

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, AUGUST 7, 2012
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 p.m.
*Immediately Following the Public Hearing at 8:03 p.m.***

Members present: Charles Dimmick, Earl Kurtz, Sheila Fiordelisi, Will McPhee and Thom Norback.

Members absent: Robert de Jongh and Kerrie Dunne.

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

Ms. Fiordelisi served as secretary pro-tem in Kerrie Dunne's absence.

Staff: Suzanne Simone

I. CALL TO ORDER

Dr. Dimmick called the regular meeting to order at 8:03 p.m.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited at the public hearing.

III. ROLL CALL

Ms. Fiordelisi called the roll at the public hearing.

Dr. Dimmick stated that members in attendance at the public hearing were still in attendance for the regular meeting.

Members present were Charles Dimmick, Earl Kurtz, Sheila Fiordelisi, Will McPhee and Thom Norback.

IV. DETERMINATION OF QUORUM

Dr. Dimmick determined there were enough members present for a quorum at the public hearing.

**V. APPROVAL OF MINUTES – Regular Meeting – July 3, 2012
 Regular Meeting – July 17, 2012
 Site Walk – July 24, 2012**

Dr. Dimmick recommended that the approval of the minutes be deferred to the end of the meeting if there was no objection from Commission members.

Commission members did not object to deferring the approval of the minutes to the end of tonight's meeting.

At 8:03 p.m.:

Motion: To approve the minutes of the July 3, 2012 and July 17, 2012 regular meetings with corrections and the minutes from site walk of July 24, 2012 with no noted corrections.

July 3, 2012: Under staff inspections on pg. 4 – the inspections should read: (a)Richmond Glen: Ms. Simone informed the Commission there was a staff inspection of Richmond Glen relative to the bond release for which she would give a status updates at that point on the agenda. (b) 15 Sherwood Lane: Ms. Simone informed the Commission there was a staff inspection of 15 Sherwood Lane relative to the bond release. Pg. 6 L40 delete "is", L48 add after 'to' add "wait to"; pg. 7 L18 change 'with' 'within'; pg. 7 L31 delete 'if there was lack of quorum'; pg. 8 L18 'its neglable' to 'it's negligible'; pg. 9 L14 'in' to 'within', L23 'since' to 'sense'; pg. 12 L14 'conservation' to 'conversation'; pg. 17 L25 'there' to 'their'.

July 17, 2012 : pg. 5 L26 'was not' to 'way'; pg. 6 L26 'gravities' to 'galleries', L32 'disband' to 'discharge'; pg. 8 L23 'come' to 'some'; pg. 10 L27 delete 'placed', L33 delete 'n'; pg. 11 L27 after 'proposed' add 'activity'; pg. 14 L6 delete 'p'; pg. 14 L26 'affect' to 'effects'; pg. 15 L30 'thy' to 'they'; pg. 1 L40 'ten' to 'then'; pg. 19 L11 'not' to 'note', L22 delete 'do' – 'and' to 'in', L48 'peeks' to 'peats'; pg. 21 L34 'on' to 'one', L40 'mitigating' to 'migrating'; pg. 23 L18 'he' to 'the'; pg. 26 L31 'able' to 'about'; pg. 27 L46 delete 'that working'; pg. 29 L42 'if' to 'it'; pg. 30 L11 'doe' to 'does'; L25 'ford' to 'for' pg. 31 L12 'prescient' to 'precident'; pg. 32 L19 'changes' to 'chances'.

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

VI. COMMUNICATIONS

- 1. CT DEEP Correspondence to CT DOT
Re: Approval of Statewide Drainage Maintenance Activities**

This communication was reviewed.

- 2. The Habitat, CACIWC Summer 2012 Newsletter, Volume 24, Number 2
(To be handed out at meeting)**

Ms. Simone stated that this communication was handed out at tonight's meeting.

- 3. CT DEEP Aquatic Pesticides Application for McKee Pond – 10 McKee Place**

This communication was reviewed.

4. **Request for Determination by LRC Group**
Re: Elim Park Place, Cook Hill Road

Ms. Simone stated that this communication was under new business on tonight's agenda.

5. **Cease and Desist Order**
Re: 151 Willow Street

Ms. Simone stated this item was subject of a show cause hearing tonight.

6. **Staff Communication**
Re: IWWC App. #2012-015, Cook Hill Road, Subdivision-House

Ms. Simone stated that this item was a staff communication relative to the public hearing tonight.

7. **Staff Communication**
Re: IWWC App. #2012-020, Knotter Drive, Drainage Improvements

Ms. Simone stated this item was a staff communication for Knotter Drive. This item is under unfinished business tonight.

Handed out at tonight's meeting:

8. **151 Willow Street**

Ms. Simone said that handed out tonight were pictures relative to the show cause hearing scheduled for tonight.

9. **164 Rockview Drive**

Ms. Simone stated a photo was handed out of 164 Rockview Drive – the proposed location of a shed which is under unfinished business tonight.

10. **Engineering Comments**
Re: Request for Determination
Elim Park

Ms. Simone said comments were received from the Engineering Department regarding the request for determination for Elim Park.

11. **Review of the Application**
RE: Cornerstone Church

Ms. Simone stated there was a review of the application for the application under new business for Cornerstone Church.

