
Member (s) absent: Peter Talbot.

Staff: Suzanne Simone.

I. CALL TO ORDER

The meeting was called to order at 7:55 p.m.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited at the public hearing.

III. ROLL CALL

The roll was called at the public hearing. Members in attendance at the public hearing were still in attendance for the regular meeting.

Members in attendance were Robert de Jongh, Charles Dimmick, Matt Bowman, Kerrie Dunne, Earl Kurtz, and Sheila Fiordelisi.

IV. DETERMINATION OF QUORUM

A quorum was determined at the public hearing.


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

V. COMMUNICATIONS

This communication was reviewed.

2. Letter from Town Attorney Priscilla Mulvaney
   Re: Revised proposed amendment of Section 7.1 of CIWWC Regulations
   This communication was reviewed.

3. Public Works Drainage Maintenance Notification
   Re: Scouring out of rip rap plunge pool at 1130 Pamela Lane
   This communication was reviewed.

4. DEP Request for Information to Milone & MacBroom, Inc.
   Re: Brodach Builders – Richmond Glen LID recommendations
   This communication was reviewed.

5. Bond Release Request by Coppola Construction Co., Inc.
   for IWWC Site Plan App. # 2006-051– 1286 Summit Road
   This communication was reviewed.

6. Wetland Determination Letter to Town of Cheshire Public Works
   Re: Storm Drainage Improvements on Sandbank Road
   This communication was reviewed.

7. Staff Review
   Re: Bond Release Request for Permit # 2006-051
   This communication was reviewed.

8. Staff Review
   Re: Weise Rd. Municipal Rd. Project Permit # 2007-039
   This communication was reviewed.

9. Staff Review
   Re: Public Works Drainage Project #2007-044A
   This communication was reviewed.

10. Municipal Inland Wetland Commissioner’s Training Program 9/23/10
11. Roaring Brook Hike Notification
   This communication was reviewed.

12. Staff Review
    Re: Application #2010-020
    This communication was reviewed.

Handed out at tonight’s meeting were the following communication items:

13. Review by Engineering Department Re: Public Hearing for Issue on Schoolhouse Road
    This communication was reviewed.

    This communication was reviewed.

15. Notice from Regional Water Authority for application under new business; the notice states the activity is not under their jurisdiction.
    This communication was reviewed.

16. Request for Determination Re: 75 Williamsburg Road, Judith S. Meyerjack
    Ms. Simone said if by Commission majority, the Commission could take this item up under new business.
    Motion: To take this item up under new business.
    Moved by Mr. Bowman. Seconded by Dr. Dimmick. Motion approved unanimously by Commission members present.
    This item would be item number 3 under new business.

17. Other – none.

VII. INSPECTION REPORTS

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

2. Staff Inspections

(a) Zentek Farms

Ms. Simone reported that there was a question at the last meeting regarding Zentek Farms – it was brought forward to the Commission as a complaint/inquiry and staff received guidance as to where to look in the minutes and previous applications that there was documentation; a Commission member had requested that a written staff report be conducted.

Ms. Simone stated that they were not able to find anything in writing authorizing the discharge of that area so staff was not able to write a report. She said if the Commission members have a knowledge or history of the activity then...

Mr. Bowman said it is not discharge it’s being pumped out. He said as long as he can ever remember that activity has occurred.

Dr. Dimmick stated it’s a diversion – he said in his recollection is that it came up not relation to a particular application - he said as they had gotten notification from the State needing diversion permits and there was discussion and there were grandfathered exemptions for farming activities – he said at that point it was mentioned that Zentek Farms was one of those that had been doing some; so that was not something that would not have necessarily gone in the minutes back in 1978-1980 or when ever it was.

Ms. Simone said they looked at the minutes from 1974 to 1980 – they looked at the agendas and read the minutes and they were not able to come across anything.

Dr. Dimmick said he thought this was comment in relation to a notice they got from DEP concerning diversion permit requirements.

