

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, DECEMBER 1, 2015
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

Members present: Charles Dimmick, Kerrie Dunne, Thom Norback, Earl Kurtz and Will McPhee.

Members Absent: Robert de Jongh and Dave Brzozowski.

Staff: Suzanne Simone.

Dr. Dimmick served as chairman pro-tem in Robert de Jongh's absence.

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

All present recited 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 – November 17, 2015

Motion: To approve the minutes from the November 17, 2015 meeting with no corrections.

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

VI. APPROVAL OF 2016 MEETING DATES

Dr. Dimmick said Commission members should have received a list of the proposed 2016 meeting dates. He reviewed the meeting dates.

Motion: To approve the 2016 Commission meeting dates as presented: The Commission meets the first and third Tuesday of the month at 7:30 p.m., in Council Chambers at Town Hall, 84 South Main Street, unless otherwise noted (January 5, 2016, January 19, 2016, February 2, 2016, February 16, 2016, March 1, 2016, March 15, 2016, April 5, 2016, April 19, 2016, May 3, 2016, May 17, 2016, June 7, 2016, June 21, 2016, July 5, 2016, July 19, 2016, August 2, 2016, September 6, 2016, September 20, 2016, October 4, 2016, October 18, 2016, November 1, 2016, November 15, 2016, December 6, 2016, January 3, 2017 and January 17, 2017).

The meeting dates were approved unanimously by Commission members present.

VII. COMMUNICATIONS

Ms. Simone reviewed the following communications:

1. 108 Blacks Road: Reminder of Permit Compliance Date

This communication was reviewed.

2. 10 Prinz Court: Reminder of Permit Stipulation Compliance

This communication was reviewed.

3. 10 Prinz Court: Permittee Response to November 20, 2015 Staff Letter

This communication was reviewed.

4. Summit Road: Staff Letter; Notice of Show Cause Hearing Closure

This communication was reviewed. Ms. Simone stated the notice of the show cause hearing closure was sent to the property owner Mr. Flanagin which is still listed on the agenda under enforcement actions.

5. 2015-035, East Johnson Ave. Bridge Replacement; Application Materials

This communication was reviewed.

6. Staff Communication: Re: 2015-034, Cornwall Ave., Fill Portion of Manmade Pond

This communication was reviewed. This item is under unfinished business tonight. Ms. Simone stated they did grant an extension so this application will not be discussed tonight.

7. 134 North Brooksvale Road; Cease and Desist Order

This communication was reviewed. This item is subject of a show cause hearing tonight.

8. 134 North Brooksvale Road; Application Cover Letter

This communication was reviewed.

VIII. INSPECTION REPORTS

1. Written Inspections

a. 10 Prinz Court

Ms. Simone stated a written inspection was sent to 10 Prinz Court; the Commission did issue a permit on this property for the development of a single family house and it was required that erosion control inspections be conducted and reports sent to the Commission and she did receive a response from the property owner.

Ms. Simone stated she didn't know if the Commission had a chance to review the property owner's response.

Dr. Dimmick said it seemed to him he seemed to be having a problem with our trying to enforce the stipulation of the permit.

Ms. Simone stated yes.

There was discussion about the response from the property owner.

Ms. Simone said he (the property owner) basically states that he inspected the property; she said she'd read portions of his letter dated November 24, 2015: "Ms. Simone: This letter is in response to your communication dated November 20, 2015 regarding above referenced permit. First, I find the Commission decision to impose a requirement for weekly reports to be arbitrary and unduly burdensome financially. The reporting frequency imposed by section 4 of the permit motion (with footnote) has been unanimously deemed as capricious by experienced engineers and contractors alike; in deed I invite the Commission to point the relevant statute and or ordinance from the Commission supposedly derives such authority. Notwithstanding the above and without acquiescing to the right of the Commission to impose or enforce section 4 of the permit motion, I am reserving all right and causes of action in law and equity I state

that a consultation with my engineer Mr. Joe Green, I've inspected the erosion fence at 10 Prinz Court on Saturday, November 21, 2015 and found it to be in good condition; in particular all posts were in place and the fence is properly affixed thereto. The bottom of the fence also remains stable situated beneath the soil surface. Finally, the construction entrance is clean and new aggregate has been laid down in order to minimize soil tracking."

