

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
REGULAR MEETING  
TUESDAY, APRIL 19, 2016  
TOWN HALL 84 SOUTH MAIN STREET  
COUNCIL CHAMBERS AT 7:30 P.M.**

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

**Member Absent: Dave Brzozowski.**

**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 recited the pledge of allegiance.**

**III. ROLL CALL**

**Ms. Dunne called the roll.**

**IV. DETERMINATION OF QUORUM**

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

**V. APPROVAL OF MINUTES – Regular Meeting – April 5, 2016  
Site Walk – April 9, 2016**

**Chairman de Jongh called for the approval of the April 5, 2016 regular meeting and April 9, 2016 site walk.**

**Motion: To approve the minutes of the April 5, 2016 regular meeting with corrections and the Site Walk on April 9, 2016.**

**Corrections to regular meeting minutes: pg. 1 L26 “receipted” to “recited”; pg. 3 L7 “River” to “River bridge”, L11 should read “School House Road”, L3 1 delete “to” before “ have” “expectation” to “exception”, L36 “regarding” to “regrading”; pg. 4 L6 should read “property owner”; pg. 5 L27 “sited” to “cited”; pg. 7 L7 “the” to “he”; L40 delete “in that”; pg. 44**

“chucks” to “chunks”; pg. 9 L24 “was” to “has”; pg. 11 L32 “is” to “changes are” and “de minimis”; pg. 12 L15 should read “de minimis.”

Moved by Mr. McPhee. Seconded by Mr. Norback. Motion approved 4-0-2 with Ms. Dunne and Mr. Kurtz abstaining from the vote as they were not present on the site walk.

## VI. COMMUNICATIONS

Ms. Simone reviewed the following communications:

1. **Public Works Drainage maintenance Notification  
Re: 799 Peck Lane, Embankment Stabilization**

This communication was reviewed.

2. **Permit Extension Request 2007-007A  
Subdivision, Mt. Sanford Road, DiNatale Mgt. LLC**

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

3. **Engineering Comments  
Re: App. 2011-010A, Kensett Square, LLC, South Main Street**

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

4. **Staff Communication w/Attachments Re: App.2016-013,  
Fieldstone Ct.**

This communication was reviewed.

5. **Staff Communication w/Attachments Re: App.2016-014,  
Academy Rd.**

This communication was reviewed.

## VII. INSPECTION REPORTS

1. **Written Inspections**

Ms. Simone stated there were no written communications.

2. **Staff Inspections**

Ms. Simone explained that she didn't have the field notes with her but she did attend a public information session for the new trail section that is going to open up in about a month and spoke to residents about wetlands regulations relative to putting up fences or creating trails from their property to get onto the Linear Trail.

**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 item would remain on the agenda for monitoring.

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 remains on out agenda for continued monitoring.

**IX. UNFINISHED BUSINESS**

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

Ms. Simone stated there was a revised map that was submitted that showed the notation on the plan and a copy of that was sent to Commission members along with a draft motion for approval.

**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, previous site visitations, and

**after review of written information provided by the applicant on this application, finds the following:**

- 1. That the current application is for a modified storm water management design for the residential and commercial development of a 1.5 acre parcel.**
- 2. That the current application is for a 5 year permit extension of permit #2011-010.**
- 3. That the proposed storm water discharge will be directed, in part, to an intermittent watercourse field located by the applicant's soil scientist.**
- 4. That the applicant's soil scientist identified the value of the intermittent watercourse as low and the function limited to seasonal flow.**
- 5. That the Commission identified that the site plan topography is not accurate in the vicinity of the proposed storm water management system flared end discharge, and required a note be added to the plans identifying that the discharge elevation will have to be field located and shall not interfere with the banks or flow of the intermittent water course.**
- 6. That the applicant's engineer stated that the proposed construction activities will not have a significant adverse effect on the adjacent wetlands and watercourses.**
- 7. That the Commission has determined the activity to not be significant under the context of the Cheshire Inland Wetlands and Watercourses Commission regulations.**

**Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2011-010A, the permit application of KENSETT SQUARE, LLC as presented on the plans entitled:**

**“Old Towne Commons  
166-168 & 200 South Main Street  
Cheshire, CT  
Dated March 9, 2016, Revised April 13, 2016  
Scale Varies on 8 Sheets:  
Prepared by Milone and MacBroom, Cheshire, CT.”.**

**The permit is granted on the following conditions and stipulations, each of which the Commission finds to be necessary to protect the wetlands and watercourses of the State and the Town of Cheshire:**

