

Middlefield Inland Wetlands and
Watercourses Agency
Regular Meeting
March 16, 2011
Minutes
(Not approved at time of filing)

1. Call to order

Darin Overton called the meeting to order at 7:03 p.m. Present are Irene Angiletta-regular, Marianne Corona-regular, Darin Overton-regular, Doug Charles-regular, Jim Brown-regular, and Lee Vito-Inland Wetlands Officer.

Darin Overton stated we have a new member to the Commission to fill the last alternate spot. His name is Rob Poturnicki. Darin Overton seated Robert Poturnicki as regular for this meeting.

Ken Hinsch arrived at 7:09 pm.

2. Agenda (01:47)

A motion was made by Marianne Corona to change item 10 to not only discussion of illicit storm water ordinance but also report to the Board of Selectman. This motion was seconded by Irene Angiletta and approved by all voting members.

Darin Overton stated he was given information today that the Lyman Orchard Golf Club project was possibly moving forward. One of the conditions for that project was that the Commission approve a biologist selected by Lyman Golf Course to review for any endangered species or threatened species prior to construction. He also stated that Attorney Corona was here representing Lyman Farms and he wants to bring forward a biologist for the Commission's approval as stated in condition 7. Darin Overton stated he would like to add this to the agenda.

A motion was made by Marianne Corona to amend the agenda to add review of Lyman Golf Course Condition number 7 under the Wetland approval dated March 5, 2002 be discussed after the public session. It was seconded by Doug Charles and approved by all voting members.

A motion was made by Marianne Corona to approve the agenda as amended. It was seconded by Doug Charles and approved by all voting members.

3. Public Session (06:26)

No one from the public had any comments.

4. Review of Lyman Golf Course Condition number 7 Under the Wetland Approval Dated March 5, 2002. (06:40)

Attorney John Corona stated that item number 7 under the conditions of the Wetland Approval dated March 5, 2002 stated that a qualified wildlife biologist approved by the Middlefield Wetlands Commission shall inspect the site for box turtles and wood turtles and other protected species prior to site construction. Should either species of turtles or other protected species be found a plan of protection and/or relocation of the species shall be presented to the Wetlands Commission for its approval.

Attorney John Corona stated one item of business would be to discuss item B of Condition 7 which is the identity of the biologist the applicant has chosen and obtain the Commission's approval of that individual.

Attorney John Corona stated that the other item of business, item C, is the applicant shall retain a site monitor to review and oversee implementation of the environmental aspects of the project. The Commission has the right to approve/disallow use of said individual after review of his or her credentials. The site monitor shall have the authority to order immediate correction or installation of additional temporary erosion and sedimentation controls and shall provide weekly inspection reports to the applicant and the Commission. Such reports shall at a minimum track progress, site problems, require corrective action and field revisions. The applicant proposes Michael Kline and his firm be allowed to fulfill the needs of item B and C of condition number 7.

Attorney John Corona distributed copies of a letter from Michael Kline's firm and resumes for the members of his firm.

Attorney John Corona informed the Commission that the applicant has posted an erosion and sedimentation bond as required by the approvals for \$82,800.00. He also noted that the hedgerow which was to be removed as part of the application has been removed over the last two days. He also stated there was a March 15, 2010 cutoff for the execution of that particular aspect of the project, so that work has been done. Attorney John Corona stated that they do plan to move ahead very soon to begin the earth moving on the project. He noted that all the approvals are now in place for that to happen. He also stated that they recorded the maps and perfected the form of conservation easement and reviewed it with the Town Attorney. He noted the applicant is prepared to sign it and he is waiting at this moment for the document to come from the mortgage holder on the property so the conservation easement can come with clear title to the property that is to be used by the Conservation Easement. He also stated he hoped that the project will be completed during the growing season this year.

There was concern among the Commission regarding whether someone would be available to be contacted 24/7 regarding this project.

Darin Overton stated that the condition states if any endangered species are found you have to put together a plan for protection and/or relocation and submit

that to the Commission. It doesn't state that once you do field work that you have to submit a report to the Commission. Darin Overton requested that once the field work is done that a report be submitted to the Commission stating whether any endangered species are found or not.

Attorney John Corona stated he did not see any reason why he couldn't do that and also assured the Commission that this would be an ongoing responsibility that he has on the site. He also stated it is not a one time snap shot, as these are mobile animals and they could be there one day and not there the next.

Darin Overton stated that tonight we are here to review the biologists credentials that are presented to us tonight and decide if this person has the appropriate credentials to complete this part of the conditions.

Marianne Corona questioned who the site monitor will answer to.

Attorney John Corona stated he would expect the site monitor to do exactly what the condition says which is to oversee the implementation of the environmental aspects. Attorney John Corona added the site monitor would be involved in the preconstruction and all subsequent meetings and would probably attend all the job meetings that are to be held once a week. Attorney John Corona stated that the site monitor has the right to go anywhere on the property. Attorney John Corona stated the site monitor has to provide weekly reports to the applicant and the Commission which he assumed would be done through Lee Vito.

Attorney John Corona stated that the Environmental Planning Services Group has the advantage of having worked on this application. He also stated that the group knows the property well and has worked on the previous golf course as well as a number of other golf course projects.

Darin Overton stated for the record that he felt the Environmental Planning Services group is qualified for doing the work.

A motion was made by Marianne Corona that the Commission accept Environmental Planning Services to conduct survey and monitoring of section 7B and 7C Lyman application per minutes of March 5, 2002. It was seconded by Irene Angiletta and approved by all voting members.

5. Jim Malcolm, update of violation for filling within 100 feet of a wetland review area and filling of wetlands, 369 Baileyville Road (26:34)

Lee Vito stated that nothing has been done with the weather being as it has been. He also stated he drafted a letter telling him the work must be done by April 30, 2011. Lee Vito stated Mr. Malcolm can present this letter to his contractor as he is having a hard time getting him back to do the work. Lee Vito stated that a deadline of April 30, 2010 was given in his letter as this has been going on since December 2009.

Darin Overton stated he would check with the Town Attorney on this matter as well.

6. Lake Beseck Association, Proposal for Family Fishing Area at South End of Lake Beseck. (31:02)

Darin Overton stated he had conversation with Lee Vito and has looked at the site. He also stated it was his belief that this is a matter of right activity and

would benefit the community as a whole and felt there really isn't much of an issue with this.

Marianne Corona stated there are some issues. The Powder Ridge pipes go there. She also wanted additional information such as how many people will be fishing there, etc.

Amy Poturnicki stated it was a family fishing area.

Darin Overton stated that the intention was to create a separate fishing area away from the beach. He also stated the intent is to clear brush so that there would be a suitable casting area. The area would be about 30 feet of the shoreline and about ten feet back. This is something that would be open to all the residents of Middlefield.

Irene Angiletta felt the north end of the lake would be more suitable for fishing. She also stated the fish spawn in that area and that area should be preserved.

Amy Poturnicki stated there are speeding vehicles at the end of the lake.

Dick Boyton stated that the fish do not spawn in that area.

Darin Overton questioned whether the Board of Selectman had approved this.

Marianne Corona stated that Board of Selectman approved the concept.

Darin Overton stated that this is a matter of right activity and does not require an approval by this Commission.

Marianne Corona stated there are better areas for fishing.

Amy Poturnicki stated they are not clearing a path since the path already exists. She informed them that we are not bringing anything in or taking anything out. It is something that is there if a family wants to go fishing.

Darin Overton stated there is going to be a thirty foot wide area and possibly ten feet back from the shore area.

Dick Boyton explained that all the Lake Beseck Association is asking for is to restore this back to the way it was years ago. There used to be an open area there. This is not something new.

Darin Overton stated that it was brought to Lee Vito. Some emails were being done between him and Lee Vito as to how it fits in our regulations. He stated by the time it was determined that it could be approved by Lee Vito, it was already on the draft agenda and so it is here for the Commission to discuss. Since it has come to the full Commission, it made it simpler. If the Commission determines it is a matter of right, it doesn't matter if the work is being done in the wetlands or a water course because the Commission has the right to determine that. Darin Overton also stated that he went and looked at the area and found it to be reasonable removal of the underbrush and the limbs and no removal of trees in order provide an area open enough to cast a line in. He also stated it is Town property.

Darin Overton stated there is a difference when it is benefiting an individual rather than a Town.

Marianne Corona stated there is not a difference.

Marianne Corona suggested we make it an agent determination since it came before the Commission.

It was stated that fishing is a matter of right but clearing the brush is not.

Amy Poturnicki showed pictures of the area for the proposed family fishing area.

Irene Angiletta stated the north end of the lake is better for fishing.

Rob Poturnicki stated it is not the best area for fishing. He also stated the south end of the lake is where all the bass are.

A motion was made by Marianne Corona that the Lake Beseck Association proposal to establish a family fishing area at the south end of the lake be turned over to the Wetland Agent for approval and monitoring. It was seconded by Ken Hinsch and approved by all voting members.

7. Determine Effective Date for Previously Approved Amendments to the Middlefield Inland Wetlands and Watercourses Regulations Required by CT DEP. (01:08:48)

After discussion it was determined that the effective date for these amendments is April 1, 2011.

A motion was made by Marianne Corona that the effective date for the previously approved Amendments to the Middlefield Inland Wetlands and Watercourses Regulations be April 1, 2011. It was seconded by Irene Angiletta and approved by all voting members.

8. Discussion of watershed drainage Cherry Hill Road (01:10:29)

Marianne Corona stated that she attended the last Coginchaug Study Committee meeting and there are funds available but we have to figure out how to access them. She suggested we continue to keep it on the agenda and look into it further.

9. Discussion of Illicit Storm Water Ordinance (01:12:15)

Lee Vito stated the Health Director has access to the State laboratory and does not charge the Town. He stated if consultants are hired to do the water samples you start running up the costs to the Town.

Marianne Corona stated the Wetland Commission is responsible for the discharge so she suggested we have the Wetland Commission notified every time there is testing.

Darin Overton stated there is no sampling as part of this Illicit Discharge ordinance. This is just establishing a way of fining people or removing illegal discharges.

Darin Overton stated under the NPDS Regulations this Town is an MS4 and part of that is required to do sampling but that is separate from this. As part of that polluted discharge elimination regulation, you are also required to establish this ordinance in order to provide a means of enforcement of separating and eliminating illicit discharges.

Darin Overton stated the Selectmen are the governing body in the Town. They defer the enforcement of this to someone else such as the Health Department.

Darin Overton stated he would provide some sort of a letter or endorsement of what is here and any recommendations that the Commission may have.

10. Wetland Enforcement Officer Report (01:21:08)

Lee Vito stated that the Lyman Golf Course Training Center did remove the hedgerows as stated in the conditions. They removed them March 15, 2011.

Lee Vito stated we received a voucher for the Commissioners training programs for segments 1 and 2 for anyone who is interested in going.

11. Approval of Minutes (01:24:16)

On page 2 the last sentence “**It was mentioned there is a seasonal problem with using it.**” should be deleted.

A motion was made by Marianne Corona to approve the minutes of the March 16, 2011 meeting as amended. This motion was seconded by James Brown and approved by all voting members. Rob Poturnicki abstained.

12. Chairman’s Report (01:31:07)

Darin Overton reported that Rob Poturnicki was appointed to the Commission. Darin Overton thanked him for joining.

Darin Overton reported that he received a letter from the Selectman’s Office regarding the Town’s purchasing policy. A copy of the policy was included with the letter.

Marianne Corona stated she went to the Board of Finance meeting to support Lee Vito. She was surprised at the extensive amount of duties Lee Vito has. She stated it seemed to be received favorably.

13. Miscellaneous (01:35:18)

There were no items.

14. Adjournment (01:35:24)

A motion was made by Marianne Corona to adjourn the meeting. It was seconded by Doug Charles and approved by all voting members.

MIDDLEFIELD INLAND WETLANDS
and
WATERCOURSES AGENCY
405 Main Street
Middlefield, Connecticut 06455

Revised Minutes of the April 13, 2011 Special Meeting

Mr. Overton opened the meeting at 7:04 PM.

Attendance:

Members		Alternates	
X	Angiletta, Irene	A	Poturnicki, Rob
X	Brown, Dr. James	A	Li, Linda
X	Charles, Douglas	X	Weissberg, Howard
X	Corona, Marianne	Others	
X	Hinsch, Kenneth	X	Vito, Lee
X	Overton, Darin		
X	VanderVeer, Daria		

A=Absent

X=Present

Howard Weissberg was seated on the Commission.

Ken Hinsch joined the Commission at 7:06.

Mr. Overton explained that no amendments may be made to the agenda as it is a special meeting. Marianne Corona made a motion, seconded by Irene Angiletta, to approve the agenda. Motion was passed unanimously.

Jessica Rizzi, Request for Land Clearing for Horse Pasture, 105 Peters Lane

Jessica Rizzi appeared before the Commission as the homeowner. Their intention is to clear the land to be able to use it for a pasture. She reviewed the plans with the Commission. The total property is just under 10 acres and zoning in Middlefield allows her to have a nine-stall stable. Jessica trains horses as a profession for international events, but this will not be her place of business.

There are no plans to do any work within the wetlands, though she would like to clear some of the area within the 100' boundary. Lee Vito has visited the property and the area is flagged. Vic Nelson, the gentleman who will be clearing the property, was on the Wetlands Commission in New Milford for 15 years and is very familiar with and passionate about the benefits of wetland areas.

Ms. Rizzi would like to put up an exercise arena, consisting of mostly the soil that is already there with a topsoil of basic sand. Marianne Corona asked Lee Vito about a well that looks to cross the wetland. Jessica Rizzi responded that the piping has been there for about 40 years and they will be working in that area. She does believe that there is a break in one of the joints and they would like to replace whatever is broken. This well actually draws water from the spring. Ms. Corona asked if there will be a need for a well for the stable. Ms. Rizzi responded that she wasn't sure yet if they will split the piping from the current well or whether a new well will have to be dug. Ms. Corona thought that the house had a second well installed at some point that was used for the pool, but Ms. Rizzi does not believe there is a second well.

There was a discussion about the location of the barn and Ms. Rizzi does not expect it to be near the wetlands. At this point, she intends to do the clearing along with the arena at this time. As far as the stable itself, she will go through P&Z for a permit and not be near the wetlands. She would love to be able to build the stable closer to the house for safety if she can, but will stay 100' from the wetland. She also explained that manure would be in a dumpster and removed from the property. Marianne Corona thought that there was a P&Z regulation regarding the manure. Ms. Rizzi explained that they do clean the pastures as well as the stables.

Ms. Rizzi did explain the need for shade on the property with trees throughout the pasture, though quite a few trees will need to be removed. Everywhere that is marked in green on the map is where she plans to cut trees. At this time, she is asking for a permit to go within the review area of the wetland and an application has been filed.

Mr. Overton did review the topography of the property and where the property drains into the wetland. Ms. Rizzi does want to keep the tree line near the fence line for the arena. Mr. Overton did ask if the stable and any other buildings could be sketched on the plan. Ms. Rizzi understands that the Commission needs 14 days before acting on the application and she will come back with the sketches at the May 18 meeting.

Lyman Farm, Inc., Letter to Agent Regarding Relocation of Facility Elements/Possible Agent Delegation and/or Determination

Marianne Corona disqualified herself from issues associated with Lyman Farm. Mr. Overton believed that Ms. Corona should leave the Commission table, but not necessarily leave the room. She did reply that she would be happy to leave the room.

Mr. Overton explained that there was a letter dated April 5 and another dated April 12. There is information in the April 12 letter asking if any Commission members have gathered information outside of the meetings or if anybody feels that they have a conflict or a predetermination with regard to any of this, that that information should be put on the record tonight.

Mr. Overton reports that he does live close to the property on Miller Road and is probably the nearest house to this facility. There has been some question as to whether this would create any conflict of interest. He is not a direct-abutting property owner and therefore feels that where he lives does not effect his rendering any decision on any of the applications. The company that Mr. Overton works for has done work on this project, starting back before he was on the Commission. Subsequently, his company has done work for the Lyman Farm on this application for the State Traffic Commission certification. All of his company's work has been completed, that they are no longer involved in any active work on the project and that he never personally had

any involvement. Mr. Overton did speak with the Commission's attorney and he recommended that this information be put on the record. The attorney did feel that as long as Mr. Overton didn't have any monetary interest and that his company was not currently doing work for Lyman Farm, that there was not necessarily a reason why he would need to recuse himself. Mr. Overton does feel that he can look at this issue independently, but wanted all of the Commission members to be aware of this information.

Mr. Overton re-seated Howard Weissberg to the Commission, with Marianne Corona's leaving.

John Corona represented the Lyman Farm before the Commission, explaining that he is here with three separate and distinct items that he will be covering separately. The letter that was written to Mr. Vito regards the approved plans for the facility. They would like to flip the clubhouse from the current location to the opposite end of the parking lot, move the practice tee to the other end of the parking lot and downsize the parking lot. All of these activities are in non-wetland areas and outside of the 100' review area. Mr. Corona asks that the Commission give the enforcement officer the authority to approve the site plan change. There is actually a reduction in impervious surface as a result of these changes. These changes came about as a result of Lyman Farm looking to downsize the building in part because the original building planned to have a large commercial kitchen and it no longer needs to be there. Budget considerations played a role as well as a change in the aesthetics of the building itself. It also made a lot more sense to have the clubhouse building near the practice tee area so that people weren't crossing the parking lot to get to that facility.

The downsizing of the parking lot is partly occasioned by the fact that they don't plan to have the larger affairs take place at this facility and also partly because of cost. The parking lot would go from 105 to 75 spaces. The clubhouse building will be smaller, but there is now an outdoor, covered patio area.

Reviewing the project, Mr. Corona explained that this is a nine-hole course designed specifically for training. There is a conservation easement of 13 acres which is going under permanent conservation easement to the Town. There is a need for a larger erosion/sedimentation bond of approximately \$82,000 to begin the work which the applicant has already posted. The project has been bid and awarded to Xenelis Construction in conjunction with a specific golf contractor. The hedgerow has already been removed from the property and they are ready to begin moving dirt any day now.

Mr. Corona explained that this is not a request to modify the permit, but more of a site plan change. They have already approach Planning & Zoning about this. Mr. Corona believes this falls under Section 12 of the Wetlands Regulations that says if it's a minimal, de minimis or no effect, that the Commission can defer the issue to the wetlands enforcement officer for his approval.

Mr. Overton explained that both he and Mr. Vito had already met with John Corona and Pat Benjamin regarding this issue and that all of the activity was outside the wetland review area and that this is a net benefit. He also explained that there's really nothing in the regulations that covers de minimis activity. Mr. Corona has spoken to the Commission's attorney, Matt Willis, about the issue and Matt's opinion was either bring it before the full Commission for a decision or ask the Commission to defer it to the wetlands enforcement officer. This will just be recognizing that there is a modification to the plan, not to the permit. Mr. Corona explained that the regulations say that the Commission can authorize Mr. Vito to extend a license to perform the activity that is not located in a wetland or watercourse when the agent finds that the conduct of

such activity would result in no greater than a minimal impact on any wetland or watercourse, provided such agent has completed training and so forth.

Pat Benjamin reviewed the plans with the Commission.

A motion was made by Daria VanderVeer, seconded by Douglas Charles, that the proposed changes, as listed on the plan revision dated 3-18-11, to the application of Lyman Farm for a Golf Instruction Facility do not warrant a modification of the permit. The matter is delegated to the Inland Wetlands Enforcement Officer for compliance. Motion passed unanimously.

Lyman Farm, Inc., Application to Place Wood Posts in Wetlands for Bridge Intermediate Support - West Side of Miller Road

This item was actually talked about after number 7 on the agenda, Lyman Farm, Inc., Application to Conduct Army Corps Required Mitigation Activities, Grading and Planting within 100' of a Wetland, East Side of Miller Road.

Mr. Corona reported that part of the original approval was the crossing of some watercourses and other wet areas with bridges. At the time, the plan was for a clear-span type of bridge. The plan now is that the Applicant would like to be able to drive some wood posts at intermediate points to support the bridges and feels that that would actually reduce the disturbance in wetland areas. No heavy equipment would be brought into a watercourse or wetland to place the posts. The plan involves four bridges.

Pat Benjamin explained that in the original permit, there were a lot of bridges on the site and they were originally proposing bridges similar to what was done on the Gary Player course. There would have been a concrete abutment on either end with three 18" diameter concrete piles on each end of the bridge. That was all included in the disturbance of the wetlands. Now, there's a completely different technique for building the bridges. For example, one bridge running from the third green to the fourth toe is 40'. There is a backhoe that has a boom on it, with a pile driver. They use a 9-inch diameter, pressure-treated wood post and the backhoe grabs it and drives it to the depth that is needed. Another one will be put in 12' over and they reach over and drive that one in. Each disturbance is .4 sq.ft. instead of each end of the bridge which would generally be around 80 to 100 sq.ft. Keeping the equipment in the same spot, they will reach another 10 feet and drive in another two posts and build the bridge. They will then either reach 20' or go around to the other side.

