

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

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**Members present: Charles Dimmick, Dave Brzozowski, Kerrie Dunne, Earl Kurtz and Thom Norback.**

**Members Absent: Robert de Jongh and Will McPhee.**

**Staff: Suzanne Simone.**

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

**I. CALL TO ORDER**

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

**II. PLEDGE OF ALLEGIANCE**

**All present recited the pledge of allegiance.**

**III. ROLL CALL**

**Ms. Dunne called the roll. Present were Charles Dimmick, Dave Brzozowski, Kerrie Dunne, Earl Kurtz and Thom Norback.**

**IV. DETERMINATION OF QUORUM**

**Dr. Dimmick determined there were enough members present for a quorum.**

**V. APPROVAL OF MINUTES – Regular Meeting – September 6, 2016**

**Dr. Dimmick called for a motion to approve the regular meeting minutes from the September 6, 2016 meeting.**

**Motion: To approve the minutes of the regular meeting of September 6, 2016.**

Moved by Mr. Norback. Seconded by Mr. Kurtz. Approved unanimously by Commission members present.

## VI. COMMUNICATIONS

Dr. Dimmick reviewed the following communications.

1. **CACIWC 39<sup>th</sup> Annual Meeting and Conference 11/12/16**

Dr. Dimmick said the conference is being held in a new location; the conference is being at the Sheraton Hartford in Rocky Hill.

2. **Staff Communication w/attachments Re: Request for Determination Deck Installation, 55 Harvest Court**

Dr. Dimmick stated this item is on the agenda tonight.

3. **Staff Communication w/attachments Re: Request for Determination Shed, 165 Country Club Road**

Dr. Dimmick stated this item is on the agenda tonight.

4. **Vernal Pool Creation Plan Re: Permit #2016-013, Phase II**

Dr. Dimmick stated this item is on the agenda tonight.

5. **Staff Communication w/attachments Re: Request for Determination Parking Expansion, 140 Cook Hill Road**

Dr. Dimmick stated this item is on the agenda tonight.

6. **Staff Communication w/attachments Re: Request for Determination Site Plan – House, West Ridge Court**

Dr. Dimmick stated this item is on the agenda tonight.

Ms. Simone stated there was one additional communication:

7. **Review from the Engineering Department regarding the request for determination from Elim Park**

## VII. INSPECTION REPORTS

1. **Written Inspections**

Ms. Simone stated there were no written communications.

**2. Staff Inspections**

Ms. Simone stated there was a staff inspection at Field Stone Court. She said she was out there today with the soil scientist and marking the trees – which trees will stay and which trees are to be cut in the area for the new vernal pool.

Ms. Simone said there was a certificate of occupancy inspection for lots one and seven of Cedar Crest on Jarvis Street.

Dr. Dimmick asked if there were any problems encountered.

Ms. Simone said not on the individual lots but there were some issues with the sewer easement – the sewer line that had been put in so she's been in communication with them to get that straightened out as they move forward.

**VIII. ENFORCEMENT ACTIONS**

Ms. Simone stated there were no written communications.

**IX. UNFINISHED BUSINESS**

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

Dr. Dimmick said he understood that all of the documents have been submitted – the map now matches the request and everything hangs together.

Ms. Simone stated yes and the engineering department has reviewed it and commented that their comments have been addressed and they are satisfied so there is 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, 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 construction of a single family house at 123 Higgins Road.
2. That on February 16, 1982 the Commission approved a permit application for the filling of a wetland and construction of a pond.
3. That on October 5, 2004 the Commission approved a permit application for resubdivision, creating Lot #4, which stipulated an individual site plan approval was required. The permit issued in 2004 expired in 2009.
4. That on July 5, 2016 the Commission determined the development of lot #4 required a permit.
5. That no direct or indirect wetland impacts are proposed.
6. That the 20' wetland buffer area was established in the 2004 resubdivision approval and is proposed to remain in this application.
7. That the inland wetland boundaries were copied from IWWC permit for resubdivision approved on October 5, 2004.
8. That the proposed activities will not have a significant adverse effect on adjacent wetlands or watercourses.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2016-022, the permit application of REAL MASSE for site plan approval as presented and shown on the plans entitled:

“Wetland Application Site Plan Prepared for Real Masse  
Lot 4, Higgins Road, Cheshire, CT  
Dated August 1, 2016, Revised September 16, 2016  
One sheet  
Prepared by DD Group, Meriden, CT.”

