Members present: Charles Dimmick, Matt Bowman, Kerrie Dunne, and Earl Kurtz.

Member (s) absent: Robert de Jongh and Sheila Fiordelisi. Peter Talbot is no longer on the Commission due to his appointment on the Board of Education.

Staff: Suzanne Simone.

Dr. Dimmick served as Chairman pro-tem in Robert de Jongh absence.

I. CALL TO ORDER

Dr. Dimmick called the meeting to order at 7:30 p.m.

II. PLEDGE OF ALLEGIANCE

All present recited the pledge of allegiance.

III. ROLL CALL

Ms. Dunne called the roll.

Members in attendance were: Charles Dimmick, Matt Bowman, Kerri Dunne, and Earl Kurtz.

IV. DETERMINATION OF QUORUM

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

V. APPROVAL OF MINUTES – Regular Meeting – October 19, 2010

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

V. COMMUNICATIONS

1. Fall 2010 SWCD Newsletter, Soil and Water, (To be handed out at meeting)
This item was reviewed.

2. Fall 2010 CACIWC Newsletter, The Habitat, Volume 22, Number 3
   (To be handed out at meeting)

   This item was reviewed.

3. Municipal Inland Wetland Commissioners Training Program CD
   Re: Map Reading & Site Review (To be handed out at meeting)

   Ms. Simone said that she would hand out copies of the DVD to each
   Commission member.

4. Project Narrative for Permit # 2010-026, Stream Channel Maintenance

   This item was reviewed. This item is also under new business.

5. Letter to Mr. Edward Ellis, 79 Dundee Drive
   Re: Encroachment Corrective Order

   This item was reviewed. Ms. Simone explained the letter was the
   determination from the show cause hearing as well as the corrective
   order that contains items that were discussed at the last meeting.

VII. INSPECTION REPORTS

1. Written Inspections

   Ms. Simone stated that written inspections were covered under
   communications.

2. Staff Inspections

   Ms. Simone explained that she received a call regarding Harvest
   Court which was discussed at the last meeting; she said it seems as
   though the ATV use there has slowed down. She said she looked
   through the information and will be contacting the property owner
   and asking to go onto the property to see where the ATV area is.

   Dr. Dimmick said as he remembered they inspected it at one time
   and found although it required a wetland crossing to get to it there
   was an area of non-wetland which unfortunately is right up against
   the neighbor's property.

   Ms. Simone said the wetlands were marked in the field at that time.
Dr. Dimmick said he believed they had somehow, again going by memory, where able to work out some way to get a voluntary crossing to get minimal damage to the wetlands; that was the way they left it – two years ago.

Mr. Bowman said or longer (than two years).

VIII. ENFORCEMENT ACTIONS

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

Dr. Dimmick asked staff if they were making some progress.

Ms. Simone said according to the Town Attorney they are making progress and coming up with a settlement. The settlement has not been finalized yet; once it is though then there can be a motion to remove this as a violation.

2. Unauthorized Activities in a Regulated Wetland Area  
Mr. Chris Lambert  
Highland Avenue

Dr. Dimmick asked staff if this item was still dormant.

Ms. Simone stated yes.

Dr. Dimmick asked if there was anymore news about the property changing hands.

Ms. Simone stated no.

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

Dr. Dimmick asked if there was some work they were going to try to get done before cold weather hits.

Ms. Simone explained she went out to the property today and they did do the majority of the planting; where were two species they
were not able to get – Pussy Willow and Weeping Willow, so they will hold off on planting that until the Spring.

Ms. Simone reported the property owner did conduct the mowing which was also permitted in their restoration permit – annual mowing – and they did cut it at approximately 6” to 8” high. She explained they do have the area stabilized and they have the posts up they just need to come in a get the markers.

Dr. Dimmick asked if there were any bare spots that needed mulch for the winter.

Ms. Simone said the soil does not seem to be exposed; the areas that were exposed are seeded and there’s no concern of exposed soil.

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 the Henrys haven’t responded to the mail that was sent to them so she would contact them by phone and email them as well and hopefully have further update by the next meeting.

