

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
REGULAR MEETING  
TUESDAY, NOVEMBER 15, 2016  
TOWN HALL 84 SOUTH MAIN STREET  
COUNCIL CHAMBERS AT 7:30 P.M.**

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**Members present: Robert de Jongh, Charles Dimmick, Kerrie Dunne, Earl Kurtz, and Thom Norback.**

**Members Absent: Dave Brzozowski and Will McPhee.**

**Staff: Suzanne Simone.**

**I. CALL TO ORDER**

**Chairman de Jongh called the regular meeting to order at 7:30 pm.**

**II. PLEDGE OF ALLEGIANCE**

**The pledge of allegiance was recited.**

**III. ROLL CALL**

**Ms. Dunne called the roll. Members present were Robert de Jongh, Charles Dimmick, Kerrie Dunne, Earl Kurtz, and Thom Norback.**

**IV. DETERMINATION OF QUORUM**

**Chairman de Jongh determined there were enough members present for a quorum.**

**V. APPROVAL OF MINUTES – Regular Meeting – November 1, 2016**

**Chairman de Jongh called for a motion to approve the minutes.**

**Motion: To approve the minutes of the November 1, 2016 regular meeting with corrections.**

**Pg. 3 L19 “be” to “being”; pg. 5 L17 “expositing” to “existing”; pg. 6 L10 “Mr. Ducsay” to “Dr. Dimmick”; pg. 6 L18 “preview” to “purview”; pg. 6 L44 “stagnate” to “stagnant”, L48 “course” to “coarse”; pg. 7 L35 “since” to “sense”; pg. 8 L29 delete “be able to”; pg. 9 L12 “not” to “no”, L19**

“elevate” to “eliminate”, L22 “since” to “sense”; pg. 12 L12 “one point 92” to “1.92 %”.

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

## VI. COMMUNICATIONS

Ms. Simone reviewed the following communications:

1. **Bond Release Request for IWWC App. for Marion Road, (McKinley Subdivision) by Dennis Dinatali of Dinatali Custom Homes, Inc.**

This communication was reviewed and will be addressed under new business.

2. **Bond Release Request for IWWC App. 2013-041, Lot-1, Peck Lane, and IWWC App. 2013-042, Lot-3, Peck Lane, by Paul Bowman, Diversified Builders, LLC**

This communication was reviewed and will be addressed under new business.

3. **Bond Release Request for IWWC App. 2010-005, Plank Road, Meadowview Estates Resub., by Paul Bowman, Diversified Cook Hill, LLC**

This communication was reviewed and will be addressed under new business.

4. **Staff Communication w/attachments Re: IWWC App #2016-033, 1572 South Main Street, Building Addition & Parking**

This communication was reviewed and will be addressed under unfinished business.

5. **Staff Report w/attachments Re: IWWC App. 2016-034, Higgins Road**

This communication was reviewed and will be addressed under new business.

6. **The Habitat, CACIWC Newsletter, Fall 2016, volume 28, number 4 (To be handed out at meeting)**

This communication was reviewed.

**VII. INSPECTION REPORTS**

**1. Written Inspections**

Ms. Simone reported there was a written inspection sent to the developers of Cedarcrest on Jarvis Street regarding the sanitary easement and the conditions that are expected through the winter and then how they should proceed with permanently seeding the area in the spring.

**2. Staff Inspections**

Ms. Simone reported there were staff inspections are for the four properties indicated under new business.

**VIII. ENFORCEMENT ACTIONS**

Ms. Simone reported there were no enforcement actions.

**IX. UNFINISHED BUSINESS**

<b>1. Permit Application</b>	<b>APP</b>	<b>2016-033</b>
<b>Charles Nicholls/VCA Animal Hospital</b>	<b>DOR</b>	<b>10/18/16</b>
<b>1572 South Main Street</b>		
<b>Site Plan – Parking Improvements</b>	<b>MAD</b>	<b>12/22/16</b>

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

Mr. Ducsay explained that since the last meeting there has been an unexpected development, Milone and MacBroom became aware that the applicant has decided the thought it would be a good idea to lay down some gravel in the rear of the property – essentially where the proposed parking in the rear is.

