

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, JUNE 2, 2015
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.
Immediately following the public hearing**

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

Members Absent: Robert de Jongh and Will McPhee.

Staff: Bill Voelker.

Dr. Dimmick served as chairman pro-tem.

I. CALL TO ORDER

Dr. Dimmick called the meeting to order at 8:08 p.m.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited at the public hearing.

III. ROLL CALL

Ms. Dunne called the roll at the public hearing. Members in attendance at the public hearing were still in attendance for the regular meeting. Members were Charles Dimmick, Kerrie Dunne, Dave Brzozowski, Earl Kurtz and Thom Norback.

IV. DETERMINATION OF QUORUM

Dr. Dimmick determined there were enough members present for a quorum at the public hearing.

V. APPROVAL OF MINUTES – Regular Meeting – May 19, 2015

Dr. Dimmick suggested deferring 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 9:00 pm:

Motion: To approve the minutes of the May 19, 2015 regular meeting pending future corrections.

Corrections submitted by Dr. Dimmick on June 7, 2015: Pg. 3 L32 “staff” to “written”; pg. 6 L48 “sway” to “away”; pg. 13 L7 “internal” to “vernal”; pg. 18 L41 “no” to “now”, L43 “up” to “be”, L45 “try” to “dry”; pg. 19 L46 “double” to “doubt”.

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

VI. COMMUNICATIONS

- 1. Notice of Violation Letter to CK Greenhouses
Re: Unauthorized Activities in an Inland Wetland & Upland Review Area, East Johnson Avenue**

This communication was reviewed. A show cause hearing is on tonight’s agenda.

- 2. Request for Determination, Lot 7, Baxter Court**

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

- 3. Bond Release Request, 5 Terrell Farm Place**

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

- 4. 20 Smith Place Violation Compliance**

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

- 5. Staff Communication with Attachments
Re: 10 Prinz Court, Application # 2015-013**

This communication was reviewed.

- 6. Request for Determination 2015-015, 607 Yalesville Road, Pool Shed**

This communication was reviewed.

- 7. Staff Communication
Re: Moss Farm Road, Application # 2015-010**

This communication was reviewed.

8. **Staff Communication with Attachments**
Re: CK Greenhouses, East Johnson Avenue

These communications were reviewed.

VII. INSPECTION REPORTS

1. **Written Inspections**

Mr. Voelker stated he had not been briefed to read anything this evening on written inspections.

2. **Staff Inspections**

Dr. Dimmick stated some of the staff inspections are included in staff communication we received.

VIII. ENFORCEMENT ACTIONS

1. **Notice of Violation** **SC 1/07/14**
Mr. Nathaniel Florian **Permit #2013-015 compliance date:**
12/31/15
Woodruff Associates
Unauthorized Activities in the Upland Review Area/Inland Wetlands
108 Blacks Road
Assessor's Map 19, Lots 43 & 44

Dr. Dimmick stated the Commission issued a permit to correct the conditions with a compliance date of complication now moved to the end of the year and a great deal of what was asked has already been performed.

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**
Compliance Date: July 1, 2015

Dr. Dimmick said he hoped staff could report some kind of progress by the next meeting.

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 staff has received verification that the area has been cleared of the unauthorized stored material and has been seeded.

Dr. Dimmick said staff has proposed a release of the violation under an item under new business.

4. **SHOW CAUSE HEARING**

Notice of Violation

SC 05/19/15

Mr. Charles Kurtz

SC 06/02/15

Unauthorized Activities in an Inland Wetland and Upland Review Area

East Johnson Road

Assessor's Map 12, Lot 2

Dr. Dimmick stated there was a show cause hearing – notice of violation of Mr. Charles Kurtz for unauthorized activities in an inland wetland and upland review area on East Johnson Road.

Dr. Dimmick asked Mr. Kurtz if it was determined last time there was no problem with him sitting here on this.

Mr. Kurtz stated that was correct.

Attorney Anthony Fazzone of the Offices of Fazzone, Ryan and Ricciuti was present representing Charles Kurtz.

Attorney Fazzone stated this was on the agenda at the last meeting and we asked that any presentation be postponed because we had contacted David Lord to do a wetlands delineation on the property.

Attorney Fazzone stated Mr. Lord's is here this evening and he has a report and will go over that at the outset of our presentation.

Dr. Dimmick stated we had some information submitted but he was not sure how much was emailed to us (Commission members).

