Members present: Charles Dimmick, Matt Bowman, Kerrie Dunne, Earl Kurtz, Sheila Fiordelisi, and Peter Talbot.

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 7:45 p.m.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited at the public hearing.

III. ROLL CALL

Ms. Dunne called the roll at the public hearing.

Members that were present at the public hearing were still in attendance for the regular meeting: Charles Dimmick, Matt Bowman, Kerrie Dunne, Earl Kurtz, Sheila Fiordelisi, and Peter Talbot.

IV. DETERMINATION OF QUORUM

A quorum was determined at the public hearing.

V. APPROVAL OF MINUTES – JULY 6, 2010 REGULAR MEETING

The approval of the minutes was deferred to the end of the meeting by agreement of Commission members present.

VI. COMMUNICATIONS

1. Letter to John Ricci, RLJ Properties, LLC
   Re: Wetland Determination for 680 South Main Street

   The Commission reviewed this communication.
2. CACWIC Newsletter, The Habitat, Summer 2010, Volume 22, Number 2 (To be handed out at meeting)

The Commission reviewed this communication; this communication was handed out at tonight’s meeting.

3. DEP Notification
Re: Arch Chemicals, 350 Knotter Drive

The Commission reviewed this communication.

4. Department of Public Health
RE: Bridge Rehabilitation Projects

The Commission reviewed this communication. Ms. Simone said there is one bridge listed on there that is located in Cheshire. The communication is basically a notification from the State to the Town regarding potentials work.

5. Notice from Dennis Dievert
Re: Manhole Rehabilitation Warranty Repair Work Permit # 2008-025

The Commission reviewed this communication.

6. Staff Report
Re: Application #2010-016, Site Plan, Lot 4, Saddlebrook LLC

The Commission reviewed this communication.

7. Staff Report with Attachment
Re: Application 2010-015, Upland Restoration. Mountaincrest Dr.

The Commission reviewed this communication.

8. Staff Report with Attachments
Re: Application 2010-017, Sewer lateral Installation, Nob Hill Rd.

The Commission reviewed this communication.

9. Staff Report with Attachments
Re: Application 2010-018, Septic System Installation, Sindall Rd.

The Commission reviewed this communication.

10. Staff Report with Attachments
Re: Application 2007-044A, Drainage and Endwall Reconstruction, Schoolhouse Road

The Commission reviewed this communication.

11. Request for Determination, Town of Cheshire, Public Works Dept. Re: Drainage Installation on Peck Lane

The Commission reviewed this communication. This item is listed under new business on tonight’s agenda.

Handed out at tonight’s meeting:

12. Engineering Report for the Peck Lane Request for Determination

The Commission reviewed this communication. This item is also under new business.

13. Engineering Report Arcesi Application 2010-017 Nob Hill Road

The Commission reviewed this communication. There was a public hearing tonight on this item; the item is also under unfinished business on tonight’s agenda.

14. Copy of the Wetland and Watercourse Regulations Section 14 Amendments.

The Commission reviewed this communication.

Ms. Simone stated that this communication is in relationship to a new application that was received today and that is for a proposed change to the Wetland and Watercourse regulations.

Ms. Simone explained this item could be taken up on the agenda as new business by majority vote of Commission members present.

15. CACWIC Newsletter, The Habitat

Dr. Dimmick said that in the copy of the CACWIC Newsletter, The Habitat handed out at tonight’s meeting, there is an article on managing invasive vegetation in wetland settings; he said it is of interest to both the Commission and the Environment Commission.

Dr. Dimmick suggested Commission members hold-on to this copy as some of the invasive species come up and the suggestions in the
newsletter offer ways of handling each of the different kinds of invasive species (he suggested Commission members hold on to this copy of the newsletter for reference purposes).

16. Proposed Amendments to the Regulations

Dr. Dimmick asked Commission members if they wanted to vote to add this item to the agenda under new business.

Ms. Simone explained that there is a proposed change from the Town and the reason why it has not been discussed up to this point, as far as having someone from the Town representing tonight to go over this is because the regulations require that a public hearing be posted for any such changes.

Ms. Simone said looking at the time frame of when they are required to get things posted in the paper as well as notifying DEP the time frame is going to be for the September meeting.

Ms. Simone said if the Commission accepts this tonight, the request is to have the public hearing set in September; this will give Commission members enough time to review what the proposed changes are as well as allow staff to do all of the regulatory notifications that are required.

Dr. Dimmick said the reason for voting to add this to the agenda is that this item was not on the agenda as distributed so it’s up to the Commission as to whether they put this item on tonight’s agenda.

This item would be added to the agenda just so a public hearing date could be set.

Motion:

To add discussion of the Wetland and Watercourse Regulations Amendments to tonight’s agenda under new business.

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

This item would be added to agenda under new business.