Mr. Kurtz asked if the letter covered all of the bases in the last paragraph.

Ms. Simone said usually the report would indicate the condition of the silt fence if there were any deficiencies – she said he (the property owner) does talk about the posts are in place which is really something we wouldn't get involved with in the erosion control report; he does mention the aggregate laid down for the construction entrance.

Ms. Simone explained there was a situation where Public Works Department contacted him because they were receiving complaints of dirt in the road and there wasn't enough aggregate there.

Dr. Dimmick asked if this report was submitted the owner or is it submitted by his engineer.

Ms. Simone stated it was submitted by the property owner.

Dr. Dimmick stated the property owners report does not have legal standing; an engineer has a need under his professional liability to report honestly what the conditions are – the property owner can write whatever he wants but that has no standing.

Ms. Simone said the stipulation of the approval that was granted from the Commission states "the inspection of the condition, integrity, and adequacy of the sediment and erosion controls shall be made by a qualified party on a regular basis either weekly or after every significant rainfall of 1/2" or greater whichever is sooner.

Ms. Simone said so basically in her letter to him (the property owner) she had stated that several storms had gone by and we have never received any update from him.

Ms. Simone said she did speak with Bob (Chairman de Jongh) and she started to draft a response to him (the property owner) – if Commission members have any comments they would like her to pass along they can discuss it now or contact her.

Dr. Dimmick said he was bothered by the fact we have that qualified person in there which we do for a reason.

Mr. Norback said if the homeowner finds it burdensome, let alone arbitrary and capricious to have weekly inspections – but he might use different verbiage but every week if the sun is shining and there is no material being moved around that is probably a little bit....

Ms. Dunne said it actually doesn't say every week it says after every rain fall.

Dr. Dimmick said there is a "whichever is sooner in there (rainfall or weekly inspection.)"

Mr. Norback said so if there's no rain for 4 weeks then they have to do it every week and that is a little bit burdensome. He said actually that was not the thought he was trying to put forth – the thought he was trying to put forth was a qualified person is not necessarily – while the homeowner might not be qualified although we don't know if he is or isn't; it could just be his excavator...so at that point it may not seem so capricious. He said with his experience in construction that inspecting a silt fence or having to pay someone to inspect it every week if we had no reason to suspect it was compromised.

Dr. Dimmick said he (the property owner) can always formally request a modification of the permit.

Mr. Norback said he thought it would be prudent for us to do that for their sake and our own.

Ms. Simone said usually the Commission does add that stipulation so that it's not the developer who is conducting the work is the same one that's issuing saying yeah everything is okay – that there's actually someone else there looking.

Mr. Norback said that is why he thinks we should use some latitude relative to the frequency.

Dr. Dimmick said except it's in the permit that we have granted – if we start granting everyone the latitude for them to interpret the permit any way they want we run into serious problems; and that he is totally amenable to a formal request to modify the conditions.

Mr. McPhee said he thought there were two different issues here – we have his permit which we have to address – and if we have to

modify this one and the others moving forward if we have to change our verbiage in our approval then we should do so. He said he'd agree with Thom (it's burdensome).

Dr. Dimmick said then the next time it comes then we approve we can take a look at that.

Mr. McPhee said getting back to this gentleman here – I think we have to either modify it or enforce it (the permit) and he is oaky either way.

Ms. Simone said one thing she does want to add is that in this situation, you have a property that they're developing and there's been complaints that there's soil being tracked into the road so they weren't really monitoring the site – they weren't really managing it to the best of their abilities which is documented by complaints so perhaps they're not monitoring it to the best of their ability or may this is the best of their ability but they're not in the field; and in the response that she had discussed with Bob, he's (the property owner) is certainly invited to submit a request to the Commission to modify it but the time that it would take for him to do that he may be further along in the process and everything would be secured – the Commission doesn't meet until January – if he submitted something for the first meeting in January he couldn't get action until the second meeting in January.

Mr. Norback asked if you (Ms. Simone) have inspected the silt fence as of late.

