

**NOTE: These Minutes are subject to Agency approval at the next Regular Meeting
Chester Inland Wetlands & Watercourses Agency
Regular Meeting, August 5, 2019
Page 1 of 7**

1. Call to Order

The Chester Inland Wetlands & Watercourses Agency held its regular meeting on Monday, August 5, 2019, at the Chester Town Hall, 203 Middlesex Avenue, Chester, Connecticut. Agency members present included Al Bisacky, Sally Sanders, Kim Senay, Eric Davidson, Bob Blair, and Bill Bernhart. Chairman Bisacky called the meeting to order at 7:00 PM.

2. Minutes – July 1, 2019

Motion by Blair, second by Bernhart, to approve July 1, 2019 Minutes amended as follows:

Under 6. #19-03, Aaron Manor –

- Change the word “mullucks” to “mussels” in Paragraphs 12 and 65.
- Paragraph 28 – “...actual soil parameter...”.
- Paragraphs 34, 35, 36, 37 and 38 – “Mr. Lancor...”.
- Paragraph 49 – “...bedrock and surface...”.
- Paragraph 60 and 61 – “Mr. Wolfgram...”.
- Delete – Motion made and seconded to deny #19-06 Ray Young. Unanimously Approved.

3. Audience of Citizens – no one offered any comments.

4. #19-09 Horse & Rock Properties Inc. 221 Middlesex Avenue, Shed

Eric Davison recused himself. Mark Rohlf was present. Chairman Bisacky noted this was reviewed last month. Sally Sanders noted she looked at the site and everything looked good. They should just be careful about roof runoff. **Motion by Sanders, second by Bernhart, to approve #19-09 Horse & Rock Properties Inc. application for shed as presented. Unanimously Approved.**

5. Continued Show Cause Hearing – Chester Airport, 61 Winthrop Road – unpermitted activity within review area

6. Chester Airport, 61 Winthrop Road – unpermitted activity within review area

Nothing new regarding agenda items 5 and 6.

Motion by Sanders, second by Davidson, to move Agenda Item #8 to after #6. Unanimously Approved.

8. Chester Creek Dredging Application

Joel Severance, Chairman of the Chester Harbor Management Commission, was present. He submitted his application. He noted every 8 to 10 years they have had to dredge the Creek. It is now 12 years since the last time it was dredged. Mr. Severance pointed out some of the highlights. He reviewed the application, checklist, regulations pertaining to the application, Harbor Management Plan dating back to 2003 including references to the value of dredging Chester Creek, fee schedule, DEEP Reporting Form, application to the Connecticut Port Authority for Phase 2. Phase 1 is the grant for doing the study of the mouth of the river of the creek.

**NOTE: These Minutes are subject to Agency approval at the next Regular Meeting
Chester Inland Wetlands & Watercourses Agency
Regular Meeting, August 5, 2019
Page 2 of 7**

Phase 2 is the grant to get the dredging done. They have a tentative approval pending a vegetation study and sediment samples. From the town, they need approvals from Inland Wetlands, Board of Selectmen, Board of Finance and Planning & Zoning. Mr. Severance noted there are 445 slips in Chester Creek, plus 3 travel lifts supporting maintenance for boats and on land boat storage for winter time. He indicated there is a lot of revenue that comes in from the yacht clubs and there is a tremendous value to the local businesses. Should the creek fill up much more, it will cause people to go to other places. That's the biggest factor why the dredging should be done. Severance explained this is a continuance request for the next 10 to 12 years. Chairman Bisacky noted the Agency didn't have any jurisdiction over the dredging, but does have jurisdiction over where the dredge spoils are going and what the impact would be. Severance noted since 1967, 1981, 1990 and 2000, the dredge spoils have been put on the Eckhouse property (Map 10, Lot 187). A photo was part of the application where the actual dredge spoils will be placed on the Eckhouse property. Severance noted DEEP has highlighted an area of 2.4 acres where the spoils can be put with a number of regulations. He also noted there are some endangered species near Springfield Yacht Club that they have to stay away from. Eric Davison noted there needs to be erosion and sedimentation control measures. Docko has done this paperwork and it is currently at DEEP. Chairman Bisacky noted when that paperwork is received from DEEP, the Agency will need a copy of it. Eric Davison noted the area has to be vegetated with something in order to be stabilized. Mr. Severance reviewed 2 alternative disposal sites which were not suitable. They used to use Cornfield Point but it's not allowed any more. The Dock Road site was again reviewed. They also have a letter from Eckhouse approving use of this site. This will be on the next meeting Agenda for receipt of additional information.

