

Addressed at 8:20 p.m.:

Motion: That the Commission accepts the corrections to the public hearing and regular meeting of October 4, 2011 as modified by Dr. Dimmick.

Public Hearing: Pg. 2 L25 add 'feature' after 'various', L46 delete 'then'; pg. 3 L5 'under land' to 'underlain', L7 'arcos' to 'arcose'; pg. 4 L15 delete 'has.

Regular Meeting: Pg. 9 L27 'pollustrain' to 'palustrain', L28 'ban' to 'band'; pg. 10 L33 delete 'its owned by one person'; l34 'by one' to 'on'; pg. 11 L11 delete 'they own'; pg. 12 L43 'sighted' to 'sited'; pg. 14 L15 'and' to 'that'; pg 19 L7 delete 'for', L23 add 'with' before 'staff'.

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

VI. COMMUNICATIONS

- 1. Engineering Comments and Support Material
Re: IWWC Permit 2011-017, Falco, Wallingford Rd., Site Plan**

The Commission reviewed this communication. This item is under unfinished business tonight.

- 2. Letter to Mr. Robert Arthur
Re: Wetland Determination for 390 Chestnut Street – Shed**

The Commission reviewed this communication.

- 3. Letter to Mr. Anthony Bailey c/o Mr. Justin Haley
Re: Wetland Determination for 15 Sherwood Lane – Pool Relocation**

The Commission reviewed this communication.

- 4. Letter to Mr. Don Nolte, Public Works Dept.
Re: Wetland Determination for 815 Allen Ave. – Watercourse Restoration**

The Commission reviewed this communication.

- 5. Request for Determination for 105 Scenic Court – Sun Room Add-on**

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

6. Staff Recommendation for 79 Dundee Drive Notice of Violation

The Commission reviewed this communication.

Ms. Simone stated that this is for the release of their notice of violation.

7. CACIWC 34th Annual Meeting & Environmental Conference 11/12/11

The Commission reviewed this communication.

Ms. Simone said this communication is the notice for the November 12, 2011 annual CACIWC meeting. There is also information in Commission member's packets regarding what workshops are available so if members are interested in attending let staff know so they can be signed up.

8. Staff Report Re: 105 Scenic Court – Request for Determination

The Commission reviewed this communication.

9. Staff Report Re: Wiese Road – Subdivision

The Commission reviewed this communication.

**10. Letter from Loughlin/Fitzgerald
Re: Wiese Road Subdivision Application # 2011-019**

The Commission reviewed this communication. This item is in regards to the public hearing for Wiese Road continued to November 1, 2011.

Handed out at tonight's meeting:

11. Construction Plan for Fresh Meadows Trail Bridge Replacement

The Commission reviewed this communication. This item is under unfinished business. Attached to the communication is the Material Safety Data Sheet (MSDS).

12. Listing of Planting Workshops

Ms. Simone said Commission members received a listing of planting workshops that are coming up in the next couple of weeks and

again, if any Commission members are interested let staff know and they will be signed up.

13. Other – none.

VII. INSPECTION REPORTS

1. Written Inspections

Ms. Simone stated there were no written inspections.

2. Staff Inspections

a. 79 Dundee Drive

Ms. Simone said that staff inspected the property at 79 Dundee Drive to ensure that everything was in compliance and that they put the plantings in that they were required.

b. Cheshire Academy

Ms. Simone said that Cheshire Academy completed their track and they are looking to remove all of their erosion controls. She reported that everything is seeded in for the most part – they have one area that needs further work and that is an area that borders the parking lot so it's away from the wetlands. Cheshire Academy is aware of that and will continue to work on that item.

c. Other – none.

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

Chairman de Jongh stated this item was remaining on the agenda for notification purposes.

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 stated that there is a recommendation for a release. She explained that they did finish all the plantings that they were required to do and previous to that they had put up the conservation

easement markers as well as removed all of their materials from town property.

Motion to Release Violation:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors relevant to the issuance and release of the subject Notice of Violation, Commissioners' knowledge of the area, and after review of Staff inspections and information provided by the property owner on this matter, finds the following:

1. That on September 30, 2010, a Notice of Violation was issued to Edward & Lisa Ellis for violation of the Inland Wetlands and Watercourses Regulations. The use and alteration of designated wetland and upland review areas were specifically mentioned. The clearing of vegetation, the expansion of lawn and storage of lawn equipment in the conservation easement and surrounding wetlands was also noted.
2. That on October 19, 2010 the Cheshire Inland Wetlands and Watercourses Commission voted to uphold the September 30, 2010 notice of violation.
3. That on October 5, 2011 Staff inspected the property and found that the conservation area was established, the non-encroachment markers were installed and the planting of native shrubs in the wetland was complete.

