

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, SEPTEMBER 6, 2016
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

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

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

IV. DETERMINATION OF QUORUM

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

V. APPROVAL OF MINUTES Regular Meeting August 2, 2016

Motion: To approve the minutes from the August 2, 2016 regular meeting minutes with corrections. Page 11 L39-40 delete "Motion: That the Commission has determined that a formal permit is required for the installation of a pool; pg. 12 L13 "have" to "had"; L23 "they" to "the"; L38 "there" to "they"; L41 "they" to "the".

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

VI. COMMUNICATIONS

Ms. Simone reviewed the reviewed communications:

- 1. Public Works Notification Re: 34 & 35 Chipping Stone CT & 325 Redstone Drive; sediment and debris removal from roadside watercourse**

Ms. Simone reviewed this communication.

- 2. Request for Determination – #2016-026, Cook Hill Road, Proposed Parking Expansion**

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

- 3. Staff Comments w/Attachments – App #2016-022, 123 Higgins Road, Lot-4, Site Plan**

This communication was reviewed. Ms. Simone stated this was a new application on the agenda tonight.

- 4. Request for Determination – #2016-028, Highland Avenue, Site Plan**

Ms. Simone reviewed this communication and stated it was on the agenda under new business tonight.

Handed out at tonight's meeting:

- 5. Comments from the Regional Water Authority Re: 123 Higgins Road**

This communication was reviewed.

- 6. Notification Re: Department of Energy and Environmental Protection that went out to the owners of Ravenswood for work that needs to be done on their dam.**

This communication was reviewed.

- 7. Wetland Delineation Re: Request for Determination and Application under new business tonight for Highland Avenue.**

This communication was reviewed.

VII. INSPECTION REPORTS

1. Written Inspections

- a. Ms. Simone stated our office received a request from the owners of 1392 Cheshire Street for putting up a new deck and a pool. Ms. Simone explained this property had been before the Commission previously and received a permit.

Ms. Simone explained this property owner has been in communication with our office expressing interest in doing different things on the property so she said instead of just having a conversation she put everything in writing and forward it to the property owners so they are aware that their entire back and side yard comes under the 50' upland review area so they would have to come before the Commission.

Chairman de Jongh asked if this was the back yard that was filled in.

Ms. Simone stated yes.

2. Staff Inspections

- a. Ms. Simone stated there was a staff inspection of 3 Field Stone Court – this is the Nosal property. She said she went out to the vernal pool inspection with Bill Root who is the soil scientist for Milone and MacBroom and Ed Pawlak who was the professional soil scientist that was hired by the Commission and Ed Pawlak had confirmed that all the information that was required for the baseline for the vernal pool replacement project has been received by him and evaluated and he believes that he is ready to move forward with the letter that he is supposed to write to the Commission so its stipulated that he will write a letter to the Commission making a recommendation of how and when they should go about creating the vernal pool.

Ms. Simone stated he (Ed Pawlak) indicated he would be doing that very shortly and probably by the next meeting of so.

- b. Ms. Simone stated there was an inspection of 10 Prinz Court. She explained the Commission had stipulated at the last meeting that they needed a bond for the regrading and elimination of the retaining wall.
Ms. Simone stated they did put up their increased erosion controls along that area and they did post the bond.
- c. Ms. Simone stated on Sindall Road – on the Quinnipiac River the City of Meriden had removed a dam – a carpenters dam and after doing that there was a scour hole that developed at the abandoned water line in Cheshire so going upstream there's an iron water line that goes across and it created a scour hole so water eating away at the bed of the river and getting underneath of the line. Ms. Simone explained that line is inactive but there is an active current line that is upstream so there was concern that it was just going to keep eroding and compromise the active water connection.

Ms. Simone stated measures were taken, material and sand bags and things like that were donated from the Town of Cheshire and it was Save the Sounds (the name of the organization) is leading the project in Meriden – she said it's a whole project that has a long back story.

