

CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION

05/03/2016

Regular Meeting

1 Cheshire Inland Wetlands May 3, 2016
Commission Regular Meeting

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4 CHESHIRE INLAND WETLANDS AND WATERCOURSES
COMMISSION REGULAR MEETING
TUESDAY, MAY 3, 2016
5 TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.

6

7 Members Present: Robert De Jongh, David
Brzozowski, Charles Dimmick, Kerrie Dunne,
8 Earl Kurtz, Thom Norback, Will McPhee.

9 Staff: Suzanne Simone

10 I. CALL TO ORDER

11 Chairman de Jongh called the meeting to order
at 7:30 p.m.

12

13 II. PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

14

15 III. ROLL CALL

Ms. Dunne called the roll.

16

17 IV. DETERMINATION OF QUORUM

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

19 V. APPROVAL OF MINUTES-Regular Meeting-April 15,
20 2016 meeting
Site Walk-April 27, 2016

21 Chairman de Jongh called for the approval of
the April 15, 2016 regular meeting and April
22 27, 2016 Site Walk.

23 Motion: To approve the minutes of the April
15, 2016 regular meeting and April 27, 2016
24 Site Walk corrections.

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

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3 Motion approved unanimously by Commission
4 members present.

4

5 VI. COMMUNICATIONS

5

6 Ms. Simone reviewed the following
7 communications:

6

7 1. Notice of violation and Cease and Desist
8 Order for lot #3 Crestwood Drive.
9 Subject of Show Cause Hearing on agenda
10 tonight.

9

10 2. Letter to Joe Nosal regarding
11 application for lot #3 Fieldstone Court.

10

11 3. Notification from City of Meriden
12 regarding public hearing held May 4, 2016
13 for removal of Carpenter's Dam on the
14 Quinnipiac River.

13

14 4. Staff communication with attachments for
15 application for Fieldstone Court.

14

15 5. Staff communication with attachments for
16 Academy Road Cheshire Academy application
17 for communications.

16

17 VII. INSPECTION REPORTS

17

18 1. Written Inspections

18

19 Ms. Simone stated there were three
20 letters that went out to the following
21 properties, 10 Prinz Court, 6 Edith Place
22 and 8 Edith Place.

21

22 Staff Inspections

22

23 Ms. Simone explained that there was a
24 staff inspection of 10 Prinz Court.
25 Their silt fence was in need of
correction. She did go out there and
verify that they corrected the silt
fence. They also had further questions
about cutting trees within the wetland

25

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3 area. She indicated that there was
4 only a couple of trees that were
5 eligible because they were completely
6 dead and missing the top parts of the
7 trees to be cut provided they didn't
8 stump anything. They asked if would be
9 able to go onto the forest floor and take
10 the wood laying down. That is permitted.
11 As far as clear cutting live trees in
12 that area, that's something that needs to
13 come back before the commission.

8

9 Ms. Simone inspected 6 Edith Place today.
10 The complaint was they were storing
11 firewood and they had two piles of brush
12 within the non-encroachment area. In
13 talking with the property owner she
14 doesn't believe he will try to expand his
15 yard. He was just looking for a place to
16 put the branches. He had advised that he
17 will be removing them and burning them at
18 and there are no further issues there.

14 Ms. Simone received a neighbor complaint
15 letter regarding 8 Edith Place for some
16 trees that were being marked for
17 clearing. When she looked at the
18 property, they were trees within the
19 non-encroachment area. They were advised
20 they were not able to cut the trees until
21 they got a permit from the Wetlands
22 Commission.

19 For #5 Baxter Court Ms. Simone went out
20 for inspection for debris in
21 conservation area. This was subject of a
22 conservation easement for the subdivision
23 on Baxter, and there appears to be old
24 irrigation from the house that was
25 previously there. They had asked for
26 permission to remove that. It's just
27 buried debris and plastic so they are
28 going to be taking that out.

24 Lot #3 Crestwood Drive that's the subject
25 of the show cause hearing tonight was
inspected by Ms. Simone. Additionally,

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 3 the linear trail was inspected.
 4 Landscape plantings were nearly complete
 and in compliance with the permit

5 Also, an inspection for the Cook Hill
 Road pump station erosion controls were
 in place.

6
 VII. INSPECTION REPORTS

7
 8 1. Written Inspections

9 Ms. Simone stated there were no written
 communications.

10 VIII. ENFORCEMENT ACTIONS

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

15
 16 Chairman de Jongh stated this item would
 remain on the agenda for monitoring.