Therefore, the Cheshire Inland Wetlands and Watercourses Commission does hereby determine that all issues in the September 30, 2010 Notice of Violation issued to Edward & Lisa Ellis for Violation of CIWWC Regulations on property generally shown as Assessor's Map 26, Lot 131 have been addressed. Further, the Commission does hereby release and discharge the aforementioned Notices of Violation.

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

IX. UNFINISHED BUSINESS

- | | | |
|-------------------------------------|------------|------------------|
| 1. Permit Application | APP | #2011-017 |
| Paul Falco | DOR | 09/06/11 |
| Wallingford Road | FT | 09/10/11 |
| Site Plan – Wetland Crossing | MAD | 11/10/11 |

Chairman de Jongh stated this item was subject of a field trip on September 10, 2011.

David Carson, a principal with the OCC Group was present on behalf of the applicant.

Mr. Carson first apologized to the Commission for not being able to meet at their last meeting – he explained that he had a conflict but it did allow the applicant enough opportunity to meet with the engineering department and address all of the previous comments that they had which had been incorporated into the plan that's before the Commission tonight.

Mr. Carson said basically the only pertinent changes to the original plan are one – the piping underneath the driveway which was originally proposed to be four 12" RCP culverts – that's been revised to two 18" culvert with flared-in inlets which accomplished two goals; one keeping the flow characteristics of the channel the same by the flared-in inlets encompassing the entire width of the channel and two handling the flow with two pipes rather than four and it also lengthened the width of the crossing by the length of a flared end section which allowed them to rip rap the slopes on either side up the driveway which was one of the original engineering comments.

Mr. Carson said the other thing that has been done – they had proposed a rather small rain garden in an area of the lot – they have provided the engineering department with drainage computations all the way up to a 100 years storm event and they have been able to contain and attenuate the increase in run off all the way up to a 100 year event which would be generated by the proposed paving of the driveway and the construction of the house.

Mr. Carson explained that on the lot itself they have enlarged the size of the rain garden substantially – directly discharge the roof drainage into it; on the driveway one of the things they discovered when they went out on the site walk was that it was right after the hurricane came through and the driveway had actually partially washed out in that adjacent wetlands area to the driveway – it fills up and what its intended to do is to fill up and actually run back to the stream course and continue down – what had happened is it had filled up – it over flowed its banks and actually eroded through an area down to the brook.

Mr. Carson said what they discussed during that site walk was replacing an old pipe that had been placed in there – he said

obviously the homeowner at one point had recognized this condition and put in a corrugated plastic pipe underneath the driveway which has been crushed for years it appears.

Mr. Carson said what they are proposing is do here is to in conjunction with the drainage comps to build up slightly the elevation of this driveway in the area of the low point – install a new pipe with an elevated inlet running from one point and discharging at another point. He said what this will do is it will one contain storm flow in the wetlands, allow it to run back to the brook and back to the watercourse as it naturally did and two this overflow pipe would be able to accommodate storms above twenty five years and handle up to a 100 year storm event without over topping the new driveway.

Mr. Carson said so basically they are in a way fortunate that they saw that hurricane because they had been working on that property for a lot of years and that's never occurred but that particular storm event did drop approximately 7.1" of rain and that is a 100 year event storm.

Mr. Carson stated the new design will be able to handle a storm event like that without any erosion or any increase in peak discharge – he said he believed the Commission had the letter from the engineering department stating that the applicant has addressed all of their comments.

Mr. Carson said he would be happy to answer any questions the Commission may have.

Chairman de Jongh asked about the pipe that they talked about – they are replacing that – that crushed corrugated plastic pipe – is that extending beyond the cul-de-sac or is it ending at the radius of the cul-de-sac and then free flowing into the brook.

Mr. Carson explained when they were out there they talked about how to they put that in and of course they are concerned about cover and what they had with elevation – he said they did a little additional topography and what they found was they are installing the inlet right where that corrugated pipe was – but they are piping it in a direction so they are actually able to discharge it up gradient and let it flow over land back into the wetlands and into the watercourse rather than taking it straight across the cul-de-sac and right into the brook.

Chairman de Jongh said that is what they talked about on the field trip.