Ms. Simone stated there was nothing they found in the archives; she said staff is comfortable having a verbal conversation with the person that inquired but as far as putting something in writing as requested – there’s no ability to do that because there’s no documentation that they have been able to come across.

Mr. Bowman asked that staff report back to the Commission with what the complainant’s feelings were.
Mr. Kurtz asked what the basis of the complaint.

Ms. Simone said it was someone who was on the Linear Trail and saw the pumping and called on their cell phone and inquired.

The Commission discussed the cause for the call to staff about the pumping.

Mr. Kurtz asked if there was a regulation regarding the pumping if they had been doing it for 100 years or if they started it last week.

Dr. Dimmick said there is a regulation if they started the pumping last week – you would have to check with the State to see if you needed a diversion permit for any new pumping operation.

Mr. Kurtz said he saw that and the volume is exceeding the requirement.

Ms. Simone said also that it is under the jurisdiction of this Commission that someone, even if it was for agricultural uses if they wanted to divert the flow from a watercourse they would need to come before the Commission.

The Commission discussed pumping operations and when a State diversion permit was needed to conduct such operations; volume pumping requirements of 50,000 gallons or less would come to the Commission for review and a permit; over 50,000 would go to the State for approval.

Chairman de Jongh asked staff to communicate back to the person who filed the complaint/observation and let the Commission know what the conversation was with that person.

(b) Sindall Road

Ms. Simone reported that she received a message from someone who had concern about Sindall Road property, specifically this property owner lives on Cheshire Street and saw that surveying was being conducted in that area and staff informed them that surveying does not require a permit from this Commission.

Mr. Bowman asked if the call came in regarding the filling on that property.
Ms. Simone said the call was not in relation to the filling, the call was in relation to someone conducting a survey on that property and did they need a permit.

(c) Regional Water Authority Activity on Route 10 at East Johnson Avenue

Ms. Simone said that staff received a complaint from someone who saw Regional Water Authority testing water on Route 10 at East Johnson Avenue and they filed a complaint and Public Works was involved in that and was instrumental in going out to the property and speaking with the Regional Water Authority people.

Ms. Simone said the person who filed the complaint left the site immediately.

Mr. Bowman asked if they left their name.

Ms. Simone stated yes – she had a name.

Mr. Bowman asked what their complaint was.

Ms. Simone said the concern was that they were pumping water out of the hydrant, they were testing it and it was going into the catch basin and why were they allowed to do that; and also they were unhappy with the way they were treated by RWA employees.

Mr. Bowman said the only complaint they could have had is what their doing (they are installing new pipe) is that the heavily chlorinated pipe, which is chlorinated to sanitize it needs to be cut before it is put into a catch basin.

Ms. Simone said it was staff’s understanding is that they were flushing and staff’s understanding from RWA is that they put the de-chlorination tablets in there.

Mr. Bowman said there put one tablet in each piece of pipe, the fill it – they call it boiling, it boils the pipe out – it sanitizes it and then they flush that – before they flush that into a catch basin they are suppose to cut that.

Chairman de Jongh said he thought the complaint was not the activity but how the person was treated by the people from RWA and they (the person who complained) expected staff to do something about it.
(d) other – none.

VIII. ENFORCEMENT ACTIONS

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

Ms. Simone said the Commission did receive the notice that they are taking action in starting to address their approval.

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

Chairman de Jongh said as far as he knew this item was still in limbo.

Ms. Simone stated correct.

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

Ms. Simone said the Donatos had indicated in the middle of summer that they were hoping end of summer and in to fall that they would start the mowing and the planting but staff has not heard from them.

Ms. Simone said staff could follow-up if the Commission would like.

Chairman de Jongh asked staff to follow-up because their planting season is going to be short lived at this point; now is the opportune time to plant.

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 they received their approval to plant; staff has not heard anything from them; staff could follow-up with them.

