

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, JULY 3, 2012
TOWN HALL – 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

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

Absent: Thom Norback and Will McPhee.

Staff: Suzanne Simone

I. CALL TO ORDER

Chairman de Jongh called the meeting to order at 7:30 p.m.

II. PLEDGE OF ALLEGIANCE

All present recited the pledge of allegiance.

III. ROLL CALL

Ms. Dunne called the roll.

IV. DETERMINATION OF QUORUM

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

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

**V. APPROVAL OF MINUTES – Regular Meeting – June 5, 2012
Regular Meeting – June 19, 2012**

Chairman de Jongh suggested that the approval of the minutes of the June 5 and June 19, 2012 meetings be deferred to the end of this meeting.

The approval of the minutes was deferred to the end of the meeting by the consensus of Commission members present.

At 8:03 p.m.

Motion: To accept the minutes with corrections from the June 5 and June 19, 2012 Regular Inland Wetlands and Watercourse Commission meetings.

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

Mr. Kurtz said he had concerns with the minutes from the June 5, 2012 meeting and asked that they be reviewed again before being approved.

The Commission discussed the need to approve the correct corrections to the minutes and agreed to that the approval of the June 5, 2012 minutes would be deferred to the next meeting.

Dr. Dimmick amended his original motion to say to “move the approval of the June 19, 2012 Regular Inland Wetlands and Watercourse Commission meeting with corrections.”

Pg. 5 L13 delete ‘into’; pg. 6 L11 ‘bring’ to ‘bringing’; pg. 6 L22 delete ‘and’, L24 delete ‘the’, L27 delete ‘he’, L34 ‘bring’ to ‘bringing’; pg. 7 L25-26 delete ‘you’ll never get crate and impervious surface’; pg. 11 L25 ‘well’ to ‘bell’; pg. 15 L16 after ‘would’ add ‘be’, L17 delete ‘so he did not think this was of...’; pg. 16 L35 ‘my’ to ‘by’; pg. 18 L41 ‘subturnurianous’ to ‘subterraneous’; pg. 23 L 36 ‘dis’ to ‘did’; L41 are ‘taking’ to ‘talking’.

Motion approved unanimously by Commission members present.

Moved by Dr. Dimmick. Seconded by Mr. Kurtz.

Chairman de Jongh stated the motion was to approve only the June 19, 2012 meeting.

Motion approved unanimously by Commission members present.

Chairman de Jongh asked that the recording secretary go back to the June 5, 2012 meeting and take a look at the last meeting in May to see that the minutes were correct.

The June 5, 2012 meeting corrections as noted – the corrections still need to be approved: Pg. 1 L37 delete “Chairman de Jongh officially welcomed Thom Norback to the Commission.”; Pg. 2 L21 delete “Ms. Simone reviewed”, L28 add ‘said that’ before ‘the’; pg. 4 L37 delete “the and she discussed with them that; pg. 5 L47 add “ending” before “battle”; pg. 6 L12 “property” to “property owners”, L32 “per say” to “per se”; pg. 13 L33 “15,000” to “1,500”; pg. 20 L32 “across” to “at cross.”

V. COMMUNICATIONS

1. **Memo from CT DOT**
Re: Submittal of Application to DEEP for Water Resource Construction & Statewide Drainage Maintenance Activities

This communication was reviewed.

2. **Letter to Public Works from Milone and MacBroom**
Re: Modification of Stormwater Management System, Pemberly Estates

This communication was reviewed. Ms. Simone stated this was a previous permit from the Commission and when staff reviewed it – it does not appear to have any impact at all on wetlands – it’s the infrastructure in the road that they are going to be changing but it doesn’t increase the volume of outflow.

3. **Engineering Comments**
Re: Pemberly Estates, Baxter Ct. Storm Water Drainage Design

This communication was reviewed.

4. **Request for Determination by Consolidated Industries**
Re: Stormwater Drainage Swale Repair

This communication was reviewed. Ms. Simone stated that this item is on the agenda tonight under new business.

5. **Bond Release Request for Richmond Glen ARPRD, Wiese Road**

This communication was reviewed. Ms. Simone stated that this item was on the agenda tonight under new business.

6. **Bond Release Request for 15 Sherwood Lane, Single Family Home**

This communication was reviewed. This item is on the agenda tonight under new business.