David Lord, a professional soil scientist and environmental consultant with Soil Research Consultants in Meriden, CT addressed the Commission.

Mr. Lord said what Commission members were just handed was a report concerning the onsite finding of an investigation which he performed this past week and concluded this morning.

Mr. Lord said they had the opportunity to place 28 flags – shown on the drawing – the wetland boundary is shown – there's also on the back two pages of his report there's a blowup of that section of the property.

Mr. Lord stated as far as wetlands go we have the Quinnipiac River – we have flood plain soils which are identified as three different types – there's a poorly drained pocket of alluvial soils – there are narrow dis-continuous strips of moderately well drained flood plain alluvial soils along the edge of the river and there as you move away from the away from the river elevations rise – you have well drained alluvial soils which are identified only at the taxonomic level because they are currently developing, they have been modified slightly over time.

Mr. Lord said there is a foundation structure that's located just off the map to the north – there's another structure foundation on another portion of the site (shown on the map) so there has been activity within the flood plain and the adjacent upland over time so you see this in the report.

Mr. Lord said identified as flood plain alluvial soils – it has the characteristics of an active flood plain top soil layers and stratification of light and dark layers of the soil indicative of alluvial sediments beginning deposited within the active flood plain.

Mr. Lord said also on this map you have the flood plain limits – Sev Levino will talk about those and they are on the drawing.

Mr. Lord stated there is a varying risk of upland and non-wetland soils which extend from the delineation of the wetlands to an existing retaining wall structure which is a straight line (shown on the plan). He said the limits of that retaining wall are from approximately 10' at its narrowest point to well over 75' probably closer to 100'.

Mr. Lord explained upland soils consist of Agawam soils which are glacial outwash they are very coarse textured gravely and sandy loams in the areas of close proximity to the wetland outside the edge of the retaining wall structure. He said inside the retaining wall structure mapped at the taxonomic level the Udorthent have been filled with a very sandy material.

Mr. Lord said additionally off of this map to the north at the edge of the woods identified Manchester soils which is a native very gravelly sandy type soil high infiltration rates that's present to the north and lastly in addition to the Udorthent which are within the retaining wall structure there is also associated with some town property along East Johnson Avenue at the Quinnipiac– a town structure – a pump station and areas of soils associated with that and also mapped at the taxonomic level as Udorthent dense in the upland portion of the property.

Mr. Lord said in short – no inland wetlands or watercourses were filled with the construction of the retaining wall based on the soil examination that he did. He stated there has been in places where the separation between a wetland boundary and the retaining wall is less than 50' there's encroachment into the upland review zone.

Dr. Dimmick said we have older maps that show another wetland area within the area of your retaining wall – another words where you have your Udorthents was mapped previously an area of wetlands that shows on previous permit applications in front of us.

Dr. Dimmick asked if he (Mr. Lord) saw any sign of such.

Mr. Lords said no – it's not inside the retaining wall structure – it's not possible to see anything like that.

Dr. Dimmick asked Mr. Lord to come up and take a look at the map (that Dr. Dimmick was referring to).

Mr. Lord said he sees the map unit but that's under the fill and grading that's taking place with retaining wall.

Mr. Lord stated he didn't have any knowledge of that structure. He said he did know and had the opportunity several years ago to work on the pump station structure in that area for the town so that's the area outside of the property he has firsthand knowledge of – he does not have the area that he just showed him.

Mr. Voelker stated for the record the wetland area that you (Dr. Dimmick) speak to was shown to this Commission on the plan that was actually approved by this Commission in 2001 for a freight terminal which was never constructed on the property.

Dr. Dimmick said the freight terminal application was subject to extensive public hearing and eventually the application was denied

primarily for a variety of other reasons but in the mapping that they provided to us at that point at which is therefore is part of the public records that we have here – that wetland shows and not only that but the actual wetland boundary along the river has a different configuration than what you showed up with.

Dr. Dimmick said unfortunately to complicate things further there is an earlier wetland map that shows still a different wetland boundary along the river – more extensive than either yours or the one with the freight terminal – so we have a rather complex history of where the wetland is and what is wetland now.

Dr. Dimmick said now realize part of the problem is that a lot of those alluvial soils are well drained or very well drained and yet by Connecticut law they are wetland soils and they might even blend on surface appearance blend into some of the upland soils so that probably complicates things.

