

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, SEPTEMBER 1, 2015
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:35 P.M.
Immediately following the public hearing**

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

Members Absent: Thom Norback

Staff: Suzanne Simone.

I. CALL TO ORDER

Chairman de Jongh called the regular meeting to order at 7:35 pm.

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 who were present at the public hearing were still present for the regular meeting.

Members present were Robert de Jongh, Dave Brzozowski, Charles Dimmick, Kerrie Dunne, Earl Kurtz and Will McPhee.

IV. DETERMINATION OF QUORUM

Chairman de Jongh determined there were enough members present for a quorum at the public hearing.

**V. APPROVAL OF MINUTES Public Hearing – August 4, 2015
 Regular Meeting – August 4, 2015**

Motion: To approve the minutes of the August 4, 2015 public hearing with corrections (pg. 4 L16 “put” to “but”; pg. 10 L7 “in” to “from”) and the August 4, 2015 regular meeting with no corrections.

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

VI. COMMUNICATIONS

Ms. Simone reviewed the following communications:

1. The Habitat, CACIWC Newsletter, Summer 2015, Volume 27, Number 3
(To be handed out at meeting)

Copies of The Habitat were passed out to Commission members.

2. Letter to David Flanagan Re: Map 32, Lot 50 Summit Road

This communication was reviewed.

3. Request for Determination 2015-027, 358 Cornwall Avenue, Site Plan

This communication was reviewed.

4. Request for Determination 2015-028, 721 Cook Hill Road, Barn

This communication was reviewed.

5. Request for Determination 2015-031, 500 South Meriden Road, Agricultural Use

This communication was reviewed.

6. CACIWC 38th Annual Meeting and Environmental Conference, 11/14/15

This communication was reviewed. Ms. Simone stated if anyone was interested in signing up they should let her know.

Dr. Dimmick said any member who is available should really consider going to the CACIWC conference on November 14. He said he cannot make it this year – he said you really do get a lot out of them.

7. Engineering Comments Re: Coleman Road Subdivision #2015-021

This communication was reviewed. This item was subject of the public hearing tonight.

8. **Request for Bond Release by Diversified Cook Hill, LLC for 710 Peck Lane**

This communication was reviewed. This item is under new business tonight.

9. **Staff Communication: Request for Determination #2015-027
358 Cornwall Avenue – Garage Rebuild**

This communication was reviewed.

10. **Staff Communication: Request for Determination #2015-028
721 Cook Hill Road – Barn**

This communication was reviewed.

11. **Staff Communication: Request for Determination #2015-031
500 South Meriden Road – Agricultural Use**

This communication was reviewed.

VII. INSPECTION REPORTS

1. **Written Inspections**

Ms. Simone stated written inspections were covered under communications.

2. **Staff Inspections**

- a. **Jarvis Street: Ms. Simone stated there was a staff inspection of the subdivision that was approved by this Commission on Jarvis Street. She stated the erosions are in place and the site is being properly managed.**

- b. **10 Prinz Court: Ms. Simone stated an erosion control inspection is complete according to plan.**

- c. **Pine Brook Court: Ms. Simone explained they received a call regarding 15 Pine Brook Court – she did not find according to the town's soils map that there are any inland wetlands on the site or within 50' of that property.**

- d. **Summit Street Complaint:** Ms. Simone stated there was an inspection based on a complaint for the lot on Summit Street which is map 32 lot 50; the complaint was the property is being cleared – from Summit Street she was not able to see any clearing – it’s a forested lot – the entire lot except for a small portion along the road is deemed as wetlands according to the town map.

Ms. Simone said she did send a letter to the property owner asking for further information. She said at this point she didn’t think there was enough information for her to send a notice because she is not able to observe anything – and she has no information.

Ms. Simone stated she did not hear from the property owner. She did receive another communication from the complaint and they had indicated that they do have pictures taken from their property and that they would be forwarding them to her and then at that point she could get more information.