12. Other – none.

VII. INSPECTION REPORTS

1. Written Inspections – none were reported.

2. Staff Inspections

Ms. Simone stated there were inspection reports on the following items:

a. 164 Rockview Drive

Ms. Simone said an inspection report was conducted of 164 Rockview Drive relative to the location of the shed.

b. 382 South Main Street

Ms. Simone said there was an inspection of 382 South Main Street – there is an active permit on this property and erosion control inspections were conducted.

c. Sunrise Estates – Oregon Road

Ms. Simone stated this item did not receive an approval from the Commission – it came before the Commission as a request for determination – the Commission determined that no permit was needed however they are bound to follow through on what they depicted to the Commission as far as erosion controls – staff has been monitoring that so far without any problems.

d. Weise Road Verna Permit

Ms. Simone stated that there was one deficiency noted on the Weise Road Verna property today – they will be contacted regarding that to correct it.

e. 151 Willow Street

Ms. Simone said there was an inspection of 151 Willow Street relative to the show cause.

f. Forest and Fawn Drive

Ms. Simone said there was an inspection of Forest and Fawn Drives regarding the swale clearing – it's a Public Works Project that received a permit from this Commission.

g. Country Club Road

Ms. Simone reported there was an inspection of Country Club Road – on the north side of the road (no street address) – it's between Buckland Drive and Weise Road – they also have an active permit for development of a single family house and a silt fence inspection was conducted of that property.

h. Complaint Re: Leonardo Court

Ms. Simone stated there was follow-up regarding a complaint staff received regarding Leonardo Court. She explained that Leonardo Court shows on town maps however it's not really functioning as a road – it's a subdivision that was approved in the 1990s and the road went in and they have not developed any of the lots.

Ms. Simone stated that this is located on Tuttle Avenue right near Old Farms Road. She stated there are extensive wetlands on the property.

Ms. Simone explained that a neighbor had contacted us saying they could hear some tree cutting or clearing. Staff went out to the property and they were removing some downed trees from the pond area and at that time she explained to them that there was no active permit for that property and their permits had long expired and if there were interested in clear cutting the area they would need to come before the Commission for a permit.

Ms. Simone stated they had indicated they would stop doing their work – even pulling the dead material out so staff will monitor that and see if anything starts up again.

i. 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**

Dr. Dimmick stated that items one and two were on the agenda primarily as continued place holders until things are entirely satisfied. He said they had no new information on either of the items.

Ms. Simone stated no (there no new information to report).

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

See item one.

SHOW CAUSE

Unauthorized Activities in an Regulated Wetland Area SC 8/07/12
CMJ Willow, LLC c/o Chad Horning
151 Willow Street (56/196-1)
Will McPhee recused himself from this portion of the meeting at 8:08 p.m.

Attorney Jay Hershman of Baillie and Hershman 290 Highland Avenue, Cheshire was present on behalf of the applicant. Attorney Hershman noted that was also a member of the limited liability company that owns the property. Attorney Hershman informed the Commission that with him tonight was Chad Horning of 305 Maple Avenue.

Attorney Hershman explained that what essentially happened was they had recently purchased the property that had been vacant and Mr. Horning was cleaning up the area there was some brush along the edge of the river – he simply didn't realize that a determination would need to come before the Commission.

Attorney Hershman said subsequent to that – he said he did not know if the Commission reviewed the pictures – he said according to Mr. Horning it was mainly poison ivy and small brush that has recently grown in as a result of the unoccupied property – the property was a recent foreclosure and had been unoccupied.

Attorney Hershman said Mr. Horning could provide more details since he was in the field.

Mr. Horning explained that he cleared along the river embankment and cut down three small trees that were in the yard itself and there was one on the embankment that had been taken over by ivy and he pulled some of the ivy out of the trees that was taking over the larger trees – he said he was afraid it was going to kill them off and the brush area was making its way and it was slowly taking over the yard. He said he wanted to make sure that

didn't continue on happening along with the overgrowth of poison on both sides of the shed that was already on the property that had almost gotten growth in – at one time the brush had made its way towards the yard.

Dr. Dimmick asked if was not aware of the fact that any activities within 50' of a wetland or watercourse need to have a prior permit from the Cheshire Wetlands Commission which they have been in existence since 1974 – he stated 'you have been a resident in this town for quite some time also and you should know that by now.'

Mr. Horning said he did not get a chance to read them – he did however the thought it was one of the permitted uses as far as landscape.

Dr. Dimmick stated "he did not bother reading them – you know ignorance of the law is no excuse as they say."

Mr. Horning said he did not see the 50' rule – he said he apologized for that.

Dr. Dimmick said they have a violation from the sounds of it here and they may have to take further action – they may have to order corrective action.

Dr. Dimmick said the Commission could if they so voted – vote to have them restore it to the original condition and then have them come back for an original permit.

Dr. Dimmick explained that there is on the books a potential, although it's very difficult for us to apply it – a potential of a fine of \$1000 a day until things are corrected if they wanted to go that route.

Dr. Dimmick stated as it is they (the Commission) takes very seriously any violations of activities within the area of concern adjacent to wetlands without getting prior permission.

Dr. Dimmick asked if staff wanted to report on some of this – some of what she saw.

Ms. Simone said in the pictures that were submitted to Commission members tonight depicts the area along the canal – there are views looking north as well as looking south and it does appear as though there was woody material that was cut down. She said in the second picture you can see that the stumps or sections of probably tree are more in the lawn area closer to the driveway – the other pictures do show along the canal and it shows there is some briny material that was cut as well as the one tree that Mr. Horning had described right along the canal area.

Ms. Simone stated there weren't any erosion controls up at the time when she went out there and no best management practices but the area was cleared and it was apparent that this was not previously a lawn.

Mr. Norback said he had a question for staff – has there been much soil disturbance in the area where the clearing took place.

Ms. Simone stated she did not observe that – the stumps remained in place – there was no grubbing or anything like that.

Mr. Norback asked if the vegetation he cleared – did it seem to be of wetland character or was it....

Dr. Dimmick interrupted and said what they are talking about is that they regulate 50' feet back from the wetlands – because of disturbance of upland vegetation can also affect wetlands.

Mr. Norback said he was just looking for impact and he was also struck by the fact that the house seems to be about 25' from river.