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

21 Chairman de Jongh stated this item
 remains on the agenda for continued
 22 monitoring.

23 3. Notice of Violation SC 05/03/16
 Show Cause Hearing
 24 Mr. John Ricci
 Unauthorized Activities
 25 in an Inland Wetland

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3 and/or Upland Review Area
4 Crestwood Drive
5 Assessor's Map 86, Lot 86

6 Ms. Simone did an inspection of the
7 property. She noted clearcut violations
8 at the property, which she went through
9 in detail.

10 Chairman de Jongh read into the record
11 the permit approval and specified
12 conditions that was granted on July 17,
13 2013.

14 Mr. John Ricci gave a presentation on the
15 3-lot subdivision and the subject lot
16 described in the letter from the Town as
17 the Cease and Desist lot, lot #4.

18 Chairman de Jongh noted that lot #3 had
19 been cleared and the permit specifically
20 stated that no clear cutting would be
21 allowed until the request was heard by
22 the Commission. Chairman de Jongh
23 requested an explanation for the illegal
24 clearing activities that had gone on.

25 Mr. John Ricci explained that he had
forgotten that he was not allowed to
clearcut lot #3, although Chairman de
Jongh pointed out that the permit clearly
states that there can't be any activities
on this specific property without
approval from this commission.

Mr. John Ricci also explained that he did
not get into any wetland areas. That the
area was flagged and was nowhere near the
wetland areas. The area was clearcut to
make a clear path, which was different
from the path that was originally
proposed. Commissioner de Jongh
expressed his concern for any wetlands
that might have been damaged due to the
clear cutting.

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3 There was discussion amongst the
4 commission as to how to handle the clear
5 cutting violation. Chairman de Jongh
6 suggested a Site Walk be scheduled to
7 assess whether or not there's been any
8 damage to the wetlands, intended or
9 otherwise. In addition to the Site Walk,
10 the applicant should hire a qualified
11 representative to prepare a report

12 Ms. Simone stated that after speaking to
13 the Town Attorney today, the Town is
14 within its rights to order corrections,
15 whether that be hiring a land surveyor,
16 getting an environmental impact study or
17 ordering the permit holder to do such and
18 then provide it to this commission. If
19 that is not complied with, the Commission
20 can take further action through the court
21 system.

13

Motion:

14

15 That the Cheshire Inland Wetlands and
16 Watercourses Commission, having
17 considered the violation of Stipulation
18 #3 of permit #2013-014, finds the
19 following:

17

18 1. That there was a violation of
19 Stipulation #3 regarding no changes
20 or modifications may be made to the
21 plans as represented without
22 subsequent review and approval of the
23 Cheshire Inland Wetlands and
24 Watercourses Commission.

21

22 2. That the violator, Mr. John Ricci, is
23 to hire a licensed surveyor to map
24 the path of disturbance in relation
25 to the wetland and wetland setback.

23

24 3. That should that disturbance be
25 within the 50-foot Upland Review Area
Mr. John Ricci should also be
required to have a certified

25

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3 environmental professional evaluate
 4 what damage may have been done.

5 4. That the commission will have the
 6 information obtained by Mr. John
 7 Ricci within two weeks of today's
 8 date, May 3, 2016, so that it will be
 9 ready by the commission's next
 10 meeting, which is May 17, 2016.

11 Moved by Dr. Dimmick. Seconded by Mr.
 12 Norback. Motion approved unanimously by
 13 Commission members present.

14 IX. UNFINISHED BUSINESS

15 1. Permit Application APP 2016-013
 16 Nosal Properties of DOR 4/05/16
 17 Cheshire, LLC
 18 Fieldstone Court
 19 Site Plan MAD 6/09/16

20 Matt Ducsay, registered professional
 21 engineer with Milone & MacBroom, was
 22 present on behalf of the applicant.

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

Mr. Ducsay stated that since the last
 meeting he has submitted revised plans
 and reports in response to engineering
 staff comments. Those plans and reports
 were submitted on Wednesday of last week.

Mr. Ducsay also stated that since that
 time Milone & MacBroom has received
 feedback from the Engineering Department
 that they are satisfied with the
 responses and revisions proposed. Most
 notably to the commission would be the
 revision to the detention basin.

Mr. Ducsay informed the Commission that

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3 it was the recommendation of the
4 Engineering Department Milone & MacBroom
5 pursue or at least looked into a dry
6 bottom design, and this detention basin
7 has been revised to remove the wet
8 bottom, which has the potential to be a
9 mosquito breeding habitat.

