

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, AUGUST 2, 2011
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

Members present: Charles Dimmick, Matthew Bowman, Earl Kurtz, Kerrie Dunne, Sheila Fiordelisi, and Will McPhee.

Absent: Robert de Jongh

Staff Present: Suzanne Simone

Dr. Dimmick served as chairman pro-tem in Robert de Jongh's absence.

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited by those present.

III. ROLL CALL

Ms. Dunne called the roll.

Members in attendance were Charles Dimmick, Matthew Bowman, Earl Kurtz, Kerrie Dunne, Sheila Fiordelisi, and Will McPhee.

IV. DETERMINATION OF QUORUM

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

V. APPROVAL OF MINUTES OF THE REGULAR MEETING OF JULY 19, 2011

The approval of the minutes was deferred to the end of the meeting.

VI. COMMUNICATIONS

1. RWA Comments Re: 1262 Tucker Road

The Commission reviewed this communication.

2. **Request for Determination – 435 East Mitchell Avenue
Re: Removal of buried fuel tanks and construction of concrete pad**

The Commission reviewed this communication. This item is on the agenda tonight under new business.

3. **Soil Examination, 1262 Tucker Road**

The Commission reviewed this communication.

4. **Staff Review: Request for Determination, 435 East Mitchell Ave.**

The Commission reviewed this communication.

VII. INSPECTION REPORTS

1. **Written Inspections**

Ms. Simone stated there were no written inspection reports.

2. **Staff Inspections**

- a. **Richmond Glen**

Ms. Simone reported that staff went to the Richmond Glen property on Weise report and reported that the area is stabilized. The silt fence reports have been coming in on a regular basis and they have started with the culvert crossing off of Buckland.

Ms. Simone stated that the flow into Honey Pot Brook in that area is low as of right now.

- b. **Call Re: Dumping on Private Property**

Ms. Simone reported to the Commission that the Department received – she said she has not gone out to the field yet. The call was regarding dumping on private property which may or may not impact wetlands – from the description it didn't sound like it but that she would look further into it.

Ms. Simone said the property is the property that has the approval for the Lifestyle Center at the north end of town. She reported that apparently there have been dump trucks there.

Ms. Simone the call came from a resident in Southington who had observed dump truck s going into the area and when they looked through the clearing they could see that asphalt was dumped and other material.

Ms. Simone said she has contacted the property owner but staff has not been out to inspect but it does not sound as though they have dumped in the wetland area.

VIII. ENFORCEMENT ACTIONS

- 1. Unauthorized Activities in a Regulated Wetland Area SC 5/04/10
Dr. Robert Henry and Maria Passaro-Henry
12 Mountaincrest Drive**

Ms. Simone reported that they received their approval in June 2010 – the area is stabilized and they still have some native plantings of shrubs that need to be done but the area is stabilized – there is no exposed soil on the site.

Dr. Dimmick said so then they will leave this item on the agenda until such time the requirements are totally satisfied.

- 2. Unauthorized Activities in a Regulated Wetland Area SC 10/05/10
Edward and Lisa Ellis SC 10/19/10
79 Dundee Drive**

Ms. Simone reported that she did go out to the site on Friday, July 29 and they did establish the conservation area – they removed the play set that was in that area, they put up markers, they’ve cleared the material that they had stored on town property which was also in a wetland area.

Ms. Simone explained what they have remaining to do is to plant native shrubs in that open space clearing.

Ms. Simone said she wanted to get some guidance from the Commission as to whether they would like to see this enforcement action remain on the agenda because the plantings are in a wetland area regardless of who owns the property or if the Commission would like staff to draft a release for the next meeting in September.

Dr. Dimmick said they do need to make sure those plantings are put in. He said the problem is that he could not see planting until near the end of September conditions being what they are.

Ms. Simone said that is what the property owner plans on doing – planting in October.

Mr. Bowman said but it is town property. He said in his opinion draft a release and then it becomes the business of the property owner and the town not really the Wetlands Commission to enforce the planting on their property.

