

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, NOVEMBER 20, 2012
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

Members present: Robert de Jongh, Charles Dimmick, Kerrie Dunne, Earl Kurtz, Thom Norback, Sheila Fiordelisi and Will McPhee (arriving at 7:37).

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.

Members present were Robert de Jongh, Charles Dimmick, Kerrie Dunne, Earl Kurtz, Thom Norback, Sheila Fiordelisi and Will McPhee (arriving at 7:37 p.m.).

IV. APPROVAL OF MINUTES Regular Meeting of November 6, 2012

Chairman de Jongh suggested that the approval of the minutes be moved to the end of the meeting.

Commission members agreed to move the approval of the minutes to the end of the meeting.

At 8:20 p.m.:

Motion: To approve the minutes of the November 6, 2012 regular meeting with corrections.

Pg. 3 L48 "reported" to "reported to"; pg. 4 L47 "will" to "will be"; pg. 5 L23 "there" to "they"; pg. 15 L33 "slap" to "slab"; pg. 16 L17 "having" to "coming"; pg. 22 L12 "done" to "none"; pg. 47 L36 "non-evasive" to "non-invasive"; pg. 47 L37 "cared"

to "carried"; pg. 49 L27 "Carney" to "Canary"; pg. 49 L41 "Arbagrities" to "Arborvitae"; pg. 53 L29 "bentanite" to "bentonite."

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

V. COMMUNICATIONS

- 1. Letter to Mr. Bob Else
Re: Cutting of Vegetation at Mixville Recreation Area**

Ms. Simone stated a communication was sent to Mr. Bob Else regarding the proceedings at the last Wetlands Commission meeting for Mixville Recreation Area.

- 2. Staff Communication: Clearing of Vegetation, Notch Road
Re: Corrective Order #CO-11-6-2012-A**

Ms. Simone stated the second communication was from staff regarding clearing of vegetation for the corrective order#CO-11-6-2012-A.

- 3. Staff Communication: Notch Road
Re: Corrective Order # CO-11-6-2012-B**

Ms. Simone stated the third communication was from staff regarding Notch Road corrective order#CO-11-6-2012-B.

- 4. Staff Communication: Mountain Road
Re: Permit Application # 2012-030**

Ms. Simone stated the fourth communication was from staff for Mountain Road.

- 5. Staff Communication: Oak Avenue
Re: Permit Application # 2012-031**

Ms. Simone stated this communication is listed however the staff report for the new business on tonight's agenda will not be available until the next Commission mailing.

Handed Out at Tonight's Meeting:

- 6. Memo from Bob Ceccolini dated November 16, 2012**

Ms. Simone stated that a memo was handed out from Bob Ceccolini dated November 16, 2012 where he identifies work that has been done relative to both of the corrective orders that were issued at the last meeting.

7. 514 Cornwall Avenue – Drainage Notification Form

Ms. Simone informed Commission members that a drainage notification form was received for 514 Cornwall Avenue. She said it has been identified that there's a beaver dam at this property which is right near Darter Press.

Ms. Simone explained that the state is already lined up to trap the beavers but in the meantime the water is continuing to rise so Public Works would like to go in there and knock down some of the debris – not to remove it – not to disturb the soil but knock down some of the debris so that the water won't keep rising.

Dr. Dimmick asked if they (the state) are planning to move the beaver to another location.

Ms. Simone said it's her understanding that unfortunately they're (the beavers) making the ultimate relocation – they are not going to be moving them to another location. She said apparently then is causes a nuance wherever they bring them.

Mr. Kurtz said it must be some regulation beyond our scope of opinion.

Ms. Simone said it's the state.

Mr. Kurtz said so it's being done properly according to the state.

Dr. Dimmick said the state controls wildlife – which ever method is necessary under the circumstances.

Ms. Simone said the state allows trapping only she believed from December 1 to March 1.

8. Fawn Drive

Ms. Simone said the second drainage notification is regarding Fawn Drive. She explained that the Public Works Department previously received permission under permit #2010-026 for stream channel

maintenance which was to do a lot of work inside the stream channel itself to restore itself back to grade where the water would flow.

Ms. Simone stated additional this permit granted the installation of a split rail fence in the upland review area and they are seeking to extend a section of that fence to prevent people's ability to get down into the swale.