6

7 Mr. Ducsay explained that since the last
8 meeting the Town has reached out and
9 engaged a third-party reviewer, which was
10 the subject of much discussion at the
11 last meeting.

9

10 Mr. Ducsay let the Commission know that
11 since that time Milone & MacBroom has
12 received a scope from that third-party
13 reviewer regarding some survey services,
14 which were required in order to
15 facilitate this work.

13 Mr. Ducsay stated that they are working
14 with the applicant, who is here tonight
15 to answer any questions the commission
16 may have regarding fulfilling that scope,
17 in order to allow the third party
18 reviewer to go ahead and complete his
19 work.

17 Mr. Ducsay stated that right now there
18 are no other outstanding staff comments
19 pertaining to this application. At this
20 time Mr. Ducsay inquired of the
21 Commission if they had any questions of
22 him or the applicant so that they may be
23 addressed.

21 Mr. Kurtz wanted to know where the
22 Commission stood on the third-party
23 review.

23 Ms. Simone stated that the Town has hired
24 Mr. Ed Pawlak, and he's in the process
25 of conducting a study. The scope of the
study is the vernal pool will be what
alternatives might exist. If the

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3 Commission was to entertain the
4 filling of the wetland, what impact
5 would that be and also the information
6 that they have on the site plan indicates
7 that they would propose the recreation of
8 a vernal pool but without any details,
9 and Mr. Pawlak would evaluate that also.

6

7 Ms. Simone stated that Mr. Pawlak
8 indicated that he would have a report
9 available to the Commission for the May
10 17, 2016 meeting and that he plans to
11 attend the May 17 meeting.

9

10 Mr. Norback indicated that in the
11 proposal Mr. Ducsay references two vernal
12 pools, and he didn't see the second one
13 even indicated on the map.

11

12 Ms. Simone stated that it is not shown on
13 the plans. They had indicated on the
14 Site Walk that they didn't include it in
15 the plans, because they did not plan to
16 fill it. She stated the Commission can
17 certainly ask for them to show that.

15

16 Mr. Ducsay briefly elaborated on Mr.
17 Norback's question and stated that the
18 second vernal pool is contained internal
19 to the wetland system here (pointing to
20 his map). He stated that Bill Root has
21 identified a portion of the second vernal
22 pool. The western limits of it have
23 not been identified, but it's encompassed
24 within the wetland system located in the
25 western portion of the property.

20

21 Mr. Norback suggested that Mr. Ducsay
22 consider enhancing the second vernal pool
23 considering that the applicant is looking
24 to regenerate the potentially filled
25 vernal pool as opposed to creating a new
one. Perhaps that discussion should be
taken up with a third-party reviewer
as a potential option.

25

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3 Dr. Dimmick inquired as to why the vernal
pool was being filled since he was not
4 present at the Site Walk. Mr. Ducsay
explained that the vernal pool is a
5 little pocket manmade wetland that is
located here (pointing to his map). He
6 stated it was being filled given its
location on site and the applicant's
7 desire and need to utilize that portion
of the property to serve his proposed
development.

8

9 Mr. Ducsay stated that initially when
these specific wetlands were flagged, it
was done in a time of the year when a
10 vernal pool investigation was not
feasible, which is in October. After the
11 recommendation of Dr. Dimmick during the
permit determination for the clearing
12 permitted on this property, they were
able to investigate the potential for
13 that pocket wetland to be an amphibian
breeding ground. It was at this time
14 when it came to light of the egg masses
located there onsite.

15

16 Mr. McPhee, in an attempt to refresh his
memory, confirmed the fact that this
vernal pool was created by cut and fill.

17

18 Mr. Ducsay confirmed Mr. McPhee's
knowledge of the creation of the vernal
pool. He also stated that due to earth
19 working being done and clearing on the
property, that also contributed to the
20 creation of that pocket.

21

22 Dr. Dimmick indicated that it was both
cut and fill that created the pocket. He
opined that when it was initially
23 created, it was not suitable for a vernal
pool, but a great deal has happened since
1999 and that Mother Nature has itself
24 created a viable vernal pool.

25

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3 Dr. Dimmick also stated that the vernal
pool happens to be present within the
4 standard wetland boundary right now, and
it probably would be a little bit hard to
5 improve its function, because one of the
main functions of a vernal pool is to
6 have water in it only part of the year
and then later not have water in it, and
7 that once one of them comes into
existence, it works that way. He
8 suggested that fiddling with them might
make conditions worse rather than better.
9 He cautioned them to be very careful
about trying to enhance the area.