- e. **McClausland Court:** Ms. Simone stated there was an inspection of 335 McClausland Court – that was the subject of a request for determination from this Commission and the erosion controls are installed according to plan.
- f. **710 Peck Land:** Ms. Simone stated there was an inspection of 710 Peck Lane which is before the Commission tonight for bond release. She stated the erosion controls did their job and the site is secured and landscaped.
- g. **Peck Land Town of Cheshire Drainage Project:** Ms. Simone stated the Peck Lane Town of Cheshire drainage project is complete.

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

Chairman de Jongh stated this continues to remain on the agenda for monitoring purposes.

- 2. **Notice of Violation** SC 05/19/15

Mr. Charles Kurtz

SC 06/02/15
SC 06/16/15
SC 07/07/15

Unauthorized Activities in an Inland Wetland and Upland Review
Area
East Johnson Avenue
Assessor's Map 12, Lot 2

Chairman de Jongh stated this item is on the agenda to keep on their
(the Commission's) radar screen.

IX. UNFINISHED BUSINESS

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|----|--------------------|-----|----------|
| 1. | Permit Application | APP | 2015-021 |
| | Apex Developers | DOR | 07/07/15 |
| | Coleman Road | SW | 07/14/15 |
| | Subdivision | PH | 08/04/15 |
| | | PH | 09/01/15 |
| | | MAD | 10/06/15 |

Chairman de Jongh stated this item was subject of a public hearing
this evening which was a continuation of one that was held back in
August. He said all the information this Commission needed was
received this evening and the public hearing was closed.

Dr. Dimmick said at this point, they'd turn it over to staff to come up
with proposed wording for a permit.

Chairman de Jongh stated this item could be taken care of at the
next meeting.

X. NEW BUSINESS

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|----|---------------------------|-----|----------|
| 1. | Request for Determination | RFD | 2015-027 |
| | Jason Bartlett | DOR | 09/01/15 |
| | 358 Cornwall Avenue | | |
| | Site Plan | | |

Jason Bartlett was present.

Mr. Bartlett addressed the Commission. He explained he purchased
the property and then found out the garage on the property that is
attached to the house is in disarray.

Mr. Bartlett explained the footings are falling apart and the concrete slabs are falling apart so he wants to rebuild in the existing footprint but it is within 50' of a pond on the property.

Dr. Dimmick asked if he was going to use the same slab.

Mr. Bartlett stated he is not going to use the same slab because it's in disarray.

Dr. Dimmick said you are going to use the exact same footprint.

Mr. Bartlett stated yes. He explained an A-2 survey done confirming all the exact measurements and where the silt fence is.

Dr. Dimmick said other than that and between there and the pond there is no earth moving or anything required.

Mr. Bartlett stated no.

Dr. Dimmick said and your house is built about 1950 – way back off the road.

Mr. Bartlett stated that was correct.

Mr. Bartlett stated there is a large driveway were they could do most of the construction off the driveway – he said they don't have to actually go on the grass between the pond and the garage – they can do everything right from the front and pull it out.

Dr. Dimmick said he had been studying at the air photos of that site and didn't see any problem.

Ms. Dunne asked if they asked about cutting trees – is there any cutting of trees.

Mr. Bartlett stated there is no cutting of any trees.

Chairman de Jongh asked if there was any existing foundation or slab that exists right now - is that going to be pulled out.

Mr. Bartlett stated that is what he wants to do - is to pull it out because its looks like it wasn't done properly in the first place.

Motion: That the proposed activities are de minimis and do not need a permit as far as the wetland regulations are concerned.

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

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| 2. | Request for Determination | RFD | 2015-028 |
| | John and Christine Barry | DOR | 09/01/15 |
| | 721 Cook Hill Road | | |
| | Barn | | |

John Barry was present.

Mr. Barry addressed the Commission. He explained they submitted an application to build a barn on their property however they did run into a couple of glitches – one of the glitches was that they had to extent the barn by 2’ in both directions because the prefabricated stalls required an extra 2’.

Mr. Barry said that was the change they had and the other thing they requested was they wanted to build an awning that would extend outwards towards our pond area and be up in the air like 12’.

Mr. Barry said he believed the awning would still be within the proper distance to the pond.

Ms. Simone shared information with the Commission that they had reviewed previously and determined did not need a permit.

Commission members reviewed the plans and the awning off of the building.

