

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, FEBRUARY 19, 2013
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

Members present: Robert de Jongh, Charles Dimmick, Kerrie Dunne, Will McPhee and Thom Norback.

Members absent: Earl Kurtz.

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 in attendance were Robert de Jongh, Charles Dimmick, Kerrie Dunne, Will McPhee and Thom Norback.

IV. DETERMINATION OF QUORUM

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

V. APPROVAL OF MINUTES OF THE REGULAR MEETING OF FEBRUARY 5, 2013

Chairman de Jongh suggested deferring the approval of the minutes 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 8:15 p.m.

Motion: To approve the minutes from the regular meeting of February 5, 2013 with corrections.

Pg. 3 L44 “exists” to “exits”; pg. 4 L13 “but” to “put”, L22 delete “that of”; pg. 5 L37 “engineering with the firm of Kraterz” to “with the engineering firm of Kratzert”, L45 “feet” to “free”; pg. 9 L48 “its” to “it”; pg. 10 L21 delete “so they are actually ‘technically in your zoning’”; pg. 12 L33 after “activities” add “are”; pg. 13 L17 delete “showing”, L33 “my” to “the”.

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

VI. COMMUNICATIONS

- 1. Wetland Determination for Franciscan Sisters of the Eucharist, Inc., Finch Avenue**

Ms. Simone stated that the first communication was for the determination made at the last meeting for the information for the Franciscan Sisters of the Eucharist on Finch Avenue.

- 2. Engineering Comments, Site Plan, 1165 Jarvis Street**

Ms. Simone said the next communication were engineering comments regarding 1165 Jarvis Street which is under unfinished business tonight.

- 3. Staff Communication: Old Lane Road Request for Determination**

Ms. Simone stated third was a staff communication for Old Lane Road which is a request for determination under new business tonight.

Handed out at tonight’s meeting:

- 4. Comments from the Engineer Department
Re: Request for Determination on Old Lane Road.**

This communication was reviewed.

- 5. Request for Determination**

Ms. Simone said the Commission received a request for determination to be considered by majority vote tonight for lot 3 on Oak Avenue.

This request was reviewed and would be taken up on the agenda under new business.

VII. INSPECTION REPORTS

1. Written Inspections

Ms. Simone stated there were no written inspections.

2. Staff Inspections

Ms. Simone reported there were no staff inspections.

VIII. ENFORCEMENT ACTIONS

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

Chairman de Jongh said this item will remain on the agenda for continued monitoring.

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

Chairman de Jongh said this item will remain on the agenda for continued monitoring.

- 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 this item will remain on the agenda for ongoing monitoring.

- 4. Corrective Order #CO-11-6-2012-A FT 10/23/12
Unauthorized Activities in a Regulated Wetland Area
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 this item will remain on the agenda for continued monitoring. The Commission will take another look at this in the springtime to see how things are taking.

IX. UNFINISHED BUSINESS

- | | | |
|---------------------------------|------------|------------------|
| 1. Permit Application | APP | #2013-002 |
| Lovley Development, Inc. | DOR | 01/02/13 |
| 1165 Jarvis Street | | |
| Site Plan – House | MAD | 3/08/13 |

Dr. Dimmick said staff distributed proposed wording on a permit. He said he didn't find any problem with the wording himself.

Ms. Simone said there were some comments made by Commission members as well as from the engineering department at the last meeting and the applicant did submit revisions to the plans which then showed the appropriate rain garden as well as the drainage structure and dewatering.

Ms. Simone stated engineering is satisfied with the proposal.

Chairman de Jongh asked if there were engineering department comments to that affect.

Ms. Simone stated yes.