VII. INSPECTION REPORTS

1. Written Inspections
Ms. Simone stated that written inspection were covered under communications.

2. Staff Inspections

Ms. Simone stated that there were no staff inspections.

VIII. ENFORCEMENT ACTIONS

1. Unauthorized Activities in a Regulated Wetland Area
   Ms. Karin Eichten
   630 Cook Hill Road

   Ms. Simone stated that there was no new information to provide on this item.

2. Unauthorized Activities in a Regulated Wetland Area
   SC 1/06/09
   Mr. Chris Lambert
   Highland Avenue
   SC 1/20/09
   SC 2/03/09
   SC 2/17/09

   Ms. Simone stated that there was no new information to provide on this item. This item would be left on the agenda until corrected.

3. Unauthorized Activities in an Regulated Wetland Area
   SC 3/16/10
   Michael and Bonnie Donato
   35 Sudol Court

   Ms. Simone stated that there was no new information to provide on this item. This item would be left on the agenda until corrected.

4. Unauthorized Activities in an Regulated Wetland Area
   SC 5/04/10
   Dr. Robert Henry and Maria Passaro-Henry
   12 Mountaincrest Drive

   Ms. Simone stated that there was no new information to provide on this item. This item would be left on the agenda until corrected.

XI. UNFINISHED BUSINESS

1. Permit Application
   APP #2010-014
   Matt Borowy/Boy Scouts of America
   DOR 7/06/10
   Strathmore Road
   Installation of Foot Bridge
   MAD 9/09/10
Mr. Matt Borowy was present.

Mr. Borowy addressed the Commission.

Mr. Borowy explained that the proposed bridge was going to on a base of two telephone poles running parallel to each other from bank to bank; there is not going to be a break in the telephone poles.

Mr. Borowy said in the middle there was going to a pylon which will support it and make sure it doesn’t sag.

Mr. Borowy stated that the edges would be secured with rocks from the edges of the banks and may be held in place with rebar such to secure it – to make sure it’s not moving at all.

Dr. Dimmick said the Mill River in that location, although it actually dries up at times’ according to the flooding report on the Mill River in 1973 – put out by Donald Disbrow, who indicated at that point for the 50 year flood that stream at that time was passing something like 190 cubic feet per second of water; he said he just did not know how much room there is under the bridge and what would happen under those flooding conditions.

Dr. Dimmick said he would hate to see the telephone poles pick up, dislodged and ends up being a dam instead of a bridge.

Mr. Borowy said at the largest point, there should be about three feet from the bottom of the telephone poles to the river bed.

Dr. Dimmick asked about the width of the stream.

Mr. Borowy said the width of the stream is roughly 35’ to 40’.

Dr. Dimmick said the telephone poles are obviously longer than that.

Mr. Borowy stated yes.

Dr. Dimmick said that would do it – it would pass about 400 CFS according to his rough calculation.

Mr. Bowman stated that this was a great project – he said this is a big project. He said it was nice to see Mr. Borowy come before the Commission and explain to them what he was going to do.

Mr. Bowman said if he’s not mistaken the area is not rocky.
Dr. Dimmick said there is a portion of the area that has a lot of exposed stones but here is an area that sand covers.

Mr. Borowy said because there is already - a path because people have made it that way people have thrown rocks into the stream currently and so it is very rocky at the moment because of the constant trafficking.

Mr. Bowman said personally what he would like to see, he said he loved this project he thought it was great; he asked if Mr. Borowy was worried that at 40’ that this thing would sag – the poles sagging.

Mr. Borowy said there was going to be a pylon in the middle.

Mr. Bowman said he had concerns about the pylon. He said what he would like to see done on both sides in anchor into – dig sona tubes down 4’.

Mr. Borowy said okay.

Mr. Bowman said the sona tubes should be filled with cement and then strap the logs in so then they are not going anywhere.

Dr. Dimmick said that also it would be a vandalism prevention measure. He said if the pylon could be lifted out someone would do that.

Mr. Bowman asked if Mr. Borowy really felt a pylon was needed in the center.

Mr. Borowy said he thought it would help but he did not think that’s its necessary – he said that it structurally helps it.

Mr. Bowman asked if an engineer looked at plan.

Mr. Borowy said he had a friend who is an architect look over the plan and he recommended that (the pylon).

Dr. Dimmick said in his opinion the project sounds fine; he said his concern is when something can go wrong – if it can go wrong it will.

There was discussion about the proper construction of the project would prevent something from going wrong later.

Motion: That the proposed activity is not significant with the context of the Commission’s regulations.
Moved by Mr. Bowman. Seconded by Ms. Fiordelisi. Motion approved unanimously by Commission members present.

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 the installation of a wooden bridge crossing the Mill River located on the open space property of Strathmore Woods subdivision, bordering Strathmore Road.

