

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
REGULAR MEETING  
TUESDAY, DECEMBER 4, 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.**

**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 receipted the pledge of allegiance.**

**III. ROLL CALL**

**Ms. Dunne called the roll.**

**Members in attendance were Robert de Jongh, Charles Dimmick, Kerrie Dunne, Earl Kurtz, Thom Norback, Sheila Fiordelisi and Will McPhee.**

**IV. DETERMINATION OF QUORUM**

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

**V. APPROVAL OF MINUTES: Regular Meeting – November 20, 2012**

**Chairman de Jongh suggested the approval of the minutes be deferred to the end of the meeting.**

**Commission members agreed unanimously to defer the approval of the minutes to the end of the meeting as suggested.**

**At 9:11 p.m.:**

**Motion: To approve the minutes from the November 20, 2012 regular meeting with corrections.**

**Pg. 3 L29 “then is” to “they”, L30 “nuance’ to “nuisance”; Pg. 4 L47 delete “where they did the work relative to”; Pg. 5 L12 “wiseable” to “ wise”, L27 after “said” add “she”; pg. 9 L31 “that” to “what”; pg. 10 L47 “don’t” to “don’t know”; pg. 16 L 6 “the” to “that”; pg. 17 L22 “interval to this particular” to “integral”, L31 “if” to “it”; pg. 18 L28 “Lilly Leaved Twablade” to “Lily-leaved Twayblade”, L45 ; pg. 19 L24 “tree” to “three”; pg. 19 L 33 “they”; pg. 20 L 20 “he” to “it”.**

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

## **VI. APPROVAL OF 2013 MEETING DATES**

**Chairman de Jongh called for a motion to approve the 2013 meeting dates.**

**Chairman de Jongh asked that the Commission consider moving the November 5, 2013 meeting date to Thursday, November 7, 2013 due to space constrains due to Election Day activities at the town hall.**

**Motion: To approve the 2013 meeting dates; meetings to be held the first and third Tuesday of the month in Council Chambers unless otherwise noted. The Tuesday, November 5, 2013 meeting will be moved to Thursday, November 7, 2013 due to Election Day.**

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

**Chairman de Jongh said at this point in the meeting he want to remind Commission members know that the town does have policy that deals with potential conflicts of interest on matters that may come before the Commission.**

**Chairman de Jongh said there was an issue that was brought to his attention on one of the items that’s on the agenda where there was a conflict so they need to make sure that if an item comes before the Commission or if they have a field trip and there may be a potential conflict of interest he would recommend that the Commission members recuse themselves so there’s no apparent private agenda going on or he just doesn’t want anyone from the public getting upset and reading into things that were probably just an error.**

**Chairman de Jongh said he suggested to Commission members to remember that not only at meetings when items come before the Commission for consideration but also on fields – if there is an item where**

**there is a conflict of interest Commission members need to make sure they are not present and carrying on conversations about that item.**

**VII. COMMUNICATIONS**

- 1. Engineering Comments  
Re: IWWC App. #2012-030, Resubdivision, 575 Mountain Road**

**This item was reviewed.**

- 2. RWA Comments  
Re: IWWC App. #2012-031, Subdivision, 650 Oak Avenue**

**This item was reviewed.**

- 3. Request for Bond Release  
Re: 387 Mount Sanford Road**

**This item was reviewed. This item is under new business tonight.**

- 4. MMI Environmental Assessment & Recommendations  
Re: Mixville Park Pond Margin Restoration Project**

**This item was reviewed. Ms. Simone stated this item has to do with the clearing at Mixville. She stated this item is still on the agenda under enforcement actions.**

- 5. Status Report from Dante Pasqualoni, II  
Re: CIWWC Permit #2012-002, Pond Maintenance**

**This item was reviewed. Ms. Simone said the status report was from Dante Pasqualoni regarding his permit that was granted earlier this year for permit #2012-002 for pond maintenance.**

- 6. Siting Council Correspondence  
Re: AT&T Facility at 751 Higgins Road**

**This item was reviewed. Ms. Simone stated this was just a basic notification; there's no action required on the part of the Commission.**

- 7. Public Works Drainage Maintenance Notification  
Re: Weeks Pond, Castle Glenn Road**

**This item was reviewed. Ms. Simone stated the Public Works notification was for a tree that has come down in Weeks Pond which is in the forebay area off of Castle Glen Road.**

- 8. Staff Communication  
Re: CIWWC App. 2012-029, Willow Street**

**This item was reviewed.**

- 9. Notification from Park and Recreation Director Bob Ceccolini  
Re: Corrective Order for Mixville Clearing**

**This item was reviewed.**

**HANDED OUT AT TONIGHT'S MEETING:**

- 10. Request for Determination  
Old Lane Road  
Re-grading of a Driveway, Construction of a House, Septic and Well**

**This item was reviewed.**

- 11. Request for Determination  
1150 South Meriden Road  
Installation of a 24' by 24' Barn**

**This item was reviewed.**

**VII. INSPECTION REPORTS**

- 1. Written Inspections**

**Ms. Simone stated there were no written inspections.**

- 2. Staff Inspections**

- a. Hickory Hills**

**Ms. Simone said the permit that was issued at Hickory Hill Orchard on South Meriden Road that was for the construction of the drainage structure that was going into the pond. She said the work nearest the pond is now complete – they just now need to do the remainder of the work of tying into the state's system but the work nearest the pond is now complete.**

**b. Site Inspection of 387 Mount Sanford Road**

**Ms. Simone stated there was a site inspection of 387 Mount Sanford Road. This property is on the agenda tonight for a request of a bond release.**