Mr. Lord stated alluvial soils are difficult type soils to identify. He said what he could say was during his examination of what he flagged as wetlands at this point in time – he did find several knots and points of what he took to be a previous delineation efforts – at least with those knots and pieces of flagging we are fairly consistent with what he's got flagged now.

Mr. Lord said as he mentioned he did flag the wetland area for the pump station that boundary did appear to be pretty close to what his notes show for the boundary which extended along the west side of the pump station structure.

Dr. Dimmick said since this is show cause hearing we need something in terms of the timing of when that wall went into place and when the fill and why there was no attempt to get a determination from this Commission as to whether or not these were regulated activities. He said farming exemptions only exists if the Commission decides if a farming exemption exists and in this case it seems that someone had taken in their mind they didn't need to check with us.

Attorney Fazzone said he didn't know that he agreed that farming exemptions only exist if the Commission agrees if they exist.

Dr. Dimmick stated that's case law in this state.

Attorney Fazzone said the statute says that there is an exemption for agriculture and that you can extend agricultural fields into wetland

area as long as you don't want to deposit material or remove material.

Attorney Fazzone said basically Mr. Kurtz in looking at this did not think there were wetlands there – there were flags remaining from the previous determination that Mr. Lord had done and they stayed away from those – they tried to stay at the 117 elevation – the flood plain elevation and basically there is activity within the upland review area and it would certainly be advisable and would have been advisable to come for a determination but he didn't know if that was statutorily required.

Attorney Fazzone said the fact of the matter is they did not come for a determination and some of that area goes into at least the upland review area.

Attorney Fazzone stated he hasn't seen the maps of the truck terminal application – he said he didn't think the Pasqualoni property was a part of that application but it may very well have been.

Dr. Dimmick said we have in his time sitting on this Commission four applications for use of that property the one that staff found was the truck terminal one and unfortunately he didn't get to see that map until yesterday and after the material had been presented. He also said Suzanne (Simone) – the one who came across that is not here tonight and so he can't get you a complete answer on that but he did know the information is in our files.

Dr. Dimmick said since we only got this soil report today – staff obviously has not had a chance to look at it and would probably like to consult with you before we do anything so he supposed we should continue this show cause hearing until the next meeting.

Mr. Norback said if it was cumbersome at best to have three different wetland delineations so what are we basing things on.

Dr. Dimmick said David Lord is a certified soil scientist and he worked with him and against him over the years – what he has delineated is probably a valid line as much as anything as he and I both commented this is very difficult to determine the boundary of alluvial soil in determining a wetland line – the other issue now is the other wetland that shows on the earlier maps.

Mr. Norback said he guessed that was his question – is anything relative except for the one that we are being presented with here tonight.

Dr. Dimmick said if we have evidence there was a wetland that was filled even if the wetland is not now visible we have to work this out.

Mr. Voelker said the map that we show that was taken from a site plan reviewed by the Commission and the wetlands on the map were supported by a soils report done by Milone and MacBroom and was also submitted to the Commission so that's a matter of record right now and that portion of the site shows the pocket wetland – Attorney Fazzone is certainly entitled to see this and will get this – is now filled so Mr. Lord couldn't find it is what is saying – he said it is important to the record because the Commission had previously had under the authority and had reviewed extensively an application that was supported by documentation that was submitted by professional licensed soil scientists. He said it is relevant to these proceedings in fact this is something you (the Commission) has to consider.

Dr. Dimmick said it isn't fair to anybody to try to work any further tonight on something which was a complete surprise to the people here tonight so they need to research it and our own staff needs to research the report that was done by David Lord and a phone call to get some verification as to what's going on plus they should be able to have access to what's in our files on this and that's why he and staff recommend a continuation on this.

Attorney Fazzone said he wanted to put in a couple of other exhibits before we close tonight's proceedings.

Dr. Dimmick said we have something that was submitted to us that would also be an exhibit.

Attorney Fazzone submitted copies to each Commission member; a detail of a retaining wall that shows the precautions that Mr. Kurtz has taken to protect the wetland; an aerial photograph that was taken in 2012 that shows the exact site – it shows the fact that it was and has been over the years used as an agricultural field.

Dr. Dimmick said the diagram that was just presented to us has no legend saying that his was a retaining wall used on at this site or date or anything else so it's hard to be used as an exhibit without some kind of documentation.

Attorney Fazzone said it's a blow up of what's on the plan that was submitted.