Ms. Simone said Public Works is approaching it as a notification and they have identified that they will just be cutting the small diameter growth on the surface and that they will not be disturbing soil.

VI. INSPECTION REPORTS

1. Written Inspections

Ms. Simone stated there were no written inspections.

2. Staff Inspections

a. 350 Knotter Drive

Ms. Simone stated there was a staff inspection of the erosion controls for the sediment removal project at 350 Knotter Drive.

b. Meadowview Estates

Ms. Simone said there was a staff inspection of Meadowview Estates – this was an approval for subdivision on Plank Road.

Ms. Simone stated that an erosion control bond was posted and they began to cut the trees to install the silt fence.

c. 1944 Plank Road

Ms. Simone explained that while she was out at Meadowview Estates she noticed property at 1944 Plank Road which is on the corner of Plank Road and Summit Road has cleared some trees and graded off an area and it looked like it was a potential wetland. She said when she checked the official soils map it's identified as potentially being a wetland – it doesn't have a real wetland soil designation so evaluating where they did the work relative to where they did the work relative to where this potential wetland area is – they are likely within 50' or so of it but they have not come up to that area as of yet.

Ms. Simone said so she was considering and if the Commission has any other suggestions – she was going to write them a letter just to give them a heads-up that there are wetland soils on the property and that if anything is to continue that they'll need to come before the Commission.

Chairman de Jongh said he thought that was a wiseable choice.

d. Prinz Court Certificate of Occupancy

Ms. Simone stated there a certificate of occupancy inspection for Prinz Court.

e. Beaver Dam Issue on Cornwall Avenue

This item was discussed under communication number 7.

f. 151 Willow Street

Ms. Simone said if Commission members recall on the site visit on October 23, 2012 a soil stock pile was identified on the property and they were asked to put up a silt fence. She said had to keep contacting them to remind them (the property owners) to put that up.

Ms. Simone said they did put it up however they put it up incorrectly so she contacted them again and as of today when she went out there it was properly installed.

VII. 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 said this item is on the agenda for monitoring purposes.

Chairman de Jongh asked that the record show the Will McPhee joined the meeting at 7:37 p.m.

2. **Unauthorized Activities in a Regulated Wetland Area** SC 4/03/12
Philip and Robin Tiso

9 Summer Hill Court

Chairman de Jongh said this item is on the agenda for monitoring purposes.

3. **Unauthorized Activities in a Regulated Wetland Area SC 8/07/12**
CMJ Willow, LLC c/o Chad Horning
151 Willow Street (56/196-1)

Chairman de Jongh said as staff has alluded to earlier she noticed some things that had to be addressed and have been taken care of. He asked staff if there is anything else that needs to be addressed.

Dr. Dimmick stated this item is under unfinished business later in the agenda.

Mr. Kurtz said he was under the impression that staff was going to have a recommendation for this meeting – they never spoke to you (staff) about what to do or was he misinformed.

Ms. Simone said she had some information to share with the Commission – she said she has some questions as to where the Commission is at with some things. She explained with this issue with the silt fence that was outstanding – she was not going to present anything for an approval to this Commission until that was corrected.

Chairman de Jongh said then they will take this item up under unfinished business.

4. **Corrective Order #CO-11-6-2012-A**
Unauthorized Activities in a Regulated Wetland Area FT 10/23/12
Bob Ceccolini – Park and Recreation Department
Mixville Recreation Area, Notch Road (41/13)
Clearing of Vegetation within a Watercourse, Wetland and Upland
Review Area

Chairman de Jongh said as staff had mentioned earlier handed out was a communication from Mr. Ceccolini.

Chairman de Jongh read the memo dated November 16, 2012 4:31 p.m. to Suzanne Simone from Bob Ceccolini:

“Suzanne, Just to give you and update on what’s taken place since last weeks’ meeting and to let you know I will be away at a

conference on November 19 and 20, 2012, and will not be available for Tuesday's meeting. Please share the following information with the Commission. Thanks for your help.

