

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, APRIL 5, 2016
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

Members present: Robert de Jongh, Charles Dimmick, Kerrie Dunne, Earl Kurtz, and Thom Norback.

Members absent were: Dave Brzozowski and Will McPhee.

Staff: Suzanne Simone.

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

All present receipted the pledge of allegiance.

III. ROLL CALL

Ms. Dunne called the roll.

Members in attendance were Robert de Jongh, Charles Dimmick, Kerrie Dunne, Earl Kurtz, and Thom Norback.

IV. DETERMINATION OF QUORUM

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

V. APPROVAL OF MINUTES – Regular Meeting – March 15, 2016

Chairman de Jongh called for a motion to approve the minutes of the March 15, 2016 regular meeting with corrections.

Motion:

To approve the minutes of the March 15, 2016 regular meeting with corrections: pg. 3 L17 “took” to “took place”; pg. 7 L16 “clearing” to “hearing”; L31 “clearing” to “hearing”, L45 “come” to “some”; pg. 11 L27

“you” to “you have”; pg. 11 L34 “applicant” to “application”; pg. 14 L29 “years” to “ years ago”; pg. 15 L18 “property” to “property clearing”; pg. 17 L17 “wondering” to “wandering”.

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

VI. COMMUNICATIONS

Ms. Simone reviewed the following communications:

1. **Staff Communication w/Attachments Re: Request for Determination #2016-011, Redesign of House Foot Print**

This communication was reviewed. Ms. Simone stated this item is on the agenda under new business tonight.

2. **Staff Communication Re: Request for Determination by Mitchell Forlenza**

This communication was reviewed. Ms. Simone stated this item is on the agenda under new business tonight.

3. **Re: Deck Addition, 391 Gunnar Court
Engineering Comments Re: IWWC App. 2011-010A,
Kensett Square, LLC**

This communication was reviewed. Ms. Simone stated this item is on the agenda under unfinished business tonight.

4. **Staff Communication w/Attachments Re: South Main Street,
Parking/Drainage, Permit #2011-010A**

This communication was reviewed. Ms. Simone said this item falls under number 3 under communications for Kensett Square.

VII. INSPECTION REPORTS

1. **Written Inspections**

Ms. Simone stated there were no written inspections.

2. **Staff Inspections**

- a. Ms. Simone stated there was a staff inspection of East Johnson Avenue for the tree clearing for the Quinnipiac River. She stated the tree clearing was complete.
- b. Ms. Simone said there was a staff inspection of School House where the State is working on the Linear Trail; they were notified of potential issues there and they have responded back to the town stating that there were no concerns for the wetlands there.

VII. 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 explained she did meet with the town attorney and the property owner of 108 Blacks Road and their attorney out at the site.

Ms. Simone stated the majority of the things that were required from the Commission to have been completed with the expectation of the establishment of the stream to the north edge of property.

Ms. Simone said if you recall the previous tenant had crudely dumped regarding (material) to try to get the water from the edge of the intermittent stream to pond up so that they could use that water in the dying of the mulch.

Ms. Simone said that business is no longer on the property and this area needs to be reestablished back to the stream so they can basically just regrade the area back to its original grade and allow the water to flow off site.

Ms. Simone said what they have done is a universal improvement; all of the mulch that was along the area of the stream has been removed. She explained the large containers that were there that had contained essentially water – those were moved further inland and the property is seeking to sell those in when they are appropriate to be removed from the site.

Ms. Simone said there was cleaning up of debris done along the watercourse.

Ms. Simone said for the reestablishment of the stream the property owner had agreed – and also she meet with their engineer out on the site so they did agree to get all of this work done by July 1 of this year.

Dr. Dimmick asked if it was the same engineer or a different one.

Ms. Simone said it was the same engineer.

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| 2. | Notice of Violation | SC | 09/15/15 |
| | Mr. David Flanagan | 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 | | |

Chairman de Jongh stated this item is on the agenda for continued monitoring.