10 Mr. Norback inquired if the application
could be revised to reflect not
11 disturbing the vernal pool so they can
get going and then come back with maybe
12 affecting the vernal pool after the fact.

13 Mr. Nosal from Nosal Builders, the
applicant, stated that that would be very
14 helpful to them if the Commission could
revise the application. He explained
15 that they had been talking amongst
themselves that at some point in time if
16 they could section this area off.

17 Mr. Nosal explained that they have
significant cutting to do back here
18 (pointing to the map) with some blasting
and some crushing and some clearing,
19 which would help them significantly on
time.

20 Mr. Nosal also stated that they are
going to be relocating to this building
21 (pointing to the map). They have a
tenant that is scheduled to try to get in
22 for the end of the year. So that option
23 would be very helpful.

24 Dr. Dimmick made the suggestion that
one of Mr. Nosal's engineers begin
25 working with the Commission's staff to

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3 come up with a revised application before
4 any more is done. He stated that the
5 Commission would be willing to entertain
6 a revised application, but that the
7 paperwork would have to go through before
8 the Commission could do anything in that
9 regard.

10
11 Dr. Dimmick also stated that this is not
12 the first time that an application has
13 been revised in this manner.

14
15 Chairman de Jongh noted that there might
16 be a problem due to the fact that the
17 Commission has an application before it
18 for this specific activity. The
19 Commission has to rule on significance on
20 this activity. Chairman de Jongh
21 suggested that the applicant can withdraw
22 the application, revise the application,
23 and represent something with a different
24 perspective if that goes toward the
25 timeline that the applicant would like.
But the Commission at this point has to
take a look at this and rule on
significance of this unless the applicant
takes a different track at this time.

Ms. Simone noted that there is a timeline
that the commission has to work with,
because State statute requires that if
the Commission is going to hold a public
hearing, the public hearing has to open
within 65 days of receiving this. So the
latest the public hearing would have to
open at the June 7, 2016 meeting. That
also means that a determination would
have to be made at the next meeting how
the public notice is put in thus leaving
no room for error. An example of such an
error would be if there is a lack of
quorum or an issue. If such an error
existed, the Commission would miss the
opportunity for a public hearing.

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3 Chairman de Jonge indicated that it
4 would be up to the applicant to
5 decide.

6

7 Mr. Ducsay stated that understanding the
8 timelines and the time constraints
9 associated with the application, that
10 it's in the applicant's best interest to
11 stay the course with the current
12 application that's before the Commission
13 and that's been in front of Town staff
14 and continue with the proceedings as they
15 have to this point.

16

17 Dr. Dimmick noted that they were just
18 attempting to provide the applicant
19 with alternatives.

20

21 Chairman de Jongh stated that the issue
22 of significance must be dealt with due to
23 the timeline. If the Commission decides
24 to deal with significance this evening,
25 the Commission will have enough time to
notice it and hold a public hearing
otherwise the Commission would have to do
so at the next meeting.

26

27 Motion: Dr. Dimmick, based on the
28 discussion so far, moved to declare the
29 proposed activities significant within
30 the context of the regulations as spelled
31 out in section 10 of the Cheshire Inland
32 Wetlands Commission regulations,
33 especially quoting 10.2A, environmental
34 impact of proposed regulated activity;
35 and B, applicant's purpose for any
feasible and prudent alternatives of the
proposed regulated activity; and D,
irreversible and irretrievable loss of
wetland or watercourse resource.

36

37 Motion moved by Dr. Dimmick.
38 Seconded by Ms. Dunne.

39

40 Discussion: No discussion.

41

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3 Motion approved unanimously by
Commission members present.

4

5 Chairman de Jongh stated that since the
Commission hasn't seen any alternatives
6 to the plan, he suggested that the
applicant be prepared to present
7 alternatives at the public hearing so
that discussion can be had, because
8 that's part of the requirements that the
Commission has to look at.

8

9 Mr. Ducsay inquired of staff regarding
the notice requirements associated with
10 the hearing, whether that notice
requirement burden is on the applicant or
is the Town going to notice the hearing.