1. The site visit with a representative of Milone and MacBroom and Suzanne Simone was held Tuesday, November 13, at Mixville Park. On Friday, November 16, I received a proposal from that company to perform the work requested by Inland/Wetlands.
2. A suggestion at the site by Matt Sanford (of Milone and MacBroom) to purchase a mix of "New England Wetmix" was discussed and we are immediately pursuing the purchase of said mix to spread along cleared areas of the pond.
3. The walkway area was reviewed with Suzanne and alter discussed with Warren Disbrow, Assistant Town Engineer. Using methods discussed with Warren and Suzanne Park Staff removed several pieces of the slab walkway Wednesday, November 14, and both Suzanne and Warren were at the site to observe the removal.
4. On Thursday, November 15, the remaining slabs were removed and stacked. Approximately 2 yards of loose stone material was removed from the site. Suzanne was able to visit the site after the work was completed.
5. On Friday, November 16, I was able to review the permits #2010-029 and #2012-005 in the Planning Office. Suzanne was in the office at the time and assisted me in reviewing the proper files.
6. We are on track for having all facets of the Inland/Wetland ruling in place by the prescribed dates."

Chairman de Jongh said so it appears that we are moving forward on this. He asked Ms. Simone if she had any comments on what she might have seen on site.

Ms. Simone said yes - the walkway has been removed and it was removed by hand. She said they basically used some sort of leverage and got the slabs up and rolled them onto the ground and then they did remove the remaining stone that was acclimated in large piles - in the water they were able to take that out just with hand shovels.

Ms. Simone said it seemed as though the method was fine and that it wasn't causing any disturbance at that time and rip-rap berm between the upper pond and the lower pond is still in-tact.

Ms. Simone said there is a motion that was handed out to Commission members tonight basically releasing the corrective order for the removal of the walkway since the work is complete.

Ms. Simone stated there was not a notice of violation issued for this property but this follows the same course as a release for a notice of violation.

Ms. Simone said yes – to get back to the issue of corrective order 'A' under item number four – she did meet out there with Bob Ceccolini and Matt Sanford and Matt did go over the site and he had identified that he would meet that time frame of getting a written response to the Planning Office by November 28, 2012 proposing short term solutions – he had identified that he would like to wait on coming up with long term proposals once he's back out there in the spring and sees what if any vegetation starts to remerge.

Chairman de Jongh said so it's being addressed as they (the Commission) had outlined and staff seems to be on top of making sure the steps are covered – he thanked staff.

5. **Corrective Order #CO-11-6-2012-B**
Unauthorized Activities in a Regulated Wetland Area FT 10/23/12
Bob Ceccolini – Park and Recreation Department
Mixville Recreation Area, Notch Road (41/13)
Water Crossing: Upper and Lower Ponds

Chairman de Jongh read the following into the record:

Motion:

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

1. That on November 6, 2012, Corrective Order #CO-11-6-2012-B was issued to Bob Ceccolini for the removal of a wetland crossing

installed at Mixville Recreation Area in violation of the Inland Wetlands and Watercourses Regulations.

2. That on November 16, 2012 Staff inspected the property and found that the wetland crossing had been removed in compliance with Corrective Order#CO-11-6-2012-B.

Therefore, the Cheshire Inland Wetlands and Watercourses Commission does hereby determine that the requirements of Corrective Order #CO-11-6-2012-B have been met and completed.

Further, the Commission does hereby release and discharge the aforementioned Corrective Order.

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

VIII. UNFINISHED BUSINESS

- | | | |
|--|-----|-----------|
| 1. Permit Application | APP | #2012-029 |
| CM J Willow, LLC | DOR | 10/16/12 |
| Willow Street | FT | 10/23/12 |
| Permit After the Fact, Retaining Wall, Fence | MAD | 12/20/12 |
| Clearing & Plantings | | |

Ms. Simone informed the Chairman that she put together a summary of that the applicant is requesting.

Ms. Simone stated she was handing out a copy of the items the applicant is requesting to Commission members in addition to an email that she received from Chand Horning regarding the types of vegetation that he is proposing to plant along the watercourse.

The Commission reviewed the documents.

