

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
SPECIAL MEETING  
WEDNESDAY, JULY 5, 2017  
TOWN HALL 84 SOUTH MAIN STREET  
ROOM 207/209 AT 7:30 P.M.  
*Immediately Following the Public Hearing at 9:33 p.m.***

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

Members Absent: Dave Brzozowski, Will McPhee and Thom Norback.

**I. CALL TO ORDER**

Chairman de Jongh called the regular meeting to order at 9:33 pm.

**II. PLEDGE OF ALLEGIANCE**

The pledge of allegiance was recited at the public hearing.

**III. ROLL CALL**

All members present for the public hearing were still present for the regular meeting.

**IV. DETERMINATION OF QUORUM**

A quorum was determined at the public hearing.

Members present were Robert de Jongh, Charles Dimmick, Earl Kurtz, and Kerrie Dunne.

**V. APPROVAL OF MINUTES Regular Meeting June 20, 2017**

Motion: To approve the minutes of the Regular Meeting of June 20, 2017 with corrections: pg. 5 L30 "then" to "as that"; pg. 6 L15 "a butting" to "abutting"; L25 "satisfy" to "satisfied"; pg. 7 L10 "ethicacy" to "efficacy"; pg. 8 L47 "prevue" to "purview"; pg. 9 L16 "looking" to "losing"; pg. 10 L9-10 delete "it's in violation of what we've approved", L26 "able" to "about"; pg. 14 L19 delete "they were pretty saving and"; pg. 18 L18 "there" to "where"; pg. 19 L43 "the rest" to "west"; pg. 20 L14 "blacks" to "blocks"; pg. 23 L39 "out" to "got"; pg. 24 L38 "reign" to "rein"; pg. 26 L17 "cause" to "case" and "site" to "cite".

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

## VI. COMMUNICATIONS

Commission members received the following communication in their packet:

1. The Habitat CACIWC Newsletter, Spring 2017, volume 29, number 2  
(To be handed out at the meeting)
2. Staff Communication w/attachments Re: App. 2017-006, Crestwood Drive, House
3. Staff Communication Re: 2014-007B, Mountain Road, Retaining Wall
4. Engineering Comments Re: 509 Mountain Road, Retaining Wall
5. Staff Communication w/attachments Re: App 2016-005A, Mountain Road, Resubdivision
6. Staff Communication w/attachments Re: App. 2017-009, 70 Strollo Court, Site Plan
7. Staff Communication w/attachments Re: App. 2017-010, South Main Street, Office Building
8. Staff Communication w/attachments Re: Request for Determination 35 Sudol Court, Pool/Retaining Wall
9. Staff Communication w/attachments Re: Request for Determination 12 Mountaincrest Drive, Pool
10. Letter from MMI Re: 80 Strollo Court, Lot #8

## VII. INSPECTION REPORTS

1. Written Inspections
  - a. 70 Strollo Court

**Ms. Simone explained there was a written inspection of 70 Strollo Court which was in regards to the last meeting when the Commission made a motion for ongoing monitoring.**

**2. Staff Inspections**

**a. Cheshire Academy**

**Ms. Simone said there was a staff inspection of the work at Cheshire Academy on Academy Road; she explained originally they did not have silt fence up along the embankment that touches the swale that goes into the wetland across the street. She stated that (issue) has now been corrected.**

**b. Richmond Glen**

**Ms. Simone stated there was a CO inspection for a unit at Richmond Glen which was fine.**

**c. Old Lane Road**

**Ms. Simone said on Old Lane Road there was a request for a CO for 238 – that is still ongoing. She explained they were provided a punch list of numerous things that needed to be done.**

**Ms. Simone stated what's in the field does not comply with what was approved by the Commission or the planning and zoning approval so that is something ongoing.**

**d. Highland Avenue**

**Ms. Simone said the Highland Avenue daycare received approval from the town to pump their excess water into the town's stormwater system for a fee. She stated that did not impact any wetlands so there was no consideration for that.**