Mr. Carson said they will be using C-900 PVC pipe which is an extra strength PVC pipe with 2' of cover handling the same kind of wheel loading as the RCP pipes do in another location on the site.

Mr. Bowman asked if they would then hold a fire truck.

Mr. Carson stated yes.

Chairman de Jongh said for the record on the field trip they noticed that that pipe was actually at grade level and it was flatter than a pancake so he did not know how long it had been ineffective.

There were no other questions from Commission members.

Motion:

That the Commission declares that the application for the proposed activities as modified as not being significant within the context of the Commission's regulations.

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

Mr. Bowman stated for the record that he had been out to the property many times for many different reasons from most recently about eight months ago and back thirty years ago when Wally Tyler owned the property so he was very familiar with voting on this application's significance.

Chairman de Jongh stated that further action on this item was deferred pending staff review and recommendation.

2.	Permit Application	APP	#2011-019
	Verna Properties, LLC	DOR	09/20/11
	Wiese Road	FT	09/26/11
	Subdivision	PH	10/04/11
		PH	10/18/11
		MAD	11/22/11
		FT	10/15/11

Chairman de Jongh said as discussed earlier this item was supposed to be part of a public hearing this evening but was

continued to November 1, 2011 so they will defer any further consideration on this item.

Mr. Kurtz said he was having a hard time getting over the partial development of the property and he was wondering if Ms. Simone could provide the Commission at the next meeting or public hearing – its supposedly three parcels – somebody says there are four parcels – could they get a definitive map of the entire area so they are able to superimpose what they are trying to do for development.

Mr. Kurtz said it really bothers him – he said he did not know why it bothers him – he thought it was because they are not talking about the whole parcel.

Ms. Simone said she would provide the information Mr. Kurtz request for the next meeting.

Dr. Dimmick said it seemed to him that by the time they finish re-subdividing they will be completely separate properties from the other.

Mr. Kurtz said that is the problem – he said it seemed to him they should be talking about a resubdivision and they are not – they are saying this is not on their property so that is why they are not concerned with it. He said that is what bothers him about it – he thinks they should be talking about resubdivision and coming to the Commission with the same proposal but they're not and he cannot get around that.

Chairman de Jongh said what she suggests is to allow staff to go ahead and get the information and then they should have this conversation at the public hearing so they can allow some discourse not only with the applicant but others.

Mr. Kurtz said that is why he is asking for the information. He also stated he has a problem with this.

Ms. Simone agreed to have the information Mr. Kurtz requested for the next meeting.

Mr. Bowman said he had also questioned it also but his problem was that once they approve this and they will eventually approve it in some form – is that they have lost control on the rest of the piece. He said he felt better after they acknowledged they would have to come in to change the level of the pond – he said he does not share

exactly the same concerns Mr. Kurtz does but he does share some concerns.

Ms. Simone said even with the lowering of the pond any regulated activity regardless of whether it's on the parcel they are proposing for development or any other parcel they need to come before the Commission – and certainly the property owner has volunteered that they would get some documentation and certainly it's in the Commission's prevue to ask them to submit something just to acknowledge that.

Mr. Bowman stated that this is a substantial wetlands and high quality wetlands as stated by their engineer.

Chairman de Jongh said he thought a lot of this discussion should be brought up again at the public hearing.

Further discussion on this item was deferred to the Tuesday, November 1, 2011 public hearing.

**3. Request for Determination
Fresh Meadows property off Cook Hill Road
Cheshire Land Trust - Foot Bridge Replacement**

Kevin Wetmore of 21 Colonial Court, Cheshire was present on behalf of Cheshire Land Trust.

Mr. Wetmore said that follow up to the last meeting he had a couple of new photographs.

The photographs were passes around to Commission members for their review.

Mr. Wetmore said the first photo shows the water that was run off – the photo was taken October 4, 2011 and the next photo shows six days later on October 10, 2011 – the area dries out and the water goes away. He said there was water there due to the heavy rains from Hurricane Irene and the rain they had after that.

Mr. Wetmore said he was also providing the MSDS as requested from the Commission. He said he received the MSDS (material safety data sheet) from Country Lumber. He reviewed the MSDS with the Commission and noted there should be no leaching of that material.

Mr. Wetmore said there had also been a request for a plan of construction and that information has been provided.

Dr. Dimmick said the MSDS says this product is not expected to leach harmful amounts of preservative into the environment is the part the Commission was looking for and as the Commission mentioned there are many different kinds of preserved wood out there.

Mr. Bowman asked if the property name – Fresh Meadows changed.

