

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
REGULAR MEETING  
TUESDAY, SEPTEMBER 3, 2013  
TOWN HALL 84 SOUTH MAIN STREET  
COUNCIL CHAMBERS AT 7:30 PM**

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**Members present: Robert de Jongh, Charles Dimmick, Kerrie Dunne, Dave Brzozowski, Earl Kurtz and Thom Norback.**

**Absent member: 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.**

**IV. DETERMINATION OF QUORUM**

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

**V. APPROVAL OF MINUTES – Regular Meeting – August 6, 2013**

**Chairman de Jongh suggested the Commission defer the approval of the minutes to the end of the meeting.**

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

**At 8:42 p.m.:**

**Motion: To approve the minutes from the August 6, 2013 regular meeting with corrections: Pg. 4 L21 “Huckin” to “Huckins”, L23 delete “in”; pg. 9 L46 after “Ms. Simone” add “said that”; pg. 10 L34 “Application #2013-019” to “Application #2013-020”.**

**Moved by Dr. Mr. Kurtz. Seconded by Mr. Brzozowski. Motion approved 5-0-1 with Ms. Dunne abstaining from the vote since she was not present at the last meeting.**

## **VI. COMMUNICATIONS**

- 1. Request for Bond Release, 779 Allen Avenue, #2011-018B**

**This communication was reviewed. This item is under new business on tonight's agenda.**

- 2. Public Works Notification, 679 Ives Row  
Re: Blocked outlet pipe and replacement of rip-rap**

**This communication was reviewed.**

- 3. Public Works Notification, 481/499 Sharon Drive  
Re: Removal of low log dam and debris from stream near Norton School**

**This communication was reviewed.**

- 4. Request for Determination - Deck, 270 Mountain Road**

**This item was reviewed and will be taken up under new business on tonight's agenda.**

- 5. Request for Determination - Extension of lawn and fence installation, 1392 Cheshire Street**

**This item was reviewed and will be taken up under new business on tonight's agenda.**

- 6. Staff Communication Re: Request for Determination, #2011-025A, Extension of lawn and fence installation, 1392 Cheshire Street**

**This item was reviewed and will be taken up under new business on tonight's agenda.**

- 7. Staff Communication Re: Request for Determination, #2005-027B, Deck, 270 Mountain Road**

**This item was reviewed.**

8. **Staff Communication with attachments Re: Request for Determination, #2013-024 – Filling and Regrading, 815 Allen Avenue**

**This item was reviewed and will be taken up under unfinished business on tonight's agenda.**

## **VII. INSPECTION REPORTS**

1. **Written Inspections**

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

2. **Staff Inspections**

**Ms. Simone stated that she only had the short list of staff inspections with her tonight:**

- a. **270 Mountain Road**

**Ms. Simone stated that there was a sediment and erosion control inspection of 270 Mountain Road.**

- b. **North Brooksvale Road**

**Ms. Simone stated there was a certificate of occupancy on North Brooksvale Road.**

**Ms. Simone informed the Commission that she'd report on the remainder of the staff inspections at the next meeting.**

## **VIII. ENFORCEMENT ACTIONS**

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

**Chairman de Jongh stated this item would remain on the agenda for continuing monitoring.**

## **IX. UNFINISHED BUSINESS**

1. **Request for Determination RFD #2013-024  
815 Allen Avenue  
Filling and Regrading**

**Chris Conklin of Conklin and Soroka was present representing Dante Pasqualoni.**

**Mr. Conklin stated that they were waiting for Jim Sipperly to arrive – he is going to give a speech in front of you guys tonight and he’s still on his way here. He said they’d like to push this back until Jim arrives.**

**Chairman de Jongh said if the Commission is in agreement then they move on to new business and then as long as the audience recognizes they will have to jump back to unfinished business when Mr. Sipperly comes in – he said he didn’t have a problem with that but did the rest of the Commission members.**