Mr. Benjamin reviewed the plans with the Commission. Another bridge would be 45' and run from the ninth tee onto the ninth fairway. Pat Benjamin also provided pictures for the Commission to see the area. These two bridges reduce the impact on the wetlands from 42 sq.ft. to 5.7 sq.ft. for one bridge and from 42 sq.ft. to 2.6 sq.ft. for another. There will no longer be abutments, but instead they will either build a wood ramp up to it or they will use fill. If they feel there will be some wash, they may drive some 6-inch piles and make a wood wall. The total disturbance would then be 3 sq.ft. as compared to 42 sq.ft. on either end. A third bridge was 90', made up of two sections. It had an impact of approximately 100 sq.ft. and that goes down to 5.7 sq.ft. The only bridge that will not be done this way will be the bridge that will remain with a 30' clear span. Each bridge is 12' wide. In total, this will reduce the impact from the bridges approximately 198.2 sq.ft. Also included in the package Mr. Benjamin gave to the Commission is the detail of what the bridges would look like. The hope would be that these bridges could be constructed in June. In the future, the bridges would be for walking only and maintenance vehicles as the golf course itself will not have golf carts.

Mr. Benjamin will find out exactly how the posts are treated and follow up with Mr. Vito.

Mr. Overton reviewed that this is a new application for the piers and is within wetlands. The Applicant is asking for less impact than what was approved on the original permit. He doesn't believe this would be considered a significant activity and shouldn't require any sort of a public hearing. The issue will be on the agenda for the next regular meeting in May.

Lyman Farm, Inc., Application to Conduct Army Corps Required Mitigation Activities, Grading and Planting within 100' of a Wetland, East Side of Miller Road

Mr. Corona explained that when Lyman Farm received approval from the Wetlands Commission back in 2002, they were also working with the Army Corps of Engineers. Michael Klein, who is present this evening, can answer any questions about that. The outcome of that process was that they provide some wetlands mitigation on the opposite side of Miller Road from where the golf course activity is going to be conducted.

Mr. Corona explained that there is a wetland on the opposite side of Miller Road that the Army Corps of Engineers has asked them to expand and enhance. Pat Benjamin showed a map of the area to the Commission. This activity would involve digging out an area, making sort of a shelf area and expanding the wetlands into that area with plantings. The activity would be done during the dry season and is considered by the Army Corps of Engineers to be compensational. This would be the creation and expansion of a wetland area.

Mr. Corona reviewed section 4.1 of the Middlefield Inland Wetlands and Watercourses Regulations state that "grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to farming operations, and activities conducted by or under the authority of the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control are all permitted uses in inland wetlands as of right." Mr. Corona believes this to be an activity permitted as a matter of right and is under the jurisdiction of the Army Corps, but he wanted Mr. Benjamin to explain it to the Commission. It was also explained that this work is not only required by the Army Corps permit, but is also part and parcel to a 401 water quality certificate which is from the DEP so it would fall within that section of the regulations.

Pat Benjamin reviewed the plan with the Commission. Mike Klein, a soil scientist, further reviewed the plan. Soil testing has been done in the area and it has been determined that by lowering the grade just a few feet, the area can be down to the level where it would be within the range of typical wetland hydrology. The US Fish and Wildlife Service also walked the area and they had asked that the pole-sized red maples that are in the area remain there. There are some mature trees along Miller Road that will also be preserved. Most of the area will be seeded to wet meadow, but reed canary grass requires more aggressive control measures than just digging it up. What is proposed is to use herbicide to control reed canary grass and that was approved for the restoration area on the main part of the property. There is also a line of approximately 250 shrubs along the edge to provide shade. This area will be monitored over a five-year period, as required by the state and federal permit.

Daria VanderVeer clarified that the plan would be to fill in the space between the current wetlands line and the road with more wetlands and Mr. Klein affirmed that that was the case. The property does, in fact, belong

to Lyman Farm. A Commissioner asked about the soil type that will be removed and where the soil will go once removed. It was explained that the soil will go off property, but may possibly stay in Middlefield. Mr. Benjamin explained that the golf course will be completed by the second or third week in August and that this project will be starting at about that time. It was explained that there are no plans to put a silt fence as they want the wetlands to join together. However, if the work is done and it looks like raining is coming right away while the seed is taking, they will put up silt fence.

Mr. Overton has read the section of the regulations and since this is something he's never encountered before, his preference would be to run this issue by the Commission's attorney. Mr. Corona has not yet done that, but would be happy to have the Commission's attorney review the issue. Mr. Corona did explain that there is a certain amount of anxiety for the Applicant when the Army Corps says this is something that you will do and the necessity of applying for a permit suggests that there's a possibility that you could be refused which would make for a very unhappy end result to be caught between two jurisdictions.

Lakeview Commons (Happy Acres), Update, Powder Hill Road

Marianne Corona rejoined the Commission at this time at 8:32 pm as a regular member. Howard Weissberg is now a non-voting alternate.

Lee Vito, the building inspector and the Town Planner all went to meet with the demolition contractors. They are still removing asbestos from the main buildings there, so nothing has been started yet. Mr. Vito does have primary contact information for the persons responsible for erosion controls, etc.

Mr. Corona represents the developer on this project and there was a predemolition meeting, but there will also be a preconstruction meeting before the actual construction starts. Mr. Corona believes there may still be one or two people living in units up there and they have been going through and doing the abatement for asbestos and lead and any other predemolition requirements. What was asked of the building department was, as a particular building is cleared after the abatement, that they be able to do the demolition of that building and so on. The plan was not to go in and demolish everything at once. The site contractor was there during the meeting and did provide information to Mr. Vito, but Mr. Corona expects another true preconstruction meeting before the commencement of construction though he is not clear when that will take place. Mr. Corona does believe that they are hoping to start construction this summer, but there are a lot of different issues that it is dependent upon.

Mr. Overton asked about time frames on the permit as it is a year old already. Mr. Corona had not looked at that for tonight's meeting. Mr. Overton reported that once the work is commenced, the authorized activity must be completed within one year, even though the permit is valid for five years. Previous issues with wetlands on this property have been resolved.

Jim Malcolm, Update on Violation for Filling within 100' of a Wetland Review Area and Filling of Wetlands, 369 Baileyville Road

Mr. Vito reports that he sent a letter to Mr. Malcolm, giving him until April 30th to clear the fill from the wetlands. He also understands that Zoning is also involved and there was a letter put together because of the amount of fill. They are giving him until the first or second week of May.

Marianne Corona reports that she spoke to Mr. Malcolm and he finally made contact with Derita and Derita hopes to be in there this Saturday, though it is supposed to rain all weekend.

Wetlands Enforcement Officer's Report

Mr. Vito has nothing new to report, other than the issues listed above.

Daria Vander Veer asked about the project at Lake Beseck where the silt fencing is still up and has taken quite a beating in the winter. Ms. Corona asked Mr. Vito if he had been to see the fishing area. He reports that he was there a couple of weeks ago.

Approval of Minutes

Mr. Overton read through the minutes and was generally okay with them. Marianne Corona made the following corrections: on page one, to add the word "include" in item 2 after the words "item 10 to." Also on page one, second paragraph in item 2, delete the word "possibly." Irene Angiletta noted that on page two, item 4, the date should be March 15, 2011, not 2010. Marianne added that, on page four, fifth paragraph, should read: Irene Angiletta felt the north end of the lake would be more suitable for fishing. Irene identified herself as a resident of Lake Beseck. She also stated the fish spawn in the south area and that the south area should be preserved. The 12th paragraph of page 4, the word "we" should be changed to "they."

A motion was made by Marianne Corona, seconded by Doug Charles, to approve the minutes from the March 10, 2011 meeting, as amended. Motion was unanimously passed, with Daria VanderVeer abstaining.

Chairman's Report

Mr. Overton reports that he received a copy of the MDC Hazardous Waste schedule. He also got a copy of the legal notice for setting the effective date of the regulations being April 1. The minor changes that were made this year are now in force. As part of that, the Commission also received a letter from the DEP thanking the Commission for setting up the regulations, but that they were not going to review them due to resource restrictions. The DEP has forwarded copies of many letters with this package and is available for answering any questions.

Mr. Vito reports that he has received one application for a building addition at Lake Beseck that will be within 100' of the lake. Mr. Overton suggests that the Commission meet next week, as scheduled.

Ms. Corona asked about if Happy Acres has gotten permission from the Building Inspector to go ahead. Mr. Vito reports that no permission has been given as of yet. No permits can be issued until all the asbestos and lead paint have been removed. Ms. Corona asked that they be kept on the agenda every month so that the Commission gets constant reports. Mr. Overton suggested that it be included under Wetlands Enforcement Officer's Report instead of as a separate agenda item. Ms. Corona also suggested that Independent Day School be contacted so that the Commission can arrange a site visit.

Adjournment.

The meeting was adjourned at 9:00 pm with a motion by James Brown, seconded by Ken Hirsch. Motion was unanimously passed.

Respectfully submitted,

Debi Waz

Debi Waz
Alwaz First

MIDDLEFIELD INLAND WETLANDS
and
WATERCOURSES AGENCY
405 Main Street
Middlefield, Connecticut 06455

Revised Minutes of the May 18, 2011 Regular Meeting

Mr. Overton opened the meeting at 7:30 PM.

Attendance:

Members

Alternates

X	Angiletta, Irene	X	Poturnicki, Rob
A	Brown, Dr. James	X	Li, Linda
X	Charles, Douglas		
X	Corona, Marianne	Others	
A	Hinsch, Kenneth	X	Vito, Lee
X	Overton, Darin		
A	VanderVeer, Daria		
A	Weisberg, Howard		

A=Absent

X=Present

Both alternates were seated and there was a quorum.

Marianne Corona asked that members of the Commission identify themselves when they speak for purposes of the minutes.

A motion was made by Doug Charles, seconded by Marianne Corona, to approve the agenda of the May 18, 2011 agenda, as presented. Motion was passed unanimously.

Public Session

Ellen Waff of Laurel Brook Road had an interest in the IDS plans and requested the opportunity to address them when they come back in the meeting. Mr. Overton explained that that could be handled under the appropriate item number on the agenda.

Mary Ann Mocci, Proposed Activity within 100' of a Wetland for the Addition to the House and Site Improvements, 38 Lake Shore Drive

Mr. Overton explained that the Commission had received revised plans at the last meeting and that the Commission had some concerns relayed to the Applicant and their representatives. Revised plans did come in a week prior, as requested and they are here for review.

Michael Early from Jones Engineering, on behalf of Mary Ann Mocci, addressed the Commission. He was accompanied by Bob Mocci. This application is for proposed additions to their home at 38 Lake Shore Drive. At the meeting last month, they discussed that the Moccis would like to build an addition on the front and rear portions of their home and install a patio off the addition in the rear, a sidewalk and a suitable parking area in the front portion of the house. At the conclusion of the last meeting, they had agreed to take a silt fence which was located along the wall by the dock and move it in toward the proposed construction in order to alleviate some of the disturbance going on in the backyard. It was moved up approximately 12 feet. The hay bales are now about 20 feet off the proposed addition, leaving an area of grass behind the silt fence that will not be disturbed.

The second question that was asked was to put a table on the revised plans showing the areas of the proposed additions on the front and back of the house, as well as the sidewalks, what exists as far as impervious coverage goes and what was proposed. In the areas of the additions, there is a light-colored dashed line in the front of the house and at the rear of the house. These lighter dashed lines reflect the coverage that's there now. In the front, the line represents the front porch and the overhang. In the rear, the dashed line represents the deck and patio that are behind the house. The addition off the rear portion of the house will not take up much more area than what's already there. The patio will not extend that much further than the current deck/patio that exists. The addition in the front will be adding 70' of additional coverage. With regard to the sidewalks, there is a sidewalk that comes off the driveway and serves the front door of the house and goes around to the patio in the back. The proposed sidewalks do add more coverage because they're longer and a bit wider than what's there now. The proposed parking area was originally proposed to be concrete pavers, but the Applicant has agreed to investigate a pervious type of paver material. This adds approximately 560 sq.ft. of coverage to the site.

Ms. Corona questioned the actual location of the lake as compared to what the map shows and remarked that the land under the lake belongs to the State of Connecticut. She was puzzled as how they could claim that as part of the coverage. Mr. Early explained that he was not claiming it was part of the coverage. Ms. Corona explained she may have used the wrong language and what she didn't understand was how they didn't have the real level of the lake on the plan. Mr. Early explained that, at the time of the survey which was done on March 15, that was the level of the lake. Mr. Early did explain that if the water was pushed back closer to the wall and underneath the dock, it would extend the 100' review area past where the addition to the front of the house is going.

Irene Angiletta, who had missed the last meeting, asked for some clarification on the plans. The proposed plans were reviewed.

Ms. Li asked what the deck would be made of and it was explained that the would be wooden decks. There will be an impervious roof over the deck in front. Mr. Early explained that they are proposing interlocking pavers in back.

Ms. Corona asked if the 949 sq.ft. was an increase over the existing square footage. Mr. Early explained that that was correct, with 460 of it being the proposed parking area in the front of the house. They did find a plan from 1991 for the addition that is off the front of the house and a small addition off the rear of the house which shows the driveway coming all the way around behind the house, approximately where the silt fence area is with a large, paved turnaround area behind the house which is no longer there. Mr. Early handed out copies of the plan from 1991, showing the house in its current state including the 660 sq.ft. of driveway which has been removed. His point is that if the proposed plan were approved with a permeable surface in the parking area, the net increase as far as run-off is insignificant when compared to the 1991 approval.

Ms. Li asked for a point of clarification about the septic system. Mr. Early explained that the house was on a shared sewer pump with the house to the south. There would be no need for a septic system. Ms. Corona commented that she thought that they had to prove that there was a reserve area on the lot as a health code requirement for the additional building space. Mr. Early agreed that that was a state requirement. The well is approximately 2' off the extension of the existing house and is on the plan.

In response to a concern from Ms. Angiletta, Mr. Mocci did explain that the trees in the front of the house will be removed, but they will plant something else in the area.

There will be a weeping drain behind the retaining wall, but that is above the existing grade where the well is located though it is within 25'. There are other ways to relieve the water behind the retaining wall if the drain is a problem with the well. The top of the retaining wall will be about 3-1/2 feet higher than the grade and less on either side. The existing driveway will remain unchanged. There will end up being three parking spaces for this year-round residence.

Mr. Mocci explained that the existing deck on the first floor is purely architectural, with no access. The new deck is proposed to be 15'. Currently existing is a 15' ground level deck which will not be changed. He reviewed the plans with the Commission.

Ms. Corona asked about the lot size being .15 acres for the entire lot and whether that was measured to the edge of the water. Mr. Early explained that that was measured to a tie line in the back portion of the lot and would probably go to the mean water line. Ms. Corona's concern is more and more density per lot as you go around the lake.

Mr. Overton thanked the Applicant for submitting the history of the lot and stated that they appreciate their efforts to provide impervious pavers and keeping the silt fence back.

A motion was made by Darin Overton, seconded by Doug Charles, that the activity, as presented, does not represent a significant activity per section 2.1 of the Middlefield Inland Wetlands and Watercourses Regulation. Motion passed unanimously, with Irene Angiletta abstaining.

A motion was made by Darin Overton, seconded by Doug Charles, to that the Middlefield Inland Wetlands and Watercourses Agency, having considered the factors pursuant to Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Middlefield, Commissioners' knowledge of the area, and after review of written information and public testimony provided by the Applicant on this application finds the follows: (1) that the activity is associated with work to be conducted within 100' of Lake Bedeck for an addition to an existing single-family home; and (2) that the proposed activity will not have a significant adverse effect on the inland wetlands and watercourses as presented, provided all permit conditions are adhered to. Therefore, the Agency grants, with conditions, approval of the MIWWA Permit Application of Mary Ann Mocci for property located at 38 Lake Shore Drive, for construction activity associated with an addition to an existing single family home as presented and shown on plans entitled (two plans referenced, as revised on 5/9/11) with the following conditions: (1) That all activities have appropriate sediment erosion controls in place in accordance with the 2002 DEP Erosion and Sediment Control Guidelines to prevent sedimentation of downstream wetlands and watercourses. In particular, any dewatering activities associated with excavation on site have appropriate sediment containment to minimize discoloration of receiving waters; (2) 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; and (3) that the Middlefield Wetlands Enforcement Officer be notified prior the proposed start date of construction to verify that appropriate sediment erosion controls are in place when construction begins. Motion was passed unanimously, with Irene Angiletta abstaining.

Jessica Rizzi, Request for Land Clearing for Horse Pasture, 105 Peters Lane

Jessica Rizzi had submitted a sketch of the property and work to be done, based on the Commission's site walk. Mr. Overton reviewed the proposal with Ms. Rizzi. She did explain that the location of the barn does need a 100' setback from the neighbor, but the distance from the wetland will remain the same. Ms. Rizzi also had copies of the construction sequence for the Commission.

Ms. Corona had a big concern about how many trees were being removed from the site as it is a watershed that leads to a point where there has been a flooding problem. The clearing area will be just shy of seven acres. Ms. Rizzi explained that a lot of the large trees will remain for shade and canopy. She did explain that they are currently wrapping tape around which trees will be taken down, but it's hard to determine exactly which trees will be removed until the smaller brush is cleared out. Ms. Corona asked if there was some way to keep a 50' buffer from the wetlands and Ms. Rizzi explained that part of it does have a 50' buffer. Mr. Vito has looked at the property and asked Ms. Rizzi what she plans to do with the horses where the property drops off. She will bring fill in and build retaining walls. The wall will be 20' from the wetland, as per the site walk. She did explain that in areas, it is closer to 50' from the wetland.

Ms. Corona asked who will be removing the stumps. Ms. Rizzi explained that most of the trees being removed are smaller trees and the work will all be done by the same gentleman. Ms. Rizzi did explain that she fixed the pipe that was a problem on the property.

Ms. Rizzi explained that the manure dumpster sits in a concrete container and will be hauled away by truck. Mr. Overton confirmed that Zoning had said they would allow up to nine horses on the property. Mr. Overton also agreed with Ms. Corona that it would be nice to have larger buffers, but also realizes that it is the management of the project that is most important. He does believe that Ms. Rizzi will maintain the area well

for the livelihood of her horses. Ms. Corona asked Ms. Rizzi to please try to stay as far away from the wetlands as possible. She offered that Ms. Rizzi can all Lee Vito for any advice.

A motion was made by Marianne Corona, seconded by Rob Poturnicki, that the activity, as presented, does not represent a significant activity per section 2.1 of the Middlefield Inland Wetlands and Watercourses Regulation. Motion passed unanimously.

A motion was made by Doug Charles, seconded by Irene Angiletta, that the Middlefield Inland Wetlands and Watercourses Agency having considered the factors pursuant to Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Middlefield, Commissioners' knowledge of the area, and after review of written information and public testimony provided by the Applicant on this application finds the following: (1) That the activity is associated with work to be conducted within 100' of the delineated inland wetland for clearing and land grading to create a riding rink, pasture and stable for personal recreational keeping of up to nine horses; (2) that minimal grading is required to establish the pasture area and permanent vegetative cover is to be established and maintained in the pasture once the trees are cleared; (3) that the riding rink shall be maintained with a sand surface that will be graded at a gentle slope to prevent erosion. The low side of the rink will be supported by a retaining wall that will extend above grade and serve as containment for the sand. The riding rink will also be constructed with proper underdrainage designed to keep the rink in a dry, useable condition; (4) that a field walk of the subject property was conducted by the Inland Wetlands Agency on May 7, 2011; (5) that manure will be stored in a proper containment area on site and will be removed from the site periodically as necessary to avoid nuisances; and (6) that the proposed activity will not have a significant adverse effect on the inland wetlands and watercourses as presented provided all permit conditions are adhered to. The construction sequence will be attached to the motion.

Therefore, the Agency grants, with conditions, approval of the MIWWA Permit Application of Jessica Rizzi for property located at 105 Peters Lane, for land clearing activity for a horse pasture as presented and shown on plans provided with the application with the following conditions: (1) all activities shall have appropriate sediment and erosion controls in place in accordance with the 2002 DEP Erosion and Sediment Control Guidelines to prevent sedimentation of downstream wetlands and watercourses. In particular, any dewatering activities associated with excavation on site have appropriate sediment containment to minimize discoloration of receiving waters; (2) all maintenance and refueling of equipment and vehicles shall be performed as far as practical from all wetlands and watercourses, at least 100' if possible; (3) the Middlefield Wetlands Enforcement Officer be notified prior the proposed start date of construction to verify that appropriate sediment erosion controls are in place when construction begins; (4) appropriate storm water management controls shall be provided to mitigate any increases in runoff caused by the proposed activity that may have an adverse effect on adjacent properties. Proper controls shall be implemented and maintained to prevent soil erosion; (5) manure generated on site shall be properly managed in accordance with current best management practices (Ex., Penn State, College of Agricultural Sciences, Cooperative Extension, Horse Stable Manure Management document); and (6) Applicant shall investigate the need for CT DEP permits for construction activities. Motion was passed unanimously.