2. That the applicant stated that the work would be completed during the low water flow season, prior to ground frost.

3. That the applicant stated that the bridge would be constructed by placing telephone poles anchored with rocks across the banks of the Mill River.

4. That the work will be conducted in accordance with the construction design and sequence, made as part of the record in the applicant’s support application materials.

5. That there are no direct wetlands impacts associated with the site plan activities, as proposed.

6. That the proposed site plan 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 #2010-014, the permit application of Matt Borowy for site plan approval as presented on the plans entitled:

“Application and Support Material Including Construction Design and Schedule.
Submitted by Matt Borowy.
Stamped as Received by the Planning Office on June 29, 2010.
10 Pages”.
The permit is granted on the following conditions and stipulations, each of which the Commission finds to be necessary to protect the wetlands and watercourses of the State and the Town of Cheshire:

1. Lack of compliance with any stipulation of this permit grant shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and a cease and desist order shall be both issued and recorded on the Town of Cheshire Land Records.

2. Any changes or modifications to the plans as presented will require subsequent Cheshire Inland Wetlands and Watercourses Commission review and approval.

3. Activity in the watercourse is permitted between July 2010 and November 15, 2010. During this permitted time frame, if weather conditions provide significant rainfall, the applicant shall suspend work until site conditions are conducive to work in the watercourse.

4. All disturbed areas on the site not directly required for construction activities shall be temporarily seeded and hayed until the site is permanently stabilized. The site will be permanently stabilized within 10 days of completion of the permitted activities.

5. Throughout the course of conducting construction activities covered by this permit grant, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring the following:

   a) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100’ if possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.

   b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.

6. That the recommendations made by the Commission at the July 20, 2010 Inland Wetlands and Watercourses Commission meeting regarding sona tubes will be implemented by the applicant.

7. This permit grant shall expire on July 20, 2015.
Dr. Dimmick said the Commission discussed ways of modifying the plans to include the installation of sona tubes.

There was discussion regarding adding an additional stipulations to include language regarding the installation of sona tubes.

Commission members agreed to add a stipulation (#6) to include language about the installation of sona tubes.

Moved by Mr. Bowman. Seconded by Mr. Talbot. Motion approved unanimously by Commission members present.

2. Permit Extension APP #2006-018A
James and Carol Reeves DOR 7/06/10
Moss Farms Road
Subdivision MAD 9/09/10

Ms. Simone stated the original approval was granted June 20, 2006 with the expiration date of June 20, 2011; the applicant is anticipating that they will need an extension from that date – June 20, 2011 and therefore they requested at the last meeting a five year extension.

Ms. Simone stated there are no changes to what the applicant is planning and there is no information that staff has that there are any changes out on the site – there has not been anything conducted in the meantime.

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 this application is for the permit extension of permit grant #2006-018 granted to James and Carol Reeves and approved by the Cheshire Inland Wetlands and Watercourses Commission on June 20, 2006. The expiration date for permit #2006-018 is June 20, 2011.

2. That the June 9, 2010 letter submitted by the applicant’s attorney indicates no proposed change to the approved plan.
3. That the proposed permit extension application does not differ or conflict from the current permit grant #2006-018.

4. Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2006-018A, the permit application of James and Carol Reeves for permit extension #2006-018A, which shall expire on June 20, 2016.

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

3. Permit Application APP # 2010-015
    Robert Henry DOR 7/06/10
    Mountaincrest Drive
    Upland Restoration MAD 9/09/10

Ms. Simone reported to Commission members that new information was submitted from the applicant’s soil scientist and it was included with the staff report.

Ms. Simone said basically the information is newer pictures of the site as it appears in the most recent past - staff said she thought the pictures were taken about three weeks ago, as well as there being a plan calling for particular species to be planted.

Ms. Simone said the information does not show a site plan of where those species are to be planted – it just has a summary or a narrative.

Ms. Simone said so if the Commission would like she would work with the applicant to come up with the location of where these species are to be locate so that if he is to hire somebody, he could simply hand them a plan to locate where the non-encroachment markers are to be placed as well as where the plantings are to be installed.

Dr. Dimmick said so then what they have from the applicant so far in part is conceptual.

Ms. Simone stated yes – Dr. Dimmick was correct.

Ms. Simone said her thought was if the applicant was going to be hiring someone out they may not be looking through all this information and piecing it together the same way the Commission envisions it.

Mr. Bowman said staff recommendation sounded good and they should just move this item to the next meeting until they have more information.
Ms. Simone said she would work with the applicant and make sure they are okay with whatever they discuss and then she would submit that drawing to the Commission as well as have a draft motion at the next meeting.

Ms. Dunne asked if there would be any concern as to how the mix would be spread; she wanted to know if that was something that the Commission should ask about because it was indicated it could be done through hydro-seeding or by hand – by different ways.