Ms. Simone said according to the developer they had indicated they are going to be installing sona-tubes – which they were going to have it on piers. She asked Mr. Barry if that was correct.

Mr. Barry stated yes.

Dr. Dimmick asked other than projecting another 2’ there was no other change.

Mr. Barry stated that was the only change they had.

The Commission reviewed previously submitted plans from March and the new plans that show the proposed awning that projects closer to the wetlands.

Dr. Dimmick stated its still outside the 50' upland review area.

Motion: That the proposed changes are de minimis and do not require a permit.

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

3.	Permit Application	APP	2015-029
	Cheshire Public Schools	DOR	09/01/15
	Atwater Place		
	Remove Concrete Basketball Court	MAD	11/05/15

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

Mr. McEvoy addressed the Commission. He said the application is to remove a basketball court at Dodd Middle School.

Mr. McEvoy said a few months ago the Commission approved a regrading project and drainage upgrade adjacent to the existing soccer field and the school now wants to remove the basketball court that is right next to the soccer field; however more than half of it is located within 50' of the upland review area which is why we are seeking a permit from this board.

Mr. McEvoy reviewed the plan showing the location of the court - it's immediately adjacent to just to the north west of the existing parking lot and access roadway to the north and west of the school.

Mr. McEvoy said the benefit of removing the imperious surface such as this is that there will be a decrease in runoff as a result of the activities.

Mr. McEvoy stated the plan is to remove the pavement – the base material and replant and seed.

Mr. McEvoy stated they do have sediment and erosion controls around the perimeter of where the activity is going to take place and the total square footage of activity within the upland review area is 2,200 SF – there is no direct impact to the wetlands which are just to the west and south of the basketball court.

Mr. McEvoy stated the construction period could take as little as a week or two to remove the court and establish topsoil and seed.

Dr. Dimmick asked about the contours dropping off into the wetland – on the west side of the court where the wetlands almost touch onto the court.

Mr. McEvoy stated there was a minor change in grade - only 2' to 3' at the most.

Dr. Dimmick asked if they were just putting in silt fence there. He said besides the silt fence maybe they should put some of that orange construction fence up just to alert the construction crew.

Mr. McEvoy stated yes (they were adding silt fence). He noted that the court itself is fairly flat.

Mr. Kurtz asked if there was a reason the basketball court is going to be removed.

Mr. McEvoy said he was not positive of the reason – he said he didn't believe it was heavily used and it just wasn't considered as part of the application before and now the school is looking to remove it.

Mr. McEvoy said the court is asphalt.

Mr. McPhee asked if there was any excavation going on outside of the asphalt area.

Mr. McEvoy stated no. He said there would be reseeding and some reshaping of the grade to make sure it drains properly.

Chairman de Jongh asked what direction they were going to remove that asphalt.

Mr. McEvoy said he imagined they would start nearest the wetland and pull back from there.

Chairman de Jongh said he was trying to get for the record they are coming from the wetland away from the wetland opposed to the other way around.

Dr. Dimmick said that is why he said to add orange construction fence just so some bulldozer operator doesn't decide he is going to push it where it's the easiest.

Chairman de Jongh said we don't want them to go back there (near the wetlands).

Dr. Dimmick said even though the plans say exactly how they are going to do sometimes someone thinks they have a better way of doing it when they get there.

Mr. McEvoy said they can certainly incorporate the orange construction fence.

Dr. Dimmick stated it does need a permit under the circumstances – he said he didn't see any problems or red flags.

Ms. Simone asked Mr. McEvoy if he could provide a revised plan that would show the orange construction fence.

Chairman de Jongh asked with that revised plan if they could include some kind of paragraph to instruct the contractors to pull it from the wetlands – away from the wetlands rather than pushing it from the wetlands.

Mr. McEvoy stated they will make it clear no equipment is permitted on the west side.

Dr. Dimmick said the only reason they are nit picking on this is they have seen it happen.

Chairman de Jongh said he thought they had all the information they needed – and they could turn it over to staff so she could put together necessary wording and they could take care of this at the next meeting.

Mr. McEvoy agreed to provide the revised plan before the next meeting.