11

12 Ms. Simone stated the Town staff will
take care of noticing the hearing.

13

14 Mr. Kurtz inquired about the Commission's
report for the third party. Commission
de Jongh stated that the Commission can
15 relay to Mr. Pawlak that there will be a
public hearing coming up and that the
Commission would need that information
16 available

17

18 Ms. Simone stated that the information
would be available. She also stated that
Mr. Pawlak plans on tending the meeting
19 so he will be able to testify at the
public hearing on the 17th.

20

21 Dr. Dimmick also cautioned that it would
not be out of the question that the
public hearing might be continued to June
22 7 for consideration of materials brought
up at the first session of the public
hearing.

23

24 Ms. Dunne noted for the record that she
cannot come on May 17 and stated the
importance of people being at the meeting
25 so the Commission has its quorum.

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3 2. Permit Application
4 Cheshire Academy
Academy Road
5 Site Plan

6 Chairman de Jongh stated that the
7 a field trip was conducted on April 27,
8 2016.

9 Ms. Simone handed out to commission
10 members some information that the
11 Commission received. This is a soil
12 scientist report from Bill Root regarding
13 the Cheshire Academy area. Ms. Simone
14 has not had a chance to really review it
15 so she didn't have any further
16 information.

17 Matt Ducsay, registered professional
18 engineer with Milone & MacBroom was
19 present on behalf of the applicant.

20 Mr. Ducsay brought the Commission up to
21 speed on the application. Mr. Ducsay
22 noted that the Commission had their site
23 walk on the property, and since that time
24 Bill Root has gone back out to the
25 property and has flagged the area from
Academy Road here around the bend, flag
numbers 1 through 18.

Mr. Ducsay stated that revised plans were
submitted earlier today. One of the
revisions noted on those plans is how the
water mains serving the development are
routed through the site. He reviewed the
fact that route 68 recently had paving
and drainage improvements done.

Mr. Ducsay opined that the applicant's
previous application depicted the water
main running down Academy Road. The
applicant has reached out to RWA to seek
alternatives to that given the fact that
they've done all that work to Academy
Road and to rip it up to do trenching
doesn't make a lot of sense.

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3 Mr. Ducsay cited a new plan, which again
4 was submitted earlier today, which drives
5 the water access from the end of Woodbury
6 Court here. RWA currently maintains an
7 8-inch main in Woodbury Court. This
8 would be a main extension at the end of
9 Woodbury Court, which would run by the
10 fieldhouse down along the wetland
11 boundary and then along the same
12 alignment as the sanitary sewer main
13 connection which was explained at the
14 last meeting.

9 Mr. Ducsay further explained that given
10 that it's an offset of the sanitary main,
11 it's up gradient, and portions of that
12 are within the 50-foot upland review area
13 associated with Honeypot Brook here. The
14 upland review area impact has increased
15 as a result of that. So the plan now
16 currently depicts approximately 20,000
17 square feet of uplands review area
18 impact. Again, that increase is due to
19 the rerouting, the realignment of the
20 water main, which is going to be routed
21 from the end of Woodbury Court down to
22 the development area over here.

17 Mr. Ducsay noted that in addition to
18 that, the applicant has also gone here
19 and changed the basin design (pointing to
20 his map). It's been redesigned from a
21 wet bottom basin to a dry basin. There's
22 an under drain located in the bottom of
23 the basin to ensure that eventually the
24 basin will run dry.

21 Mr. Ducsay noted that there was a
22 question regarding the amount of fill
23 that was going to be placed for the
24 building pad for the facilities building
25 in this vicinity. It's been quantified,
and that's approximately 12,000 cubic
yards of fill.

25 Mr. Ducsay indicated that having been in

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3 the field and walked it, the Commission
4 will see that it kind of sits in a low
5 lying valley. The applicant kind of took
6 the whole footprint of the are in
7 quantifying it. It's not just the
8 building pad that's up into the road
9 raise. It includes the parking area on
10 the sides and the front half, but, again,
11 there's a 12,000 cubic yard fill required
12 for this area.

13 Mr. Ducsay reminded the Commission that
14 the earth work balance for the site is a
15 net fill of 2,300 yards so a portion of
16 that material is coming from areas
17 elsewhere on site as the 2,300 yards is
18 close to a balance. The applicant has
19 tried to achieve the balance. They've
20 reworked the plan a number of times
21 knowing that this area is in fill and
22 this area is in cut, and the applicant
23 has tried to minimize the amount of
24 material that needs to be brought in or
25 removed from the project site.

1 Ms. Simone inquired of Mr. Ducsay
2 regarding the amount of impacts,
3 specifically the change of the water
4 service. She wanted to know what the
5 total amount of direct impact to the
6 wetlands and direct impact to the upland
7 review area would be.