Ms. Simone stated that was correct – but the only reason she brings it up is because it is technically a wetland soil even though it is on town property.

Dr. Dimmick said staff could prepare something for the first meeting in September for the Commission review as long as they are satisfied things are moving forward. He said at that point they can act to release the violation if all in moving forward.

- 3. Unauthorized Activities in a Regulated Wetland Area
Gladys & Salvatore DeLucia Jr.
808 Bethany Mountain Road**

Ms. Simone stated that this item is on the agenda under unfinished business.

- 4. Unauthorized Activities in a Regulated Wetland Area
David Hajdasz and Joanna Debear
11 Shire Court**

Ms. Simone stated that this item is on the agenda under unfinished business.

IX. UNFINISHED BUSINESS

- | | | |
|----------------------------------|------------|------------------|
| 1. Permit Application | APP | #2011-002 |
| David Hajdasz | DOR | 4/19/11 |
| 808 Bethany Mountain Road | FT | 5/07/11 |
| Site Plan – Drainage Pipe | MAD | 8/21/11 |

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors pursuant to Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire, Commissioners’ knowledge of the area, previous site visitations, and

after review of written information provided by the applicant on this application, finds the following:

1. That a notice of violation was issued on March 8, 2011 for the replacement of a 6" drainpipe without the review and permission of the Inland Wetlands and Watercourses Commission. The notice of violation directed the property owner to submit an application for the drain pipe installation by April 13, 2011.
2. That the applicant submitted an application for the prior drain pipe installation on April 12, 2011. The applicant further amended this application to include the direct discharge of an artesian well overflow into a waterbody and the creation of an overland channel to alleviate surface flow crossing the driveway to 11 Shire Court.
3. That through discussion with the applicant and a site visit of the subject property it was revealed that the artesian well of 11 Shire Court directly discharges into a waterbody without the review and permission of the Inland Wetlands and Watercourses Commission.
4. That the commission requested the applicant amend the application to include the discharge into the waterbody from the artesian well. The applicant submitted information indicated the well discharges 2.5 gallons of water per minute into the waterbody.
5. That the owner of 15 Shire Court, which includes the subject waterbody, authorized the submission of the application to directly discharge into the waterbody.
6. That the applicant's engineer stated that the proposed overland channel will not negatively impact the upstream and downstream watercourse.
7. That the applicant stated that the proposed construction activities will not have a significant adverse effect on the adjacent wetlands and watercourses.
8. That the Commission has determined the activity to not be significant under the context of the Cheshire Inland Wetlands and Watercourses Commission regulations.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2011-002, the permit application of David Hajdasz for drainage as presented on the plans entitled:

**“Drainage Improvement Plan
Prepared for David Hajdasz
11 Shire Court, Cheshire CT
Dated July 5, 2011
Scale 1”=30’
Prepared by Conklin & Soroka, Inc.
In Cooperation with Harkin Engineering, LLC
78 Wolf Hollow Lane, Killingworth, CT.”.**

And

**“Discharge into Waterbody
Measured flow rate: 2.5 gallons per minute
Dated June 21, 2011.”**

The permit is granted on the following conditions and stipulations, each of which the Commission finds to be necessary to protect the wetlands and watercourses of the State and the Town of Cheshire:

- 1. Any lack of compliance with any condition or stipulation of this permit shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and an enforcement order shall be both issued and recorded on the Town of Cheshire Land Records.**
- 2. No changes or modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.**
- 3. Prior to the commencement of permitted activities under this permit grant, the applicant shall properly install erosion controls, as depicted on the above-referenced site plan. Staff may insist on additional controls if warranted by field conditions.**
- 4. All disturbed areas on the site not directly required for construction activities shall be temporarily seeded and hayed until the site is permanently stabilized.**

5. Throughout the course of conducting construction activities covered by this permit grant, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring 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.

6. This permit grant shall expire August 2, 2016.

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

Ms. Simone said the permit is for drainage to authorize the pipe that was replaced previously and then also to create a drainage swale, for lack of a better term, over the driveway, so the one issue where their were issued a notice of violation is that the pipe was put in without a permit.