Chairman de Jongh asked staff to let the Commission know what’s going on.
XI. UNFINISHED BUSINESS

1. Permit Modification  APP #2007-044A
   Town of Cheshire DOR 7/20/10
   Schoolhouse Road PH 8/03/10
   Road Drainage/Endwall Reconstruction PH 9/07/10
   PH 9/21/10
   MAD 10/26/10

   Chairman de Jongh stated this item was subject of tonight’s public
   hearing which was continued because of information that staff
   received at a late hour and did not time to really look through it.

   The public hearing on this item was continued to October 5, 2010.

2. Permit Application  APP #2010-020
   Town of Cheshire DOR 7/20/10
   Regulation Amendment Change PH 9/07/10
   Section 7.1(D) and 7.1 (F)2 PH 9/21/10
   MAD 10/26/10

   Chairman de Jongh stated that this item was subject of a public
   hearing tonight and was closed this evening; they will have the
   wording to handle this item at the next meeting.

3. Permit Application  APP #2010-022
   William J. Stanley DOR 9/07/10
   Wildflower Place
   Site Plan – Storage Barn MAD 11/11/10

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 storage barn with
   access from Cook Hill Road.

2. That the applicant stated that there are no proposed direct or indirect
   impacts to the wetlands or watercourses.
3. That the proposed construction activities will not have a significant adverse effect on the adjacent wetlands and watercourses.

4. 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 #2010-022, the permit application of William Stanley for site plan, detached garage construction as presented on the plans entitled:

“Improvement Location Survey
Proposed Detached Garage
Lot 1-Wild Flower Estates
Cook Hill Road & Wild Flower Place
Prepared for William Stanley
Dated August 31, 2010
Scale: 1”=20’
Prepared by Conklin & Soroka, 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, as depicted on the above-referenced site plan. 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 September 21, 2015.

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

4. Permit Application APP #2010-006A
   Saddlebrook, LLC DOR 9/07/10
   Huckins Road
   Modification MAD 11/11/10

Matt Dushay, PE of Milone and MacBroom was present on behalf of the applicant.

Dr. Dimmick said this item was approved way back in the beginning of the year and they made a slight change on the proposal at the last meeting – they made a slight change in what they wanted to do.

Mr. Dushay addressed the Commission. He stated that as Dr. Dimmick made mentioned this application was before the Commission in March 2010 in which case it was approved. The application that was approved in March of this year was for two single family dwelling units on individual lots – on Lot 5 of the Saddlebrook Farms Subdivision.

Mr. Dushay said the reason this application is back is because since that time there was a zoning issue in which case this lot was unable to be divided into two separate lots; so currently there is a zoning application pending that allows for two dwelling units on one lot if
that lot meets all of the dimensional requirements and area requirements as if the houses were on individual lots.

Mr. Dushay said so they have a special permit application pending with the Town to construct two dwellings on this lot.

Mr. Dushay explained that the differences between the plan that was approved in March and the plan that is in front of you today are that the existing barn on the property is still going to remain; there is a small portion that is going to be converted into a patio and the main reason because of that is you need 60’ of separation between the two dwelling units as if they were on their own lot - in this zone it’s a 30’ side setback so you double that and you need 60’ between the dwelling units.

Mr. Dushay said so the area as shown on the plans would be converted into a patio and again the existing barn on the site is going to remain and be refurbished into a dwelling unit; he said right now it’s a roofed storage area (similar to a pole barn).

Mr. Dushay said the second dwelling unit on the lot is what’s changed and has triggered this modification for the most part. The second unit here – the applicant would be requesting site plan approval for that as well because that is real architecture – that’s what the applicant intends on constructing in that location.

Mr. Dushay said the second unit encroaches into the 50’ upland review area and the plan in front of the Commission depicts .14 acres of upland area disturbance; and the main reason for that is if you look at the topography on site it generally slopes – as shown on the rendering from left to right, and in order to account for some of that grade change that unit is going to be laid out as a walk out unit-there is approximately it looks like about 15’ of elevation change across that unit so its laid out as a walk out where as the walk out is going to be on the eastern side of the unit.