**c. Meadowview Estate Subdivision at Plank Road**

**Ms. Simone said the erosion control bond at Meadowview Estate Subdivision at Plank Road was posted and the property was inspected for erosion controls which were put-up in compliance with the permit.**

**d. South Main Street**

**Ms. Simone said the property on South Main Street – the physical therapy building – the erosion controls were inspected there and that site is more secure now then it was before.**

**e. Davison Property on Bethany Mountain Road**

**Ms. Simone reported that she has continued to look at the Davison property on Bethany Mountain Road due to the neighbor complaint of clear cutting in wetlands. She explained they have horses on the property – they did remove some shrubs and vines and that was something they did discuss with the Commission when they came to the Commission. She said that was just for monitoring and she did get back to the complainant that staff didn't find anything worthy of following up with enforcement.**

**f. Oregon Road Subdivision**

**Ms. Simone said the next inspection was done for the Oregon Road Subdivision. She explained it's not a permit for this Commission – it came before this Commission has a request for determination.**

**Ms. Simone explained they do have one lot that has wetlands on it and that lot is not yet being developed but it will be monitored to make sure the erosion controls are up.**

**g. Stop and Shop Gas Station On West Main Street**

**Ms. Simone reported that the Stop and Shop Gas Station on West Main Street was inspected today and they will be getting their**

certificate of occupancy sign-off from our office in the next couple of days.

**IX. ENFORCEMENT ACTIONS**

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

Chairman de Jongh stated this item is on the Commission's agenda for continued monitoring.

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

Chairman de Jongh stated this item is on the Commission's agenda for continued monitoring.

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

Mr. McPhee said he would recuse himself from this portion of the meeting when it came up for discussion under unfinished business. Mr. McPhee stated he is the manager of the abutting property.

Mr. McPhee stated he did attend the walk and he said he was very careful not to make any comments.

Mr. McPhee stated he was present on the walk as "the public" because it is an open forum.

Chairman de Jongh noted he is aware that Mr. McPhee was present at the field trip and that he had recused himself at some point when this item was discussed and at other times he was present during discussion of this item and had made comments.

Chairman de Jongh explained that the applicant had expressed concern regarding the discrepancy.

Chairman de Jongh said he spoke to Attorney Hershman and told him the Commission would do all that they could do to make sure it's as clear as can be that there are no conflicts and they will make sure conflicts of interests are avoided.

**Chairman de Jongh said in his opinion he thought there might be legal action taken against the Commission because of the perception there might be a conflict of interest.**

**Chairman de Jongh explained to the Commission that at the end of the day what they are trying to do as a Commission is create a smooth process and clean record – the Commission is satisfied with the information they need and the applicant is happy with the end result.**

**Mr. McPhee said to be clear he has not voted on anything to do with his matter and he has recused himself from all conversation; he said he did not realize he needed to recuse himself for the reading of a enforcement activity where he just sits and not comment – he said he would like the Chairman to clarify that for him.**

**Chairman de Jongh said he just wanted to make it clear that Mr. McPhee needed to recuse himself when this item comes up for discussion.**

**Commission members discussed at what point Mr. McPhee needed to recuse himself from the meeting when the Willow Street item came up on the agenda.**

**Ms. Simone stated this item would be discussed under Unfinished Business.**

**Chairman de Jongh said when they get to that point on the agenda he said it would be proper for Mr. McPhee to recuse himself on the vote for that, to maintain consistency with his previous voluntary recusals.**

**Mr. McPhee stated absolutely but if there is no vote does he need to recuse himself.**

**Chairman de Jongh said if there was a discussion he suggested that Mr. McPhee recuse himself from that discussion so there isn't any confusion and it keeps the record consistent with his previous recusals.**

**The Commission talked about the applicant's concerns about their issues of concern regarding a conflict of interest. Chairman de Jongh stated he believed he put those concerns to rest.**

**Chairman de Jongh said the Commission just needs to be mindful of whether or not they have a situation that could create a misconception of a conflict of interest on the part of the applicant.**

**Ms. Dunne said for the record she believed this all makes sense and that Mr. McPhee did recuse himself when they had a discussion before so the concern is probably the site walk and he'll recuse himself again today.**

**Mr. McPhee said if he had the right as the abutting property manager to be present at a site walk – a 'the public.'**

**Ms. Simone stated yes. She asked to clarify – the conversation she had with Attorney Hershman was relative to the last meeting – that there was discussion among Commission members at that last meeting in which Mr. McPhee participated, which conflicted with his previous recusals. There was some questions posed to staff such as why the change in recusal status. it was just a question, no threat of filing an official complaint, just an inquiry.**

**Chairman de Jongh said so this item will come up under unfinished business.**

- 5. 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**

**Ms. Simone stated there was a time frame set-up in the corrective order that the environmental professionals would submit a report to the Commission by November 28, 2012 and they do have a report dated November 20, 2012 and they summarize what they saw out there – they indicate a temporary measure to put down the New England Wetland grass mix and that they then would like to go back in the Spring to be able to assess what plants come back and be able to evaluate any long term management plans from that point.**

**Ms. Simone explained that they identify that there's really nothing else that they would recommend immediately to do anything out there; it is late in the season to do any planting or anything like that.**

**Ms. Simone said subsequently the Parks Director did submit a letter to the Commission indicating that his department did purchase that**

requested seed and that they did put it down on the areas identified by the Milone and MacBroom report.

Chairman de Jongh said so things are moving along the way they hoped they would.

Mr. Kurtz stated he thought it was very reasonable considering the time of year it is.

Chairman de Jongh said he agreed.

Dr. Dimmick said it was his understanding is that things are stable enough – it's not going to need additional erosion controls over the winter.