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors pursuant to Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire, Commissioners' knowledge of the area, previous site visitations, and after review of written information provided by the applicant on this application, finds the following:

- 1. That the current application is for the construction of a single family house, the site plan review was stipulated in the 1998 subdivision approval for Shannon Vale Estates for this parcel, known as Lot 2.**

2. That the wetlands identified on the submitted site plan are copied from the 1998 soils report submitted to the Commission for subdivision approval.
3. That connection to the sewer lateral is required for the construction to this house, this connection is located directly within a wetland area.
4. That the site plan contains an erosion control plan and construction sequence, including how the wetland area will be treated after the disturbance.
5. That the engineering department has reviewed and commented on the proposed development, including proposed storm water detention system.
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 #2013-002, the permit application of LOVLEY DEVELOPMENT as presented on the plans entitled:

“Proposed Improvement Location Map for Lovley Development, Inc.
1165 Jarvis Street, Cheshire, CT
Dated December 19, 2012; Revised (not date listed) after comments from the February 5, 2013 meeting.
2 sheets, Scale varies
Prepared by Kratzert and Jones Associates, Milldale, 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. Prior to any construction activities covered by this permit grant, the erosion controls depicted on the site plan shall be properly installed and properly maintained and monitored throughout the conduct of activities covered under this permit. Permanent wetland markers shall be installed along the 50-foot upland review area line to the north of the wetlands on the site.**
- 4. Per Section 12 of the Cheshire Inland Wetlands and Watercourses Regulations, a bond covering the costs of the erosion and sedimentation controls 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. An inspection of the condition, integrity, and adequacy of the sedimentation and erosion controls shall be made by a qualified party either weekly or after every significant rainfall of 1/2" or greater, whichever is sooner, until all disturbed areas are stabilized. Said party shall be independent of the contractor. All reports shall be submitted to the contractor and Commission Staff either within three days of inspection, or prior to the next storm event, whichever is sooner. All breeches or deficiencies shall be forwarded to a contact individual, as defined below, immediately after inspection. The costs of said inspections to be borne by the applicant.**
- 6. 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.

7. This permit grant shall expire on February 19, 2018.

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

X. NEW BUSINESS

- 1. Request for Determination
Old Lane Road
Driveway, Build House, Septic and Well and Regrading

James Sakonchick of Kratzert and Jones and Associates was present on behalf of the applicant.

Mr. Sakonchick said the Commission might recall the plan he has in front of him – it's the plan that the Commission approved but with the garage in a different location and that was part of a request for a revision to subdivision in order to have a driveway more than 350' long because under the original approval of the subdivision the driveway could not be longer than 350' without going back to the Planning and Zoning Commission.

Mr. Sakonchick said going back to the Planning and Zoning Commission involved a revision to subdivision as well as a special permit such permits require coming back to Wetlands in order to meet the statutory requirement because there are wetlands on the property.

Mr. Sakonchick said at that time this Commission made a determination that it wasn't significant and they had no issue with the then application.

Mr. Sakonchick stated tonight he was here in an entirely different position – he said “it is our opinion that we're not – to get the approval for the long driveway is going to be a long involved process and may not even be successful at the end.”

Mr. Sakonchick said the Fire Department doesn't like long driveways probably for reasons like the recent snow storm and he has a customer who wants to build – he has a contract – he's been begging for extensions on this contract and he either has to buy or

he's going to lose his deposit and all my engineering work and all that effort.

Mr. Sakonchick said he has been instructed to – look there's an original subdivision – it was approved for a lot and why not just get a building permit based on the original permit based on the original approved subdivision.

Mr. Sakonchick said what he'd like to do is kind of show what that subdivision was – talk about a comment that was on that original subdivision map and see if he could successfully convince you that there is no need for further permit from this agency with what he hoped in developing this lot within the constraints of the original subdivision.

Mr. Sakonchick handed out some exhibits to Commission members.

Ms. Simone said just to clarify – the subdivision approval was just for concept location of the house; the subdivision approval stipulated that prior to the clearing and construction of anything on this lot it would need to come back to the Commission for individual site plan review and approval.

Ms. Simone said they (the applicant) came back for a request for determination in December 2012 or January 2013 to see whether what they were proposing to do require a permit and at that time it was found to be de minimis.

Ms. Simone stated now they (the applicant) has changed the plan again and the most significant change to this plan is the location of septic, regrading and clearing right along the upland review area.