Ms. Simone said she could get more information on that from the soil scientist and work that into the draft.

Further action on this item was deferred to the next meeting.

4. Permit Application
   Saddlebrook LLC
   Marion Road
   Site Plan – House, Lot 4
   APP     #2010-016
   DOR     7/06/10
   MAD     9/09/10

Ms. Simone said she had not been notified of any questions from any members of the Commission or any other department.

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors pursuant to Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire, Commissioners’ knowledge of the area, previous site visitations, and after review of written information provided by the applicant on this application, finds the following:

1. That the current application is for construction of a single family house on Lot 4 of the Saddlebrook LLC subdivision. This lot is proposed to intersect with Marion Road.

2. That the proposed lots will be served by public water and sewer systems.

3. That the applicant’s engineer stated that there are no proposed direct or indirect impacts to the wetlands or watercourses.

4. That the stormwater management system incorporates a rain garden.

5. That the proposed construction activities will not have a significant adverse effect on the adjacent wetlands and watercourses.
6. That the Commission declared this application not significant within the context of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2010-016, the permit application of Saddlebrook LLC for site plan, single family house construction as presented on the plans entitled:

“Improvement Location Survey-Proposed Lot 4-Saddlebrook Farms Subdivision Marion Road, Cheshire, CT Dated June 16, 2010 Scale: 1”=20’ Prepared by Milone & MacBroom, Inc.”.

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

1. Any lack of compliance with any condition or stipulation of this permit shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and an enforcement order shall be both issued and recorded on the Town of Cheshire Land Records.

2. 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 the non-encroachment line, as depicted on the above-referenced site plan, shall be maintained in a natural state. No disturbance of any kind, including a lawn, shall be allowed beyond the non-encroachment line. Language shall be placed in the deed of the property and on a map for this property filed in the Cheshire Land Records stating that no disturbance of any kind shall be allowed within the non-encroachment area. Staff may insist on additional markings if warranted by field conditions.

   b. Properly install erosion controls, as depicted on the above-referenced site plan. Staff may insist on additional controls if warranted by field conditions.
4. Throughout the course of conducting construction activities covered by this permit grant, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring the following:

a) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100’ if possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.

b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.

5. This permit grant shall expire on July 20, 2015.

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

5. Permit Application APP #2010-017
Jennifer & David Arcesi DOR 7/06/10
Nob Hill Road FT 7/10/10
Sewer Lateral Installation PH 7/20/10
MAD 8/24/10

This item was subject of tonight’s public hearing.

There were no other Commission questions or comments from Commission members on this item.

Further action on this item was deferred pending staff review and recommendation.

XII. NEW BUSINESS

1. Permit Application APP #2010-018
John I. Schieffer, Jr. DOR 7/20/10
Sindall Road
Septic Installation MAD 9/23/10

John Schaefer, Jr. and Matt Buonaiuto from Prospect Excavating, 91 Cook Road, Prospect were present.
Mr. Buonaiuto said their contact is to install a septic system on 850 Sindall Road; he explained currently the septic system is a pump so there is a septic tank and a pump chamber next to the house and the leeching is across the street actually in Meriden.

Mr. Buonaiuto explained that the owner Clifford Parker previously owned the property in Meriden and lived on that property and then built a house across the street for a family member or something like that; he said there was never an issue with having the septic system on his property across the street – the property subsequently sold at some point and now the current owners want the septic off of their property and completely on Mr. Parker’s property which is 850 Sindall Road.

Dr. Dimmick asked if the application was signed by owner and if there was a map to show the project location.

Ms. Simone stated – yes it was. She said there is a town soils map as well as what they submitted from the town’s GIS system but no site plan has been submitted.

Mr. Bowman asked if there was a Chesprocott approval.

Mr. Buonaiuto stated yes that they have the plan approved by Chesprocott; he said that information was included in the packet of information submitted.

Mr. Buonaiuto said they did three soil testing deep pits on site and they found one pit that was suitable for them to put a code system in; it would be gravity feed from the house down into the wetland area – he stated the whole area is wetlands; it would be located the farthest point from the river and there is a stream.

Mr. Buonaiuto said they are 145’ from the stream and roughly 215’ from the river.

Mr. Bowman asked to review the Chesprocott approved plan.

Ms. Simone said all that was submitted with the application was a power point presentation.

The hard copy of the presentation was reviewed.

Mr. Buonaiuto handed Mr. Bowman a copy of the Chesprocott presentation for his review.
Ms. Simone asked if the portion of the plan before the Commission was part of a larger plan and if Chesprocott had a copy.

Mr. Buonaiuto said the copy before the Commission is the whole plan submitted to Chesprocott.