Ms. Simone stated not as of late – she has been out there but when they started getting complaints Public Works was out there and they informed her that the silt fence was okay but the rest of the site they were having problems; she said that is part of the reasoning for having the stipulations because we don't have enough staff to go out and monitor these development sites – we do go out when we can but we don't have the ability of the staff to go out there and monitor open development sites on a weekly basis.

Mr. Norback said this is a tough time of year when things can go to hell quick so he thinks it does merit frequent inspections but to Mr. McPhee's point he thinks we do need to take a look at it in the future and as far as this one he guessed he have to stick with it or let them apply for a modification.

Ms. Dunne said to clarify, although we have the authority to require weekly inspections, we can decide that is onerous or not necessary

and modify it somewhat but there's no way we would be saying we don't have the authority.

Mr. Norback said he wasn't going down that road.

Mr. McPhee said back to Mr. Kurtz's point – is his (the property owner) response here sufficient to move forward with this.

Ms. Simone said she thinks it very lightly touches on what we are asking for – we are really just asking for a report that the silt fence is in and it's installed correctly.

Mr. McPhee said so to date he has complied.

Ms. Simone said – with this one letter.

Dr. Dimmick said but not the other times he was supposed to.

Mr. McPhee said he thought we should just take this for what it is and hopefully he will continue to supply them but give him that option to apply for a modification if he'd like if not please send in your weekly reports like you have done adding such detail that you see fit.

Ms. Simone said on this property they do get quite close to the wetland – there's one particular area where they got quite close and they are planning on putting a retaining wall so it is important.

Mr. Norback and Dr. Dimmick agreed it's a tricky lot.

Dr. Dimmick said that's why staff put the stipulation that she did.

2. Staff Inspections

a. North Brooksvale Road

Ms. Simone said there was a staff inspection of 134 North Brooksvale Road.

b. Linear Trail

Ms. Simone stated there was a staff inspection of the Linear Trail from West Main Street to Jarvis Street and it appears as though the plantings have been completed.

c. Wallingford Road

Ms. Simone explained the single family house owned by the Watts Family on Wallingford Road – we received communication from the Meriden Water Company that they received a complaint about that property and that there was filling in of wetlands and other complaints of which she didn't find any problems at that wetland crossing at the end of Tamarack.

IX. 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

Ms. Simone said she sent a letter out reminding Mr. Florian of the upcoming compliance date of December 31 – he did ask this Commission for an extension to get the site cleaned up and so she sent him a letter reminding him of the date.

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

Ms. Simone stated this was the subject of an application that was approved at the last meeting.

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, Commissioners' knowledge of the area, and after reviewing an application for and granting a permit for after-the-fact agricultural activities within and upland review area and inland wetland, finds the following:

1. That on May 12, 2015, a Notice of Violation/ Cease and Desist was issued to Mr. Charles Kurtz, CK Greenhouses, East

Johnson Avenue for filling and regrading within an upland review area and inland wetland without the required permission from the Cheshire Inland Wetlands and Watercourses Commission, in violation of the Inland Wetlands and Watercourses Regulations.

2. That on May 19, 2015 the Cheshire Inland Wetlands and Watercourses Commission opened a Show Cause Hearing and closed the Show Cause Hearing on July 7, 2015 and determined the property owner must submit an application for permit after-the-fact for filling and regrading in an upland review area and inland wetland.
3. That on October 20, 2015 the Commission received the above referenced application for permit after-the-fact.
4. That on November 17, 2015 the Commission granted a permit after-the-fact, for the above referenced application.

Therefore, the Cheshire Inland Wetlands and Watercourses Commission does hereby release and discharge the aforementioned Notice of Violation/Cease and Desist Order.

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

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| 3. | Notice of Violation | SC 09/15/15 |
| | Mr. David Flanagin | SC 10/20/15 |
| | Unauthorized Activities in an | SC 11/05/15 |
| | Inland Wetland and Upland Review Area | SC 11/17/15 |
| | Summit Road | |
| | Assessor's Map 32, Lot 50 | |

Ms. Simone stated a letter was sent to Mr. Flanagin regarding the Commission's decision at the last meeting.

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| 4. | <u>SHOW CAUSE HEARING</u> | |
| | Michael Van Haften | SC 12/01/15 |
| | Unauthorized Activities in an Inland Wetland and Upland Review Area | |
| | 134 North Brooksvale Road | |
| | Assessor's Map 78, Lot 73 | |

Michael Van Haften was present.