8 Mr. Ducsay stated that the upland review
9 area is 20,000 square feet so just under
10 a half acre of upland review area impact,
11 and the direct impact remains the same at
12 1,500 square feet of direct impact.
13 Again, that's attributable to the
14 sanitary connection, to the interceptor
15 line as the Engineering Department wants
16 the applicant to connect directly to the
17 manhole versus a cut in a doghouse
18 manhole or something to that effect. So
19 the sanitary connection in this vicinity
20 here requires trenching into that wetland

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3 in order to make the connection directly
to the manhole for the interceptor line.

4 Ms. Simond asked if there was a change to
5 the basin where now it's a dry bottom
basin.

6 Mr. Ducsay confirmed that the applicant
7 has added an under drain in the basin to
ensure that it's going to run dry during
8 dry periods. There's still the water
quality volume stored in the basin. He
9 stated he's of the belief that it's a
foot and a half difference between the
10 low flow outlet in the bottom of the
basin. So there's still some water
11 quality volume storage in the bottom of
that basin. Again, the bottom of the
12 basin will have an under drain to ensure
that eventually it will run dry in dry
13 periods of the year.

14 Chairman de Jongh wanted to know if there
are details on the trenching operation
15 that's going to have to take place to tie
into the manhole.

16 Mr. Ducsay stated that the applicant has
17 added some details in the plan regarding
de-watering and things of that sort.
18 He indicated that given the elevation or
the lack thereof between the pond and
19 where this water main is going in, they
are likely going to encounter some
20 groundwater and those type of issues. So
the applicant has added some additional
21 details regarding this issue. Hay bales
have been added to reinforce the silt
22 fence along the environmentally sensitive
areas as well as some de-watering
23 practices order to ensure that any water
that is discharged is a clean water.

24 Chairman de Jongh inquired as to whether
the manhole is on Academy property or is
25 on the age-restricted property.

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3 Mr. Ducsay stated that it appears to be
just over the property line, the actual
4 connection point.

4

5 Chairman de Jonge wanted to know if
permission needed to be gotten from
6 abutting property owners to allow that
work to take place.

7 Mr. Ducsay stated that rights to connect
are in place already. He wasn't 100
8 percent sure, but he was going to look
into it.

9

10 Dr. Dimmick indicated that staff provided
the Commission with a soil survey map of
the general area. He stated that he was
11 having a little bit of a problem
determining exactly where the proposed
12 activities are in relation to the map.

13 Ms. Simone interjected that the map is
just meant as a USDA soils map. So the
14 purpose of that map is to just indicate
different soil types, but they did not
15 superimpose the proposed activities on
that map.

16

17 Dr. Dimmick stated that if the ball field
was to the west of the Commission's walk
down there, in which case the area of the
18 proposed walk is, the part that's labeled
as 40A on this in terms of soil type,
19 which is a Ludlow soil, which is highly
erodible, among other things, so it's one
20 of the things that must be watched out
for. He noted that although it's fairly
21 level on that designation, you can get
the vegetation off it. In heavy rain it
22 turns into mud very, very quickly.

23 Dr. Dimmick also noted that at the
northern end of that the road turns back
24 into another soil before you get to the
actual wetland.

25

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2

3 Mr. Norback stated he didn't see the
4 area that Dr. Dimmick was noting.

5

6 Dr. Dimmick indicated that Mr. Norback
7 look on route 68, the item labeled 40A.
8 Mr. Norback should follow to the left.
9 Dr. Dimmick stated that it's the same
10 soil type just to the east of the ball
11 field going on up and then ending at the
12 river, which has 103 on it. The 103 is a
13 wetland soil type. Can you see that

14

15 Mr. Norback noted that that's where most
16 of the proposed activity is. But as far
17 as the trenching activity, Mr. Norback
18 thought Dr. Dimmick was addressing that
19 subject.

20

21 Dr. Dimmick indicated that he was
22 referring to the fact of where the major
23 activities for their construction are.
24 He stated that the only point of worry is
25 when you get to the north end of it,
whether there are any wetlands there.
The Commission hasn't been able to get
down into the north end of this, as you
get to the Honeypot Brook and where the
road does slope down. He noted that the
proposed road slopes down a little bit
toward there and at that point is where
there's the most danger of having some
kind of erosion that could get into the
wetlands if it's not controlled properly.