Janet Sisson, Independent Day School, Proposed Activity within 100' of a Wetland for a Cross Country/Nature Trail, 115 Laurel Brook Road

Janet Sisson, athletic director at the Independent Day School, addressed the Commission. She had previously applied, but it was approximately four months ago when there was a lot of snow. Maps, etc. had been submitted at that time. She is reapplying now. This is a proposed half-mile nature trail which will be used for educational purposes, hopefully cross country, science, art, etc. There will be nothing built on it. The entire trail will be on school property with the exception of a small part, which she has already gained permission from the City of Middletown to use.

With the prior application, the process had gotten to the point where the Commission was going to come out for a site visit. Ellen Waff, the next door neighbor, did say that the plans would probably be much easier imagined once the Commission has done a site visit. Ms. Waff described the area and some of its history. At the present time, the area is very wet. Ms. Sisson is looking to the Commission for not only approval, but advice on doing the project in the proper way. The Commission will do a site walk on Saturday, May 28, 2011 at 8:00 AM at the Independent Day School on Laurel Brook Road.

Lyman Farm, Inc., Application to Place Wood Posts in Wetlands for Bridge Intermediate Support - West Side of Miller Road and Route #147

Marianne Corona recused herself from issues associated with Lyman Farm.

Mr. Overton apologized to Attorney Corona for these items being so far down on the list when they have already been before the Commission. He explained that it was oversight.

John Corona stated that since there was a pretty complete presentation made at the previous meeting, he wasn't planning to add anything unless there were questions. Mr. Klein, the soil scientist, and Mr. Benjamin, the engineer, were both present to answer any questions.

A motion was made by Darin Overton, seconded by Irene Angiletta, that the activity, as presented, does not represent a significant impact as defined in section 2.1 of the Middlefield Inland Wetlands and Watercourses Regulation. Motion passed unanimously.

A motion was made by Linda Li, seconded by Irene Angiletta, that the Middlefield Inland Wetlands and Watercourses Agency having considered the factors pursuant to Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Middlefield, Commissioners' knowledge of the area, and after review of written information and public testimony provided by the Applicant on this application finds the following: (1) That the activity is associated with work to be conducted in delineated inland wetlands and within 100' of delineated inland wetland for construction of four timber bridge crossings that were previously permitted as part of the proposed 9-hole golf course located on the west side of Route 147 and Miller Road; (2) that the proposed modification of the bridge construction methods to use 9" diameter wood posts as intermediate supports will reduce previously permitted wetland disturbance by approximately 200 square feet; (3) that equipment used to install the wood posts will be operated either on the cart path or the bridge structure and does not have to enter the wetlands to conduct the proposed work; and (4) that the proposed activity will not have a significant adverse effect on the inland wetlands and watercourses as presented, provided all permit conditions are adhered to.

Therefore, the Agency grants, with conditions, approval of the MIWWA Permit Application of Lyman Farm, Inc. for property located on the east side of Route 147 and west side of Miller Road, for installation of wood posts as intermediate bridge supports as presented and shown on plans provided with the application with the following conditions: (1) all activities shall have appropriate sediment and erosion controls in place in accordance with the 2002 DEP Erosion and Sediment Control Guidelines to prevent sedimentation of downstream wetlands and watercourses. In particular, any dewatering activities associated with excavation on site have appropriate sediment containment to minimize discoloration of receiving waters; and (2) all maintenance and refueling of equipment and vehicles shall be performed as far as practical from all wetlands and watercourses, at least 100' if possible. Motion was passed unanimously.

Lyman Farm, Inc., Application to Conduct Army Corps Required Mitigation Activities, Grading and Planting within 100' of a Wetland, East Side of Miller Road

John Corona again was available for any questions the Commission may have.

A motion was made by Doug Charles, seconded by Rob Poturnicki, that the Middlefield Inland Wetlands and Watercourses Agency having considered the factors pursuant to Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Middlefield, Commissioners' knowledge of the area, and after review of written information and public testimony provided by the Applicant on this application finds the following: (1) That the activity is associated with work to be conducted within 100' of delineated inland wetland on the east side of Miller Road for construction of created wetlands that serve to expand the existing wetlands on site and provide for mitigation of wetland disturbance associated with the proposed golf course on the west side of Miller Road; (2) that the proposed mitigation is required as part of the state and federal permits associated with the golf course project; (3) that the proposed activity will not have a significant adverse effect on the inland wetlands and watercourses as presented, provided all permit conditions are adhered to.

Therefore, the Agency grants, with conditions, approval of the MIWWA Permit Application of Lyman Farm, Inc. for property located on the east side of Miller Road, for required wetland mitigation activities as presented and shown on plans provided with the application prepared by Environmental Planning Services with the following conditions: (1) all activities shall have appropriate sediment and erosion controls in place in accordance with the 2002 DEP Erosion and Sediment Control Guidelines to prevent sedimentation of downstream wetlands and watercourses. In particular, any dewatering activities associated with excavation on site have appropriate sediment containment to minimize discoloration of receiving waters; (2) all maintenance and refueling of equipment and vehicles shall be performed as far as practical from all wetlands and watercourses, at least 100' if possible; and (3) the Middlefield Wetlands Enforcement Officer shall be notified prior to the proposed start date of construction to verify that appropriate sediment and erosion controls are in place when construction begins. Motion was passed unanimously.

Marianne Corona rejoined the Commission at 8:26 PM.

Discussion of Watershed Drainage, Cherry Hill Road

No updates were reported.

Wetlands Enforcement Officer's Report.

Lee Vito reports no further activity at Lakeview Commons. They are still working on lead and asbestos abatement. Mr. Vito is not aware of any time frame.

Mr. Vito has two erosion control reports from Lyman Golf Course and has walked the area. There were only minor deficiencies and everything seems to be going smoothly. Mr. Corona reports that there are weekly construction meetings and there have been no erosion issues that he is aware of, even with the heavy rain. The Commission did receive an application from Durham Inland Wetlands for a 40' pit scale to be added behind the compactor at the transfer station. Pat Benjamin explained that there will be no activity in the wetlands. The site plan shows an extra lane of traffic and was reviewed with the Commission for information purposes as all of the activity is occurring in Durham. If there were any issues, this Commission could write a letter to the Durham Inland Wetlands Commission to ask them to address the concerns.

As for the Malcolm property at 369 Baileyville Road, Mr. Vito reports that there has been no further activity. Jim Malcolm was also in attendance at the meeting and reports that he has done absolutely everything he can do to get the fill out of the wetlands. There is maybe another 10 feet or so that he wants to move, though this has come at great expense to him and he is financially ruined. The weather has not been helpful, but there is still some grooming work left to do. Mr. Malcolm does plan to go to Small Claims Court and hopes to recoup \$3,000 to finish the project. Mr. Vito explained that there's maybe another 10 or 20 feet to pull back, but he is out of the wetlands and is probably 60 feet from the wetland. Mr. Malcolm would like to pull it out and berm it off to be totally out of the wetland area, but just can't afford to do it at this time. Ms. Corona asked if the wetlands would restore themselves if the rest were left. Mr. Vito explained that it is more of a safety issue at this point with the driveway.

Mr. Overton explained that the point was never to put a burden or financial hardship on Mr. Malcolm, but in fact the primary focus was to get the material out of the wetlands. Originally, millings were supposed to be brought to the property to repair the driveway, but millings never did arrive. However, the other material continued to be dropped on the property and ended up being far more than he expected. He had contacted Derita Construction to come and get the material, but the company never came back for it. The company did bring an excavator out, but never used it.

Darin Overton agreed that this Commission can come to a conclusion if all of the material is out of the wetlands. Mr. Malcolm did admit that there is still debris and remnants and is not completely cleaned up. He'd like to keep the issue open and make sure he does what's right. The Commission would like Mr. Malcolm to wait until dry weather, to continue to work with Lee Vito and do the best he can. It was suggested that this item be removed from the agenda and that Mr. Malcolm continue to work with Lee Vito. Mr. Overton and Mr. Vito are both willing to come to the property to come to a conclusion on this matter. Mr. Malcolm expressed his appreciation to the Commission.

Approval of Minutes

The minutes were not available from the special meeting held on April 13, 2011. A motion was made by Marianne Corona, seconded by Rob Poturnicki, to approve the minutes from the April 20, 2011 meeting. Motion was unanimously passed, with Linda Li and Irene Angiletta abstaining.

Chairman's Report

Mr. Overton reports that he hasn't received anything in the mail. There is a copy of the Habitat for Spring 2011. Ms. Corona reported on a free Invasive Plant and Habitat Improvement workshop being held by DEP in Burlington.

Adjournment.

The meeting was adjourned at 9:12 PM with a motion by Doug Charles, seconded by Linda Li.

Respectfully submitted,

Debi Waz

Debi Waz
Alwaz First

**MIDDLEFIELD INLAND WETLANDS
and
WATERCOURSES AGENCY
405 Main Street
Middlefield, Connecticut 06455**

Revised Minutes of the June 15, 2011 Meeting

Marianne Corona, Vice Chairman, called the meeting to order at 7:07 PM.

Attendance:

Members		Alternates	
X	Angiletta, Irene	A	Poturnicki, Rob
X	Brown, Dr. James	A	Li, Linda
A	Charles, Douglas	A	Weissberg, Howard
X	Corona, Marianne	Others	
X	Hinsch, Kenneth	X	Vito, Lee
X	Overton, Darin		
X	VanderVeer, Daria		

A=Absent

X=Present

Ms. Corona noted that Mr. Overton will be late, but that four is a quorum and there is a quorum this evening.

Jim Brown made a motion, seconded by Irene Angiletta, to approve the agenda. Motion was passed unanimously.

Public Session

Ellen Waff, of 113 Laurel Brook Road, asked that she have the opportunity to speak when IDS speaks.

Janet Sisson, Independent Day School, Proposed Activity within 100' of a Wetland for a Cross Country/Nature Trail, 115 Laurel Brook Road

Janet Sisson, athletic director at Independent Day School, addressed the Commission, reporting that they had a great site walk a couple of weeks ago and that Lee Vito has walked the proposed trail as well. One of the points that Darin Overton had asked after the walk was concerning soil types and potentially flagging the wetlands. Ms. Sisson referred to the Yale School of Forestry and Environmental Studies land use survey done on June 1, 1995 (which was submitted into the record). On pages 2 and 3, it lists the types of soil types that were found. On map 3, they actually also put into place around the pond the soils that were found at that

time in 1995, exactly where the proposed trail is going to be located. There was nothing found at that time as far as wetlands soil types.

Marianne Corona noted that they did not map the wetlands on this survey. Ms. Sisson believes that pretty much the whole area is flagged as wetlands. Ms. Sisson asked Attorney John Corona to confirm and he explained that the soil types on the map did not look like wetlands soil. She had ordered a map a few months ago and other than the pond, from the map she got there was nothing actually marked as wetlands. She passed that map around as well, explaining that the yellow is the proposed trail.

Ellen Waff explained that she also went on the site walk and it was extremely wet. Mr. Overton had asked if it was possible to move the trail because he said it was a Aclassic side hill wetland.@ It is not marked, but it's possible things have changed over time to make it wetter. Ms. Sisson explained that they were trying to take the path of least resistance and if they have to move the trail 10 feet one way, 20 feet the other, they can certainly do that.

Doug Charles had also gone on the site walk and if anyone had questions to ask of a board member, he would be the one to speak with.

Before the meeting, Ms. Corona spoke to Ms. Sisson and suggested she call Eric Hammerling at Connecticut Forest and Park and suggested that Lee Vito get involved in that conversation and have him walk the trail and suggested that he might have some staff that could be of assistance. Ms. Corona explained that Eric Hammerling may not be able to help with the wetlands, but he is certainly a trail person and might be able to suggest some alternatives that would be easier, particularly in the Spring.

A Commission member did state that there were some soils listed that were identified as wetlands soils. Ms. Sisson noted that the proposed trail doesn't seem to be in that area. Commission members discussed the map with Ms. Sisson and the fact that the map is very general. Ms. Sisson reviewed the location of the trail with the Commission. Ms. Sisson explained that the map was created with the help of Marty Smith, but she wasn't aware of if he had someone professionally do it.

Ms. Corona asked about another trail that went south along the back side of the school and if it still exists. Ms. Sisson replied that, yes, the trail does still exist down by the soccer field. Nothing has been maintained in the area. Attorney Corona explained that the school no longer owns most of the property where the a lot of the trail was.

Janet Sisson is trying to figure out what her next step should be at this point so that the Commission sees what they need to see. Ms. Corona explained that one of the big problems is the maintenance of the trail once it is created. Ms. Sisson explained that the trail would be used for educational purposes, hiking, jogging, etc.

Ms. Sisson explained the area where Darin Overton had most of his concern which is where there are two streams. Ms. Corona asked Ms. Sisson if she would get in contact with Eric Hammerling and ask him to come look at the trail area. Ms. Corona would like her to ask Mr. Hammerling's opinion about the trail and maintaining it.

Ms. Sisson asked if the Commission was comfortable saying that certain areas are wet, though they may not be wetlands, but we're going to treat wet areas as wetlands and try to work through them. Attorney Corona offered his help in contacting Connecticut Forest and Park, but wanted to know what questions the Commission wanted them to answer. Ms. Sisson has already described what the trail is meant for, how she intends to install it, that it is relatively low impact, recreation is a use that's allowed even if she's in a wet area and while it would certainly be prudent to get some guidance from people who know about trails, what specific questions does the Wetlands Commission want answered relative to the wetlands issue so that they can try to move this along. If Ms. Sisson is willing to route the trail around the significantly wet areas, whether they are wetland or not, is there something more that the Commission wants?

Mr. Brown did not make the site visit, but he would agree on how dry it is and his question would be how they intend to maintain it, meaning do they need boards and rocks and other things. Attorney Corona stated that it would certainly make sense that it be the lowest possible impact and there was no intention to use heavy equipment to construct it or maintain it nor was there any intention to use herbicides. If there was a low spot where erosion may take place, it may make sense to put down pea stone or gravel stone of some kind. Ms. Sisson stated that hopefully that's where Mr. Hammerling could help.

Ms. Corona personally doesn't see paying for a soil scientist to go out there. The Commission finds recreation and trails more than acceptable, especially if it's exposing youngsters to environment issues. The next thing she would suggest is to go talk to Eric Hammerling to see if there's a better way of building it and where to do it as well as maintenance and then come back to this Commission with the definitive plan.

Attorney Corona asked if it would make sense for Janet Sisson to work with Eric Hammerling to find a different routing that is maximally dry and that the Commission may need to come out to see that? The Commission supported that idea. Mr. Brown also suggested finding out if there were areas that needed improvements other than just clearing brush and showing those areas to the Commission at the next site walk.

Ms. Sisson will call Lee Vito when she sets up a meeting with Eric Hammerling and will report back at next month's meeting with hopefully a solid plan.

Lyman Farm, LLC, Review of Water Testing Criteria

Marianne Corona recused herself from this issue. Attorney Corona asked that they hold off on this agenda item until Darin Overton arrives at the meeting, but Ms. Corona explained that there is still a quorum, even with her recusal. Ken Hinsch will chair the meeting at this point.

Attorney John Corona reviewed a small segment of the March 5, 2002 meeting minutes where the wetlands permit for the currently-under-construction golf course was approved. He referred the Commission to letter g, at the bottom of the first page. The very last part of that paragraph is the purpose of Attorney Corona being before the Commission tonight, where it says Afor those chemicals used during the current or prior years.@ The property was formerly a corn field and, at the time of the application, was a corn field and there were three identified herbicides that had been used to some extent on the property. One was a chemical called atrazine, one called Prowl, and another one called Harmony.

When the testing was done, all the things that needed to be tested for, including those three herbicides, were tested for. Attorney Corona reviewed the results with the Commission that, in the case of atrazine, Prowl and Harmony, that there was nothing detected. Roughly half of the cost of the testing, which was not insubstantial, was attributable to the testing for the atrazine, Prowl and Harmony and was in the order of \$500 or \$600, just for those particular constituents.

Since the property is no longer a corn field and is now in the process of being turned into a golf course, these chemicals haven't been used in a number of years and won't be used in the future, Attorney Corona is asking for the Commission to cut them loose from the continued testing of this because this testing measurement goes on indefinitely.

Mr. Brown asked about half-life of the chemicals and how long they remain in the soil. Attorney Corona explained that he has a lot of information, though some of it is not clear to him, but it has been suggested that if the chemicals are not in the soil now, they're not likely to be there in the future. Mr. Brown was concerned that as the soil gets turned over, these chemicals may turn up. Attorney Corona explained that soil has already been turned over extensively.

Attorney Corona also explained that the testing is performed in the flat area where the golf course is under construction, but that the brook flows through many intervening properties to get to that point. If they were, in fact, to find any of these chemicals, they wouldn't be sure exactly where they came from. Attorney Corona believes these requirements were meant to set a baseline so that future testing of the golf course could detect if there's an increase in nitrogen or some other element from fertilizers, etc.

The Commission discussed having Lyman Farm do one more test or maybe just one test in one location and to possibly find out more information about these chemicals, etc. Attorney Corona stated that if they were found, it would now be impossible to remediate for them because everything there is totally churned up and new fill has been brought on the site. Ms. Vander Veer suggested maybe one last test when all is said and done.

Attorney Corona explained that the way it is set up now, they are to do these tests every June 1st and October 1st on an ongoing basis. The June test was done and they have to do another in October, if the Commission does not relieve them of the responsibility to do so. Attorney Corona suggested that maybe Lee Vito ask the appropriate authority if it makes sense for them to continue to do the testing and Lyman Farm will do what is appropriate.

Mr. Hinsch agreed that the Commission can think about this for the next meeting. His initial impression would be maybe they need to do another test at the end of the disturbed area and see if that comes up negative. Attorney Corona stated that, if the plans remains intact, things will be under seed late in August and should be growing well through September. The irrigation system will be coming online to get the grass in place and keep it growing. Easily, by October 1st, things should be fully stabilized on the site.

Attorney Corona will report to Lyman Farm that the Commission's inclination is that you want it to be tested in October and if that seems to be clean, that's probably all that will need to be done. Attorney Corona will return to the Commission after the October test and hopefully, at that time, the Commission will enter something into the minutes that the further testing is not necessary.

Attorney Corona also offered to answer any questions the Commission may have as to the progress of the golf course. Mr. Vito reported that they are doing an excellent job and he gets a report every week. Attorney Corona reported that construction was a little ahead of schedule.

Marianne Corona returned to the meeting at 8:00 and resumed the chair.

Proposed Amendments to the Middlefield Inland Wetlands and Watercourses Regulations Required by CT DEP

Marianne Corona received a copy of the proposed amendments from DEP, emailed Darin Overton and he in turn gave her permission to speak to Mark Branse's office who felt that there was no need to make the changes and that the state statutes have already addressed those issues. The official recommended changes will not be sent out until Fall.

Discussion of Illicit Stormwater Ordinance

Marianne Corona asked Lee Vito if he had any word on this from Darin Overton. At the Board of Selectmen meeting two weeks ago, they set a date for this ordinance and Jon Brayshaw said that he had asked Darin to submit a letter. Mr. Vito doesn't recall seeing anything. There was a question about who would enforce this ordinance. There have been past discussions about this issue. The Board of Selectmen have made it very clear that they don't want to be the enforcers and Marianne Corona suggests that it be the Wetlands Enforcement Officer. Somehow, this Commission needs to figure out how the Wetlands Commission becomes part of this because what comes out of the pipe is the responsibility of this Commission. Mr. Vito believes that leaving it with the Board of Selectmen to appoint somebody to do enforcement would be the best thing. Several Commission members remembered that Darin Overton had said he would write a letter regarding this subject. The Commission reviewed the model ordinance, but also has seen Durham's ordinance which also needed to include the enforcement issue. Mr. Brayshaw made it pretty clear that he did not want to put in the position to have to enforce this ordinance. Ms. Vander Veer reminded the Commission that if the language were to include Athe first selectman or his or her authorized designee,@ this Commission agreed that that would cover it.

Irene Angilletta reviewed the January minutes when it was suggested by Jon Brayshaw that we model our ordinance after Durham's. Marianne Corona stated that it's never been the role of the First Selectman in Middlefield and has always been the Health Department or the Building Inspector or the Zoning Enforcement Officer. The model ordinance states that somebody has to be designated. Marianne Corona stated that the model ordinance states the Aauthorized enforcement agency shall implement and enforce the provisions@ and she prefers that language. Daria Vander Veer felt that the reason Durham went with the First Selectman is because, depending on the violation and on the issue, it might be a different enforcement body, i.e., health department, wetlands enforcement officer, parks & rec. Marianne Corona suggested that maybe the words AFirst Selectman@ should be replaced with ABoard of Selectmen@ in Middlefield. Mr. Brown felt that it could remain just Selectman. Marianne Corona explained that the Commission needs to deal with this because there will be a town meeting to establish the ordinance before the Commission's next meeting. Ms. Corona explained that Jon Brayshaw claims to have called Darin Overton twice to get this response. Marianne agreed to follow up with Darin Overton on this issue tomorrow, but Mr. Overton arrived at the meeting at this point.