It was noted the property name was originally Lisa's Meadows.

Mr. Wetmore said that the name was changed when the Land Trust bought the land in 1995.

Ms. Simone informed the Commission that they needed to determine if the proposed activity would need a permit as the original request was a request for determination.

Dr. Dimmick said because there is an actually crossing the activity does need a permit.

Mr. Wetmore said that he would submit an application this evening for the proposed activity.

Motion: That the Commission has determined the proposed activity does require a permit but that the application fee would be waived.

Motion: Moved by Dr. Dimmick. Seconded by Ms. Fiordelisi. Motion approved unanimously by Commission members present.

Motion: That the Commission accepts the application pending the completion of the necessary additional paperwork.

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

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

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

Further action on this item was deferred pending staff review and recommendation.

4.	Permit Application	APP	#2011-020
	Town of Cheshire Public Works Department	DOR	10/04/11
	815 Allen Avenue	FT	10/15/11
	Pond Dredging / Sediment Removal	MAD	12/08/11

Ms. Simone informed the Commission that town staff that is working on this requested that this item be deferred however a property owner may be in the audience and may want to talk about this item.

Chairman de Jongh said the Commission held a field trip on this item on October 15, 2011 of which Dr. Dimmick and he were present.

Mr. Bowman said he wanted something clarified and he will let the people make the decision – he said Mr. Pasqualoni was in touch with his Saturday morning – his request was whether or not he could provide coffee and donuts to the people on the field trip. He said he did want it on the record that Mr. Pasqualoni did get in touch with him.

Dante Pasqualoni of 815 Allen Avenue was present.

Mr. Pasqualoni addressed the Commission. He explained that the wildlife pond that he had come before the Commission with way back in 1995 was the terrible flooding that had taken place six years ago – the Sindall Brook overflowed and completely covered the entire wildlife pond. He said on the field trip they all attend there – Chairman de Jongh and Dr. Dimmick easily identified all of the wild growth that was taking place there and everything – the only thing that they are hoping to do now is to put it back to what it originally was.

Chairman de Jongh said he thought Dr. Dimmick had identified Cattails that should be replanted.

Dr. Dimmick said yes and Phragmites that needs to be eradicated completely.

Mr. Pasqualoni said he made some notes upon them leaving – he said he is definitely going to transplant everything as far as the Cattails.

Chairman de Jongh asked Ms. Simone as part of the discussion for 815 Allen Avenue were they also going to have the conservation about 825 Allen Avenue or are they going to take that up separately.

Ms. Simone said it's listed a separate item but since its part of the same system – she thought if he wanted to mention it now they could all be discussed at the same time.

Chairman de Jongh said the next application item five under unfinished business for 825 Allen Avenue for the pond dredging and sediment removal – he said the reason why he asked that question is on the field trip they actually not just saw the pond but they walked that entire area and there were some questions and comments Commission members had of Joe Michelangelo, Public Works Director relative to soil and stuff that would be removed in some sections of the excavation and where that is going to be stored – he said Mr. Michelangelo said that would be stored in similar place to where current soil is being retained; he said they also talked about armoring one section of the stream bed there that was pretty steep – he said they have successfully done that closer to Allen Avenue and has stabilized beautifully.

Dr. Dimmick said there was something else that Mr. Pasqualoni wants to mention about the Mafia blocks.

Mr. Pasqualoni said on the Sindall Brook portion which is different than the wildlife pond 10' away – there had been Mafia blocks used at different areas to really stabilize the banks of the Sindall Brook which has been extremely successful in the last 10-15 years since they were installed.

Mr. Pasqualoni said he completely forgot on Saturday to ask if more Mafia blocks could be used in the stabilization of the embankment as they continue down the Sindall Brook Road – he said by coincidence he inherited about a dozen of those Mafia blocks upon the purchase of the property from the Carabetta mining operation that went on there. He said he was more than happy to donate in incorporating them with the rip rap that would probably be used also.

Dr. Dimmick said this discussion pertained to new business item number one but since all three of these items are kind of linked – he said he thought if the Commission is not opposed to that sort of thing – engineering could work that into the plan.

Chairman de Jongh said he thought that made sense.

Mr. Pasqualoni said he spoke to both to Mr. Michelangelo and Mr. Nolte on that and they felt it was an outstanding idea but wanted him to bring it before the Commission.

Chairman de Jongh said they saw some undercutting under the bank there too the way the stream was making its turns – he said anything they can do to stabilize that would be a homerun.