Attorney Fazzone explained the detail is shown – it's a blow up of the detail that's shown on the plan – we have copies and will deliver those to the Planning Office tomorrow – the larger scale plans which have been shown tonight.

Dr. Dimmick said another thing they received today was a letter from the Quinnipiac River Watershed Association commenting on the site and the fill – he said he was going to have staff make copies of it and make sure Attorney Fazzone gets a copy of it and make sure Commission members get a copy of this and that is probably something you'll (Attorney Fazzone) want to comment on next time.

Dr. Dimmick stated this is not a regular public hearing and therefore we can't open this to comment from the public so we can certainly written communication.

Dr. Dimmick said so we accepted the blow up of the diagram of the plans that are forthcoming and we have accepted this aerial photograph labeled Pasqualoni property East Johnson Avenue dated March 20, 2012 and it's from Milone and MacBroom. He said staff will have a copy of that and might be able to compare it to other materials they have.

Attorney Fazzone said he had a further exhibit which is a 2015 aerial photo prepared by Kratzert and Jones. The exhibit was submitted for the record.

Mr. Norback asked the purpose of the retaining wall and fill that was placed – was that for a structure or is it just for a mow field.

Attorney Fazzone stated it's for a mow field – no structure – just a mow field.

Attorney Fazzone stated for the record for the most part it is in area that you can see from the aerial photos that was a mow field and the purpose was to level it off.

Mr. Norback asked about the monitoring wells there because of the Quinnipiac River or is it part of the aquifer.

Dr. Dimmick said this is part of the primary recharge zone for the north Cheshire well field which had many years ago shown a certain amount of contamination volatile organic compounds. He said talked about the stripping of the volatiles out of it and in the sale of this property there may have been sampling because of agriculture chemicals that we use on the land.

Attorney Fazzone stated it's not intended that the monitoring wells situation be relevant to this hearing.

There was some brief discussion about the monitoring wells and it was noted it did come up in prior applications for this property where it was a consideration.

Dr. Dimmick stated this show because hearing would be continued to the next meeting.

IX. UNFINISHED BUSINESS

1.	Permit Application	APP	2015-004
	Town of Cheshire Public Works	DOR	03/03/15
	Grove Street	SW	04/14/15
	Site Plan	MAD	07/11/15

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 applicant is seeking a permit to construct a "hammerhead turnaround" at the end of Grove Street, so town vehicles are able to turn around at the terminus of this dead end street.
2. That the proposed activity will impact 200 square feet of the upland review area, but will not include the clearing of mature trees or modification of the steep slope.
3. That there no species of concern in the area, as identified on the current CT DEEP Natural Diversity Database.
4. That the activities will likely 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 #2015-004, the permit application of Town of Cheshire

Department of Public Works for site plan approval as presented and shown on the plans entitled:

**“Town of Cheshire, Connecticut
Department of Public Works and Engineering
Site Plan, Proposed Turnaround
Grove Street, Cheshire, CT
Dated: October 21, 2014; Revised May 15, 2015
One Sheet
Prepared By: Town of Cheshire, Engineering
Department.”**

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 clearing 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’ 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.

5. This permit grant shall expire on June 2, 2020.

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

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| 2. | Permit Application | APP | 2015-010 |
| | H & H RE, LLC | DOR | 04/07/15 |
| | Moss Farm Road | PH | 06/02/15 |
| | House | MAD | 07/07/15 |

This item was subject of tonight's public hearing. This item was continued to the next meeting.

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| 3. | Permit Application | APP | 2015-013 |
| | Joseph M. Green | DOR | 05/05/15 |
| | 10 Prinz Court | SW | 05/26/15 |
| | Site Plan - House | PH | 06/02/15 |
| | | MAD | 07/07/15 |

This item was subject of tonight's public hearing. This item was continued to the next meeting.

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| 4. | Request for Determination | RFD | 2015-015 |
| | 607 Yalesville Road | | |
| | Pool Shed in Upland Review Area | | |

Peter Webster of 607 Yalesville Road was present.

Mr. Voelker explained that he didn't know the specifics other than Mr. Webster was asked to come to tonight's meeting and explain why this shed was constructed without prior approval from this Commission.

Mr. Webster addressed the Commission.

Dr. Dimmick stated it was his understanding the pool shed was built without coming before the wetlands Commission for a permit. He asked Mr. Webster to clarify as to what happened.

Mr. Webster explained he didn't think it was necessary – he was unaware of it – he would have come for a permit if he knew it was necessary.