VIII. UNFINISHED BUSINESS

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| 1. | Permit Application | APP | 2011-010A |
| | Kensett Square, LLC | DOR | 3/15/16 |
| | South Main St./Old Towne Rd. | | |
| | Permit Modification & Permit Extension | MAD | 5/19/16 |

Matt Ducsay, registered professional engineer with Milone and MacBroom was present on behalf of the applicant Kensett Square, LLC.

Mr. Ducsay said for those of you who are familiar with the site this project was originally approved by this Commission in July 2011. He said the approved plan from the original approval is here; the original plan incorporated a number of uses in the buildings along Route 10 as well as an office building in back and the proposed storm water to be stored underground and discharged at two separate discharge points to the intermittent watercourse located on the east corner of the property.

Mr. Ducsay said tonight we're back knowing it's been a little less than 5 years since the original approval and we are seeking a modification and extension of that original approval.

Mr. Ducsay explained the new plan seeks to in lieu of doing underground detention – seeks to collect the ground water and discharge it in an above ground basin located on the property (has shown on the plans).

Mr. Ducsay said they are maintaining the same previously approved limit of disturbance as evident here by the permanent S&E controls and we are also maintaining the same discharge point that was previously approved – one of the two again there were two discharge points (shown on the plans) so we are maintaining the discharge points previously approved at this location at the same elevation.

Mr. Ducsay said the plan in front of you seeks to permit 45 SF of direct impact and again per establishment of the rip rap splash pad on site (as shown on the plans).

Mr. Ducsay said he believed the original application had sited 10 SF of direct disturbance since then we have received some engineering comments and one of which was the splash pad wasn't sized accordingly – we have since revised those plans and re-quantified those impacts again and there are 45 SF of impact.

Mr. Ducsay said the establishment of the splash pad which discharges to the basin (as shown on the plans).

Mr. Ducsay said so that's the major change – he said the office building as you can see is now gone; based upon market conditions the applicant has determined that the office building at this location wasn't really feasible or marketable so in lieu of that and the situation really is he's done the work here at the restaurant building and a retail building in the front and a lot of that work is done.

Mr. Ducsay said the applicant would like to open up that restaurant in early summer and in order to do so he'll need a certificate of occupancy and in order to obtain that he would have to follow through on providing storm water management requirements associated with this development.

Mr. Ducsay said given that he is unsure about the potential development area here and what might fit to install the underground

detention as previously located in this area would really limit any potential development future development that you could do here.

Mr. Ducsay said in lieu of that we have proposed this system again which more or less relegates the storm water to the eastern boundary of the property and then maintains the discharge point.

Mr. Ducsay said to reiterate again we have held the same limit of disturbance for our proposed S&E controls as well as the same discharge point at the intermittent watercourse.

Mr. Ducsay said as part of this application that watercourse is part of the Mill River watershed and in light of that we've sent notification to the Department of Public Health as well as the RWA and he thought staff had included that as part of the correspondence in the packet from Ron Walters from the RWA.

Mr. Norback asked if we were maintaining the same volumes as far as the discharge. He said he assume they were staged and now that they are no longer staged are we running risks.

Mr. Ducsay said not necessary – the previous plan – and again he mentioned there were two discharge points but the underground system which was previously approved was tied in in series and all the stormwater from the site was being discharged here (as shown on the plan); the second discharge point was merely for the access for the residents here (shown on the plan) so it's just one catch basin.

Mr. Ducsay said we have prepared engineering computations which he has submitted with the application and has been reviewed by the engineering department staff since then.

Mr. Ducsay said to reiterate we have received two engineering comments which we've since responded to and submitted revised plans.

Dr. Dimmick said he had a slight problem – the contours don't quite match the wetland boundaries. He said if you look closely the center of your intermittent wetland is slightly upslope of where the center of the channel should be according to the contours.

Mr. Ducsay said he thought this came up last time in our original application. He said the thought during the site visit we had

determined that this intermittent watercourse was really born by seep if he was not mistaken in the embankment area – it was the seep from the embankment which really formed the intermittent watercourse.

Mr. Ducsay said he thought we had gone out some time July or it was approved in July and we observed that in field.