7. **Staff Communication**
Re: CIWWC App. #2012-015, Cook Hill Road

This item was reviewed.

8. **Staff Communication**
Re: CIWWC App. #2012-017, South Meriden Road

This communication was reviewed.

Handed out at tonight's meeting:

9. Good Horse Keeping – Best Management Practices” Booklet.

Ms. Simone informed the communication that in their packet was the cover sheet of a resource that staff received today “Good Horse Keeping – Best Management Practices” Booklet from the USDA. She said the booklet will be available in the office.

10. DEEP Notice of Tentative Determination for Microtech

This communication was reviewed.

11. Regional Water Authority Comments for 261 Cook Hill Road, Application # 2012-015.

This communication was reviewed.

12. Copy of the Inland Wetlands Fee Schedule

This item was reviewed.

13. Hickory Hill (3515 South Meriden Road) Appendix B Page Two Project Narrative

This communication was reviewed. Ms. Simone informed the Commission that this is for the application which is under unfinished business tonight for Mr. Kudish.

14. Letter from Hazelwood Excavating Re: Hickory Hill (3515 South Meriden Road)

Ms. Simone stated that also received in support of the Hickory Hill application was a project narrative submitted from Hazelwood Excavating.

15. 2011 State DOT Letter Re: Hickory Hill

Ms. Simone stated that a 2011 State DOT letter was received regarding the Hickory Hill application.

16. Richmond Glen Sediment and Erosion Control Bond Calculation

Ms. Simone stated that the last communication was Richmond Glen sediment and erosion control bond calculation was under new business tonight as well as the bond release for the same.

VI. INSPECTION REPORTS

1. Written Inspections

Ms. Simone stated there were no written inspections.

2. Staff Inspections

a. Richmond Glen

Ms. Simone informed the Commission there was a staff inspection of Richmond Glen relative to the bond release of 15 Sherwood Lane relative to the bond for which she would give a status updates at that point on the agenda.

b. 49 Summer Hill Court – Certificate of Occupancy Inspection

Ms. Simone said there was a certificate of occupancy inspection for 49 Summer Hill Court.

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 would remain on the agenda for continual monitoring.

- 3. Unauthorized Activities in an Regulated Wetland Area SC 4/03/12
Philip and Robin Tiso
9 Summer Hill Court**

Chairman de Jongh stated that this item would also remain on the agenda for continual monitoring.

Ms. Simone stated there were no updates on either item.

IX. UNFINISHED BUSINESS

- 1. Permit Application APP #2012-015
Ricci Construction Group, Inc. DOR 6/05/12**

Cook Hill Road	FT	6/22/12
Subdivision – House	MAD	8/09/12

Ryan McEvoy, professional engineer from Milone and MacBroom was present on behalf of the applicant.

Mr. McEvoy informed the Commission that this application was discussed at a previous meeting and at that meeting a field walk was scheduled.

Mr. McEvoy said at this particular time they are just in receipt of additional comments from the Regional Water Authority and also received some comments from Chesprocott Health District so they are waiting to receive comments from those entities before they revise the maps to comply with the Engineering staff's comments.

Mr. McEvoy said also that the Commission is all aware that they have not yet determined significance on the application but they (the applicant) do request that there is a field walk before the determination is made just so they can see the nature of the wetlands that they are proposing to impact on northern most side of the parcel.

Chairman de Jongh said he thought a field trip was scheduled but Mother Nature wasn't cooperating with them – rain and thunder is not the kind of stuff they want to field trip in particularly when you are carrying shovels and stuff – it's not good.

Mr. McEvoy said at this point he would request is that a determination be made after a field walk just so they could make a more educated decision.

Chairman de Jongh said he thought that made sense. He said he did not know if there were any questions following the presentation from last time.

Dr. Dimmick said one of the things – if they were to make that determination until after they have that field trip and they determine if significant and determine a public hearing is needed – they only have one meeting in August.

Mr. McEvoy said he believed the public hearing would be opened in August and run possibly into September.

Dr. Dimmick said that would mean if they did that – schedule a public hearing for the first meeting in August; if the public hearing were

continued for one reason or another that pushes it into the beginning of September.

Ms. Simone said to refresh the Commission's memory – in the staff report she had summarized that state law requires that if there is to be a public hearing that it begins with 65 days of receiving the application and to put this off into August – she would have to look at the calendar but from her recollection that bumps right up to that time frame of in August because there is only that one meeting so this application was received on June 5, 2012 so 65 days from then.