**Commission members stated they had no problem.**

**This item was deferred to later in the meeting at 7:33 p.m.**

**Discussion of this item resumed at 7:50 p.m.**

**James Sipperly addressed the Commission. Mr. Sipperly stated for the record his name was James Sipperly – a certified soil scientist and he said he felt compelled to tell them he is also the Environmental Resource Specialist for the City of Middletown – he’s been there was 17 years; also he act as the present Wetland agent for the Town of Portland and he was staff to this very Commission for about 7 years back in the 1990s - so it’s good to see you guys again.**

**Mr. Sipperly said what they have before the Commission is a request from Mr. Pasqualoni for a permitted use as of right.**

**Mr. Sipperly explained there’s a lot of history with Mr. Pasqualoni’s property and the flooding of Sindall Brook on several storm events – the latest there was some serious work that was done by the Town of Cheshire along this stretch of brook.**

**Mr. Sipperly said he remembered years ago – in the 1990s perhaps that Mr. Horrigan upstream from Mr. Pasqualoni - he armored his bank because of the erosion and sedimentation that was occurring there.**

**Mr. Sipperly said he didn’t know how much history the Commission had. He asked if the Commission wanted him to go through a lot of history – he said Mr. Pasqualoni is here as well.**

**Chairman de Jongh stated that each of the Commission members received copies of documents that go back some time so he thought they all had written copies of that information.**

**Mr. Sipperly said if there's any historical questions Mr. Pasqualoni is here to answer those.**

**Mr. Sipperly explained the town did some work for Mr. Pasqualoni on his property – they stabilized the brook edge, they planted grass – they actually removed some material that was accumulated because of some deposition.**

**Mr. Sipperly said there was a discrepancy regarding how much work was to be finished – how much work was to be done because of the time of year and since then Mr. Pasqualoni has had re-conversations with the present Public Works Director and everyone is kind of getting up to speed as to what he's requesting.**

**Mr. Sipperly explained right now there's a ponding issue in his lawn – there's photos from before that can show a relatively flat and high existing lawn area – after the erosion and some of the siltation that occurred the town came in and did some grading – they had a stock pile of top soil that they promised they would put back and because of the timing of year for grading and for planting they didn't do that – they removed it off site and since then there's a discrepancy as to future work was going to occur and who was going to do the work.**

**Mr. Sipperly explained Public Works Department says were not doing any more work because this isn't a wetland area and Mr. Pasqualoni got the point where if you look at the existing now on the second page there's ponding of water – there's mosquitos – the grass isn't growing – it's an eyesore so he hired Mr. Chris Conklin of Conklin and Soroka to do an accurate existing survey of the elevation and those maps should be before you and it shows that there's a little depression there – he said now Mr. Pasqualoni has agreed to come here and try to get a permission as a permitted use as of right under section 4.1.**

**Mr. Sipperly said when the DEP did the regulations – the model regulations they knew that there was existing lawns in wetland areas that had been around since the 1940s and 1950s and they didn't want homeowners to have a burden to come in with an application with maps and engineering drawing which cost hundreds of thousands of dollars to do this type of thing so they put this permitted use as of**

right in the regulations – it's in your regulations and this isn't setting any precedent because this is a unique situation on Mr. Pasqualoni's property with the flooding and all the stuff that occurred.

Mr. Sipperly said to make a long story short – he's (Mr. Pasqualoni) is looking for a permitted use as of right – the grading is going to be done which is shown on the map which is shown on the exact property location – he has access to the fill – top soil and he's looking to do that work with your (the Commission's) permission; he'll grade it and seed it and the only amount of material that's in there is approximately 8 cubic yards – maybe 10 cubic yards but between 8-10 cubic yards of material to grade that flat area out for an existing lawn.

Dr. Dimmick asked what the total acreage that Mr. Pasqualoni owns there.

Dante Pasqualoni of 815 Allen Avenue addressed the Commission.

Mr. Pasqualoni said his house sits on a three acre parcel of land.

Dr. Dimmick stated 3 acres – thank you.

Dr. Dimmick said the reason he asks is that that original statue that was being mentioned also mentioned the acreage of the lot to which it applied – he said he believed it was for a somewhat smaller acreage – something like 2 acres or less – 80,000 SF – 2 acres or less that applied to those situations and not to larger lots.