Mr. Ducsay said he first wanted to apologize to the Commission – the construction manager and the applicant Charles Nichols was present for last night’s Planning and Zoning public hearing – gave testimony to the public and the commission regarding what he thought was a good idea.

Mr. Ducsay explained he (Charles Nichols) had to fly back to California today for medical reasons so he would do his best to summarize his testimony to the commission last night.

Mr. Ducsay said Charles Nichols, the construction manager, had decided that he thought it was a good idea to put down a gravel base – essentially it's in the area of the proposed parking lot.

Mr. Ducsay showed on the plan the location of the activity – he pointed to a line the represents the limits of the existing asphalt behind the building – that's what the darker line represents there; and this is undeveloped area.

Mr. Ducsay said his (Charles Nichols) reasoning behind that is he thought that was a good idea because the fact currently they have a number of interior renovations going on in the building which they have required permits for; he named this a construction lay down area – he put down gravel – he thought it was a good idea for construction dumpsters and construction equipment.

Mr. Ducsay said when he went out to the site he looked at the area and saw it – and it more of less matches the dimensions shown on the plan – the parking gravel area footprint – more or less matches this.

Mr. Ducsay explained there were chalk lines down for matching the striping associated with the parking and there were cars parked in this area.

Mr. Ducsay said again, his reasoning behind it is not so much to pull the wool over the eyes of the town or try to begin any work on site – he (Charles Nichols) thought he was doing it to try to eliminate tracking sediment in Route 10 and given his construction sub-consultants and area to park their vehicles and so on and so forth because under existing conditions the area is pretty confined by the amount of cars on site.

Mr. Ducsay passed out a miniature copy of this rendering and then the photos he took when he was in field just so they can see firsthand what he observed.

Mr. Norback said the septic system he (Mr. Ducsay) said that had been installed – he asked to point to that area.

Mr. Ducsay showed on the plan the clearing area – he showed the location of the septic field – he said he went to the site today before tonight’s meeting given the rainfall we had today to take a look at how established the area at this point and – he said he could tell you there is grass growing here with a septic and leaching field was installed – in addition to that S&E controls that were installed as part of that septic system installation are still in place.

M. Norback said he took an independent field trip and he just want to know if that was part of unpermitted (activity) or if that was prior permitted activity.

Mr. Ducsay stated the septic system was permitted through Chesprocott as well as the Department of Public Health – he said he did provide Suzanne with a copy of that plan to ensure that any wetlands permitting to ensure that it wasn’t required – that work was preformed outside the upland review area and was a repair system and was done this fall.

Mr. Ducsay stated this gravel area was not part of that work. The gravel area was work that was not proposed – he said he (Charles Nichols) was told stick exclusively to the work that was necessary to construct the repair system – but again, they thought it was a good idea to lay down gravel in the area the proposed parking lot would be as a construction lay down area as it was termed.

Mr. Ducsay said just to flip back to existing conditions - in the area where they made the proposed improvements shown on the photos there – he just wanted to give them (the Commission) an idea of what was there previously because again he did not witness this work so it’s hard for him to say exactly – but what they did do they took down this existing barn which apparently been in bad shape – it was falling down so this “L” shape existing barn was removed – there was a fenced in relieve area for some of the animals that are kept on site or treated on site so the fencing associated with that was removed and again this was a cleared area and then there were a few seedlings as well – he said the map was an existing conditions survey and the existing tree line is outside of the area they boxed out although Charles Nichols did testify that there were a few seedlings removed in this area so they’re smaller trees that the survey would not

necessarily pick up – he talked about what the survey crew doesn't pick up anything with a diameter at breast height or less than 12" so you can see the trees located on site and in this area they did not find any.

Mr. Ducsay said grading wise it's relatively flat so he didn't think they did much in the way of grading in that area other than lay down the gravel bed that you see in the photos.

Mr. Ducsay said so again the work that was done out there was mainly the removal of the existing barn, the fenced in enclosure area and then the gravel that is shown in the photos.

Dr. Dimmick asked if there was any other work done outside that area – closer to the wetlands and the 50' setback.