Mr. Bowman asked if he had their (Chesprocott’s) approval.

Mr. Buonaiuto stated yes – he said Chesprocott stamped the plan.

Mr. Bowman said so the applicant got an approval for a four-bedroom system.

Mr. Buonaiuto stated yes.

Mr. Buonaiuto said the soils in the area where they tested – they did three soil test pits and the third pit was good – it really didn’t show any wetland soils in that area.

Mr. Bowman asked about water.

Mr. Buonaiuto stated there was no water.

Mr. Schafer said the results are on the soil report.

Mr. Schafer said they are installers and he has been installing for 40 years.

Dr. Dimmick stated among the Commission members they have a variety of different expertise.

Mr. Bowman asked how close they were to the wetlands.

Mr. Schafer stated they are right on top of them because of the contours of the property.

Mr. Bowman asked if they were 25’ away – he said he thought the State required 25’.

Mr. Schafer said they have the old train bed to deal with; he said the area was the only area where they did not have wetland. He said the first two pits were fill and wetland soils; he said they did not find wetland soils in this pit and it is the farthest they can get away from it; he said they are right up against the road and this was the only spot on this acreage they could find that was not wetland soils to put a septic system – a code system.
Motion: To accept the application.

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

Mr. Bowman said since the applicant has Chesprocott’s approval he did not see a problem with the activity being significant.

Dr. Dimmick noted that they have had a few approvals in the past where there have been problems.

Dr. Dimmick noted that based on the plans, the septic system is going to be installed 215’ from the river and the track bed is between the septic system and the river.

Dr. Dimmick asked how long a guarantee the installer gives that the system will work.

Mr. Buonaiuto stated that was correct.

Mr. Schafer said he gives a five year guarantee. He said his work his highly regarded.

Dr. Dimmick said he understood that but this is a thing that if there is a place that something could go wrong it could.

Mr. Bowman said they don’t have a 100% reserve.

Tape change.

Mr. Schafer they did not need it.

There was discussion about the soils and the water in the area.

Mr. Buonaiuto said they were 145’ east of the brook; 215’ from the river.

Motion: To declare the proposed activity not significant within the context of the regulations.

Moved by Mr. Bowman. Seconded by Mr. Talbot. Motion approved unanimously by Commission members present.

Ms. Simone said she had no other comment to add other than in the staff report it was indicated that what was already discussed tonight – that the
majority of that property is wetland but the applicant does depict erosion controls and with the existing train bed that that should provide adequate barrier too any erosion that may head towards the river.

Mr. Bowman said there is only one place the system can go – it’s the only place it can go and it’s approved by Chesprocott.

The Commission agreed to allow staff to go ahead and draft recommended wording for the next meeting.

Further action on this item was deferred pending staff review and recommendation.

2. Permit Modification
   APP  #2007-044A
   Town of Cheshire
   DOR  7/20/10
   Schoolhouse Road
   MAD  9/23/10
   Road Drainage/Endwall Reconstruction

George Noewatne, Public Works Operation Manager and Tony Dornwood, PE from Cardinal Engineering were present.

Mr. Noewatne said the proposal for School House Road is a modification to the plan that was approved by the Commission in January 2008; he said it’s actually a two part item; the first part is a modification of the plan.

Mr. Noewatne said the first modification is for the addition of a number of catch basins and piping to outlet the storm water into the brook at the crossing which on the proposal it was approved in January 2008; it was on the south side of School House Road. He explained there was an outlet there on the upstream side of the culvert and due to the Town’s inability to get an easement from the adjoining property owner that that was going to impact – they are now back with this modification that changes the outlet to the north side of the major crossing at the brook.

Mr. Noewatne said the basin design is the same and layout with the expectation the outlet changes and the sedimentation basin changes a little bit where that’s been stationed.

Mr. Noewatne said essentially it’s the same design and the same idea that they are trying to forward to dispose of the water on the road.

Dr. Dimmick asked Mr. Kurtz if he had any potential conflict.
Mr. Kurtz stated for the record that he did not have any conflict. He said he was going to mention that his family owns property in the location Mr. Noewatne is talking about.

Mr. Kurtz stated said he would be happy to recuse himself from this discussion.

Mr. Bowman said he thought Mr. Kurtz’s input was important here.

Dr. Dimmick stated he wanted to raise this point now so no one raised it later; he said if no one else feels uncomfortable then that’s fine.

Dr. Dimmick asked if the application was complete as far as what the Commission needed to act on.

Mr. Noewatne said there was one more part that he needed to discuss – it was part B.

Mr. Noewatne explained that the part B of the project is that in the interim since the application was approved in 2008 the end-wall of the major crossing has failed and has caved in and the road is caved in similarly.