4.	Permit Application	APP	2015-030
	Sunshine Properties of Cheshire, LLC	DOR	09/01/15
	South Meriden Road		
	Develop Gravel Parking Area	MAD	11/05/15

Ryan McEvoy, PE of Milone and MacBroom was present on behalf of the applicant. John Torello, of Sunshine Properties was also present.

Mr. McEvoy said the application is for Bishop Farm which is a location they are somewhat familiar with. He explained its 15 acres

in size and is located on the east side of South Meriden Road – also Route 70 – to the north is Reservoir Road and the property consists of existing agricultural use – a farm pond along South Meriden Road – a farm store and accessory farm structures located mostly along Route 70.

Mr. McEvoy said there is a larger pond to the east on the opposite side of the edge from the primary barn structures and accessory structures.

Mr. McEvoy said there are two items on the agenda for their (the Commission's) consideration this evening – the first is a permit application for a parking expansion that would be located in front of the existing store – the second is a request for determination. He said the owner of the property is here to discuss what he intends to do in the area around the farm pond near Route 70 and the vegetation alongside it.

Mr. McEvoy explained the reason why they separated the activities is the activity associated with the parking expansion – they is a tiny wetland connected to the drainage ditch. He said he advised the applicant that that is something that potentially is not as an as of right use because it is associated with the store and parking expansion and because it is located within 50' it would have to come before this Commission for a permit.

Mr. McEvoy said the first item is the permit application associated with the parking expansion.

Mr. McEvoy showed on the plans the location of the existing store – and he said right now there is an efficient parking area with multiple exists on the Route 70 and the parking is primarily located to the south of the store. He explained the goals is to add approximately 8 gravel parking spaces in the immediate vicinity of the north side of the store which is currently underutilized right now and the goal of the owner is to utilize the north edge of the store and provide additional parking spaces so there's no need for customers to walk from the parking area to the south; there are also no handicap parking they are also proposing some asphalt handicap spaces to the south of the store – they are located outside the upland review area but a portion of the gravel parking lot area is located within 50' of a finger wetland adjacent to the Route 70 right of way.

Mr. McEvoy said the impact associated with both the gravel parking lot and the grading associated with it totals 1880 SF. He said the

runoff from the front of the store is directed toward that minor wetland so they had to put sediment and erosion controls on the slope and two very minor grass depressions that will handle the increase in runoff. He said the minor changes in the surface characteristics in the gravel will require some small rain gardens or depressions when runoff can collect and infiltrate and mimic existing conditions.

Mr. McEvoy stated they are not proposing any increases in the 100 year storm associated with this and the large tree in front of the store is proposed to remain.

Ms. Simone asked if there would be additional clearing surrounding the parking lot.

Mr. McEvoy said that area is mostly just grassed right now so there is really no existing vegetation or trees that need to be removed.

Chairman de Jongh said while you talk about having a gravel parking lot – is there any plan to make that black top.

Mr. McEvoy stated not now.

Chairman de Jongh said because having gravel that close to the upland review area given that small finger wetland makes more sense – drainage and runoff and any kind of oil and tars that might come from area – he said he'd like to see it stay gravel.

Mr. Torello addressed the Commission. He explained he was the manager of Sunshine Properties and that they are currently renting the property to the previous owners while we renovate it – he said all the apple trees are gone with the plan to be replanted in the spring – April 1 is the delivery date; they are going to replant everything and also just try to beautify the property because it's been uncared for, for quite a while.

Chairman de Jongh said they have all the information they need to allow staff to wield her magic pen and they should be able to take care of this at the next meeting.

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| 5. | Request for Determination | RFD | 2015-031 |
| | Sunshine Properties of Cheshire, LLC | DOR | 09/01/15 |
| | 500 South Meriden Road | | |
| | Agricultural Use | | |

Ryan McEvoy, PE of Milone and MacBroom was present on behalf of the applicant. John Torello of Sunshine Properties was also present.

Mr. McEvoy stated the request is directed towards the pond along Route 70 he again introduced Mr. Torello and asked that he explain what his intentions are with respect to the activities are with respect to the activity he is looking to perform in and around that pond.