Mr. Ducsay state no – there is nothing else on site other than the area in back here (shown on the plan) – other than the work pertaining to the installation of the repaired septic system that Mr. Norback and inquired about previously.

Mr. Ducsay stated so (the work done) was just mainly laying down the gravel in this area and as mentioned there is some interior renovation work going on in the rear of the building so there is some construction equipment kind around the site – construction dumpsters as well parked back here (shown on the plans) as well.

Dr. Dimmick asked Suzanne – you were out there – did you see any other disturbance.

Ms. Simone stated no.

Chairman de Jongh stated for the record let the record show that Ms. Dunne has joined us at 7:39 pm.

Chairman de Jongh asked periodically this comes up when work is done on site – it's done properly but it's done without having the full permission of this Commission – is there a procedural stuff that we can implement that somehow the contractor or whom ever has to go through or visually sees this has to be done before we do "x, y and z" whether it's a stapled sheet of their plans that they look at – whatever it might be – somewhere along the line or start to finish; periodically stuff breaks down and this is not always done correctly

and we wind up having to correct stuff after the fact; he said it gets a little old after a while – this is an exception because he thinks the work was done the way it should have been done – well be it done ahead of schedule.

Chairman de Jongh asked if there was anything we (the Commission) could do.

Ms. Simone said she did know from the regulatory standpoint if there's anything that we could make more clear to the applicant – this person hired a professional, understanding that that he needed an application; she and Matt discussed this summer the location of the septic system so we already had a discussion there's an upland review area – if that applicant decides to have any sort of – for the lack of a better term – a violation on the property she didn't know that there's anything we can do to explain to them not to do certain things.

Ms. Simone said she thought in this case this work was done without contacting their engineer.

Mr. Kurtz commented that whoever did the work should have known they at least needed a building permit to redo the parking lot.

Mr. Kurtz stated from personal experience you just can't knock down a building – that requires a permit.

Mr. Kurtz stated there was no question in his mind there were no mistakes made here – the person in charge deliberately ignored the regulations and the law and did what he wanted to do – his only question is for our Commission let P&Z worry about what they need to worry about – he needs to know a few things about where the wetlands may have been impacted.

Mr. Kurtz said if you are saying there's no wetlands on the north side of that property or just off that property on the north side – we really have no business – we can be angry at the person for not getting the permit but when I see silt fence in the pictures – I don't know where the silt fence is – in fact he didn't know in any of these pictures – he didn't know which way they were looking.

Mr. Kurtz said that was his concern – there are no wetlands there at all but you are supposed to come for wetlands permission if there's any wetlands on the property like even to put that septic system in.

Mr. Kurtz stated there were wetlands on the property he didn't know why there was no (review).

Ms. Simone said we had been in discussion that they were outside the upland review area.

Mr. Kurtz said he thought if there were wetlands on the property you had to come to the Wetlands Commission.

Dr. Dimmick stated which they did.

Ms. Simone said no not for the septic system, if the property is going to be subdivided and they are going to proposed development they need to come to the Commission but historically if they are planning to do something to an existing property and they are outside the upland review area then it doesn't come to the Commission.

Mr. Kurtz stated he stood corrected.

Ms. Simone said she did have a question – there was a comment that they had concern about sediment going out to Route 10 – with the work that's done without any provisions in place to protect the wetlands – without curbing on that south side – and without the storm water detention basin – what's happening to the flow of material – is it washing directly into the wetland area now.

Mr. Ducsay said right now the way it looks when he was out there in the field is that the parking lot and the gravel area is kind of sunken – so he's not seeing that there's any sort of runoff even leaving that area – it's kind of sunken and it looks like they kind of installed it anticipating approval and then construction of the parking lot so it's almost like they've put down their sub-grade layer of gravel – it's almost like excavated – he said he went out there earlier today and he didn't see any erosion coming from the area; he went out because it was the first rainfall that we've had since he became aware of what they have done on site.

Mr. Ducsay said he did look at that S&E controls that are in place – they are still in place from the septic system installation and just to

address Commissioner Kurtz – he knew his pictures didn't indicate it but the silt fence runs from this location (shown on the plan) around the corner and encompasses the area of the septic repair that was done.