Mr. Ducsay said the same issue that came up before was our topography which was field topo indicates that it doesn't match or coincide exactly with that watercourse.

Dr. Dimmick said so the watercourse is probably correct; the contours should really be adjusted to show (the correct information); he said he can't see the watercourse running half way up the bank.

Mr. Ducsay said Bill Root did flag that watercourse to coincide with that point – the watercourse would trump any sort of field topography or aerial topography that was done in this area.

Mr. Ducsay stated the watercourse is field located by Bill Root.

Dr. Dimmick commented about the location of the rip rap apron and asked if it was not going to block anything.

Mr. Ducsay said the rip rap apron itself is a very small limited pad. He commented about the grading, the pad and the discharge elevation and the basin shown on the plans. He explained the basin was excavated down and then sized it in two dimensions to accommodate the flow from the site but at the same time to outlet we have to outlet it at the elevations shown on the plans which is elevation 84 which requires us to do a little bit of grading in the upland review in that area in order to create the proper elevation in that basin.

Dr. Dimmick comment that following the plan exactly may end up with chucks of rocks sitting in the middle of where the existing channel is so it might need a little bit of field manipulation to make sure that doesn't happen.

Mr. Ducsay said sure and he could see if looking at it they could do a little bit of grading in that area to pull back that pad and the associated flared end section to ensure that (the section Dr. Dimmick commented about).

Mr. Norback said so your concern was damming of the intermittent watercourse.

Chairman de Jongh asked at what point is that splash pad put in.

Mr. Ducsay said the stormwater basin would be established as soon as this is established with the piping connected splash pad will be in place; before any water is allowed to discharge to this location the splash pad would be established first.

Chairman de Jongh said where he is going with the question is whether or not he thought it was worthwhile to notify staff around the time that was going in so that if staff and Dr. Dimmick could just kind of come by so there is another set of eyes to make sure a problem is not created but averted.

Mr. Ducsay said he thought that was an excellent condition to ensure that the plan is implemented.

Ms. Simone asked Dr. Dimmick if he was asking that the plans be revised so that we have a set of plans that show the proper location of the contour.

Dr. Dimmick said what I'm asking is when he puts that splash pad in assuming that the wetland boundary is correct there that the toe of the splash pad doesn't end up obstructing the center of the channel so it might be a little adjustment in the field.

Mr. Norback asked if it would be too ambiguous to make a note on the plan stating that it is to be field revised.

Ms. Simone said as far as the record stand point it would be a lot clearer if adjustments were made to this plan so that anyone looking at this can see that this is where the splash pad was supposed to be as opposed to relying on her or Dr. Dimmick.

Dr. Dimmick and Mr. Norback agreed the change could be handled with a note on the plan.

Ms. Simone said when people look at these depictions they reply on that (the notes/details).

Ms. Dunne said so in five years from now - the plan should be accurate.

Chairman de Jongh said adding it (the details) to the plan makes sense.

Mr. Ducsay asked if the Commission wanted to see that handled in a note form on the map.

The Commission wanted to see how the note should be documented on the plans/map.

Mr. Kurtz said someone has to go out to tell them where to put this pad so when they are out their staking it out they can just adjust the contours so it reflects what's there; rather than having the map be incorrect.

Dr. Dimmick said he was concerns about how the splash pad is shown on the plans.

Mr. Ducsay said so something to the effect of rip rap splash pad to be field located so not to impede the flow of the existing intermittent watercourse.

Dr. Dimmick said he could send a memo to staff saying that you have added that so you don't have to come back with another map in front of us.

Ms. Simone said comments were just submitted to engineering so engineering still has to look at these revised plans so this is the first time it's been before the Commission.

Ms. Dunne said she really didn't see a problem with the contours changed on the map. She said she personally thought it should be done on the map and not by a note.

Mr. Norback said when you are out in the field and going by the elevations they might not work by the time you are out there so you are better off making sure it works while you are there.

Mr. Ducsay stated this area has been A-2 surveyed – its A2 D2 topography based on an aerial flight so the contours that were shown on this plan are based upon our survey crew being on site and shooting those elevations.