Ms. Simone summarized the situation by stating there was an inquiry to our office regarding activities at 134 North Brooksvale Road.

Ms. Simone said she looked through the Commission's records and found there was no action taken; she looked at the official soils map and it appears from the official soils map that the upland review area to the large wetland offsite does bump up against the corner of the house of this property.

Ms. Simone said according to the building department a building permit was issued for the construction of a garage so there was some sort of internal something that it never came to her for review. She said when she look at the zoning permit, they person who was hired to construct the garage has selected on the question "are there wetlands or watercourses within this area – they had selected no"; so after finding all of that she did speak with Bob (Chairman de Jongh) and Charles (Dr. Dimmick) and they had suggested a cease and desist order be issued and a show cause hearing.

Ms. Simone said since issuing that she did meet with Mr. Van Haaften and he has submitted an application which is on the agenda under new business tonight so he does meet that deadline of getting it for tonight's meeting for date of receipt for today since there's only one meeting in December.

Mr. McPhee said he has a problem with this – how can we issue a cease and desist when he has a building permit.

Dr. Dimmick said although we are a commission in the Town of Cheshire – we are commissioned under state order so essentially we work independently of the town – whatever the town does other then what are regulations say has absolutely no barring either for or against anything we do – we are essentially an agent of the state in this case.

Ms. Simone said it didn't go through the correct reviews – if she had known this was coming up she could have looked at it and then we could have had a conversation ahead of time so it seems as though something that's running parallel the issuance of a building permit but she did agreed it's a sticky situation; she said she is not clear on what happened internally.

Mr. Van Haaften addressed the Commission.

Mr. Van Haaften said to summarize from the beginning when he went through the motions to decide whether to do he went through the

financial repercussions of taking out a loan to build a garage....he selected somebody to do it...he went forward and got the permit, the permit was okayed and he went out and got the loan and now he has a ten thousand slab of concrete in his backyard and a month later a cease and desist. He said he is not against doing things properly and going through the proper mode...he said he would have done what was necessary if he had known but he is now caught between a rock and a hard place.

Dr. Dimmick asked if he (Mr. Van Haaften) had this place a short time.

Mr. Van Haaften said it was a foreclosure and he has been renovating it about a year; he said he believed there was a garage under the house but was closed up because of a water issue.

Mr. Van Haaften said he is not against going through the proper process of doing things right – and prior to this would have taken on what needs to be done but now whether he says he's happy to comply or whether I'm not – whatever the tests find I'm still into it for ten thousand dollars and a loan; he said had this been done prior he would have been happy to comply.

Dr. Dimmick said he thought as much as anything else we are trying to find the rules and regulations get followed so you do need a proper permit because of the nearest to the wetlands we need to make sure that whatever is going on is as least likely to cause impact to those wetlands which happen to be pretty much one of the largest and most valuable wetlands in Cheshire which is one reason we have been an awful lot over the years to protect that.

Dr. Dimmick said although Suzanne couldn't find anything in the files it seems to be back around 2002 roughly somebody came before this Commission and wanted to know about being able to put a gravel driveway along that eastern side of the house and at that time we decided they did not need a permit for the gravel driveway – it was de minimis and we didn't issue any piece of paper work on it – we just said the gravel driveway wouldn't need a permit for that but if you were going to do any construction they probably would need one and of course you weren't there; he didn't know if it was the previous owner or the one before that; he said you (Mr. Van Haaften) were caught up with the problem of someone checking the wrong box.

Mr. Norback said he was wondering if there was a way of removing the cease and desist that would allow Mr. Van Haaften to continue construction and maybe have a site inspection – he said it doesn't

look like there's going to be anymore disturbance of earth and it looks like it's been stabilized so maybe we can give a permit after the fact but allow him to continue.

Dr. Dimmick said he understands what you're saying but we have a couple of problems on that – one of which is unless one of us goes out and takes a really close look at where the actually building the garage and what the wetlands look like between – what the land looks like between the garage and the wetlands.

Mr. Norback said he'd be happy to go out with staff if she had the time.

Ms. Simone asked Mr. Van Haaften – the area where the concrete pad is there were no trees that were cut.