Mr. Ducsay said he didn't see evidence that that work that was done in this area washed any sediment into the upland review area or to the associated wetlands onsite – so he didn't see any impact to the wetland review or the wetlands itself as a result of the work that's shown in the pictures that were submitted.

Chairman de Jongh said there was nothing within our regulations that allow us to impose any kind of penalties on the applicant.

Ms. Simone said the Commission can take this information and ask for clarification for further detail so the Commission can make a decision of whether or not the violation has occurred; if they are in the upland review area and then can proceed from there.

Chairman de Jongh said at the very least there's got to be a letter admonishing the activities – there has to be something in the file – while this may appear on the surface to be done in the way it was originally presented to this Commission he's not personally in favor of and it's unfortunate the applicant is not here – he is not in the frame of mind of moving this forward as quickly as we can – he would like to try to have the applicant come before us and explain why he did this – he did this last night at the Planning Commission but we need to understand exactly why.

Mr. Norback said he'd only be speculating but he did go out and inspect the site and that was what predicated his earlier question about the newly grass area and his concern was that part of the work that was done without a permit and that's why he asked about the septic system and indeed that was where the septic system is – he said he did note and because it's his profession that the work was very well done and he suspects the motivation was that this whole request for new construction and parking is because of the limits they already have and when you introduce the construction vehicles and activities while he was obviously too fast coming out of the starting gate he could expect what his mind set was – if you have a hard surface then we'll be less impacted – he (the applicant) got out of the starting gate too fast suspecting that was his motivation and

as Mr. Kurtz pointed out undoubtedly he should have had a permit for the demolition of the building but do we know that he didn't.

Ms. Simone said she hasn't checked on that – that would have been thought the building officials.

Mr. Norback said he may have had a permit for that so indeed he should not have done some of these things until (he had a permit).

Chairman de Jongh said he didn't disagree – he thinks from the surface and what we see here in the testimony by the applicant's representative the work was done as it was presented and as we would have permitted – it looks that way but the fact of the matter is to be able to applaud the speed in which they did this – well intended – the thing that always bothers him is that the work is done and then they come back and plead and fall on the mercy of the Commission.

Mr. Norback asked if the work that was in violation – is that within the upland review area.

Dr. Dimmick explained the upland review area – keep in mind is advisory – its within our regulations as guidance – we as a Commission can decide at on any particular application whether our concerns extend beyond that upland review area and or in some cases decide that the upland review is too broad for that particular situations; so in this case what is happening is something is done without our review of this situation while we are in the process.

Dr. Dimmick said before we made a determination whether the standard upland review area was broad enough or not – probably in this case we would decide that there was no problem being outside the upland review area but for an applicant to make that decision that because there's an upland review area and they are beyond it then therefor they don't have any concern – that is not within the purview of the applicant that is by law and he was talking court cases within the purview of the Wetlands Commission to make that determination – it's the same as a farmland exemption – no one can claim a farmland exemption unless we tell them they have a farmland exemption – they can't make the determination unilaterally without the Commission – this is a legal fact.

Mr. Norback said his point was well taken - he thought his construction side of his brain might have been talking when he spoke.

Ms. Dunne said so what you are saying (Dr. Dimmick's comment) that was done – may have an impact on the wetland review area.

Dr. Dimmick said it's possible – that's our decision to make – it's not their (the applicant's) decision to decide well its outside therefor it's not.

Ms. Dunne asked wouldn't a soil scientist need to look at it and make that decision – she said she respected his (Dr. Dimmick's) opinion to but she was wondering if maybe that's who would need to look at it.

Dr. Dimmick said in this particular case the person in front of us had absolutely nothing to do with what happened so we're laying everything on him.

Ms. Dunne said she was talking about the impact - whether or not there was an impact – Matt said he looked at it and he didn't think there was an issue. She asked if that rises to the level that we needed it to be.

Ms. Simone said the Commission can always request more information – so if the Commission wanted to have an assessment submitted in writing of what was done the Commission can request that.