- 1. Any lack of compliance with any condition or stipulation of this permit shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and an enforcement order shall be both issued and recorded on the Town of Cheshire Land Records.**
- 2. Permit #2011-011 has a new expiration date of July 5, 2021.**
- 3. All conditions and stipulations of CIWWC Permit #2011-010 granted, with stipulations are incorporated by reference as though fully set forth herein to the extent they are not in conflict with the present permit grant, and are restated below.**
- 4. No changes or modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.**
- 5. Prior to any construction activities covered by this permit grant, the applicant shall have the following items both completed by a qualified party and verified as complete by Commission Staff:**
  - a) Prior to any clearing or earthmoving activities, the accurate staking and/or flagging of all clearing limits and non-encroachment line. No disturbance of any kind, including establishment or maintenance of lawn areas, shall be allowed beyond the wetland boundary identified in the above referenced plans. Language identifying the non-encroachment area shall be placed in the deed of the property and on a map for this property filed in the Cheshire Land Records, which shall, in part, state that no disturbance or activity of any kind other than passive recreation shall be allowed within any non-encroachment area.**
  - b) Prior to the commencement of construction activities, a professional engineer shall certify, in writing to the Commission, that all required erosion and sedimentation controls are in place and functioning as represented by applicant to ensure the prevention of erosion and sedimentation into adjacent wetlands and watercourses. The cost of the professional engineer**

shall be borne by the applicant. The applicant shall also notify Commission Staff so that Staff may inspect the site to verify that all required controls are in place. Staff may also insist on additional controls if field conditions warrant them.

- c) Prior to the commencement of activities covered under this permit grant, the name of a contact individual together with a 24-hour phone number shall be submitted to the Planning Department and designated with responsibility and authority to receive notices of any breaches or deficiencies of sedimentation and erosion controls on-site, and to effectuate repair of any such breaches or deficiencies within 6 (six) hours of such notice from the sediment and erosion control inspector, as identified above, or the Town of Cheshire.

Commission Staff may insist on additions to items 3a-3c at any time if field conditions warrant them.

6. Per Section 12 of the Cheshire Inland Wetlands and Watercourses Regulations, a bond covering the costs of the erosion and sedimentation controls shall be filed with the Town Planner's Department prior to the commencement of construction activities. The amount of the bond shall be determined by the Cheshire Planning Department.
7. An inspection of the condition, integrity, and adequacy of the sedimentation and erosion controls shall be made by a qualified party either weekly or after every significant rainfall of 1/2" or greater, whichever is sooner, until all disturbed areas are stabilized. Said party shall be independent of the contractor. All reports shall be submitted to the contractor and Commission Staff either within three days of inspection, or prior to the next storm event, whichever is sooner. All breaches or deficiencies shall be forwarded to a contact individual, as defined above, immediately after inspection. The costs of said inspections to be borne by the applicant.
8. Throughout the course of conducting construction activities covered by this permit grant, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring the following:

- a) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100' if possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.
- b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.

9. This permit grant, only covering the modification to the storm water management system, shall expire on April 19, 2021.

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

2.	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. William Root, certified soil scientist with Milone and MacBroom was also present.

Mr. Ducsay addressed the Commission stating he was representing the applicant for lot 3 Fieldstone Court.

Mr. Ducsay stated the site was located at the north end of town. He reviewed the location of the property on the site plan; the property is approximately 6.7 acres in size located in an I-2 Zoning district.

Mr. Ducsay explained the property slopes from east to west towards Route 10. He said the high point of the property is approximately elevation 240 (as shown on the plan) is the southeast corner of the property in the low point the property elevation of 190 located along the western boundary.

Mr. Ducsay said there was site walk on Saturday, April 9, 2016. He said by that time the wetlands had been reflagged. He shown on the plan the location of the wetlands located on the western boundary.

Mr. Ducsay stated the wetlands on this property were originally flagged in 1999; there was a previous wetlands approval on this

property that dates back to 1999 and that's when those wetlands were originally flagged.

Mr. Ducsay said since that time in preparation for this application our soil scientist Bill Root has gone back out there and field verified the location of those wetlands as well as flagged those wetlands in preparation for the site walk the Commission had a couple of weeks ago.

Mr. Ducsay explained the wetlands on site are located along the western boundary; those wetlands flow underneath Route 10 via a cross culvert towards the Ten Mile River not a public supply watershed. He said a small portion of the north Cheshire Aquifer did clip the rear boundary of the parcel and in light of that they sent notification to the Department of Public Health and RWA notifying them of this application.

Mr. Ducsay said the development consists of an industrial warehouse building – the building is approximately 26,000 SF in size as located on the plans. He said the property is intended to serve as the future home of both Shred-It and Nosal Builders (the applicant).

Mr. Ducsay explained Shred-It is going to occupy the western portion of the building and Nosal Builders is going to occupy the east portion of the building.

Mr. Ducsay said again, it's a 26,000 SF building. He said you'll see that there's approximately at least 58 passenger spaces on the site; there's some box truck parking located along the southern boundary as well the gravel outdoor storage area for equipment located on the eastern extent of the property.

Mr. Ducsay said the building is going to be served by public water and sewer; stormwater management is going to be provided by an excavated pond (shown on the plan) located along the western boundary; that stormwater management design includes two discharge points to the stormwater management basin located on the plans and two sediment forbays which are on the plan.

Mr. Ducsay said the basin is designed as a wet bottom basin which is an encouraged practice per DEP as a primary treatment practice so there will be a permanent pool in that basin.

Mr. Ducsay explained the basin is designed to outlet via a preform scour hole; and an energy dissipater designed to dissipate any erosive velocities.

Mr. Ducsay said you can see given the proximity to the wetland boundary in this vicinity there is little chance of that channelizing before it enters the receiving waterbody.