Mr. Pasqualoni said this parcel that they have the photo of where it shows the before – the basin that's created now was in error done during the Sindall Brook restoration – the excavation got a little bit out of control there and there was numerous dump truck loads of top soil that were removed and he was told it would be brought back later to the final grading which was not done.

Mr. Pasqualoni said at the time that he asked for it to be done they said they could not put any fill in there because that is considered a wetlands area – he said he did explain to them with the photographs that that was not the condition before they started.

Chairman de Jongh said one of the biggest issues that he personally has to recodify in his mind is that we have wetlands that have been delineated previously which is the wetland line that this Commission acted upon and then they have wetlands that have been delineated

by presumably by Mr. Sipperly – they don't have a signature on the map that they have which is certainly required by this Commission but there's a vast difference between those two and having been on the site when they walked the property back in 2011 – the vast difference that he sees in the wetland delineations make him question the accuracy because they're widely different.

Chairman de Jongh said having said that this Commission also requires or has required in the past that there be a 50' setback in wetlands and if they use that as a measurement just as an example they come pretty close to what the wetland delineation is that this Commission acted on in the beginning.

Chairman de Jongh said he had a meeting this afternoon with Mr. Gancarz and Mr. Nolte to try to get some facts as what was going because of the lengthy history associated with the property and the disconnect between conversations and there was a map that was prepared by the town which did some topographic information looking at the topo per 1992 and the topo contours as of 2012 – and I'll pass this around so Commission members for them to see – so it was after the completion of the project and the topographies are almost identical which leads him to believe that the impression was already there – it's not something that was created by the town.

Chairman de Jongh passed around the map to Commission members so they can see that – it's between 2.25 and 2.50 on the aerial map – and that's the area in question that their talking about so again it leads him to believe that the issue of filling in the depression it was not something that was created by the town based on the activities that they created but that was something that was already on site in 1992.

Mr. Sipperly said in regards to the wetland delineation – he said he didn't recall the exact time of year and date the year he was there – he said he'd agree that the present wetland line is where Mr. Pietras delineated for the Town of Cheshire recently.

Mr. Sipperly said he was out there years ago – he said he would probably have to guess probably 2007 and there's two reason why the wetland line is different – either soil was eroded away from the storm events because basically what you're doing – you are delineating a wetland soil – you have the soil surface at zero and then mottling at 18" – if you have mottling within zero and 18" it's a wetland soil by definition; if you remove a couple of inches of the soil from either erosion or grading you've not therefor lowered the

artificial zero down to negative four so you're already starting with the soil scientist to go out and re-delineate – you are already starting at a negative so the mottling is actually higher in the soil profile then before so that can be an excuse why that's different.

Mr. Sipperly said he'd concur that the wetland delineation – the wetland soils now are where Tom did that and he believed Tom did that for the town – when the town came in to do the work they needed a permit from the Commission and Mr. Pietras delineated the wetland soils along this line so that should be a record on file.

Mr. Sipperly said regardless if the existing depression was there before or not the request now is for Mr. Pasqualoni to go in as a permitted use as of right to fill in a portion of a depression in his lawn.

Dr. Dimmick said as he already pointed out since he owns more than – that lot is more than 2 acres – that permitted use does not apply under the statutes.

Mr. Sipperly said he recalled that regulation was modified under Chairman Opaquely. He said the reason that was changed was because we didn't want new property owners to take advantage of that type of regulation – he said Mr. Pasqualoni's lot has been 3 acres since the zoning lot of record.

Dr. Dimmick said this is not a town change – he said you may recall in 1974 he (Dr. Dimmick) was involved in drafting the original wetland laws with the state and that was put in at that time and the town is not authorized to change that law – that is state statute.

Mr. Sipperly asked to see that regulation.

Mr. Sipperly reviewed the regulation language.

Ms. Dunne said just reading the second part of four – it also says such incidental uses shall include maintenance of existing structures and landscaping but shall not include removal or disposition of significant amounts of material from or into a wetland or watercourse or diversion or alteration of a watercourse.