Mr. Dushay stated the lot is going to have a rain garden which is centrally located between the two and that rain garden has been designed to mitigate all of the increases in flows for 2 through 100; the over flow from that rain garden is the discharge to the brook in the event that ever occurs.

Mr. Dushay stated that both dwelling units will be served by public water and sanitary sewer the connections for which have been approved as part of the original subdivision.
Mr. Dushay stated there will be an additional WPCA allocation necessary for the additional dwelling unit but beyond that the infrastructure improvements have been approved as part of the previous subdivision.

Dr. Dimmick said he wanted to ask something just to get it straight so he was clear on this – the existing barn is going to be a new home.

Mr. Dushay stated that was correct.

Mr. Dushay said on this lot there is going to be a small structure – it’s a two bay garage which would be constructed to serve that dwelling unit – the existing barn which would be converted into a dwelling unit – he said you could see on the plan there is a garage with a driveway leading down to it.

Mr. Dushay said that he would open it up to questions if any Commission members have any.

Chairman de Jongh asked what kind of protection measures are going to be planned to protect the wetlands from encroachment by the homeowners – not only from the barn which is not going to be a residence but also from the proximity from the turn around in the driveway on the western side – so what’s going to be planned – how are they going to differentiate what can or can’t be used as lawn area.

Mr. Dushay said he would say to this Commission that – you can see the existing tree line and the existing tree line pretty much mimics the delineation of the existing brook. If this Commission felt it was necessary he was sure the applicant would not be adverse to a non-encroachment line or something in that manner and order to ensure that the homeowner knows that additional clearing adjacent to the brook is not to happen.

Mr. Dushay said in terms of S&E control measure – I don’t think you were asking about that – correct.

Chairman de Jongh said no – he said what Mr. Dushay was verbalizing is what he was asking for. He said he for one would want a non-encroachment line to run through that tree line but as they get to that barn area the rear of that barn area – that drops right in to the brook; he asked what they were doing from a safety stand point but from also a standpoint - is there a wall there.
Mr. Dushay said there is a wall there.

Dr. Dimmick asked what shape the masonry wall was in.

Mr. Dushay said the masonry wall that runs along the brook is in pretty good shape so he did not think there were going to be any issues with that.

Mr. Bowman said for a little bit of history – this is a different type of subdivision – the subdivision was done with Planning and Zoning in trying to keep this property as it was and still be able to subdivide it so what they did is they converted one barn to a home already; they are going to convert this barn to another home – so what they are trying to do is keep the property the way it was and instead of having someone go in and subdivide the property and bulldoze everything down and start fresh – they were trying to keep the continuity of the way the property looked.

Dr. Dimmick said he thought this was John’s worries that if things weren’t in good shape at that point – and then do construction right at the edge of the brook.

Chairman de Jongh said obviously they can’t tell what the condition is from the map so he just wanted to make sure the record was clear that there are things that are already in place – integrity which is not in question but he said he thought along the tree line he would certainly like to see the wording state that was going to be a non-encroachment line.

Dr. Dimmick said they might also want to include that other little piece that is within the 100 year flood area.

The Commission looked at the map relative to the tree line and floor area.

Dr. Dimmick said if the dark green line on the map was the tree line then they are alright because the 100 year flood line is within that tree line.

Mr. Dushay stated that was correct.

Chairman de Jongh said again, it generally not the first homeowner the Commission is concerned with relative to the non-encroachment line it’s the one that comes afterward.
Ms. Simone asked the application if the application was for modification as well as site plan.

Mr. Dushay stated yes. He said he thought that would be the most prudent thing to do given that the architecture depicted here is what would be constructed and if the applicant intended to deviate away from that they would come back for a site plan approval but at this point in time he believed it’s the applicant’s intention to construct what is depicted on the plans in front of the Commission.

Ms. Simone said she would check the original approval for the subdivision but then a second fee may apply for this application.

Mr. Dushay stated he understood.

Ms. Simone said this was part of a larger subdivision.