**e. 1400 Waterbury Road**

**Ms. Simone said at 1400 Waterbury Road which is on the agenda for show cause; she said she met with the property owner and at that time he was working on removing the piles that were still on the property; staff follow-up required.**

**VIII. ENFORCEMENT ACTIONS**

1. Notice of Violation/Cease and Desist Order SC 12/06/16  
House 2 Home Construction, c/o Mr. Edward Barnett  
Unauthorized Activities in a Regulated Wetland Area  
509 Mountain Road  
Assessor's Map 62, Lot 4

Ms. Simone stated there is an application on the agenda under unfinished business for this property.

2. Notice of Violation/Cease and Desist Order SC 5/16/17  
Unauthorized Activities in Upland Review Area  
Thomas and Karin Golden  
1400 Waterbury Road  
Assessor's Map 34, Lot 77

Ms. Simone stated this is the property that she visited; they had a complained date of today; she did speak with Mr. Golden today and he confirmed he cleaned the site and he also put down grass seed and hayed; due to work schedules he wasn't able to get the written communication to staff but she will follow up for the next meeting.

3. SHOW CAUSE SC 5/16/17  
Notice of Violation/Cease and Desist Order SC 6/06/17  
Unauthorized Activities in Upland Review Area SC 6/20/17  
Luis Revera and Joanna Kozak SC 7/05/17  
1392 Cheshire Street  
Assessor's Map 30, Lot 17

Ms. Simone stated she has not been able to coordinate with the property owners – they've been playing phone tag to go out to visit the site. She said she didn't know if their work schedules would coordinate before the next meeting but she would try.

4. SHOW CAUSE SC 6/06/17  
Notice of Violation/Cease and Desist Order SC 6/20/17  
Unauthorized Activities in Upland Review Area SC 7/05/17  
Bridget Bowman  
70 Strollo Court  
Assessor's Map 26, Lot 159

Chairman de Jongh stated this item was subject of tonight's public hearing. He stated there are issues that we'll address at our next meeting.

Mr. Kurtz asked about the option for a bond.

Ms. Simone stated she'll look into that.

Dr. Dimmick said its one of these things its looking exactly how the wording is in terms of what we can bond and can't bond and if we can extend the definition of erosion controls (with legal authorization).

This item would be taken up at the next meeting.

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|----|---|----|---------|
| 5. | <b><u>SHOW CAUSE</u></b>                      | SC | 6/06/17 |
|    | Notice of Violation/Cease and Desist Order    | SC | 6/20/17 |
|    | Unauthorized Activities in Upland Review Area | SC | 7/05/17 |
|    | APEX Developers Cedar Crest LLC               |    |         |
|    | Strollo Court                                 |    |         |
|    | Assessor's Map 26, Lot 168                    |    |         |

Chairman de Jongh stated this item is part of the discussion with item 4 (under show cause 70 Strollo Court).

#### IX. UNFINISHED BUSINESS

- |    |                          |     |          |
|----|--------------------------|-----|----------|
| 1. | Permit Application       | APP | 2017-006 |
|    | Royal Crest Estates, LLC | DOR | 5/16/17  |
|    | Crestwood Drive, Lot 3   |     |          |
|    | Site Plan – House        | MAD | 7/20/17  |

Kevin Nguyen, EIT and Bill Root, soil scientist with Milone and MacBroom were present on behalf of the applicant.

Mr. Nguyen addressed the Commission.

Mr. Nguyen stated the Commission was in receipt of the plans.

Mr. Nguyen said in between the last time he presented there have been some modifications.