Ms. Dunne noted that they read the entire paragraph – she said they seem to be focusing on the beginning and not the end.

**Mr. Sipperly said 8 cubic yards as he would say in insignificant and it's not within a watercourse it's within a wetlands area.**

**Chairman de Jongh explained to Mr. Sipperly that he thought the issue here was there was one issue that was raised and that was who basically created the depression – the depression was there as a result of the town work that was done on Sindall Road and the subsequent area. He said that was an assertion that was made in some of the information that they (the Commission) received tonight.**

**Chairman de Jongh stated that the evidence presented by the town shows that the topography really hasn't changed much in 20 years – its about the same so that depression was there prior to the work and its still there after the work so then the question becomes whether or not that section four in our wetlands regulations allows this to be a permitted use and that determination is made by this Commission as to whether or not it is a permitted use.**

**Mr. Norback said about the deferential between the two topographic studies – one was intimated that it was aerial – was that the most recent one.**

**Chairman de Jongh stated yes – 2012.**

**Mr. Norback asked if technology has taken us to a point – he said he knew back in the day – the aerial topography was somewhat suspect and sometimes not as accurate as it needed to be.**

**Chairman de Jongh said he could not speak to that but Mr. Gancarz is here from the Town Engineering Department and he could probably speak to that.**

**Chris Conklin from Conklin and Soroka said he could speak to this point.**

**Mr. Conklin stated in his opinion the town aerial mapping is not accurate enough to produce a half a foot of depression.**

**Mr. Conklin said they went out and did field topo and took plenty of shots out here and they depict half foot contours out here – not two foot contours; he said what the town did with two foot mapping – there's no way you could see a half a foot of depression – that's how small this is – its only a half a foot of depression but the water is just sitting there so that mapping is useless to try to predict this type of ponding.**

**Chairman de Jongh asked if Mr. Gancarz could lend some light on this.**

**Walt Gancarz, Town Engineer – he said he kind of came into this late – he’s only been on board since the beginning of the year so when he was asked to look into this he went out to Mr. Pasqualoni’s property there were three issues – two of them were different from this that concurred with things that should be fixed and then the third one not knowing certainly what was there a while ago and what was there pre-flood and post-flood – he said when all else fails he tries to just go with the facts and see where they fell so they were fortunate enough to have aerial mapping from an earlier post flood date and then afterwards so really they just put in – took cross sections across those and in the areas where work was done under the permit you know they did show them slightly higher and in this area it came out being the same as so his conclusion certainly was that this part of it hadn’t changed which also is kind of back-up by the fact that this was outside the permit area so the likelihood that the town would have gone outside of its permitted area to do work and create this seemed unlikely.**

**Mr. Gancarz said so that’s really where he stands.**

**Mr. Gancarz said he knows Mr. Conklin said he’s taken current shots but that shows a current condition and not what was preexisting. He said if Mr. Conklin has maps that showed what it was pre-flood – if they had their detailed topographic maps from that point – he said there’s nothing pre-existing conditions – and the applicant has post conditions so they really have nothing to compare it to so he was using the best he had and based on what it showed for other parts of the property he feels confident that it’s a good depiction of what was there.**

**Mr. Gancarz said he really thinks it comes down to not who do what to whom – he said he thinks the applicant is looking for a permit to fill a low area on their property – that should really be the subject but that’s just his opinion.**

**Chairman de Jongh thanked Mr. Gancarz.**

**Chairman de Jongh said item two is in 2011 when the work was done on Sindall Road there were Engineering reports that were provided at the same time supporting the evidence that they have before them now as well.**

**Mr. Norback said it does almost seem like they are starting to get a little off topic – he said he guessed the question is he wants to fill an area of his lawn no matter how it was created its just that it exists now so it that what we should be looking at.**

**Chairman de Jongh said the issue at hand is the applicant is asking for permission to fill that as a permitted use under section 4 of our regulations and its this Commission's responsibility to determine whether or not that is a permitted use or whether or not an application is going to be required so that we can have the evidence to see whether or not we will give them permission to fill that in.**