Mr. Van Haaften stated no – and he had a picture.

Mr. Van Haaften submitted the picture for the record.

Dr. Dimmick said he believed in that area the trees were within 5' of where that platform is right now at one point.

Ms. Simone asked if he had to bring soil in to grade it.

Mr. Van Haaften stated no.

Dr. Dimmick asked if something was dug out.

Mr. Van Haaften said he thought he (the contractor) was going to dig – it's not level.

Mr. Norback said it looks like it was a monolithic pour where the slab and walls were poured all in one shot – is that true.

Mr. Van Haaften stated yes it was.

Mr. Norback said so that would have less impact as far as excavation standpoint; and it was a pre-fab garage (from Bondo) so there is going to be very brief and low impact construction going on there; he thought they could get that thing (the garage) up in less than a week.

Mr. Van Haaften said yes.

Ms. Simone asked if he could explain what the process is from this point forward.

Mr. Van Haaften said he believed the structure – each side of the building is being constructed in a warehouse.

Dr. Dimmick said he thinks we still need a permit even if it's a permit after the fact.

Ms. Simone said he did submit a permit.

Dr. Dimmick said he is trying to think what could go wrong...the only thing he could see going wrong if we start tearing up the grounds between the garage and the wetland and if that were the case he'd want erosion controls there.

Mr. Norback said maybe if staff could take a look at it and he'd be happy to go with his construction experience and maybe if we had to suggest a little silt fence going in – he gets the feeling by Mr. Van Haaften presentation here that he would be more than happy to comply and he suspects the folks at Bondo would be happy to since this is a little bit of egg on their face as well.

Ms. Simone said she believed the Commission is well within their charge to modify the cease and desist if the Commission wanted to; suspend it or modify it to say you can go ahead and still construct the garage you just can't do any earth work and then that way it's still something before the Commission and Mr. Van Haaften has shown he's cooperating.

Mr. Norback said that would be to do anymore earth work until such time a permit is granted.

Ms. Simone stated yes.

Ms. Simone asked Mr. Van Haaften if he was thinking of changing the grade around the concrete pad.

Mr. Van Haaften said he was a little bit through for a loop on how it was placed but any other work is further down the line. He said if grading was necessary it would be properly done.

Ms. Simone asked if he knew if the installation of the garage that they would have to grade at the same time to stabilize it.

Mr. Van Haaften stated he didn't believe so – it's stabilized at this point.

Dr. Dimmick said he would entertain a motion at this point to modify the cease and desist to allow continued construction of the super structure on the slab and we would be giving a permit after the fact as we've done before in a case like this.

Motion: To modify the cease and desist order to allow continuous construction of the superstructure on the slab (pending giving a permit after the fact).

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

Ms. Simone said then she's send out a summary of what the Commission talked about tonight – the modification and she will send that out certified unless you (Mr. Van Haaften) wanted to pick it up during the day.

Mr. Van Haaften said he's not home during the day but whatever we can figure out was fine.

X. UNFINISHED BUSINESS

1.	Permit Application	APP	2015-034
	Jason Bartlett	DOR	11/05/15
	358 Cornwall Avenue		
	Partial Filling of Pond	MAD	1/09/16

Dr. Dimmick said Mr. Bartlett is not here – he has granted an extension because the mandatory action was approaching and so the mandatory action date was January 9, 2016 and now its extended 65 days and at that point we hope to have a completed site plan for what he is going to do.

XI. NEW BUSINESS

1.	Permit Application	APP	2015-035
	Town of Cheshire Engineering Dept.	DOR	11/17/15
	East Johnson Avenue		
	Bridge Replacement	MAD*	1/21/15

Michael Eagan and Charles Hornak of Cardinal Engineering were present on behalf of the Town of Cheshire for the replacement of

bridge 48-36 East Johnson Avenue over the Quinnipiac River in Cheshire – its state project 25143.

Mr. Egan showed Commission members photos/drawings of the existing bridge.

Mr. Egan said he wanted to touch on the existing bridge and how we got here. He said the existing bridge is a 94' long structure – 2 44' long spans – the bridge is supported on 2 stub abutments on either side on piles and a with a pile bent in the middle with steel encased concrete filled piles that are 30' long.