5. Unauthorized Activities in an Regulated Wetland Area   SC  10/05/10
   Edward and Lisa Ellis
   79 Dundee Drive

   Dr. Dimmick said there was an item under communications regarding this matter; Commission members have a copy of the communication.

Ms. Simone stated that the corrective order was sent to them which gave them the guideline of what they needed to do and the timeframe in which they needed to do it and a summary of that is on page two of the communication listed as items 1-4 including the abandonment of the lawn area and removal of play equipment of the conversation area, installation of non-encroachment markers and removal of all structures from Town property and all of that is to be completed by February 1, 2011.

Ms. Simone said there is also planting of native shrubs in the open area on Town property; they may have to wait until Spring to plant.
Ms. Simone said so this letter covers the Wetland Commission concerns raised at the last meeting as well as the issues with the Town and being on Town property.

Ms. Simone stated she did meet with Mr. Ellis this week and he again stated that he will willing comply with all of this and that he is comfortable with where the markers are placed in the field and that he has, using the map that was provided to him, measured out the area and informed in the letter, staff will be going out there to do an inspection in February to make sure that everything has been complied with as far as the orders are concerned.

Mr. Bowman said that if he (Mr. Ellis) doesn’t get those markers in before frost he is not getting them in February.

Dr. Dimmick said he thought Mr. Ellis might have until about the first week in December before things harden up.

Ms. Simone reported to the Commission that Mr. Ellis made it sound like he was working in installing the markers right now.

Mr. Bowman said maybe having an inspection in April for everything would keep everyone happy.

Ms. Simone said there is still discussion going on with the Town of whether or not he will be allowed to mow on the Town property that he has been mowing.

Dr. Dimmick said the property near the street.

Ms. Simone stated yes – nearest to the street.

XI. UNFINISHED BUSINESS

1. 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

Dr. Dimmick said he believed the Commission received all of the needed information on this item for a permit.

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 installation of 1200 linear feet of storm drainage and road repaving.

2. That the applicant’s agent indicated that the repaving will be located in the existing roadway area.

3. That the applicant’s agent stated that the gross particle separator will be inspected and maintained on an annual basis.

4. 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 #2010-023, the permit application of Town of Cheshire, Public Works Department for site plan approval as presented and shown on the plans entitled:

“Plan & Profile
Proposed Drainage Improvements
Sandbank Road, Cheshire, CT
Prepared for the Town of Cheshire Dept. of Public Works
Dated October 10, 2010
2 sheets Prepared by Town of Cheshire Dept. of Public Works.”

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 commencement of activities covered by this permit grant the applicant shall have the following items both completed by a qualified party and verified as complete by Commission Staff:
   
a) the proper installation of all sediment and erosion controls indicated on the above referenced plans. Staff may insist on additional controls if warranted by field conditions.

4. The sediment basins shall be cleaned out monthly during construction activities and checked quarterly for the first two (2) years and cleaned at least annually for the first two (2) years. The quarterly inspections will determine the long term basin cleaning schedule.

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. This permit shall expire on November 2, 2015.

Moved by Mr. Bowman. Seconded by Mr. Kurtz. Motion approved unanimously by Commission members present.
2. Permit Application APP. #2010-024
   Cornwall Properties, LLC DOR 10/19/10
   Cornwall Avenue
   Site Plan – Parking Lot Expansion MAD 12/23/10

Dr. Dimmick said that staff has provided proposed wording to grant a permit.

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 expansion of parking area and building addition within the delineated upland review area.

2. That the applicant’s soil scientist field located wetland soils off site near the western property boundary. The regulated upland area is located on the subject property along the western boundary.

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

4. That the proposed construction activities will not have a significant adverse effect on the adjacent wetlands and watercourses.

5. 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 #2010-024, the permit application of Cornwall Properties, LLC for site plan approval as presented and shown on the plans entitled:

“Zoning Location Survey & Topographic Survey
Property of Cornwall Properties, LLC
#500 Cornwall Avenue, Cheshire, CT
Dated September 2, 2010
3 Sheets, Scale Varies
Prepared by Juliano Associates, Wallingford, CT.”
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 November 2, 2015.