Ms. Simone said she wasn't able to identify any species so that she did not know.

Mr. Norback said he was just trying to get an overview.

Dr. Dimmick said they also have notification from the state that this is an area of special concern because there are two rare and endangered species in that area that use that canal – not necessarily saying there are right at their property but they are in the general area so that another aspect that the state doesn't like to see any disturbance of areas with rare and endangered species unless there has been prior clarification and indication that before any activities take place precautions have been taken so there would be no harm to rare and endangered species.

Dr. Dimmick said there are a whole variety of different possible issues here.

Dr. Dimmick asked if other members of the Commission had questions or comments.

Mr. Kurtz made a comment about the property owner just removing some brush.

Dr. Dimmick said this is something you can get a permit to do but making sure you have the proper precautions – proper precautions include determining whether or not erosion controls are necessary and determining whether or not there are any possible threats to rare and

endangered species which normally means contacting the State's Natural Diversity Database.

Mr. Kurtz asked about page 2 – he asked if that picture was the canal.

Ms. Simone stated yes.

Mr. Kurtz said there was talk about a property with a buffer and the waterway and the rest of the property – whether it was natural or manmade.

Dr. Dimmick said well the canal went in 1820.

Ms. Simone asked a question to Mr. Hershman or Mr. Horning – she said they did not have the advantage of looking at the picture she was looking – she handed the picture to them – she said on the second page she was just wondering if they could just describe to the Commission what the area looked like relative to what it looks across – she said from the back yard area looking across to likely the Dalton property – she asked if it looked similar to that or.

Mr. Horning said they are looking at behind the house and behind the house from basically from where the tree stump – that was just like this – they only trimmed the river bank which had spares weeds there was no brush from the white fence which he guessed was south of this picture where there is a white fence and then from the edge of this house that was all small little brush – more weed e said there actually used to be – if look at it you maybe can see some lines – there used to be a white picket fence there that was falling down.

Ms. Simone asked if the fence was removed as part this to get access or was it falling down.

Mr. Horning stated it was knocked over.

Ms. Fiordelisi asked if the high brush was on the other side of the fence.

Tape Change at 8:17 p.m.

Dr. Dimmick said the main issue at this point to come before Commission is whether the evidence presented sustains the staff finding that there has been a violation of their wetland regulations in which case they then look at what they do to remediate the situation.

Mr. Norback said it's obvious that there was a violation but he thinks what's important to determine and certainly come before us is to find out truly the impact it had – he said personally he didn't see any advantage to anyone - while it was an indiscretion he didn't see any advantage to

penalize anyone if no major impact has happened as long some monitoring and if not correction – he said he thought they just need to see what damage if any has been wrought.

Dr. Dimmick said Mr. Norback was getting ahead of himself – he said following procedure - they have to do this stepwise – stepwise they do need to officially determine has there been a violation and then they have to talk about what they would do.

Mr. Norback said he understood that – he said he was just going with the tenor of the meeting.

Dr. Dimmick said he was looking for someone to give him some proposed wording.

Ms. Simone said if she could just clarify for the Commission – it's looking for wording of whether staff was correct in issuing the order and then there could be separate discussion as to what to do next.

Ms. Simone said as part of the show cause - it's really reviewing whether the order staff had issued on behalf of the Commission was correct.

Mr. Norback said he apologized to the chairman – he said as he was kind of the new guy on the block there he was just looking for perspective so he could better understand.

Dr. Dimmick replied they do need to go through things stepwise - they are not ignoring that part of it it's just stepwise they have to go through the bit of show cause hearing is whether there is justification in staff issuing a cease and desist and so are looking for some wording that states that the Commission puts itself on record as having found through the hearing process that there has been a violation of the Inland Wetland regulations and upholding staff's finding.

Mr. Kurtz proposed the following wording for a motion:

Motion: That there has been a violation based on staff's explanation of what went on certainly would approve the cease and desist order issued until such time as they have a plan to mediate if necessary the situation.

Moved by Mr. Kurtz.

Attorney Hershman asked the Chairman if he could comment for the record.

Dr. Dimmick stated they were about to take a vote – he said he would have to wait until they do that.

Seconded by Ms. Fiordelisi.

Dr. Dimmick said the motion was moved by Earl Kurtz and seconded by Sheila Fiordelisi to find that there has been a violation of the wetland regulations and a cease and desist was valid. He asked if there was discussion on that.

Attorney Hershman again attempted to ask a question.

Dr. Dimmick stated to Attorney Hershman that he could not talk at this point – he said he was sorry – he said he would give him a chance to say something in a minute – they have a vote going and that he could not enter into discussion while the vote was going.

Dr. Dimmick stated if there is a third interruption he would ‘find him in contempt and proceed accordingly.’

Dr. Dimmick asked if there was a discussion among the members of the Commission on this.

There was no further discussion from the Commission.

The vote was taken.

Dr. Dimmick stated it was a unanimous vote of the four members present to find that there has been a violation of the regulations and the cease and desist was valid.

Dr. Dimmick said not you (Attorney Hershman) may speak.

Attorney Hershman said it was in regards to the vote – he said just for the record the position of this client is that it was not a significant removal of vegetation – that was all he wanted to state for the record.

Dr. Dimmick said ok that was appropriate for their next item to come up here – he said as he stated before there was a set of procedures.

Dr. Dimmick said the next item is to consider what appropriate action to take at this point is.

Dr. Dimmick said it has been pointed out that some of us (Commission members) feel that it was not a significant activity on the other hand they still require a permit for activities of this sort this close to wetlands whether or not there has been a significant activity - if they vote it significant then they get into the whole public hearing bit.

Dr. Dimmick said however in this case since the activities have already taken place they will be asking for a permit 'after the fact' which they have done before.