7. #19-03, Aaron Manor, S. Wig Hill Road - Septic System

Chairman Bisacky noted the public hearing was concluded last month. He asked if everyone who missed a session of the public hearing listened to the recording of the meeting. Eric Davison replied yes. Kim Senay replied no. Bisacky informed Senay he could stay but could not participate in the deliberations.

Bisacky noted the Agency must go by Section 10 of the regulations and justify whatever the decision is. He suggested having a general discussion about what was heard during the public hearing and the general consensus of the Agency. And if any conditions would be imposed. If the decision were a denial, then reasons for denial. He also noted after having this general discussion, he would like to consult with the Agency's attorney in drafting either an approval or a denial.

Bisacky noted the Agency has 35 days to make a decision after the close of the public hearing which would be tonight. If a decision is not reached, an extension would need to be obtained from the applicant. He further noted a lack of a decision does not constitute an approval of an application.

**NOTE: These Minutes are subject to Agency approval at the next Regular Meeting
Chester Inland Wetlands & Watercourses Agency
Regular Meeting, August 5, 2019
Page 3 of 7**

Chairman Bisacky noted one thing to consider is is there a reasonable and prudent alternative. If there is a reasonable and prudent alternative, this application cannot be approved. It was noted the decision is to be based on impacts to wetlands. Bisacky also noted the decision can only be made on information presented in the application and during the public hearing. He indicated a letter had been received from staff of a letter from Bob Scully, Department of Health, recommending approval with some conditions. Those will be considered in the Agency's decision.

Bill Bernhart noted one point of discussion was the wetland crossing and whether the force main should be submerged or above ground. They then came up with the alternative of an above ground because the Agency was concerned about the excavation. Then there were concerns about the above ground because of potential damage resulting in environmental impact. Mr. Bernhart also noted Bob Scully's letter had some concerns about the above ground. A point of discussion should be is the crossing as proposed by the engineers acceptable and is the recommendation to have the force main submerged acceptable.

It is noted for the record Kim Senay left the meeting.

Sally Sanders noted she like the idea of having an above ground and felt it was a nice alternative. It would be less excavation.

Chairman Bisacky noted Jacobson questioned the need for a circular turnaround as opposed to a hammerhead which would be less impactful. The applicant had noted they could do that. Another thing to consider is the applicant stated they would use this crossing for construction and maintenance of the leaching field only and for maintenance of the field. If we choose to approve this, it should be limited to that use only. Bisacky noted mitigation had been discussed a couple times during the public hearing beyond the planting plan included in the application. No mitigation was offered. This should be considered as a condition. Mitigation would be to offset the impact to the wetlands and could take many forms. Is the planting plan adequate? Is more or something different needed?

Another item for consideration is the location of the crossing as proposed versus the alternative where a lot of cut and fill would be needed. It was noted the leaching field itself is outside the 100 foot review area.

Chairman Bisacky noted Mr. Scully's letter indicated there should be some confirmatory testing. Bisacky noted when that testing is done there is the potential for the design to change. He indicated the plan before the Agency would be the plan that would be approved and if it is changed for any reason, they would have to come back to the Agency.