**Mr. Nguyen stated they have approval from Chesprocott Health District for the septic system design; they conducted two test pits and its determined there is no restrictive layer so they don't have to the dye test and then Chesprocott has approve the septic design.**

**Mr. Nguyen said they proposed to eliminate approximately 80' of stonewall down gradient of the septic system.**

**Mr. Nguyen said for the storm water they have realigned the pipe to take in the watercourse and it's an 18" pipe and it's been sized for the 25 year storm.**

**Mr. Nguyen explained the rip rap scour hole has been sized to the 25 year storm to stop the corrosive energy of the water.**

**Mr. Nguyen said for S&E they also included staked hay bales to reinforce the silt fence.**

**Mr. Nguyen said they have also added a construction sequence for the watercourse crossing.**

**Mr. Nguyen stated they have also received engineering comment asking to put out turf reinforcement blankets on all slopes so those will be added to the next of plans.**

**Mr. Nguyen said he got staff's comments and the prudent and feasible alternative locations were previously approved in the location shown on the plan; he explained the owner would like to apply for approval for the location (on the plan shown).**

**Mr. Nguyen stated that one of staff comments was about the wetlands; he said Bill Root was present to address wetland comments.**

**Ms. Simone said so you're going to be sending revised plans to add the (turf reinforcement blankets).**

**Mr. Nguyen stated yes.**

**Bill Root, soil scientist with Milone and MacBroom addressed the Commission.**

**Mr. Root explained he got back from vacation and received some comments from your staff on this application and went out there to take a look at the site; he understood they (the Commission) wanted a function and value analysis of the wetland; and an alternative analysis.**

**Mr. Root said today he visited the site and took photographs; and took notes but hasn't actually sat down to compare them yet to compare one alternative with the other yet.**

**Mr. Root said he'd provide what information the Commission requested for the next meeting; he would be able to provide a function and value analysis.**

**Chairman de Jongh said that he thought the comparative summary would be helpful.**

**Chairman de Jongh stated that if any Commission members have particular concerns submit them by email (to staff).**

**Mr. Root asked if the Commission has looked at this area.**

**Ms. Simone stated the Commission hasn't looked at this rear area because there was nothing ever proposed.**

**Ms. Simone explained there is a mandatory action date on this item of July 20, 2017 which is the next meeting so the Commission would have to take action on this.**

**Ms. Simone asked if (the applicant's representative) was authorized to volunteer more time to extent this to go through the application process; they are allowed up to 65 days; she asked if this was something they could talk to their client about.**

**Mr. Nguyen stated he needed to speak to the applicant (regarding extending the mandatory action date).**

**Ms. Simone asked Mr. Nguyen to make his client aware that the mandatory action date which is July 20, 2017 so they will have to act at the next meeting which is July 18; and if this is still sort of influx the Commission may not be prepared for an approval.**

Chairman de Jongh said which means the application would be denied because of the lack of information; it would be to the client's advantage to extend the mandatory action date and give us the opportunity to do what we need to do properly.

Chairman de Jongh stated they'd finish the conversation on this at the next meeting.

Dr. Dimmick said looking at this map and looking at the new test pit data he is satisfied that his concerns at the last meeting have been answered – that the test pits downslope from the septic system do show better conditions.

Chairman de Jongh said they'll wait to get the information from Mr. Root and any concerns from Commission members that can be replied back to Milone and MacBroom.

2.	Permit Application	APP	2017-007
	Walter Gancarz, P.E. Town Engineer	DOR	6/20/17
	West Johnson Avenue		
	Pump Station Upgrade	MAD	8/24/17

**Motion:**

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors pursuant to Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire, Commissioners' knowledge of the area, site visitations, and after review of written information provided by the applicant on this application finds the following:

1. That the applicant is seeking a permit to upgrade the existing West Johnson Avenue pump station, which includes the removal of a chainlink fence currently located within a wetland area, to be relocate to establish a non-encroachment area.
2. That a soil scientist has field located the extent and boundaries of inland wetlands.
3. That the project site is located within an area identified in the June 2017 digital version of CT DEEP Natural Diversity Database as potentially containing species of concern. The required request for review has been submitted to the State. Comments from the State have not yet been received.