Mr. Sakonchick said if you don't mind on this documents that I've handed out – let's go to the last page and the last page on the left side on the far left you'll see a series of notes and number seventeen indicates that “no excavation or filling shall be performed inside the inland wetland boundary or 50' regulated set back on lots two or three without a permit from the Town of Cheshire Inland Wetlands Commission as depicted on these plans.”

Mr. Sakonchick said also number thirteen may apply “individual lot grading is based on estimated finish floor elevations; actual individual lot grading shall be approved by the Town of Cheshire prior to any individual lot construction.

Mr. Sakonchick said if you turn to the third to the last page you will see that's the overall grading plan from which those notes were highlighted – you can see the notes on the left of that particular page.

Mr. Sakonchick said his client hopefully in reliance on those statements wishes to develop the lot.

Chairman de Jongh stated for the record that those notes on the individual plans are purely that – they are not stipulations that were required by this Commission – they were just simply notes within the plans themselves – reference notes as opposed to stipulations by this Commission.

The Commission reviewed the plans submitted.

Dr. Dimmick asked if Mr. Sakonchick could solve a little bit of confusion he had – he said he was under the impression that Old Lane Road ran almost east-west or slightly north – almost east-east west and here you've got Old Lane Road going up towards the north east.

Mr. Sakonchick said if you look at the key map in the corner – you will see that there's coming off the public road there's Old Lane which is a shared drive going kind of north east.

Dr. Dimmick said he's looking at a map which unfortunately on the key map – Old Lane Road is going this way (direction not noted).

Mr. Sakonchick said but the right of way – the Old Lane right of way which is not a public road – that's a private road. He said the public road goes east west - private right of way north.

Dr. Dimmick said it has the same name of Old Lane Road – both of them.

Mr. Sakonchick said unfortunately yes.

Dr. Dimmick said so there's a public Old Lane Road and a private Old Lane Road – that explains it.

Mr. Sakonchick stated the plan in front of the Commission is the proposed septic system and he might comment that he did rework this a little bit to get more of a buffer between the wetlands boundary and the proposed construction.

Mr. Sakonchick said you can see the wetlands boundary - he said he'd give the Commission a second to kind of study the extent of the grading proposed near the wetlands boundary.

Ms. Simone stated so just to clarify – this differs then the maps that were submitted to the office previously.

Mr. Sakonchick stated that is correct. He said having heard the concerns about being close to the wetlands buffer he carefully re-engineered it to see if he could minimize the impact and this map reflects he thought every effort to minimize.

Chairman de Jongh said so the Engineering Department has not had a chance to review these new maps.

Mr. Sakonchick stated now that might be true but again if you look at the engineering....

Chairman de Jongh stated that just for the record – he asked again if the Engineering Department had reviewed maps that they were given previously and the Commission has comments back from the Engineering Department tonight but this map that you are showing us tonight is different than what the Engineering Department commented on.

Mr. Sakonchick said yes. He said Engineering Department comments he believed were dated December 17, 2012.

Chairman de Jongh stated no – there were comments from the Engineering Department dated February 15, 2013 which staff tried to fax off to you (Mr. Sakonchick) but unfortunately was unsuccessful.

Mr. Sakonchick was handed a copy of the Engineering Department comments dated February 15, 2013. He read the comments.

Chairman de Jongh said he wanted to make sure that their comments (the Engineering Department) were not based on this map that we are seeing tonight but were based on a different map referencing the comments that you've (Mr. Sakonchick) made this evening.

Mr. Sakonchick asked that the Commission let him go through the history of this – again the reason this plan went to a new application

for revision of subdivision and special permit was to change the original approval to reflect a request for a longer driveway.

Mr. Sakonchick said tonight standing in front of you (the Commission) as if that application might be withdrawn and in fact there's a strong indication that if he could get approval that if he could get approval from this Commission that application would be withdrawn and consequently the type of permit he is asking for is a simple building permit for activity on uplands of the property outside of the 50' wetlands buffer with no need for new Planning and Zoning approval consequently the request from Engineering during P&Z review – which was to review pending further current application they made a request for these different zero increase in runoff calculations but he didn't think that applies any longer if as part of this permit they are not going to go to Planning and Zoning.