Ms. Simone stated basically the application covers five matters:

- (1) First is permit after the fact. Since this property was issued a notice of violation for clearing they came in for permit after the fact which would not require any additional work – it would basically just be a documentation on behalf of this Commission that work had occurred without getting a permit, that they were allowed to gain a permit after the fact without any additional work then being required;

- (2) Secondly they are seeking the installation of a fence in the upland review area; they had identified that the fence would require the digging of post holes;
- (3) The installation of a retaining wall; this is located to the rear of the property – she said she does have the sketch they submitted – that was the only information that we have on file – but it identifies the length of the retaining wall to basically follow the footprint of the back of the house and they indicated that they would be using interlocking blocks and that they would not be clearing for the installation;
- (4) Fourth is installation of grasses – now they've somewhat amended that to now allow for some planting of Arborvitae in a limited area basically in the area that they had already cleared; they identified the grass species (*Miscanthus*) and;
- (5) The request to get permission for additional clearing; this is clearing in an area that has vines, shrubby growth as well as trees in the upland review area and most likely directly in a wetland area in the case of the trees and certainly the tree branches that are over hanging. They are seeking to take an area which is considered natural vegetation meaning it's not manicured or maintained and to turn that into a lawn area.

Ms. Simone said so in reviewing the information on file and the minutes of the meeting it seemed as though the Commission had different feelings on different aspects of each of the items that they are requesting.

Ms. Simone said that the discussion at previous meetings did not provide guidance on the language for the stipulations that the Commission would like to see to address the five key aspects of this application.

Ms. Simone said she wanted to get some guidance from the Commission on what to draft.

Mr. McPhee asked if staff had the sketch.

Ms. Simone stated yes and handed it to Mr. McPhee.

Mr. Kurtz said he thought what they were getting at was they don't anything based on these words – what type – what they look like –

how big are they going to be when they're planted – the scope of the work.

Mr. Kurtz and Dr. Dimmick commented about the use of Miscanthus – they were not sure what type of planting it was.

Chairman de Jongh said one of the concerns that he has is the additional clearing portion of this.

Ms. Simone said what she is not certain on in the selection of the species of Miscanthus is whether Miscanthus would like to be that close to a wetland soil and would like to be wet – that she did not know. She said knew this as an ornamental grass that you would put as a foundation planting – it can get to be a couple of feet high.

Chairman de Jongh asked who recommended that they plant this.

Ms. Simone said they had come forward with this plan.

Chairman de Jongh said so it was not reviewed by anyone that has any knowledge of the soils and what would be correct or would or wouldn't thrive.

Ms. Simone stated that nothing has been designed, per se.

Chairman de Jongh said he thought this would a critical component of this plan.

Mr. Kurtz said he thought they needed more information – he said they have a tough situation because the house was built before this Commission was even dreamed of and it's in a bad place – but if they want to go ahead and do something about it without even saying ok let's do what's right rather than doing what they feel like doing.

Mr. Kurtz said they certainly need more information by somebody who's qualified to tell the Commission (what should be done).

Chairman de Jongh said he agreed with Mr. Kurtz and Mr. McPhee in that he thought what needs to be is to find out whether or not that particular grass is going to survive in that environment.

Dr. Dimmick said and the other part is just what the effects the additional clearing is going to have. He said he's worried – he said he was worried from the beginning about the fact that what was there was providing shade to the canal and is this going to do that.

Mr. Kurtz said they are talking about replacing something that was about 6' to 6.5' high with something that 'might be' about 15" but it's nowhere as tall.

Mr. Norback said that Ms. Simone was correct in sensing the Commission was a little confused on this – they (the property owners) really haven't articulated a concise plan either for correction or even the additional work and the way they want to do it – it's very disjointed and their efforts seem likewise.

Dr. Dimmick said he thought that at least he had made it clear that he was interested in getting shade and something tall enough to be shading the watercourse but they keep on going back to something else.

Chairman de Jongh said he thought what the Commission needed to do and they have a mandatory action date of December 20th and with only one meeting in December that presents a problem.

Ms. Simone said yes and she did not know how likely the applicant would be willing to extend.

Chairman de Jongh said they can always deny without prejudice.

Ms. Simone said one question she did have to the Commission is based on what little information they have tonight – just basically the mention of putting in Arborvitaes – the placement of Arborvitaes would be somewhat in the area that was cleared – would the Commission feel comfortable with that as a stipulation that in the area that was cleared to require Arborvitaes to be planted or would the Commission like to see a plan that shows the placement and the number, and the quantity as well as species.

Chairman de Jongh said that's typically what the Commission asks other applicants to provide – he said they are not asking them to provide or do anything more than what they normally expect of applicants who are going to have to do some kind of planting scheme.