Ms. Simone explained to Chairman de Jongh that Public Works staff did request that they would want some guidance from the Commission on whether they should pursue that in their revision – to show that to the Commission – they just wanted to make sure that there was not an automatic objection to it so they could work on a revision and show those blocks as part of the plan.

Chairman de Jongh said he thought it was clear from the comments from Commission members that they were in favor of the use of the Mafia blocks – he said he would suggest that the town engineering department incorporate that into their plans so the Commission can see that construction take place as part of the remedial process.

Chairman de Jongh said further action on this item was deferred to the next meeting per the request of town staff.

5.	Permit Application	APP	#2011-021
	Town of Cheshire Public Works Department	DOR	10/04/11
	825 Allen Avenue	FT	10/15/11
	Pond Dredging / Sediment Removal	MAD	12/08/11

This item was discussed under unfinished item number 4. Further discussion on this item was deferred to the next meeting.

X. NEW BUSINESS

1.	Permit Application	APP	#2011-022
	Town of Cheshire Public Works Department	DOR	10/18/11
	815 Allen Avenue		
	Sindall Brook Restoration	MAD	12/22/11

This item was discussed under unfinished item number 4.

Chairman de Jongh asked staff other than the amending of the sequence to include those Mafia blocks that they discussed – was everything else in order.

Ms. Simone stated yes.

Motion: To accept the application.

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

Further discussion on this item including the declaration of significance and the submission of additional information was deferred to the next meeting.

**2. Request for Determination
105 Scenic Court
Sun Room Add-on**

Thomas Norback of Norback Builder was present representing Don and Ronda Hendel related to 105 Scenic Court.

The Commission reviewed the maps provided for the proposed activity.

Mr. Norback explained to the Commission that this is a fire damaged home – it's going to be demolished and all the wood structure will be demolished as well as the basement slab and then they will be rebuilding the house as is with two revisions; they will be putting a 18' by 18' sunroom behind the octagonal shaped area behind the garage area – which is upslope of the area that he was here to discuss – the wetlands and they are going to be doing a crawl space in there so there is very minor excavation – any materials will be stored upward of the upslope of the wetlands.

Mr. Norback said it is also their intention to put a silt fence down at the bottom – he said they have some logistical issues because there is a tree that is about 20' off of that large projection near the 50' wetland encroachment area. He said they are going to want to protect the tree – so they are about 18'-20' away from the structure – they are going wrap a silt fence around so as it turns upslope both the front and the rear of the property – he said that should really negate any minor impact they would possibly have.

Mr. Norback explained they are going to be using track machines for the demolition end of it and he was really here for the construction end of it but as the demolition is his responsibility he felt it appropriate to tell the Commission they would be using track

machines for that demolition and they would be removing that material from the driveway which is the upslope end of the property.

Mr. Norback said he was out there several times recently and the original map it states there are a couple of non-encroachment monuments – he said he was unable to locate them but if it pleases the Commission he would be happy to put another two or three in.

Mr. Norback asked that the Commission also note that they are showing 50' from the non-encroachment area from the existing structure which is – he assumed accurate but he wanted to note to that area there is probably area 20' back towards the house is a heavily forested area – and it's almost flat there as well so it would be almost impossible for them to intrude on that non-encroachment area let alone that watercourse.

Mr. Bowman said so you're stating for the record that this addition is 50' from the non-encroachment area.

Dr. Dimmick said the non-encroachment area at that time was the actual wetland line.

Mr. Bowman said he understood that but basically now he is still outside the 50' upland review area.

Mr. Norback stated absolutely – they are probably – he was guessing but it has to be 75' minimum from the non-encroachment area – he said it could be 80' – its probably 80' but it could be 90'.

Dr. Dimmick said the thing is he is showing 50' from that line – that non-encroachment line at that time was set at the wetland boundary not at the setback so the map shows 50' from the corner of the house to that line.

Mr. Bowman said its way outside the upland review area – he said that was all he was trying to get on the record (the addition).

Dr. Dimmick said he is not way outside he is 1' outside. He said he wanted to make sure the erosion controls were in place for the home construction.

There was discussion that the applicant is completely rebuilding the house and adding an addition.

Mr. Norback said the excavation – the foundation is remaining – so the excavation is already done so the disturbance to the soils will be minimal – at this point they are not excavating over there they are simply moving building materials around not soils or the like.

Chairman de Jong said Mr. Norback talked about a crawl space under the addition being dug – that activity is about 70' from the wetland area.