Darin Overton confirmed that Jon Brayshaw had called him and what he recalls is that the Commission came to the conclusion that the ordinance was fine. He had confirmed that with Jon Brayshaw, but Jon had asked Darin to write him a letter to that effect. Mr. Overton recalls that the Commission's biggest discussion was on who does the enforcement. Marianne Corona again explained that since this deals with unions and job descriptions, that it should read the ABoard of Selectmen.@

Mr. Overton explained that the Board of Selectmen is the only body who has the authority to propose any ordinance and other Commission members agreed that this should be their decision. Mr. Overton will take care of getting notification to Jon Brayshaw.

Approval of Minutes

The Commission is generally pleased with the minutes.

For the April 13, 2011 minutes, on page 7, second paragraph under Wetland's Enforcement Officer's Report, Irene Angiletta should be replaced with Daria Vander Veer . On page 3, second to the last paragraph, first sentence, to remove the Ad@ from changed.

A motion was made by Irene Angiletta, seconded by James Brown, to approve the minutes from the April 13, 2011 meeting, as amended. Motion was unanimously passed.

For the May 18, 2011 minutes, on page 2, last paragraph, add Irene Angiletta's name in place of Commission.

A motion was made by Irene Angiletta, seconded by Darin Overton, to approve the minutes from the May 18, 2011 meeting, as amended. Motion was passed with Daria Vander Veer and James Brown abstaining.

Chairman's Report

Mr. Overton had nothing to report.

Wetland's Enforcement Officer's Report

Mr. Vito reported that Lyman Golf Course has already been discussed and 105 Peters Lane has had no activity. Ms. Corona asked Mr. Vito to suggest Jessica Rizzi call the Extension Service about identifying some of the trees that she will be taking down.

Mr. Vito reports that Brian Curtis has submitted two proposals for a property on Cherry Hill Road where they are building a garage and will need to eliminate a drain. They will be coming to the Commission for a permit.

There has been no activity at Sibley's old property on Powder Hill Road. He believes there may still be some people living up there.

Most of the meeting was then reviewed for Mr. Overton.

Adjournment.

Middlefield Inland Wetlands and Watercourses Agency Minutes
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The meeting was adjourned at 8:45 pm with a motion by James Brown, seconded by Ken Hirsch. Motion was unanimously passed.

Respectfully submitted,

Debi Waz

Debi Waz
Alwaz First

MIDDLEFIELD INLAND WETLANDS
and
WATERCOURSES AGENCY
405 Main Street
Middlefield, Connecticut 06455

Revised Minutes of the July 20, 2011 Meeting

Marianne Corona, Vice Chairman, called the meeting to order at 7:01 PM.

Attendance:

Members

Alternates

X	Angiletta, Irene	A	Poturnicki, Rob
X	Brown, Dr. James	A	Li, Linda
X	Charles, Douglas	A	Weissberg, Howard
X	Corona, Marianne	Others	
A	Hinsch, Kenneth	X	Vito, Lee
A	Overton, Darin		
X	VanderVeer, Daria		

A=Absent

X=Present

Marianne Corona will be chairing the meeting tonight as Darin Overton is away on vacation.

Douglas Charles made a motion, seconded by James Brown, to approve the agenda. Motion was passed unanimously.

Public Session

Attorney John Corona of Lang & Corona brought a matter before the Commission on behalf of Lyman Golf Center. There are several areas between the silt fence and areas which have been previously tilled. About a month ago, the golf course architect asked, for both aesthetic and erosion purposes, to not leave those areas bare. He would like to see those areas with a wetlands seed mix.

Attorney Corona distributed a handout from the architect, listing all the seed types and areas proposed to be seeded. Approximately 25,000 to 30,000 sq.ft. of seeding is proposed. Attorney Corona did explain that this is to deter the invasive vegetation. While the hope would be that these areas would not require maintenance, they can certainly not guarantee that. If it became necessary to remove large amounts of invasives at some point, they would return to the Commission.

This seeding will most likely be done contemporaneously with the seeding of the course which will begin in approximately a month. The seeding will probably be done in steps with the goal to get irrigation operational in an area before seeding takes place.

Jim Brown asked about page 2 of the handout where it says to “always apply on bare soil.” Attorney Corona explained that in the original permit, they were allowed to use an herbicide to wipe out the invasives that were already firmly established in some places. At this point, that will probably not be happening but instead will use something like a York rake that will take out some of that. As of right now, there is no intention to use herbicide though the merits of not doing that could be debated. What Mr. Brown was wondering about was whether a silt fence would be placed down from that area to protect the Coginchaug River. Attorney Corona reviewed that this is an area that has always been tilled and they would not propose to put in a silt fence as it is a very flat area. Mr. Brown also asked about the statement that watering may be necessary and asked when the seeding might occur. Attorney Corona reiterated that that would probably be late August, early September. There is also no plan to mulch the area as it is so large.

Marianne Corona complimented the Lymans for doing this sort of project and thinks it’s a very good idea and other Commissioners agreed. Attorney Corona was not before the Commission looking for approval, but did want to bring it to the Commission’s attention.

Janet Sisson, Independent Day School, Proposed Activity within 100’ of a Wetland for a Cross Country/Nature Trail, 115 Laurel Brook Road

Janet Sisson, athletic director at Independent Day School, reported that she tried to contact Eric Hammerling, Connecticut Forest & Park Association, the day after she last met with the Commission. She was not able to meet with Mr. Hammerling, but she was put in touch with their Trail Stewardship Director, Claire Kane. Ms. Kane did come up with a Phase I proposal which Ms. Sisson distributed to the Commission. They did spend almost three hours, walking the trail, measuring and tweaking the trail to bring it up to drier ground.

Ms. Sisson is hopeful that they can begin Phase I soon under Claire Kane’s direction in August and then Phase II would be to actually have a work party, again under Ms. Kane’s direction, to help build the bridges, etc. She did thank the Commission for their referral to Connecticut Forest & Park Association.

Mrs. Corona asked whether there was an application and found the IDS application dated November 15, 2010. Ms. Sisson replied that they had withdrawn that application because of all the snow and thought that she resubmitted it in approximately April, 2011. Mrs. Corona verified that the application was resubmitted on May 5, 2011 and the Commission may act within 65 days of the date of the meeting following the submission.

Ms. Sisson is currently working on getting funds to hire the CFPA to help with the project and have Ms. Kane be part of the project. Ms. Sisson then reviewed parts of the plan with the Commission. As part of the application, there is a land use survey, a map and the trail assessment report.

A motion was made by James Brown, seconded by Irene Angiletta, to approve the application of Janet Sisson, Independent Day School, for a nature trail on IDS property, 115 Laurel Brook Road. The trail shall be constructed under the supervision of the Connecticut Forest & Park Association in accordance with the July, 2011 Trail Assessment Report, submitted in support of the application. Applicant shall notify the Wetlands Enforcement Officer prior to starting construction. The trail shall be for passive recreation only; motorized vehicles other than for maintenance shall be prohibited. Motion was unanimously passed.

David Bernier, Proposed Activity within 100' of a Wetland for Pond Cleaning, 106 Cedar Street

David Bernier appeared before the Commission and reviewed the narrative that was submitted with his application. He explained that over the years, material has been built up and collected along the banks of the pond on his property. The brook has been diverted around the material and when there is severe weather, it now floods into the lawn area near his house.

Mr. Bernier proposes to remove the silt material using an excavator positioned on his lawn. He proposes to do this work only once the brook and pond dry to a point that nothing would flow downstream. The collected material will be deposited in a back field on the property that is outside the wetland area. The pond will not be enlarged in any way; just restored to its previous capacity. Mr. Bernier reviewed the map of the property with the Commission.

Mrs. Corona suggested a site visit and the Commission agreed to do that on Saturday, July 30th at 9:00 AM.

Town of Middlefield, Abandon Existing Storm Drain and Replace with Deeper Catch Basins to Capture Sand and Silt, 9 Cherry Hill Road and Town of Middlefield, Remove Existing Concrete Endwall for Drain and Fill in Area of Old Pipe and Endwall Discharge, 9 Cherry Hill Road

Brian Curtis reviewed the project that entails drainage improvements to the storm drainage system that discharges on the property at 9 Cherry Hill Road. Currently, there is a storm drain on Cherry Hill Road, across the street from the gas station on the east side of the road. The pipe runs diagonally under the road, across the gas station property, under the propane tank and exits on the Grenier property in a concrete headwall. The proposed improvements are to extend the existing storm drainage system south, across the street from this lot, put in a new catch basin with a deep sump in it to try and retain some of the road sands and sediments in the catch basin itself and then to construct a new pipe discharging out to the property, getting rid of the concrete headwall and provide a more stable outlet for the storm drain.

The idea would be to disconnect the existing pipe from the catch basin and remove the headwall and abandon it in place. The existing pipe will be operational while the new pipe is being constructed. Mrs. Corona asked about the area from which the catch basin collects water and Mr. Curtis explained that it goes all the way to Derby and the watershed to the west up by Sugarloaf Terrace which is why it's an 18-inch pipe. This project will not change the watershed.

Mr. Curtis was looking for input from the Commission as to what is the most desirable way to reconfigure this and put a proper stone pad at the outlet so it doesn't scour a hole like the current one does. They

would propose to put in an 8 x 8 area of rip-rap to prevent that, or, as Mrs. Corona pointed out, that could also be done with plants. Mr. Curtis explained that there needs to be a certain amount of elevation difference where the pipe discharges. He reviewed the map with the Commission and explained how the embankment would be ideal for discharge. Mr. Curtis offered to work with Lee Vito to pick an exact location for discharge.

Attorney John Corona represents Mrs. Grenier and explained that the existing pipe is from the 1930s and is widely thought to be perforated. It crosses the gas station site, picks up what is now untreated storm water and has been dumping sediment and trash onto Mrs. Grenier's property. The area is a mowed hay field and will be part of the backyard. Mrs. Grenier is prepared to supply the labor necessary to replace the pipe and to set the catch basin inside the public highway because the Town doesn't have the equipment to do that. The house is nearing completion and Mrs. Grenier does expect to have people moving in in the later part of August. The inability to complete this project is interfering with the ability to grade and stabilize the yard and put the driveway in to the house. At this point, there is a certain amount of urgency. The distance to the wetland from any of the points described by Mr. Curtis is more than 100 feet over a grassed area. This will basically clean up the storm water significantly before it approaches the Coginchaug River.

Mrs. Corona agreed that putting in a new pipe will help with the sediment, but is concerned that lot of pollutants travel in the water. She has read about what can be put in a catch basin to help clean up the water before it moves into the wetland and would like to move it further back from the river. Mrs. Corona also commented that rip rap is not indigenous to wetlands and the idea of always putting rip rap at the end of a pipe is not the best way to go necessarily.

Attorney Corona noted that this is an 18-inch pipe and, when the Commission saw it, only had a trickle of water coming out of it, but during heavy rains, it has a torrent of water. While it is a nice thought to plant wetlands plants at the end of the pipe, the water will unearth them and blow them down the road. The rip rap will absorb the initial energy of the water. While it is recognized that the rip rap will not actually clean the water, it will help extra dirt from getting to the river. The Commission discussed different options for the area.

The Town of Middlefield does have an easement on the drainage area. Attorney Corona stated that the plan is to relocate the pipe so that it is fully on Mrs. Grenier's property and doesn't cross the gas station's site. What is envisioned by Attorney Corona is that the old easement will be abandoned because it would no longer be necessary. There would still be a Town easement right along the edge of the property where the pipe is placed and the Town takes the responsibility for cleaning out the end of the pipe. While Attorney Corona agrees that the Town is not optimal when it comes to the maintenance, the things that are proposed here are far better than what is already going on and far better than most of the other drainage systems that the Town has. Attorney Corona's client disagrees with the contention that a wooded area is a better filter for storm water than a grass area.

Mrs. Corona asked why they were not considering replacing the existing metal pipe and Mr. Curtis explained that one of the reasons for putting the new pipe in was because they wanted to put a deep site catch basin and a new pipe and it would be a tight-jointed pipe going by the septic systems. Mrs. Corona thought that there could be a better outlet for the end of the pipe and that rip rap doesn't work. Attorney Corona explained that the proposal is to level the spread of the water gradually over the land and is not a concentrated flow. Mr. Curtis explained that the sole purpose of the rip rap is to dissipate the energy.

Mrs. Corona believes that using plants and not rip rap would be much better for the river. While she understands the 18-inch pipe and the energy of the water, she would like to see them try to diffuse some of the water before it gets into the 18-inch pipe. Mrs. Corona believes that maybe there needs to be more catch basins along Main Street because that would slow the water down.

James Brown believes there is a lot between trees and mowed grass and that possibly lower vegetation would be a better choice. This Commission does have a certain amount of jurisdiction over the outflow of the pipe. There had always been growth all along the river that helped dissolve any pollutants before the water reached the Coginchaug River. Mr. Curtis reported that it is 200 feet from the edge of the wetlands to the river. It is really not practical to move the pipe away from the wetlands as it is near the property line and needs a drop-off to help.

Brian Curtis stated that Jon Brayshaw, the First Selectman, was interested in doing this because it would improve what is currently there. Irene Angiletta asked about what the best proposal would be for the 200 feet and the Commission discussed several possibilities. Daria VanderVeer reminded the Commission that the 200 feet is not what is being proposed and that that land belongs to the property owner. Brian Curtis showed the Commission where they would like to discharge the water on the bank on this property which about 20 feet from where it is currently coming out.

Attorney Corona talked about the alternative to this which would be the Town simply replacing the pipe in the current location with new pipe. The discharge mechanism could remain exactly the same which the Town has the right to do as a matter of maintenance. He reminded the Commission that this was an effort to be constructive and did not want to recommend to Mrs. Grenier that she put the back yard of her home into a wetlands mitigation area to accommodate the Town's drainage, but she does recognize that the rip rap is needed.

Marianne Corona would like to see a compromise made on the rip rap and for someone to come up with a better way. Attorney Corona remarked that there are no invasive species in this area because it is mowed on an annual basis. Daria VanderVeer asked if the worry was more the aesthetics or the effectiveness of the rip rap. Attorney Corona is not aware of any feasible alternative to rip rap at the end of the pipe to absorb the energy of an 18-inch flow of water. A rain garden would not be able to handle the amount of water.

Mrs. Corona's problem with the rip rap is that you can look all around town and they are never maintained. They collect sediment and, in the end, they are a mess. Attorney Corona reminded the Commission that the rip rap is primarily used to collect the sediment and that the problem is that it isn't serviced as routinely as it should be. This will be a much better situation. At this point, Mrs. Grenier has always kept the property maintained and picked up the trash as well as mowing the property and keeping it clear of invasives.

Daria VanderVeer asked Brian Curtis how these types of things get cleaned. Mr. Curtis explained that you have to clean them by hand or with a mini-excavator and then remove the material. The catch basin would help to keep it clean. The land does flatten out and gently flows toward the river.

Mr. Curtis explained that this is a joint effort between the Town and the homeowner and the desire would be to try to work on this project in August. Lee Vito did state that Jon Brayshaw would like to move the project along. There are two applications before the Commission and Mrs. Corona believes the

replacement of the pipe is not a maintenance issue, but a wetlands issue since it is not a direct replacement of the pipe. The Commission did agree there are more pluses than minuses to this project.

Mr. Vito explained that Jon Brayshaw had signed two separate applications. Attorney Corona did remind the Commission that they could authorize Mr. Vito to authorize the activity which is not in the wetland, but Mrs. Corona does not agree and believes it is a wetlands issue and the applications are related to each other. Attorney Corona did state that his client, Mrs. Grenier, has tried very hard to cooperate with the Town and offer her financial assistance to do this, however if the work can't be completed in time for people to move into the house and she can't put the driveway in and stabilize the site, then the Town will be on its own to complete the work. Attorney Corona would ask the Commission to call a special meeting to approve this application so that the work can be done by the end of August. Marianne Corona offered to hold a special meeting on August 3rd at 7:00 PM (which is two weeks from today).

Discussion of Illicit Stormwater Ordinance

Marianne Corona reported that there had been a hearing and that there will be a town meeting on the ordinance on August 17, 2011. Mr. Curtis stated that his firm had provided the town with copies of a number of ordinances that had been adopted by towns, but has not seen Middlefield's ordinance. Mrs. Corona asked Mr. Curtis to take a look at it which he agreed to do.

Wetland's Enforcement Officer's Report

Lee Vito reported that Jessica Rizzi, 105 Peters Lane, has been doing tree cutting, but there has been no stump removal yet. The wetlands are marked out with yellow caution tape.

Lyman Golf Center has been submitting weekly reports to Mr. Vito and he doesn't see any issues there. The septic system was put in this week, according to code.

Mr. Vito did visit Lakeview Estates, Powder Hill Road, today and they have started demolition of some of the cottages near the athletic fields, but nothing near the lake at this point.

Ms. VanderVeer asked about whether or not there was a silt fence at 63 Lake Shore Drive across from the beach and Mr. Vito stated that there was when he was there last week. Construction has not started yet, but there is a lot of stuff on the property. Ms. Angiletta commented that, at 36 Lake Shore Drive, there are four cars in the yard, a structure that covers their grill, a shed, two extensive decks, and a floating dock which they added to their dock. Mrs. Corona asked Mr. Vito to check to see if a dock had been added.

Marianne Corona mentioned that she had been reminded that the DEP found that all lakes as having wetlands underneath them, so the wetlands line would be where the lake normally would be, even if the lake is down.

Approval of Minutes

A motion was made by James Brown, seconded by Marianne Corona, to approve the minutes from the June 15, 2011 meeting. Irene Angiletta had several corrections. On page 2, add the word wetlands before soil types in the second sentence. On page 4, fifth paragraph, last sentence should read Ms. VanderVeer rather than Ms. Angiletta. Motion was passed with Douglas Charles abstaining.

Chairman's Report

Mrs. Corona reported that Recreation Liability Reform went through with thanks to Eric Hammerling from Connecticut Forest & Park Association. The Connecticut Trial Attorneys did manage to exempt certain portions from that and recreational areas that municipalities, such as swimming pools, playing fields, playgrounds, etc.

Miscellaneous

Douglas Charles asked that revised minutes not be printed for all of the Commission members.

Adjournment.

The meeting was adjourned at 8:54 pm with a motion by Daria VanderVeer, seconded by Irene Angiletta. Motion was unanimously passed.

Respectfully submitted,

Debi Waz

Debi Waz
Alwaz First

MIDDLEFIELD INLAND WETLANDS
and
WATERCOURSES AGENCY
405 Main Street
Middlefield, Connecticut 06455

Revised Minutes of the August 3, 2011 Special Meeting

Darin Overton, Chairman, called the meeting to order at 7:08 PM.

Attendance:

Members		Alternates	
X	Angiletta, Irene	A	Poturnicki, Rob
X	Brown, Dr. James	A	Li, Linda
X	Charles, Douglas	A	Weissberg, Howard
X	Corona, Marianne	Others	
A	Hinsch, Kenneth	A	Vito, Lee
X	Overton, Darin		
X	VanderVeer, Daria		

A=Absent

X=Present

Marianne Corona made a motion, seconded by Irene Angiletta, to approve the agenda. Motion was passed unanimously.

Town of Middlefield, Abandon Existing Storm Drain and Replace with Deeper Catch Basins to Capture Sand and Silt, 9 Cherry Hill Road and Town of Middlefield, Remove Existing Concrete Endwall for Drain and Fill in Area of Old Pipe and Endwall Discharge, 9 Cherry Hill Road

Marianne Corona made a motion to combine items five and six of the agenda into one application, as listed above. Irene Angiletta seconded the motion. Darin Overton explained that these two items were separated for a reason at the last meeting and the reason no longer exists, so there is no point in having two applications.

Mr. Overton spoke with the Commission's attorney today and the attorney suggested that the two applications be combined. Motion was unanimously passed.

Brian Curtis reviewed the drawings by Bascom & Benjamin that were part of the subdivision and have been marked up to show the proposed drainage improvements. He pointed out the catch basin on Cherry Hill Road where the pipe runs diagonally across the road, across the gas station property and across the property at 9 Cherry Hill Road to an existing headwall. The pipe discharges at the headwall and enters a mapped wetland area. It is then a couple of hundred feet to the Coginchaug River.

What the Town is proposing is to abandon the corrugated metal pipe and replace that pipe and provide some measures to reduce the amount of sediment that builds up on the property from the stormwater discharging at the headwall. It is being proposed to extend the pipe southerly on the east side of Cherry Hill Road and put in a catch basin with a large sump that could be maintained when the Town pumps out the catch basins every year and to install a new plastic, tight-jointed pipe of the same size on one lot instead of two and then discharge at a flared end section instead of a headwall. Marianne Corona confirmed that the one lot where the pipe would discharge is the lot on Cherry Hill Road. Brian Curtis confirmed that the section that crosses the gas station property would be abandoned and sealed off at both ends.