Mr. Noewatne said part B of the project is shown on the first page of the plan; he said the plan is to reconstruct the end-wall and deal with outlet from the drainage that they just talked about, working that into the end-wall with the major crossing that already exists there – he said this is the second part of this application.

Ms. Simone said the application indicates that all of the work is going to be conducted in the town right-of-way so that is the signature is that of a representative of the town and the applicant is going to be providing supplemental information to show exactly that that all of the work proposed will be on town property; therefore any additional property owners signatures would not be required under the regulations.

Dr. Dimmick said that was a problem with the original proposals.

Ms. Simone said yes – and the current plan has some areas indicated as the edge of town property or edge of street or right-of-way.

Mr. Noewatne said it is noted as street line.

Ms. Simone said however the plan does not project that line all the way out to address the entire area where the work is proposed.
Dr. Dimmick asked if this would be corrected.

Ms. Simone stated yes.

Mr. Noewatne said the area in question he thought was just a stretch of silt fencing and guard rails; the major work is the street line delineated.

Mr. Bowman asked if they are having problems with the property owners to the south.

Mr. Noewatne stated that was correct – the town could not get an easement from them or not easily obtained from them.

Mr. Bowman said originally had the sediment chamber coming then running into the Ten Mile River on the south side.

Mr. Noewatne said that was correct – now they are proposing to have it on the north side.

Mr. Bowman asked if Mr. Noewatne if they had a plunge pool or anything like that – did they have enough area to slow the sediment down or the sand down coming off that spot. He said he knew there was a sediment chamber but there is also a pretty steep hill there and the velocity coming down is going to be very high – he said he hope that was going to catch most of the sediment otherwise they are just going to silt that part of the Ten Mile River up.

Dr. Dimmick said that the Commission has enough information to accept the application; he suggested accepting the application and then having more discussion on next steps.

Motion: To accept the application.

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

Mr. Bowman said he has always been worried about this project from day one.

Mr. Kurtz asked if there was an engineer's discussion on how much flow there is going to be and how these pipes are going to work.

Mr. Noewatne stated there were drainage calculations submitted.
Mr. Noewatne said he is joined by Tony Dornwood from Cardinal Engineering. Mr. Dornwood put together the design so he could speak to some of the details.

Dr. Dimmick said his understanding in skimming through the plan is under the circumstances it’s still not going to be quite adequate.

Mr. Bowman stated it would not meet the current regulations.

Mr. Dornwood addressed the Commission.

Mr. Dornwood asked if the Commission was referring to the drainage system that they are building on School House Road.

Mr. Bowman stated yes he was.

Mr. Dornwood stated that system will handle a ten year storm; he said in his opinion that is adequate.

Mr. Bowman asked about crossing the street; he said normally you would want to be at least 75’ from the stream at the discharge point before getting into the stream correct.

Mr. Bowman said there are a few minor problems there.

Mr. Dornwood said they have the old railroad bed to the east so if the discharge to where the existing outlet is – it won’t work. He said the existing outlet on the east side of the railroad – the ground is only about a foot below the pavement so the pipe outlet is all silted up; he said many times you go out there and you can’t even find the pipe because it’s so silted up there.

Mr. Bowman asked if that road has been milled.

Mr. Noewatne stated that they have not milled that road that he was aware of; he said they did mill down from Route 10 down to the top of the hill but that is not adjacent to this site.

Dr. Dimmick said there are comments in the plan say that the overflow from the gutters would be somewhat wider than the standard that is allowed.

Mr. Dornwood said that was pretty minor – he said that was pretty common.

Dr. Dimmick said so the plan doesn’t quite meet the goals.
Mr. Dornwood said because he pointed it out – he said many times that is not pointed out and you’d never know.

Dr. Dimmick said the original design was subject to a public hearing; they are talking revisions to the original design which they did give approval for in 2008 but it was not feasible because of property concerns.

Mr. Kurtz and Mr. Bowman said they thought the revision was significant.

Mr. Dornwood said he wanted to point out there was very little change in the proposed plan – he said it’s just the last downstream three pipes that have changed so there are different hydraulics that go into those three pipes but it doesn’t affect anything other than its now out letting to the downstream side.

Mr. Bowman said you are now putting headwalls on – where they putting them on before.

Mr. Dornwood stated no are storing – they are replacing an existing end wall.

Mr. Bowman said he thought Mr. Kurtz was right that further explanation of the proposed project was needed in a public setting.

Mr. Kurtz said personally he does not have a problem with it – it just needs discussion. He said there is a lot of information and a lot of it is not old information.

Mr. Bowman said the applicant is stating the flows are not going to change just the direction of the pipe is going to change and the head walls are going to change therefore there is a significant amount of change – therefore it is a significant enough of change.

Ms. Simone asked if there was any information the applicant could provide to the Commission that might guide how this plan differs in impact as far as amount of drainage or that direct discharge that is now being proposed – if that has any pros and cons as opposed to the previously approved design.