Mr. Norback said he was wondering if indeed all the soon to be applicant has completed all activities that they would request or is it timely now to ask that question if it was determined to be of little or no impact would they be looking to do more of the type of work that they had done. He said he was wondering if they were limiting it to only what they have done or would they make application for that.

Dr. Dimmick said this is something they would find out if they had an application – that would indicate whether the application was just for the work that was completed or if whether it's for further work.

Mr. Norback said he was just trying to clarify not only for the Commission but for property owners - future applicant.

Ms. Simone said in the past the Commission has received applications for basically two for one – you are getting a permit after the fact for the work that was done then you are also requesting for further work to continue so the soon to be applicant does have that ability.

Dr. Dimmick said and part of what they will be looking for in any such application is a proposal for mitigation measures with anything that happened or was done there. He said one of the things for instance – the vegetation that was immediately adjacent to the stream was providing upon other things shade – it controls water temperature – water temperature is critical particular in these warmer months in terms of some of the species living down in there (the stream).

Dr. Dimmick said so the determination seems to be that the Commission would require that a permit be filed for what has been done and for whatever else they would be doing and also a suggestion for mitigating measures for things.

Dr. Dimmick said staff could help with them in terms of what kind of mitigating measures would be appropriate there.

Attorney Hershman said if this was maintenance of a non-significant amount and was permitted as of right – he would ask the Commission to consider that as part of their decision tonight. He stated all work is completed and there will be no more removal.

Ms. Simone asked if they planned on planting in that area or allowing it to go to grass or if they had an idea of what they'd like to see in that area.

Mr. Horning stated at this point they are going to let it start growing back – if they were going to plant something in the future they would submit a design plan of what type of plants they would put in there to prevent any erosion of the embankment.

Ms. Simone stated ok.

Mr. Norback asked if this would be better covered in their retroactive permit.

Dr. Dimmick said what they are asking for – they could have come before us and asked for a determination as to whether or not they needed a permit and it is vaguely possible you could have gotten a determination that they did not need a permit. He said when you go ahead and do these things without asking ahead of time you automatically trigger all of these things – you have forgone the ability to ask for a determination by going ahead and doing these activities.

Dr. Dimmick said he should point out also that the tendency is if they don't get immediate satisfaction on these they file on the land records the cease and desist order and it sits there until they are satisfied which then impedes any land transfer – it would be an impediment to any land transfer there so that is one of the things they will want to avoid.

Dr. Dimmick said he would suggest then that they meet with staff or communicate with staff between now and the next meeting in a timely manner to see about filing an application after the fact for the activities.

Attorney Hershman said he understood that – he said he guessed his suggestion and maybe it's a question for staff is if the work is completed and the Commission considered it maintenance as of right under the regulations is it still even necessary to proceed.

Dr. Dimmick said he would like to see him quote which part of the regulations would allow it to be 'as of right' and he believed you would find that mowing your lawn – that existing lawn might be an 'as of right' for an existing homeowner the clearing of any brush adjacent to a watercourse is still going to require determination from this Commission. He said that is not an 'as of right' ability.

Dr. Dimmick explained that if you were a farmer – an active farmer – it's possible to clear brush right up to the wetland line but even then the Commission requests such people to come in front of them to determination that they have the right to do so. He said you cannot decide on your own interrupting the law in this case as to what applies and what does not apply even though you are the lawyer and he was not.

Dr. Dimmick said it was still the duty of the Commission and they are told so by the State that is their duty to make those determinations.

Attorney Hershman said if that's the position of the Commission he understood.

Mr. Norback said he would urge the potential applicant to meet with staff personally and get some suggestions - he thought that would be a far more productive venue.

Attorney Hershman stated they would be happy to do that.

Mr. Norback thanked Attorney Hershman.

Dr. Dimmick closed this portion of the meeting and suggested they go on to unfinished business.

IX. UNFINISHED BUSINESS

1.	Permit Application	APP	#2012-015
	Ricci Construction Group, Inc.	DOR	6/05/12
	Cook Hill Road	FT	7/05/12
	Subdivision – House	PH	8/07/12
		MAD	9/11/12

Dr. Dimmick said this item was subject of a public hearing this evening which has been continued.

Dr. Dimmick asked that the record show that Will McPhee rejoined the Commission at 8:29 p.m.

1.	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

Dr. Dimmick stated staff as prepared wording for a proposed permit.

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 piping of an existing above ground swale from South Meriden Road to a farm pond on private property.
2. That the applicant's engineer proposes the installation of 240-feet of 15" piping and the installation of a plunge pool.
3. That the applicant's engineer stated that the existing pond is adequately sized to accommodate the increase in time of concentration due to the conversion to a closed underground drainage system.
4. 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 #2012-017, the permit application of Fredric Kudish for site plan approval as presented and shown on the plans entitled:

**"Proposed Storm Plan & Profile
Hickory Hill Orchard, Cheshire, Connecticut
1 Sheet, Scale 1"= 20'
Dated July 16, 2012
Prepared by Milone and MacBroom, Inc."**

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 permit activities, the applicant shall 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 August 7, 2017.

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

Dr. Dimmick said the record show there were five in favor none opposed and the permit is granted.

2. Permit Application	APP	#2012-018
Tanguay Pools, Inc.	DOR	7/17/12
North Timber Lane		
Site Plan – In-ground Pool	MAD	9/20/12

Dr. Dimmick said again they have gathered information on this – staff has gone over the information they have gathered and she has proposed wording on a permit for this activity.

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 #2012-018, the permit application of Tanguay Pools, Inc. for inground pool as presented on the plans entitled:

“Plot Plan- Proposed Inground Pool
158 North Timber Lane, Cheshire, CT
Dated July 9, 2012
Scale 1”=20’
Prepared by OCC Group, Inc.
2091 Highland Avenue, Cheshire, CT.”