Ms. Simone said that's what they indicate currently – the Parks Department has indicated that they will monitor that site throughout the winter and just see that everything is ok and if there are any issues that they identify that they will contact staff.

Ms. Simone stated that she would also be out in that area and will check periodically.

Dr. Dimmick said so if they don't find anything they (the Commission) will probably not hear anything until March – roughly.

Ms. Simone said yes – they didn't necessarily identify an exact time frame but they do talk about in May.

Dr. Dimmick said the emergence of various vegetation will start somewhere in March through May depending on what they've got.

Ms. Simone asked if the Commission would prefer to set a date to ask that the report be completed.

Dr. Dimmick said personally he would think as long as they are keeping an eye on it that when they see something they'll report it – if there's nothing to see they'll not report but of course by the end of April if they don't see anything then that's important.

Chairman de Jongh said he thought the involvement of Milone and MacBroom to is an oversight and them having prepared the report – he thought that's going to give us a big advantage of making sure it's done properly.

**X. UNFINISHED BUSINESS**

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

Mr. McPhee recused himself from this portion of the meeting at 7:45 p.m.

Commission members reviewed the application documents.

Mr. Kurtz said he thought at the last meeting there was an understanding that the applicant was going to prepare something in detail and that present it at some time even if that meant they'd ask for an extension of the mandatory action date. He said they do have something here but in a nut shell there are a lot of questions – like they said they reserve the right to do what they want to do – he said their explanation is not very detailed anyway.

Mr. Kurtz said the product information provided is for reference only – he said the applicant noted that ‘they may choose to use a similar style product from a different manufacturer’; he wanted to know if that meant all products – does that mean anything. He wanted to know how fast the grasses were going to grow – how tall it's going to be – what kind it's going to be.

Dr. Dimmick said he took that correspondence to mean from the fence to the wall not to the plantings.

Dr. Dimmick said he was glad they decided not use that grass they mentioned in the first time which he found to be on the invasive species list for the state and a fire hazard.

Chairman de Jongh said as he was looking through the material his interpretation was more toward the idea that they were giving us an idea of certain fences that they may use and they would determine what fence was appropriate for the area. He said he did not think it was the Commission's place to dictate to them the type of fencing to use – we just wanted an idea as to what fences they were considering but it's not in the Commission's position to say they have post and rail – you have to have a picket fence. He said he did not think that's in the Commission's purview to dictate style.

**Mr. Kurtz said that's fine if that's all their talking about is fence. He said in his opinion it didn't read that way.**

**Chairman de Jongh said and they had provided the details for the wall as well which was another question the Commission had.**

**Chairman de Jongh asked if there were any other questions from Commission members.**

**Mr. Kurtz stated that it was his personal feeling all along that that all they had to do was put up a buffer and provide shade, show a demarcation of the property if you will – he said he was still stuck on that and he didn't think they came through with a definitive plan and he personally he would not vote in favor of this application because there's no detail and no williness to provide detail – the said this has been going on for a couple of months.**

**Chairman de Jongh said he thought staff had a proposed recommendation.**

**Ms. Simone stated yes.**

**Ms. Dunne moved the staff wording.**

**There was no second of the motion.**

**Chairman de Jongh said seeing there was no second of the motion then the motion failed by virtue of no second.**

**Mr. Kurtz stated he would like to deny the application and if there's a reason necessary his reason is that the sufficient detail to this stage has not been provided by the applicant – he said it's nothing inconsistent with what he has been saying all along.**

**Ms. Simone asked the Chairman for clarification if that the proposal of a denial is for all points on the application “the after the fact, the fence, the wall, the planting and the clearing on all five points.”**

**Chairman de Jongh said he thought the issue is on the plantings if he was not mistaken.**

**Mr. Kurtz said yes – it is – it's the detail. He said he didn't know if you could approve a half application or not.**

**Dr. Dimmick said they could approve in part and deny in part.**

**Ms. Simone stated that a draft denial has not been created and that language would have to be crafted and specific reasons based on the record would have to be cited.**

**Dr. Dimmick said that his understanding is that some commissioners want to approve in part and deny in part – he said he did not think they were raising any objection to either the fence or the wall.**

**Mr. Kurtz said there was some detail missing – he said if a fence is a fence that's the type of fence they were going to use then fine – it doesn't have to be that brand.**

**Dr. Dimmick said one thing they can do is divide the question which would allow the Commission to approve that part of the motion which has to do with the fence and the wall and vote on that and then vote in a separate motion if they divide the question – vote to deny the proposed planting plan.**

**Mr. Norback said in lieu of Mr. Kurtz's concerns and he said he was remiss in not reading over all of the details as diligently as he might have due to work constraints – is there a mandatory action date involved.**

**Ms. Simone stated the mandatory action date is December 20 and since the Commission only meets once in December they must act tonight.**

**Mr. Norback said he apologizes to both the Commission and the applicant – he said he has struggled with this all along just because of the kind of disjointed nature it was delivered so unfortunately and he does apologize...maybe all of the information that troubles him is right here at his fingertips but he doesn't know if he has enough time to make a real solid decision in one direction or the other.**

**Chairman de Jongh asked Ms. Simone if she's had a conversation with the applicant about whether or not they would be willing to extend the mandatory action date.**

**Ms. Simone said she did after the last meeting and they had indicated no.**

**Chairman de Jongh said he thought it was clear there were some areas or detail the Commission needs on the planting scheme – he said he didn't think there was a tremendous amount of need for**

details on the retaining wall - he said he had to say on the applicant's part he was pleased to see they provided some details on what the wall was going to be and they provided several samples of what the potential fence may be. He said speaking for himself he didn't think the Commission had the right to dictate the type of fence but there appears to be a consensus that there's lack of information on the details of what they want to do on the planting scheme.