Dr. Dimmick said that bring them to August 8 or something.

Mr. McEvoy said it would have to be scheduled to open for the first meeting in August – the only meeting in August.

Ms. Simone said that would not provide any leeway to the Commission if there was lack of quorum if there was lack of quorum or any other situation.

Ms. Dunne asked if they could have the site walk within the next two weeks and then have the hearing at the next meeting.

Chairman de Jongh said there was no reason why they can't.

Ms. Simone stated the Commission is not required to go to the site to declare significance – the Commission can operate that however they want but certainly if there's time to do it ahead of time - to schedule the public hearing it would have to be scheduled at tonight's meeting to give staff the time frame to notice it and to get the ball rolling that way.

Mr. McEvoy said if any extensions need to be granted by the applicant he was sure that it won't be a problem.

Dr. Dimmick said that particular one he was not sure – he said they can extend some things but can't extend others.

Ms. Simone stated that the applicant can extend that – they have 65 days to play with to extend the process at any time.

Chairman de Jongh said what he would suggest is that they try to get that field trip in as quickly as possible and then that way they can make that determination (after the field trip); they could have a better idea of what conditions are on site and what the applicant is looking to try to do – particularly with that wetland crossing.

Ms. Simone asked Mr. McEvoy to refresh her memory – is there an amount for fill that is to be deposited in the wetland.

Mr. McEvoy said actually its neglable because they are in a floodplain so they are avoiding filling in that area because of the fact they are in a floodplain opposed to fill provided in compensatory storage in other places within the floodplain itself so they are roughly at grade with the elevation of the driveway coming through there.

A field trip was for 6:00 p.m. on Thursday, July 5. The Commission agreed to meet at Fresh Meadows.

Chairman de Jongh said the field trip will give them a clearer idea of what they are up against and help them with the time frames that they have before them.

Mr. McEvoy said any extensions that are needed they will be happy to give.

Chairman de Jongh said he apologized for having to postpone the field trip the last time – unfortunately it was out of their hands.

Chairman de Jongh said the Commission would defer any further conversation or discussion on this pending the results of the field trip.

**2. Request for Determination
164 Rockview Drive
Shed**

Ms. Simone said that she did hear from Tom Norback – he had indicated that he did go out to the site and viewed it independently and wanted staff to pass on information that he did not have any concern with the location of the shed and what was to be done to put the shed in place.

Dr. Dimmick said it's an established lawn and is very close to the wetlands.

Dr. Dimmick said this is a request for determination as to whether or not it needs a permit – it's not a serious situation but that close to the wetland line the Commission normally requires a permit even though they don't have any real obligations on that side; he said that

is the problem – one of them is in the field view indicates there is no problems and the other is that it's in 15' of the wetlands roughly.

Chairman de Jongh said he was inclined to think they would need an application but they may not find the actual activity significant but at least they are consistent with the steps that they have taken in the past instead of making a decision like this without having – with the activity being so close to the wetland area.

Chairman de Jongh said he thought it made sense to require an application so at least that way the process is consistent as they have looked at other things.

Motion: That the Commission has determined having looked at the request that a permit is required by their regulations for the proposed activity on 164 Rockview Drive.

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

Ms. Simone agreed to inform the applicant that a permit application is required.

4.	Permit Application	APP	#2012-016
	Town of Cheshire Public Works	DOR	6/19/12
	Grove Street		
	Proposed Drainage Improvements	MAD	8/23/12

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 current application is for the removal of 10 cubic yards of sediment from a sixty (60) linear foot long ditch located within a wetland, along the Farmington Canal.
2. That the ditch is situated between the outlet of a 12" diameter Town storm drainage system and the Farmington Canal. The ditch may not have been cleaned out for 30 years and is completely clogged and is causing water back up and erosion of the slope between 139 and 119 Grove Street.

3. That the work will be accomplished by use of a mini-excavator, and the sediment will be used to regrade the property on-site, beyond the wetland boundary, to be used to re-establish the lawn area.
4. That the proposed activities fall in line with drainage maintenance.
5. That the activities will not have a significant adverse effect on adjacent wetlands or watercourses.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2012-016, the permit application of Department of Public Works for site plan approval as presented and shown on the plans entitled:

**“Site Plan
Proposed Drainage Improvements
139 Grove Street, Cheshire, Connecticut
1 Sheets
Dated May 18, 2012
Prepared by the Town of Cheshire Dept. of Public Works.”**

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 accurately stake and flag clearing limits and properly install erosion controls.
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' 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 July 3, 2017.