Dr. Dimmick said they never have insisted that the tree be within 6" of where it shows on the map but just the general concept of a certain roughly a certain number and roughly a certain location – but general wording that says 'we are going to plant a couple' doesn't really do it.

Ms. Fiordelisi said and along the height – correct.

Dr. Dimmick said yes – of course Arborvitaes can be any height you want.

Ms. Fiordelisi said she meant of all the plantings they have planned.

Chairman de Jongh said he thought the details that they are asking for are really nothing different than they expect an applicant to provide the Commission so they can make an informed decision on whether or not the Commission approves this.

Chairman de Jongh said if the applicant is getting edgy and not wanting to extend the mandatory action date – he said he thought they probably need to be reminded if that's the case then the Commission is left with no other course of action to decide on the information that they've got and if its incomplete there's a possibility it can be denied without prejudice and then they (the property owners/applicants) are back to square one.

Chairman de Jongh said it make sense for them (the property owners/applicants) to be a little bit open minded in that the Commission needs the information – they Commission is not saying they are not going to allow them to do that but without the information the Commission is left with very few choices after that.

Chairman de Jongh said so they can extend and the Commission can make the decision in January 2013 which they are not going to do much in the next couple of weeks anyway.

Ms. Simone asked if there was additional information that the Commission would like to see for the retaining wall and fence or is the Commission satisfied with what they have.

Dr. Dimmick said the retaining wall he was happy with – it's the rest of the plan is what not sure about.

Mr. McPhee asked if the drawing showed the distance – how long of a wall – how long of a fence.

Ms. Simone said it's not to scale.

Mr. McPhee said they are not asking for professional drawings but he thought it was reasonable to request more information.

Ms. Simone said the plan mentioned 30'.

Dr. Dimmick said the thing is when the Commission was out there on the field trip it was pointed out where he (the applicant) wanted the wall – he has very little wiggle room as to just where the wall goes anyway but it's essentially behind the house not extending beyond the distance behind the house.

Mr. Kurtz said the only thing about it is if the Commission approves whatever they propose and there's no drawing to scale or a formal explanation as to what's going to happen – how is anyone going to decide whether or not they've met the terms of the Commission's resolutions.

Mr. Kurtz said if they don't have something specific to scale they can't say ok Suzanne go out there and release them – he said it just doesn't make sense to do it any other way.

Chairman de Jongh said he thought staff had a pretty good idea of what they are looking to do and as he said – if it's presented to the applicant in such a way to let them know that these are the ideas that the Commission needs to have in order for the Commission to make a decision and when they make the decision then there's a time period by which they have to go ahead and pull their wording unless coincidentally you happened to make the wording the night of – if the information you receive is satisfactory at least for this Commission.

Chairman de Jongh said it's not unusual for the Commission to have the wording the first week in January put since they only meet once in December he was hopeful they (the applicants) are open minded about extending the mandatory action date.

Ms. Dunne said she thought the Commission agrees with the dimensions of the retaining wall but what about the fence – what specifically would they want them to provide.

Dr. Dimmick said it looks like the fence goes south from the retaining wall to the property line – in that since the Commission knows where they are planning to put it.

Ms. Simone said they basically identify fence from property line to corner of house – no grading required for fence installation.

Dr. Dimmick asked what kind of fence.

Ms. Simone stated the plan indicates “fence.”

Ms. Fiordelisi said again if the height is really tall it’s going to provide shade again so wouldn’t they want to know the height of the fence too.

Chairman de Jongh said well if it’s a split rail fence – Dr. Dimmick said well if it’s a barbwire fence.

Ms. Dunne said the Commission wants to know the type of fence. She said it makes sense to be very specific in helping them out as to what they want so the Commission wants to know the dimension of the fence as well as what type of fence they are talking about. She said she didn’t know anything about digging post holes what they are using to dig post holes.

Chairman de Jongh said they did not have to worry about that.

Ms. Simone said the plan indicates a the retaining wall – the Commission has not received any sketch of it – any profile or any manufacturer’s information so she would summarize that to them (the applicant) as well.

Chairman de Jongh said he did not think they (the Commission) was taking issue with what they are trying do – they are taking issue with the fact that they are giving the Commission general language and asking for a specific approval and it’s hard to do a specific approval when you’ve got general language – the Commission needs to have some details to back up each of the items they have on this ‘wish list’ and with that information the Commission can make an informed decision – without that they are not in a position to make any decisions at all.