Mr. Ducsay said the plan calls for 36,000 Sf of disturbance within the 50' upland review area; that's for the establishment of stormwater management basin as well as some of the dry piles which circumnavigate the building.

Mr. Ducsay said the plan calls for the filling 300 SF of wetlands – that's a wetland pocket (shown on the plans).

Mr. Ducsay said since we've done some of the field work – this particular parcel was in front of the Commission for a permit determination to do clearing on the property going back to in the beginning of March and that clearing was determined to be de minimis so the applicant has done most of the logging on the eastern portion of the property.

Mr. Ducsay said at that time he believed it was the recommendation of Dr. Dimmick that prior to this application coming before you we do some work to ensure that the wetlands do not contain any amphibian breeding grounds because it is that time of season.

Mr. Ducsay said in light of that Bill Root has gone back out to the site and investigated that and found that this particular wetland pocket as well as one other location on the site did contain some egg masses.

Mr. Ducsay said Bill (Root) is here tonight and he is going to turn it over to him to speak about the field work that he conducted.

William Root, certified soil scientist and wetland ecologist with Milone and MacBroom.

Mr. Root said he accompanied the Commission on the site walk on this property on Saturday. He said Matt described some of the earlier background of this site; the prior approval; the wetland flagging back in 1999; there was a biologist report at that time that was submitted and the work was done in late in the season in October and that site work didn't mention any vernal pool activity but did mention the two wetland systems the first of which was the intermittent watercourse that flows along the western property boundary and it described the functions and values of the larger wetland as having wildlife habitat, nutrient and sediment removal

and flood control – and the very disturbed nature of the intermittent watercourse – really it's a drainage ditch that connects the pond on this property and road drainage to the small drainage swale that flows under Route 10.

Mr. Root said the functions and values were described.

Mr. Root said the other wetland area which we are talking about and went to take a look at down in the southern part of the property was described as a small, isolated and disturbed wetland pocket that had oily sheen and sparse vegetation – it was described as an area of cut fill – the function and values were described as low.

Mr. Root said in 1999 and in October it didn't show much promise as a wetland – but a small isolated pocket with standing water ought to be looked at in the spring so we did and we all look at the egg masses. He said there were not very many of them – less than 20 in both and right within wetland flag area near 16 and 17 there is another small excavated pocket.

Mr. Root said these are very disturbed areas – you can see the piles of fill and small areas of excavation that hit the water table at least this time of the year and both of them had Wood Frog masses in them and Wood Frogs are the most common of the vernal pool vertebrates and Wood Frogs are pretty common throughout the landscape and in this part of Cheshire they are certainly very common and breeding in these small pools.

Mr. Root said so that's the nature of the second investigation that was done to determine existing conditions out there.

Mr. Root said the earlier site plan approval had a much large impact both in the upland review area as well as direct wetland impacts as well and from looking through the approval that the Commission provided for that project the wet bottom detention basin in close proximity to the existing wetland was expected to act as mitigation for those wetland impact which are fairly common. He said the approach at that time is less common today – the disturbed wetland habitat would be compensated for by a manmade wetland habitat with replanting that would take care of all the invasive species on the site.

Mr. Root said the proposal that's before you tonight goes back to one of the original schemes of filling a small wetland pocket which has some vernal pool activity but not filling some of the other areas which were previously approved so its compensation for that impact

to the small vernal pool and they put together a proposal which you see on the site plans to create a new small vernal pool area in close proximity to the existing one in the same part of the landscape; the Wood Frogs would be able to find as easy as it would be to find the others.

Mr. Root said one of the Commission members during the site walk suggested a third part review of this concept of creating a vernal pool and when to do it and how to do it and what the protocol should be and so we contacted Mr. Ed Pollack who's known to most members of this Commission – he's kind of a vernal pool specialist and runs the vernal pool monitoring network, he's a cause member and a soil scientist.

Mr. Root said Darin and he met with Ed Pollack at their office and he took him out to take a look at the site and he put together a short proposal which he forwarded to staff (the Commission's) during the week to maybe they could get a chance to take a look at it and think about it.

Mr. Root said the jest of it was he (Ed Pollack) would make a couple of site visits, take a look at the site plans and write up a report and recommendations for us to follow and for the Commission to consider for this mitigation proposal.

Mr. Root said so that's where the application stands right now.

Mr. Root said there's some level of wetland impact which was previously approved but a little bit less than last time; and a mitigation proposal for the newly discovered vernal pools which would be impacted in the southern portion of the site; that's described in the report that went in with the application date March 28, 2016.

Mr. Root said if there were any questions he'd be happy to take them.

Dr. Dimmick said one of the concepts of a third party review is that even though you'd be required to pay him we need to get all his communications as soon as you get all his communications in a case like this otherwise it's not a true third party review and we should allow staff to talk with him freely.

Mr. Root said that'd be fine – if this concept is agreeable and the individuals are agreeable; we know he's well qualified and we can make sure he copies Suzanne if that's your preference on any correspondence that goes back and forth between us and any

reports we get we'll just submit immediately to you or have him just email it over to Suzanne.

Dr. Dimmick said normally a third party we should get it as soon as you get anything otherwise it's not actually a third party review.