Eric Davison noted there had been discussion as to whether connecting to the municipal sewer was a reasonable and prudent alternative. The applicant presented the case it was not an

**NOTE: These Minutes are subject to Agency approval at the next Regular Meeting
Chester Inland Wetlands & Watercourses Agency
Regular Meeting, August 5, 2019
Page 4 of 7**

alternative. The cost was substantial. There was no clear path in the history from Mr. Wolfgram or the former and current selectmen that it was a reasonable thing. It was a vague concept in the Plan of Conservation & Development. Mr. Davison noted there would be so many parties involved and time frame involved to get that extension done, and he didn't feel it was feasible. Both Chairman Bisacky and Sally Sanders agreed. Davison noted the only other option would be is there another spot on the property. Sanders noted she spoke to the First Selectwoman and she has no interest in pursuing it.

Chairman Bisacky reminded everyone that even if there is no feasible and prudent alternative, that doesn't mean this would be an automatic approval. Mr. Davison noted there had been discussions about moving it up to the north in to the wooded area. He indicated that would be a longer access road, more clearing and grading. Mr. Russo had noted the soils were worse in that area in terms of bedrock, etc. Davison noted he didn't feel there was anything put into the record that there was a better spot for the leaching field. He also noted the conditions at the existing site are problematic for a repair.

Mr. Davison noted is this application as presented to the Agency present an adverse impact to wetlands. He also noted there is intervention information too.

It was noted if the leaching field was outside of the wetlands regulatory area, it would never have come before this Agency. Bisacky noted it still could have come before this Agency even if it was outside the regulatory area if there was the chance of impacting the wetlands.

Sally Sanders noted this is a large project and appreciated input from the Public Health Department and Brian Curtis. She wasn't sure the laws were such that the Agency could say this system wasn't within the realms that could work. She suggested a condition of approval would be to get copies of all inspections done by the Health District.

Eric Davison noted he asked Mr. Curtis is there were any fatal flaws in the design of this system and he said he didn't. He also asked Mr. Richie, representing the Intervenors, if this would present unreasonable harm to the environment. His answer wasn't yes, but he needed more information. Davison felt there was plenty of information from the applicant and Mr. Curtis. He felt the engineers got into arguing over design parameters. He felt if the application was denied because of impact of a septic system near a wetland, this would be going against all of the science and legislation that backs up the whole purpose of the Health Department criteria and approval of septic systems. Chairman Bisacky noted he did not disagree with that and in fact the Agency should focus on the design and location of the crossing and the use of the crossing. Sally Sanders noted she hates all the matting and asked Mr. Davison if it works properly. Mr. Davison replied yes if its installed properly. Sanders asked who monitors the installation of the matting. Chairman Bisacky noted that would be Anna Sweeney, WCO.

**NOTE: These Minutes are subject to Agency approval at the next Regular Meeting
Chester Inland Wetlands & Watercourses Agency
Regular Meeting, August 5, 2019
Page 5 of 7**

Bob Blair noted he felt the design for the crossing was adequate but felt he would rather have a permanent access route to the system that would support timely response. He felt there should be a condition of approval on the access route and the size of the turnaround.

Chairman Bisacky noted he would personally like to see it below ground as opposed to above ground as to hazards. There are a number of details on the below ground that would need to be clarified. Bisacky noted he felt a permanent crossing was fine there but felt it could be done with a temporary crossing given the nature of the size and the watershed. His concern with a permanent crossing is that it could potentially be used for other more uses of that property. He would condition approval that would limit the use of that to just the construction of that leaching area, the maintenance of it and periodic mowing of the field. The crossing is 12 feet wide and would be adequate for a driveway. Davison asked if this could be a condition. Bisacky noted he would like to see this as a condition of the Agency's approval and noted in the Land Records as well.

Chairman Bisacky noted he wanted to discuss mitigation in general terms. They are cutting a bunch of trees, they are proposing a planting plan which is minimal. Eric Davison noted when there is a sloping site with shallow to bedrock, creating wetlands is problematic. Restoration of an existing wetlands would be more reasonable. There is also the issue of the paving in the front parking lot. He was shocked they didn't come in with a stronger mitigation plan. He didn't think it was adequate compensation. There have been other sites where creation is not ideal on the site, but the mitigation proposal was weak. Davison reviewed what he would like to see as mitigation and the location. They missed several opportunities for mitigation. Chairman Bisacky noted mitigation can be a condition of approval. Bisacky noted he would like to see the balance of the field not being used to be more protected. Sally Sanders also noted there was an issue with the neighbors about mowing. There was discussion about abandonment of the existing systems. Davison reiterated he was disappointed the applicant didn't submit more creative mitigation.