Ms. Dunne said and as to five – she said she seemed to remember that there was one dead tree that he wanted to remove – she said she was just concerned about ‘trees- removing trees’ and maybe the Commission should know a little more about that as well.

Dr. Dimmick said he has already removed some trees even though he hasn’t – look at what was chopped up – that was not brush.

Ms. Simone said yes and she thought that in addition to that – as she recalled being out there they wanted to extend the lawn in addition to cutting the tree.

Chairman de Jongh said he had a problem with the personally.

Ms. Fiordelisi said you're right but they said they were just going to throw grass seed down – they weren't going to any grading or anything like that.

Chairman de Jongh said well that we need to have in writing – we need to have in writing that they're not going to do any additional grading that all they are going to do is spread seed down in an area that's already cleared – if they are going to clear stuff and do some grading then we have an issue so we need to have more details as to what it is they want to try to do.

Ms. Simone said so really it's coming down to engineered plans – not so much meaning that they need an engineer on board. She said so the plans are to scale and they have all of the house keeping features.

Mr. Norback said if not engineered at least concise and something the Commission can relate to. He said staff might want to relay to them that the Commission is not adversarial they are just struggling to understand what they are trying to accomplish and how they will accomplish it.

Chairman de Jongh said it's not the Commission's job to fill in the blanks for them.

Dr. Dimmick said to staff as long as they are at it on this property he was not sure if they put on the record yet what she found about the storm drains – and that one of them exits on to the property.

Ms. Simone explained when they went out to the site walk on October 23, 2012 a storm drain was located – an outlet pipe on this property which exited just a couple feet away from the actual watercourse and when she looked through town hall records she was not able to find when that drain was put in – there was a town wide storm drain system report that was done in 1984 and this particular drain does not show up on that – it does have drains that are nearby across the street but that drain does not show so we have no documentation as to when it was put in or even who put it in.

Dr. Dimmick said it wasn't the present applicant – he was sure of that.

Ms. Simone said it was identified as private property – she said she did not see any drainage easements from the town going across that property so she really can't speak as to when it was put in.

Mr. Norback said not that this relates to this applicant or application but I remember looking at the sewer out in the street and it seemed like it was too full to actually feed that outlet so that is actually something someone might want to advise the engineering department about because he thought it was inhibiting – it will probably impact the Farmington Canal and it also seems to be inhibiting drainage on Willow Street.

Mr. Norback said if staff had the wherewithal to give them (the engineering department) the heads up it's probably something they should look into.

Dr. Dimmick said he thought this was not interval to this particular to this particular application but it was something they discovered when they were at the property.

Mr. Norback said that is why he stated it the way he did.

Chairman de Jongh said so he thought the Commission was pretty clear as to what they needed to convey back to the applicant and hopefully they will have an epiphany in the middle of the night and see if our way – he hoped.

2.	Permit Application	APP	#2012-030
	A.M. Napolitano, LLC	DOR	11/06/12
	575 Mountain Road	FT	11/10/12
	Resubdivision	MAD	1/10/13

Dennis McMorrow, PE, Berkshire Engineering & Surveying, LLC from Bantam, CT was present on behalf of the applicant.

The Commission reviewed the revised plans that were submitted.

Mr. McMorrow said they have all seen the plans from the last meeting – he said since the last meeting when they presented the plans to the Commission they went out and had a site walk and knew three of the Commission members and Suzanne were at that walk with himself.

Mr. McMorrow stated from that walk they discussed the fact the Commission would like to see additional non-encroachment tags on the plans – the new plans that were sent out last week show the

added non-encroachment tags the western 50' regulated area line and they are shown on the new plans.

Mr. McMorrow said when they walked the south property line where he has the proposed conservation easement on lot one instead of the non-encroachment tags the Commission wanted the conservation easement tags so the plan now has that information on it.

Mr. McMorrow explained they have added the additional tags per the site walk and the Commission could correct him if he's wrong on where he added them to the plans.

Mr. McMorrow said also during the period in between the last two meetings they did receive a letter from DEP – they had requested that Natural Diversity Database information because some of the bullets/bubbles on the Natural Diversity Database plan were just on the fringe of a couple of those bubbles so DEP has sent them back a letter and there are seven plants that they've listed on there.