Chairman de Jongh said for the record – when staff had talked to him about this being on the agenda he had asked her knowing there was a history to this area – he had asked her to research what they had to look at the last time and what problems if any came up and this was subject to a public hearing but the record doesn't show that the public hearing was required because the significance of the activity – it appears although not clearly stated – it appears it was more public interest than anything else for this lot – just for this lot.

Chairman de Jongh said it doesn't say that it was – in fact the records shows in fact it was not significant if the wording is correct.

Ms. Simone said that was correct.

Chairman de Jongh said so the activity itself and the building of the house and the building of the house and the development of the lot was not significance by the activity but it was probably significant because of public interest.

Dr. Dimmick said that may have to do with the lawsuit and court case and so forth connected with that – that lot touches the illegal crossing.

Chairman de Jongh said so again, he had asked staff to research that and that had to be on the record to make this application somewhat complete in terms of history as well as present.

Chairman de Jongh said they are talking about a house that was burned down and is going to be rebuilt on the exact same footprint that exists today.

Mr. Norback said yes – exclusive of that 18' by 18' addition.

Chairman de Jongh added exclusive of that 18' by 18' addition – the exact footprint is not going to change and therefore none of the

drainage calculations or anything else that was entertained when this was done in 1993 – everything is exactly the same.

Mr. Norback stated yes – yes it's exactly the same.

Chairman de Jongh said so the septic system is going to stay exactly the same – nothing is going to change on that.

Mr. Norback stated yes.

Mr. Bowman asked if there was going to be a problem with the septic system putting a sunroof on.

Mr. Norback said absolutely not.

Chairman de Jongh said again at the time he asked the question staff could not answer whether or not there were sewers or septic but he imagined there were still septic – he did not think sewers have gotten there.

Mr. Norback said they are showing 8" sanitary sewer out in the street.

Chairman de Jongh said in the street but not on the property.

Ms. Simone said in the original application in 1993 for the development of this lot it does show an 8" sanitary sewer already in the road.

Dr. Dimmick said the map was showing a sewer hook-up.

Mr. Bowman and Chairman de Jongh said based on that fact their comments should be retracted regarding the septic.

Mr. Norback said frankly it had him a little off game here – he said he never considered that – certainly he would not have to replace the septic but they did catch him off with the septic comments.

Dr. Dimmick said then it would be city sewer and city water for this one.

Ms. Simone said the original approval for 1993 only had three stipulations – one being the standard language that any modifications needed to come back to the Commission; the second being that they would contact the environmental planner and put up

their erosion controls prior to construction; and third that the stipulations in the subdivision relative to this lot would also apply.

Chairman de Jongh said so now they need to decide on the request for determination.

Mr. Kurtz said he had a question – he said Mr. Norback made some statements about the markers and the silt fence – he asked if the statements were binding on him doing that and if they are if the Commission doesn't need an application can staff go out and check it anyways.

Ms. Simone stated yes and if for example a requester comes in and shows they are going to 'x, y and z' and she goes out in the field and they are doing 'a, b and c' then technically they are in violation of the regulations because they did not come before this Commission to ask if they could do different actions.

Mr. Bowman said they already have stipulations even though it was approved many years ago those stipulations are still in force and effect.

Dr. Dimmick said the stipulation for checking the erosion controls is not necessarily in place.

Mr. Bowman said it was – absolutely – if it was approved once 'it's approved – staff has the right to go out and look for erosion controls. He said Mr. Norback already stated that he is going to do so – he said he thinks their covered – he said in his opinion the proposal is de minimis.

Mr. Kurtz said he felt as long as there is the opportunity to follow up and make sure the things are taken care of. He said he has no question as to what Mr. Norback said – but from the Commission's point of view as long as staff can go out and check things out.

Ms. Simone said yes staff could do that and the Commission is still covered – the regulations are still covered in the event that things are not complied with in what is being proposed to the Commission tonight.

Motion: To declare the activity on the property at 105 Scenic Court is de minimis and does not require a wetlands permit.

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

Chairman de Jongh asked that the record show that the applicant has agreed to the installation of those monuments as was originally determined in 1993.

Mr. Norback asked that the record also show that the applicant found that the Kumbaya spirit of the Commission this evening quite refreshing.

Chairman de Jongh said that Mr. Norback's comment was duly noted.

Return to the approval of the approval of the minutes from the October 4, 2011 public hearing and regular meeting.

XI. ADJOURNMENT

The meeting was adjourned at 8:22 p.m. by the consensus of Commission members present.

Respectfully submitted:

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