Ms. Simone explained there is a super fund site in Southington; they have to pay the Federal government and they then took that money and gave it to a not for profit to do restoration on the river; that's what's funding the canoe launch in Cheshire; that's what's funded the dam removal and also they were going to work on removing this inactive pipe – they were going to do that first but then they decided to flip flop and they gave assurances there weren't going to be any problems but we have the scour hole problem; and they filled that in with the material that washed town stream – they scooped it up and put it back then another scour hole appeared.

Ms. Simone said there's monitoring that's taking place between herself and Meriden watching this. She said they met with Save the Sound and their engineer and they are working on the plan to come before the Commission for the adding of a new water line so there is going to be a lot of moving parts but so far the two attempts have held so we are just going to keep our eye on it.

Dr. Dimmick said if they had asked him ahead of time he would have told them exactly what would have happened there because when they put the dam in some 100 and some odd years ago the somewhat deeper channels of the Quinnipiac started filling in behind that dam and all that's happening now is the river is readjusting to the way it was 140 years ago – it's going to continue to do so – sand bags or no sand bags the next flood is going to wash out the sand bags and it will continue to bring this channel back to its historic dimensions.

Ms. Simone stated the applicant who went to the City of Meriden – they did not notify the Town of Cheshire so she did not know when this was planning to take place and we never received any plans on this so if we had this would have been something the Commission would have commented on.

Mr. Norback asked how the sand bags were going to be put in place.

Ms. Simone stated by hand.

- d. Ms. Simone stated the canoe launch – they were hoping to be able to do it in August and we were notify by the Feds that they have other levels of review that they have to go through for archeological and historical purposes before they could release the funds to get the material to do the work so we were not aware of that so we are likely going to have to wait until next year because then we will get into the turtle season and then we will enter spring and we will be behind so it's likely this will have to wait until next summer.

VIII. ENFORCEMENT ACTIONS

Ms. Simone stated there were no enforcement actions.

IX. UNFINISHED BUSINESS

Ms. Simone stated there were no unfinished business actions.

X. NEW BUSINESS

1. Request for Determination RFD 2016-026
LRC Group (Elim Park)
140 Cook Hill Road

Proposed Parking Expansion

Henry Thomas with the LRC Group, civil engineer, surveyor and landscape architect from Cromwell, CT was present on behalf of Elim Park.

Mr. Thomas explained they have before them a modest project at Elim Park Place.

The Commission had a copy of the plans before them.

Mr. Thomas said in terms of the overall context of where the work is taking place – it's in the far north west corner of the property. He explained what they are looking at in terms of existing condition right now – he showed on the plan the existing location of buildings and existing detention basin – he said the area presently right now is sort of lightly and mixed wooded – its relatively light and thin in the back where the under story is relatively thin; he explained it's a little bit thick along this edge (shown on the plan) because they planted a lot of evergreen trees and along the property line there's a lot of large row of White Pines that are fairly substantial in size; he said they don't necessarily screen a whole lot because they are old enough to be trimmed up fairly high by now but they are substantial and significant.

Mr. Thomas said they were here in 2012 with a number of different little projects one of which was to replace this garage (shown on the plan) with a garage slightly larger and that has not taken place yet; he said that is not part of what we are looking for today.

Mr. Thomas explained the proposal is for small 46 car parking lot that is to give them more flexible in terms of employee parking and access will be primarily off of the loop drive – there will be continued access in front of the garage so it is a continuous loop.

Mr. Thomas explained the intent in general is that this parking lot sits down in the grade that's already there which is about 4' below the loop drive.

Mr. Thomas said this area in general with the exception of a little bit of area in front of the garage generally flows to the north topographically – it's fairly flat – it is not wet – it is not ponded – but it's very slow in terms of its drainage. He said what runs off from here (shown on the plans) is in back of this berm that separates

these lots from the detention area and tends to flow along the back side until it gets to the river farther over to the east; sour intent is to lay down in that same grade – what they are trying to do is to pitch to this northern end where they have permeable asphalt and they've got designs for an engineered storage area to take care of all of the runoff – he said they do have a daylight pipe so if that storage area becomes full – there would be a little bit of a day light to allow it to go back to the same pattern it goes in today.