Mr. McMorrow read the list of species: Virginia Snake Root - that habitat is a dry rocky rich woods; Yellow Lady Slipper – mostly in moist and wet low places; Lilly Leaved Twablade – and that's rich moist woods; Violet Woods Sorel – rich moist woods; American Ginseng - rich rocky woods; Basil Mountain Mint – dry to moist woods especially on rocky wooded ridges; and Tory Mountain Mint – dry rocky woods and thickets.

Mr. McMorrow stated that the center of all those bullets – there primarily along that mountain on the west side of the wetlands – we are actually on the east side of the wetlands and if you look at the Natural Diversity Database map the south pond in the open area where they are developing are really not technically in those bubble areas and they are primarily developing in the areas that are already grassed and there is an existing house so in our opinion it would seem that they would not have an impact on that with the Natural Diversity Database.

Dr. Dimmick said he could testify to the fact that both the Ginseng and the Mountain Mint are two the west of proposed development as you start to go up – he said he thought they were west of where Roaring Brook goes through there – you start to go up that slope is where you see those. He said Yellow Lady Slipper is possible in the wetlands there but he was not sure – he said he's seen them along Roaring Brook as you get back to that area.

Mr. McMorrow said and if it is in the wetlands we're staying well away from the wetlands so he believed that they were safe on those items.

Mr. McMorrow said the last thing that came through was a memorandum from Mr. Disbrow, the assistant city (town) engineer and for the wetlands comments that he provided the Commission – he is looking for detention for the five storm events – the two through the hundred year storm event. He said they have received that memo last Thursday and so he worked on drainage calculations and he has brought them with him this evening.

Mr. McMorrow explained that essentially what they are going to do is they are taking six acres of land – it's a mixture of grass and woods and they are adding in an existing house, garage and driveway. He said so he did the drainage calculations for the predevelopment conditions then he added the three new houses and the three new driveways and we have a modest increase of about a ten percent increase in our drainage calculations.

Mr. McMorrow said what they are a going to do because of the exceptional soils that they have on site – the sands and gravels are ideal for infiltration and they are going to take the roof drainage of the three houses plus the existing garage and infiltrate them in four by four galleries that reduces the impervious surface for the post development conditions and they actually with the roof drainage being entirely retained for the five storms we offset the increase that are on the three driveways and he has drainage calculations and new plans again that they just submitted to the Commission because he has shown the four by four galleries and how they are going to connect the roof drainage to them and he has an emergency overflow that discharges right where footing drain comes out.

Mr. McMorrow said he did have three new sets of plans and a drainage calculations to go along with that information.

The new plans and drainage calculations were submitted for the record.

Mr. McMorrow reviewed the new plans with the Commission. He said lot one requires a 20' length of four by four gallery; lot two requires 24' and lot three requires (? Comment not heard on recording).

Mr. McMorrow said they are discharging to high over flows.

Mr. McMorrow reviewed the plans with the Commission and a few of the added details to the revised plans.

Chairman de Jongh asked about the drains coming out to the edge of that slope area – is it just going to release and kind of infiltrate into the soil.

Mr. McMorrow said it's going to go through two 4" pipes – one's the footing drain and one's the high overflow; he said by the calculations you're not going to ever see the water come out of that gallery – and there is a splash pad on there and a 2' drying area.

Dr. Dimmick said he looks good to him.

Dr. Dimmick asked how Mr. McMorrow was doing with getting the signatures of the nine property owners.

Ms. Simone stated for the record they received all nine signatures.

Chairman de Jongh said it looks like the Commission received all of the information that they had talked about in the field trip and all the information that was requested at the last meeting.

Chairman de Jongh asked if there were any other questions that Commission members have.

Dr. Dimmick said he thought they could instruct staff to go ahead and draft something.

Chairman de Jongh said he agreed.

Chairman de Jongh asked if Ms. Simone had any comments that she might want to add.

Ms. Simone said no. She said she believed the Commission needs to determine significance.

Motion: To declare the proposed activity not significant within the context of the Commission's regulations.

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

Dr. Dimmick asked the Commission should have something to act on at the next meeting.

Chairman de Jongh said they will allow staff to sharpen her pencil and craft a very well worded recommendation.