Ms. Simone said so because this item is still listed under enforcement actions shall staff draft up a release for the next meeting.

Mr. Bowman said as soon as this work is done.

Dr. Dimmick said the swale has to be put in.

Ms. Simone said the swale is not ordered to be done what was ordered was to come in a get a permit for the 6" pipe; they then chose to in addition to that that they wanted to expand the application for a swale over the driveway.

Mr. Bowman said if staff feels that a release is in order then certainly prepare a release.

Dr. Dimmick said in his opinion they were in agreement on that.

2.	Permit Application	APP	#2011-013
	Michael Dimech	DOR	7/19/11
	Robin Lane		
	Above Ground Pool	MAD	9/22/11

Dr. Dimmick reported that a number of Commission members went out to look at the site. He said the pool location was staked out – he said there is a small round pool in the middle of it right now – a large kiddy pool kind of thing.

Dr. Dimmick said he did not see any problem with the proposal unless other Commission members did.

Mr. Bowman said he did not see any problems either.

Motion:

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

- 1. That the current application is for the installation of an aboveground pool within the upland review area, as defined by the official Town of Cheshire soils map.**
- 2. That the applicant proposes the aboveground pool location in the existing lawn area, therefore no clearing or grading will be associated with the pool installation.**
- 3. That the applicant stated that the proposed aboveground pool will have a cartridge filter and that all evacuated pool water will be discharged in accordance with the Department of Energy and Environmental Protection Swimming Pool Discharge Standards.**
- 4. That the applicant stated that the proposed construction activities will not have a significant adverse effect on the adjacent wetlands and watercourses.**
- 5. That the Commission has determined the activity to not be significant under the context of the Cheshire Inland Wetlands and Watercourses Commission regulations.**

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2011-013, the permit application of Michael Dimech for aboveground pool as presented on the forms entitled:

**“Appendix B- Application for Inland Wetlands and Watercourses Permit
7 Robin Lane, Cheshire, CT
4 pages.”**

The permit is granted on the following conditions and stipulations, each of which the Commission finds to be necessary to protect the wetlands and watercourses of the State and the Town of Cheshire:

- 1. Any lack of compliance with any condition or stipulation of this permit shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and an enforcement order shall be both issued and recorded on the Town of Cheshire Land Records.**
- 2. No changes or modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.**
- 3. The standards set forth in the Department of Energy and Environmental Protection Swimming Pool Discharge Standards shall be adhered to.**
- 4. Throughout the course of conducting construction activities covered by this permit grant, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring the following:**
 - a) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100’ if possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.**
 - b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.**
- 5. This permit grant shall expire on August 2, 2016.**

Moved by Ms. Dunne. Seconded by Ms. Fiordelisi.

Ms. Dunne asked about stipulation number four regarding the storage of oil, gasoline and chemicals. She said if she noticed correctly the shed is right next to the water area – she asked if they ever say where it

should be stored or do they just say it should be to prevent contamination.

Dr. Dimmick said they are talking about during construction – they are talking about anything brought in for fuel during construction and what’s there now is a different matter.

Motion approved unanimously by Commission members present.

Michael Dimech was present.

Mr. Dimech asked a few questions in terms of the process going forward regarding a building permit.

Ms. Simone and the Commission provided Mr. Dimech the information he needed to move forward for the installation of the pool.

3. Permit Application	APP	#2011-014
Lori Schommer	DOR	7/19/11
703 Andrea Court	FT	7/23/11
In-ground pool	MAD	9/22/11

Ms. Fiordelisi recused herself from this portion of the meeting at 7:43 p.m.

Ms. Simone said when she looked at the application form itself it does show the applicant’s name and the property owner’s name – it shows them as two separate names.

Ms. Simone stated the application has signatures of both the applicant and property owner – Robin and Marlene Zychowski and Robin had signed off on it as the owner and Lori Schommer is the applicant.

Dr. Dimmick said only two Commission members went out the site in terms of a field trip and the owner was there and she had no idea where the pool was going to go so she was vaguely indicating areas that the pool might go – he said he did not have the map with him and there was no one out there to help guide them as to the location of the pool.