Mr. Thomas said there's a very small area of standard pavement that's adjacent to the garage that would be pitched to a trench drain and that is a cast poly drain and it would discharge into an infiltration trench so our goal is to infiltrate everything and not to let anything escape or go anywhere it doesn't want to go already.

Mr. Thomas said they are also pitching away from this property (shown on the plan) so they have a curb line on this edge otherwise it's generally it's a curb less lot. He said he didn't think you'd see anything coming off of the impervious pavement basically because if you've seen pervious pavement in action it takes over and just makes it disappear.

Mr. Thomas said then there's associated landscaping and improvements associated with it.

Mr. Thomas said that's the extent of the complexity of the plan. He said there's no pipe drainage going anywhere to any basins or any systems.

Dr. Dimmick said to the chairman he did see much of a problem with this (plan) – he said there is silt fence closer than 50' to the detention pond there's no actual construction closer than 55' and the drainage is not going into the detention pond it's going to the back.

Mr. Thomas stated they thought that was just was good housekeeping.

Ms. Dunne said there was something about hay bales – was that added to the plans.

Ms. Simone stated yes – the new plan was just handed in tonight and it's showing hay bales ringing around the farthest area of the parking lot.

Motion: That the Commission moves to declare after their review finds that the proposed activities will not need a permit from this Commission.

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

2. Permit Application	APP	2016-022
Real Masse	DOR	09/06/16
Lot 4, 123 Higgins Road		
Site Plan – House	MAD	11/10/16

Real Masse of 275 Higgins Road was present.

Mr. Masse said they are going to build a single family home next to 103.

Ms. Simone asked if Mr. Masse had a plan he could show the Commission for a presentation and she then could hand out the smaller versions (of the plans).

Mr. Masse stated that was approved in 2004 (the plan).

Dr. Dimmick asked if this was the one where the permit had expired.

Ms. Simone stated yes and the prior approval had required a 20' non-encroachment line from the wetland boundary which is shown here is what was copied from that map; it identifies that there will be one post with a marker put in and staff had recommended that a second one be put in right in the middle of that line.

Ms. Simone stated the engineer department did submit comments on August 31, 2016 which were sent the applicant and the applicant's engineer.

Ms. Simone stated they (the engineering department) recommends that the roof leader and footing drain discharge location should be indicated on the plan along with the provision of a properly sized rain garden, roof leader dry well or similar system to insure there would not be post construction increase in runoff from the site.

Mr. Masse said he called me on that and he said that's supposed to be all fixed on the prints.

Ms. Simone asked who “he” was.

Mr. Masse said his engineer.

Ms. Simone said then second - revised plans are necessary to show that engineering designed details on how the proposed ejector pump is to connect into the sanitary sewer into the existing force main in Higgins Road with review and approval from the town engineer.

Ms. Simone said number three – the plan should include the abandonment of the existing gravel driveway prior to the certificate of occupancy – there is only one driveway allowed on the property.

Ms. Simone said number four – erosion and sediment controls should be revised to include an anti-tracking apron and also details for hay bale installation so they want the details on how the hay bales would be installed not just having them identified.

Ms. Simone said five – street excavation permits will be required prior to the building permit for the following: for the proposed driveway and sidewalk crossing; the water service connection; gas service is proposed and sanitary sewer connection which will entail payment of a connection or capacity fee.

Ms. Simone said the engineering department has recommended the items which would require the modification of the plans that are before the Commission tonight.

Mr. Masse said the engineering department – we went up there and looked at the lot and everything – and he explained certain things that he wanted – he said they went over where the sewer was coming in and all that – he seemed to think there were no laterals there – and he called his engineer and he said we have a big problem – there’s no laterals there – so then the engineer called me and he said I thought you told me there were laterals were there – well there is – so he went to the engineering department and he followed me up there and I showed him where they are in the sidewalks – where the laterals are.

Chairman de Jongh asked staff if that was contrary to what some of the comments they have.

Ms. Simone said what will historically happen is that then your (Mr. Masse's) engineer will respond to the engineering department's comments.

Mr. Masse said right – he did already – the maps should be coming out.