Mr. Webster said the only he knew was under 200 SF he didn't need a building permit so he never associated with the wetlands. He said it wasn't deliberate or anything he didn't know he needed this.

Dr. Dimmick said would they do need is this is an activity that had you come in front of us we would have probably required a permit so we may be looking at one of these attempts to arrange for a permit after the fact.

Ms. Dunne stated we do have an application.

Mr. Voelker read the application narrative – the activity is to construct a 12" by 16' pool shed, foundation is on sonatube piers; the pool shed is located a minimum of 100' from all property lines; the shed is approximately 48' from dried up pond on the property and approximately 60' from the small remaining stream.

Mr. Voelker stated its 48' from the dried up pond and places him in the upland review area.

Dr. Dimmick said it places him in the upland review area and he thinks the thing we are missing is for a private citizen we don't require a surveyor to prepare a map but we do need some kind a map on the file (a base map can be gotten at town hall) and piece out roughly where all of this (activity) is. He said for us to act on this we are going to have to have some kind of map to act on this and he would feel more comfortable if he could get our regular staff to look at this.

Dr. Dimmick said he didn't except there would be any problem but we require everybody who does something like this to have a permit unless we have something to declare de minimis but in this case it is within the upland review area.

Dr. Dimmick said if you can get some kind of a map to staff and she can suggest what is needed.

Dr. Dimmick continued this item to the next meeting.

X. NEW BUSINESS

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|----|---|-----|----------|
| 1. | Request for Determination
Claudia Imperati
Baxter Court, Lot 7
Site Plan – House | RFD | 2015-016 |
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Ryan McEvoy, PE of Milone and MacBroom was present on behalf of the applicant.

Mr. McEvoy explained this lot is referred to as lot 7 on the approved subdivision map – one of a number of lots in Premierley Estates that was required to come back for individual site plan approval.

Mr. McEvoy said we have prepared this plan based on the applicant's desire to construct on the property (Claudia Imperati) – the property still owned by Verna Developers.

Mr. McEvoy said essentially we've placed the house in the location on the front of the property to the north side an existing lawn area or previous lawn area on the property. The septic system is located to the rear of the house in a relatively flat historically grassed area.

Mr. McEvoy stated there is a driveway presently that was part of the house that was on the site before the subdivision – it was part of the original subdivision to be removed; that driveway is within 50' upland review area but it is a previously permitted activity.

Mr. McEvoy stated the only wetlands on the site are the extreme southern end where the northerly limits of a pond fall slightly on this property.

Mr. McEvoy said as part of this subdivision approval there is a 40' conservation line that was part of the subdivision map filed on the land record – we are proposing no disturbance within that conservation easement limit and the only activity within 50' of the upland review area which is highlighted in red on this plan is the removal of the driveway.

Mr. McEvoy said the septic system, house, driveway and grading are all located outside the upland review area.

Dr. Dimmick asked if the septic system was not going to require any significant change in the grading.

Mr. McEvoy stated none whatsoever – it's all sand and gravel – there are going to be no changes in grade.

Mr. Norback asked if this was also like other lots in the subdivision an already approved septic system by Chesprocott.

Mr. McEvoy stated the system has been reviewed by Chesprocott – they took no exception to the site plan we are just waiting for final architectural plans to issue their final signature but they have reviewed it and they don't see an issue.

Motion: That the Commission declares the proposed activity de minimis and not needing a permit.

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

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| 2. | Permit Application | APP | 2015-016 |
| | Claudia Imperati | DOR | 06/02/15 |
| | Baxter Court, Lot 7 | | |
| | Site Plan – House | MAD | 08/06/15 |

Mr. McEvoy requested on behalf of the applicant to withdraw the application for this lot.

3. Bond Release Request
CIWWC Application # 2013-015
Kim Adams
5 Terrell Farm Place

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission has considered the request for bond release by Kim Adams for sedimentation and erosion control bond stipulated as part of CIWWC Permit #2013-015, and finds the following:

That staff has inspected the area and verifies that all areas are generally stabilized and all conditions of the permit grant have been generally met.

Therefore, the Commission grants the bond release request by the applicant for the sedimentation and erosion control bond.

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

4. Violation Release
Terrence McIntosh
20 Smith Place

Dr. Dimmick stated that staff has reported that the work has been completed for correcting the violation including the reseeding of the area and staff has prepared a draft motion for release of the initial violation.