Mr. Norback said he thought additionally that they want to do more clearing has always been troublesome because they don't seem to have a real feel for it if you will.

Dr. Dimmick said he thought dividing this was going to be easy to do but it isn't unfortunately the way that the basic frame work of this is such that it cannot be divided as it is. He said he thought there was a section where they could divide the question but it doesn't divide nicely.

Ms. Dunne asked if the plantings were just referred to in paragraphs eight and nine.

Mr. Norback said it really would have been great if he applicant was present tonight to help navigate this – it really would have been beneficial to the Commission and the applicant.

Chairman de Jongh said at the last meeting the Commission didn't indicate that the applicant needed to be present.

Mr. Kurtz said that's true they did indicate in and several of us said that they need detail.

Chairman de Jongh said they got details on the fence, the retaining wall and the plantings.

Chairman de Jongh requested at this point in the meeting the Commission take a five minute recess to allow Staff to retrieve information in the Planning Office regarding drafting a denial, since Staff was not advised prior to the meeting to draft such language.

The Commission went into a recess at 7:55 p.m.

The Commission resumed the meeting at 8:01 p.m.

Chairman de Jongh said just to paraphrase it seems the issue the Commission has is centered around some Commissioners belief in

the incomplete nature on the planting scheme and the area of clearing so it's those two things; they asked the applicant for details on the fence, on the wall and on the clearing and they got two out of three.

Ms. Simone reviewed with Commission members the proposed draft motion and they proposed language for consideration. She reviewed the findings and stipulations proposed.

Mr. Kurtz asked if that still mean the applicant is in violation.

Ms. Simone stated the approval covers permit after the fact which is the work that already cut – they had already cleared that vegetation without the permit she said this (the proposed motion) allows for the permit after the fact.

Mr. Kurtz asked if that means they're not in violation now for the cutting of the brush.

Ms. Simone stated no – this is permit after the fact so they came in for permit after the fact and also asked for permission to continue cutting; and stated she understood through Commission discussion tonight that the continuance of cutting is what is being considered for denial.

Mr. Kurtz said the reason they were here was because they did the cutting.

Ms. Simone stated yes then they submitted their application.

Mr. Kurtz said the retaining wall and the fence are something they proposed as part of the new application. He said the Commission didn't find them in violation of the regulations because they wanted to put a retaining wall and a fence up – they found them in violation because of the cutting they did without getting permission and if they no longer have a violation because they approve a retaining wall and a fence – that does not make sense to him at all.

Dr. Dimmick said they can postpone the lifting of the violation even after they issue this because they have not issued a permit that allows for the vegetation.

Ms. Simone stated the violation that was issued was for the clearing that took place so if this permit goes through as was read they would

be receiving their permit after the fact and no additional permits or work would be required.

Dr. Dimmick asked if they would not be required to do any remedial planting.

Ms. Simone said that is covered in the draft language being discussed because the whole concept of plantings has now been eliminated.

Mr. Kurtz said he would like to deny the application.

Mr. Kurtz said he just wanted to make it clear that the proposed language is not relevant to the violation and you're saying approve of this motion is going to eliminate the need to correct what they did.

Mr. Norback asked if the violation that what they did was without a permit not obviously what it is - is what they had done but their violation was based on the fact that they did they misdirected clearing without a permit so really that's what the violation was –was working without a permit; the damage wrought by the clearing is almost like the “chicken or egg” he thought but really they are saying they were in violation for not have a permit so now he thinks if he understands this the Commission is trying to give them the permit and while they have a permit the Commission is still seeking as the Commission remedy for what they did without a permit- is that a fair assessment.

Chairman de Jongh said no. He said if he understood basically what the end result is if this language is approved what the Commission has given them permission for is the installation of the fence, the installation of the wall without any requirements to rectify the situation that created the violation in the first place.

Ms. Simone said yes – the way it was just read denies the ability for any plantings.

Ms. Simone said so if that's the case then the planting has to be broken down into two categories – one to be planted in the area that was cleared without the permit and then the planting that is requested and to that extent she would request to the Chair that they go on to other business and think about this because she is going to have to write this out and they only have today to do this.

**Mr. Kurtz asked if he could have a suggestion – maybe they could call someone who represents this. He said even if they approve part of the permit and do require that come back and get a permit for corrective action that means they have to submit another permit and go through this process all over again but if they simple wait until our next meeting which is the first part of the year.**

**Chairman de Jongh said they don't want to do that – they already told us they don't want to extend the mandatory action date.**

**Motion: To postpone further consideration of this item until the end of the meeting.**

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

**At 8:11 p.m. this portion of the meeting was postponed to the end of the meeting.**

**Discussion resumed at 8:36 p.m.**

**Mr. McPhee recused himself at 8:36 p.m.**

**Mr. Kurtz said the reason he wants to deny the application was that the proposal of the application did not address the problem that originally brought these people in here and it was explained to him while they can approve the part of the application where the retaining wall and the fence were put up which is fine – he personally didn't think the retaining wall is going to do anything but they've done their job and they've done what there're supposed to do but then to find out by separating the application the Commission is going to approve the building of a retaining wall and fence which has nothing to do with the reason they reason they were brought in here in the first place but now by approving the proposed motion wording they are not going to have any recourse as far as the violation they were sighted for and that defeats the purpose as far as he's concerned.**

**Chairman de Jongh said that point was well taken.**

**Ms. Simone said if she could just clarify – for the permit after the fact portion of it – the Commission could decide to approve it putting a stipulation that Arborvitae which they agreed upon be planted in the area the applicant designated – that would just be approving what they are requesting it wouldn't be an order necessarily – the Commission does have the ability to put a time frame on it – that the**

plantings are to be done by such and such time; or the Commission could deny that portion of the application and proceed through the legal process to try to get plantings in there which would then require more information on the part of the Commission as to what exactly was cut, where there shrubs that were but there and if so how tall were the – what impact did they have on the stream.