There was discussion about the application coming before the Commission at the last meeting – it was discussed briefly at that meeting.

Motion: To accept the application.

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

Motion: To declare the proposed activity not significant with the context of the Commission’s regulations.

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

Chairman de Jongh asked the recording secretary to provide staff with a written commentary to staff regarding the details discussed regarding this application.

This item was deferred pending staff review and recommendation.

5. Bond Release Request by Coppola Construction Co., Inc
For IWWC Site Plan App. # 2006-051– 1286 Summit Road

Dr. Dimmick said it was his understanding from the memo sent from staff is the one lot that is not developed is the one in which the erosion controls are most significant.
Ms. Simone replied yes to Dr. Dimmick’s comment. She said interestingly enough another staff person was out at the site Friday afternoon and was told on the that within the next week they would be coming forward with a building permit request for lot 2; so development of lot 2 requires that they have erosion control and that they have a bond so to release the bond now...

Mr. Bowman said he thought staff hit it right on the head – he also thought the bond should not be released at all.

Motion:

That the Cheshire Inland Wetlands and Watercourse Commission has considered the request for the release of an erosion control bond by Coppola Construction Co., Inc. and finds the following:

1. That the CIWWC subdivision approval #2006-051 was granted with stipulations for the development of a 3-lot subdivision and rear lot accessway on October 3, 2006. The posting of an erosion control bond was stipulated in the approval. The cost of this bond was based on the amount of required erosion controls indicated in the approved site plan for this application.

2. That Miguel Coppola submitted a letter dated September 7, 2010 indicating that all the work covered under the CIWWC approval #2006-051 was completed.

3. That staff inspection of the property and the documentation for this permit indicates that the work is not complete and that only two of the three lots have been developed. Lot #2 contains the only on site wetlands. Lots #2 is not yet developed. The majority of the bond was calculated for erosion controls on Lot #2.

Therefore the Commission denies the bond release request by Miguel Coppola, Coppola Construction Co., Inc.

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

Chairman de Jongh stated the bond for this item would not be released.
XII. NEW BUSINESS

1. Commission Review/Approval
   Easement Agreements: 175 Wiese Road, 150 Wiese Road & 170 Wiese Rd.

Attorney Pricilla Mulvaney of Murtha Cullina LLP was present.

Dr. Dimmick noted that he went over them – he said he was not sure he understood everything that was said but he did not see any trouble sighs.

Ms. Simone said as part of the approval for that project it required that these easements come before the Commission for the Commission to approve them. The Town Attorney is here if there are any questions.

Mr. Bowman asked if they had all of them.

Attorney Mulvaney said the Commission should have all three of them and they’ve all been recorded and everyone is onboard.

There was brief discussion about a slight change made to one of the easements. Staff said she thought it still covered the same area.

Attorney Mulvaney said that goes back to the whole reason they want to have the ability to file a permit if they have trouble because going into court for condemnation will not help them in this kind of a situation so this is the type of thing if the Town does go ahead and file an application – these are the documentations they will get – those easements that list what the Town is going to be doing and what the owner has to do with the property.

Mr. Bowman asked so before the permit was issued they would need these.

Attorney Mulvaney said the permit would be issued but before they could start work the Commission would get the documentation which is not before them.

Attorney Mulvaney said so like with Weise Road right now – they can’t start any work until they get the easements.

Chairman de Jongh read the motion that follows into the record:

Motion:
Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally approves the property easements, as prescribed in stipulation 3.b of permit grant #2007-039, and presented and shown on the documents entitled:

“Map Showing Easement to be Acquired from Sharon G. Brownridge, 175 Wiese Road, Cheshire, CT, By the Town of Cheshire, Connecticut For the Reconstruction of Wiese Road Culvert Dated June 2009, Scale: 1”=40’

And

“Map Showing Easement to be Acquired from Thomas M. & Phyllis N. Perry, 150 Wiese Road, Cheshire, CT, By the Town of Cheshire, Connecticut For the Reconstruction of Wiese Road Culvert Dated June 2009, Scale: 1”=40’