4. That the activities will likely not have a significant adverse effect on adjacent wetlands or watercourses, the proposed work is located in the paved parking area to the east of the nearest inland wetland.

**Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2017-007, the permit application of Town of Cheshire Department of Public Works for site plan approval as presented and shown on the plans entitled:**

**“Town of Cheshire, Connecticut  
West Johnson Avenue Pump  
Station Rehabilitation  
Contract No. 1617-23  
Dated: May 2017  
6 Sheets, Scale Varies  
Prepared By: AECOM.”**

**The permit is granted on the following terms, conditions, stipulations and limitations (collectively referred to as the “Conditions”) each of which the Commission finds to be necessary to protect the wetlands and watercourses of the State and the Town of Cheshire:**

1. Any lack of compliance with any condition or stipulation of this permit shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and an enforcement order shall be both issued and recorded on the Town of Cheshire Land Records.
2. No changes or modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.
3. Prior to any clearing, earthmoving and/or construction activities, the applicant shall properly install erosion controls.
4. All recommendations from the Connecticut Department of Energy and Environmental Protection regarding protective measure for Natural Diversity Database species shall be stringently adhered to.

5. Throughout the course of conducting construction activities, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring the following:
- a) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100' where possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.
  - b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.
6. This permit grant shall expire on July 5, 2023.

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

3.	Permit Modification	APP	2014-007B
	Ed Barnett, House 2 Home Builders	DOR	6/06/17
	Mountain Road		
	Retaining Wall	MAD	8/10/17

Ryan McEvoy, PE of Milone and MacBroom was present on behalf of the applicant. Ed Barnett was also present.

Ms. Simone explained that Commission members' information was handed out at tonight's meeting which was the construction sequence and then also there's a draft associated with that refers to the construction sequence.

Mr. McEvoy addressed the Commission.

Mr. McEvoy stated he's here on behalf of the applicant. He stated as a point of clarity and something he wanted to make certain to the Commission is that at the previous there was discussion about the removal of sediment that we had been recommending to be done beyond the location of silt fence and hay bales and the planting of

two Red Maple trees proposed as a result of two trees that were cut down – he said he essentially pushed Mr. Barnett to get that work done prior to the last meeting – it was his (Mr. McEvoy's) understanding that was what the Commission want and he was wrong; that they had asked it be delayed so there was time to review it.

Mr. McEvoy said he wanted it made clear that it was his insistence that Mr. Barnett get that work done prior to the last meeting and he did so under the best of intentions thinking that was required of us; he apologized for misconstruing the intention of the Commission.

Mr. McEvoy said with respect to the application – he said since the last meeting they prepared a detailed construction sequence that they (the Commission) has with them this evening.

Mr. McEvoy explained that sequence essentially confirms one thing that's very important that the applicant's excavator said that all this work can occur upslope of the existing sediment and erosion control areas.

Mr. McEvoy said that they are proposing as part of this is that from the top of the slope the excavator can peel away areas on the upslope side of the sediment and erosion controls in order to set the subgrade and the first two courses of blocks – along cement block retaining wall.

Mr. McEvoy explained what will result is that the blocks will be elevated somewhat above that slope; before they get to far along the construction of that wall what he is suggesting as part of the sequence is the lower of the two rows of silt fence and hay bales which was the original one that had been somewhat compromised that triggered the cease and correct order – that has remained in place and has a new row of silt fence and hay bales upslope of it – what he's suggesting while this wall is still reasonably short.

Mr. McEvoy said so that lower slope of silt fence and hay bales which he would prefer to get removed and then they can allow the plantings that we proposed as the result of the intrusion into the non-encroachment area to be planted more easily if the machine can reach on the upslope side of that wall – pull up the lower row of silt fence and hay bales and any sediment between those two rows be removed so there's no fill – no sediment – no sediment and erosion

controls beyond what is the approved non-encroachment so that is the reason why we included that in our construction sequence because it's been there for some time now and with the opportunity to construct the wall it's something that can be more easily accomplished if it's done as the wall's beginning constructed.