Brian Curtis then reviewed the plan to install the tight-jointed pipe along the northerly property boundary of 9 Cherry Hill Road. There were sketches submitted at the last meeting showing the pipe extending quite a bit further to the south, but the ground is so flat there that there's not enough slope to cover the pipe. What is now being proposed is to actually discharge the pipe almost in the same location where the headwall is now, but to eliminate the headwall and provide a flared end on the end of the pipe instead of the headwall and to provide a stone energy dissipation pool immediately at the outlet of the pipe, maybe 10 x 15, and that would slow the velocity of the water and help with a spreader at the discharge end of the stone pool to slow the water down. The discharge would continue to flow in the same area that it does currently.

Construction within the regulated area for this pipeline and also the finger of wetlands that goes up to the headwall and back down again is where they are proposing to install the energy dissipation pool. This would involve the disturbance of approximately 252 sq.ft. of wetlands in that finger area. The headwall would be removed and the existing pipe would be abandoned.

From a logistical standpoint, the existing pipe would have to remain in place while the new pipe is installed. Construction would begin downstream first and then work upstream. There will be a siltation fence installed and any disturbed areas would be seeded and mulched as soon as the pipe is backfilled. This is a cooperative effort between the Town of Middlefield and the property owner.

Marianne Corona asked about the size of the disturbance being 10 x 15, but stated as approximately 250 sq.ft. Brian Curtis explained that from the existing headwall to where the level spreader is is about 9 x 23, plus a triangular area, the total of which comprises about 252 sq.ft. Marianne Corona reiterated that she sees no reason that there cannot be a combination of rip-rap and some kind of wetland plant growth out there. Brian Curtis explained that the rip-rap stone is basically to give it a stable structure that will not wash away if there is a high velocity. There is no reason that some of the rip-rap stone could not be infilled with some topsoil and may provide a place for some vegetative growth in the spaces between the stones, using both larger and smaller stones. He did explain that that is not an ideal setting for plant growth in the upper reaches of the rip-rap area, but the lower reaches could get some vegetative growth in between the stones. The banks of the existing channel do have skunk cabbage and other plants growing on it. Marianne Corona asked for some kind of compromise so that wetland growth could be encouraged in this area and asked for the Town and the applicant to spend some money on plants. Brian Curtis did speak to a soil scientist about this type of setting and was suggested a couple of different types of plants that may work. Aesthetically, Brian Curtis believes it would be a more pleasing appearance for the homeowners as well to have vegetation

Daria VanderVeer asked about how the rip-rap area would actually be constructed. Brian Curtis stated that the area would be dug out to shape, fabric would be put down so it doesn't collapse and then the stone would be applied. There would be a small depression in the middle to pool the water.

Marianne Corona asked who they would need to address about the vegetation and Brian Curtis explained that this is a Town project and that he will provide the Town with a list.

Jim Brown asked Brian Curtis to describe the flared end that will be replaced. Brian Curtis described the concrete vertical wall and that the flared end would be similar to what's used in a lot of subdivisions now. It is a tapered piece of pipe that goes on the end and might be three or four feet long, taking it from 18 inches down. The flared end is included in the 252 sq.ft. of area that will be impacted and is probably 10 sq.ft.

Jim Brown also asked if it was really necessary to disturb the existing wetlands material in order to install the rip-rap. Brian Curtis explained that the flared end would be located in the existing channel, but that the area would have to be shaped in order to prevent the scouring that exists there now. Mr. Brown also asked about the history of the scouring in the area and if it has required repairs. Brian Curtis replied that he is not aware of any repairs made. There was a discussion regarding new topsoil vs. not disturbing what is already there.

Attorney John Corona made a comment that topsoil is what is going in on the federal wetlands mitigation area on the Lyman Golf Course project. They are being required to excavate down to subsoil and a layer of topsoil replaced. The area of this property has changed over the time the current property owner has lived there because of the deposition of the sediment that's currently flowing directly onto that spot. The wetlands line is there resulting from the installation of the pipe and the area has been mowed as a hayfield and will be continued to mowed as a hayfield. Most drainage outflows are almost immediately populated by invasive species and will require maintenance.

Marianne Corona stated that this is a dilemma and commented that when the Commission first went on a site visit, the area had a beautiful crop of skunk cabbage which helps to clean water as it is discharged. She then asked if the drain could be moved further back. Attorney Corona stated that that is where the water flows, because of the grade. Brian Curtis commented that if it was moved back, a channel would have to be created going down. Marianne Corona stated that what's there now works, even though it may not be in good condition, and there are skunk cabbage and wetlands at the end that help to filter the water in the wetlands and before it gets to the river. It is a functioning system that doesn't have any rip-rap. Daria VanderVeer commented that she doesn't see this as a loss of wetlands as this new area is being created to protect the wetlands further down from rushing water. Attorney Corona replied that they really won't be moving any wetlands, just changing a scoured area into an area lined with rip-rap so that there is no more scour.

Attorney Corona commented that he believes that a dilemma is being created where one doesn't exist. Right now, there's a vast amount of sediment at the outflow of the pipe and that the scour is an indication of the sediment being carried toward the river. The catch basin will help stop the sediment flow and this will be making a very bad situation much, much better. Marianne Corona does understand the need for the new drain, but maintains that this is a functioning system.

Darin Overton asked about the slope of the existing pipe, to which Brian Curtis replied that the existing pipe, going from the same catch basin to the same discharge point, is at a steeper grade, maybe 3 percent, while the

new pipe is about 2 percent. Mr. Overton summarized that under the existing conditions, there is a steeper pipe with essentially higher velocities coming to an unprotected outlet. From what he saw that nature is doing, the DOT has a design for a preformed scour hole which essentially is a method of designing a scour hole at the end and armoring it so that it doesn't erode and that is what has happened at this site. There is nothing to say the bottom of the new area, which will be at the same elevation as the eroded channel that is a wetland now, won't support wetland vegetation in the future. To say that there is a complete loss of 250 sq.ft. of wetlands, Mr. Overton believes is not necessarily true. Brian Curtis explained that they could use a drop manhole and have it come out maybe at 1 percent to slow it down more.

Marianne Corona did not want to be misunderstood in saying that there is 250 sq.ft. of wetlands being lost, but that she would like to reestablish wetland to wetland, which is part of the job of the Commission.

Marianne Corona wanted to confirm that wetland plantings would be possible and Brian Curtis stated that he was thinking of leafy plants, not trees or shrubs. Marianne Corona would like it to be part of the motion that Brian Curtis, as the Town Engineer and also on behalf of the Wetlands Commission, oversee the project. Darin Overton suggested to not put wetland plants in the outlet as the odds of them surviving are very minimal and that he would recommend just putting some type of erosion control seed mix.

Darin Overton would also like to see Lee Vito go out and inspect the section of pipe that is going to be installed near the reserve septic area to confirm that the watertight joints are in according to the health code. He wrote an additional condition to the motion, stating "wetland enforcement officer or town sanitarian," which we know is both at the time, but that could change, "to observe installation of tight pipe located within 25' of reserve leaching field to verify that pipe joints are properly constructed. Town Engineer to observe installation of stilling basin and level spread outlet to verify that it is installed according to plan. A brief memo with supporting photographs to be submitted to Middlefield Inland Wetlands Commission documenting observations within one week of completion of construction."

Marianne Corona asked for reassurance that all conditions on the original approval would still be done and Attorney Corona assured her that they would.

Marianne Corona made a motion to approve the application of the Town of Middlefield, seconded by Douglas Charles, including four conditions. Discussion followed and the last two conditions were added to the motion. A copy of the motion is attached to these minutes. The motion was unanimously approved.

Chairman's Report

Darin Overton reported that he has received a membership renewal notice to the Connecticut Association of Conservation and Inland Wetlands Commissions, Inc. Dues for July 1, 2011 through June 30, 2012 are due in the amount of \$50. Marianne Corona made a motion, seconded by Irene Angiletta, to renew the Commission's membership in CACIWC. Lee Vito is authorized to fill out the renewal form and send it in. Motion passed unanimously.

Darin Overton had also received the yearly summary from Midstate Regional Planning, but did not have the letter with him. This is a summary of the number of applications, approvals, etc. from last year that goes into the Annual Report.

Mr. Overton also received a notification from Jon Brayshaw of a copy of the Alwaz First invoice for the minutes.

Adjournment.

Marianne Corona made a motion to adjourn, seconded by Irene Angiletta. Motion was unanimously passed and the meeting was adjourned at 8:07 pm.

Respectfully submitted,

Debi Waz

Debi Waz
Alwaz First

Application: Town of Middlefield, proposed Town storm drainage improvements along Cherry Hill Road and at property located at 9 Cherry Hill Road (IWC Permit #0801-11 WET)

Decision:

Motion: That the Middlefield Inland Wetlands and Watercourses Agency, having considered the factors pursuant to Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Middlefield, Commissioners' knowledge of the area, and after review of written information and public testimony provided by the applicant on this application finds the following:

1. That the activity is associated with work to be conducted within 100-ft. of delineated inland wetlands, and activities within 252 sq.ft. of inland wetlands, for replacement and improvement of the Town storm drainage system. The area of inland wetland impact is the current discharge channel from the existing storm drain.
2. That commission members had the opportunity to field walk the property on an informal individual basis.
3. That the proposed activity is necessary to replace existing storm drainage piping and headwall with new watertight storm drainage pipe and energy dissipation outlet, with the addition of a deep sump catch basin for improved sediment removal.
4. That the proposed activity will not have a significant adverse effect on the inland wetlands and watercourses as presented, provided all permit conditions are adhered to.

Therefore, the agency grants, with conditions, approval of the MIWWA Permit Application of the Town of Middlefield for storm drainage improvements on property identified as Assessor's map 9, Lot 7A, located on the west side of Cherry Hill Road for installation of 123 linear feet of storm drain with associated outlet within the 100 ft. review area and impact on 252 sq.ft. of inland wetlands, as presented and shown on plans entitled:

A Subsurface Sewage Disposal System, Property of the Estate of Walter J. Martancik, Cherry Hill Road, Middlefield, Connecticut, @ scale 1"=20', dated January 2011, revised January 24, 2011, as prepared by Bascom and Benjamin, LLC, as marked up with storm drainage improvements by Brian C. Curtis, P.E., of Nathan L. Jacobson & Associates, Inc., dated 8/2/11.

With the following conditions:

1. All activities shall have appropriate sediment and erosion controls in place in accordance with the 2002 DEP Connecticut Erosion and Sediment Control Guidelines to prevent sedimentation of downstream wetlands and watercourses. In particular, any dewatering activities associated with excavation on site shall have appropriate sediment containment to minimize discoloration of receiving waters.
2. All maintenance and refueling of equipment and vehicles shall be 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.

3. The Middlefield Wetlands Enforcement Officer shall be notified prior to the proposed start date of construction to verify that appropriate sediment and erosion controls are in place when construction begins.
4. Wetland Enforcement Officer or Town Sanitarian to observe installation of tight pipe located within 25' of reserve leaching field to verify that pipe joints are properly constructed. Town Engineer to observe installation of stilling basin and level spread outlet to verify that it is installed according to plan. A brief memo with supporting photographs to be submitted to Middlefield Inland Wetlands Commission documenting observations within one week of completion of construction.
5. Topsoil and seed perimeter of stilling basin with erosion control seed mix.
6. Wetland Enforcement Officer to conduct annual inspection of outlet area.

MIDDLEFIELD INLAND WETLANDS
and
WATERCOURSES AGENCY
405 Main Street
Middlefield, Connecticut 06455

Minutes of the August 17, 2011 Meeting

Darin Overton, Chairman, called the meeting to order at 7:03 PM.

Attendance:

Members		Alternates	
X	Angiletta, Irene	X	Poturnicki, Rob
X	Brown, Dr. James	A	Li, Linda
X	Charles, Douglas	X	Weissberg, Howard
X	Corona, Marianne	Others	
A	Hinsch, Kenneth	X	Vito, Lee
X	Overton, Darin		
A	VanderVeer, Daria		

A=Absent

X=Present

As there are a total of seven present, all the alternates will be seated.

Marianne Corona reported that the Commission received an email this afternoon from Daria VanderVeer stating that she probably will not make the meeting as she had an emergency at work.

Marianne Corona made a motion, seconded by Doug Charles, to approve the agenda. Motion was passed unanimously.

Public Session

No public comments.

David Bernier, Proposed Activity within 100' of a Wetland for Pond Cleaning, 106 Cedar Street

David Bernier appeared before the Commission and reported that he had quite a few of the members of the Commission at the property to take a look at the pond. He is proposing to perform maintenance of the pond and remove some material that has collected in it. Bascom & Benjamin also came out and look at the area, though Pat Benjamin has been on vacation for the last two weeks, so there hasn't been a lot of progress on the plan. Mr. Bernier did propose to do the maintenance during the dry season and isn't exactly sure when that would be yet. He asked for any guidance the Commission may have.

Marianne Corona confirmed that Mr. Bernier is waiting to hear from Pat Benjamin. Mr. Bernier did agree that he was waiting for Mr. Benjamin, as he was trying to do this in a low invasive way that is most cost-effective. This was in response to some of the members of the Commission asking for a little more support and guidance on the project.

Marianne Corona gave Mr. Bernier the option of withdrawing the application and coming back in a different time frame as he is waiting the area to dry. Mr. Bernier explained that the area does tend to dry out in August, going into September, however it has not dried as of now and he isn't sure what the window might be, if any, to do the work this year. Darin Overton stated that the application was received on July 14, 2011 so the clock would have started at the July 20, 2011 meeting. At this point, it has not even been 30 days and the Applicant can grant the Commission up to 65 days to render a decision. Mr. Overton did explain that Mr. Bernier can still return to the Commission at their September meeting.

Darin Overton explained that, at the field walk, some of the members of the Commission had talked about possibly getting a little bit more information and detail about the work to be done. The Commission would like to know how deep Mr. Bernier is going to go and how much sediment is out there. It is important to outline to the Commission the amount of area that will be impacted, how much material will be removed and to what depth. The Commission didn't feel it necessary to hire a surveyor or an engineer to do a full design, but just to provide more information but that path is up to the Applicant. Mr. Overton suggested maybe a hand-drawn map, expansion of the narrative that was also provided with more information including depth and volume of material to be removed, the area of disturbance, etc. One of the key things Darin Overton would like to see is how the water flow may change to the pond or how Mr. Bernier is going to maintain it. Right now, the stream seems to flow through the pond, the sediment has been deposited, the channel no longer flows in the low-flow condition and if the channel were to be restored, probably all of the flow would be taken away from the pond during the low-flow which would likely be a detriment to the pond.

Marianne Corona did remind the Commission that there is a flooding problem downstream and she would be interested to know what the impact would be downstream. Mr. Bernier does know that it goes under Cedar Street, but doesn't know what it goes from there. Jim Brown asked how far the property line goes beyond the pond on the west. Mr. Overton stated that it was about the width of the pond itself and Mr. Bernier agreed that there is a decent margin going on to the next property. Marianne Corona asked about the removed material being deposited to the north of the property and not in any designed wetlands areas and reminded Mr. Bernier that they are concerned about within 100 feet of the wetlands. Mr. Bernier did say that he could cart the material off-site, but was hoping to leave it due to cost issues.

Photos of the area taken on the day of the field walk were reviewed by the Commission. David Bernier commented that the pond could fill at some point and he would like to keep it as it is. Marianne Corona asked if they used the pond for any reason other than it being an integral part of the wetland and Mr. Bernier replied that they did not. He again reiterated that this was purely a maintenance project.

Marianne Corona cannot understand why Mr. Bernier would want to disturb any of the wetlands. He explained that it was to prevent flooding and be able to maintain the actual brook and pond. Mrs. Corona commented that she thought it works well as it is.

David Bernier will send further details in prior to the next meeting and will then attend that meeting. He thanked the Commission for the insight.

Update on Powder Ridge Water Diversion from Lake Beseck

Geoff Colegrove represented Jon Brayshaw's office which had filed an application for permit. The Town of Middlefield has filed an application with the DEP to transfer to Powder Ridge, LLC, the company now under contract with the Town, to purchase the property. That permit has not been executed at this point because it requires the First Selectman sign it over to the property owner and then has to be filed with DEP to make it effective. That will not happen until the closing on the property which has now been extended to October 1.

The original permit was designed to go into Lake Beseck on King Road. Other divisions of DEP have required that the Town obtain an easement into the lake to install the inlet structure and pipe and that that is different than the diversion permit. The diversion permit is currently effective and in place until 2023. There is now a board that reviews any encroachment into the lake and that would require a review by the State. There was a meeting today of the committee, but no report has been received.

The application involves a regulated area under the jurisdiction of this Commission because the structure and the pipe is going to be within the waters of Lake Beseck and the pipe that will come from the pump station and the pipe that leaves the pump station will be within the 100-foot review area. An application has been filed for both the activity in the lake as well as in the review area.

Geoff Colegrove distributed both the cover letter and the application to the Commission. The activity described is in compliance with the DEP diversion permit and is to put a structure approximately 60 feet from the shore at King Road out into Lake Beseck. There will be a concrete structure with trap rock around it and a screen which meets DEP requirements. It was previously approved in 2001 and the current owner of the property is willing to comply with the original permit as far as the inlet structure. The only change is that the Applicant is looking to have a 36" inlet pipe instead of a 24" inlet pipe. Even though the 36" pipe may be more capacity than they need, they cannot pump more than what is allowed by the permit.

Mr. Colegrove explained that the pipe will go out into the lake approximately 60 feet with an inlet structure that will be below the water line at an elevation of 208 vs. the lake surface at 315. It will require a US Coast Guard flotation device to identify it to boaters. The DEP did participate in picking this location. The pump station would be approximately 20 feet long and 15 feet wide, built into the hillside of King Road where there is an easement arrangement with Kasner, LLC who is the owner of the Happy Acres property. The line that goes to Powder Ridge would be via King Road to Powder Hill Road and would be either in the road or in the right-of-way, depending on utilities in the area. The pump station will house two 1,000-gallon permanent pumps that will be very low noise.

The only change to the original permit, which will probably require a DEP technical amendment, is the difference between 24" pipe and 36" pipe.

For background information, Mr. Colegrove supplied a supplemental information sheet which talks about some of the installation activities. This may or may not change and if it does change, they will return back and inform the Commission. There are two maps of the proposed project. There are three pages of detail on the inlet structure, which has all been approved by DEP and the Fisheries unit at DEP and is basically designed to minimize the impact on small fish. There are also photographs of the area which Mr. Colegrove reviewed for the Commission.

Darin Overton asked if the north side of King Road, between King Road and Lake Beseck, will be restored once the pipe is installed. Geoff Colegrove replied that the pipe will be buried four feet down so there will be

no worries about freezing. Marianne Corona asked if there will be a path required for maintenance of the pump and Mr. Colegrove explained that the inlet structure will be on the south side of the road and the pump is not at the lake. Darin Overton recognizes that between the pavement and the lake, there is a vegetative buffer now and that there will be a temporary disturbance to put the pipe in. Once the pipe is in, the vegetative buffer will be reestablished. Mr. Colegrove agreed and will supply additional details on that in the future. There was a discussion about how the inlet structure, etc. would be maintained.

Marianne Corona asked Geoff Colegrove to talk about the construction company, but he only has information about the engineering company which is worldwide. This company is doing a major project out in the Lake Tahoe area putting in eight 2,000 HP pumps to pump water up into the mountains for a Disney project.

Howard Weissberg asked about the staging area for the construction and whether it will be on King Road or not. Mr. Colegrove did not have the answer to that question. He would assume that it would be staged some place other than King Road due to it being so narrow. At this point, the pump house will probably be a complete concrete structure though he is not sure.

Marianne Corona asked about the timing of this project. Mr. Colegrove explained that it would be with the draw-down of the lake and the application talks about lowering it at the 6-foot level though it would only be for short period of time. The DEP permit is predicated on bringing the lake down six feet to do the work.

Geoff Colegrove stated that, at this point, the Town is responsible for providing to Alpine Ridge Associates the diversion permit and the easement to the lake as well as the wetlands permit.

Darin Overton sees this project as one that could go either way on being a significant impact. On the surface, it looks like it's a pretty big impact in the water body itself. But in the end, it's a pretty benign use. Marianne Corona remarked that it has pretty much been decided by the water diversion permit by DEP and she doesn't see where this Commission can do much to alter it as far as location and type of structure. Mr. Overton comments that the fact that DEP has already approved the diversion leads you to believe that there isn't going to be any sort of major biological impact or detriment to the lake through this pumping. Darin Overton also stated that while the Commission does have a right to change things, he doesn't believe it would be beneficial to try to redesign the project and he does feel comfortable with the fact that it has all been approved by DEP.

Marianne Corona also asked Geoff Colegrove if DEP comes down to review the activity. Mr. Colegrove stated that he has met at the site with Alpine Associates, LLC, the engineer and walked the site with DEP. It was at that point that they changed the plan based on their recommendations.