Ms. Simone said okay what they are not what's before the Commission tonight so the Commission will expect a revised map addressing these (comments).

Mr. Masse said at another meeting or do you want me to just bring them up to you.

Chairman de Jongh explained in order for the Commission to be able to render any kind of decision they have to have the maps represent what we expect to look like in the field and he thought what staff is getting at – is what we have before us right now is uncompleted.

Dr. Dimmick said and besides which because of state law we could not make a decision tonight anyway because you have to have 14 days after the submission of an application before we can act.

Chairman de Jongh said he thought it was important that the information be updated on the maps to the Commission at the next meeting in September can take a look at this and make sure the comments that were noted by the engineering department have been addressed and that we are looking at what we expect the after construction site will look like.

Ms. Simone said and that we will receive it in time for the engineering department to review it so the engineering department could advise that they are satisfied with whatever the case maybe.

Mr. Masse said they called him and told him exactly what they wanted – what to put on the map and he called me and said everything's all set but he didn't get the maps – it wasn't all set.

Dr. Dimmick said we didn't get the maps either.

Ms. Simone said so when you get the revised information and you'll submit it to town hall prior to the meeting hopefully and then that way the town engineer can review it and then make sure the five comments they have are followed up on.

Mr. Masse said it got too late – he is not going to build this year anyways so he has a lot of time so he can make the next meeting or the meeting after that - it doesn't matter.

Chairman de Jongh said what he'd recommend is to work with Suzanne to make sure that we have all of the pieces that we need as a Commission – if your engineer has got any questions or comments he/she can call Suzanne.

Mr. Masse said he'd have him call Suzanne up.

Chairman de Jongh said that's fine but again we just need to make sure the record that we have before us is complete so we can render a decision based on that information.

Mr. Masse asked Ms. Simone if she saw anything else missing there or what.

Ms. Simone said she just noted the one other post that should be on there.

Mr. Masse said that's going to be on there – he's going to show it.

Ms. Simone said the engineering department comments need to be satisfied.

Mr. Masse said that's not a very big line there where that wetland is – it's just a very tiny, tiny spot there – the post are almost going to be together.

Ms. Simone explained the thing is that the purpose of the post is that people that are working in that area – that they can see that there is an area (of concern).

Mr. Masse said he has too much problems with kids back there – he said he had all them bales lines up beautiful okay – kids went in and broke open the strings and threw the bales all around – he said he has problems with kids back there.

Mr. Masse said so what he may do in the spring time he'll just put silt fence all around in place of the bales.

Dr. Dimmick said we are talking about a permanent marker for the wetland setback.

Mr. Masse said he understands what she's saying and that's no problem – he's talking about the hay bales.

Ms. Simone said if the hay bales are what are shown on the plan then that's what has to be done in the field – you wouldn't be able to interchange.

Dr. Dimmick said they don't have to go there until you are ready to construct (but it has to be on the plans).

Mr. Masse relied right – but he's not going to put new hay bales on there and have the kids wreck it again because he is going to continue this thing.

Ms. Simone said once you get your permit and then you are going to start the work that's when the erosion controls need to be put in so that's when you would put in the hay bales.

Mr. Masse said he jumped the gun and now he is paying for it.

Ms. Simone stated there was no expectation that you would put something in prior to (work starting).

Mr. Masse said so he can't change the hay bales to with that silt fence.

Dr. Dimmick said if you want to put in silt fence instead of hay bales as long as the map indicates it – whatever map is on file it has to match what's going on.

Ms. Simone stated what you are going to do needs to be shown on the map.

Chairman de Jongh said so the map right now indicates hay bales – if you want it to silt fence you just need to modify the map and have it say silt fence opposed to hay bales.

Mr. Masse said he charged me \$3000 to redo these maps.

Chairman de Jongh replied you could probably do it for a little less with some white out and a black pen – but that's just his guess.

Dr. Dimmick said he wasn't sure the engineering department would agree to that.

Mr. Masse said he knew it had to be done right but he is just saying it cost \$3000 for these new prints and this thing was approved in 2004.