Dr. Dimmick said unless staff notifies you (Mr. McMorrow) he did not think he'd have to be here at the next meeting.

The next meeting will be held the first Tuesday in December (December 4, 2012).

Mr. McMorrow said that was perfect because they have a December 10, 2012 hearing at Planning and Zoning.

IX. NEW BUSINESS

1.	Permit Application	APP	#2012-031
	Pinnacle Land Development	DOR	11/20/12
	Oak Avenue		
	Subdivision	MAD	1/24/13

Chris Hulk, Civil Engineer with Milone and MacBroom was present on behalf of the applicant.

The Commission reviewed the plans.

Mr. Hulk stated the site is located on the east side of Oak Avenue.

Mr. Hulk showed on the plans the location of the Farmington Canal – the site that's going to be developed is just across from Wintergreen Lane.

Mr. Hulk said the site itself is just over 36 acres – roughly 36.5 acres. He said right now there's a single family house on it located in the south western corner of the site and there is also a greenhouse located on the site and a detached parking garage.

Mr. Hulk said there were wetlands that were flagged by Milone and MacBroom showing the wetlands that were delineated on the plan. He said the site itself basically slopes from Oak Avenue to the east towards the Willow Brook and there's a wetland corridor that is associated with the Willow Brook.

Mr. Hulk said there is gas, sanitary and water located in Oak Avenue. The existing house has an existing septic system and that house is going to remain unchanged for the proposed development.

Mr. Hulk said the two lots that are going to be broken off are roughly one acre a piece – the site is located in a R-40 zone. Those two lots are going to be frontage lots which will take direct access off of Oak Avenue.

Mr. Hulk stated the existing house and septic system are going to remain unchanged.

Mr. Hulk explained the two proposed lots however are going to be serviced by sanitary sewer and water and to mediate the increase in storm water runoff they are proposing some infiltration units – there storm- tech 3500 units. He should the location of the units on the plans; they are proposed to be located just to the north of each house and there's also a footing drain associated with each house that's going to outlet to daylight but all of the roof area is going to be directed to the infiltration units.

Mr. Hulk stated they are proposing silt fence to be located along the downslope sides of each development on the lots and soil stock piles will be located in the front of the lots with the necessary sediment and erosion controls for those.

Mr. Hulk said the only lot that's being proposed that has some wetlands on it – is actually lot two.

TAPE CHANGE

Mr. Hulk said the development would be approximately 70' away from the wetlands.

Mr. Hulk stated there's some minimal clearing that will be done for each lot for the trees that are currently on the property.

Mr. Hulk said the only other thing that is associated with this property is there's a trail that is currently used to access the remainder of the property that used for agricultural purposes – that trail is going to be top soiled and seeded so that it will not be used to access the rest of the property by the existing house; they'll use other areas that they have on their property to access the rest of their property.

Ms. Simone said just to clarify this is just for subdivision not for the actual location of the houses.

Mr. Hulk stated yes – just for subdivision.

Chairman de Jongh asked staff if the Commission had enough information to address this application.

Ms. Simone said the fee is still being reviewed – they had submitted it and asked staff to review to see what fees apply so a fee has not been paid as of yet but the signatures are there.

Motion: To accept the application subject to receiving the fee.

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

Dr. Dimmick and Chairman de Jongh said they did not see any issues with the proposal.

Chairman de Jongh asked Mr. Hulk in one area where they have a 50' review area in that one section which is on the south east section of the property – is there any way to put non-encroachment markers around that area to make sure the lawn area is not extended – that they don't start cutting trees down – would the applicant be open to that.

Mr. Hulk said yes – he said he was sure the applicant would be open to putting non-encroachment markers on – he didn't see that as being a problem.

Dr. Dimmick said they would still be able to walk back there they just wouldn't be able to convert it to lawn.

Chairman de Jongh asked what the Commission's thoughts were about significance.

Dr. Dimmick said he did not see a problem with significance.

Motion: To declare the proposed activity not significant within the context of the Commission's regulations.

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

Chairman de Jongh said they will allow staff to craft her normal verbiage and they should be able to go from there and handle this at the next meeting.

X. ADJOURNMENT

The meeting was adjourned at 8:21 p.m. by the consensus of Commission members present.

Respectfully submitted:

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