Darin Overton reviewed the definition of significant impact, items A through G, with the Commission. A, any activity involving deposition or removal of material that will or may have substantial effect on the wetland or water course or on wetlands or water courses outside the area for which the activity is proposed. Mr. Colegrove's understanding is that any excavation in the lake will be replaced as fill over the top of the excavation that goes down four feet. Mr. Overton feels that installing this in the lake bed is not disturbing any vegetation and that this should not be a significant activity under item A. Marianne Corona reminded the Commission that DEP calls the bottom of the lake a wetland.

Item B, any activity that substantially changes or has potential to change or to substantially change the natural channel or may inhibit the natural dynamics of a watercourse system. Mr. Overton would say no because he thinks that the activity is so close to the dam that the dam already substantially impacts any watercourse than this structure would.

Item C, any activity that substantially diminishes or has potential to substantially diminish the natural capacity of an inland wetland or watercourse to support aquatic plant or animal life and habitats, prevent flooding, supply water, assimilate waste, etc., etc. Mr. Overton believes the diversion permit covers this and with the draw down, it's going to have more capacity to prevent flooding. There will not be a great deal of boating in the area as it is so close to the dam.

Marianne Corona asked about the dates of the permit. Geoff Colegrove stated that it begins in November/December and goes to February. He also commented on the navigational issue and that it would not effect a sport boat, but may effect somebody sailing. There will be a US Coast Guard-approved flotation device above the structure and there are already warning signs near the dam.

Item D, any activity is likely to cause or has potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse. This would only be an issue during construction and they will use a sedimentation basin for pump discharge. Once it's in, that would not be an issue.

Item E, any activity that causes substantial diminution of flow of a natural watercourse or groundwater levels of a wetland or watercourse. The pump discharge out of the lake is only going to help with the draw down.

Item F, any activity that is likely to cause or has potential to cause pollution of a wetland or watercourse. Concrete, stainless steel and ductal iron will be used and there is no real opportunity for pollution.

Item G, any activity that damages or destroys, the potential to damage or destroy a unique wetland or watercourse areas or such areas having demonstrable scientific or educational value. Again, Mr. Overton feels this does not apply.

Marianne Corona asked if Lee Vito, the wetlands enforcement officer, or Doug Hoskins from DEP oversee the project. Geoff Colegrove reported that the enforcement officer has jurisdiction, but during construction DEP may have duplicate responsibility. Mr. Colegrove does not think DEP will be involved unless there is a specific issue.

Darin Overton asked the Commission if anyone had any concerns over items A through G, as above, and no one had any questions.

Marianne Corona made a motion, seconded by Doug Charles, that having reviewed section 2.1 more specifically, the definition of significant impact, the Commission finds that this proposed activity does not represent a significant impact within the context of the regulations. Motion passed unanimously.

No one on the Commission felt that a public hearing was necessary.

Anthony Fazzino, Construction of a Retaining Wall along the Shoreline of Lake Beseck, Baileyville Road.
Property Owner: Town of Middlefield

Anthony Fazzino proposes to install a retaining wall along the shoreline of Lake Beseck to stop erosion that is taking place on lots 14 and 15 of Baileyville Road. He has an engineering firm drawing up the site plan and would hope to have that before the next meeting of the Commission. He would like to take advantage of the draw down of the lake to put in the retaining wall. Mr. Fazzino had been before this Commission before to repair the retaining wall at 235 Baileyville Road, but the work was unable to be completed as the lake didn't go down far enough. Mr. Fazzino also mentioned that he will be submitting an application to build a garage on the property soon.

The existing retaining wall was a stone wall that has been encapsulated in concrete, though it was not a high-quality concrete. Mr. Fazzino would like the proposed wall to be concrete.

Darin Overton stated that there is a culvert off of Baileyville Road with an endwall and a right-of-way that looks like it runs onto lots 12 and 13 which are going to be conveyed to the owners of Rover's Lodge. Lots 14 and 15 are going to be conveyed to Mr. Fazzino.

Darin Overton reports that there had been a field walk to look at the repairs of the existing wall, but he feels that it is probably worthwhile to have a field walk once again. Marianne Corona would like to wait until there is a plan. The issue will be deferred until the next meeting.

Wetland's Enforcement Officer's Report

Lee Vito reported that Jessica Rizzi, 105 Peters Lane, is still clearing trees. The silt fence is up, but no stump removal has begun yet. They expect to be doing this for another month or so.

Lee Vito has been getting weekly inspection reports from Lyman Golf Center. Mr. Vito did meet the CEO at the site last week and if there were any problems, they have all been taken care of. Weekly progress meetings continue to be held on Thursday or Friday mornings, but Mr. Vito has not attended them.

Lakeview Estates, Powder Hill Road, has demolished the main house and taken down several cottages. Nothing near the lake has been taken down yet though all of the tenants are out. There is still some asbestos in one of the buildings that they have not taken out yet.

Cahill started work on Monday on the storm drain replacement at 9 Cherry Hill Road. The catch basin was done today. Brian Curtis was at the site today. When the old pipe was dug up, the whole bottom of it was rotted out.

Approval of Minutes

A motion was made by Marianne Corona, seconded by Irene Angiletta, to approve the minutes from the July 20, 2011 meeting, as amended. On page 6, under Wetland Officer's Report, fourth paragraph should read Ms. VanderVeer rather than Ms. Angiletta and that there were two separate issues mentioned in the paragraph. It was also noted that page 5, fourth paragraph, should read Attorney Corona is not aware of any feasible alternative. Motion was passed with Howard Weissberg, Darin Overton and Rob Poturnicki abstaining.

A motion was made by Marianne Corona, seconded by Doug Charles, to approve the minutes from the August 3, 2011 special meeting, as amended. Lee Vito was not present at the meeting. Motion passed with Howard Weissberg and Rob Poturnicki abstaining.

Chairman's Report

Darin Overton reviewed the annual report, for July 1, 2010 through June 30, 2011.

Marianne Corona reported that she attended the Board of Selectmen's meeting last night and they passed the illicit water discharge ordinance along with the enforcement ordinance, with only a bit of discussion. The Board of Selectmen will choose the person to do the enforcement and the hearing officers.

Marianne Corona also complimented Geoff Colegrove for his outstanding job for the Town on the water diversion permit.

Miscellaneous

Irene Angiletta would like Lee Vito to test the water at the north end of the lake because it looked like there was soap in it.

Adjournment.

The meeting was adjourned at 8:41 pm with a motion by Marianne Corona, seconded by Irene Angiletta. Motion was unanimously passed.

Respectfully submitted,

Debi Waz

Debi Waz
Alwaz First

**MIDDLEFIELD INLAND WETLANDS
and
WATERCOURSES AGENCY
405 Main Street
Middlefield, Connecticut 06455**

Revised Minutes of the September 21, 2011 Meeting

Marianne Corona, Vice Chairman, called the meeting to order and informed the Commission that the Chair, Darin Overton, will be a few minutes late.

Attendance:

Members

Alternates

X	Angiletta, Irene	X	Poturnicki, Rob
A	Brown, Dr. James	X	Li, Linda
X	Charles, Douglas	A	Weissberg, Howard
X	Corona, Marianne	Others	
X	Hinsch, Kenneth	X	Vito, Lee
X	Overton, Darin (at 7:10 PM)		
X	VanderVeer, Daria		

A=Absent

X=Present

As there are a total of seven present, all the alternates will be seated.

Irene Angiletta made a motion, seconded by Doug Charles, to approve the agenda. Motion was passed unanimously. Marianne Corona moved item 6 before item 5, for the convenience of Geoff Colegrove, Town Planner, who had to attend another meeting.

Town of Middlefield, Powder Ridge Water Diversion from Lake Beseck, South Side of King Road

Marianne Corona reminded the Commission members that an application was accepted by the Commission at the August 17, 2011 meeting.

Geoff Colegrove, Town Planner, reported that he has received a detail of the pump station and the pump station is now 20 x 16 (originally, it was 20 x 15). They are in the process of filing survey information, prepared by Bascom & Benjamin, with the State of Connecticut for an easement into Lake Beseck.

After his field site walk earlier this week, Geoff Colegrove showed the plans where the structure has been moved about 40 feet from its original location. The reason for that is in order to construct it, there needs to be a buffer area around it and it would require the removal of a telephone pole which can cost up to \$5,000. There is a spot about 40 feet west of the original location, 50 feet from the telephone pole, that is

basically the same characteristics to what was shown in the photograph. Again, this is only being done to avoid the cost and administrative issues of dealing with trying to move a telephone pole.

The pump station itself is fairly substantial. It will be down 14 feet into the ground and will require basically a wet well type of structure. They will have the details early next week. Alternative locations were looked at and there are now two other locations that may be possible. Geoff Colegrove is, at this point, pretty confident that the location described will be the location of the facility and does not anticipate any changes to it. Once they receive the survey information, they will be looking for an easement on the Happy Acres property, owned by Mr. Kasner and his partner.

As mentioned at the last meeting, the diversion permit has already been approved for transfer and will be transferred at closing. All details at this point must be submitted to DEP before they agree to the easement onto the lake. Geoff Colegrove is not asking for any alternative location to be approved; he just wanted to inform the Commission of possible alternative locations.

A conference call is planned for Friday with the engineer and potential owner, trying to tighten the project up so documentation can be sent to DEP. Beth Brothers, from the DEP, has been very cooperative with the project. DEP will ultimately have the final say as to the location and depth of the structure, but it will be a 30 x 60 foot easement into the lake, as was discussed before. As all detail about the lake is fairly old, there will have to be verification.

Marianne Corona noted that Darin Overton, Chairman, arrived at the meeting at 7:10 PM. She did welcome all members to stay at the table, but only seven members can vote.

Marianne Corona asked if Geoff Colegrove sees any other need to come back to this Commission, other than the actual site of Powder Ridge. Geoff Colegrove stated that he would forward final documentation for the Commission's review, but there is more work to do before that. He explained that once the project gets through the DEP, it will be reviewed by the Attorney General's office and there is no stated timetable for that. Marianne Corona attended the Board of Selectmen's meeting last night where Geoff Colegrove made a presentation. The Board of Selectmen voted to extend the closing date to October 31, 2011.

Darin Overton agreed that there are some things that still need to be worked out with the DEP though he doesn't see that, with any of the options presented, that the impact changes dramatically. The conditions put in the permit stated that the final plans come back to the Commission for review. That doesn't necessarily mean another permit unless conditions have dramatically changed from the permit issued, but instead gives the Commission the opportunity to see the final construction plans. Geoff Colegrove agreed that the alternatives are all pretty much the same.

Geoff Colegrove made comments about the subordination and the easement, and Marianne Corona interpreted those comments, explaining that there is obviously a mortgage on the property and this process is necessary to release the piece of property from the mortgage.

Darin Overton commented that his experience with the DEP on these types of issues is that they review these things very carefully and the Commission can be reassured that the DEP is looking at the project in great detail. Geoff Colegrove believes that the DEP does want the project to move forward and repeated how pleased he has been with their cooperation.

Marianne Corona asked if the Commission members had any comments on the draft permit that Darin Overton had provided to the members. Hearing none, Marianne Corona made a motion that the Commission approves the application from the Town of Middlefield. (A copy of the motion is attached to these minutes.) Irene Angiletta seconded the motion. The motion was passed, with Daria VanderVeer and Ken Hinsch abstaining.

David Bernier, Proposed Activity within 100' of a Wetland for Pond Cleaning, 106 Cedar Street

A letter has been received via email withdrawing this application. The Commission accepts the withdrawal of the application. Marianne Corona added the letter sent by Jim Brown, dated September 17, 2011, to the record.

Public Session

There were no comments from the public.

Anthony Fazzino, Construction of a Retaining Wall along the Shoreline of Lake Beseck, Baileyville Road. Property Owner: Town of Middlefield

Anthony Fazzino proposes to install a retaining wall along the shoreline of Lake Beseck and has submitted maps to the Commission along with the application. Marianne Corona asked if the land had been transferred to Mr. Fazzino and it has not as of yet.

Anthony Fazzino reviewed the existing retaining wall and explained that he had come before the Commission close to two years ago to repair the wall and was not able to do that because the lake was lowered by three feet and that only somewhat exposed the wall. At that time, they did try to take all of the loose cement away. It is a stone wall that has been encapsulated in concrete. Because of the water level, they were unable to do anything else.

This year, the lake will be lowered to six feet and there should be plenty of room to work around it. Mr. Fazzino is proposing to continue the retaining wall on the piece of property he is purchasing from the Town. It will be the exact same height as the existing wall, but the actual construction will be of concrete. Some of the retaining walls around the lake are tipping into the lake and they are looking to hire someone to prevent that from happening.

Marianne Corona reiterated that the edge of the lake is the property line and this is actually being proposed on land owned by the State of Connecticut. The wall would then be on State of Connecticut land. Darin Overton agreed that the wall is 10 feet onto DEP property. Even if the property line were to be the course line, the wall would still be beyond the property line. Anthony Fazzino agreed that they would definitely want to build the wall on their property line and would move it where appropriate.

Mr. Fazzino has no details on how the wall will be built, as of yet, outside of a concrete structure.

Marianne Corona asked about the actual property line and Darin Overton explained that technically there needs to be a closure line in order to understand how to close the lot. The issue is that the edge of the lake or stream can be interpreted differently because it may move as time goes on. The deed probably says that the property line is the edge of the lake. Over time, the property owner could, in fact, gain or lose property naturally. In order to do a survey on the property, there has to be an arbitrary closure line.

The Commission reviewed the maps. Mr. Fazzino reviewed the channel from the catch basin and how it runs down the hill. Marianne Corona also commented that DEP considers any land under the lake a wetland and that therefore there is a wetland underneath this property that is under the lake. She asked at this point for a site visit. Marianne Corona also stated that the Commission cannot grant or even consider a permit until Mr. Fazzino physically owns the property.

Anthony Fazzino commented that the reason he was before the Commission, even though he doesn't own the property presently, was to get a permit for it so that when the lake is lowered, the work can actually begin. Marianne Corona felt that if he would be working on State of Connecticut land, he would have to go to the State of Connecticut for it even though this Commission governs the wetlands under the lake. Darin Overton interpreted that any water body is a wetland and this Commission has jurisdiction over it. The boundary of that wetland is the ordinary high water mark, even if the lake has been lowered. Darin Overton does not believe this Commission has any ability to permit anything within the lake itself without confirmation from DEP, the landowner, that they were allowing it. The application is signed by the Town as the property owner.

Darin Overton would like to see a soil scientist go out and verify that there are no other wetlands on the property and determine the high water mark. He would also like to see a section of how the wall will be built and whether or not there will be a footing. If there is a footing, the wall will need to be set back further. Mr. Overton explained that that may require an engineer, but in order for the Commission to permit the project, they would need to know those details.

Marianne Corona asked about the existing wall on the map and if this project were extension, the wall would have to be moved further back. Darin Overton replied that the line would probably not be able to extend straight, but would have to bend along the lake. Mr. Fazzino stated that he would build the wall wherever the high water mark is. The silt fence and hay bales would be out from that area. Under normal conditions, walls may be repaired while the water is down but with the construction of a new wall, it's hard to determine where the line would be.

Anthony Fazzino also asked about making repairs to the existing wall under the existing permit. Mr. Overton explained that the repair work can still be done under that permit. Only the new wall would require another permit.

The Commission discussed dates for the site visit. A motion was made by Marianne Corona, seconded by Irene Angiletta, to conduct the site visit on Wednesday, October 5, 2011 at 5:30 PM. The motion was passed unanimously.

Wetland's Enforcement Officer's Report

Lee Vito reported that the storm drain was installed at 9 Cherry Hill Road and the pipe was put in. Brian Curtis looked at the installation and okayed it. There has been a full CO issued for the house and the well is fine. A copy of the Commission's requirements was sent to the property owner and Mr. Vito will keep up on that issue.

Marianne Corona asked Mr. Vito to send a copy of Dr. Brown's letter to David Bernier so he is aware of Dr. Brown's comments.

Lee Vito also reported that Lyman Golf Center is progressing pretty smoothly and they have been very good about correcting any deficiencies. Marianne Corona asked about the reports given to Mr. Vito and he explained that he gets erosion control reports from Eric Davis. Marianne Corona also asked about the easterly corner of Miller Road and Route 147. Lee Vito wasn't sure what she was referring to and will go out and take a look. Darin Overton suggested that was where they were storing the topsoil. Mrs. Corona also asked about the Army Corps mitigation and Mr. Vito replied that he hadn't heard anything about that yet. Marianne Corona had asked Jon Brayshaw about the bridge on Route 147 and he said he had gotten different dates and she was concerned that it was getting late in the season to be doing the work. Mr. Overton commented that the DOT required the rip-rap drain along Route 147 as part of their permit.

Lee Vito also reported that they are still clearing trees at 105 Peters Lane, but there has been no stump removal yet. The riding area has been cleared and graded. Silt fence is up and Mr. Vito hasn't seen any problems.

Mr. Vito also reported that he's been over to the horse area on Cherry Hill and hasn't seen any issues there.

Approval of Minutes

A motion was made by Marianne Corona, seconded by Irene Angiletta, to approve the minutes from the August 17, 2011 meeting with no changes. Motion was passed with Daria VanderVeer and Kenneth Hinsch abstaining.

Chairman's Report

Darin Overton reported that he has received a letter from the Connecticut Department of Energy and Environmental Protection, DEEP, to all Inland Wetland agencies with a legislative advisory of Public Act 11-15 which amends the expiration dates of permits. Essentially, it states that any Inland Wetland agency permit that did not expire before May 9, 2011 is valid for nine years from the date of approval of such permit. Any permit issued before July 1, 2011 will also be valid for nine years. This is essentially the legislature recognizing that the economy is poor so that people will not have to go through the expense of reapplying.

Marianne Corona suggested that the Commission put something into their approvals stating that if there are changes to the permit, then the applicant would need to come back to the Commission. At that point, the Commission would have to decide what are significant and what are insignificant changes.

Darin Overton also received a rather lengthy report from the Department of Transportation in regard to the Route 66 improvements. The DEP had to provide monitoring reports of the mitigation areas to see how they are growing in. It talks about whether the performance standards are being met or not. Mr. Overton explained that the report was here for the Commission to review and provide comment to the DEP if there are any issues the Commission would like addressed. Marianne Corona will read the report and try to provide comments.

Miscellaneous

Marianne Corona received a notice Eric Hammerling from CT Forest and Park advertising an open part-time position.

The Land Use Academy is going to have a workshop on November 5, 2011 at Central Connecticut State University.

Adjournment.

The meeting was adjourned at 8:15 pm with a motion by Doug Charles, seconded by Irene Angiletta. Motion was unanimously passed.

Respectfully submitted,

Debi Waz

Debi Waz
Alwaz First

Middlefield Inland Wetlands and Watercourses Agency
September 21, 2011

Application: Town of Middlefield, Water Distribution from Lake Beseck, south side of King Road.

ICW Permit #0816-11

Decision:

Motion: That the Middlefield Inland Wetlands and Watercourses Agency, having considered the factors pursuant to Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Middlefield, Commissioners' knowledge of the area, and after review of written information and public testimony provided by the applicant on this application, finds the following:

1. That the activity is associated with work to be conducted within Lake Beseck for construction of a precast concrete intake structure and piping for withdrawal of water for snow making purposes at Powder Ridge. Such withdrawal is regulated by the Connecticut DEEP through an approved diversion permit held by the Town of Middlefield.
2. That the proposed location of the intake structure near the existing dam was determined by the DEEP as the best location for the water withdrawal to take place.
3. That installation of such structure within Lake Beseck requires an easement from the Connecticut DEEP who is the owner of the lake.
4. That the proposed activity will not have a significant adverse effect on the inland wetlands and watercourses as presented, provided all permit conditions are adhered to.

Therefore, the agency grants, with conditions, approval of the MIWWA Permit Application of the Town of Middlefield for Water Distribution from Lake Beseck, south side of King Road including an intake structure and piping in the lake and associated 20' x 15' pump station on King Road presented and shown on plans, photos, and other supporting documentation, with the following conditions:

1. All activities shall have appropriate sediment and erosion controls in place in accordance with the 2002 DEP Connecticut Erosion and Sediment Control Guidelines to prevent sedimentation of downstream wetlands and watercourses. In particular, any dewatering activities associated with excavation on site shall have appropriate sediment containment to minimize discoloration of receiving waters.
2. All maintenance and refueling of equipment and vehicles shall be 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.
3. The Middlefield Wetlands Enforcement officer shall be notified prior to the proposed start date of construction to verify that appropriate sediment and erosion controls are in place when construction begins.
4. That final construction plans depicting all work within the lake and the regulated upland review area be submitted to the agency for review prior to construction.
5. That documentation of any transfer of the state diversion permit be submitted to the agency.
6. That documentation of the easement to conduct the work in Lake Beseck be provided to the agency prior to construction.