Ms. Simone said if your engineering came up with hay bales there may be a reason why he designed it that way.

Mr. Masse said he told him – he put hay bales there.

Ms. Simone said so as long as he believed that he would still work to have a silt fence there considering the grade and then that would be fine to present that to the Commission.

Chairman de Jongh said he would just recommend working with Suzanne's office and getting the details ironed out and then that way we can move forward at the next meeting.

Ms. Simone said to Mr. Masse that once he got the revised plans he should bring them to the office.

Mr. Masse asked if he needed to come to the next meeting.

Chairman de Jongh said it would probably be to his advantage if they (the Commission) had any questions.

Chairman de Jongh said written commentary was needed by Mr. Masse's engineer addressing the points that were made by the town engineer saying here is the question – here is the answer and the response so we have it in our records.

3. Request for Determination RFD 2016-028
Fazzone Investment & Properties, LLC
Highland Avenue
Site Plan

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

Ms. Simone said handed out at the meeting tonight is the wetlands determination for this property for the conversion of the building to a Dunkin Donuts.

Mr. McEvoy addressed the Commission.

Mr. McEvoy explained he was present on behalf of the applicant for a request for this determination to determine whether or not an application was needed for a conversion of an existing bank to a Dunkin Donuts and the minor site improvements proposed along with that.

Mr. McEvoy explained this property is on Highland Avenue - its address is known as 1701 Highland Avenue; north is to your right (on the plan) with Route 10 and Highland Avenue to the bottom of the map and this parcel also western borders Reinhardt Road.

Mr. McEvoy said Fieldstone Court is opposite Route 10 – it's at a signal light intersection.

Mr. McEvoy said this property is about 3.5 acres in size and contains a fairly significant commercial building shown (on the plan) in tan on the northern side of the property and a smaller former bank on the south side; it used to be the location of the Naugatuck Valley Savings and Loan most (property) recently.

Mr. McEvoy explained along with a text amendment to the zoning regulations the applicant and owner is looking to convert that building to a Dunkin Donuts and our intent with the site plan is to accomplish two things – really three things but two things that perhaps would be more of a concern to this Commission.

Mr. McEvoy said the first is a modest restriping of the parking lot to direct what we expect to be a small increase in the drive-thru traffic for Dunkin Donuts opposed to a bank; and we are going to accomplish that with pavement markings and stripping – no changes to the parking lot configuration.

Mr. McEvoy said the second is that the Dunkin Donuts will require a walk in freezer-cooler to the rear of the building along with some minor revisions to utilities to the immediate west side of the building and lastly there is an existing dumpster and a small dumpster pad to the west of the former bank where Dunkin Donuts is looking to put a little bit more permanent concrete pad with a fence surrounding it.

Mr. McEvoy stated the proposed activities include essentially the freezer and dumpster pad which are located within 50' of the wetland

on site – wetlands shown here (on the plan) in light green color and the 50' upland review area is shown dashed in red.

Mr. McEvoy said the improvements are located within the footprint of what is part of the disturbed part of the site historically and were previously approved by this Commission –maybe 15-20 years ago.

Mr. McEvoy said they request essentially based on the fact that our improvements limited as they are while being 50' of the wetland are also within areas that are part of the development site.

Mr. McEvoy said that's the very simple explanation of why we put in this request and we also did provide an application in the event that the Commission does decide that an application is warranted for these site improvements.

Dr. Dimmick said he is very familiar with this site and was hoping for a 24 hour diner in that location – he said he saw the original construction – he said he has no problem with what they are planning to do.

Chairman de Jongh asked where the pad was going to be for the dumpster – because it's close to the wetland area – is there anything that is going to be put around to somehow to try to keep stuff from leaking out of the dumpster.

Mr. McEvoy said right now there is a dumpster on the concrete pad – a smaller one then what we are proposing – there is a dumpster on a grass area right now – it used to be a pad but it's been moved around – he explained we are planning to out a fenced enclose around it to try to limit any potential debris that may not make it into the dumpsters and mostly for esthetics purposes but also to prevent any Styrofoam cups from making their way into the wetlands so there will be a barrier to prevent anything from not making its way into the dumpster down into the stream.