Dr. Dimmick said there are possible slope problems there because any place they could see that you could put the pool you had a fairly significant slope right down to the wetlands in any direction.

Mr. Bowman said the only place they could go was the right corner of the house – the south east corner is where it should go.

Dr. Dimmick said he did not think the south east corner is what the plan shows.

Ms. Dunne said there is also a septic system issue.

Mr. Bowman noted there was a septic and reserve issue.

The Commission reviewed the plans and discussed the proposed location of the pool.

Mr. Bowman stated as long as its silt fenced and as long as its stabilized – he said staff is going to have to go out there after the pool is in to make sure that its stabilized to make sure all the Commission's conditions that are set forth in the original draft are met. He said he did not see it as a major problem – it is steep but for some reason if they can't get it with a natural slope then they might have to come back before the Commission and get some sort of retaining wall.

Dr. Dimmick said there are some general notes but was there submitted separately a sediment and erosion control narrative of any sort.

Ms. Simone said the applicant's engineer is here – but no they just have the subdivision map as well as the site plan.

Dr. Dimmick said the map says sediment and erosion control measures as depicted in these plans and described and within the sediment and erosion control narrative. He said he did not see anything in terms of a narrative.

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

Mr. Ducsay said he apologized for the lack of stake out or something to guide the Commission on their field trip last Saturday.

Mr. Ducsay said there was no narrative submitted with this plan – this plan only depicts sediment filter fence down gradient of construction activity. He said in terms of the fill slope necessary to create a level pad for that inground pool – what they are depicting on the plan granted the existing conditions do depict 1' contours, proposed grading is a 2' interval contour level – but that is a 2:1 slope – a pretty standard slope for most construction sites.

Mr. Ducsay said if the Commission deems that that slope is too steep certainly they could flatten that slope out to a 3:1 to more mimic existing conditions.

Mr. Ducsay said the sediment and erosion control measures will be left in place until that slope is stabilized with grass but beyond that no additional sediment and erosion control measures are proposed.

Dr. Dimmick said he was not so much concerned with what the slope is as with the stabilization necessary for that particular slope – he said he was not necessarily looking to get a gentler slope.

Dr. Dimmick said he was looking to get a stronger handle on controls because it has certainly been his experience over 40 years of this sort of thing that a single line of sediment filter fence on that slope on that slope can be breached by the time they get around to repairing it you have a lot of damage that has been done.

Mr. Ducsay said certainly that sediment filter fence can be reinforced with haybales or he was sure the applicant was willing to comply with any conditions that the Commission feels is necessary to protect the adjacent downstream wetlands.

Dr. Dimmick said reinforcement with haybales would be good.

Mr. Bowman said staff has the ability in the Commission's bylaws to allow her to go out and suggest or make a recommendation that not only there be silt fence but there also be staked haybales.

Dr. Dimmick said he would not say they needed to stake haybales for the entire perimeter of where you have silt fence – he was looking at the parts which are essentially down slope from the pool itself and where it is most likely a failure would occur,

Ms. Simone said the draft motion before the Commission was prepared before she was aware there were any issues with the site walk and the location of the pool.

Ms. Dunne said when they looked they actually thought the pool was in a different location.

Dr. Dimmick said that was based on what the homeowner was telling them but they did not have a map with them or anyone else with them who knew.

Mr. Ducsay said the reason the pool is cited in the location it is cited in is to comply with the health code separation distance in relation to the septic tank.

Mr. Bowman stated for the record that the only reason he did not go out to the site is because he had built this home and he knew the situation so he knew exactly where it was going and how it was going in – he said in his opinion he really did not think there was a problem with it with the proper sediment controls in place.

Mr. Bowman said their regulations allow staff to put in place any additional measures necessary to make sure it complies.

Ms. Simone said one suggestion she did have is if the Commission wants to move forward on an approval that perhaps that it be stipulated to specify where additional erosion controls are to be placed so that way it's tied into the approval instead of just the discretion of staff.