Mr. Egan said the piles are founded on bedrock; the bridge was constructed in 1969; the bridge is scour critical which means during a scour event when the piles start to get undermined and get to the point that the piles no longer can actually support the structure.

Mr. Egan said the bridge is also hydrologically inadequate which mean the fact during a flood event the bridge gets overtopped on the western side; we are also in an environmentally sensitive area the Quinnipiac Water Shed River Shed; the bridge is eligible for replacement under the Federal Local Bridge Program from the State of Connecticut.

Mr. Egan provide a little history on the project; back in May of 2012 Cardinal Engineering Associates was hired by the town to explore options to address the issues with the existing bridge.

Mr. Egan said in April a structure rehabilitation study recommended the replacement of the existing bridge.

Mr. Egan explained from August 2013 to January 2014 Cardinal was providing information on behalf of the town to the Department of Transportation to justify that replacement; because of the sufficiency rating we were able to show the fact they are able to lower the sufficiency rating which allowed under that program the replacement of the structure under the Federal program.

Mr. Egan said in March 2014 the town requested approval from the DOT to proceed the design of the replacement bridge and in April of that year the town did receive approval from the Department of Transportation and in May we had a public informational meeting about presenting the project to the town.

Mr. Egan said in January of this year the preliminary design was completed – in July of this year we finished the semifinal design that

was submitted for review to the Department of Transportation as well as the town and in November we finished the ninety percent plans.

Mr. Egan said they are looking to go to bid to finalize the plans soon and the project should be going out to bid within a few months for the 2016 construction season.

Mr. Egan reviewed the drawings with the Commission; he showed a shot of the plan of the proposed bridge; the new bridge and the elevation of the bridge and bridge details; it's a 104' single span bridge with integral abutment; the foundation is integral with the super structure – it's a fairly ridged connection there.

Mr. Egan provided details for the bridge construction and cost and environmental factors; he said the proposed is also a lot more maintenance free.

Mr. Egan explained about the roadway realignment to raise the bridge above to prevent overtopping during flood events.

Mr. Egan said they are also looking a utility relocations for the water main and the overhead utilities.

Mr. Egan said 5 properties are effected – are impacted – 4 private and 1 town owned property.

Mr. Egan said they are providing storm drainage improvements on East Johnson Avenue.

Mr. Egan explained they are staging construction to minimize impacts; they are staging the construction as far as the abutments and the removal of the existing.

Mr. Egan said the project is going to be constructed using CT DOT standard specifications specially section 110 – the environmental compliance best management practices and section 210 which is the water pollution control soil and erosion specifications from the Department of Transportation.

Mr. Egan said fulltime construction inspection will be provided throughout the construction.

Mr. Egan showed the water handling plans – its showing the staged construction – the idea of this is first we are working on the western side of the bridge – moving the existing – placing the sedimentation and erosion control – temporary support of the water main and

removing the existing super structure after you do that then you are placing the temporary flow diversion devices around the construction – then it goes in by stages; you are also driving a coffer dam around the abutments.

Mr. Egan showed some of the construction and operation details as shown on the plans; and staged construction to show the protection of the river.

Mr. Egan reviewed about the construction stages for the eastern abutment and the plan details – he stated it does not require a coffer dam because it's about the 2 year flood elevation.

Mr. Egan shared some recent photos of projects Cardinal has done and some of the different types of water handling they are doing; everything is according to the Department of Transportation specifications.

Mr. Egan said one thing they didn't show on the plans - they do have turbidity control curtains are in the specifications – they are not shown on the plans because the contractor is supposed to engineer that himself; provide that to us prior to construction and we are supposed to review his plans to make they are adequate. He talked about the details regarding this part of the project being done.

Dr. Dimmick asked if this was reviewed by both the Department of Transportation and the DEEP.

Mr. Egan stated yes it has (as far as the permitting).

Dr. Dimmick asked if the Army Corp have any finger in this.

Mr. Egan said yes - the category one general permit for the Army Corp.

Dr. Dimmick said of the adjacent land owners – you've approached them as to what's going in.