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

Winstanley Property Management
Knotter Drive
Site Plan – Parking Lot Expansion

APP. #2010-025
DOR 10/19/10
MAD 12/23/10

Dr. Dimmick said we had a question on this one concerning the potential of there being a vernal pool. He said there is further data that has come in.

Ms. Simone reported that copies of that were handed out with tonight’s draft motion.

Ms. Simone stated the letter is from Soil Science and Environmental Service, Inc dated October 20, 2010; in summary they went out and conducted a field observation on October 20, 2010 and looked at potential wetland areas where there were depressions and found that there are not vernal pools in those areas and those soils as well as the depressions themselves could not support vernal pool species.

Dr. Dimmick said so that answers that – he said he though that was the only hanging question as a result that staff as prepared a proposed wording for a permit.

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 the expansion of parking facilities.

2. That the applicant’s soil scientist has certified that vernal pools were not located on the subject property during an October 20, 2010 property inspections.

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

4. That the proposed construction activities will not have a significant adverse effect on the adjacent wetlands and watercourses.
Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2010-025, the permit application of Winstanley Property Management for site plan approval as presented and shown on the plans entitled:

“Site Development Plans for Expanded Parking Facilities
To Serve Alexion Pharmaceuticals
350 Knotter Drive, Cheshire, Connecticut
Dated October 8, 2010
12 Sheets, Scale Varies
Prepared for Winstanley Construction Management, LLC,
Prepared by OCC Group, Inc., Cheshire, CT.”

And

“Stormwater Management Analysis
For Expanded Parking Facilities
To Serve Alexion Pharmaceuticals
350 Knotter Drive, Cheshire, CT.
Compiled October 8, 2010
Prepared by OCC Group, Inc., Cheshire, CT.”

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
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 November 2, 2015.

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

XII. NEW BUSINESS

1. Permit Application
   Town of Cheshire Public Works
   Fawn Drive and Forest Lane
   Site Plan – Stream Channel Maintenance
   APP. #2010-026
   DOR 11/02/10
   MAD 1/06/11

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

Dr. Dimmick said he thought this was a revision of what they had showed the Commission earlier but with more detail and such.

Mr. Nolte addressed the Commission.

Mr. Nolte stated he read the minutes from January of this year when this was review – he said he thought it was a little more extensive in scope at that point – he said he did not think they had the detailed topography to really know what they were dealing with. He said they knew they had a really flat channel but they did not know it was 3/10th between box culvert to box culvert – over 500’ – it’s like dead level.
Mr. Nolte said they have walked the site with the Water Company for work on their property – he said they (the Town) has obtained a special permit – he said that is where most of the sediment is proposed to be removed from the channel where there have been some trees growing in and pushing the velocity to the banks and causing erosion constricting flow near Forest Lane and causing erosion of the bank there and filling in the box culvert so they have lost about 10% of the capacity of the designed pipe – he said while its nice to have gravel in box culverts - now a days – this wasn’t designed for it then so its impeding the flood flows.

Mr. Nolte said there are four to five small areas they are proposing to get in there and bulldoze and excavate out not only from the road crossings – this granular material during a dry period – he said he has been watching it all summer – has been completely dry – now there is water going up from the Mill River is now flowing – he said it is quite a still river – he said he walked through the area and there is like an 1” of water.

Mr. Nolte stated they would not be proposing any work in wet conditions. He said they have staked hay filters, lose hay filters in case there is an issue; he said they are asking to do work during a dry period with a dry five-day forecast – he said it will take no longer than that to accomplish.

Mr. Nolte stated it is about 60 cubic yards of material excavated and then there is the mosquito pool or depression that they would like to use on this material to fill in – he said he submitted some documentation of the many years of complaints to the Health Department.

Mr. Nolte said they just want to create an even grade by doing some minimal filling.

Dr. Dimmick asked if they did any probing or bores.

Mr. Nolte said they did not. He explained that Ken Stevens’s firm did determine it’s an Alluvial soil.