**Chairman de Jongh said he thought that's where they were pretty much at on this.**

**Mr. Sipperly said he would urge the Commission to look at the photographic evidence again – he said he knew they weren't the greatest photos but there photos that show before and after.**

**Mr. Sipperly said he knows this Commission has a long historic history of setting precedence on certain things so the next guy will come in and try to get the same thing.**

**Mr. Sipperly said they are not setting precedence here – this is a unique situation and there's a lot of historic situation here that does involve the town and they are just looking to rectify this – it's a simple request but you're right its up to you guys to decide.**

**Chairman de Jongh said right – it's a simple request but it is the filling of a wetland and that's the prevue of this Commission to decide whether or not its going to require an application which doesn't say they have the permission to do so but as a request for determination under a permitted use that's the decision we need to make here this evening.**

**Mr. Sipperly said and has Ms. Dunne pointed out – significant filling – and he would say its not significant amounts of filling.**

**Dr. Dimmick said again that's the judgment of the Commission and not the judgment of the applicant.**

**Chairman de Jongh said he could only speak for himself – he said he didn't know how the rest of the Commission members felt but they needed to decide on how they feel on this.**

**Chairman de Jongh said personally speaking he thought that this would not be a permitted use – that looking at the record – both the written record from the applicant as well as the town – he thinks there has been a give and take on both sides – significant on both sides but he thinks the request to fill in that remaining finger on the wetland which is on the maps that they’ve seen this evening – that’s beyond what was permitted by the town and beyond the scope of the work that they had reviewed as a Commission previously and any work in that area would require a separate application.**

**Motion: That after the Commission reviewing what has been presented has determined that what is being asked for is not a permitted use under the statutes.**

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

**Mr. Kurtz stated he can’t make up his mind – he said when it comes to a vote he didn’t think he’s going to vote – he said he has two ways to look at this – he said the significance means a lot to him – he said also the significant remark that is was outside the work area approved is very important to him and he didn’t know if that was addressed or not – he asked if they were saying they worked in that area when they didn’t have permission to work in that area.**

**Dr. Dimmick said Earl (Mr. Kurtz) with all due respect – he addressed Mr. Kurtz directly – that question is outside what they are looking at – the question is whether or not it is a permitted use not requiring a permit under the statutes and he has been working with these statutes since 1974 and he didn’t see this as a permitted use; now admittedly he was not a lawyer but he’s been working with wetlands law for 39 years now.**

**Mr. Kurtz said he thought they were discussing the situation (of significance).**

**Dr. Dimmick said it’s not a matter or whether or not it’s significant – whether or not it’s a permitted use as of right.**

**Mr. Kurtz said they’ve spent a lot of time listening to a situation and discussion and he wanted it to be clear in his mind because now their being asked to take a vote on a question.**

**Mr. Pasqualoni said in the photographs and again there not that great – he said he apologized for his skill in photography – he has**

been mowing the before photographs for over 20 years – when you're asking if there was work done in the un-permitted area – he said he stayed at this house and watched the excavation go on for the entire week period that the town and their hired subcontractor was there.

Mr. Pasqualoni stated there was excavation done – honestly and truly in that area that is stated as non-permitted area to do work in.

Mr. Pasqualoni said also the town took out at least 5 if not 7 dump truck loads of top soil from that immediate area – that is honestly how that depression got created.

Mr. Pasqualoni said Mr. Nolte has explained to him that in the area abutting that he had gone too high in the excavation in the final grading there – that is how that depression got there – it was never there before.

Chairman de Jongh said he appreciated Mr. Pasqualoni's comments but he (and he's not an engineer) can only go by the information was provided to us showing the topography in 1992 and again in 2012 and there's a slight variance if any between those two numbers.

Mr. Conklin said he'd like to reiterate one more time that there's no way the town could use 2' contouring to even show this depression because its just too little – the town mapping.

Chairman de Jongh thanked Mr. Conklin and stated he appreciated his comment.

Ms. Dunne asked if they had any photographs – he said he (Mr. Pasqualoni) was watching the work being done for a week – do you have any photographs. She said she was just wondering if maybe it's significant if he's saying that the town took soil out of a wetland area.