Chairman de Jongh said this is information they don't have – he said they have no idea of what was cut; he said they have no idea of preexisting conditions are.

Ms. Simone said if the Commission is making an argument saying the stream is now exposed the Commission would have to have some documentation to say what was done; like in the case at Mixville there was documentation on the record of what the importance was of that vegetation and what the removal of it was likely to do.

Chairman de Jongh said and so they are lacking that detail in this particular case.

Mr. Norback said and no fault of the applicant other than the fact they cut the stuff down.

Dr. Dimmick said the applicant's claim was all they cut were grasses and what we saw were woody chips.

Mr. Norback commented about his experience submitting applications before Commissions and he followed it through and he said he thought this applicant did themselves and the Commission as disservice by not being here – they've put themselves and the Commission in a tough spot because all that's needed is a little clarification and we might get there.

Chairman de Jongh commented about the concerns Mr. Kurtz raised and what would and would not be approved based on the wording of the proposed application; he said the focal point of this entire issue was not on the wall or fence but the clearing.

Ms. Dunne commented that she thought they said they didn't need any more information about the retaining wall or the fence - it's just the vegetation. She said she thought there was a way they could try to work it out so they can at least give them what the Commission feels comfortable with that they have given them enough information.

**The Commission and staff discussed how to proceed with the motion – on what would be granted and how the granted activities would be handled.**

**Mr. Kurtz said as long as the Commission is addressing the situation which brought this all about.**

**Dr. Dimmick said part of the problem is that the original violation had nothing to do with either the fence or the wall.**

**Mr. Norback said of the additional clearing – he said this is all piggy backed and it's really hard to decipher it.**

**Dr. Dimmick said when he was suggesting earlier about dividing the question - they really should have gone back and divided the permit.**

**Ms. Simone said she did have discussion with the applicant that if they had a project in mind that this would be the time to bring it all to the Commission and do it all together which is advise that she gives to all applicants if they have an actually plan, which is advise she gives to all applicants, that way the application process is more streamlined and cost effective.**

**Chairman de Jongh said they are faced with the situation of what they do with the information they have at hand and if they can address the need to get specific plantings in and address the need to clear up the violation with stipulations would that provide the clout necessary to for an end result satisfactory to this Commission.**

**Ms. Simone said the motion does provide the detail she thought the Commission was looking for. She said the Commission could add a time frame for the work to be done.**

**Commission members discussed this item, the details presented in the application, the details they'd like to see as part of an approval, the concerns they had with motion wording and what wording they wanted to see if an approval to satisfy their concerns. Items of concern were regarding plantings to shade the canal, the types, location and quantity of plantings and a completion date for plantings.**

**Commission members provided their input regarding what language they wanted to see in the motion for approval. At the end of their**

**discussion they agreed the Commission's concerns would be addressed in the revised motion language prepared by staff.**

**Dr. Dimmick said what they needed to do since they had a motion on the floor which was moved and seconded was to amend it to add the new language which has been crafted by staff.**

**Ms. Simone read the following proposed motion into the record for the Commission's consideration:**

**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 a permit after-the-fact, fence, retaining wall, planting and clearing in an upland review area.**
- 2. That this application was submitted in response to the August 1, 2012 Cease and Desist Order.**
- 3. That Commissioner's visited the site, in two groups, on October 23, 2012 and observed the areas associated with this application.**
- 4. That the house was constructed prior to the adoption of Cheshire Inland Wetlands and Watercourses Regulations in 1974.**
- 5. That the proposed retaining wall will be interlocking and will not require the same depth of backfill of conventional retaining walls. The applicant is seeking to improve the eroded soil area behind the house in the upland review area.**
- 6. That the Commission is satisfied with the manufacturer's specifications on the retaining wall, as provided by the applicant.**
- 7. That the Commission is satisfied with the manufacturer's specifications on the fence, as provided by the applicant.**

8. That the applicant has stated in the Narrative Attachment dated October 10, 2012, that the plantings will not be comprised of non-native invasive plant species.
9. That the remaining upland review area clearing will be limited to removal of vines in trees, damaged and dying tree parts or whole. The applicant has stated that lawn will be established in the cleared area along the street line in the vicinity of the north property line.
10. 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 #2012-029, the permit application of CMJ WILLOW, LLC as presented on the plans entitled:

“Unnamed Site Sketch  
Stamped as Received by the Planning Department:  
October 10, 2012  
Unsigned”.

And

“Narrative Attachment  
Stamped as Received by the Planning Department:  
October 10, 2012  
Unsigned”.

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 by the Cheshire Inland Wetlands and Watercourses Commission.

3. Prior to the commencement of activities covered by this permit, the permittee shall contact and coordinate with Commission Staff to identify the location and type of erosion controls to be installed, as the submitted site plan lacks the depiction of erosion controls.
4. The permittee shall plant a minimum of 24 Calamagrostis Acutiflora Karl Foerster grass clumps within 10' of the steam channel in the upland review area, bounded by the north side of the Evergreen tree along the driveway to the north property boundary by May 15, 2013.
5. The permittee shall plant a minimum of six Arborvitae shrubs in the upland review area from the north side of the retaining wall to the south side of the evergreen tree bordering the north side of the driveway by May 15, 2013.
6. The permittee shall identify with markings in the field, notify and obtain permission from Commission staff, prior to the clearing of vines in trees, damaged and dying tree parts or whole in the vicinity north of the existing shed continuing north to the north property line.
7. This permit grant shall expire on December 4, 2017.