Ms. Simone said that if Dr. Dimmick and Ms. Dunne have gone out to the site and have identified that silt fence is not going to be appropriate then she thought that would be best to tie that into the language right now and of course going out into the field if she saw additional issues then they could be addressed then.

Ms. Simone said that if there are concerns the Commission is raising that it they can be added to the approval.

Dr. Dimmick said on most approvals there is a paragraph that has been left out of the proposed wording and that is the one that says “Prior to the commencement of permitted activities under this permit grant, the applicant shall properly install erosion controls, as depicted....” He said none of that is in this permit wording that is normally in there and that is the one that says staff may insist on additional controls if warranted by field conditions and that whole thing is missing.

Ms. Simone said that the language was inadvertently left out of the motion.

Commission members agreed to add additional language to the permit grant under stipulation item number 4 c.

Motion: That the Commission declared that the proposed activity was not significant within the context of the Commission's regulations.

Moved by Mr. Bowman. Seconded by Mr. Kurtz. Motion approved 5-0-1 with Ms. Fiordelisi not being present for the vote.

Motion:

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

- 1. That the current application is for the installation of an inground pool within the upland review area, as defined by the official Town of Cheshire soils map.**
- 2. That the applicant proposes the inground pool location in the existing lawn area, therefore no clearing will be associated with the pool installation.**
- 3. That the applicant stated that the proposed inground pool will have a cartridge filter and that all evacuated pool water will be discharged in accordance with the Department of Energy and Environmental Protection Swimming Pool Discharge Standards.**
- 4. That the applicant stated that the proposed construction activities will not have a significant adverse effect on the adjacent wetlands and watercourses.**
- 5. That the Commission has determined the activity to not be significant under the context of the Cheshire Inland Wetlands and Watercourses Commission regulations.**

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2011-014, the permit application of Lori Schommer for inground pool as presented on the plans entitled:

**“Site Plan- Proposed Inground Pool
Bickerton Woods, Lot 7
703 Andrea Court, Cheshire, CT
July 14, 2011
Scale 1”=30’
Milone and MacBroom, Inc.”**

The permit is granted on the following conditions and stipulations, each of which the Commission finds to be necessary to protect the wetlands and watercourses of the State and the Town of Cheshire:

- 1. Any lack of compliance with any condition or stipulation of this permit shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and an enforcement order shall be both issued and recorded on the Town of Cheshire Land Records.**
- 2. No changes or modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.**
- 3. The standards set forth in the Department of Energy and Environmental Protection Swimming Pool Discharge Standards shall be adhered to.**
- 4. Throughout the course of conducting construction activities covered by this permit grant, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring the following:**
 - a) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100' if possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.**
 - b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.**
 - c) Prior to the commencement of permitted activities under this permit grant, the applicant shall properly install erosion controls, as depicted on the above-referenced site plan. Staff may insist on additional controls if warranted by field conditions.**
- 5. This permit grant shall expire on August 2, 2016.**

Moved by Mr. Bowman. Seconded by Ms. Dunne.

Discussion:

Ms. Dunne asked about the discussion about adding haybales. She asked if that needed to be added to the motion.

Dr. Dimmick said it has been covered with the understanding that staff is going to recommend it and the engineering people have already heard and already will anticipate the need for it.

Motion approved 5-0-1 with Ms. Fiordelisi not being present for the vote.

Ms. Fiordelisi returned to the meeting at 7:55 p.m.

4.	Permit Application	APP	#2011-015
	Timothy Mahoney	DOR	7/19/11
	Tucker Road		
	Above Ground Pool	MAD	9/22/11

Dr. Dimmick said that he had gone out and examined the soils and submitted a report to the Commission and his personal conclusion is the Commission has no standing here because there are no wetlands to be regulated.

Dr. Dimmick said what needs to be done is for the Commission to declare that no permit is needed because there is nothing to be regulated.

Motion: That the Commission declares that no permit is needed for 1262 Tucker Road.

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

Dr. Dimmick instructed staff that under the circumstances that staff return the fee to the applicant.