And

“Map Showing Easement to be Acquired from Joseph F. Jr. & Carolyn Angelicola, 170 Wiese Road, Cheshire, CT, By the Town of Cheshire, Connecticut For the Reconstruction of Wiese Road Culvert Dated June 2009, Scale: 1”=40’

And

“Drainage, Construction, And Maintenance Easement Sharon G. Brownridge Recorded Volume 2365, Pages 001-006”

And

“Drainage, Construction, And Maintenance Easement Thomas M. Perry And Phyllis N. Perry Recorded Volume 2365, Pages 007-012”

And

“Drainage, Construction, And Maintenance Easement Joseph F. Angelicola, Jr. And Carolyn C. Angelicola Recorded Volume 2367, Pages 352-357”

Moved by Mr. Bowman. Seconded by Dr. Dimmick.

Discussion:

Mr. Bowman said he knew they gave conditional approval upon getting these easement, so this is the process that would happen is the Commission would give an approval for something conditional
upon getting the easements – the easements would then come back to the Commission and then they would re-approve.

Dr. Dimmick said it was his understanding is that it would only require staff to go over the easements and once staff is satisfied that what the Commission had requested had been done then staff could...

Ms. Simone said the specific language for this particular application on Weise Road specified that the easements were to come back to the Commission.

Dr. Dimmick said but in the future have staff review would be sufficient.

Chairman de Jongh said it was his understanding is that if they make an approval with a condition and that condition is satisfied that approval is complete and it doesn't need to be revisited.

Attorney Mulvaney stated right – but the work cannot proceed until that condition is satisfied and the easements are in place.

Dr. Dimmick said this is an exception and in this particular one it comes back to us for approval but in the future it would come back to staff and staff would verify that the conditions of the permit have been taken care of.

Mr. Bowman said just from his point of view I he kind of liked the idea of it coming back to the Commission.

Dr. Dimmick said staff could always have the option of having it come back to the Commission.

Chairman de Jongh said they could consider that in the future but they could not do that with the approval they granted the last time.

Chairman de Jongh said this application that was granted with conditions about the easements being in place was the wording on the approval – was there a statement that it was coming back to us.

Ms. Simone stated yes.

Chairman de Jongh said what he is saying that in the future if that wording is not there, there is no reason for it to come back to us.

Ms. Simone stated yes.
Mr. Bowman said he would like to see that wording there.

Chairman de Jongh said that is something they need to keep in mind when they make the approvals.

Dr. Dimmick said the regulation change that they had before them – in a since gives minimal conditions – in other words it still has to be staff reviewed but the Commission could always add if they wanted to on to the approval – it’s a fall back, staff review is automatic so if they wanted to do more they would have to state that.

Chairman de Jongh said absent that language that it comes back to the Commission - it will not come back to us again.

Ms. Simone said the stipulation was that these easements just come back to the Commission for review and approval and that was the only thing that was left on that.

Chairman de Jongh said he though there was some confusion – they are talking about the approval of the easements being received they are not talking about bring an application back to the Commission for re-review and final approval.

Attorney Mulvaney stated that was correct.

Ms. Simone said they already received their approval – this is the only stipulation that requires follow-up action.

Motion approved unanimously by Commission members present.

2. Permit Application
   Permit Application [APP] #2010-023
   Town of Cheshire Public Works [DOR] 9/21/10
   Sandbank Road R.O.W.
   Site Plan – Drainage Improvements [MAD] 11/25/10

Don Nolte, Engineering Technician from the Public Works Department was present on behalf of the applicant.

Mr. Nolte addressed the Commission.

Mr. Nolte said the application they submitted is as discussed two weeks ago at the time of determination and need for the permit application with only some minor layout changes in the location of catch basins; it just under a quarter mile – about 1, 250 LF of
Sandbank Road, west of the Industrial Avenue intersection that the Town is proposing to pulverize, install storm drainage and repave.