**The permit is granted on the following terms, conditions, stipulations and limitations (collectively referred to as the “Conditions”) 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. Prior to any clearing, grading, or other construction activities on the site, or the request for a Building Permit, the applicant shall:**
  - a. accurately stake and/or flag all clearing limits and permanently mark all non-encroachment lines. The location of non-encroachment lines shall be agreed upon by the applicant and Commission Staff. Work is to be completed by qualified personnel. The applicant shall notify Commission Staff so that Staff may inspect the site to verify all such areas have been properly marked. Staff may also insist on additional markings if field conditions warrant them.**
  - b. submit contact information with a 24-hour phone number for the individual with the 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 six (6) hours of such notice from the sediment and erosion control inspector, or other appropriate staff of the Town of Cheshire.**
- 4. Throughout the course of conducting permitted activities, 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' where 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.

5. This permit grant shall expire on October 4, 2021.

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

**X. NEW BUSINESS**

- 1. Request for Determination RFD 2016-029  
Eric DiNicola  
55 Harvest Court  
Deck

Eric DiNicola was present.

Ms. Simone explained there was information that was provided to the Commission by the requester that shows the area that is in an existing lawn and it would include sonotubes for a deck.

Dr. Dimmick said he thought they were talking about the fact there's no excavation necessary other than for putting in the sonotubes.

Dr. Dimmick asked how much lawn is between where the deck is going and where the wetlands are.

Mr. DiNicola addressed the Commission. He explained that he was the owner of 55 Harvest Court.

Mr. DiNicola said to answer the question – there's about 20' from the edge of the wetlands to the corner of the deck.

Dr. Dimmick asked if it was all the existing lawn was mowed on a regular basis and so forth.

Mr. DiNicola stated yes.

Dr. Dimmick said so you are not making any change. He said staff has a picture – if Commission members want to look at it.  
Dr. Dimmick asked if they saw anything that would be a problem.

Mr. Norback said it seems pretty straight forward and not very intrusive.

Mr. DiNicola said he made one small change – instead of 14' by 20' – it's going to be 16' by 20'.

Dr. Dimmick asked if that's along the length of the (lawn).

Mr. DiNicola said right so it's really not a substantial change but in the letter he had 14' and he wanted to make it know.

Dr. Dimmick stated staff would make that change.

Dr. Dimmick explained the activity was declared de minimus and Mr. DiNicola will get a letter to that effect.

Ms. Simone said so now she'd be able to sign off on the permit.

Motion: That the Commission declared that the proposed activity was de minimus and did not need a permit.

Moved by Mr. Norback. Seconded by Mr. Brzozowski.

Ms. Dunne asked about the displayed soil – she said he (Mr. DiNicola) will be immediately removed so there won't be an issue and you're sticking to that.

Mr. DiNicola said yes.

Motion approved unanimously by Commission members present.

2. Request for Determination RFD 2016-030  
Steve Green  
165 Country Club Road  
Shed

Steve Green, the owner of the property was present.

Dr. Dimmick asked Suzanne if work had already been done on this.

Ms. Simone said Mr. Green submitted photos showing how the site was prepared; the concrete slab was put down and the walls are up on the structure and he shows in the pictures and she believed he refers to in the letter that this was in an existing lawn area and no trees had to be cleared.

Ms. Simone said looking at the official town soils map there is the watercourse that runs north to south along his property and there are wetlands soils on either side of the stream channel.

Ms. Simone said from what she understood he's has started this right behind the house – it's about 40' from the edge of what's shown for the wetland soil.

Dr. Dimmick said and the existing house is how far.

Ms. Simone said that's also about 40' to 50'.

Dr. Dimmick said so it's essentially no closer than the existing house.

Ms. Simone said she believed that's generally true.

Dr. Dimmick talked about a long time ago there was a pond at the road itself. He said he thought his (Mr. Green's house) was pretty far back.

Mr. Green said it (the pond) was way out in the front.

Mr. Kurtz asked if he got a building permit for this property.

Mr. Green's comments were not clearly picked up on the tape. He said something to the effect that he came in after the fact when he found out a review was needed.