Dr. Dimmick said he realized that but there are places where there are peats and mucks under the sand because when they constructed this in the 1950s they just bulldozed the sand hills over the peats which is why those houses – so many of them had settlement problems.
Dr. Dimmick said what his concern was in January - and he did not think many people understood him – is that because of that there are places where if you dig too deeply you get sideways movement – and that is why he had some concerns.

Mr. Nolte said they could do some augerings out there – he said the only place he would suspect it is in the location where there are organic deposits – the rest in granular and rocky and they are not even changing the grade really – may be they will take it down an 1” or 2”.

Dr. Dimmick said he thought what was shown in January was they were going to go down a 1.5’ in one place – it was just enough to get him a little worried.

Mr. Nolte said this was strictly taking off a surficial delta layer, restoring the original channel, filling in 6” to 10” in the lowest spot.

Mr. Bowman said there is a problem with the homes down there – the homes cracked.

Dr. Dimmick said they did because there is both vertical settlement and horizontal movement when you load sand and gravel on top of peats and mucks – they do weird things and the think is as far as he knew there was no mapping before they bulldozed everything so no one knows just where the peats and mucks were except you have these split level homes that weren’t built that way.

Mr. Bowman said that might have been prior to zoning; he said at one point like they did on Birch Drive – they could have just drew lines on a map and that was a lot; he said this took place in the early 1950s.

There was discussion about heavy machinery being lost in the wet soils.

Mr. Bowman said so you have 48,000 SF - but he was unsure of the calculations.

Mr. Nolte said he could show Mr. Bowman the CAD poly-line on the computer – he said that is the area they are trafficking over – they are only excavating from half of that – less than half of that.

Dr. Dimmick said he looked at the maps – he said it looked like there was somewhat of a reduction in the scope of work when they last saw this in January.
Mr. Nolte said they are not proposing to take a machine into the area in question where there is Carlisle Muck/Saco Silt Loam – he said they ware just going to work from the road.

Dr. Dimmick said Saco Silt Loam saturated has zero strength.

Mr. Nolte said it probably has a two blow count – he said his recommendation was they did not want to mess with that and it was removed from the original proposal.

Mr. Bowman said he thought Mr. Nolte did a great job in giving the Commission all of the information.

Dr. Dimmick said he feels much more comfortable with what he has now then what he saw in January.

The Commission reviewed and commented about the plan details.

Ms. Simone said the Commission has received all of the information needed to accept the application. She explained there are eight property owners that are shown on here – all eight have submitted signed documents – signed applications that were also notarized – authorizing the Town to conduct the work on their property.

Motion: To accept the application.

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

There was discussion about this application being significant within the context of the regulations.

Mr. Bowman said only because its maintenance he would go along with the application not being significant.

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

Moved by Mr. Bowman. Seconded by Mr. Kurtz.

Discussion:

Mr. Bowman said the application would not be significant only because it is for maintenance.
Dr. Dimmick said for maintenance and bringing it back to what was the original gradient when they constructed it.

Motion approved unanimously by Commission members present.

Ms. Simone stated she had no further questions.

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

2. Approval of the minutes from the Regular Meeting – October 19, 2010

Motion: To accept the minutes of the October 19, 2010 Regular Meeting with corrections.

Pg. 4 L5 “said that” to “reviewed the”, L8 “see” to “seed”, L45 add “owner” after “property”; pg. 5 L32; pg. 6 L14-15 delete “is in front; the property line”, L15 “your” to “you’re”; “its amore” to “it is a more”; pg. 8 L9 “you” to “yes”; pg. 8L21&24 add “owner” after “property”; pg. 10L14 “thorough” to “through”; pg. 11L42 “plain” to “plain”; pg. 45 add “do” after “to”; pg. 13L7, L20 “form” to “from”; pg. 13L7 “in” to “is”; pg. 15L35 “there” to “their”; pg. 19L11 “be” after “to”, L36 “tow” to “two”, L46 “not” after “might”; pg. 20L “last” to “least”.

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

XIII. ADJOURNMENT

The meeting was adjourned at 7:55 p.m. by the consensus of Commission members present.

Respectfully submitted:

Carla Mills, Recording Secretary
Cheshire Inland Wetland and Watercourse Commission