**MIDDLEFIELD INLAND WETLANDS
and
WATERCOURSES AGENCY
405 Main Street
Middlefield, Connecticut 06455**

Minutes of the October 19, 2011 Meeting

Darin Overton, Chairman, called the meeting to order at 7:05 pm.

Attendance:

Members		Alternates	
X	Angiletta, Irene	X	Poturnicki, Rob
X	Brown, Dr. James	A	Li, Linda
A	Charles, Douglas	A	Weissberg, Howard
X	Corona, Marianne	Others	
X	Hinsch, Kenneth	A	Vito, Lee
X	Overton, Darin		
A	VanderVeer, Daria		

A=Absent

X=Present

Rob Poturnicki was seated on the Commission.

Irene Angiletta would like to be added to the Miscellaneous section of the agenda, but Marianne Corona reminded the Commission that FOI does not allow Miscellaneous on the agenda and that any items need to be defined. Irene Angiletta explained that she would like to ask for the Commission's help in getting Lake Beseck water tested and getting input on the possibility of some zoning regulations. Marianne Corona made a motion to add that item to the agenda as item 12 and remove Miscellaneous. The motion was seconded by Irene Angiletta and approved, with James Brown abstaining.

Public Session

There were no comments from the public.

Anthony Fazzino, Construction of a Retaining Wall along the Shoreline of Lake Beseck, Baileyville Road.
Property Owner: Town of Middlefield.

Anthony Fazzino submitted updated maps and a letter to the Commission for review.

While the Commission was reviewing the information, Marianne Corona asked the distance between the house and the proposed retaining wall, to which Mr. Fazzino replied approximately 11 feet.

Darin Overton reviewed the information, showing that the edge of the lake is identified and the intermittent watercourse is off the property, just to the south on the Babcock property that starts from the pipe discharge. Mr. Fazzino explained that the wall will be approximately 11 to 12 feet back from the high water mark. Marianne Corona asked if there is a setback from the lake and Irene Angiletta replied that the setback is 10 feet.

Irene Angiletta pointed out that the fourth paragraph states that the overall topography of the site is gently sloping toward Lake Beseck and she would like to know what the degree of the slope actually is. Mr. Fazzino did not know the exact slope.

Marianne Corona asked how far in the wall had to come. The scale of the map is 1 inch equals 10 feet. Marianne Corona explained that she is looking a picture, but Mr. Fazzino explained that the picture is from far away and the wall does come back in which was seen during the site visit. The new wall will be constructed at the same height as the existing wall. The purpose of the wall is to prevent any erosion from taking place. Darin Overton explained that the actual height would probably vary, but the top level would remain consistent. Many individual discussions ensued.

Marianne Corona interpreted Rob Poturnicki's comments to mean that footage should be marked so that whoever builds the wall would have some guidance. She also explained that it is difficult for the Wetlands Enforcement Officer to make any determination. Mr. Fazzino reviewed the map with the Commission. It does appear that the silt fence will be on the neighbor's property, so Mr. Fazzino should either move that to his property or get his neighbor's permission though he will also need the neighbor's permission for the excavation on their property as well.

Darin Overton commented that, in the past, it's been generally tolerated to have silt fence in the lake. The DEP has never formally complained or stopped anybody from making repairs from the lake bed. Darin Overton said that an iron pin is also shown on the Bascom & Benjamin map that the Town had done. Mr. Overton also asked why the contour lines are not shown on the current map and commented that the description of gently sloping is probably not realistic.

Anthony Fazzino explained that he has a couple of options as to how to construct the wall and would meet with a contractor after he gets approval from the Commission. Irene Angiletta commented that the wall could theoretically be 12 feet tall, though Mr. Fazzino responded that he wasn't talking about the height; just the materials used.

Marianne Corona asked the Commission members to explain how the construction actually occurs as she's never seen a new wall put in before. Commission members discussed how construction could be done with a pretty good sized hole. When asked, Mr. Fazzino answered that any soil he excavates will be put on his property somewhere.

Marianne Corona also asked Commission members how best to protect the lake during the process. Darin Overton commented that during the deep draw down, he would imagine that you would want to have the footing 42 inches below frost so that the wall doesn't heave. From the information submitted, the Commission cannot determine the height of the wall nor the elevation it is being set at. The plan shows a poured in place or precast concrete wall. If the construction were to be a block wall, no footing below frost is necessary. The other thing not shown is any drainage around the wall so there would be no hydrostatic pressure to push it over in the winter when the lake is drawn down.

Anthony Fazzino stated that he hears the concerns of the Commission loud and clear, but he has not hired anybody yet as he wanted to make sure he could get a permit to build the wall and then spend the money to engineer and construct the wall. Once the Commission tells him what he needs to do, he will hire someone. At that point, he will go to the Building Department, if necessary. Mr. Fazzino would agree to stipulations on the permit, if the Commission felt that was necessary.

Darin Overton explained that there needs to be a middle ground reached between the simplistic plan and what is needed for construction. This Commission doesn't need a full construction document with specifications in order to make a decision. Mr. Overton feels that while the Commission is close to being able to make a decision, there are a few more pieces needed. Anthony Fazzino asked if the wall was adequate as detailed or did the design need to be changed. Mr. Overton agreed that it was a reasonable representation of a detail for a retaining wall. If the Commission approved this plan and then Mr. Fazzino wanted to do a modular block wall, Mr. Overton thought that would be fine as long as there is an engineered wall design where required, which is over 4 feet. Either way, it would be fine as long as the impact area doesn't change from what the permit was issued for.

Darin Overton explained that the key piece of information missing is the actual height of the wall and the Commission cannot tell what the elevation will be. Anthony Fazzino asked the Commission members to refer to the other map that did have the elevations, though Mr. Overton points out that the contours are there, then stop and it doesn't say what the height of the wall is. Mr. Fazzino would be glad to come back to show the Commission what the elevation of the existing wall is today and that that would be the elevation of the new wall. He is hoping, however, that the Commission would not postpone the permit approval as there is such a distinct time limit when the lake is down and the ground isn't frozen. Mr. Overton reminded the Commission that Mr. Fazzino is going to remove the old wall and then build the new one and therefore they won't be able to have that height relationship.

Anthony Fazzino offered to give up 10 feet and build the wall in a different location, if that helped. That way, he would just let the water run down into the lake as it does right now. Rob Poturnicki agreed that that would work, but it may not be necessary to be that far back. Marianne Corona asked if the lake was far enough down and Mr. Poturnicki replied that it was pretty close at this point and will go down further January 1st. This deep draw-down is done every other year.

Mr. Fazzino asked the Commission if there was anything else needed for protection of the lake. Darin Overton commented that silt fence or hay bales should be fine. Mr. Fazzino reported that he was going to be submitting another application to the Commission next month to construct a garage up near the top and would want to keep the sediment control in place, but Mr. Overton commented that it would need to be moved up higher on the property.

Marianne Corona suggested that there is still some reasonable time left and that the Commission needs the rest of the details in place. Darin Overton didn't think this is a simple piece of property to build a wall on as it's very steep and there's very limited area to maneuver the equipment on to build it. The items that concern Mr. Overton are the elevation of the wall, where the footing will be and how deep they will have to dig to make the wall work. The deeper you go, the wider an excavation area you have and the farther you're chasing up the hill. That leads to an issue with where to stockpile the soil. Secondary erosion controls may be necessary on the hillside below the stockpile area.

Darin Overton commented that the paperwork says replace or repair, but he thought that Mr. Fazzino's intention was to tear out the wall and rebuild it. Anthony Fazzino replied that he had looked at the wall yesterday and one whole section had dropped right down and he wasn't sure exactly what would be able to be done there. The difficulty for Mr. Overton is how the approval would be worded with conditions as he still needs more information to define it. Mr. Overton is not opposed to a conditional approval, but is having a hard time figuring out how to get it done at tonight's meeting. Anthony Fazzino replied that he did not have anybody waiting to get started at this point as he hasn't talked to any contractors yet.

Marianne Corona interpreted that Mr. Fazzino would like some assurance that the Commission will let him build a wall. Anthony Fazzino replied that he was, in fact, looking for an approval. Mrs. Corona thought that, given all the factors that various Commissioners have outlined, that the Commission will let him do a wall. She asked Mr. Fazzino if he got that assurance, would he work on the details that were requested which would probably require a contractor. Anthony Fazzino would be willing to have a map with all of the conditions outlined, but the Commissioners felt that that should be done before an approval is granted. Anthony Fazzino was under the impression that it was the Building Department that wanted the details of the construction and the Wetlands Commission is concerned with protecting the wetlands.

Marianne Corona explained that she doesn't believe the Commission is opposed to a wall being built, but needs the details. Mr. Fazzino did not understand which details were not included. Mrs. Corona commented that it is this Commission's job to look out for the lake and that if Mr. Fazzino wants to build a wall, he should have plans to do it with. It is not the Commission's job to design the wall. Anthony Fazzino replied that he did bring the design for the wall here. Rob Poturnicki summarized that basically the Commission was looking for a professional opinion on the construction of the wall. That professional will tell Mr. Fazzino what he needs and he can then decide what kind of wall he'd like built.

Darin Overton asked if the field walk was in fact before or after the Commission's last meeting and it was confirmed that the field walk was on October 5th. Irene Angiletta suggested that the Commission could call a special meeting, if necessary, once the details were available. Mr. Overton reviewed that this was first presented as a wall that couldn't be built as it wasn't on Mr. Fazzino's property; they then went on a field walk and looked at the conditions and the Commission gave Mr. Fazzino a list of information that was needed in order to try to make this decision. Now, the next set of information was provided but there are still pieces to the puzzle missing. Darin Overton recalled that he had explained at the field walk that he didn't believe it was unreasonable for Mr. Fazzino to construct a wall on his property and there wasn't any reason why, if the wall is constructed similar to other walls at the lake with the appropriate measures taken, that the Commission would not approve that wall. Mr. Fazzino agreed that that was the conversation and that what he thought the Commission wanted was the location of the wall.

Normally, when Darin Overton feels the Commission is ready to reach a decision, he will take the plans and information and write up a formal motion for the meeting. However, the plans came in on Monday and the soil scientist's report came in on Tuesday. Mr. Overton called Lee Vito, but could not reach him today and is a bit reluctant to write up a motion at this point.

Darin Overton provided Anthony Fazzino with a list of details: (1) The top elevation of the new wall and the existing wall. Mr. Fazzino should tell the Commission where the wall will be set in relation to the lake. The water surface elevation of the lake should be on the plans as well (at the high water mark). (2) If there is a footing, what will the elevation of the footing be? Mr. Overton believes that that is all the information that the Commission requires and if Mr. Fazzino changes the construction to a modular block wall, that would be fine and a condition could be included in the motion that final plans would need to be submitted if the wall is

changed. Mr. Overton would also like an approximation of the limit of excavation that will be needed to build the wall and where the soil would go. He would also like a sequence of the operation, i.e. will it all be dug at once or will it be done a little bit at a time. The construction sequence also needs to include how the area above the wall will be restored. Mr. Overton also asked that the contours be put back on the map when it is revised. It was also recommended that the engineer take a look and not have it right on the property line with the footing extending out. It will also be added that the permit will not allow any disturbance of the intermittent watercourse.

Darin Overton asked Mr. Fazzino to get the information to him a week before the November meeting and he will prepare a motion. Anthony Fazzino asked if the Commission would approve this tonight with the conditions that the information listed above be submitted, but Marianne Corona explained that she personally would not vote for conditions at tonight's meeting as she does not have enough information. Before leaving, Mr. Fazzino asked if the Commission needed a design of the proposed garage for his next application or just the dimensions of the garage. Irene Angiletta explained they would need to know how many trees will be taken down and how much more of the property gets cut that will have a significant impact on the lake. Darin Overton explained that building structures can cover 25 percent of a lot and there is no zoning restriction on that. Mr. Overton explained that the type of siding, roof shingles, etc. doesn't matter to this Commission, however the ground disturbances are an issue (i.e. what type of footing, the area of disturbance and grading).

Darin Overton will have Lee Vito notify Anthony Fazzino that once he gets the information in and Mr. Overton is satisfied with it, he will coordinate a special meeting approximately one week later.

Brian Chaffee, E-Muscle, LLC, Site Plan Referral for Automotive Repair/Restoration Business, 31 Orchard Lane

Darin Overton mentioned that he did stop by at the property this afternoon. Brian Chaffee came before the Commission tonight to get a referral for him to go to P&Z. Since Mr. Chaffee is not going to make changes to the property, but basically is proposing a change of use, this Commission needs to decide whether that change needs to be permitted or not.

Marianne Corona commented that Lee Vito thought that the septic system may be within 100 feet of the wetland, but that Mr. Vito was going to have an engineer look at that.

Brian Chaffee introduced himself to the Commission, along with his wife, Paula. He explained that they have been a part of Middlefield's business community for about 10 years. He did distribute brochures and a binder with information to the Commission.

In February, 2011, the rafters at E-Muscle's location at 24 West Street cracked due to the snow load not being removed in a timely fashion. They did an emergency relocation of the business to 31 Orchard Lane which is where they had been storing cars for five years, strictly for overflow. At that point, Mr. Chaffee called Mario Milardo, the landlord at 31 Orchard Lane, and asked for the remainder of the building. He agreed and they moved into that location. Four months later, he was called and notified that the building at 24 West Street had been repaired and was ready for them to move back in. As of today, the building at 24 West Street has not been approved by the Building Department for reoccupation and the repairs have never been inspected.

Since this temporary move has now become a permanent location, Mr. Chaffee is now before the Commission. He also thought it was important that the Commission realize that they are not an auto body shop. Mr. Chaffee reviewed pictures of the shop and all of the improvements that have been made with the

Commission. The hours of operation are from 8:00 to 5:00 and Saturday 8:00 to 12:00. Overtime is a rarity. The employees are a very mature staff, in their late 50s/early 60s, as well as an apprentice from Vinal Tech.

E-Muscle, LLC is an internet-based business with about 18,000 hits a month. No one drives by looking for a muscle car shop unless they were told to. Typical clients are business owners, lawyers, executives that can afford to take these cars to an extreme level. There has never been an infraction or violation for noise or any other reason.

Brian Chaffee has visited every house on Orchard Lane and the neighbors were happy to hear from him. He has offered an open-door policy to the neighbors.

Mr. Chaffee then reviewed the map and pictures of the property, showing that it is 95 feet from the river to the waste oil tank which, per DMV certification, must be sitting in a containment bin. Mr. Chaffee has a contract in place with Safety-Kleen, the waste removal company, which is also required by the DMV. Car washing is very rarely ever done.

Restoration of these cars takes between one-and-a-half to two years. Mr. Chaffee showed the Commission his entire paint purchases for the year. He will have a paint bay, but is not planning to paint anything for another four to six months anyway. He does have certification with the EPA and is required for 95 percent minimum filtration on anything that exits the building.

Brian Chaffee outlined that the parking lot will be staying the same as it is right now and that all activities will take place within the building. Marianne Corona asked how gasoline is handled and Mr. Chaffee explained that they have a 55-gallon drum certified by Safety-Kleen.

Marianne Corona reviewed that the wetland issues would be proximity to the stream and where the leaching fields are located, but Lee Vito will be taking care of that. Brian Chaffee reported that the landlord and Lee Vito are working together on that and would check the baffles and be sure everything is working. They are waiting for a letter from Cahill certifying the septic system was okay. They are also doing another potability test on the well that will be forwarded to Lee Vito.

Darin Overton feels that the issue of whether a permit is needed or not is borderline, but that even if the Commission felt a permit was necessary, it could be deferred to Lee Vito. An argument could be made that this use is less than an impact than the previous use.

A motion was made by Darin Overton, seconded by Marianne Corona, that no Inland Wetland and Watercourse Agency permit is required based on the information presented by the applicant, Brian Chaffee, for the change of use at property located at 31 Orchard Lane. Motion was passed unanimously.

CT DEEP, Replacement of Bridge, Route 147 over the Coginchaug River

Darin Overton reported that the Commission has received a Notice of Application for Approval of Exemption for the flood management certification. The DOT had applied to the DEEP for this exemption. The exemption talks about the low chord of the bridge which is the lowest point of the bridge and will not be 2 feet above the 100-year flood plain which is standard for bridge placement. In addition, it said that the project does not meet the requirements of a state statute because it does not meet all the flood plain zoning requirements adopted by Town of Middlefield. Specifically, it does not meet the requirements that there be a net zero decrease in the water holding capacity of the flood plain.

Darin Overton explained that this Commission doesn't really have any jurisdiction over the DOT and bridge replacements and this is all referred to the DEEP. Since it was an exemption, Darin Overton, Marianne Corona, Jon Brayshaw and others were all curious as to what the exemption might mean. Mr. Overton called Colin Clark at the DEEP to get more details and he was told that the road is going to be wider at the bridge, which it needs to be. The project has a net fill of 309 cubic yards and the existing bridge cannot pass the 50-year storm underneath. The bridge will be raised to provide a larger opening so that the new bridge will pass the 50-year storm. The normal requirement is 2 foot clearance for the 100-year storm, but that couldn't be achieved. Modeling was done for the hydrology and the hydraulics of the bridge by the DOT's consultant which also models the FEMA flood plain and the report is available at DEEP. The model shows that there is a slight decrease in flood storage upstream which is another reason for the exemption, so there isn't going to be as much water stored upstream, adjacent to the Lyman Golf Course. The model also shows that there are negligible increases in the flood plain elevation in the vicinity of the new bridge. Specifically, upstream the water surface elevation is slightly lower because they've increased the bridge flow capacity. Concurrently, the downstream water surface is slightly higher, but once you get beyond the vicinity of the bridge, because the flood plain is so big, there is no change in the water surface elevation. This is all consistent with FEMA regulations, therefore the DEEP is recommending approval of these exemptions. They are also recommending approval of a separate application for 401 water quality. Based on Mr. Overton's discussion with Colin Clark, he doesn't believe there are any significant issues that the Town should be concerned with.

Marianne Corona commented that the only place that could be affected is the golf course. Mr. Overton asked Colin Clark about historic benchmarks associated with the bridge that Marianne Corona had mentioned and Mr. Clark said there was nothing listed in the permit and he was not aware of any. Mr. Overton also suggested that any historic benchmarks could be preserved. Marianne Corona reminded the Commission that it was part of the second golf course approval when the Fisheries Division asked for review on the trout habitat. There was supposed to be a mark on the bridge that if it went lower than that mark, Lyman Golf Course would have to stop pumping from the river because it would effect the trout habitat downstream.

Darin Overton sent all of these details to Jon Brayshaw and asked for the Town to notify the DEEP, or the DOT, about any benchmarks that the Town is aware of and ask that they be surveyed and somehow either transferred to the new bridge or adjacent to the bridge to be preserved. Marianne Corona did suggest that it is in the permit, but she isn't aware of whether it actually got put on the bridge. Darin Overton will review the bridge plans and let Jon Brayshaw know if he found anything relevant.

Wetland's Enforcement Officer's Report

Lee Vito gave a typed report to Darin Overton. He reported that Lyman's Golf Center weekly site inspection reports are being submitted and any deficiencies are corrected.

Work to establish the drainage channels at the Pogmore property at 890 Main Street will start very soon. The Town Engineer has gone over the site plans and requirements with the contractor, R. Whitehouse Construction. Mr. Whitehouse will wait until dry weather and will complete the project with minimal disturbances. Lee Vito and the Town Engineer will monitor and check the site and provide a report, with pictures, for this Commission. Darin Overton talked to Brian Curtis to see if the plan had changed and he was told that no changes have been made to the plans. The removed material will be stockpiled outside of the wetlands for dewatering and then returned to the site. Marianne Corona was concerned with how the material will be transported to the location for dewatering. She also asked if anyone had seen the contract to see what the contractor had to agree to.

Approval of Minutes

A motion was made by Marianne Corona, seconded by Irene Angiletta, to approve the minutes from the September 21, 2011 meeting with one change. Under Town of Middlefield, Powder Ridge Water Diversion from Lake Beseck, South Side of King Road, third paragraph, should read: After his field site walk earlier this week. Motion was passed with James Brown abstaining.

Chairman's Report

Darin Overton reported that he has received a letter dated October 1, 2011 from the Connecticut Association of Conservation and Inland Wetland Commissioners with an invitation to the annual meeting and environment conference on November 12, 2011 at Mountain Ridge in Wallingford. Marianne Corona reported that the Town will pay for any of the Commissioners to attend. Commissioner Esty will help celebrate the 50th anniversary of the law establishing conservation commissions in Connecticut. Mr. Overton has registration forms.

Discussion of Lake Beseck Water Testing and Zoning Updates

Irene Angiletta explained that there have been a lot of things that have happened to get her to this point. First, she found something in the lake and Daria VanderVeer had taken a piece of it to Yale to be identified. As of now, it has still not been identified. Ms. Angiletta describes the object as like Jello. Daria VanderVeer told Ms. Angiletta that Yale said it should go to the entomology department. Secondly, Ms. Angiletta believes the water quality this year is probably at its worst.