Mr. Dornwood said the proposed drainage system in School House Road is going to operate better this way then out letting to the upstream sides so it’s going to be a better improvement.
Dr. Dimmick said the Commission’s concerns are just supposed to be on what the impact would be to the receiving body of water in this case.

Mr. Dornwood said the only thing he could add to that is a lot of the disturbance just is the placement of standard rip-rap when the end wall failed – a lot of that disturbance has taken place; there is a lot of rip-rap there now that they are just going to slightly move around a little to construct the new end wall and to put the two pipes in there.

Dr. Dimmick said getting back to velocity - they have a velocity regulator that they are putting into this system.

Mr. Dornwood said they are putting in a sediment removal chamber.

Dr. Dimmick asked if that was based on a vortex action.

Mr. Dornwood stated yes.

Mr. Bowman asked what the maintenance schedule was on that.

Mr. Dornwood said he was not sure that was spelled out but typically those should be looked at least twice a year; he said in all likelihood you are going to be cleaning them both times you look at them.

Ms. Simone asked if there was any impact to the layout to the proposed plan how is has the sediment unit and it cuts in at maybe a 90 degree turn underneath the road where it then discharges – would that have any impact on velocity – would that slow water down.

Mr. Dornwood said it does and the time it reaches the outlet it retains a normal flow. He talked about the area being able to handle high flows.

Mr. Bowman said in his opinion this needed to be declared significant.

Motion: To declare the proposed activity significant within the context of the Commission’s regulations specifically section 10.2 b and f.

Moved by Mr. Bowman. Seconded by Ms. Fiordelisi.

Motion approved 4-0-2 with Mr. Kurtz and Dr. Dimmick abstaining.

Mr. Kurtz said he would be recusing himself from further discussion on this project. He stated the reason he was abstaining is the project is getting to personal for him – he said he owns the property there. He said now they are talking about the head wall and he is convinced there is more work than
just replacing the head wall and it has the opportunity to come up in discussion – he said he is not saying he is opposed to the project he is just saying it has changed not just because of the pipe but the head wall of the bridge.

Dr. Dimmick said in his case it’s that the is not really convinced either way that it needs to be deemed significant or not significant – so he is totally on the fence regarding his feeling on this item; he said he felt there was some change from the previous proposal but that there was not enough change to make it necessary to declare it significant.

A public hearing was set for Tuesday, August 3, 2010 at 7:30p.m.

Mr. Noewatne said the town wanted to send in a letter of the public hearing goes well to see if it’s possible to make a determination after the public hearing closes since there is only one meeting in August and the town is anxious to move from on the project; that is if everything looks good they would appreciate a ruling earlier than later.

Dr. Dimmick said it was not unprecedented for the Commission to do this – if all goes well.

Mr. Bowman said they could certainly try to do that. He suggested the town get in touch with the abutting property owners and be sure they have no opposition to what the town is doing and as long as there is no problem there he did not see a problem as to why it could not be taken care of.

Further action on this item was deferred pending the outcome of the public hearing.

3. Notification/Request for Determination
   Town of Cheshire, Public Works Dept.
   Re: Drainage Installation on Peck Lane

George Noewatne, Public Works Operation Manager was present on behalf of the applicant.

Mr. Noewatne said the proposal is to install drainage in a section of Peck Lane from Grandview to more or less to School House Road or the hill just south of School House Road.

Mr. Noewatne said the town had previously brought a conceptual plan forward to the Commission just to repave the road – probably about a year and a half ago – maybe two years ago; he said they had gotten a verbal
approval to repave the road with no drainage just make it essentially look like it does now with new pavement.

Mr. Noewatne said in the course of relooking at things and with the budgeting for capital projects for road building and that sort of thing Mr. Michelangelo felt that given the length of service that the town roads need now in the 15-20 year range they would be better serviced by putting drainage in this section which should prolong the life of the road and keep the water from infiltrating the pavement as badly as it would otherwise.

Mr. Noewatne said there is a series of nine pairs of catch basins proposed for the section between Grandview and School House Road. He said the system will convey water to the existing 30” culvert that is under the middle of Peck Lane in that general area between two wetland areas and deposit it there and is essentially carrying the same amount of water that would otherwise come off the road; it’s not adding any drainage from any other location but its obviously putting it underground and moving it through pipes instead of overland type flow.

Dr. Dimmick said so it will be moving a little faster; the volume won’t change but the rate will.

Mr. Noewatne said yes the rate will change. He said the other issue is there is a section of about 1000’ that will have no curbing so though there will be basins there to catch any drainage there will be no curbing to allow it to just sheet off and infiltrate and keep the velocity to as little as possible or to what is there now.

Mr. Bowman asked if there were any calculations available.