Mr. Sakonchick said the Engineering Department is correct in comment number two – that these plans differ from the plans previously submitted precisely because they (the applicant) wants to follow what was already approved in the original subdivision.

Mr. Sakonchick stated they do not want to have to go back to Planning and Zoning.

Mr. Norback said he had a question – he said he was sitting here befuddled.

Chairman de Jongh stated he was too.

Mr. Norback said he did not know what they were looking at here – to him this doesn't seem to be following procedure – but this just seems like it's a curve ball to him. He said usually if a builder gets subdivision approved and then there's notes that they have the subdivision – let's say it's ten lots and then they said you have a ten lot subdivision approved and then you have to come back for each individual lot or perhaps a number of the lots for approval – he said so what are we doing here – are we trying to shade as if it's already been approved and can we just step over the line and get it back or is this a new application for wetlands approvals – he asked what we were doing here.

Chairman de Jongh said what he was going to try to clarify too – just to take issue with the comments from Mr. Sakonchick but what was approved previously was a subdivision approval with the

requirements for individual lots - separate approvals for each individual lot.

Chairman de Jongh stated Mr. Sakonchick's comments about the subdivision being approved implies that as long as it's away from the wetlands is going to allow approval by this Commission is incorrect – it's just not the way we do stuff. He said when the Commission requires individual site plan approval you've got to come before us with an application for how that site plan's going to be put together and all of the information and then they (the Commission) says yea or nay.

Dr. Dimmick said one thing that would help clarify something – what part of this driveway already exists.

Mr. Sakonchick said that was correct.

Dr. Dimmick asked Mr. Sakonchick to show him where the existing driveway ends.

Mr. Sakonchick stated that existing driveway starts at the cul-de-sac and it's a gravel driveway that extends to the end of the property.

Dr. Dimmick asked if Mr. Sakonchick would be changing that driveway – at what part.

Mr. Sakonchick said under the original approval of the subdivision it has to be paved from “here” to the 350' mark which we are proposing; it is gravel now.

Dr. Dimmick said but you were not having to re-grade that 350' or are you.

Mr. Sakonchick said in the beginning from “here to here” where it's shaded it's a little steep – steeper than 10% - that section has to be re-graded in order to be no more than 10%. He said when they built it they did not follow the 10% rule.

Dr. Dimmick said ok then at that portion – from the wetland line it looks like a least 50' to 55" away so you're outside the upland review area for the part that you're re-grading.

Mr. Sakonchick stated that was correct.

Dr. Dimmick said the other part that closer than 50' although it's only within about 40' in places – all you're doing is paving an existing driveway without re-grading.

Mr. Sakonchick stated yes.

Dr. Dimmick said he just wanted to get correct what is the change and what is not the change – he said he thought that made a difference because Mr. Sakonchick was saying something about trying to keep from making any changes within 50' of the wetland; he said he just wanted to get that on the record.

Ms. Simone said she just wanted to follow-up with Mr. Norback's question – yes this came forward as a subdivision in 2004 – just the subdivision concept was approved – it was required then that the individual lots come back for approval.

Ms. Simone said they came back in December 2012 for a request for determination basically asking what they were proposing to do if they would need to go forward with a site plan application.

Ms. Simone stated they did submit an application at the same time (December 2012). She said the Commission found that it was di minimis what they wanted to do because they were not engaged along that upland review area; now their changing the plans and they are submitting the concept before the Commission tonight which is different than the copy that staff sent out to Commission member on Friday.

Ms. Simone said it does show that there's more activity in areas that were not previously shown so what's before the Commission tonight is a request for determination – if what's shown on this plan if the Commission would find that a permit was needed to excavate this plan or if the Commission finds it to be de minimis and then therefore doesn't need a permit.