Irene Angiletta distributed a paper and pictures for the Commission to review. Ms. Angiletta is looking for the Agency's opinions about zone changes and water testing for phosphorus and nitrogen that possibly Lee Vito could do. She basically has three ideas that she would like the Commission's help with. The first is that Lee Vito take a number of water tests for phosphorus and nitrogen, two key elements of accelerated algae growth. Then, she would like the Commission's opinions and hopefully support for the creation of a shoreline zone for Lake Beseck and the Coginchaug River and/or the creation of buffer zones for the lakes, streams and wetlands in Middlefield.

Ms. Angiletta remembers when the Conservation Commission had done a study on water quality in Lake Beseck. At that time, they were concerned with the condition of the lake. The algae and weeds were the main concerns, just as they are now. In 1979, members of the Conservation Commission took samples of weeds to the University of Connecticut and those weeds were identified. Draw-downs have a huge impact on the weeds. During a study in 1978, it was found that the lake had reached its phosphorus limit and recommended that a control program should be developed. According to that study, the two contributors to Lake Beseck's algae and weed problems were erosion and sedimentation and faulty septic systems. In 1998, sewers were installed in the Lake Beseck area and most people believed the lake water would improve, with less algae and fewer weeds. Since this has not happened, Ms. Angiletta asked Lee Vito for a copy of recent water test results. Lee Vito did send the water tests to Irene Angiletta, but they only test for e. coli.

In a conversation with Al Johanson, he said that algae was a water quality problem and he thought it was a nitrogen overload connected most likely to lawn fertilizers. He suggested that the Agency could say to an applicant desiring to build within 100 foot review area, that the Agency would only grant a permit provided that no grass be planted or fertilizer be used on the property.

As a justification for the sewer project, First Selectman Charles Augur said that about a quarter of the 1,600 houses in the town were packed into the tiny neighborhood of about half a square mile. Since the completion of the sewer project, the area has seen more development. Ms. Angiletta is concerned about the increased lot coverage in the Lake Beseck area. She reviewed a sketch with the Commission that depicts what a 100 x 100 lot development would look like in the Lake Beseck residential zone. A house can be built 30 feet from the road, 10 feet from the water and 10 feet from either side.

Al Johanson also talked with Ms. Angiletta about the fact that Middlefield Planning and Zoning only regulates structures unless a special permit is required, such as in a commercial zone. In a special permit situation, P&Z would be able to consider impervious surface coverages. Otherwise, it doesn't have regulations that allow these considerations. He added that Haddam P&Z does regulate structure coverage and what they call all surface coverage. Mr. Johanson suggested that one way to regulate all surface coverage would be to pass an ordinance that would require a special permit for any new house, though he didn't think that would happen in Middlefield.

Marianne Corona commented that when the sewer was coming around, there was great discussion about changing the zoning regulations (including height requirements) to address some of these issues and that never happened.

Irene Angiletta went on to say that urbanization has effected the watershed and decreases the lifetime for surface run-off, caused by the reduced roughness and retention qualities of manmade surfaces. This, in turn, produces more rapid run-off patterns, increases in the frequency of large peak flows and enlarges the area of the flood plain downstream, increases the sediment yield and increases groundwater. On Lake Shore Drive alone, since the sewer project was completed, 21 houses have expanded their structures and impervious surfaces. In addition, there has been a rapid cutting of trees, including at least 150 trees last year in the watershed, including the Happy Acres property.

Irene Angiletta asked for the Agency's opinion on two proposals: the creation of a shoreline zone for Lake Beseck and the river and/or buffer zones to help maintain the rural, scenic look in Middlefield. She gave the Commission copies of a number of ordinances that exist in Maine as examples as well as pictures. Ms. Angiletta feels these ordinances are much more proactive.

Marianne Corona commented that in all the watershed studies, one of the big issues has been people cleaning their boats at the boat dock at Lake Beseck.

Darin Overton commented that he understands that phosphorus is the limiting factor in lakes that causes the algae, not nitrogen. Phosphorus binds to soil, so if there is erosion, it gets released into the water. There is also a theory that even though the sewers have been connected that all the leaching fields on the lake are still passing through a lot of phosphorus with the groundwater. The Commission members then discussed whether all of the homes in the lake area are on the sewers. Catch basins also need to be vacuumed out and the sediment traps maintained.

Irene Angiletta asked who could do water testing now. She mentioned that the Conservation Commission used to fund that and then after Inland Wetlands was created, Sally Harris did the testing herself. Darin Overton commented that anybody can do water testing. Ms. Angiletta commented that different people feel differently about development at the lake. She commented that Mr. Fazzino, who was here earlier, feels that removing the trees, planting grass and building a wall are good things and that he should have the right to build four stories high.

Adjournment.

The meeting was adjourned at 9:30 pm with a motion by Marianne Corona, seconded by Doug Charles. Motion was unanimously passed.

Respectfully submitted,

Debi Waz

Debi Waz
Alwaz First

**MIDDLEFIELD INLAND WETLANDS
and
WATERCOURSES AGENCY
405 Main Street
Middlefield, Connecticut 06455**

Minutes of the November 16, 2011 Meeting

Darin Overton, Chairman, called the meeting to order at 7:05 pm.

Attendance:

Members

Alternates

X	Angiletta, Irene	X	Poturnicki, Rob
X	Brown, Dr. James	A	Li, Linda
X	Charles, Douglas	A	Weissberg, Howard
A	Corona, Marianne	Others	
X	Hinsch, Kenneth	X	Vito, Lee
X	Overton, Darin		
X	VanderVeer, Daria		

A=Absent

X=Present

Rob Poturnicki was seated on the Commission.

A motion was made by James Brown, seconded by Ken Hinsch, to approve the agenda. Motion was passed unanimously.

Public Session

Mary Johnson, from Way Road, appeared before the Commission about the Pogmore property and what is happening on it. Ms. Johnson is very disappointed at the extent of the work taking place and states that it looks like they are creating Venice or something. She does not feel that it reflects the diagrams that Mr. Brayshaw showed the Board of Selectmen at previous meetings and she really questions the fact that there are no local permits nor state permits. Ms. Johnson has called Anisha Patel, who handles the storm water aspect of DEP, and she has not yet gotten back to her. Ms. Johnson believes that the activity that is happening there would require a permit, if not at the local level, then maybe at the state level. Ms. Johnson has also called Darcy Winter, the person who handles Inland Wetlands for DEP. She also recommended I follow up with the Army Corps of Engineers because, under the fresh water act, they may have some input as well.

Ms. Johnson's understanding of the project was that it was supposed to be the stream bed along the old trolley bed which was on the far side of the tree line from Cherry Hill Road down, more towards the house, not where the trench is going out in the corn field. She would like a response from the Board.

Lee Vito was at the site and had also talked with Darcy Winter who had gotten two anonymous complaints about the situation. She thought that it is a permitted activity because they are actually cleaning out a watercourse and depositing material in a wetland. The Army Corps' name came up as well. She also recommended terminating the job, even though they are almost done.

Darin Overton recalled that they have not gone outside of the scope of the work that they had planned on doing, but Mary Johnson stated that it was not the diagram that Jon Brayshaw had shown the Board of Selectmen. Mr. Overton recalled that we this Commission saw had the main channel and then two main fingers of watercourse channels that went into the fields. Lee Vito agree that there was a main channel along the fence line and then two feeder channels coming in. It was suggested that maybe what Jon Brayshaw showed the Board of Selectmen was defective in some way. Lee Vito did state that Brian Curtis had drawn up the plan and has also visited the site many times and that Mr. Vito thought it was pretty much what was on the plan.

Mary Johnson also stated that her understanding was that the work was to be done in the dry season, but that Mr. Whitehouse was out there last Thursday in the middle of the pouring rain doing the work. Darin Overton stated that he did not remember ever putting a condition on the work to be done in the dry season and that they sort of expected that it was a rush and would be done in the summer. Mr. Overton explained that this Agency carefully reviewed it and had their attorney also review the application and the attorney said that as long as it could be determined that this was a legitimate farm activity, our Commission's attorney felt that it was exempt under the regulations and fell under Section 4 as a farming activity. Everyone on the Commission agreed that Mr. Pogmore is a farmer and that this was a legitimate farm activity under the regulations and that it should be exempt from permitting by the local commission. Of course, the Commission has nothing to do with state and federal permits.

Mary Johnson felt that we have a responsibility, as a town, considering the fact that we are spending over \$20,000 to do the actual work and not the landowner. She felt that if any state or federal permits were needed, that it would be the Town to do that. Darin Overton explained that it's the responsibility of anybody conducting the work. Mr. Overton explained that there was some conflict of information as to whether the actual area of the fields themselves was wetland or not. Ms. Johnson stated that she's lived here her whole life and it's always been a wetland. The USDA information, when they designed the channels for the fields, showed that those were moderately well-drained soils. The Commission had their soil scientist go out and look at it and it was understood that when the material was taken out, it was going to be temporarily stockpiled next to the channel to be dried out. To bring bucket loads or dump trucks in there to try to remove it while they were taking it out in the wet was going to cause much more soil erosion. Ms. Johnson stated that she can't see where it's going to dry out; it is going to freeze very soon. Mr. Overton explained that it may need to sit there for some time to dry out before it can be spread elsewhere on the property.

Mary Johnson doesn't personally feel this whole thing was handled very well, but Darin Overton explained that he felt that this Board handled what came before it appropriately. It was reviewed by the proper people and had been informed by the attorney that if this was a legitimate farm operation, that the Commission does not issue a permit as it was an exempt activity. Lee Vito did remind everyone that Mr. Pogmore did get approval by this Commission in 2001 to the work that is going on now, however that permit had expired.

Mary Johnson explained that a permit could still be required for the stormwater run-off and that permit would be the Town's responsibility. Darin Overton felt that that would be an issue that the Board of Selectmen would need to deal with. Mary Johnson will attend the next meeting of the Board of Selectmen. Before Ms. Johnson left, they did review the drawing that the Commission had. Darin Overton explained that Mr. Pogmore had made a claim that it was the Town's responsibility, as the developer of the industrial park that deposited all the sediment on his land, to do the work on his land. The Town decided to do the work because it would cost less money to do the work than it would to fight it in court. Mary Johnson's main concern here is dumping of the soil back into the wetlands.

Darin Overton remarked that what he is seeing at the project is close to four feet of sediment coming out of those channels. When a channel fills in that much, there's no channel left and the water just spreads out everywhere. There is no surprise that Mr. Pogmore could no longer work those fields as the water was flowing all over the field. From the USDA design, it clearly states that the area is moderately well-drained soil in the crop land. It cannot be said that this is clearly wetland because the document from a government agency states that it is not. Mary Johnson is also concerned that the Town is doing the proper work and not just a favor for somebody. Mr. Overton stated that this Commission is not in the business of doing favors for people. Ms. Johnson was not trying to imply that this Commission is doing any favors. Darin Overton told Ms. Johnson that he thought the majority of her issues involve folks other than this Board.

Anthony Fazzino, Construction of a Retaining Wall along the Shoreline of Lake Beseck, Baileyville Road. Property Owner: Town of Middlefield.

Anthony Fazzino had submitted revised plans, based on the Commission's requests, and reviewed them with the Commission. The elevation of the lake is on the plan. The elevation of the existing wall is also included as well as the elevation of the proposed wall. The return wall was moved back 8 to 10 feet.

The top of the wall is 316, the base of the wall is 312.3. Water elevation is 315. Mr. Fazzino explained that the wall is a foot higher than the water, when the lake is at normal level. Mr. Overton commented that when there is a drawdown of 4 feet or more, you will see almost 4 feet of wall exposed. The upper elevation of the new wall will be 4 feet, then it goes down to virtually 2 feet because the lake bed is tilted up to begin with.

Mr. Fazzino had mentioned at the last meeting that he wanted to leave his options open as to the construction of the wall. He showed the Commission one of the other options he was looking at, as was suggested to him by Lee Vito. The blocks weigh between 2200 and 2300 lbs. and can be brought to down to the lake by the excavator that will be needed to excavate for the base of the wall. Mr. Fazzino explained that the soil that is removed will be moved to another part of his property and will be protected by the silt fence. If Mr. Fazzino does go with this block type of construction, he is looking to replace the

existing wall at the same time. This type of construction will probably go faster than having to put up forms and pour concrete and that would be a benefit as the valve will be closed on December 31st and the lake will rise.

It was suggested that more silt fence be added in the area of the stockpile and Mr. Fazzino agreed that that would not be a problem. There was a discussion about how the excavation and construction would actually take place. It was agreed that the silt fence should extend to the front of the house.

Darin Overton went through the minutes prior to the meeting and reminded Mr. Fazzino that the Commission wanted to see an approximation of the limit of excavation that would be needed to build the wall and where the soil would go. Mr. Fazzino explained that it would be 35 cu.yds plus/minus to be excavated for the proposed wall. Mr. Overton was still looking for the depth of the footing if the wall is to be a concrete wall. Anthony Fazzino stated that he would do the construction with the block walls and would not require footings, but Mr. Overton commented that that was not what the plan showed. The blocks would be set on compacted subgrade and does not need to go 40" below the lake bed.

The Commission had also asked for a sequence of operation. For example, would the wall all be excavated at once or portions at a time? Mr. Fazzino did check with the surveyor/engineer and they weren't sure how it will be done as of yet, depending on the amount of room that is available and which machine will be used. Everyone agrees that the construction should be done from the top side, rather than from the lake bed. Mr. Overton did explain that he has written up a motion, but that that would be one of the conditions of the motion. There is also a condition asking for a final drawing, showing the design of the final wall. These materials can be submitted to Lee Vito, Darin Overton can come to the site and take a look and he can update the Commission at the next meeting. Mr. Fazzino need not come before the Commission again.

Darin Overton also stated that there is another condition in the motion about how the area above the wall will be restored. Once the grade is established, one of the conditions is that there is an erosion control blanket on it to establish it as soon as possible to prevent erosion in the future. The Commission had asked that the contours be put back on the map and they have been. The Commission had also asked that Mr. Fazzino's engineer take a look at moving the wall away from the property line and that was also done.

Darin Overton distributed copies of the proposed motion to the Commission as well as to Mr. Fazzino. Mr. Overton then went over all of the conditions and Mr. Fazzino had no problems with any of the conditions presented.

A motion was made by Darin Overton, seconded by Douglas Charles, that the activity by Anthony Fazzino, permit #0803-11, for construction of a retaining wall along the shoreline of Lake Beseck, 235 Baileyville Road, does not represent a significant activity per section 2.1 of the Middlefield Inland Wetlands and Watercourses Regulations. Motion was passed unanimously.

A motion was made by Darin Overton, seconded by Irene Angiletta, to approve the application of Anthony Fazzino, permit #0803-11, for construction of a retaining wall along the shoreline of Lake Beseck, 235 Baileyville Road, with conditions as outlined in the attached document. Motion was passed unanimously.

CT DEEP, Replacement of Bridge, Route 147 over the Coginchaug River

Darin Overton received correspondence from CT DEEP, a notice of determination for a 401 water quality certificate, for the bridge. It is the DEEP's notice recommending approval. There is a comment period (no date was given for comments) and you can petition to request a hearing. The activity will effect .27 acres of inland wetlands. There were no comments from the Commissioners.

Approval of 2012 Meeting Dates

The proposed meeting calendar was reviewed. There was discussion above moving the November meeting to November 28 as the 21st is the night before Thanksgiving. A motion was made by Irene Angiletta, seconded by Ken Hinsch, to approve the meeting calendar with the November meeting to be on November 28, 2012. Motion was passed unanimously.

Wetland's Enforcement Officer's Report

Lee Vito met with the CEO of Lyman's and they wanted to move some of the hay bales and silt fence. Construction of the golf course is pretty much complete and they are working on the building.

Mr. Vito also received a complaint about a bulldozer in a wetland on the corner of Higby Road and Route 66. The operator was clearing brush and vegetation and did stop when Mr. Vito asked him to. Mr. Vito talked to the owner, who said that it used to be farmland. He reviewed a drawing and it did look as though the equipment was not in a wetland, but he will look at it again.

Activity is still in progress at the Pogmore property at 890 Main Street and will be done very soon. Lee Vito did get a call from DEEP about the excavation and they basically said it was wetlands and they should stop. Darin Overton asked if Mr. Vito explained that it was clearing out of channels for farm fields and that it was exempt under our regulations and that the Commission had determined it to be a legitimate farm activity. Mr. Vito said the DEEP mentioned that the map from 1969 was old and recommended getting hold of the NRCS to see if it is wetlands. The work is 90 percent complete at this point. The issue is probably more the stockpiles and they should be left to dry out. It doesn't seem to be draining under Route 147 at this point. Darin Overton asked Lee Vito to keep him up to date of any further discussions with the DEEP and to let anyone at DEEP know that they can contact Mr. Overton directly.

Mrs. Grenier has planted some wetland trees and plants on Cherry Hill Road and Lee Vito will go take a look.

Approval of Minutes

A motion was made by James Brown, seconded by Irene Angiletta, to approve the minutes from the October 19, 2011 meeting, as presented. Motion was passed with Daria VanderVeer abstaining.

Chairman's Report

Darin Overton received a copy of the Habitat with DEEP Commissioner on the cover and the article he wrote.

Miscellaneous

Irene Angiletta remarked that she has not given up on her project, but the power outage caused a slight delay. She states that Lee Vito did promise that they would do something about testing the water. She did call Chuck Lee, as was recommended, and he called back but she missed the call. She will call him back and as about the water testing.

Darin Overton suggested that Irene Angiletta give a copy of her information to Daria VanderVeer.

Adjournment.

The meeting was adjourned at 8:27 pm with a motion by Darin Overton, seconded by Doug Charles. Motion was unanimously passed.

Respectfully submitted,

Debi Waz

Debi Waz
Alwaz First

Application: Anthony Fazzino, Construction of a Retaining Wall along the Shoreline of Lake Beseck, 235 Baileyville Road

IWC Permit #0803-11

Determination of significance:

Motion: That the activity as presented does not represent a significant activity per section 2.1 of the Middlefield Inland Wetlands and Watercourses Regulations.

Decision:

Motion: That the Middlefield Inland Wetlands and Watercourses Agency, having considered the factors pursuant to Section 10 of the Inland Wetland and Watercourses Regulations of the Town of Middlefield, Commissioners' knowledge of the area, information observed at a field walk of the property, and after review of written information and public testimony provided by the applicant on this application, finds the following:

1. That the activity is associated with work to be conducted along the edge of Lake Beseck for construction of a new retaining wall and repair or replacement of the existing retaining wall. Limited clearing and grading will be conducted to accommodate the new wall.
2. That no disturbance of the intermittent watercourse adjacent to the southern property line is proposed.
3. That this work is proposed to take place during a deep drawdown of the lake (approximately 6 feet) and all work shall be completed prior to the CT DEEP allowing the lake to refill.
4. That the proposed activity will not have a significant adverse effect on the inland wetlands and watercourses as presented provided all permit conditions are adhered to.

Therefore, the agency grants, with conditions, approval of the MIWWA Permit Application of Anthony Fazzino for property located at 235 Baileyville Road, for construction of a new retaining wall and repair or replacement of the existing retaining wall as presented and shown on plans entitled:

"Improvement Location Survey prepared for Anthony & Lina Fazzino, 235 Baileyville Road, Middlefield, Connecticut," scale 1"=10', dated 8/29/2011, revised to 10/26/2011 as prepared by Connecticut Consulting Engineers, LLC.

with the following conditions:

1. That all activities have appropriate sediment and erosion controls in place in accordance with the 2002 DEP Erosion and Sediment Control Guidelines to prevent sedimentation of downstream wetlands and watercourses. In particular, any dewatering activities associated with excavation on site shall have appropriate sediment containment to minimize discoloration of receiving waters.
2. 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.

3. That erosion control matting be placed on the proposed 2:1 slope once final grades are established.
4. That the Middlefield Wetlands Enforcement Officer be notified prior to the proposed start date of construction to verify that appropriate sediment and erosion controls are in place when construction begins. The applicant shall also have the face of the proposed wall staked in the field and notify the Middlefield Wetlands Enforcement Officer when this is done so that he may observe in the field the proposed limits of the wall.
5. That final design drawings of the retaining walls prepared by a professional engineer licensed in the State of Connecticut shall be submitted to the Commission for review prior to the start of construction. These design drawings shall include information regarding the size and depth of footings, construction sequence, approximate limits of excavation for footings.
6. No work on any part of the retaining wall or shoreline below the normal level of Lake Beseck is allowed outside of the deep drawdown period. If the proposed work is not completed during the time frame of the deep drawdown, then work will stop two weeks prior to the lake level being restored and all disturbed areas shall be properly stabilized per the 2002 DEP Erosion and Sediment Control Guidelines.
7. Perimeter erosion controls on the south side of the property shall extend up to the line of the front face of the house.
8. No construction equipment, other than hand-operated tools, shall be used in the lake bed without approval from the CT DEEP.