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 7, 2017.

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

3. Permit Application	APP	#2012-019
Town of Cheshire Public Works Dept.	DOR	7/17/12
Talmadge Road		
Drainage Improvements	MAD	9/20/12

Dr. Dimmick said they had a fieldtrip on this item. He asked if they needed to go over minutes for the fieldtrip.

Ms. Simone said it's not required to go over the minutes at this time. She said if any Commission members had any impressions of what they saw out in the field this would be the appropriate time to mention that.

Mr. Kurtz said it was obviously not a problem that's why there's a motion.

Dr. Dimmick said there is not a problem – he said several of us went out to look at it and got a clear explanation. There is a problem at the site and the proposed remedy looks like a logical way to do it.

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 repair of a 120-foot culvert connecting storm drainage from Talmadge Road to a farm pond at a private residence on Talmadge Road.**
- 2. That the culvert is partially exposed and rutted. The application addressed the repair of culvert sections and regrading with approximately 5 cubic yards of soil over a 500-foot area to maintain pipe integrity.**
- 3. In support of correcting proper flow through this drainage system, a new plunge pool and headwall will be installed and approximately two cubic yards of sediment will be removed from the existing plunge pool near Talmadge Road.**
- 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 #2012-019, 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
235 Talmadge Road, Cheshire, Connecticut
1 Sheets
Dated July 4, 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 August 7, 2017.

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

4.	Permit Application	APP	#2012-020
	Maria Kaouris	DOR	7/17/12
	Knotter Drive		
	Drainage Improvements	MAD	9/20/12

Dr. Dimmick said the was a permit application for Maria Kaouris, Knotter Drive drainage improvements – he said this is an industrial zone and was a case of long term silting in and etc. of drainage channels. He said they had a couple of questions pending although staff has prepared a motion.

Dr. Dimmick said he believed there was an engineer present.

Andrew Harris was present on behalf of the applicant.

Dr. Dimmick said a sideways question came in getting a signature for the soil scientist – he said he knew they got the signature of a person who is listed as a certified wetland scientist and although this was not considered significant therefore they can't put in a thing that puts in a certified soil scientist – he said there was a question as to the soils qualifications of this person – he's not in the directory for the Society of Soil Scientists of Southern New England nor is he in the Maine directory – he was wondering if he was listed as a registered soil scientist anywhere.

Mr. Harris stated Mr. Lyman is certified as soil scientist in the State of New Hampshire.

Dr. Dimmick said he didn't check New Hampshire – he checked Massachusetts, Rhode Island, Connecticut and Maine knowing he had a Maine office so he's in New Hampshire.

Mr. Harris stated correct.

Dr. Dimmick said he was just trying to get that part clarified because frankly he had never heard of him before – he said he knows about 100 soil scientists but that name did not ring a bell.

Dr. Dimmick asked if the soils in that area were – he asked if Mr. Harris remembered what type they were.

Mr. Harris stated he did not.

Ms. Simone said she had the report.

Dr. Dimmick said he just wanted to get this clarified in his own mind.

Dr. Dimmick asked if Commission members had any further questions on what went on there. He said they were missing about the soils.

The soil report was reviewed.

Dr. Dimmick said he also believed there was a Natural Diversity Database – he said and they were putting in protective measures for turtles or whatever else is in there.

Mr. Harris stated correct.

Dr. Dimmick said ok then based on that staff has prepared some wording.

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 excavation of soils associated with storm drainage systems (catch basins and swales).**
- 2. That the area of excavation measures at 1-foot depth, 300-feet in length and 5-10 feet in width.**
- 3. That the applicant's soil scientist field located the wetlands on the site.**
- 4. That the applicant has submitted a copy of the application to the Natural Diversity Database sent to the DEEP for review and comment.**
- 5. That the proposed construction activities will not have a significant adverse effect on the adjacent wetlands and watercourses.**

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2012-020, the permit application of MARIA KAOURIS for site plan approval as presented and shown on the plans entitled:

**“Remedial Design
Honeywell International, Inc.
Former Bendix (Condor Pacific) Facility
250 Knotter Drive, Cheshire, CT
8 Sheets, Scale Varies; Dated June 14, 2012,
Prepared by amec, Environmental & Infrastructure, Inc.
511 Congress Street, Suite 200, Portland, ME”**

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. All recommendations from the Connecticut Department of Energy and Environmental Protection regarding protective measures for Natural Diversity Database species shall be stringently adhered to.
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 August 7, 2017.

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

- | | | | |
|----|--|------------|-----------------------|
| 6. | Permit Application
Usha Patel
164 Rockview Drive
Shed | APP
DOR | # 2012-021
7/17/12 |
|----|--|------------|-----------------------|

Asmita Patel was present on behalf of the applicant.

Dr. Dimmick said the next was a permit application of Usha Patel for putting in a shed in the back yard near the canal. He said he believed they have gone out to the site – he said there was a picture circulated tonight on the proposed location – he said several Commission members have gone out and looked at this.

Dr. Dimmick said the proposed activity is within about 10’ of the wetlands but it’s on an established lawn area and it’s not going to require any kind of excavation for this.

Ms. Simone said it was her understanding they were going to be bringing in some gravel.

Dr. Dimmick said they will be bringing in a gravel pad underneath there.

Dr. Dimmick asked if the application was familiar with the fact that - that area does flood occasionally.

Ms. Patel said yes – yes they are.

Dr. Dimmick said he just wanted to make sure they knew that as part of why the shed is going to be raised a little bit.

Ms. Patel said it would be set on gravel and then set on bricks.

Dr. Dimmick said he just wanted to clarify they knew that – he said those of us who have been around for a while have seen all the areas that flood around here.