26

27 Ms. Simone stated that she has not yet
28 reviewed the information from Mr. Root to
29 see if it covers the areas that were in
30 question. She noted that Mr. Root
31 references right along Academy Road, and
32 he indicates that that might be
33 considered an intermittent watercourse in
34 that area. It does appear to connect two
35 wetland areas, but she would have to look
in more detail to see if Mr. Root
mentions any investigation for that down
gradient slope that goes behind the

36

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2
3 proposed maintenance facility. Ms.
4 Simone indicated that that's where Dr.
5 Dimmick had tried to go in during the
6 field trip.

7 Mr. Kurtz was curious as to where the
8 fill was coming from and how it's going
9 to get to the area to be filled in.

10 Mr. Ducsay confirmed what Mr. Kurtz was
11 asking about, which was that Mr. Kurtz
12 was referring to the onsite earth work,
13 where the cuts are, where the fills are,
14 where the material is going to come from
15 to fill the valley. Mr. Ducsay informed
16 Mr. Kurtz that he doesn't have an earth
17 work map that's going to depict the cuts
18 and fills on site.

19 Mr. Kurtz indicated that it may not be
20 the Commission's purview, but he felt
21 that depending on how it gets there where
22 it comes from, that there may be
23 something that the Commission has to
24 consider in relation to the effect on
25 the wetlands.

Chairman de Jongh stated that that topic
was discussed during the site visit, and
it appeared that the topography,
especially where the new housing is going
to be, that that area is where they are
actually going to take dirt from and kind
of use that and bring it across the road.

Mr. Ducsay confirmed that that was
correct, because of activity here is
trenching operations for utilities. So
given there's such a large fill here and
you have minimal earth work through here
for the access road, a majority of
material is going to come out of the
faculty housing area.

Chairman de Jongh indicated that the
Commission obviously has yet to make a

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2
3 decision on this, and that time is
running out.

4 Dr. Dimmick noted that in his mind he
5 didn't see anything that tilts him one
way or another on it. The fact is the
6 Commission has yet to verify for
themselves just what it looks like in
7 that little swale. There's a question on
just what's going on at the road
connection.

8
9 Mr. Norback indicated that he thought an
employee of Cheshire Academy was offering
to make away in down in that area.

10
11 Mr. Ducsay indicated that he might not
get out there for a couple day with the
12 weather being what it is.

13 Ms. Simone stated that it should be on
the record from the applicant's soil
14 scientist that they did the
investigation and what they found. She
15 reiterated that she hadn't had a chance
to look the report to see if it covers
16 that area specifically.

17 Dr. Dimmick stated that while the
calendar is running out, he did not have
18 enough information to make a decision
yet. While he believes in the long run
they'll probably not find any significant
19 problems, he doesn't have enough
information to make that decision tonight
20 and declare it not significant.

21 Mr. McPhee stated that perhaps the
applicant can be asked if they are
22 willing to have an extension.

23 Ms. Simone stated that there is no
ability to ask for an extension to open
24 the public hearing. But Ms. Simone
indicated that in light of that, the
25 Commission can still consider what was

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2 testified tonight for the amount of
3 direct impacts, 1,500 square feet for the
sanitary connection, which they would be
4 directly within the watercourse, and
20,000 square feet of impact for the
5 upland review area, which is shown on the
most recent revised plans.

6
Chairman de Jongh indicated that he
7 hasn't had a chance to do a site visit
and reiterated the fact that Suzanne
8 hasn't had a chance to take a look at the
report from Mr. Root. He stated he
9 wasn't concerned by a lot of things that
he saw when the Commission did the site
10 visit. He did indicate there were some
questions about the low area, and he
11 thought they were answered pretty well.
Chairman de Jongh indicated he doesn't
12 necessarily believe it requires a public
hearing.

13
Mr. Kurtz indicated that they don't have
14 to have a public hearing to get the
information required to make a decision.

15
Dr. Dimmick inquired as to the timeline
16 for making a decision.

17
Chairman de Jongh indicated that if the
Commission postpones the conversation
18 about significance until staff has a
chance to read this, the Commission will
19 have to determine significance at the
next meeting and post it so that the
20 Commission can have the public hearing on
June 7.

21
Ms. Simone stated that it can be read
22 into the record if the Commission wants
to read it into the record. She opined
23 that Mr. Root does indicate that the area
in question might actually be a wetland.
24 There's a narrow and shallow trough that
is now exhibiting wetland
25 characteristics. It's more saturated.