Dr. Dimmick asked about the 6" stone leveling pad – it's that about an 1 ¼" gravel pounded flat.

Mr. McEvoy said yes – it can be done with a hand jack or jumping jack; it essentially a foundation layer.

Mr. McEvoy said they are suggesting the wall be built up to the point where its elevated not so high that it's going to be difficult for the machine to reach over and scoop out whatever sediment that exists between the two rows of silt fence and hay bales; and then the wall can be completed; planting and fencing installed and finish grade upslope of the retaining wall.

Mr. McEvoy stated there's going to be other activity that still needs to be done on site including the installation including the installation of the rain garden – the finished grade over the septic area – so there's still a far amount of site work that needs to be done but the installation of the retaining wall – he believes has benefits obviously for the homeowner – he's going to go through the expense of constructing it – but there's also a benefit to the wetlands – it will act as a much more obvious barrier to any future potential push into the wetlands – it simply won't be practical with a 6' retaining wall.

Dr. Dimmick asked if that retaining wall have a pad underneath.

Mr. McEvoy explained how the retaining wall would be placed – there is a small perforated pipe along the back side of the retaining wall that would discharge around the corner and that would only be to pick up any acclimated ground water; to eliminate the potential for any static pressure on the back side of the wall.

Mr. McEvoy said they are not building the wall into ground water; he doesn't expect it will receive much of any flow; but there is going to be a small perforated pipe on the upslope side of the retaining wall that will discharge at one point on the backside of the wall.

**Chairman de Jongh said because staff is going out of town tomorrow and will be unavailable – what he would recommend for the record that Mr. Barnett’s makes a statement to the effect that he has read and understand what the construction sequence is (which he has received a copy of).**

**Mr. Barnette stated for the record that “he has read the construction sequence of the retaining wall on 509 Mountain Road and will follow it to the letter.”**

**Chairman de Jongh stated that memorandum has a date of June 29, 2017; and is titled “Assessor’s Lot 62-4, Mountain Road, Construction Sequence – Retaining Wall Installation.”**

**The Commission review the motion prepared by staff for approval including the additional language to item 6 pertaining to the construction sequence - “The certificate of occupancy will not be signed until these items are completed in accordance with the plans and the satisfaction of the Commission.”**

**Ms. Simone said the motion provides that the work get done by October 1, 2017.**

**Motion:**

**That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors pursuant to Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire, Commissioners’ knowledge of the area, site visitations, and after review of written information provided by the applicant on this application finds the following:**

- 1. That the applicant is seeking a permit to modify the approved site plan #20014-007, to include a retaining wall.**
- 2. That the Commission has upheld a Cease and Desist Order for this property and has held several Show Cause hearings, the facts of which are incorporated in these findings.**
- 3. That the activities will likely not have a significant adverse effect on adjacent wetlands or watercourses, the proposed work is located in the paved parking area to the east of the nearest inland wetland.**

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2014-007B, the permit application of ED BARNETT/HOUSE TO HOME BUILDERS for site plan approval as presented and shown on the plans entitled:

“Site Plan & Subsurface Sewage Disposal System Design  
Assessor’s Map 62, Lot 4  
Mountain Road, Cheshire, Connecticut  
Dated: February 11, 2014, Revised May 31, 2017  
2 Sheets, Scale Varies  
Prepared By: MMI, Cheshire, CT.”

And

Construction Sequence-Retaining Wall Installation  
Dated: June 29, 2017  
Prepared by Ryan McEvoy, MMI, Cheshire, CT.