Ms. Simone stated there's no charge of the Commission to find whether it is in keeping with what was shown on the subdivision map because that was just a concept – that was not anything the Commission reviewed or approved for actual development.

Ms. Simone said she hoped that answers something.

Mr. Sakonchick said the one comment – the only change with the plan he just handed to the Commission was an attempt to re-grade it so he was further away from the wetlands buffer.

Ms. Simone asked if Mr. Sakonchick had any information from Chesprocott – did they take a look at this because there are some comments about if there's fractured ledge found or some notes about removing top soil – was that something directed from Chesprocott.

Mr. Sakonchick said Chesprocott has reviewed this and she does have a letter from Chesprocott indicting feasibility to develop this which he could submit.

Mr. Sakonchick submitted a copy of a document from Chesprocott.

Chairman de Jongh asked what the closest distance on the septic to the wetland border.

Mr. Sakonchick said you see the WB line that is the wetlands boarder – so the closest is “right over here.”

Ms. Dunne asked if Mr. Sakonchick if he could show the location on the map so the entire Commission could see it.

Dr. Dimmick said there is a wetland line – that's the wetland buffer line.

Mr. Sakonchick said that's right – the wetlands is “over here”; “the wetlands buffer is there” and the closest grading is “right there” that's his worst case scenario.

Dr. Dimmick said it looks like it's all outside the wetlands buffer at least.

Mr. Sakonchick stated it is outside that wetlands buffer.

Chairman de Jongh said just for the record the commentary that was provide to us tonight by the Engineering Department has no barring or relationship to the maps that are before us tonight – is that correct.

Mr. Sakonchick stated that was correct – yes.

Dr. Dimmick said what he was able to find out from questioning Mr. Sakonchick was the area to be re-graded is outside the wetlands buffer that was not clear at first.

Chairman de Jongh said and they have comments from Chesprocott that that septic system is okay.

Ms. Simone stated that Mr. Sakonchick has that information.

Dr. Dimmick said now what Engineering had to say about extra drainage have anything to do with the Commission's concerns.

Ms. Simone said that she believed that their comments are just that because the plans that they reviewed didn't show any storm water attenuation that they weren't able to discuss any potential impact to down gradient areas such a wetland or a watercourse.

Dr. Dimmick said because the adjacent wetland next to the driveway is on the adjacent property and not on their property and he believed it was Planning and Zoning has in their ordinances they have to consider runoff onto adjacent property or increase in runoff onto adjacent property.

Ms. Simone said yes – she thought that the Engineering Department also covers stormwater attenuation not just for the control of a volume of water but also for the discharge of water to prevent any type of erosion.

Mr. Norback said but that's not within their (the Commission's) purview.

Ms. Simone said it is if it's heading toward a wetlands and what the Engineering Department had stated that the plans that they had reviewed were lacking any of that information so that they were not able to provide any comment to this Commission as to what the likelihood for erosion in a particular area would be or what the stormwater overall management of the site is because there wasn't anything that they reviewed.

Mr. Norback asked if it would be safe to say that they either don't have enough information if we don't have – if the map isn't relevant to the comments then indeed the comments are not relative to the map so if they are looking at one thing – then they are only looking at one thing and not the other.

Mr. Norback asked if there was any determination they could make without more information at the Commission's disposal or is it obvious from looking at the two maps that it's insignificant – the differences in the maps that is.

Ms. Dunne asked if Engineering needs to look at this new map.

Mr. Sakonchick said he did speak with Mr. Disbrow on this and he basically told me that if Planning and Zoning sends a map to him for review he has to go underneath – you know for a new application – he has to follow the new regulations for Planning and Zoning approvals which requires that zero increase in runoff requirements.

Mr. Sakonchick said if a map does not have to come to him (Mr. Disbrow) for review then it doesn't apply.

Mr. Sakonchick said he was trying to avoid having to go through the Planning and Zoning process which is very involved and he kind of got talking informally to people hearing that he was not going to get the recommendation from the Fire Department for the long driveway so consequently he's looking to do a safe harbor and see if he can use the approvals he already has and go to this Commission to make sure that this plan has a de minimis impact.