Mr. Kurtz said he thought that was a great idea and Milone and MacBroom is certainly capable of doing it – they weren't told the truth by this gentleman (the applicant) either – they (Milone and MacBroom) almost came in after the fact themselves; and no one said to you – you know I started doing this job and someone told me I better get a permit so let's get it done – they just went ahead and said let's do it without sharing the background.

Mr. Ducsay said the construction manager takes full responsibility for making the call for the work that's been done in back there and he acknowledges that he should have gone through the proper steps; unfortunately, he did it and recognizes his error and knows he regrets it moving forward prior to receiving the necessary permits.

Mr. Ducsay said if this Commission does feel that additional information is needed he would ask that the information come from the applicant given that Milone and MacBroom was not privy to the work that done – was not present to observe the work that done so he would ask that the Commission request that information or that it comes from the applicant since we weren't on site to observe that work.

Chairman de Jongh said what he would suggest then and listening to Commission members comments is by our next meeting, if we were to move this along – that the applicant do what is necessary to present information to this Commission that would satisfy our concerns that the work that he did on his own and in fact did not have any kind of damage to the upland review area; however he can determine that – whether it involves your firm or another outside firm – that's the applicant's choice and certainly the applicant's problem as far as that's concerned.

Chairman de Jongh said we only have one meeting in December so this means that if the applicant wants this moved along they need to be prepared at the next meeting.

Mr. Ducsay said in terms of scheduling – he knows the applicant has requested that the Planning and Zoning Commission not continue the public hearing until the first meeting in January and he thinks that's due his (the applicant's) own schedule for medical reasons so for the next meet it was probably unlikely that the construction manager will be present – he can certainly request a communication and the information that the Commission is requesting but he didn't believe he's (the applicant) is going to be present.

Chairman de Jongh said we have a mandatory action date of December 22.

Mr. Ducsay said and that's why he brought it up.

Dr. Dimmick asked if he got a copy of the report from Regional Water Authority on this.

Mr. Ducsay said he just received it today – he said he actually reached out to Ron Walters (of RWA) earlier today – the communication was received earlier today.

Dr. Dimmick said he only did a quick read through but a term came up that he was not familiar with – stipulation 6 regarding “dips”.

Mr. Ducsay said “dips” are dog dips (for fleas) – he explained when they were designing the septic system he found out that dog dips somehow have a negative effect on septic systems so he’s right in quoting that because he has found the same information in his research online – when we looked at this facility for repair system we had actually advised them to connect to sanitary sewer and the feasibility study given the nature of what they are discharging to the septic system – they looked at the different options to connect because there is no sewer readily available in this stretch of Route 10.

Ms. Simone said just to clarify then the Commission expects that at the next meeting that the property manager writes a letter and or come to the Commission detailing the work that was done and that they will hire someone to do an assessment; it’s not that the Commission is looking for the property owner – construction manager to write their own assessment.

Chairman de Jongh said he thinks what the Commission is looking for is evidence to support the fact that there is no damage to the upland review area and he didn’t think the construction manager himself can write that – he thinks it’s got to be supported by professional testimony so he doesn’t want to have a handwritten letter from the construction manager because that doesn’t meet the litmus test as far as this Commission is concerned.

Mr. Ducsay said so he understands it then that we will get information from the construction manager and then an assessment from a party at Milone and MacBroom probably a soil scientist such as Bill Root to go out and take a look at the work that’s been done – make an assessment to the upland and the wetlands themselves.

Chairman de Jongh said and that presentation can be made to us either through you or from the construction manager or a representative from the applicant if it’s not you but he thought we (the Commission) needed to have the evidence to satisfy the concerns of the Commission.

Mr. Ducsay said he completely understood.

Chairman de Jongh said keeping in mind that we only have one meeting in December and have the mandatory action date.

Ms. Simone said the meeting is the first Tuesday in December (Dec. 6) so it would be best before that meeting that an extension was granted because if not the Commission would have to act at that meeting.

Mr. Ducsay said regardless of what information is submitted to submit an extension as well just to give the Commission the ability to digest the information.

Commission members and staff talked about the next steps on this item and at what point they could take action on the applicant request.

Chairman de Jongh said the Commission was going to wait to receive additional information from the applicant based on the work that's been done and we'll take this up and continue this conversation at the next meeting.