The permit/order is granted on the following terms, conditions, stipulations and limitations (collectively referred to as the “Conditions”) each of which the Commission finds to be necessary to protect the wetlands and watercourses of the State and the Town of Cheshire:

1. Any lack of compliance with any condition or stipulation of this permit shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and an enforcement order shall be both issued and recorded on the Town of Cheshire Land Records.
2. No changes or modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.
3. The applicant shall strictly adhere to items 2-9 of the June 29, 2017 Construction Sequence, by Ryan McEvoy.
4. Throughout the course of conducting construction activities, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring the following:

- a) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100' where possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.
  - b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.
5. That the retaining wall shall be installed, associated grading completed, non-encroachment area remediated and the site permanently stabilized by October 1, 2017.
6. The permittee's licensed professional engineer shall submit written verification by October 1, 2017 that the above referenced site plan and construction sequence (items 2-9) are complete and work was conducted in accordance with this order.

The certificate of occupancy will not be signed until these items are completed in accordance with the plans and the satisfaction of the Commission.

Moved by Dr. Dimmick. Seconded by Ms. Dunne.

Chairman de Jongh said he wanted to state for the record that he wanted to say we appreciate your (the applicant) patience – your corporation; he said there was a lot of stuff going on and a lot of things were well intended and if nothing else this is a clear example of people working together to try to get something done; he thought the outcome was what everyone wants.

Motion approved unanimously by Commission members present.

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|----|--|-----|-----------|
| 4. | Permit Modification                        | APP | 2016-005A |
|    | Clearview Farm Preserve, LLC               | DOR | 6/06/17   |
|    | Mountain Road (Cornwall Ave Ext. 2016-005) | PH  | 7/05/17   |
|    | Resubdivision                              | MAD | 8/09/17   |

Chairman de Jongh said this item was subject of a public hearing tonight and it's been continued.

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|----|--------------------|-----|----------|
| 5. | Permit Application | APP | 2017-009 |
|    | Bridget Bowman     | DOR | 6/20/17  |
|    | 70 Strollo Court   | PH  | 7/05/17  |
|    | Site Plan          | MAD | 8/09/17  |

Chairman de Jongh said this item was subject of a public hearing tonight and it's been closed; this will be taken up when we have the additional items that we need to discuss at our July 18, 2017 meeting.

**X. NEW BUSINESS**

- |    |                             |     |          |
|----|-----------------------------|-----|----------|
| 1. | Permit Application          | APP | 2017-010 |
|    | Ricci Construction Group    | DOR | 7/05/17  |
|    | South Main Street           |     |          |
|    | Site Plan – Office Building | MAD | 9/08/17  |

Chairman de Jongh stated there will not be a presentation on this item this evening.

The Commission talked briefly about the location of this application.

Dr. Dimmick noted they issued a permit that involved the destruction of the old buildings and the taking out of the tanks.

- |    |                           |     |          |
|----|---------------------------|-----|----------|
| 2. | Request for Determination | RFD | 2017-011 |
|    | Bonnie MK Donato          |     |          |
|    | 35 Sudol Court            |     |          |
|    | Pool/Retaining Wall       |     |          |

Bonnie Donato was present.

Ms. Donato addressed the Commission and explained she submitted some paperwork with Suzanne; what she's asking for is a request for determination – she wants to put pool in her backyard.

Ms. Donato explained her house does butt up against a wetlands area and non-encroachment area.

Dr. Dimmick commented about the wetness of the area.

Ms. Donato said it's not that wet.