There was discussion about issuing a conservation easement on land not being used so it doesn't get used in the future. Sally asked if the conservation easement would be the mitigation.

There was discussion regarding the Intervention information and whether a burden was proved. It was noted there was a lot of discussion about the wood chips. Mr. Curtis indicated the Health Code now permits an alternative design with wood chips. Mr. Scully didn't mention the wood chips. Davison noted the Intervention was mainly about the system design and the alternatives. Sanders noted they also brought up the location of the wetlands crossing.

Chairman Bisacky noted he didn't think connection to the municipal sewer system was a prudent and feasible alternative and wanted to take it off the table. Other members agreed.

**NOTE: These Minutes are subject to Agency approval at the next Regular Meeting
Chester Inland Wetlands & Watercourses Agency
Regular Meeting, August 5, 2019
Page 6 of 7**

Chairman Bisacky noted with regard to the design of the leaching field, the Agency received information from the Agency's consultant and from the Public Health Department that the design is proper. The Intervenor's engineer had a different opinion. Bisacky noted he was willing to go with the Health Department and the Town Engineer and say it was a reasonable design and meets the code for the leaching field. Davison and Sanders agreed. This was only for the main house and the facility. The third house up on the hill has its own septic system. Bisacky noted the approval could be conditioned to reduce the size to just cover the building it will be connected and not the rental property and not the other 8 units in the future. Bill Bernhart noted if approved, he would go with the conditions specified by the Health Department.

Chairman Bisacky asked about the alternative location to the south that would require more grading. Do we agree that is not a prudent alternative? Everyone agreed.

Chairman Bisacky noted the following was discussed as possible conditions –
Construction details for the force main should be revised to be coordinated and consistent.
Make the turnaround a hammerhead to reduce footprint of the fill.
Limit the use of the crossing with a deed restriction.
Relocation of the box turtles.
Monitoring of the plantings for 3 years.
Timing for construction of the wetlands crossing, maybe June to October.
Conservation easement, maybe.
Monitoring of the system itself, who is responsible for that.
Install a rain garden or vegetated swale to treat storm water runoff from the eastern parking lot.
How will the existing septic system area be restored once new system is being used.
Should the force main be above ground or below ground?

Chairman Bisacky noted he will work with Attorney John Bennet on compiling the conditions. The applicant should submit a 35 day extension for making the decision with all conditions. Application was tabled until next meeting in September.

9. Regulations and Map Modifications – nothing further at this time.

10. Correspondence – none.

11. Receipt of Applications After Posting of Agenda – none.

12. Any Other Business

Bill Bernhart noted he was appointed to the Cedar Lake Watershed Commission. Their focus is primarily on water running off into the Lake. They are working on stenciling the storm drains. There is also a big concern about invasives. They want to do bacterial testing of certain areas of the Lake water.

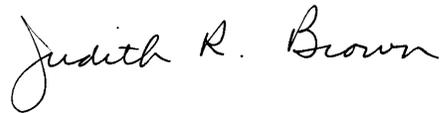
**NOTE: These Minutes are subject to Agency approval at the next Regular Meeting
Chester Inland Wetlands & Watercourses Agency
Regular Meeting, August 5, 2019
Page 7 of 7**

Sally Sanders noted she will be in North Dakota in September and not be at that meeting.

13. Adjournment

Motion by Davison, second by Bernhart, to adjourn at 9 PM. Unanimously Approved.

Respectfully submitted,

A handwritten signature in cursive script that reads "Judith R. Brown". The signature is written in black ink and is positioned below the text "Respectfully submitted,".

Judith R. Brown, Recording Secretary