Dr. Dimmick asked if there were any erosion controls in place between the work area and the brook; he said there was a steep slope behind your lot.

Mr. Green replied yes – about the slope behind the lot.

Dr. Dimmick said there's a possibility of getting a wash down there – he said this is the sort of thing that normally would require some kind of erosion controls in place just in case something goes wrong



and the only way we can insure erosion controls were in place normally would be to require that there be a permit so there was something we (the Commission) could control. He said if we give you a de minimus sort of thing they we have no control over what goes on.

Mr. Kurtz said it might be a little late for that; and he might go beyond where there might need to worry about runoff.

Mr. Norback said he agreed with Mr. Kurtz – he (Mr. Green) seems to have the stone underneath the slap area – he asked which way did the slope go.

Dr. Dimmick said there's a steep slope going up from behind from the east side of the house and then there's relatively flat land where he's putting the shed and then there's a drop off toward the pond.

Mr. Green said he's going to say the land from the left side of the shed going towards the brook – the lawn just gradually slopes off over the course of maybe 80' to the brook he is going to say it drops 2' to 3' in elevation – it's all mowed right up to the brook.

Mr. Norback asked about the material disturbed thus far have been removed – there's no stock piling at this point there; and once removed was it used to return the grade over to the stone apron there that's around the building or was it moved off site.

Mr. Green said it was moved off site. He said it was graded it down to create a level surface so there was no fill brought in so it was a nice solid base to begin with and then he put in 4" of crushed stone on top of that and let it set for the winter then he put the forms up and tamped the crush stone a couple of times and then he put a 1" of form board underneath – before he put the rebar and the mesh and concrete went it so there was no fill brought in – it was a very solid base and there's no movement.

Mr. Norback said in his professional opinion it was done professional – maybe the erosion control as Mr. Kurtz said weren't in place – we might have called for them but they weren't even necessary.

Mr. Norback said he had no problem with what's been done and the way it was done.

Mr. Kurtz said the big question is going to be with the building permit.

Ms. Dunne asked what he (Mr. Green) was going to put in the shed.

Mr. Green said he has a tractor, a mower, a snow blower, yard equipment and his son's toys – just basically a storage shed. He said he has another garage on the side of the house where all the gasoline and pesticides and stuff are inside there.

Motion: That the Commission declared that the proposed activity did not need a permit.

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

Dr. Dimmick suggested to Mr. Green to be a little careful next time because conditions might be slightly different with this sort of thing.

Mr. Green said okay and thank you.

3. Vernal Pool Creation Plan  
Re: Permit #2016-013  
Phase II, Commission Review

Joe Nosal was present.

Ms. Simone stated that the Commission received information regarding this so – the approval that was granted in June has stipulated in stipulation number states “Phase II the filling of the vernal pool and creation of the vernal pool shall not begin until the Commission receives, reviews and approves the positive recommendation from Mr. Ed Pawlak advising that the creation plans are complete and incorporate best management practices and in his professional opinion will achieve the goals started on the record and the plans should be revised to consistent with his recommendation noted in the record of the public hearing with the exception of item number 10”.

Ms. Simone said Mr. Pawlak has submitted a letter – the soil scientist and engineer has submitted their finalized vernal pool plan so this is before the Commission for – not so much for a motion for approval but does it satisfy the Commission.

Dr. Dimmick said from what he understood it satisfied the original permit and in her professional opinion (did it).

Ms. Simone stated yes.

Dr. Dimmick asked in her professional opinion did she have any problems with this.

Ms. Simone stated she believed that this will succeed – a lot of work has been done and the property owner has shown a lot of follow through and dedication to this.

Mr. Norback asked if we couldn't make it a stipulation – we had talked earlier about them letting the success and monitoring it by an organizing and they agreed to it – he wanted to know if that's something they followed through on – it was not a stipulation just a curiosity.

Joe Nosal addressed the Commission.

Mr. Nosal stated that in the letter from Ed we agreed to a 3 year monitoring program that Ed was satisfied with that we would fund for Milone and MacBroom to do the follow up on.

Mr. Norback said that's terrific – thank you.

Dr. Dimmick said that sounds great so he thought the motion that was in order is to approve the moving on to Phase II of the proposed construction.

Ms. Dunne asked if we were moving on the protocol or are we moving on as amended by Mr. Pawlak. She asked what changes were being approved.