Dr. Dimmick said staff is satisfied and has prepared wording.

Ms. Simone stated yes.

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 a shed within the upland review area, as defined by the official Town of Cheshire soils map.**

2. That the applicant states that no trees, clearing or grading is required for the installation of the shed.
3. That the applicant stated that the proposed construction activities will not have a significant adverse effect on the adjacent wetlands and watercourses.
4. 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 #2012-021, the permit application of Usha Patel for the installation of a shed as presented on the plans entitled:

**“June 8, 2012 Request for Determination Letter
Accompanied by copy of town soils map.”**

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. 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.

4. This permit grant shall expire on August 7, 2017.

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

Ms. Patel thanked the Commission.

Ms. Simone informed Ms. Patel that this means that staff will be signing off on the building permit request so they can start the process tomorrow and they'll be getting their permit.

X. NEW BUSINESS

**1. Request for Determination
LRC Group for Elim Park
Cook Hill Road**

Henry Thomas, landscape architect with the LRC Group in Cromwell, CT was present on behalf of Elim Park.

Dr. Dimmick said the first item under new business is a request for determination from LRC Group for Elim Park – he said there is kind of a long laundry list of little projects scattered around the Elim Park campus.

Dr. Dimmick said they had someone from Elim Park who wants to make a short presentation as to what's going on.

Mr. Thomas asked the Commission to let him how much to present – he would present as little or as much as they want.

Dr. Dimmick said they don't need the construction details – they are interested primarily in how are each of these is from a wetland or watercourse and what it does in terms of drainage – on how it changes existing drainage so if he could just hit those points.

Mr. Thomas explained that Elim Park is looking at a number of very modest little improvements to assist the ongoing operation of the facility.

Mr. Thomas stated first and foremost this does not involve any new beds or any new staff or any new activities that are already happening at the facility so it's not a program change its really just space improvements to help enhance that.

Mr. Thomas said the first in their letter and there are four items; the first project is a little addition to a building called Mallard Mill as shown on the plan.

Mr. Thomas helped the Commission orientate themselves to the location of the proposed activity – Cook Hill – the eastern and western entrance – the loop road that goes around – he pointed the River Bend Building that’s presently under construction.

Mr. Thomas explained that Mallard Mill is on the east side of the developed area and adjacent to the loop road – the Mill River is beyond it.

Mr. Thomas stated that this little addition – he showed a slightly enlarged version of that – he showed the location of the existing Mallard Mill Building – he said at one end of the Mallard Mill Building there is actually what looks like a garage structure – he said he had just a couple of copies of some photographs to pass out to the Commission.

Mr. Thomas submitted the photographs to the Commission.

Mr. Thomas said the existing garage spaces are not used for parking vehicles – it’s used for tag sales. He said so when a resident leaves the property other people are interested in their stuff and so they have a good mid-western garage sale.

Mr. Thomas said so the intent is to extend that by about 24’ – the roof line, the ridge line – everything would kind of simply be an extension of the existing garage.

Dr. Dimmick said and it’s on an area that already been paved.

Mr. Thomas said yes – it’s on an area that has already been paved.

Dr. Dimmick said and you are 140’ from the wetlands.

Mr. Thomas said correct – from the corner of the building.

Mr. Thomas said there probably would be a saw cut in the pavement another 6’ to 8’ beyond that.

Dr. Dimmick said he did not think it would make a difference.

Mr. Thomas said if the saw cut is made it will get restored. He said there are two existing drainage basins that they could be continuing to go to.

Dr. Dimmick said if it's impervious now it will be impervious in the future – he said they were far enough away.

Mr. Thomas said that was correct.

Dr. Dimmick stated that was a given – it shouldn't be a problem.

Mr. Thomas showed on the plan the location of the second item. He said depending on the Commission's familiarity with the facility – there is an entrance circle in there that serves the Mallard Mill and Andrews Knoll residential buildings – he showed the location of the newest chapel that is several years old and within that courtyard there's a canopied entrance that goes into a park of Mallard Mill.

Mr. Thomas said the proposal for what they are identifying as item B is for an addition of office space to facilitate or handle their accounting part of the business.

Mr. Thomas said the benefit of that for the benefit of the facility is that the people who would occupy that space are actually moving from another party of the building and that would enable a dining room expansion which is the third element.

Ms. Thomas said this addition B is new square footage what is on existing lawn – he said he would hand the Commission a couple of photos on that (and he did).

Mr. Thomas commented on the canopy and entrance that you first see and then balance of the photographs kind of cover sort of the lawn in the corner if you will.

Mr. Thomas said they are looking at about 2,300 SF more of less which is presently lawn.

Mr. Thomas said there are no new facilities like sinks or toilets or anything like that on any of the projects and all of the access is from the inside so this existing door would remain so it's really new skin and that much square footage.

Dr. Dimmick said so you are making a somewhat slight increase in that amount of impervious surface.

Mr. Thomas said there is bump in impervious – correct.

Dr. Dimmick said and you have some kind of compensation in terms of additional drainage coming off.

Mr. Thomas said well where the drainage will head to is this system that goes back to the big retention pond to the back of the property ultimately rather than trying to create an additional volume they would probably rather slow it down by either way of garden barrels or cisterns or something small like that rather than actually getting involved in the bigger detention feature.

Dr. Dimmick said that detention basin when it went in was build something like 15% over what was figured needed – 15% sticks in his mind he said he did not know if that was correct or not.

Mr. Thomas said that goes well before his involvement so he could not speak to it.

Dr. Dimmick said assuming there would be future expansion they might need it.

Mr. Thomas said yes conceivable – he said what he did not know is that there is a lot of latitude to stuff anything else in the back there but you never know but certainly incrementally this probably has a percentages extremely slight compared to what they might to do in the future.