Dr. Dimmick asked if Mr. Sakonchick had a P&Z approval for this plan already.

Mr. Sakonchick said in his opinion he does – yes.

Ms. Simone said just so she could clarify – the applicant would have to go back to Planning and Zoning if the driveway was extended as they had originally desired so this plan does not need to go back to Planning and Zoning so there's no requirement to get a permit from Planning and Zoning per say because it meets the distance requirements for the rear lot access way so there's no further action from Planning and Zoning required.

Chairman de Jongh asked Mr. Sakonchick about the letter from Chesprocott – it's dated 12/28/2012.

Mr. Sakonchick stated yes.

Chairman de Jongh asked if they've (Chesprocott) seen this map (the new map) – have they seen the calculations relative to changes you did to the septic system since December 28, 2012.

Mr. Sakonchick said yes in fact this plan has one new detail added to it which he makes reference to the “dipper d box”; he said if Ms. Simone was to look at the previous submittal that did not have the “dipper d box” so that was the last comment we received from Chesprocott – “she wanted this little box over here instead of being an equal distribution box because its splitting into two directions – she wanted me to add the ‘dipper d box’.”

Chairman de Jongh said he guessed his question is the sanitation certificate that you’ve got here obviously could not have been for this plan.

Mr. Sakonchick stated that’s correct.

Ms. Simone said the determination was made on December 4, 2012.

Mr. Sakonchick said “what she’s saying is it’s feasible – she made a determination of feasibility.”

Chairman de Jongh right but the point he was making is the certificate Mr. Sakonchick is submitted to this Commission tonight has evidence the Chesprocott’s approve the septic system but it’s based on the different map in a different location.

Mr. Sakonchick said he’d be more than happy to accept a condition of approval....

Chairman de Jongh said he was just trying to connect the dots here – the certification that they have before us is not for the map that he (Mr. Sakonchick) is asking to take a look at and decide whether or not it needs an application.

Mr. Sakonchick stated it’s for the lot that they (Chesprocott) gave a letter of feasibility and yes Chesprocott has been deeply involved in the reviewing of this here plan and again it’s just the addition of the last dipper box was the final comment they received from them.

Ms. Dunne asked if Chesprocott has reviewed this particular map – yes or no.

Mr. Sakonchick said they reviewed this map with one exception – it did not have this dipper box on it because they asked him to add it.

Mr. McPhee said he did not feel comfortable with this at this point in time. He said he thought they needed more information – a current letter from Chesprocott and also a clarification from Engineering on this matter. He stated that he felt that something was just not right here.

Chairman de Jongh stated he had the tendency to agree with Mr. McPhee – he said he was just not comfortable with the information' while they may not have a problem with the application if this was submitted to them as it is because of the distances and the separations and stuff. He said they are trying to put pieces of a puzzle together but the parts just don't fit in his mind and he thinks they need to get some professional input i.e. from Chesprocott and also from the Engineering Department to make sure that what they are asked to decide upon is in fact validated by supporting information from professionals.

Dr. Dimmick said of course one of the problems is the applicant is saying he is trying to avoid a review by Engineering and by his course of action P&Z would not require an Engineering Department review.

Dr. Dimmick asked had the Engineering Department reviewed this plan when the original subdivision went in.

Mr. Sakonchick said not this particular plan.

Mr. Sakonchick said he guessed his request getting pressure from the person who is kind of in a squeeze because he's invested all this time and effort and needs permission or right to build would be that if this plan indeed has a de minimis impact that he can get a conditional approval subject to Chesprocott approval and subject to the other reviewing agencies of the Town of Cheshire and should any change be made to this plan that it would have to come back to this Commission.

Mr. Norback said to Mr. Sakonchick's client and he was just thinking from having been in a not quite similar situation but it seems like any approval with any condition is just a house of cards anyway – the whole thing could go to smithereens anywhere in the process.