Mr. Nolte said the storm drainage system as Mr. Michaelangelo stated will have catch basins – 10 catch basins with 2’ sumps and a flow diffuser, and oil and a grit gross particle separator before it discharges directly into the box culvert – a 5 by 10 box culvert.

Mr. Nolte said in preparing the application he discovered they are in an entitled species area. He said that he filed an application/form for a review from the Natural Diversity Database review from the State of Connecticut; he said he has not heard back yet.

Mr. Nolte said the Regional Water Authority did get back and stated that it is beyond their area of concern – it’s not in a watershed or aquifer area.

Mr. Nolte said he apologized for not have full size plans for the Commission this evening but he did have an 11” by 17” copy for their review. He said he is working with limited computer and printing power right now; which is the reason he only has a small version of the map.

Dr. Dimmick said they do need to know where the wetlands are on the map – he said the map doesn’t seem to show that.

Mr. Nolte said the brook through the box culvert.

Dr. Dimmick said yes – it needs to show that on the map that they use for approval.

Mr. Nolte said he would prepare some more details plans along with a detail sheet; he said he did receive today from Environment 21 – the manufacture of the Unistorm Unit – he said he had details and specifications he can provide to staff for her review; he said it seems like great product for this application; he said he would add the details and notes relative to this product on to the plan sheets.

Chairman de Jongh asked with the reinstallation of the drainage on Sandbank – is there going to be any change at all in the pipes – the flow is everything going to remain exactly the same pre and post construction.

Mr. Bowman stated there are no catch basins on Sandbank Road.
Mr. Nolte said there is no drainage now. He said it’s about 8/10th of an acre of pavement that is going to continue to drain to the same watercourse with some interception of sediments, floatable and oils added.

Mr. Bowman said driving on Sandbank Road he has noticed they have called Call Before You Dig and exactly where they are proposing to put the storm drains in is exactly where the gas main is.

Mr. Nolte said he noted that.

Mr. Bowman asked if any consideration was given to moving the storm drainage across the street.

Mr. Nolte said they are going to do a field survey to locate the edge of pavement and utilities just for that purpose to avoid conflicts.

Mr. Bowman said the conflicts are there – they are exactly in the location the applicant is proposing to put the pipe.

Ms. Simone asked if the Commission would want to see the wetlands as delineated on the wetlands soils map or would the Commission require that someone go in the field.

Dr. Dimmick said it should be in the vicinity of the box culvert.

Ms. Simone asked if the Commission would want historical data or to have them field located.

Mr. Bowman said historical data is fine.

Ms. Simone said ok- she just wanted to verify.

Dr. Dimmick said they have to have something on file to say it’s a wetland application and there are wetlands and where they are.

Mr. Bowman asked if they were going to change the piping the way they have it.

Mr. Nolte said they are going to change the piping they way they have it to avoid conflict with utilizes.

Mr. Bowman said instead of it ending up on the south side its going to end up on the north side.
Mr. Nolte said they have the water main to work around – he said it would be a challenge – he said the gas main is mostly off the shoulder but they will locate them all by survey and work around them.

Motion: To accept the application.

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

Chairman de Jongh said that the declaration of significance or any other consideration be deferred pending the receipt of additional details that Mr. Nolte said he was going to provide.

3. Request for Determination
Re: 75 Williamsburg Road, Judith S. Meyerjack

Bill Meyerjack of 75 Williamsburg Road was present.

Chairman de Jongh read a letter dated September 17, 2010 into the record from Judith Meyerjack; the letter requested that the Commission make a determination as to whether or not the proposed activity to install a 6’ of foundation to extend the existing porch; this is needed due to an issue the property owners had when a large Maple tree was taken down and the root system caused the porch to move; in the letter it stated that the distance from the new extension to the wetlands is 100’ and there is about 30’ to 40’ to the property line.

The Commission reviewed the details of the letter and the map provided.

Mr. Meyerjack addressed the Commission.