Dr. Dimmick asked if the Engineering Department asked for or are they going to ask for some percentage figures on these.

Mr. Thomas said they would he believed as part of the special permit certainly be analyzing that and providing some computations so they would have a number to know kind of how that means – he said he guessed the other square footage that also ends up there but a slightly different route would be the third element which is the dining hall addition and that's totally inside – he said he has never seen the space – probably none of us have ever seen it because you would never know it's there unless you were actually inside that courtyard – that's about 3,800 SF so ultimately those two combined would be again adding to that detention basin in the long run but the idea would that between here and there it would be an existing system and if they did need to attenuate it they rather attenuate it right at the spot.

Mr. Thomas explained that the fourth component – there is an existing storage building at the very back of the property. He located on the plan the location of the retention pond that they have been talking about – he said there is an existing storage building there that is a little beat up and it also isn't quite tall enough or deep

enough to get their shuttle bus into and they would like to be able to park that in there.

Mr. Thomas said what they are proposing is a little bit shorter but deeper new facility – storage building – the face would be at the same location as the existing structure so the relationship to the detention pond would be the same – he said right now it’s looking at about 72’ to the high water mark which is also the flood elevation – when the water reaches that point it’s actually going out to a discharge to the east but the normal water levels are another 12’ to 18’ away.

Mr. Thomas stated this area has not been flagged as wetlands yet but it is obviously a water body.

Mr. Thomas said so the desire is to keep that front face line with the activity behind - the existing garage has a simple hip roof and the proposed roof would do the same thing. He said there is an incremental increase in square footage of roughly 800 SF so it would be 400’ to either side of the roof. He said that area generally pitches gently over gravel and pavement to the detention basin right now.

Dr. Dimmick asked just out of curiosity weren’t there some little gardens put in there for the residents at one point.

Mr. Thomas said they do have some gardens back one end and there are some trails. He said they actually have some raised beds and they have sort of a natural garden.

Dr. Dimmick said he went out there when they were putting them in and the first thing they discovered is that it was very gravelly fill underneath where he they wanted to put the gardens.

Dr. Dimmick said he just wanted to locate where this was – it’s on the other side of the pond.

Mr. Thomas said that was correct and actually that building goes down a little bit. He showed the location of the new wellness center.

Mr. Thomas said so Elim Park and by their letter they have asked if the Commission can comment or act on each of the pieces separately they then can choose to proceed with all of them as one special permit application to the Planning Commission or they may choose to pursue with one or two of them and come back to the Commission if they have to as a separate item at a future date.

Dr. Dimmick said he thought they would like to see the final drainage computation figures. He said his own personal feelings are the rest of this de minimis as long as the drainage is taken care – he said he did not see anything that needs a permit.

Ms. Simone said and the comments from the Engineering Department just basically state that they would like to have some drainage calculations for the Planning and Zoning application so they did not identify anything relative to wetlands in their review.

Mr. Kurtz said the areas on the boarder are the only areas of concern.

Dr. Dimmick said they are mostly just changing the shape of the garage.

Dr. Dimmick asked if it would be appropriate for us to have a motion to declare the proposed activities de minimis and not needing a permit.

Ms. Simone said that she wanted to state that Mr. Thomas had requested that the Commission act on each of these separately.

Mr. Thomas said well unless they wanted to approve them all and allow them all to pass. He said what they didn't want to ask for is all four and have one of them be a problem.

Mr. Kurtz said if the Engineering Department is going to check it that's fine.

Dr. Dimmick said and they are far enough away.

Mr. Kurtz said if the Engineering Department is going to check it they did not have to have a separate application.

Dr. Dimmick said they have had ones before where they decided they didn't need an application but they did need to be kept up on things.

Ms. Simone said and this will require a permit from the Planning and Zoning Commission so that's where all the rest of the drainage details will come into play.

Mr. Thomas said there will be a public hearing.

Ms. Simone stated yes.

Mr. Norback said that was the only question he had – he was wondering on the rain on that – the existing building doesn't seem to have any cutters on it and he was just wondering how it will affect that detention pond but it seems almost insignificant so he was just curious so once they get that - the construction details will be easier.

Ms. Simone said right and they'll have to come up with the net zero increase for the drainage and to show that to the Engineering Department.

Motion: To declare the proposed activities de minimis and not needing a permit.

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

Dr. Dimmick thanked Mr. Thomas for his presentation which allows the Commission to clarify their thoughts on it.

Ms. Simone retained a set of pictures for the record.

2.	Permit Application	APP	#2012-022
	Jack Krudwing (Cornerstone Church)	DOR	8/07/12
	Waterbury Road		
	Site Plan – Addition/Parking	MAD	10/11/12

Jack Krudwing of PDS Engineering and Construction was present on behalf of the applicant.

Mr. Krudwing stated good evening. He said he was with PDS Engineering and Construction and was here with the pastor from the Cornerstone Church and an architect from the church who is on the building committee.

Mr. Krudwing said he believed the Commission had drawing as to what they propose to do – he said he did not know if they've had a chance to review them yet.

Dr. Dimmick said this is the first time any Commission has seen them is right now.

Mr. Krudwing said as an acceptance he normally don't make a presentation because they haven't really seen the plan but he would be happy to go over the plan briefly if they wished.

Dr. Dimmick said yes – he thought at least to give them enough clarification – he said this is obviously not a public hearing that they

are looking for so you don't have to do the whole dog and pony show just familiarize us with what it is they are proposing to do.

Dr. Dimmick said the property is out near the old land fill.

Mr. Krudwing said the church is planning to expand the parking as you note on the drawing – and expand the church with an addition. He said they are well outside of any wetlands – there is no activity anywhere close to the wetlands – it's all down in the lower portion of the owner's property but it all has been delineated, it has been flagged and there's a soil scientist report - the drainage calculations have been turned in to the Commission.