Moved by Dr. Dimmick. Seconded by Mr. Norback. Motion approved 5-0-1 with Ms. Fiordelisi abstaining. Mr. McPhee was not present for the vote.

Mr. McPhee rejoined the meeting at 9:11 p.m.

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

Mr. McPhee rejoined the meeting at 8:11 p.m.

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

Ms. Simone said the engineering department still has an outstanding comment about the town's net zero increase for drainage. She said

the applicant's engineer has submitted plans at tonight's meeting to forward to the engineering department.

Dr. Dimmick said he believed in this particular case Planning and Zoning is going to have to make sure this is correct anyway.

Ms. Simone stated yes.

Ms. Simone said the plans that have been submitted indicate the addition of a rain garden on lot three which is the lot that does not contain the pond – there are wetlands to the rear of the property.

Mr. McMorrow stated they did add a rain garden on the front right border of the property which is the low point of the driveway for lot three. He explained they were within a tenth of a CFS with an infiltration of the roof water –the 100 year storm was 14 CFS – they had 14.1 post development and the assistant city engineer said no – less than so he added the rain garden and the calculations show a decrease for the five storm events.

Mr. McMorrow said they are well beyond any regulated area in that front right corner of lot three where the rain garden is.

Chairman de Jongh asked staff if the engineering department has had a chance to take a look at the plan.

Ms. Simone stated no – this was just submitted at tonight's meeting. The rain garden that is referenced is right along the street line further away from the wetlands on lot three.

Dr. Dimmick stated he was satisfied with what's been done to this point particularly with the addition of the rain garden.

**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 subdivision of 6.13 acres into 3 lots in an R80 zone and the individual site plans for all three lots.

2. That the proposed Lot #2 contains structures to be razed.
3. That the current vegetation maintenance around the pond located on Lot #2 has been documented and shall continue and the wetland buffer line to be established on the site plan and memorialized in the field with non-encroachment markers.
4. That the pond on Lot #1 shall be preserved through a conservation easement and marked in the field with conservation markers.
5. That the applicant's soil scientist field located the wetlands and watercourses on site.
6. 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 #2012-030, the permit application of A.M. NAPOLITANO, LLC as presented on the plans entitled:

**“Napolitano Subdivision  
Prepared for A.M. Napolitano  
575 Mountain Road, Cheshire, CT  
Dated October 31, 2012; Revised November 30, 2012  
Scale Varies on 6 Sheets:  
Prepared by Berkshire Engineering & Surveying, LLC  
143 Bantam Lake Road, Bantam, CT 06750”.**

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

1. Any lack of compliance with any condition or stipulation of this permit shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and an enforcement order shall be both issued and recorded on the Town of Cheshire Land Records.

2. **No changes or modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.**
3. **Prior to any clearing, earthmoving and/or construction activities, the applicant shall have the following items both completed by a qualified party and verified as complete by Commission Staff:**
  - a) **the accurate staking and/or flagging of all clearing limits and buffers.**
  - b) **the accurate, permanent marking of the non-encroachment line, as depicted in the above referenced plans. Permanent markings to be agreed upon by the applicant and Commission Staff.**
  - c) **the proper installation of all sediment and erosion controls indicated on the above referenced plans.**

**Commission Staff may insist on additions at any time if warranted by field conditions.**

4. **Per Section 12 of the Cheshire Inland Wetlands and Watercourses Regulations, a bond covering the costs of the erosion and sedimentation controls on Lot #1 shall be filed with the Town Planner's Department prior to the commencement of construction activities. The amount of the bond shall be determined by the Cheshire Planning Department.**
5. **Throughout the course of conducting construction activities covered by this permit grant, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring 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.

6. This permit grant shall expire on December 4, 2017.

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

#### SECTION 8-26 REFERRAL

Pursuant to Section 8-26 of the Connecticut General Statutes and the Cheshire Inland Wetlands and Watercourses Commission Regulations, CIWWC permit application #2012-030, the permit application of A.M. NAPOLITANO, LLC has been reviewed and approved with stipulations. The application is for subdivision and three individual site plans as shown on plans entitled:

“Napolitano Subdivision  
Prepared for A.M. Napolitano  
575 Mountain Road, Cheshire, CT  
Dated October 31, 2012; Revised November 30, 2012  
Scale Varies on 6 Sheets:  
Prepared by Berkshire Engineering & Surveying, LLC  
143 Bantam Lake Road, Bantam, CT 06750”.

The Commission has found that there are wetlands on the subject property, therefore the Commission has stipulated, as part of its approval, that prior to any clearing, grading or construction that erosion controls be properly installed in order to protect natural resources.

Further, the Commission finds that, based on wetlands and watercourses considerations, there is no compelling reason that the Cheshire Planning and Zoning Commission should deny the subdivision request of the applicant.

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

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

**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 subdivision of 36.51 acres into 3 lots in an R40 zone.**
- 2. That the applicant's soil scientist field located the wetlands and watercourses on site.**
- 3. That Lot #1 contains existing structures, all outside the 50' upland review area.**
- 4. That Willow Brook is located exclusively on Lot #1, where no activity or development is proposed.**
- 5. That Lot #2 contains wetlands and an upland review area. No development is proposed for this lot.**
- 6. 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 #2012-031, the permit application of PINNACLE DEVELOPMENT, LLC as presented on the plans entitled:**

**"Subdivision of 650 Oak Avenue  
650 Oak Avenue, Cheshire, CT  
Dated November 7, 2012  
Scale Varies on 6 Sheets:  
Prepared by Milone and MacBroom, Inc., 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. Lots 2 and 3 require individual site plan review and approval from the Cheshire Inland Wetlands and Watercourses Commission prior to any clearing and/or construction activities on these lots.
4. This permit grant shall expire on December 4, 2017.