Dr. Dimmick said he's been through this as a third party so this is normal procedure so that it cannot be perceived that he's under control of the applicant.

Mr. Norback said are we then late to the dance because we weren't out there during the initial meeting.

Dr. Dimmick said no because the initial meeting was in terms of him making a proposal.

Ms. Simone said when the Commission had asked about this information about hiring a third party review the ordinance allows for third party review that the town would be the client so that this professional would be responding to Commission's request and asking them to review the plans.

Ms. Simone said when information was sent per Dr. Dimmick's for Ed Pollack, who had indicated that starting in 2014 he was just exclusively doing municipal reviews for Commissions.

Ms. Simone said contact as Mr. Root had said has been made so as its set up now it seems as though Milone and MacBroom would be client.

Ms. Dunne stated that's right – the client. She said if we wanted to have our own review we need to have someone else do that review.

Ms. Simone explained it would need to be initiated from the Commission and paid for by the applicant but the Commission would be the client.

Ms. Dunne stated so we have to get someone else.

Mr. Kurtz said he agreed with Kerrie.

Ms. Dunne stated it cannot be the same person; this person has gone out with the applicant's representative and taken a walk and discussed it with them and therefor they are his client; if we want to have our review we have to have our own individual.

Ms. Dunne said it doesn't mean we can't accept what he has to say – what's being presented to us but if we decide we want our own review we need to have that in person.

Mr. Root stated we have no interest except we were trying to follow the Commission's request.

Mr. Kurtz stated it was not a request to you; he said it was not a request.

Mr. Kurtz stated “this brings up the third major question I have about the way this has been handled – the first one is let's clear the lot before we submit an application because they are in the area – it's an eight hour job we are in the area let's do that – the second one is have a site walk before the application is presented it saves time; all of sudden coincidentally people on the Commission discuss hiring a third party to go over the findings of Milone and MacBroom and all of a sudden Milone and MacBroom hires this person” those are questions I have I don't have the answers but I have questions that make me wonder what's going on.

Mr. Root said he can't answer for the first two but he said he could assure that Mr. Pollack has not been hired by Milone and MacBroom at all.

Ms. Dunne said is she understood he went on the site walk with you.

Mr. Root said we took him on a site walk to familiarize his with the site; the same site walk we took the Commission on – on Saturday we took Mr. Pollack on Monday.

Mr. Root stated he is not working for us at all; he hasn't been paid at all and he's not going to be paid for work that he did; it's preliminary site work to get familiar with the site to see whether or not he wanted to do the job.

Mr. Root went on to explain what they wanted to get a proposal to see if the town wanted to hire him (Mr. Pollack) and pass the bill along to the applicant.

Ms. Dunne said then why didn't someone from the town go on the walk.

Ms. Dunne stated she was having a real problem with this procedure.

Ms. Dunne said usually when you hire an expert –speaking as an attorney – that person works for you - you talk with them.

Chairman de Jongh said he was wondering if the subject of approaching Mr. Pollack was by Dr. Dimmick because of the expertise this individual brings to the table.

Chairman de Jongh said if the contact can be rewritten to say that the town being the client as opposed to the applicant and then that way communications would be directed to staff and then copies to the applicant.

Dr. Dimmick said he can see how the statement he made on the way may have been taken two ways – he said he wanted to bring Ed Pollack in on this; there could have been a misunderstanding to what he was implying.

Ms. Dunne said that is perfectly fine with that explanation but still she has an issue with the town hiring someone who has already gone out with the applicant.

Mr. Norback commented that in theory a professional witness should come up with the same information no matter whose hiring; the information should be the information. He provided his thoughts on hiring a professional and that they would be fair, balanced and honest. He said the process now feels uncomfortable.

Chairman de Jongh said while he appreciates the comments from Ms. Dunne and Mr. Kurtz but the recommendation by Dr. Dimmick to use this person was brought about because of his expertise in this area – if there was a way to be able to work with this individual – to correct the record that the town is the applicant and the person responsible for getting the information is staff on behalf of this Commission; he would be inclined to do that only because of the recommendation initiated by Dr. Dimmick the recognition of his expertise.

The Commission and Mr. Root discussed about possible issues because the professional was contacted by Milone and MacBroom and not the town.

Dr. Dimmick said the easiest way out of this is to forget this proposal and have the town write a proposal with Ed Pollack. He said we need to contact Ed Pollack and explain the situation.

The Communication continued to discuss possible complications and legal implications using the expert originally contacted by the applicant and not the town.

Mr. Kurtz made note that his questions (about the process) did not question the ability of the professional.

Mr. Root commented about his opinion of the third party review process.

The Commission continued to comment about the professional's reputation not being in question.

Chairman de Jongh said that (in his opinion) there was just a misunderstanding in making the contact and the way the suggestion was conveyed and received. He said if they could instruct Suzanne to reach out to Mr. Pollack on behalf of the town and explain the situation and then ask him if he would create a contract with the town being paid for by Milone and MacBroom to be able to conduct a review so we can assist the applicant in creating that alternative to the filling in of that vernal pool.

Chairman de Jongh said if that was acceptable to the Commission that is what he would suggest.