Mr. Norback said he understood Mr. Sakonchick was trying to avoid the review from the Engineering Department vis-à-vis the Fire Department and he could understand that but it just – he had to agree with Mr. McPhee – every time we get to a question there's only

half an answer and even though the questions aren't major there are a bunch of small questions with half answers is uncomfortable at best so that's his position.

Ms. Simone said just to clarify that a request for determination before this Commission – the Commission is really only able to vote whether it needs a permit or it doesn't – no stipulations are allowed to be attached to it to say if this happens or if you do that its ok its whatever shown to the Commission at the time the Commission votes yes you can go ahead or no you need a permit.

Ms. Simone said any idea of having Chesprocott be ok with it that's not something that can be stipulated.

Mr. McPhee said and if they don't feel we have enough information in order to determination – then what.

Ms. Simone said the Commission can either decide that it needs an application or it can leave this on the agenda and pick it up at the next meeting.

Mr. Norback said it might serve the client best is maybe get some more ducks in a row and come back; can he come back in for determination.

Ms. Simone said it can remain on the agenda and the Commission can take it up at the next meeting under unfinished business. She said there's no requirement as far as a time frame as to when the Commission has to make a decision – it's when the Commission is satisfied with the information.

Mr. Norback asked if staff would avail herself to help maybe put this in a more comprehensible form where the Commission is not all sitting here with this painful expressions on their faces.

Dr. Dimmick said going back to their original de minimis vote was based on the fact that they were looking entirely on a bit of expanding the driveway length and they were looking at that part of the expansion the driveway length and that did not seem to have an impact to us; at that point they did not look at and it might have been an oversight on their part the effect of the paving of a driveway which turns 0.12 acres of land into impervious surface and therefor would have some increase from that 0.12 acres. He said he didn't know if they just didn't think of that or thought that was a given.

Mr. McPhee asked if were we looking at that or were we just looking at lot three at the time.

Dr. Dimmick said they were looking at lot and looking at only the lengthening of the driveway and the lengthening of the driveway was considered to be de minimis; at that point they never even looked at the concept that of the fact that the driveway would be paved.

Mr. Norback said were they even looking at the concept that a house was being built there or were they just looking at the driveway at that point.

Dr. Dimmick stated the house itself was also outside the zone and they assume there was a concept of a house being built but they were looking entirely at what would happen on lot three itself and never looked at the fact of paving the driveway over the existing lot and house as to what that effect would be and it adds 0.12 acres of impervious surface which does create a little bit more runoff which is why he thinks the Engineering Department made its comments about what you are going to do with the additional runoff as a result of the paving.

Mr. Norback said he'd be glad to make this as painless as possible but he just thinks they need a little bit more information going in.

Ms. Simone said and also at that request for determination in December 2012 there was a curtain drain that ran the length of the property that was shown to help manage stormwater. She said she was looking for information of whether that driveway was proposed to remain gravel.

Mr. Sakonchick said the original subdivision approval mandated it be paved 350' long which is consistent with what he is showing here – no change.

Ms. Simone said 350' just to the length of where **Mr. Sakonchick** is showing now; what was shown previously in December 2012 had it extending beyond that.

Mr. Sakonchick stated that is correct which he was trying not to do that which actually has a positive effect.

Dr. Dimmick asked about that curtain drain – was there a curtain drain.

Ms. Simone said there was on this plan from December 2012.

Mr. Sakonchick said that curtain drain was something done for the sake of the septic system and with the new layout and the additional deep test pits that they did – that is not needed.

Dr. Dimmick said so it did not have to do with the traditional runoff.

Mr. Sakonchick stated no.

Chairman de Jongh said the general feeling he was getting from several of the Commission members tonight is that there are some pieces to this puzzle that just don't seem to fit in the minds of the Commission members and without saying Mr. Sakonchick needed to come back with an application – if we can fill in the blanks and keep this open ended as a request for determination.

Chairman de Jongh said if you (Mr. Sakonchick) could work with staff to try to get some of these questions answered they may be in a position to kind of move on this at the first meeting in March; in the absence of that he thought they have a problem and he was speaking for himself as a summary and he didn't want to speak for the rest of the Commission.