Mr. Torello addressed the Commission. He said basically he just wants to main it – the pond – it has not been cared for in quite a while so there is a lot of debris that's collected in there over since it was dug in the 1950's and they want to possible use it to support irrigation in there but because it's been uncared for. He said he provided a letter – he stated he wanted to remove the silts and material that's collected. He said he had someone from the USDA conservation folks come in and this is one of the things they recommended.

Dr. Dimmick said because it's a farm pond maintenance of a farm pond is covered under the as right category as soon as the Commission tells you it's an as of right category you can go ahead and do that but in your letter you mention something about a modification of the outlet structure.

Mr. Torello said the outlet structure is not really something he is concerned about – it's the inlet structure because what's happening is there is a pipe that went from the field into the pond and what's happened after a number of years after frost heave and stuff the pipe doesn't serve as a pipe anymore – it's actually tilted up and it's more of an obstacle so it just prevents the water from going into it – he said they just want to repair that so water can flow easier into it.

Chairman de Jongh read a portion of a letter dated August 25, 2015 into the record. The applicant is looking to do the following work as stated in the letter:

1. Remove some of the invasive plant life surrounding parts of the pond.
2. Many of the trees and brush around the pond are deciduous, after decades there is a large amount of organic debris in the pond. We would like to dredge this nutrient rich material to return it to the level when originally dug.

3. The inlet pipe has shifted its position after several years, so it now serves as an obstacle to water moving from the field rather than a drain for the field. We would like to either repair the pipe or remove it to allow for better drainage.
4. We would like to possibly place aeration and/or irrigation equipment to prevent the stagnation of the water, and supply some extra water to the field when necessary.
5. We would like to add a footbridge to the island in the center of the pond for maintenance on the island (not for the use of customers).

Dr. Dimmick explained if you put the inlet pipe back in whatever position it was before it got disturbed then that is still maintenance – if you put it in a different position or if you remove it - that requires a permit; so if you repair it and so that it goes right back the way it is supposed to have been when they first put it in that's still an as of right maintenance. He explained how the law views as of right activity.

Mr. Torello asked about leaving it in the location that it was and just removed it and lined it with rock or gravel or something to just allow for flow and this wouldn't be an issue anymore.

Ms. Simone said if the Commission does find that something is not permitted as a matter of right for agricultural use that's doesn't preclude you from coming before the Commission with an application.

Chairman de Jongh said he wanted to see more information about the installation of the foot bridge.

There was discussion about how best to act on each of the points in the letter and the nature of the proposed activities.

Ms. Simone recommended that the Commission act on these points point by point – to what is allowed as a matter of right or what was found to require a permit.

The Commission made the following motions based on the five (5) requests made in John Torello's August 25, 2015 letter to the Commission:

Motion: That the request to (1) remove some of the invasive plant life surrounding parts of the pond is as of right as permitted agricultural use; (2) to dredge this nutrient rich material to return it to the level when originally dug is as of right permitted agricultural use; and (3) to either repair the inlet pipe or remove it to allow for better drainage is as of right permitted agricultural use. Repairs allowed as matter of right but removal of the inlet requires a permit.

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

There was discussion about the addition of a footbridge. Dr. Dimmick said he thought the footbridge was going to need permit.

Chairman de Jongh said the permitted activities could be made part of the same application (installation of irrigation equipment and installation of a footbridge).

Motion: That the request to (4) possibly place aeration and/or irrigation equipment to prevent the stagnation of the water, and supply some extra water to the field when necessary; and (5) to add a footbridge to the island in the center of the pond for maintenance on the island would require additional information accompanied by an application to do the work. These activities are not allowed as a matter of right.

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

6. **Request for Bond Release
Diversified Cook Hill, LLC
IWWC Application #2009-007, 710 Peck Lane**

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission has considered the request for bond release by Diversified Cook Hill for sedimentation and erosion control bond stipulated as part of CIWWC Permit #2009-007 (then transferred, as reflected in permit #2009-007A), 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 Ms. Dunne. Motion approved unanimously by Commission members present.

XI. ADJOURNMENT

The regular meeting was adjourned at 8:11 pm by consensus of Commission members present.

Respectfully submitted:

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