**X. NEW BUSINESS**

- 1. Bond Release Request  
Dennis Dinatali, Dinatali Custom Homes, Inc.  
Marion Road (McKinley Subdivision)**

Ms. Simone said this is a property where a permit was issued December 4, 2001 and at that time it required that there we wetland monitoring done at this site for three consecutive years; she said when she looked at the file she is not finding any information – this permit is long expired – Mr. Dinatali no longer owns the property – she did not know if the Commission would be in good standing to ask for that information now that all this time has passed; she believed that if the Commission wanted capture the evaluation of the wetlands when the work was done so she doesn't have any knowledge or any information in the file about what happened with this.

Dr. Dimmick said he vaguely remembered this property – it used to be part of a tree farm he thought. He commented about the wetlands in the area (he remembered there was a stand of mint in the area).

Ms. Simone said there have been issues in that area over the past several years with Ash Trees dying.

**Motion:**

That the Cheshire Inland Wetlands and Watercourses Commission has considered the request for bond release by Dennis DiNatali, representing DiNatali Custom Homes Inc. for wetland monitoring bond stipulated as part of CIWWC Permit issued December 4, 2001 and finds the following:

That staff has inspected the file, and the status of the monitoring is unclear for this 15-year-old permit. No inspection reports are found in the files relating to this property, so it is unclear if this condition was ever met. The permit is now expired and the property has been transferred to other owners.

Therefore, the Commission grants the bond release request by the applicant for the sedimentation and erosion control bond.

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

2. **Bond Release Request** **APP 2013-041A**  
**Paul Bowman, Diversified Builders, LLC**  
**Peck Lane, Lot-1**

**Motion:**

That the Cheshire Inland Wetlands and Watercourses Commission has considered the request for bond release by Paul Bowman, representing Diversified Builders, LLC for sedimentation and erosion control bond stipulated as part of CIWWC Permit #2013-041 and finds the following:

That staff has inspected the area and verifies that all areas are generally stabilized and all conditions of the permit grant have been generally met.

Therefore, the Commission grants the bond release request by the applicant for the sedimentation and erosion control bond.

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

3. **Bond Release Request** **APP 2013-042A**  
**Paul Bowman, Diversified Builders, LLC**  
**Peck Lane, Lot-3**

**Motion:**

**That the Cheshire Inland Wetlands and Watercourses Commission has considered the request for bond release by Paul Bowman, representing Diversified Builders, LLC for sedimentation and erosion control bond stipulated as part of CIWWC Permit #2013-042 and finds the following:**

**That staff has inspected the area and verifies that all areas are generally stabilized and all conditions of the permit grant have been generally met.**

**Therefore, the Commission grants the bond release request by the applicant for the sedimentation and erosion control bond.**

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

4. **Bond Release Request** **APP 2010-005A**  
**Paul Bowman, Diversified Cook Hill, LLC**  
**Meadowview Estates Resubdivision**

**Motion:**

**That the Cheshire Inland Wetlands and Watercourses Commission has considered the request for bond release by Paul Bowman, representing Diversified Cook Hill, LLC for sedimentation and erosion control bond stipulated as part of CIWWC Permit #2010-005 and finds the following:**

**That staff has inspected the area and verifies that all areas are generally stabilized and all conditions of the permit grant have been generally met.**

**Therefore, the Commission grants the bond release request by the applicant for the sedimentation and erosion control bond.**

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

5.	Permit Application	APP	2016-034
	Edward Lennon	DOR	11/15/16
	Higgins Road		
	Site Plan – House	MAD	1/19/19

Mr. Lennon was present on behalf of Don-Mar Construction the Builder for Josefina Hyde.

Mr. Lennon explained that they are looking for a building permit and we just recently found out that we need to go before Inland Wetlands for a wetlands application.

Mr. Lennon shared with Commission members an information sheet for a reinforcement train of thought.

Mr. Lennon explained Mrs. Hyde couldn't be here tonight so he is representing her and he has approval to speak for her.