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

#### **SECTION 8-26 REFERRAL**

Pursuant to Section 8-26 of the Connecticut General Statutes and the Cheshire Inland Wetlands and Watercourses Commission Regulations, CIWWC permit application #2012-031, the permit application of PINNACLE DEVELOPMENT, LLC has been reviewed and approved with stipulations. The application is for subdivision and three individual site plans as shown on plans entitled:

**“Subdivision of 650 Oak Avenue  
650 Oak Avenue, Cheshire, CT  
Dated November 7, 2012  
Scale Varies on 6 Sheets:  
Prepared by Milone and MacBroom, Inc., Cheshire, CT”.**

The Commission has found that there are wetlands on the subject property, therefore the Commission has stipulated, as part of its approval, that prior to any clearing, grading or construction that erosion controls be properly installed in order to protect natural resources.

Further, the Commission finds that, based on wetlands and watercourses considerations, there is no compelling reason that the Cheshire Planning and Zoning Commission should deny the subdivision request of the applicant.

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

**XI. NEW BUSINESS**

- 1. 387 Mount Sanford Road  
Re: Request for Bond Release**

**Ms. Simone said this request was sent out in the packet.**

**Ms. Simone stated she did inspect the site – the site is stabilized, the rain garden is complete – the stipulations have been met.**

**Motion:**

**That the Cheshire Inland Wetlands and Watercourses Commission has considered the request for bond release by Paul Bowman for sedimentation and erosion control bond stipulated as part of IWWC Permit #2012-007, and finds the following:**

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

**Therefore, the Commission grants the bond release request by Paul Bowman for the sedimentation and erosion control bond as stipulated in permit #2012-007.**

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

- 2. Old Lane Road  
Re: Regrade Driveway, Septic and Well**

**Dr. Dimmick said the Commission would need a motion to add the following items to tonight's agenda (new business items two-five).**

**Motion: To allow the following items to be added to tonight's agenda: the request for determination for Old Lane Road, request for determination for 1150 South Meriden Road, and permit application on Old Lane Road and a permit application on Wallingford Road.**

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

**Jim Sykonchick, engineer and surveyor with the firm of Kratzer, Jones and Associates.**

**Mr. Sakonchick said he was representing Dr. Norwood who wishes to purchase a piece of property known as lot 2 which is a rear lot off of Old Lane at the south end of town.**

**Mr. Sakonchick showed the original subdivision map proposed plot plan and the water body is shown on the plans, the private road, the cul-de-sac and the location of the original driveway that was proposed going by an existing garage up to a proposed house with a septic system.**

**Mr. Sakonchick said on the ground today there is a driveway – a cul-de-sac and an existing driveway that comes up all the way to the end and goes by the existing garage which gains access from the other direction. He showed the location of a proposed garage coming off the end of the driveway and a proposed house which is kind of on top of a hill. There is a change in elevation – he showed on the plans that that point was much higher than the driveway and taking for the septic system they'd take advantage of the existing grades with half the system on one side with an MLSS and a septic system on the other side with another MLSS going the other way trying to distribute the affluent which is a good idea.**

**Chairman de Jongh asked Mr. Sakonchick to describe a MLSS.**

**Mr. Sakonchick said when you have a septic system you won't want all the affluent to be at the same location because you can actually saturate the soils to a point where you can get break out and by taking advantage of the contours of putting the system along one contour you're basically spreading the affluent along a long downhill slope so instead on concentrating it you're spreading it.**

**Dr. Dimmick asked if this was the area where the shallow bedrock is not too far from here.**

**Mr. Sakonchick said there is some bedrock that they saw – he showed on the plans where they saw some red acrostic sandstone and in the deep test pits they hit ledge about 7' down typically on top of the hill.**

**Dr. Dimmick said he thinks in terms of rocks and soils rather than in terms of other things. He said he thought he saw some bedrock in that area; but you're far enough down to meet all the state standard.**

**Mr. Sakonchick stated yes.**

**Mr. Sakonchick said the reason they are here is because if they look carefully on the plan the driveway instead of stopping goes all the way almost to the end of the lot – it goes all the way over to a point he showed on the plans. He said the driveway is longer.**

**Tape change.**

**Mr. Sakonchick said there is some good reason to try to work with the land because the driveway currently positioned right over here at the end – he said you can see from the photos he handed out the Commission members – you can see the slope and they certainly don't want to chew on that slope because there are some nice trees on it.**

**Mr. Sakonchick reviewed the photos with the Commission. He said the second photo shows the steep slope and a little bit of ledge; and of course the trees on top which form a nice buffer.**

**Mr. Sakonchick said there are a lot of things they want to save here and it would be needlessly chewing on this site where they can work with the site this way and this takes advantage of the natural grades over here.**

**Dr. Dimmick said he believed though they are staying at least 50' away from the nearest wetlands in all of this.**

**Mr. Sakonchick said everything exists – this driveway has been roughed out.**

**Ms. Simone said if she could just clarify – this subdivision came before the Commission in 2004 – this particular lot known as lot 3 was required to come back for individual site plan approval and the reason why is because it's a large lot and wetlands go right through the middle of it so the thought was the Commission wanted to know if someone was planning on putting a house here and then creating a wetland crossing – what they currently have designed locates the house in the lower portion of the lot and they are not within the upland review area – the driveway is existing for the lot next to this known as lot 2 and what they are looking for is an extension of the**

driveway of what is shown here – not so much before this Commission – this is something that will likely have to go back to Planning and Zoning so this is why the applicant came in for a request for determination and also submitted an application that way they meet the legal time frame to get their application submitted to both commissions simultaneously as required.