Ms. Simone explained that Mr. Pawlak wrote a letter stating that .... that items have been changed so there are some changes to the protocol based on Mr. Pawlak's recommendations where they really fine tune a couple of points – one of them being the follow up inspection which will include an as-built survey that will be provided to the town and to Mr. Pawlak for his follow up after this is all created.

Dr. Dimmick said the motion is to essentially approve moving on to Phase II as specified in the additional documentation we (the Commission) received.

Motion: That the Commission okayed the applicant moving into Phase II of the permit as specified in the additional documents received by the Commission.

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

4. Request for Determination RFD 2016-031  
LRC Group  
140 Cook Hill Road  
Parking Expansion

Henry Thomas, landscape architect with the LRC Group and also with him was Ron Dischinger, the president and COE of Elim Park.

Mr. Thomas stated we were here a month ago with a plan that was pretty much identical to this – it was the same kind of request for determination – and in the subsequent time we have made application for special permit and in the course of the review of the town engineering staff they have some recommendations that they wished us to make in terms of modifications and in conversations with Suzanne it necessitated us coming back here and showing it to you (the Commission) again letting you know what changed and seeing if a new determination is consistent with the previous one.

Mr. Thomas said essentially the parking lot – there is no change in the configuration – no change in the strategy that we had in terms of it all basically runs sort of south to north to the area – where the permeable asphalt and then a rectangle that’s about twice that size and has the storage volume underneath.

Mr. Thomas explained that the scenario we had was that the storage system was designed to carry 100 percent of the 2, 5 and 10 year storms; it carries almost all of the 100-year storm but releases just a little bit of water out of the overflow if they are in that condition.

Mr. Thomas said in all of those cases we’re at this discharge point off the north property line – seeing a net reduction in all cases.

Mr. Thomas said even in the case of a 100 year even though there's a little bit coming out the overflow and the overflow is sighted to be below the structural part of the pavement section – we are always at a net reduction condition.

Mr. Thomas said the engineering staff was uncomfortable with the concept of the permeable pavement in terms of an experience and then suggested that it works in a high performing level over a period of time and to simple state – there were not enough belts and suspenders in terms of the fail saves situation or worst case scenario.

Mr. Thomas said so instead of us collecting this water and discharging the overflow out the normal course of the events – they asked us to contain the water on the downhill side of the permeable pavement and to put in a structure that would be both the turning point and a potential inlet structure if for some reason the permeable was never taking on any moisture or not taking the brook water that it would have an inlet point to go to.

Mr. Thomas said routinely when you see the permeable pavement work it doesn't ever look like it's got standing water in it because it's really taking it off in a hurry.

Mr. Thomas talked about types of catastrophic events – snow storm – ice storm – and rain storm occurring in a period of days and perhaps things would work better if you had that inlet point there.

Mr. Thomas described the discharged location – he said they actually asked that we carry it out and release it to the detention. He said previously we were not directing any water in that direction.

Mr. Thomas talked about what happens under normal conditions – there is a very little bit of water that comes out of a 100-year storm - he showed the location of the flow on the plan - .13 CFS.

Mr. Thomas said there would be a further reduction in one area (shown on the plan) at that calculation point coming off the property and that .13 would be taken out of there in the 100-year storm and instead it would be going into the detention basin.

Dr. Dimmick said in the long run over a one-week period the same amount of water goes into the Mill River one way or another – either surface or underground.

Mr. Thomas said what is interesting is that even though our original preference has been to replicate the existing condition in terms of where that water went - in a summer like this that pond was dry for the longest time.

Mr. Thomas said so that's kind of where we stand - we didn't reengineer anything but this line - we did keep these structures in order to get into - there's an existing pipe - in order to get into that pipe we had to have a structure at the pipe and the turning point so we are at least pointing downhill; so we have two little structures and keep those the same distance from the pond as we had the parking which he thought was 60' or 65'.

Dr. Dimmick said in his opinion he didn't think it made a bit of difference as far as our jurisdiction.

Mr. Kurtz said he didn't think it made a bit of difference but because they are doing something - should they get a permit as a formality because they are changing (things).

Dr. Dimmick said we originally gave them a de minimus on this; all of the changes now are outside where we normally worry - our impact points are pretty much the same.