Mr. Noewatne stated Mr. Michelangelo submitted a letter to the Commission stating that essentially nothing has changed as far as the quantity of water and the cross culvert is conveying the same amount as it would otherwise.

Ms. Simone said in addition to Mr. Michelangelo’s letter, Mr. Disbrow did a review of this and he indicates in his review that the submission of drainage calculations are not something he thinks would be necessary for this and he lays out specific reasons as to why.

The Commission reviewed the town map of the proposed project site; there was discussion about the project and the condition of the current road and the current infiltration and post-construction infiltration.
Mr. Noewatne stated there are 9 pairs of catch basins for a total of 18 basins with 15” pipes. He stated the road is not going to be appreciable wider than it is now; he said they are not going to add fill so they are just going to try to keep it in the causeway dimensions they have now.

Mr. Bowman said the reason he brings this up is because of the problem they had on Peck Lane prior when they put the curbs on and they ended up with water on the road.

Dr. Dimmick said in this case the water is higher than the immediate surroundings.

There was discussion about the project, the conveyance of water and the road conditions.

Ms. Simone stated the request submitted was for a request for determination; that was the town submitted could serve as notification of work that was being proposed or if the Commission finds that there is impact in a regulated area and that a permit is required.

Mr. Noewatne stated the 30” culvert that is currently there would not be replaced but it would be cleaned out – he said it actually does flow water.

Motion: To declare the proposed activity de minimus within the context of the regulations and therefore not requiring a wetlands permit; as it is for maintenance purposes only.

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

4. Discussion of the Wetland and Watercourse Regulations Amendments

Ms. Simone explained that this is a request to amend the regulations and this is coming from the Town Attorney; this is regarding permission to conduct work. She said specifically in the past when the town has embarked on projects and they were not able to obtain property owner approval – this is going to be a public project whether they expanding a road or installing a culvert they need to obtain even temporary access on private property – this regulation would allow this Commission to look at those applications without having the other private property owners signature on the application.

Ms. Simone said the way the regulations are written now who ever owns the property – even if its four parcels of property you need all four
signatures of property owners to get to that property; if the Commission does not have that then the Commission has more than ample ground to deny that application; she said the amendment is proposed to be used in the event the town needs to gain access for a public project and they have tried to approach an owner and the owner is now uncooperative; either doesn’t return phone calls, doesn’t pick-up certified mail, keeps saying let me check with my attorney and years and years go by and the town project is then stalled.

Ms. Simone said the amended as proposed would allow the project to move forward.

Dr. Dimmick said so what the town is asking us is for the Commission to set a public hearing to consider this amendment change.

Ms. Simone stated that was correct.

Mr. Bowman said he is going through a little bit of this with the West Main Street Streetscape Project where one of the owner’s will not sign but the town always has the option to even thought a property owner has the right to say no and not sign, the town therefore has the right of emanate domain to either take the property or go to court and get permission to do that.

Mr. Bowman said he would have a hard time with this taking someone’s rights away just because they don’t pick up the mail or they don’t want something like this to be done on their property whether it be a sidewalk or a culvert being installed in their yard. He said he has a problem with that and the town does have other recourse and it would cost the town more do it later but – this is America and he hates to see people’s rights taken away.

The Commission agreed this is something there needs to be a public hearing on.

Ms. Simone said the Town Attorney will be here to discuss just that. She said the town is aware that they can go in and they can just take a property through emanate domain but in a situation where a regulatory Commission has the authority to say yes or no or come up with suggestions for a project the town does not want to find itself in a position of going through that costly and lengthy process to obtain a parcel of property then worst case scenario bring that before the Commission and the Commission says we do not like this plan we want you to move the culvert 10’ to the south – where they don’t have that property – then they have to go right back to the drawing board and try to obtain then that property; she said this is trying to get the town, this Commission as well as other town agencies to work
together to identify where a project is to be located, what impacts it may have and then move forward.

Motion: To accept the application.

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

Motion: To set a public hearing for Tuesday, September 7, 2010 at 7:30 p.m.

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

Further discussion on this item was deferred pending the outcome of the public hearing.

5. Approval of Minutes from the July 6, 2010 Regular Meeting

Motion: To approve the minutes from the July 6, 2010 regular meeting with corrections. Pg. 3 L44 “subject” to “submit”; Pg. 8 L46 add “were” after “revisions”; Pg. 11 L48 “sight” to “site”; Pg. 15 L44 “shows” to “seems.”

Moved by Mr. Bowman. Seconded by Mr. Talbot. Motion approved unanimously by Commission members present.

XIII. ADJOURNMENT

The meeting was adjourned at 8:59 p.m. by consensus of Commission members present.

Respectfully submitted:

Carla Mills, Recording Secretary
Cheshire Inland Wetland and Watercourse Commission