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors relevant to the issuance and release of the subject Notice of Violation/Cease and Desist Order and Corrective Order, Commissioners' knowledge of the area, and after review of Staff inspections and information provided on this matter, finds the following:

- 1. That on July 29, 2014, a Notice of Violation/ Cease and Desist was issued to Terrence McIntosh, 20 Smith Place for the unpermitted stockpiling of yard debris in an upland review area in violation of the Inland Wetlands and Watercourses Regulations.**
- 2. That on September 2, 2014 the Cheshire Inland Wetlands and Watercourses Commission held a Show Cause Hearing and determined the stockpiling of yard debris in an upland review area was in violation of the Inland Wetlands and Watercourses Regulations.**
- 3. That on September 2, 2014 a Corrective Order was issued, requiring the yard debris be removed by November 2, 2014.**
- 4. The property owner requested and received extensions to the Corrective Order compliance date. The current expiration date is June 2, 2015.**
- 5. That on Tuesday May 26, 2015 the property owner confirmed in an email to Commission Staff that the debris had been removed.**
- 6. That Commission Staff verified the debris removal and protection of the soil in the affected area by application of woodchips. Staff is currently verifying the application of grass seed in the affected area.**

Therefore, the Cheshire Inland Wetlands and Watercourses Commission does hereby determine that the requirements stated at the September 2, 2014 Corrective Order have been met and completed. Further, the Commission does hereby release and

discharge the aforementioned Notice of Violation/Cease and Desist Order.

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

Discussion:

Mr. Kurtz said this was great news and he is surprised and pleased that he (Mr. McIntosh) stuck to it with all the problems he had getting going.

Dr. Dimmick said he was glad to see it work out.

Motion approved unanimously by Commission members present.

5. **Whole Foods
Request for Determination
Parking Lot Additions**

The Commission agreed by a unanimous vote to add this item to the agenda.

Mr. Voelker stated for the record he looked at this today for the first time and he is familiar with it and also knows the property. He noted we have will have no substantial comments regarding this.

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

Mr. McEvoy explained the map in front of the Commission is the map of the entire Whole Foods property. He said what the owner is seeking to do is two minor expansions of existing parking.

Mr. McEvoy stated the property is located at East Johnson Avenue shown on the left side of the sheet - 691 on the north - the Quinnipiac River and associated wetlands on the east side of the property.

Mr. Norback asked about an area on an abutting property.

Mr. Voelker said that is the wetland area that was shown by Milone and MacBroom on the plan that they did so that is also part of their record that was supported by their soil scientist.

Mr. Norback said one of the three delineations that we've seen.

Mr. McEvoy showed where the existing warehouse was located on the central portion of the property – he highlighted the two areas they are the focus of the property expansion – the first being located to the south of the existing building and the second to the west – he showed the limit of the southern end of the warehouse, employee parking is located in the front of the building located between the detention basin and the building itself.

Mr. McEvoy said what they are looking to do is to add a row of parking – there will be some restriping of the existing parking lot but the extent of parking in this area (shown on the plan).

Dr. Dimmick stated it's in the existing paved area.

Mr. McEvoy stated it's within the limits of the existing area.

Dr. Dimmick said there will be just a little bit more paving then there was.

Mr. McEvoy stated that's exactly right – on the west side of the building we are adding a little bit of paved surface to expand the tractor trailer parking area.

Dr. Dimmick said he thought he saw something like this about a year ago put in front of us.

Mr. McEvoy said there was a substantially larger increase in parking area proposed in the front of the property nearest East Johnson Avenue (for trucks). He said in this case it's for minor employee parking expansion and a parking expansion in the tractor trailer area – both hundreds of feet from the nearest wetlands – we did analyze the drainage as part of the this – it was conservatively designed previously and there was no need to change any of the detention basins.

Mr. McEvoy said he believed and he thought Mr. Voelker could confirm this but this will be reviewed by the Planning and Zoning Commission.

Mr. Voelker said they are going to come in for a site plan modification – they wanted to do this and come in with the request in case they had to make a wetland application but they will be making a Planning and Zoning application.

Mr. McEvoy said there will be staff oversight from the engineering level as part of the Planning and Zoning application.

Motion: That the Commission declares the proposed activity de minimis within the context of the regulations.

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

At 9:00 pm: Return to the approval of the minutes.

XI. ADJOURNMENT

The meeting was adjourned at 9:01 p.m. by the consensus of Commission members present.

Respectfully submitted:

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