**Ms. Donato said she's asking to put the pool (as shown on the plan) and what her pool company (Hunter Pool) recommended was silt fence and then came up with the thought of doing a retaining wall that would be a permanent structure so there would be no way of any interference with the non-encroachment area and the wetlands area.**

**Ms. Donato said the pool would be right behind the existing patio she has; she might have to take some of the patio up to put the pool in.**

**Commission members reviewed the plan/map of the site.**

**Ms. Simone asked about the placement of the retaining wall – is it proposed to go across so they won't be able to access this area (shown on the map).**

**Ms. Donato explained they are going to have the fence come almost to where the back patio and kitchen end so there will be a little bit of a walkway before the fence and then going around to get the brush hog back there (to mow annually – every October).**

**Ms. Donato showed the Commission where the pool is proposed to be located; she showed where the house, garage, the street and the patio were located; and the proposed pool (coming right off the patio).**

**Ms. Donato stated the pool would be an in-ground pool; silt fence and a permanent retaining wall; and fence.**

**The Commission reviewed and discussed the placement of the proposed pool, fence; lawn area and retaining wall.**

**Motion: That the Commission had determined based on the map that has been presented the proposed activities would not need a permit from this Commission.**

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

3. Request for Determination RFD 2017-012  
Aquatic Pool & Spa Service  
12 Mountaincrest Drive  
Pool

Dr. Henry of 12 Mountaincrest Drive and Thomas Laudano, Jr. of Aquatic Pool & Spa Service.

Mr. Laudano explained that they are basically they are proposing to build a pool in his (Dr. Henry) backyard; the only problem is they are approximately 40' from the wetlands.

Mr. Laudano said he had taken pictures and attached them to a form he handed in; he said the only question he had is it technically considered wetlands cause there's no topography on the map.

Mr. Laudano explained if you've been to the property there's an uphill embankment about 15' then it flattens out and the wetlands are on the backside; the pool would be lower.

Dr. Dimmick stated they inspected this property many years ago because there was a wetlands violation; but didn't recall the outcome.

Ms. Simone explained there was no final update on a restoration plan but maybe Dr. Henry can fill us (the Commission) in.

Dr. Henry addressed the Commission.

Dr. Henry explained he hired Milone and MacBroom and then came out and did a remediation plan and we followed through with whatever they wanted – that must have bene 5-6 years ago.

Ms. Simone asked if everything has been planted.

Dr. Henry stated everything is planted.

Chairman de Jongh asked if the pool that's going to be installed – is it in the area of the restoration area.

Dr. Henry said it's in the backyard.

**Dr. Dimmick asked if there was a small berm between the pool and the wetlands.**

**Mr. Laudano stated yes.**

**Ms. Simone stated she hasn't been out to look at the site to see relative to this proposal but she remembered the backyard does go up and that's where the watercourse is – up gradient of the house.**

**Dr. Dimmick stated its upslope from the house; he asked if they (the applicant) are in the state forest land.**

**Dr. Henry said yes. He explained the location of the proposed pool in relationship to the watercourse; he said the pool is a considerable distance away – pretty far separated from that.**

**Ms. Simone said so it's separated in distance and also topography.**

**Dr. Henry and Mr. Laudano stated yes.**

**Ms. Simone asked which option they planned to go with.**

**Mr. Laudano said whichever plan the Commission would approve.**

**Dr. Henry stated option B.**

**The Commission and staff reviewed option B plan submitted.**

**Ms. Simone asked about the lawn area and fence.**

**Dr. Henry showed the lawn and play scape area.**

**Mr. Laudano stated the whole yard is fenced in already with self-latching gates.**

**Ms. Simone said then the fence is something that's been added to the restoration.**

**Dr. Henry stated the (fence) was there before.**

**Ms. Simone said so there's a fence currently that goes all the way across and the watercourse does not come into your lawn area.**

**Chairman de Jongh stated for the record Dr. Henry wants to have option B as the requested location of the pool which is to the right of the existing dwelling – to the right back corner of the house.**

**Motion: That the Commission determines the request for determination for Aquatic Pool & Spa Service for 12 Mountaincrest Drive based on the documents presented and testimony given we have determined that a permit is not required for this application.**

**Moved by Dr. Dimmick. Seconded by Ms. Dunne. Motion approved unanimously by Commission members present.**

**XI. ADJOURNMENT**

**The meeting was adjourned at 10:08 pm by consensus of Commission members present.**

**Respectfully submitted:**

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