Mr. Meyerjack said as stated in the letter he and his wife want to add just 6’ so they can get around the massive root system and repair in a since – he won’t have to repair the concrete foundation of the existing porch.

Mr. Meyerjack said in speaking with the people from the Town there seems to be the possibility that there are wetlands back there; he said he knew there were wetlands on the next property behind his property.

Mr. Meyerjack shared with the Commission a picture of his backyard to show what the site looked like; he said he hoped the Commission
would let them just extend the porch so he can correct the problem they have.

Ms. Simone said the map shows the house in pink and bold line shows the wetland edge so everything from the bold line into the backyard is identified as a wetland soil; the scale on the map is 1” =200’.

The Commission reviewed the location of the Meyerjacks home and wetland edge.

Dr. Dimmick said the map shows an intermittent stream going through the backyard or there was an intermittent stream going through the backyard.

Mr. Meyerjack said years ago when the house was built they just ran an underground pipe so the stream that was there just goes underground over to the brook. The house was built in 1973.

Dr. Dimmick said the soil map is based on the photography from the 1960s – that is when they did the soils in this area; the soils were mapped based on the air photos at that time and that is why this line shows the way it does. He said Mr. Meyerjack still has wetland soils in his backyard but they have become drained because of that pipe – the soils don’t change – they are still wetland soils even if they are no longer wet.

Dr. Dimmick said historically there were mapable wetland and it’s functionally not wetlands.

Chairman de Jongh asked if Mr. Meyerjack had a patio there right now that is buckling because of the root system.

Mr. Meyerjack stated there is a patio there next to the house; he had a picture to share with the Commission of the area.

Chairman de Jongh said then Mr. Meyerjack wants to build a 6’ extension on to that patio.

Mr. Meyerjack said that’s all just so he could get around so he could have a better foundation; he said the Town said he could go down 42” which would still be dry.

Commission members agreed they did not see a problem with the proposal.
Motion: To declare the proposed activity de minimus in terms of the Commission’s regulations and do not require a permit.

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

4. Approval of Minutes from the Public Hearing and Regular Meeting of September 7, 2010

Motion: To approve the minutes from the Public Hearing and Regular Meeting of September 7, 2010 with corrections.

Public Hearing: Pg 2 L 7 add “Director of Public Works” after “Deputy”; pg 3 L 47 change “and” to “in”, L48 “incorporative” to “uncooperative”; pg 4 L27 “delay” not “detail”, L 27 & L 48 “incorporative” to “uncooperative”; pg 6 L 33 “emendate” to “eminent”; pg 7 L 14 “incorporative” to “uncooperative”, L 25 “compromised” to “compromise”, L26 “so” to “to”, L 46 delete “what on”; pg 8 L 6 delete “but they can’t act on it until they get the easement”, L 21 “comprise” to “compromise”, L 38 “filed” not “field”; pg 9 L 9 “compromised” to “compromise”, L10 “stick” to “strict”, L28 “position” not “decision” L 37 change “do” to “do is”, L 39 “decision” to “discussion”; pg 11 L 12 “corporate” to “cooperate”; pg 12 L 13 “compromised” to “compromise”, L 24 “basis” to “bases”, L28 “if” not “it”; pg. 13, L10 “facilitate” not “facilities”, L 25 “it” not “in”.

Regular Meeting: Pg. 1 L 42 “move the deferring” to “defer the approval”; Pg. 4 L 38 “be” at end of line, pg 13 L 5 “barn” not “bar”, L 24 “it” not “is”, L 28 “packet” to “pocket”; pg 15 L 30 “in” to “it”, L 37 “1,200” not “12,000”; Pg. 16 L 46 “if” not “he”; pg 17 L 24 “in” to “it”.

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

XIII. ADJOURNMENT

The meeting was adjourned at 8:45 p.m. by the consensus of Commission members present.

Respectfully submitted:

Carla Mills, Recording Secretary
Cheshire Inland Wetland and Watercourse Commission