Motion: That the Commission instructed staff to reach out to Mr. Pollack to engage in a contract for this particular application with the fees being paid by the applicant.

Moved by Mr. Kurtz. Seconded Mr. Norback.

Discussion:

Dr. Dimmick said if there's any question about the functioning of the Stormwater basin he understood the town engineering office was worried about a possible mosquito breeding.

Ms. Simone state yes he did contact the Health Department who is expressing concerns about standing water – she said she did not know what the results of their conversations were.

Dr. Dimmick said he was sure these can be designed so that by 4 days after a major storm they run down to no standing water; a concern came from an outside review.

Mr. Root said they can be designed with some kind of sub-drain.

Chairman de Jongh asked Mr. Root or Matt if the questions posed by the engineer department – did they have the chance to review that and write respond.

Mr. Ducsay said they have the questions from the engineering department – they haven't submitted formal responses or plans to the town as of yet – they were received last week; they are aware of the potential for mosquito breeding ground that was mentioned in the detention basin areas; he said no formal responses have yet been submitted.

Chairman de Jongh stated they would keep this on the agenda pending the receipt of additional items and will allow staff to reach out to Mr. Pollack.

Dr. Dimmick asked if we wanted to consider significance on this or to have a public hearing on this.

Mr. Kurtz said he was wondering if they should postpone that until the results of the study.

Chairman de Jongh said we'll wait to receive the additional information and then make a decision at that time (regarding significance).

Motion approved unanimously by Commission members present.

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

Michael Joyce, registered professional engineer with Milone and MacBroom was present on behalf of the applicant. William Root, certified soil scientist with Milone and MacBroom was also present.

Mr. Joyce addressed the Commission.

Mr. Joyce explained he was here tonight to present on behalf of Cheshire Academy. He said Cheshire Academy had some other meetings tonight so they could not attend.

Mr. Joyce said the impetuous of this project was a fire on Cheshire Academy's campus last summer.

**Mr. Joyce said on the western portion of the campus not to from Route 10 their maintenance barn had a fire; the building was removed (demolished).**

**Mr. Joyce said the building was located in the western part of the campus – just west of the approved track and field facility.**

**Mr. Joyce said the reason why the building can't go back in there is the building was antiquated – it was a mixture of buildings added over time; the function was obsolete for what is needed; in addition Cheshire Academy has some master planning efforts for that area; that particular spot is slated for something else.**

**Mr. Joyce talked about the important role the facilities building for the running of Cheshire Academy's operations.**

**Mr. Joyce said Cheshire Academy's property is 102 acres that extends from Route 10 to Route 68 runs over a portion of town owned Woodbury Court and works its way back along up towards Route 68 Academy Road; he showed on the plans other portion of properties owned by Cheshire Academy; he showed the location where they considered making an entrance for facilities but was found not to be a suitable location.**

**Mr. Joyce said in conjunction to the facilities project Cheshire Academy is looking to establish an area for faculty housing on campus. He explained some of the reasons they are looking to add faculty housing on campus.**

**Mr. Joyce said so when they looked at the feasibility analysis to see what they could do for a facilities building and faculty housing they came to a location on the eastern part of the campus; he said some years ago they came to the Commission for a baseball field construction on top of the hill.**

**Mr. Joyce said Cheshire Academy has a 100' easement across the adjoining property (shown on the plan) to use as an access for whatever use what so ever to get access to the property for the use of a facility.**

**Mr. Joyce shown on the plans the location of the ravine that divides the main part of the campus from the eastern part of the campus – the ravine runs north and south and makes a connection to Honeypot Brook near the pond in an area near the tennis courts on campus.**

Mr. Joyce explained topographically this area is not developable; there's wetlands and sewers done in that area – he showed on the plans another area slated for development for athletic fields in the future.

Mr. Joyce explained that Cheshire Academy looked at ways to invest in the next part of their future so in looking at that they are working with Regional Water Authority to extend the water main down route 68 and are looking to extend the sewer line that's on their property.

Mr. Joyce said they've been before the WPCA for feasibility approval and that's been granted and as part of that they will be constructing a new road into the campus from route 68 which will provide access to an 11,900 SF facilities building – one story facility and 13 faculty units in a separate area across from that.

Mr. Joyce said as part of that we've had a pre-application meeting with the property owners – the Ewings and the Wilsons.

Mr. Joyce explained Cheshire Academy invited them to a meeting to talk about what access we can do and how we could work with them on what's being proposed.

Mr. Joyce said they were generally receptive to that meeting and that they would be supportive of that application especially the Ewings; he explained that's an area that's difficult for them to maintain and provides access to both their property and also to the houses in that area so there's a joint use in that area.

Mr. Joyce explained there's an opportunity to pull the driveway away from its current alignment which is very tight up against the Ewings house (shown on the plan); he said they can bring this driveway back into a more perpendicular alignment to route 68 and give some greenspace to those properties so when Cheshire Academy is using it they are not driving right in front of their house.

Mr. Joyce said topographically and environmentally on the property – he'd have Bill Root come up and describe some of those details.

Mr. Joyce said showed on the plans the current location of the baseball field and the ravine/depression that works its way along an access path that Cheshire Academy maintains.