Mr. Krudwing said it was kind of self-evident from those drawings as what they plan to do without boring them with all the details it's an expansion of the church and expansion of the parking lot up on the hill.

Mr. Krudwing said the wetlands are down in the lower portion of the owner's property.

Dr. Dimmick said what they are looking for is – first of all there obviously there is going to be additional drainage so they need to know what is going to happen to that additional drainage.

Mr. Krudwing stated that was all in the drawings.

Dr. Dimmick said they need to know if there are erosion controls in place.

Mr. Krudwing stated that they were all in the drawings.

Ms. Simone stated yes – they were shown on the plans – the erosion controls.

Dr. Dimmick said it says the soil scientist is Ralph Staton and then you have a signature from a Ralph Stanton.

Mr. Krudwing said he is the soil scientist.

Dr. Dimmick asked if it was Staton or Stanton.

Mr. Krudwing said Stanton is how he pronounces it.

Dr. Dimmick said because it's spelled Stanton one place and Staton in another place – wetland delineation by Ralph H. Stanton, Jr. which he sees twice and then it's signed by Ralph H. Staton.

Mr. Krudwing said Stanton is the correct spelling. He said there is an “n” missing in Ralph Stanton, soil scientist on the drawings.

Mr. Krudwing apologized for the error.

Dr. Dimmick said so there’s a spelling error. He said the error is in two places but they do have the signature so he is both the engineer and the soil scientist and the geologist – ok so he has all kinds of hats.

Dr. Dimmick asked Ms. Simone if they had all the materials complete on this.

Ms. Simone said the basics in order for the Commission to accept the application yes.

Motion: To accept the application.

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

Dr. Dimmick asked if they had enough material to here to deal with the question of significance. He said they have no wetland impact.

Mr. Kurtz said based on the distances from the wetlands he did not think they needed a public hearing.

Dr. Dimmick said so they are looking for a motion in terms of significance.

Mr. Kurtz said he did not know the line or verse but he would make a motion to move that this isn’t significant within the context of our regulations.

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

Dr. Dimmick said next thing is they need staff to be able to go over the materials.

Ms. Simone said the Engineering Department did do a review and she would give them a copy of their comments tonight and she would have a summary for the Commission for the September meeting.

Dr. Dimmick said by State law once they receive an application they need to allow at least 14 days before they can act on it plus they like to have staff to have a chance to review things. He said at least they don't have to worry about a public hearing part of it – it doesn't look like there would be any real problem if the calculations are acceptable and if erosion controls look acceptable to staff and so forth and so on.

Mr. Krudwing thanked the Commission.

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| 3. | Permit Application | APP | #2012-023 |
| | Pinnacle Land Development, LLC | DOR | 8/07/12 |
| | Allen Avenue | | |
| | Site Plan – House/Septic | MAD | 10/11/12 |

Dr. Dimmick said the next item is a permit application for Pinnacle Land Development, LLC for Allen Ave – this is a site plan for one house on a previously approved subdivision. The Commission required this house come back to them for approval.

Darin Overton, PE of Milone and MacBroom was present representing the applicant Pinnacle Development.

Mr. Overton explained this is part of the Pearson Subdivision that they looked at many years ago and then probably about a year ago they looked at it again.

Mr. Overton said it was purchased for development and construction has begun out there – this is one of the lots' that was required to come back.

Mr. Overton said the new plan is essentially the same as what was approved previously – the house is located in the same place only the shape of it has changed because they have actual architecture now for the home and the septic system location has also stayed the same – the primary is located in the same place – they have done field topography on the lot and one of the wings – one side has actually shifted 4' or 5' to go parallel to the contours as it typical with a gravity leaching field design.

Mr. Overton said so there still remains no impact to any inland wetlands that were mapped for the property and in fact there is no impact to the upland review area – there was a non-encroachment line established just outside the 50' upland review and that remains on the plan and there has been no encroachment proposed beyond that.

Dr. Dimmick said so you are back in front of us mainly because they had a stipulation that the do so and nothing major has changed.

Mr. Overton said he thought the Commission wanted to make sure that they didn't do anything different on this lot that may impact the wetlands and in fact they're not.

Dr. Dimmick asked Ms. Simone considering such as minor change is there a way they can take a short cut on this.

Ms. Simone said well the Commission did require that this come before them for review – what was previously reviewed was just for the subdivision and not for the location of the house – but certainly the Commission could find that what's proposed here does not require a permit and could treat this then as a request for determination and not require it to move forward as an application provided that the applicant would be willing to withdraw the application.

Mr. Kurtz asked if there was no house location on the original approval.

Ms. Simone said it was shown but the Commission when approving a subdivision you are just approving a subdivision not the location of any houses or septic systems of anything like that.

Mr. Kurtz asked if this location was the same as was shown in the original plan.

Dr. Dimmick said it's the same as the conceptual.

Ms. Simone stated yes – yes.

Mr. Overton stated yes.

Mr. Kurtz said and it was approved like that.

Dr. Dimmick said mostly in terms of that conceptual can change as so they wanted them to come back and have the Commission look at it.

Dr. Dimmick said he was looking for a motion to declare the proposed changes de minimis and not requiring a permit.

Motion: To declare the proposed changes de minimis and not requiring a permit.

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

Dr. Dimmick said this saves a little bit of work on everyone's part here.

Mr. Overton said that's fine.

Dr. Dimmick said to Mr. Overton that it could be the other way around.

Mr. Overton stated yes. He said technically there isn't a regulated activity here.

XI. ADJOURNMENT

The meeting was adjourned at 9:08 p.m. by the consensus of Commission members present.

Respectfully submitted:

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