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

5.	Permit Application	APP	#2012-017
	Fredric M. Kudish	DOR	6/19/12
	3515 South Meriden Road		
	Site Plan – Storm Water Management	MAD	8/23/12

Stephen Hazelwood of Hazelwood Excavation was present on behalf of the applicant.

Chairman de Jongh said he thought the Engineering Department has given the Commission some comments on this.

Ms. Simone stated that the Engineering Department is currently reviewing this application – they did give an informal indication that in general they have concern that they will be looking in more detail at this and at the very least they will be requesting that the applicant have an engineer prepare a report and that is primarily because the Engineering Department is aware of concerns downstream from the site.

Ms. Simone said handed out at the meeting tonight is a summary from Steve Hazelwood who is here tonight – it's the construction sequence as well as a copy of the 2011 letter from the State which doesn't necessarily shed light on exactly what is proposed on this property but the applicant had offered this letter to the Commission.

Ms. Simone explained that she also had a follow up conversation with Tom O'Connor from the State DOT who will be submitting a letter to this Commission basically outlining the scope of the State's work and showing the methodology of how the State came to arrive

at using the diameter pipes that they proposed to be using – not so much for a review from this Commission just to sort of supplement the gap in information that the record has so far.

Dr. Dimmick asked if the Engineering Department gave staff an idea of just what problems they were looking at – are they looking at an increased downstream.

Ms. Simone said they did not give an indication on that – they did not give specifics they just stated in general.

Dr. Dimmick said the water is going into a pond – the water presently goes into that pond eventually the water will in the future go into that pond – the pond then empties into a major wetland system that goes beyond all of those. He said he did not see there would be necessarily an increase in the total flow going into the system and if you talk about it going any faster they really have to be looking at how does that pond modify the flow rates there.

Dr. Dimmick said he would be interested in why Engineering has a concern – he doesn't see it yet.

Chairman de Jongh said he thought one of the things that just needs clarification is how they determined the size of the pipe to use – there was discussions from 12" to 15" and there was some conversation about 18" – he said he thought they need to have a professional tell the Commission what size pipe would be adequate to satisfy not only the flow requirements to keep the pond depth but also to satisfy the concerns of any people downstream from that.

Dr. Dimmick said he thought he mentioned at the last meeting that he did not think a 12" pipe was adequate.

Chairman de Jongh that is something the Commission to determine.

Dr. Dimmick said it does require someone with an engineering license to stamp it.

Chairman de Jongh asked if they could recommend some names of people Mr. Kudish could confer with.

Ms. Simone said she would recommend not doing that but to give a general indication if the Commission wants to see something from a licensed engineer that they can select one.

Chairman de Jongh said he did not know if the town had a list of people he could contact.

Ms. Simone said no – they do not make recommendation.

Mr. Kurtz asked if the State was just not comfortable with their plan.

Ms. Simone said the State is working on drainage in the road and Mr. Kudish asked the State if they would prepare a report to summarize what they State plans on doing on their portion of the road to this Commission because there was a lot of discussion at the last meeting and it wasn't very clear as to who was doing what and who was responsible for what section of drainage.

Ms. Simone said when she was speaking with Steve Hazelwood there was confusion between them – she said it was thought the State was doing this section and so they are waiting to get the letter to what is happening.

Mr. Kurtz said in the State's letter in 2011 is says to reestablish the flow within the easement – he said it sounds like they have a plan – that was almost a year ago.

Ms. Simone said the easement goes all the way to the pond from what she understood but then Mr. Kudish is proposing to do a section of that himself.

Mr. Kurtz made a comment that was not pick-up on the tape

Dr. Dimmick said the State only wanted to run their pipe to the head of a swale that needs to be reestablished and have the swale carry it to the pond.

Mr. Kurtz said all they had to do is say that.

Dr. Dimmick said there was a swale there at one time and over the years it filled and disappeared and that's why the water goes everywhere.

Mr. Kurtz said in his opinion their intent is actually confusing the issue. He said it would be simple if they just put a pipe in there to drain.