Chairman de Jongh said he thinks the issue and point was raised by Mr. Gancarz that they have Mr. Conklin's testimony that they did 2' contours – that was post – the problem is they have no bench mark against which to measure those 2' contours so the results that they have currently can't be measured against anything previously because they don't have previous contours so while the information is probably accurate they don't know what to measure it against.



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 the applicant for the sedimentation and erosion control bond.

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

2.	Permit Application	APP	#2013-025
	Town of Cheshire	DOR	9/03/13
	330 & 355 Blacks Road Bridge Replacement	MAD	11/07/13

Walter Gancarz, Town Engineer was present.

Mr. Gancarz said that the town's consultant Milone and MacBroom was also present and while they were setting up he would give the Commission a quick overview of what they have going on or proposed to going on.

Mr. Gancarz stated that Blacks Road is one of the bridges in town that's in not very good shape – he said actually an application was made for local bridge program funding about a year and a half ago and they actually are receiving a 31% grant to rehabilitate this bridge with what's been proposed is a full replacement at that site – a similar size bridge – same area of the watercourse and so they'll (Milone and MacBroom) will get into a little bit further detail but their idea is to come before the Commission now pursue their inland wetlands permit then their Corp of Engineers permit and hopefully this is going to be a referendum item this fall for the town's share and be in construction next year.

Commission members received copies of photos of the bridge and plans.

Kirshor Patel, Structural Engineer, and Project Manager with Milone and MacBroom introduced himself to the Commission. Shelley Plude Structural Engineer with Milone and MacBroom was also present.

Mr. Patel said as Mr. Gancarz mentioned this is the reconstruction of Blacks Road Bridge. He said basically the bridge is under the

**Connecticut DOT funding local bridge program and as mentioned there is a grant for about 31%.**

**Mr. Patel said his firm actually flagged all the wetlands – Matt Sanford – he’s the soil scientist – he flagged all the wetlands on site and then he surveyed it and it’s depicted it on our base maps.**

**Mr. Patel said to give a little history about the existing bridge – the existing bridge was built in 1960 – the existing bridge is approximately 15’ long – it’s 26’ wide – the existing bridge structure is made out of distressed concrete deck units – they’re actually in pretty decent shape – the abutments were built in stone and they have deteriorated extremely and they’re in critical condition therefore the replacement of the bridge.**

**Mr. Patel said there’s also on the east side of the buffer there’s also some potential scour along the toe of the abutment.**

**Mr. Patel said just going back to the existing abutments – they’re stone abutments and they’ve deteriorate quite a bit – you see the missing stones and everything on the photos – there’s also some potential scour along the toe of the east abutment.**

**Mr. Patel explained that the existing concrete curbs are in pretty bad shape also – the railings are substandard as you can see in the photos.**

**Mr. Patel said on the bridge there’s also quite a bit of utilities. He said the overhead runs east to west – it’s on the north side – there’s also a 16” water main that runs on the north side – there’s also a 27” water main that’s a main trunk line that runs through the center of the roadway and it actually passes below the streambed.**

**Mr. Patel said they actually conducted a bridge type study for this bridge and they’ve looked at three different alternatives – one of the alternatives was a single span bridge – that’s what they’re actually proposing but Shelley will go into more detail of that.**

**Mr. Patel said they also looked at a three-sided boxed culvert with footings and they also looked at a closed boxed culvert but the boxed culvert wasn’t really feasible because of the 27” sewer main – it would actually have to be relocated and that would actually cause more issues so they actually went with the single span bridge. He said Shelley will go into the proposed improvements to the site.**

**Dr. Dimmick asked if it was possible to get a closer look at those pictures.**

**Mr. Patel brought the pictures to Commission members so they could be reviewed in more detail.**

**Ms. Shelley Plude addressed the Commission. She said as Mr. Patel mentioned after they went through their type study phase what they ultimately arrived at is what they are showing here which is pre-stressed concrete deck units supported by integral abutments on micro-piles. She said the driving factors in this design were the sewer main; she said you can see if you look at the profile you can see just how close that sewer main is the bottom of the stream so that was one of the driving factors – that along with the hydraulics.**