Dr. Dimmick said he did not think they needed a further permit from us.

Chairman de Jongh agreed. He said the distance between where the activity is and where the wetland exists on their property is significant.

Ms. Simone said it's just because it was on the record that they needed to come before the Commission (is why they are here).

Motion: That the proposed activity does not require a permit from the Wetlands Commission.

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

Ms. Simone asked Mr. Sakonchick if the application could be officially withdrawn.

Mr. Sakonchick stated he wished to withdraw the application (item number four).

**3. Request for Determination  
1150 South Meriden Road  
Installation of a 24' by 24'**

Paul McKnight of 1150 South Meriden Road was present.

Mr. McKnight addressed the Commission. He said the purpose of this barn/garage is to house vehicles in this lifetime – in the next lifetime it might be used for animal storage.

The Commission reviewed the plans submitted.

Dr. Dimmick asked staff if they had a map that showed the wetland boundaries are on this property.

**Ms. Simone said yes – it should be the last page in the packet; it's a copy of the soils map from the Planning Office.**

**Commission members reviewed the map.**

**Ms. Simone said according to the site plan in comparing this – as you enter the driveway and to the right of the driveway is there the proposed barn is to be constructed.**

**Dr. Dimmick said so it's certainly within the upland review area for the wetlands.**

**Ms. Simone stated yes – the black boundary line being the general location of wetlands.**

**Dr. Dimmick said it sounds like it needs a permit to him.**

**Chairman de Jongh said yes and this area is under a lot of stress as it is with the water coming down from Sindall Road and that whole area.**

**Dr. Dimmick said the actual barn location is not in wetlands but it's in the 50' review area therefore it's the kind of thing that would normally require a permit unless they were to remap it and show the soils were not.**

**Chairman de Jongh said so this is next to Marge Kruger's property.**

**Mr. McKnight said that's correct – going towards South Meriden she's on the right hand side before 115; she's is before his house.**

**Chairman de Jongh said there's a big pond behind her house. He said he was of the frame of mind because the whole area is going to require more details which would come from an application plus he would recommend that they go out there and take a look and see where the activity is proposed.**

**Motion: That the Cheshire Inland Wetlands Commission having looked at the materials provided for the installation of a barn at 1150 South Meriden Road has determined that an permit application is required for this activity.**

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

Chairman de Jongh informed Mr. McKnight that an application would be required and that he could work with staff on trying to pull that application together – there's obviously a lot of details they are going to need in terms of how this is going to be curated and where it's going to be located and things like that – he said it will require an application.

4. **Permit Application**  
**Dr. Jeffrey Norwood**  
**Old Lane Road**

This application was withdrawn.

5. **Permit Application**  
**Whitney C. Watts**  
**Wallingford Road**  
**House and Wetlands Crossing**

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

Mr. McEvoy apologized to the Commission – he said he did not expect the Commission to take this item up under discussion tonight.

Chairman de Jongh said since everything just came before the Commission tonight so they can recognize that the paperwork was received by the office and he knew staff hadn't had a chance to look at anything.

Mr. McEvoy said he was present on behalf of Whitney C. Watts, not Whitney Watts the elder but the younger for some of you who may know him.

Mr. McEvoy said this application is for regulated activities on the parcel that doesn't have an address but is known as assessor's map 80 lot 2 and the overall parcel is 44 acres in size with access off of the very end of Tamarack Road and also a right of way not shown on this plan but extends up to Wallingford Road so currently the property has the ability to access from two location but due to constraints with the zoning regulations about maximum number of lots that can be served by a dead end street which Tamarack Road is they have been advised by the Planning Office to pursue connecting out to Wallingford Road.

**Mr. McEvoy said ultimately there is a driveway that currently exists on this right of way that will be connecting into and there's also a gravel driveway that extends on the Tamarack Road area of the parcel – they will just be connecting those two gravel driveways.**

**Mr. McEvoy said the regulated activities associated with the development of this are the crossing of a meadow wetland just off of Tamarack Road – they will be constructing a driveway across the wetland with about roughly 2,300 SF of impact across the wetland and of course regulated impacts in the upland review area outside of the crossing and the driveway will serve a single family house to the north of the wetland area well out of the upland review area but the crossing will be constructed essentially of a gravel driveway that will be approximately 2.5' to 3' above the wetland with a seepage envelope which essentially a wrapped stone filter with some small 12" pipes just to allow for some larger flows to pass through but just in general the purpose of the seepage envelopes is to allow water to sheet flow as it does under existing conditions to the extent possible from one side of the driveway to the other.**

**Dr. Dimmick asked if that wet meadows was essentially the head waters of a stream that heads up over to the north east.**

**Mr. McEvoy said that's correct – there's not a lot of watershed that supports this – the back of the property is on Tamarack Road but it is the head waters that eventually form into a stream for the properties down slope.**

**Dr. Dimmick said where does that eventually go – does it end up into the Reservoir.**

**Mr. McEvoy stated yes.**

**Dr. Dimmick asked staff if they had enough to accept the application in terms of materials.**

**Ms. Simone stated yes.**

**Motion: To accept the application.**

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

**Dr. Dimmick said since the Commission and staff have had no time to review this he suggested they defer further consideration**

**Chairman de Jongh agreed – it would give everyone a change to kind of catch their collective breath and look at the details.**

**Chairman de Jongh said further consideration was this was postponed until the next meeting which is the second of January.**

**At 8:36 p.m. the Commission returned to item number one under unfinished business CMJ Willow LLC.**

**XI. ADJOURNMENT**

**The meeting was adjourned at 9:12 p.m. by the consensus of Commission members present.**

**Respectfully submitted:**

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