Mr. Thomas stated we are still subject to the special permit review and engineering staff.

Motion: That the Commission declared that the proposed activities did not need a permit.

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

5. Request for Determination RFD 2016-032  
Diversified Cook Hill, LLC  
West Ridge Court, Lot 9  
Site Plan - House

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

Dr. Dimmick said this was a request for determination Diversified Cook Hill, LLC West Ridge Court lot 9 - site plan for the house. He

said the general summary is that he believed they are keeping the house, the septic, and everything else outside the ordinary review zone.

Mr. McEvoy stated this is for lot 9 in Meadowview Estates which is a subdivision in the western most part of town.

Mr. McEvoy explained this is part of a 14 lot subdivision – this lot was the rear most lot coming off of the cul-de-sac; the cul-de-sac is shown on the plan down on the far right with a fairly lengthy driveway back to the house shown in brown – septic system located in back; wetlands are to the east (shown on the plan).

Mr. McEvoy said the nearest approximation that we are proposing is about 8' down slope of the septic system.

Mr. McEvoy said it is consistent with the plans that were on the original subdivision; and we were required to come back before this board to receive their consent before we moved on to next steps.

Commission members reviewed the property location on the map.

Dr. Dimmick this is back before us for individual site plan approval because in the original subdivision we did not specify exact location of house or septic or anything in those cases with wetlands we normally ask for site line to make sure that the future homeowner hasn't decided to put his house in the middle of the wetlands.

Mr. McEvoy said he wanted to one thing – that they do propose non-encroachment markers upslope of the upland review area in 3 locations on the property – and there is actually one that was placed on lot 13 – right next to the property (under determination) so essentially there will be 4 markers along that property; he said the property to the rear is still wooded – it hasn't been cleared yet but he believed lot 13 has been constructed and that's closer to the cul-de-sac.

Dr. Dimmick said the question is if they can go ahead or whether they need a permit application – the subdivision itself has been approved.

Mr. Kurtz asked if the engineering department is reviewing applications.

Ms. Simone said we forward everything to the engineering department so anything that comes in that is going to be business before the Commission automatically goes to the engineering department.

Ms. Simone stated she hasn't heard anything from them (the engineering department).

Dr. Dimmick asked if we should wait for something from them or should we go ahead.

Ms. Simone said she didn't believe that would be necessary if they were to identify something here its most likely going to be having to do with the road or something they would have to deal with them directly.

Mr. McEvoy said to clarify normally if issues with the engineering department – they perform regular inspections during construction partially if it impacts the road width; he said all the lots on the same side of the road of the wetlands under the same circumstances did not have a request for determination – it was determined it wasn't necessary.

Ms. Simone informed Mr. McEvoy that they would also have to get a street excavation permit to put the driveway in – is that correct and that goes to the engineering department.

Mr. McEvoy said no because it actually has a curb down as part of the road construction.

Ms. Dunne asked to be shown where the 50' line was.

Mr. McEvoy showed on the plan where the 50' upland review area line was – the wetland marker (4 by 4 posts with the placards) are noted on the plan – there are on or upslope of the 50' upland review area and the existing wooded areas that they are proposing to maintain and not clear beyond so the clearing he'd estimate at least 80' upslope of the wetlands if not more.

Dr. Dimmick asked if the test pits went in for the septic.

Mr. McEvoy stated yes – it's a little boney in this part of the property – further to the south it's a little bit sandier. He said as part of their approval from Chesprocott they had to come back and do additional



test pits just to verify that the areas to the south and leaching fields are consistent with where our previous test pit was and we had ground water about 30” below grade which he believed the previous test pit was about 31” below grade; they have an engineered system and today they received an email from the Health Department that they approved it and they are satisfied with the design. He said the top of the system will be above existing grade.

**Motion:** That the Commission declared that the proposed activities did not need a permit.

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

6.	Permit Application	APP	2016-032
	Diversified Cook Hill, LLC	DOR	10/04/16
	West Ridge Court, Lot 9 Site Plan – House	MAD	12/08/16

Ryan McEvoy requested that the permit application request be withdrawn.

**XI. ADJOURNMENT**

The meeting was adjourned at 8:10 pm by consensus of Commission members present.

Respectfully submitted:

Carla Mills  
Recording Secretary  
Cheshire Inland Wetland and  
Watercourse Commission