**Ms. Plude said the new bridge is going to increase the hydraulic opening – their going from the existing span which 15' – they are opening it up to 20'.**

**Ms. Plude said the reason they are doing this is because right now as the stream comes through its getting choked down by the bridge which speeds up the flow and is causing the current scour problems.**

**Ms. Plude said by putting this bridge on integral abutments with micro-piles their able to avoid impacts with the sewer main – they can stop the abutments above the sewer main and drive the piles on either side – the piles also help with the scour issue and then they also minimize the amount of excavation they are going to be have to be doing. She explained if they were doing a full spread footing it would mean more excavation – more impacts.**

**Ms. Plude said the super structure – the pre-stressed deck units are going together very quickly – hopefully minimize the construction time.**

**Ms. Plude said they are doing wing walls on all four sides to accommodate the channel improvements that they're doing and also the drainage they're installing on the bridge.**

**Ms. Plude said the hydraulic analysis showed that the roadway does over top a little bit in the 100 year storm so they are making some minor modifications to the roadway profile – she said as you can see the construction limits start at one point and end a couple hundred feet on the other side of the bridge.**

**Ms. Plude said they're basically raising the low point which is where these catch basins are now by about 6" and that's going to help with the flood condition and because of that they're going to be installing two new catch basins and two catch basins on the other side – all four of these new catch basins are going to have a 4' sump which is going to allow all of the sediment in the drainage system to settle in the catch basin and this is going to help with the water quality – she said right now she didn't believe the catch basins have a sump so that sediment can just flow through the system – there's some clogging of the existing pipes.**

**Ms. Plude said on one side they're going to run it straight through one of the wing walls – it will be protected against scour because they are going to be armoring the channel; she said on this side they're going to have a rip rap pad that's going to help dissipate it before it goes into the stream.**

**Ms. Plude said the reason why they relocated the one she pointed to on the plan was – why they are putting this one into the stream north of the bridge is because they're very conscious of that 16" water main – its right along the north side of the bridge.**

**Ms. Plude said in addition to the bridge itself they are doing some channel improvements – they are going to be rip rapping the stream – they are going to be putting the center of the channel just slightly to the center of the current bridge because the way this stream is coming in its wants to go in that direction so they are basically going to provide an armored channel that's going to prevent it from moving around in the future.**

**Ms. Plude said the way this bridge is set-up they will be able to construct this is a single stage – you can just coffer dam the current channel – you won't have to provide any temporary bypass – it will keep continuous flow; she said she believed this was a stocked fish way so they will provide continuous fish passes throughout construction.**

**Ms. Plude said they'll be doing sediment and erosion control around the site to prevent runoff from getting into Honey Pot Brook and they're also very aware of the well field that's just north and they've been in contact with RWA throughout the project to make sure they're meeting any requirements they may have.**

**Chairman de Jongh asked how many micro-piles they are going to be using on this.**

**Ms. Plude said she'd have to look that up in the plans – she said they have a rough number set up (12 on each side as noted by an application representative from the audience).**

**Dr. Dimmick asked if they'd be butt up against each other or will there be gaps between them.**

**Mr. Patel said basically they'll be about 24 piles and they'll be 12 on each abutment and wing walls together and they'll be spaced out approximately 3' on center – it might be spaced a little bit further where the sewer the main is so that they avoid any contact with that.**

**Dr. Dimmick said particularly if you are not absolutely certain where that line is – it could be off by 3'.**

**Mr. Patel said they'll expose that because basically right now if you go underneath the bridge you can actually feel the top of the concrete encasement of the sewer main.**

**Dr. Dimmick said and by doing it that way you'll be able to install each one in the dry.**

**Mr. Patel stated yes. He said they will coffer dam the center of it and then they'll excavate behind it.**

**Dr. Dimmick said and then it will take four days to cure after you put a micro-pile in.**

**Mr. Patel said it should take about four days to cure – they'll probably sure all of them all at the same time – it will probably take them about three days to drill all of them and then they'll probably fill them with concrete after that so.**