Mr. Joyce showed on the plans the area of the depression – no wetlands were identified in this area during Bill's site walks – there is no wetland boundaries tied to Honeypot Brook that runs from east to

back up around the ponds that have been established on Cheshire Academy's property for a long time.

Mr. Joyce said back in 2003 we were before you to gain approval for baseball field (shown on the plan) and a bathroom building that was going to be tied to that; in that proposal we had an extension of the sewer main down to the existing sanitary sewer – that was approved during that particular application.

Mr. Joyce explained when we submitted that application there was a direct connection proposed tying into the interceptor. He said following your approval we gained approval from WPCA who required us to make an extension and connect right into the manhole; that manhole is actually located in the wetland.

Mr. Joyce stated that project didn't go forward and we never had to come back to get revised approval for that additional activity.

Mr. Joyce said aside from that change the plan is essentially the same as the 2003 approval.

Mr. Joyce explained that proposal at that time took the sewer line up to a (a location on the plan) then they extended the sewer line further to serve the faculty housing and proposed development (shown on the plan).

Mr. Joyce said this area is going to be used by the Academy's facilities staff to park and for some of the vehicles they have; they use it for the maintenance of their small shuttle buses and things they use in the area; there are also deliveries that deliveries that will happen here (shown on the plan).

Mr. Joyce talked about the difficulty turning in and out of Woodbury Court so to be able to pull some of that traffic away from the intersection from a safety standpoint is an improvement – he said there were site lines well defined at this location.

Mr. Joyce said there's a cross culvert under route 68 for this crossing; it conveys somewhat of a dry area at this time of the year for this crossing.

Mr. Joyce said recently DOT has been out to replace drainage and make improvements on the road – they've excavated it and exposed another end of the pipe that feeds some drainage into this area (shown on the plans).

Mr. Joyce said if Commission members have been out there recently they'll see in the depression rip rap swale in a pool in that area that conveys runoff from the road under route 68.

Mr. Joyce stated they did receive some comments from staff regarding which way that may flow whether it goes towards Honeypot Brook or not; he said there is a high point in the area that divides the runoff; he explained the direction the flow went and showed on the plans the direction the flow was carried towards route 68 in a southern direction.

Mr. Joyce said the project area of work that is being proposed is about 7.5 acres of disturbance. He explained Cheshire Academy is not pursuing the faculty housing units right now; they are bringing this in to get the necessary approvals for it and will be doing it in a slow process because they need to do that with funding and other things; he talked about the funding aspects of the project.

Mr. Joyce said the facilities project is a priority for them now because they have to get back up and running and available for them for next winter.

Mr. Joyce said back in 2002 and 2003 the wetlands were flagged; Mr. Root went back out again and flagged wetlands that were not identified at time along a corner of the area; in the area of the regulated pond.

Mr. Joyce showed on the plan a paved path that goes along the towards the primary and secondary athletic fields; we are extending a connection for that – an 8' path back up to this area to provide internal access for faculty and staff to come back and forth – it's not a two way access road to the area – it's a convenience so they don't have to go back out to route 68; and so they can get mobility back and forth to campus.

Mr. Joyce said its introduce Bill Root so he could describe his efforts and some of the areas along route 68.

Chairman de Jongh said he had two questions – one of them is about extending the sewer line along where the manhole cover was done all away along to the area for the housing and maintenance shed yet the housing is not going to be pursued at this point – he said he assumed they were going to have the sewer line extended as part of it for the maintenance shed.

Mr. Joyce said the idea was to get all of the infrastructure in for future development.

Chairman de Jongh said he wanted to get that on the record that they may not be coming back for the construction of the housing the infrastructure is going to be in place.

Mr. Joyce said right.

Chairman de Jongh said a question about the path way - he said he got the impression we are talking about a paved road.

Mr. Joyce said a road that was going to be paved; it's paved currently up to a certain point with a 10' paved path. He said right now there is kind of a gravelly wood chip path that works its way through that area it's being used today as an access area to get back and forth from the campus it's just not paved; it will not be for two-way traffic.

Mr. Joyce said it's just for internal access for people to get back and forth – its will be low volume activity between campus.

Chairman de Jongh asked about curbs along the side of the wetland area along the path.

Mr. Joyce said curbed in this area (shown on the plan) and an area is not curbed; the paved area is not curbed and we have no intention of curbing it; they don't want to direct all of the runoff down to one spot into an area that can be erosive; it will sheet flow into the adjacent vegetation.

Chairman de Jongh said then what he would like to see is a gravel apron on the wetland side to prevent any kind of runoff or seepage of oils from a paved roadway that could seep into the wetland area there.

Dr. Dimmick asked what kind of vehicular traffic would be on this.

Mr. Joyce said they use gold carts a lot to get back and forth and they have some maintenance vehicles and small pickup trucks that come back and forth internally but its one-way; there's not a two way pattern of traffic – it's just an internal connect that's stable.

Mr. Joyce said a faculty member can walk the path instead of going back out to route 68; he said you can drive a car currently out to the site on the path; but it's very low volume internal convenient campus

access. He explained a section of the path is out there now and is being used today ( and the way it will be in the future).