Chairman de Jongh said he though they need a couple of things – they need to hear what the town Engineering Department has to say and they need to recommend back to Mr. Kudish that they do need to

get a licensed professional engineer to support, validate, refute the proposed steps, pipes, etc. – again just making sure that what he intends to have happen will happen if he follows a, b, c and d.

Chairman de Jongh said to have Mr. Kudish just work with Mr. Hazelwood to try to craft that without having a professional engineer validate that would be unfair to the applicant as well as leaving some gaping holes in the our records as a Commission.

Dr. Dimmick said he wanted to get something else straight – the pipe going under the road is what a 12” pipe.

Mr. Hazelwood said it’s a 12” pipe.

Dr. Dimmick said and during heavy rains the water comes over. The flow that gets carried down that swale during the heavy rains now only does it come out of the pipe but whatever is reported to go over the road – he started they don’t know how much that is.

Mr. Hazelwood stated right.

Dr. Dimmick said he guessed the pipe is inadequate to carry it all.

Mr. Hazelwood said he could not speak to that – he has not seen it happen but he sees where Dr. Dimmick is going with this and so therefore he is looking for an engineer to size pipe and so forth.

Chairman de Jongh said he thought that will certainly make the project far more successful then it could be if they tried to craft this thing on paper with a pencil or crayon or whatever.

Chairman de Jongh said he would recommend that the Commission defers any further consideration on this pending the results and comments from Engineering and then the receipt of a professional engineer’s report on behalf of Mr. Kudish and then the Commission will take it from there.

Chairman de Jongh asked staff if they have no restrictions in terms of time.

Ms. Simone stated no.

X. NEW BUSINESS

- 1. Request for Determination
Consolidated Industries**

**677 Mixville Road
Stormwater Drainage Swale Repair**

Karla Sylvester from Blue River Engineering, East Hampton, CT was present on behalf of Consolidated Industries.

Dr. Dimmick stated this was already done and now they are wondering if they need a permit.

Ms. Sylvester addressed the Commission. She explained the facility has installed a swale - it was actually a repair of an existing swale – it collects storm water runoff from the facility; it discharges to the Ten Mile River on their property.

Ms. Sylvester said looking back at old mapping for the facility the wetlands were mapped around 1999 for a separate project; the new swale is in generally the same footprint of the old one but looking at the old mapping it does encroach on the wetlands so that is why they've submitted the request for determination – whether a permit is required.

Chairman de Jongh said just a curiosity question – since the old map showed the wetlands where the work before in 1999 as being a wetland area was there a reason why they did not come before the Commission before they put the new swale in.

Dr. Dimmick said didn't the old one come in front of us; he said something from Consolidated came before them.

Ms. Simone stated yes.

Chairman de Jongh said he did not know if Ms. Sylvester was in a position to answer that but that is a question that needs to go on the record.

Ms. Sylvester stated she was not in a position to answer that.

Dr. Dimmick said he remembered them coming in front of the Commission on a previous application. He said he was not sure if the drainage was involved or if that was a case of placing a pad for equipment.

Ms. Simone apologized to the Commission – she said she did have the file but it's was on her desk and it's not in the cart but she could go back to her office and get it.

Dr. Dimmick said at that time at least they recognized they were in the vicinity of the wetlands and recognized they needed to get a permit from the Commission for activities within the vicinity of the wetlands – whatever it was they were asking for.

Ms. Simone stated yes and this map that is part of the correspondence for the subject matter tonight – this is a replica of the map that the Commission reviewed in 1999 and she believed it was part of a violation and they had a corrective order.

Dr. Dimmick said he thought under the circumstances they were certainly talking about a need for a permit for this activity which has evidently already been carried out so it would be retroactive.

Chairman de Jongh stated he did think they needed an application.

Dr. Dimmick said they need an application so they can issue a permit certainly the drainage swale repair is similar to what the town recently came in front of them for a drainage swale repair.

Chairman de Jongh said he was assuming it was done the same way it was before and then it should be a moot point but he thought the application is going to be required simply because it was done without a permit and the file isn't complete as far as the activities of this Commission is concerned.

Motion: That the Commission finds that the work which was conducted in the upland review area does need an application for a permit.

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

Ms. Simone asked Ms. Sylvester if she would be the lead on submitting an application.