Ms. Simone asked about the area of the drive-thru on the Southside of the drive-thru is there curbing along that pavement.

Mr. McEvoy said he believed there was – there is also a guide rail – there's a fairly significant drop off into the stream maybe 4' to 5' – he said we are not proposing any modifications to the drive-thru itself other than pavement stripping.

Ms. Simone stated we received the report from Bill Root but we don't have his signature on the plans – she asked if the Commission might consider if that was appropriate to just document it on the record - August 3, 2016 the boundaries were delineated.

Chairman de Jongh said so we'll add that addendum to the records.

Ms. Simone said if that's something the Commission wants to add (his signature on the letter).

Dr. Dimmick said on the other hand if we decide this doesn't need any permit that detail may or may not be that important but you want to keep the record clear.

Ms. Simone said if the Commission wants to move forward and find that they do not need to have this on the record she would suggest that the Commission make this part of the record even though the signature is not on the plans but it's on the record and that the Commission is satisfied.

Mr. McPhee said he wanted to clarify one thing – you said that the concrete pad for the dumpster is existing.

Mr. McEvoy said there's a small concrete pad that is what he would say is to the rear of what we proposing and we'd put some gravel in front of it – it's a little bit over grown with weeds – he said it's kind of a the rear end of where we are showing it.

Mr. McPhee asked if they were ripping it out and redoing it.

Mr. McEvoy said essentially yes – it's a smaller concrete pad

Mr. McPhee asked what was on the wetland side – the buffer side.

Mr. McEvoy said there's vegetation there – some over grown vines and things like that.

Ms. Simone asked if there was a sharp drop off in that area as there is near the drive-thru.

Mr. McEvoy said this is actually a constructed retaining wall alongside the stream corridor (he showed on the plan); there's about a 3' – 4' grade change from the dumpster pad location down to the stream.

Dr. Dimmick noted there was one storm where the water came up to the parking lot. He talked about the pipe under Route 10 is slightly larger than the pipe going out the other side.

Mr. McPhee said for the seepage out of the dumpster – is there anything in place now to keep it from rolling off the concrete pad – does it pitch back towards the parking lot.

Mr. McEvoy said right now it pitches back toward the wetlands.

Mr. McPhee asked what the intent with the new pad.

Mr. McEvoy said it will be pitched toward the parking lot.

Mr. McPhee said so the sewer drains and storm drains would overtake it – he asked if there was any intent to put in any type of a small curb around it to get anything (coffee) from going into the wetlands.

Mr. McEvoy said with the pitch out to the street it won't go directly into the wetlands – it eventually it drains through the wetlands and storm drainage systems through overflow sheet flow – he said they are just looking to essentially fence it in for privacy, esthetics and keeping larger things out.

Ms. Simone said on the plans – on the second page it shows a dotted line but there is no legend to tell what it is – she said she sees the detail but no legend that indicates that that is what it is.

Mr. McEvoy made a notation on the plan stating that its silt fence and that the detail was below.

Chairman de Jongh said rather than putting a curb or something – can there be like a gravel apron just behind that to prevent anything from ultimately feeding into that area – maybe out 6" of gravel so it kind of filters out.

Mr. McEvoy said sure (they could add that).

Ms. Simone asked if that was something the Commission wanted to see shown on the plans or labeled on the plans.

Mr. McEvoy made a sketch on the plan showing the gravel added.

Mr. Kurtz said that he did see any problems with the plan.

Motion: That the proposed activity is de minimis and not requiring an application.

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

4.	Permit Application	APP	2016-028
	Fazzone Investment & Properties, LLC	DOR	09/06/16
	Highland Avenue		
	Site Plan	MAD	11/10/16

Ryan McEvoy formally requested the withdrawal of this application.

XI. ADJOURNMENT

The meeting was adjourned at 8:12 pm by consensus of Commission members present.

Respectfully submitted:

Carla Mills
Recording Secretary
Cheshire Inland Wetland and
Watercourse Commission