here in the cullect system with the distribution box and reduce that runoff from the existing condition.

Mr. Silva said they have the septic plan which has all the soil testing data that we had to do – all the test pits and perk rates and how it complies with the state technical standards for the septic system.

Mr. Silva said what we have here is the double line that represents the reinforced hay bales – the reinforced siltation perimeter which is staked hay bales and silt fence in front and then that silt fence continues on to the uphill areas as a perimeter envelop for any construction within the window of disturbance.

Mr. Silva said they also have an anti-tracking pad at the end of the existing street.

Mr. Silva stated that's basically it except for standard details of how we do some of the stuff we need to do here.

Mr. Silva reviewed the reinforced silt fence process.

Mr. Silva asked if anyone had any questions.

Dr. Dimmick said it seemed to him most of what they were looking for was here.

Ms. Simone said they still do need something from Chesprocott.

Dr. Dimmick stated they needed something with a stamp on it on the map.

Ms. Simone stated usually the Commission accepts a map from Chesprocott that has their stamp opposed an email from them.

Dr. Dimmick said pending that are we ready to have staff put something together for the next meeting. He said our big concern was the potential for failure of the erosion controls.

Mr. Silva said which is understandable – it's a pretty steep slope under the proposed condition.

Dr. Dimmick said he's been on the Commission for more than 40 years and he has seen everything fail eventually.

Mr. Kurtz asked if they had comments from the engineering department.

It was noted they (engineering department) had no comment.

Dr. Dimmick suggested they instruct staff to prepare wording for the next meeting.

Mr. Silva stated he'd get the required document from Chesprocott.

Dr. Dimmick said unless anything unforeseen happens they'll be ready to act on this at next meeting.

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

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 stabilization of a stream bed and banks, to the south of 69 Wallingford Road.

2. That the proposal indicates the installation of riprap at a depth of 12 inches along the stream bed, and the creation of 2:1 slopes, incorporating the use of erosion control blankets.
3. That the intermittent watercourse boundaries were delineated by David Lord, soil scientist.
4. That the proposed 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 #2015-009, the permit application of JENNIFER SPINACH for site plan approval as presented and shown on the plans entitled:

**“Plan Showing Proposed Intermittent Watercourse Stabilization
On Property of Jennifer Spinach
Located at 69 Wallingford Road, Cheshire, CT
Scale 1”=40’
Dated February 26, 2015, Revised April 9, 2015
Prepared by OCC Group, Inc., Cheshire, 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:

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, and/or earth work activities, the clearing limits shall be accurately staked and flagged and erosion controls properly installed.
4. Throughout the course of conducting permitted 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 21, 2020.

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

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

Dr. Dimmick stated they received some additional information this afternoon and staff has not been able to review it.

Dr. Dimmick stated the mandatory action date is June 11th.

Ms. Simone stated copies of what we received today were handed out to Commission members tonight – they have lengthy responses to the engineering department which the engineering department needs to review still.

Ms. Simone stated there is an update narrative from William Root, the soil scientist.

Dr. Dimmick stated the suspected vernal pool turned out to be a functional vernal pool – it's got salamanders breeding in it.

Ms. Simone stated when she did go out to the property it was not staked so it was difficult to really assess in the landscape how close or how far they were from the vernal pool but the map and looking at the vernal pool it does appear as though it's very close and the discharge they that have proposed under the driveway will pretty much direct discharge into the vernal pool.

Dr. Dimmick said the standard is normally try to be 50' from wetlands but there's one that says you should be 100' from vernal pools. He said this might be something we have to look at some way to keep discharge from going into that vernal pool.

Ms. Simone said there is a question in looking at the site – its seems as though that there is ample opportunity to relocate the driveway further away from the vernal pool instead of putting right next to the vernal pool so the engineer had indicated that they staked it this weekend and she'll go back out there and check.

Ms. Simone stated the Commission had asked for pdf copies and we didn't get those yet – we are going to try to do that in-house with the revised plans.

X. NEW BUSINESS

There was no new business addressed.

Dr. Dimmick said they should, at least once a year revisit our regulations and look at and make sure everything is up to date and we can see if anything comes out of the legislator this year that we need to look at.

Dr. Dimmick said in the next month or so you all might want to look at the regulations and see if anything occurs to you.

Return to the approval of the minutes at 8:06 pm.

XI. ADJOURNMENT

The meeting was adjourned at 8:07 p.m. by the consensus of Commission members present.

Respectfully submitted:

Carla Mills
Recording Secretary
Cheshire Inland Wetland and
Watercourse Commission