Charles Hornak of Cardinal Engineering said there's 5 properties impacted by the project – one of them is the town owned pump station – two of them are the same property owner that we've gotten an acknowledgement of the application; we've gotten the other acknowledgement from the property owner on the northeast side; we have reached out with correspondence to the property owner on the southeast side and we are still waiting to hear back.

Dr. Dimmick asked on the northeast side do you touch the Audubon property.

Mr. Hornak said no – actually there was a little confusion on the property line – the Audubon property what we have been able to determine does not have any frontage on East Johnson Avenue so we are only effecting the town pump station and the Barnes property; he talked about the properties and pulled the deeds and determined there was no frontage for either of those properties on East Johnson that was going to affect them and was also confirmed by the title search that was done by the DOT rights of way and they basically confirmed what we had found with the property impacts – this has also gone through the DOT rights of way and we'll be working with the property owners to get the required easements for this project.

Dr. Dimmick said the next subject to come before us is whether or not to declare the proposed activity significant within the context of the regulations along which line is not necessary in terms of declaring a public hearing because we have a clause that says any application that is in the public interest should have a public hearing.

Ms. Dunne asked about what environmental impacts were associated with the project.

Mr. Hornak said as part of the design process we did submit a request for the National Biodiversity Database and they determined there were two species of special concern there – Eastern Box Turtle and the Wood Turtle and one of the requirements that we have is to have silt fence in there so direct them around the construction area and we also have in the specifications a notice to contractor with information for identification.

Dr. Dimmick said one of the other reasons for a public hearing is also for your own protection to show that you have taken reasonable precautions on this and to get it on the record.

Motion: To declare the proposed activity significant within the context of the Commission's regulations 10.2 b and e.

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

Dr. Dimmick recommended the applicant checking with the Audubon people.

Mr. Hornak said this is in an aquifer protection area and part of the application for the wetlands they need to submit something and that's been done already (submitted to Regional Water Authority).

The public hearing was set for Tuesday, January 5, 2016.

2.*	Permit Application	APP	2015-036
	Michael Van Haaften	DOR	12/01/15
	134 North Brooksvale Road		
	Garage	MAD	2/04/15

Dr. Dimmick asked if we had a completed application.

Ms. Simone stated the appendix B is complete but he (Michael Van Haaften) does not have sight plan so for the record there is a copy of the sketch submitted to the building department showing the approximate location from the side line of the property; and also a copy of the map that the Commission saw from official town soils map.

Ms. Simone asked if the Commission would like to see.

The Commission looked at the materials submitted.

Dr. Dimmick said there's no doubt it's within the 50' set back line – because a quarter of the house is within the 50'.

Ms. Simone asked what the Commission would like to see to deem the application complete.

Mr. Norback said since the slab is already in place it basically is where it is – and he is comfortable with the sketch as a plot plan especially if we are going to go out there and have a look; he said the proof will just be in seeing it. He said he has driven by a couple of times and has a good sense of what it already is.

Dr. Dimmick said he passes it walking.

Ms. Simone asked if the Commission would be comfortable if when staff goes out to the property that she could get a rough idea and she can measure what she can from the corner of the house to the corner of the garage and then we'll have that distance but not the side setbacks.

Mr. Kurtz asked if we had any certainty as to where the slab is.

Ms. Simone said yes – the building permit shows it has 24' by 24' slab; 20' from the side; no measurement from the front and to the rear property line 50'; so if the Commission is satisfied with this it can be made part of the permanent record.

Dr. Dimmick commented about the location of the actual wetland boundary.

Ms. Simone said it's shown beyond the clearing limits; he said he did not clear anything.

Ms. Dunne asked how close the slab is to the wetland.

Dr. Dimmick said the slab is entirely within the 50' upland review area.

Ms. Simone said it's within 15' to 20' from the wetland line.

Ms. Dunne said because this is a garage should be thinking about the storage of anything like gasoline.

Ms. Simone said he hasn't indicated he'd be using it for anything beyond storing vehicles and regular residential items; that's something the Commission could stipulate.

Dr. Dimmick said he wanted staff and others to take a look closer at it (the location of the activity).

Dr. Dimmick said staff would see about additional information as needed.

XII. ADJOURNMENT

The meeting was adjourned at 8:30 p.m. by the consensus of Commission members present.

Respectfully submitted:

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