Chairman de Jongh said he thought Mr. Ducsay knew what the intent the Commission was looking for.

Mr. Ducsay said he did.

Chairman de Jongh said engineering still had to take a look at this and comment on this so we'll take this up at the next meeting.

IX. NEW BUSINESS

1. Request for Determination RFD 2016-011
Edward Barnett, House2Home Builders
Mountain Road
House

Edward Barnett 375 Windmeyer Court of Cheshire was present.

Mr. Barnett explained he was looking for a determination based upon footprints that is different than the existing plot plan on a lot on Mountain Road that the Commission already approved.

Mr. Barnett said he talked to Ryan McEvoy at Milone and MacBroom and he talked to Suzanne. He said he has a customer that wants to build a home that is a little bit different that is different than the footprints that's there.

Mr. Barnett said they are staying within the building lines and the setbacks and not any closer to the wetlands buffer; the septic system remains the same.

Mr. Barnett stated it's a 3 bedroom house compared to a 4 bedroom house that's been approved and the square footage is less than the original.

Dr. Dimmick asked if there was any significant difference in grading. He commented about the location of the setback line to the location of the house.

Mr. Barnett stated no and everything is exactly the same. He said the only thing that's changing is we are going further towards the septic system but not enough that changes any design.

Mr. Barnett said he went over it with Ryan and he's going to continue to do the engineering.

Mr. Barnett said the only change is it's not within the existing print that you (the Commission) approved.

Mr. Barnett said he now has to have his architect draw up the print based on what the footprint is because the original one might have impeded in a certain area.

Mr. Norback asked Dr. Dimmick if one of his main concerns that he had was the backyard – how they were going to retain that fill – weren't we talking mafia blocks or something down there.

Dr. Dimmick said yes but that doesn't change in terms of what's going to happen. He said he didn't see a problem with it (what was proposed).

Commission members reviewed the approved and proposed plans.

Mr. Barnett said so nothing has changed from what you guys have asked for. He said Milone and MacBroom will continue the engineering, stake and mark out everything and even footing pins will be marked by them.

Motion: That the proposed plan is di minimis and a permit is not needed.

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

2. Request for Determination RFD 2016-012
Mitchell Forlenza
391 Gunnar Court
Deck Expansion

Ms. Simone explained a letter was received from Mr. Forlenza stating no one would be in attendance tonight; the letter explained what was being proposed.

Commission members reviewed the plans.

Mr. Norback explained that he built the home (on Gunner Court) for an owner before this owner and the area in question is a grassed

area. He said in his opinion there were no issue here (with what is being proposed).

Dr. Dimmick said based on what's proposed (by looking at the plan) he didn't see an issue.

Motion: That based upon the drawings submitted for our review we find that the proposed changes are di minimis and a permit is not required.

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

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| 3. | Permit Application | APP | 2016-013 |
| | Nosal Properties of Cheshire, LLC | DOR | 4/05/16 |
| | Fieldstone Court
Site Plan | MAD | 6/09/16 |

Matt Ducsay, registered professional engineer with Milone and MacBroom was present on behalf of the applicant.

Ms. Simone explained to the Commission that a letter was received looking for the Commission to schedule a site visit then discuss the proposal at the April 19 meeting.

Ms. Simone said that engineering and staff just received the plans.

The Commission discussed setting a date for a field walk.

The field walk was set for Saturday, April 9, 2016 at 8:00 am; a presentation would follow on the April 19, 2016 meeting.

Mr. Ducsay stated he's have the area flagged and staked in the area of the proposed activity.

It was suggested that Mr. Ducsay work with staff on what area to stake/flag.

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| 4. | Permit Application | APP | 2016-014 |
| | Cheshire Academy | DOR | 4/05/16 |
| | Main Street/Academy Road
Site Plan | MAD | 6/09/16 |

Ms. Simone stated this item was scheduled for a presentation on Tuesday, April 19, 2016.

X. ADJOURNMENT

The meeting was adjourned at 7:56 pm by consensus of Commission members present.

Respectfully submitted:

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