Mr. Lennon said she purchased this lot in 2007; when she purchased it – it a buildable lot – she did not know when she purchased it there was a timeframe on it – there are wetlands on the lot – and the Commission back in 2002 had given approval for a building permit – the people had it with an extension had it until 2010 and then they sold it to Mrs. Hyde in 2007; she did not know that extension was going to run out.

Mr. Lennon said she purchased the lot, sat on it – she's downsizing to a smaller house and that's how he came into the picture.

Mr. Lennon said when she (Mrs. Hyde) came to me she said she had a lot and I can build on it – we were not aware we were going to issues with the wetlands.

Mr. Lennon explained doing a little history he dug up some of the old paper work on it and that's mostly what it is – what you see on it is what came out in 2002 – and the last page is shows the lot today; there are no changes' the paperwork in between is that when she purchased the lot she knew there were stipulations that came from the board – she was well aware of that she just didn't know the

timeframe she had to build on it – she's well aware of the stipulations – she is in 100% agreement with it and she'll go along with the board with the recommendations for her permit and that's what they are asking for.

Mr. Lennon said they are not looking for something different than what was agreed to back in 2010.

Ms. Simone said and to add to that they latest plans show's a split rail fence to be located along the 50' upland review area and also indicated that the area behind that fence will remain in its natural state so there hasn't been any changes to that – there's no further encroachment into the wetlands area or the buffer area so this is really just a resubmittal of what was approved in 2003 and then extended to 2010.

Mr. Lennon said the only difference is he was the new builder for her.

Dr. Dimmick said the other thing that he needed clarification on – this permit proposed two houses – two dwellings – is that what happened there – they're built.

Mr. Lennon stated they're built. He showed on the plan the houses.

Mr. Lennon showed on the plan what the lot looked like in 2007 when she purchased it – she showed the house then and today – the only difference is in the middle of the pile – the original builder had put a top soil pile and covered it – both houses are built.

Dr. Dimmick said when these houses were first developed we went out there and looked at the pond.

The proposed house was indicated on the plan.

Mr. Lennon said they are not changing anything based on what was already shown; they are aware of all the stipulations.

Ms. Simone said to clarify – there was an approval for a subdivision of this property that created several lots – she believed there were three – it was required that these two had to come back for individual permits – the properly immediately to the north did come in for a permit and they build the house – the other property came in for a permit – received a permit extended the permit did not build a house.

Dr. Dimmick said the wetland there is an on again off again vernal pool – there are some years when it is a thriving vernal pool; there are some years like this one when there's not enough water in there to cause anything to be able to breed; it's very much controlled by ground water levels – it's very sandy and gravelly material underneath there; when the general water table is high it supports a vernal pool long enough to produce a lot of amphibians – when the general water table is low it doesn't function; its located on the north side Higgins near not too far from the cemetery; the whole wetland you see on there – that's the venal pool; he said it always dried up every summer but as the weather stayed wet in the spring long enough to breed – it has varied considerably from year to year – it sometimes maintained water in it all the way through the end of June and sometimes by the end of April its absolutely bone dry – if its bone dry by the end of April then nothing breeds in it.

Mr. Norback said this is as you stated – not surface water driven – its ground water driven and any disturbances should then not affect this.

Dr. Dimmick said he didn't know of any surface water coming from where the house is that would go into this – if you have a really heavy rain some water would go back that way – our main concern was that he keeps enough vegetative cover – trees and such within 50' of the vernal pool to provide canopy.

Mr. Lennon said in the previous paperwork from the previous recommendation they put up a split rail fence for demarcation and she's well aware of that; the neighbor to the left already has that in place and we are just going to continue it on.

Mr. Lennon said what they are asking for an extension for what was given in 2010 for a new builder and new owner.

Chairman de Jongh said it seems like we have the information and we can allow staff to do what's necessary to do what she needs to do so we can finish this up at her next meeting in the beginning of December.

Mr. Lennon explained to the Commission that he put a new silt fence up (in the area there was one before).

**This item was continued to the next meeting.**

**XI. ADJOURNMENT**

**The meeting was adjourned at 8:11 pm by consensus of Commission members present.**

**Respectfully submitted:**

**Carla Mills  
Recording Secretary  
Cheshire Inland Wetland and  
Watercourse Commission**