Chairman de Jongh said the impression he was getting that the Commission was very uncomfortable with making a determination on this based on the information before us and in order to make the process easier for Mr. Sakonchick and the property owner or proposed property owner he is suggesting that we keep this open as a request for determination and allow staff to work with him and see if they can fill in the blanks and then get this off of the docket at the next March meeting.

Mr. Sakonchick said what he would suggest is the small plans – the Commission members should keep; he asked staff how many copies she wanted.

Ms. Simone stated three copies.

Mr. Sakonchick submitted three new copies of the plans and a couple of extras and an official copy for the Commission.

Chairman de Jongh asked if that fit in with the time table of the property owner.

Mr. Sakonchick said he was going to have to go back to the well and look for an extension.

Chairman de Jongh said it's not as clear cut as the Commission would like and he thought that was the issue.

Chairman de Jongh stated that to be fair to Mr. Sakonchick and the property owner as well as this Commission they need to make sure that they can sleep at night and the decisions that they made are not going to come back and haunt them.

Mr. McPhee said he agreed and that he would like to see an updated letter from Chesprocott referencing the new map and actual plan.

Chairman de Jongh said the Commission will keep this on their agenda as a request for determination pending receipt of information and additional details from the applicant.

**2. Request for Determination
Re: 650 Oak Avenue**

Ms. Simone stated the Commission was submitted with a request for determination for 650 Oak Avenue so if by majority vote the Commission would like to take this business up at tonight's meeting.

Motion: To allow the request for determination for 650 Oak Avenue to be added to the agenda.

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

Michael Doherty, landscape architect with Milone and MacBroom was present on behalf of the applicant.

Mr. Doherty said he was here to briefly talk about 650 Oak Avenue.

Mr. Doherty explained that this item was just received today so he'd give the Commission a brief overview of the plans that he has here so they'll have an understanding of what they are talking about.

Mr. Doherty said the plan north is straight up – this is Oak Avenue running approximately north-south; he showed the location of Higgins Road.

Mr. Doherty said the existing property is 36.5 acres and there is an existing residence which is lot one; the two additional subdivision lots which have sight plan approvals are two and three. He said tonight they are just looking for determination on site three.

Mr. Doherty explained along the eastern edge of the property is Willow Brook – the Farmington Canal; he showed the location of the greenways. He noted there is a finger of a wetland that juts out towards the west and does clip into the property of lot two.

Mr. Doherty said the 50' buffer is shown on the plan with the dashed line; it does also go into lot two but as you can see lot three is north of the wetland and the wetland buffer.

Mr. Doherty had a plan enlarged to show lot three to give the Commission an idea of what they were doing here.

Mr. Doherty said each of the lots will have a private driveway off of Oak Avenue; the house is basically centrally located. He said on the plan they actually shifted it slightly north to increase the buffer between the two lots themselves before they only had about a 20' buffer now they have pushed that to about 35' – 40'.

Mr. Doherty said on the plan it shows the wetland finger and wetland buffer which does not actually go into lot three.

Dr. Dimmick asked what that culvert was for that's existing.

Mr. Doherty said there is an existing gravel drive that goes to the field to the back and its accessed from lot one; that is going to be removed and seeded – top soiled and seeded to lawn.

Dr. Dimmick said it says existing culvert to remain – he said he gathered that was just for what he called ephemeral runoff – there's no intermittent watercourse there.

Mr. Doherty stated no there is no intermittent – he said the grades are gently going to the east so there is some ponding and water does just kind of move back and forth seasonally.

Mr. Doherty said the house itself – all the rood leaders are going to be connected to a storm tech – actually two storm tech units.

Chairman de Jongh and Dr. Dimmick said they didn't see a problem with the proposal.

Motion: To declare the proposed activity de minimis and not needing an application.

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

XI. ADJOURNMENT

The meeting was adjourned at 8:19 p.m. by the consensus of Commission members present.

Respectfully submitted:

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