Ms. Sylvester stated yes.

Ms. Simone said on Thursday she would give her a call on the application packet and would get that information to her.

- 2. Request for Bond Release
Brodach Richmond Glen LLC – Richmond Glen
Wiese Road**

Ms. Simone said the stipulation for this project required that a bond be posted for the entire site which included the creation of a roadway, detention basin, watercourse crossing and all of that work has been completed and the site is stabilized in those areas.

Ms. Simone stated what is remaining are the development of the individual lots and she looked through the approved plan and it shows there are four lots actually have upland review areas directly in there development footprint so she has gone through the plans and has calculated how much it would be for the bond for those four individual lots.

Ms. Simone explained that because the Wetlands Commission does not have the ability to reduce the bond its either the bond has been posted or the bond has been released – there is no ability to reduce the bond as in Planning and Zoning – they are able to reduce the bond and give money back as projects are completed.

Ms. Simone said looking at the stipulations it does not preclude this Commission to release this bond and then require individual bonds for the lots that she had gone through the map and taken a look to see what's closest to wetlands.

Ms. Simone said so that information has been provided to the Commission members – handed out at tonight's meeting are the calculations for those four individual lots.

Ms. Simone said she did have a set of the plans if Commission members are curious to what those properties look like.

Chairman de Jongh said so adding those recommended bonds adds roughly \$2300 - \$2400 for those four lots.

Ms. Simone said the information would be kept in the wetlands office as well as in the building department so that they will be on top of that as requests come in.

Dr. Dimmick said he thought they needed to do this as two separate motions.

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission has considered the request for bond release by Jay Brodach on behalf of Brodach Builders, Inc. for sedimentation and erosion

control bond stipulated as part of IWWC Permit #2005-012B, and finds the following:

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

That staff has received copies of sedimentation and erosion control inspection reports per stipulation #5 of permit #2005-012, as incorporated in permit #2005-012B.

That staff has reported that all the required erosion controls were still in place as of July 3, 2012. Staff has calculated a revised bond amount for the four individual lots in the July 2, 212012 bond estimate.

Therefore, the Commission grants the bond release request by Jay Brodach on behalf of Brodach Builders, Inc. for the sedimentation and erosion control bond as stipulated in permit #2005-012B.

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

Motion: Per staff recommendation that a bond be requested for the four individual lots – 16, 17, 41 and 7 per the schedule dated July 2, 2012 supplied to the Commission and the applicant for those four remaining lots.

Moved by Dr. Dimmick. Seconded by Mr. Kurtz.

Ms. Simone noted there is an expiration date on this calculation for six weeks from now. She said she did not anticipate the bond costs would go up – it would be if something happened and now silt fence would be \$80 a foot but then it would be recalculated but she did not anticipate the costs will go up.

Chairman de Jongh asked that the record show the expiration date happens to be August 15, 2012 – for the value of the estimates.

Ms. Simone stated that it is very likely that when it is recalculated it will be the same amount.

Motion approved unanimously by Commission members present.

**3. Request for Bond Release
Justin Haley**

15 Sherwood Lane

Ms. Simone said she went by this property today to see what the status was of the yard – the front yard area farthest from the wetlands is secure; the back yard which runs parallel with an unnamed tributary is not secured – there is no grass in that area and in some areas there is no silt fence and in one area there is a stock pile behind the silt fence so staff does not have a draft motion to release.

Dr. Dimmick said they should just defer – he asked if they notify the person that they are not about to release it (the bond).

Ms. Simone stated not yet. She said she would rather the Commission make that determination and then she could let them know.

Chairman de Jongh said he thought based on staff's observation it's clear that there is a lot of work that needs to be done in securing and stabilizing that area and not release the bond at this point.

4. Cheshire Street House

Chairman de Jongh asked about the house on Cheshire Street that is being constructed – where are they – are the erosion controls and everything in place the way they had laid it all out – have the Commission's concerns been addressed on that.

Ms. Simone stated yes. She explained staff has been out to that site from the Zoning end of things and wetlands – they have been out to that site and inspected and there have not been any problems.

Chairman de Jongh said he passed by there often and just wanted to make sure that it was happening the way it was supposed to happen.

XI. ADJOURNMENT

The meeting was adjourned at 8:08 p.m. by the consensus of Commission members present.

Respectfully submitted:

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