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2

3 it now supports hydrophytic vegetation,
4 which were the plants that were witnessed
5 on the site walks, skunk cabbage and soft
6 rush plants. Mr. Root furthers says, "As
7 such, the condition may fix consider the
8 areas to qualify as a small wetlands."
9 Ms. Simone did not believe from what she
10 had read that Mr. Root is making any real
11 determinations, as he had testified to,
12 that he wouldn't necessarily say that he
13 thought that it was or wasn't but that it
14 might and that he would leave it to the
15 Commission.

9

10 Mr. Norback stated that the Commission's
11 main consideration at this point is the
12 area by Academy Road

11

12 Dr. Dimmick also added the sewer
13 connection.

13 Mr. Norback stated that he believed that
14 the ravine that he tried to venture into,
15 he is of the opinion that there are no
16 wetlands in there. It's only these two
17 areas that are under consideration.

16 Dr. Dimmick stated that he would still
17 like to get down into the ravine to be
18 able to say for certain, but indicated
19 that it's more probable than not that
20 there is no wetland down there.

19 Mr. McPhee stated that he wasn't on the
20 site walk and inquired as to the ravine
21 area that's in question.

21 Dr. Dimmick noted that it's near the
22 housing being proposed, near the
23 maintenance building being proposed.
24 It's to the east of it and down into the
25 ravine and would be considered an upland
review area if there turns out to be a
wetland there but wouldn't swear to it.

25 Chairman de Jongh once again stated that

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2
3 there seem to be a lot of unanswered
4 questions. He reminded the Commission
5 that if the Commission decides not to
6 deal with significance tonight and deal
7 with it at the next meeting, the
8 Commission needs to make sure that there
9 is a quorum for the June 7 meeting to be
10 able to conduct the public hearing. He
11 stated he would not be present on that
12 date

13
14 Ms. Simone stated she would not be
15 present on June 7 either.

16
17 Chairman de Jongh stated he would be
18 present on May 17. He stated that if the
19 Commission decides at the next meeting,
20 it has to be posted and have the public
21 hearing. The Commission can't postpone
22 beyond the next meeting. The Commission
23 has mandatory action June 9.

24
25 Mr. McPhee stated that he's a little bit
conflicted, but as long as the Commission
gets the information that the Commission
is seeking, he won't have a problem
declaring it as being nonsignificant.

Ms. Dunne stated she did have a problem,
because if the Commission declares it as
nonsignificant, and the Commission finds
out it's significant, the Commission
can't have a hearing. It's too late.
She stated she would rather err in
declaring it significant than the other
way.

Chairman de Jongh stated that the
Commission would postpone the
conversation about significance until
staff has a chance to review the comments
from Mr. Root.

Mr. Kurtz stated that they either do
Chairman de Jongh's suggestion or the
Commission cover the bases and say it's

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2
3 significant and schedule a public hearing
for the May 17.

4 Mr. McPhee stated he didn't have a
problem with that suggestion.

5
6 Chairman de Jongh indicated that the
Commission could do that if there's a
motion to do it.

7
8 Dr. Dimmick noted that it would certainly
give the Commission the time that the
Commission is worried about losing
9 otherwise.

10 Chairman de Jongh noted that by
scheduling a public hearing it would give
11 the Commission a chance to get all of the
information that's needed.

12
13 Mr. McPhee stated that by doing so the
Commission has to assist them to come up
with a feasible alternative.

14
15 Dr. Dimmick agreed and said it shouldn't
be that difficult, because he was under
the impression they have an alternative
16 the issue.

17 Chairman de Jongh stated that if that's
the pleasure, is there a motion to do
18 such?

19 Motion: To declare it significant under
10.2A. Dr. Dimmick noted it's 10.2A and
20 10.2B is feasible approved alternatives.
The Chair is pointing to 10.2F, impact
21 proposed regulated activity of wetlands
and watercourses outside the area for
22 which the activity is proposed.

23 Moved by Ms. Dunne.
24 Seconded by Dr. Dimmick?

25 Discussion: No discussion.

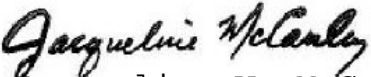
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2
3 Motion approved unanimously by Commission
members present.

4 XI. ADJOURNMENT

5 The meeting was adjourned at 8:36 p.m. by
6 consensus of Commission members present.

7 Respectfully submitted:

8 
9 Jacqueline V. McCauley, RPR, LSR
Recording Secretary
10 Cheshire Inland Wetlands and
Watercourse Commission

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CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION

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