Dr. Dimmick said that over the past ten years or so had a number of different applications where as part of the application they have accepted changes in the wetland line and by their regulations these changes only become official if they hold a public hearing on it.

Dr. Dimmick said he would like staff between now and somewhere before the end of the year try to gather together the various changes that the Commission has made and hold a public hearing to formally

change the wetlands map to match the reality of things that have been submitted to the Commission.

Mr. Bowman said the one he can think of most importantly is the one for Cuff Brook on Marion Road where Army Corp actually changed the flood plane – do they still need a public hearing if they’ve done it.

Dr. Dimmick said the public hearing is only if they want to officially change their wetlands map – so the wetlands map is their standard unless they have information to the contrary. He said so every time they have accepted one of these applications where a soil scientist has drawn different than the line on the official map then they have a discrepancy which eventually should be corrected so their official map is in line with subsequent findings.

Commission members agreed the wetland maps should be updated.

Ms. Simone said it helps to compile it when people come in and they inquire now they would have access immediately to show them updated information as opposed to the standard map.

X. NEW BUSINESS

- 1. Request for Determination
435 East Mitchell Avenue
Re: Removal of buried fuel tanks and construction of concrete pad**

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

Mr. Bowman asked Ms. Simone the reason for this application coming before the Commission if it’s in her opinion over 150’ from the wetlands.

Dr. Dimmick said because staff doesn’t have the authority to make that decision.

Ms. Simone said the applicant had expressed that they are going to Planning and Zoning and they wanted to get an official word from this Commission before they proceeded to that they followed the due process.

Mr. McEvoy addressed the Commission.

Mr. McEvoy said this is a pretty straight forward request. He said its on a property called Hillside Village – it's the condominium association off East Mitchell Avenue through a private driveway – it actually abuts Cheshire Academy and located to the south on the bottom side of the sheet is their (Cheshire Academy) track.

Mr. McEvoy explained that the condominium property sort of shares a wetland corridor that was mapped by Matt Sanford of his office in support of the track application that the Commission approved about a year ago.

Mr. McEvoy said what the association is looking to do is to replace a buried tank on the northern part of the parcel and replace it with three above ground tanks adjacent to their utility room.

Mr. McEvoy said on this plan the new tanks would be located on the north side of the property about 180' from the flagged wetlands.

Mr. McEvoy said so it's a pretty straight forward request – he did not know if there were any questions from the Commission.

Dr. Dimmick said in his opinion he did not see any need for a permit.

Mr. Bowman said in his opinion the Commission has no jurisdiction – it's 150' away from wetlands.

Dr. Dimmick said well they do if they want to...but he could not see anything in this particular case that requires a permit... in his opinion it is a de minimus type declaration.

Mr. Bowman said in his opinion it is not even declare it de minimus...the activity is happened in access of the Commission's review area and is completely outside their purview.

Dr. Dimmick said he disagreed it was outside their theoretical purview – it's outside any area of concern for the Commission. He said he could very well give examples of pieces of property where there were separations that far where they would have concerns and he did not want to set a precedent for that.

Motion: To declare the application de minimus.

Moved by Ms. Dunne. Seconded by Ms. Fiordelisi.

Mr. Bowman asked to go on the record that he was opposed to the motion – he stated that this is outside their purview – it’s 150’ from the wetlands – it’s outside their upland review area – it’s outside the upland review area and outside everything they have anything to do with and he firmly believes this should not have even come before the Commission.

Motion approved 5-1-0 with Mr. Bowman opposing the motion.

2. APPROVAL OF MINUTES OF THE REGULAR MEETING OF JULY 19, 2011

The approval of the minutes was deferred from the beginning of the meeting.

At 8:02 p.m.:

Motion: To approve the minutes from the July 19, 2011 regular meeting minutes with corrections.

Corrections will be noted in the minutes of the September 6, 2011 meeting minutes.

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

XI. ADJOURNMENT

The meeting was adjourned at 8:05 p.m. by the consensus of Commission members present.

Respectfully submitted:

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