Mr. Root explained he was out at the site twice – once last summer and again today. He said last summer he was asked to go out and walk through this corridor see if there were any wetlands and watercourses that might pose any kind of regulatory hurdle for development and at that time came back and reported that the only wetlands on the property were associated with Honeypot Brook; he said he picked up a few points along the corridor and closest approach along the bordering wetland to what might be the proposed development and just drew a line along the toe of the slope which is what the early mapping showed.

Mr. Root said since then they got a staff report from your Commission saying staff had been out there and didn't see any wetland flags and thought it would be helpful for the Commission to see wetland flags so the Commission could do a site walk so he went back out there again today and basically retraced his steps from the property boundary here (shown on the plan) and on the east side right along the brook and the toe of the slope and hung flags and found older flags.

Mr. Root said so there are new flags along the eastern property boundary along Honeypot Brook and then along an area that was flag previously (he showed that location on the plan).

Mr. Root stated the brook has a large flood plain associated with it; it's vegetated; there are very steep embankments and there are some areas where there is some fill; there's a trough and a lot of fill and there's a steep 2' to 3' drop down from the fill slope to where the Skunk Cabbage is now.

Mr. Root stated if you go out there now, you can see flags along the Honeypot Brook and older flagging.

Mr. Root stated the wetland is forested – there are some open glades where there are Red Maples that have been blown down and understory with Silky Dogwood and a lot of Skunk Cabbage and in the drier area there's some Soft Rush and there are a lot of Red Maples and American Elms and Jewel Weed; so there are some nice alternating forested areas with perioral shrubs and marshy areas; the brook flows through it – its about 10' to 12' wide in many places where the slopes are steep.

Mr. Root said so that's the major wetland area.

Dr. Dimmick asked if he had contacted the state diversity database.

Mr. Root said he hadn't taken a look at that yet.

Dr. Dimmick said he remembered there being something there but he can't remember what it was. –it might have just been Box Turtle.

Mr. Root said in Cheshire there's something everywhere.

Mr. Root said they'll take a look (he hadn't been back to the site since last summer).

Mr. Root said that brings us to the changes Mike described and by your staff and the engineering department as well. He said last summer when he parked in there he saw the culvert and knew about the underneath route 68 and he knew about the shegie wetland area to the south so he examined that area carefully – it was a very broad stand of Japanese Knotweed – and he also saw the crushed corrugated metal pipe in that area so there was no flow at that time; this area was all very dry; he augured in a few places and didn't find anything worthwhile; he found a lot of disturbed soils and a lot of manmade soils; and a lot of previous clearing out of the culvert to make sure the flow could get going to the south where it wants to go but there weren't any signs of flow.

Mr. Root said he read the staff reports that talked about there being standing water there – so he went out again today – there area has all been cleared of the Knotweed– he took photos and would bring next time; but he did not bring them tonight – he said the culvert is no longer blocked there is a trickle flow coming from it; there is a small wetland that would be to the east that may be partially connected to that; there maybe some subsurface flow drainage that gets into that system; and then there are catch basins along the roadway and do outlet through a newly excavated rip rap swale right along the right along the road shoulder that carries flow down to the cross culvert and then to the south.

Mr. Root said those areas are always difficult to establish jurisdiction for and then have to make a decision whether or not such a drainage constitutes an intermittent watercourse or perennial watercourse or just a drainage ditch.

Mr. Root said most roadside swales fall into the drainage ditch category –all our roads have drainage ditches along them; but when they connect or partly connect a wetland area to the east and south

you have to look them a little bit more carefully to determine the best way to pursue something.

Mr. Root said these are always difficult jurisdictional things; from his prospective and seeing the way the work has been done out there by DOT he personally would not flag a short area like that going from pipe A to pipe B as an intermittent watercourse; he said it doesn't take a soil scientist to delineate watercourses – anyone with a science background is qualified to do that; he talked about the difficulty in determining an intermittent watercourse.

Mr. Root talked about regulating the DOT drainage ditches and what they would regulate it for. He said if he were to error on the side on this ditch would not be an intermittent watercourse - he said for him when writing up his report he was not going to call it an intermittent watercourse; that is what he will submit for the record.

Mr. Root said the second part of that is when he was out there in the summer time and it was all Knotweed and when you go out there today because they have done so much excavation work and it seems like they released a fair amount of water into there – the area is much more saturated – there's a small pool where they excavated below the invert of the pipe and there is some standing water in there and as a result the soil is somewhat saturated in there some 20' to 30' away from the pipe and you can find a few Skunk Cabbage plants there and a few Soft Rush plants there along with all the Knotweed that is going to come back and shade everything out in another month or so.

Mr. Root talked about finding disturbed soils but soils 20' back from the pipe – there are some indications of wetness in the soils and there are Skunk Cabbage and wetland related plants.

Mr. Root talked about determining if they were wetland soils. He said again of he was going to error he would error on the side of not regulating that small area – a 20' by 2' triangle – he said he was not going to call it an intermittent watercourse in his report but it's a very marginal area.

Dr. Dimmick said it's a wet patch.

Mr. Root said it is a wet patch and is associated with drainage that's maintained by the state.

Mr. Root said these are problematic areas and the ecological value is very low but technical standpoint and a jurisdictional standpoint they have some merit on both sides of the case.

Mr. Root said in his judgment he will not call them wetlands and part of that is to avoid the burden of calculating these things on an end of the year report as whether we disturbed 20 SF of manmade wetland soils associated with drainage pipes. He said that was his professional preference.

Ms. Simone asked if Mr. Root said it was connected to a wetland east and south of this location.

Mr. Root explained if you drive up the road to the east there's a wetland on that side of the road – he said he tiptoed up there and could see some wetland plants up there so he thought there was a small wetland up there and he thought it fed to a pipe – a driveway that maybe drained underneath the driveway which may drain from the wetland area; probably subsurface drainage associated with it as well.

Mr. Root said he thought there was some natural flow from the wetlands to the east and there's a lot of road flow that goes into that area.

Ms. Simone said so with the wetland being to the south also does this area feed the wetland to the south.

Mr. Root said DOT maintains drainage on the north side of 68 – it feeds water seasonally or during a storm event to the south to the shegie meadow area; so there's a connection.

Ms. Simone stated she was out there when they put the gravel into that drainage area in preparation for the paving they just did.

Mr. Root said they are paving today.

Ms. Simone asked has that been included in the drainage calculations for any potential impacts or feeding a wetland to the south from the filling of that area.

Mr. Joyce said what they are doing in the area – they are actually slightly reducing the overall watershed to that connection because of the way the driveway rolls over - he said they have a depression on the western side which mimics the depression on the western side right now – that's going to pick up some of the road drainage. He

said they have analyzed this system to see what the discharge would be with that pipe – the capacity is fine that currently crossed under route 68.

Mr. Joyce should on the plan an area that was going to be left as a vegetative depression to collect any water from the road; there are new catch basins that are proposed on the driveway; he explained what happens right now on the driveway.

Dr. Dimmick asked at the other end of the project – have they made the connect into the manhole or is that still pending.

Mr. Joyce said it's still pending.

Dr. Dimmick said so that's part of this project and you still have through a short bit of wetland to get to that manhole.

Mr. Joyce stated yes. He said that was because WPCA at the time required us to connect to the manhole and not do a dog house manhole in the sewer line or make a blind connection to the interceptor – they wanted it to be in the manhole.

Dr. Dimmick asked if Mr. Root if he took a look at that end of things.

Mr. Root said no.

Dr. Dimmick said so that's still one loose thread still changing.

Mr. Joyce said that would be a temporary impact to put the pipe in – there currently is a town sewer easement that runs through that area where we are connecting to that is actually within the town sewer as well; the town would have their work in the easement as well. He said we are making our connection within the town easement as well on the interceptor line.

Chairman de Jongh said he thought this was a perfect candidate for a field trip to go out and see what the impact is before we determine significance.

Commission members agreed to defer significance pending the field trip.

A field trip was set for Wednesday, April 27, 2016 at 5:00 pm.

Mr. Joyce said he did want to address just a couple more things regarding storm water management – we do have two detention

basins proposed for storm water management and water quality; the detention basins are in a staged effect that handles the runoff from the faculty housing area that is then connected to another detention basin closer to the upland review area and a level spreader before discharging out upstream of the upland review area.

Mr. Joyce said the comment was raised about the Commission wanting a dry bottom basin – features such as under drains can be proposed in that area.

Dr. Dimmick said it was the Health Department who transferred that desire to us.

Mr. Joyce said they are going to be able to provide some soil information for the area and will get it to the Commission when they have it.

Chairman de Jongh said they will postpone any further discussions pending the field trip

**X. NEW BUSINESS**

- |    |   |            |                      |
|----|---|------------|----------------------|
| 1. | Permit Extension<br>DiNatale Management, LLC<br>Mount Sanford Road<br>Subdivision, 5-Lots | APP<br>DOR | 2007-007A<br>4/19/16 |
|----|---|------------|----------------------|

Ms. Simone stated the permit extension if for 5 years.

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

1. That this application is for the permit extension of the existing approval #2007-007, which was approved by the Cheshire Inland Wetlands and Watercourses Commission on May 1, 2007 to Di Natale Management, LLC.
2. That IWWC regulations allow for the extension of permits a maximum of 10 years, per Section 11.3.C.5.

- 3. That per Public Act 11-5 this permit is valid from May 1, 2007 to May 1, 2016.**

**The permit request is granted on the following conditions and stipulations, each of which the Commission finds to be necessary to protect the wetlands and watercourses of the State and the Town of Cheshire:**

- 1. Any lack of compliance with any condition or stipulation of this permit shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and an enforcement order shall be both issued and recorded on the Town of Cheshire Land Records.**
- 2. No changes or modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.**
- 3. All conditions and stipulations of CIWWC Permit #2007-007 granted, with stipulations are incorporated by reference as though fully set forth herein to the extent they are not in conflict with the present permit grant.**
- 4. This permit grant shall expire on May 1, 2021.**

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

## **XI. ADJOURNMENT**

**The meeting was adjourned at 8:37 pm by consensus of Commission members present.**

**Respectfully submitted:**

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