**Dr. Dimmick asked is that standard size rip rap you're putting in.**

**Mr. Patel stated no – its intermediate rip rap.**

**Dr. Dimmick said the velocities can get fairly high there.**

**Mr. Patel said their hydraulic engineers actually did the calculations and he thought they were close to 7' per second – he said he'd have to double check but they've sized it according to the velocity.**

**Dr. Dimmick said he's seen smaller rip rap suddenly move down the channel if it's not large enough.**

**Mr. Petal stated they'd double check that.**

**Chairman de Jongh asked what the anticipated start date was and how long they expected the project to last.**

**Mr. Patel said they're anticipating the start date to be May 1, 2014 and it should be approximately three to four months of construction time and they're also planning to close the road during the construction because there's an easy detour to it.**

**Chairman de Jongh asked if that's the same time it took to do Country Club by Round Hill.**

**Mr. Gancarz said one of the reason's its proposed for next year is there's actually three parallel bridges – this being the first one – Blacks Road, Creamery Road and East Johnson. He said right now it looks like one would go next year – the next one the following year and East Johnson the third year but for folks like us who live on the north east side town you need a way out and you can't have them all closed at the same time.**

**Dr. Dimmick said one other question – obviously you've been in touch with the Water Company who's owns the property to the north – who owns the property directly to the south of it.**

**Mr. Gancarz said he had an initial conversation with that property owner even before they started the deign – now that they have design plans he's going to go out and talk to him and also have him as an owner on this (Mr. Gancarz could not recall the property owners name at this time).**

**Mr. Gancarz said he did initially have a discussion with him saying what was proposed and at that point there really wasn't really anything to show him but certainly concurred that the bridge was in need of repair.**

**Ms. Plude said the name on the plans is Keith Mitchell trustee.**

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

**There were no other questions asked.**

**Chairman de Jongh asked if they had sufficient information to move forward.**

**Ms. Simone stated yes.**

**Dr. Dimmick said the question is do they or do they not need a public hearing on this since its potentially significant if anything goes wrong. He said based on precedence they may have to deem this activity significant and have a public hearing just because that's the level they've always done on something of this size.**

**Motion: That the proposed activity of this application is significant under section 10 of the Commission's regulations specifically section 10.2 a (environmental impacts of the proposed regulated activity), c (the relationship between short term and long term impacts of the proposed regulated activity on wetlands and watercourses) and f (impacts of proposed regulated activity on wetlands or watercourses outside the area for which the activity's proposed especially downstream of the proposed activity).**

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

**Dr. Dimmick asked if they checked with the State to see if this is going to need a diversion permit clearance since they are changing the characteristics of the stream.**

**Mr. Patel said no they actually went through this with the State - they've emailed them and they've been in contact with them and they don't require a diversion permit for this.**

**Dr. Dimmick said sometimes if you change the channel dimensions more than a certain amount they require a permit.**

**Mr. Patel said they've checked with them (the State) and they were fine with it.**

**Motion approved unanimously by Commission members present.**

**A public hearing was set for Tuesday, September 17, 2013 at 7:30 p.m.**

**The Commission returned to item one umber unfinished business at 7:50 p.m.**

3. **Request for Determination** **APP #2011-025A**  
**1392 Cheshire Street**  
**Extension of Lawn & Fence**

**At 8:17 p.m.**

**Nancy Devancy was present on behalf of the request for determination.**

**Ms. Devancy said she is purchasing the property 1392 Cheshire Street and it actually has wetlands and she put in a letter actually looking to see if she could put a fence in the backyard that would border the current vegetation area but not beyond it.**

**The Commission reviewed a plan of what was being proposed.**

**Chairman de Jongh stated this was a property that came before us back in late December 2011 – received approval January 17, 2012.**

**Chairman de Jongh said many of us on the Commission did the site visit on this property and recognized that it was a lot of wet area in the back and adjacent and when he says adjacent he is going to say to the northerly side.**

**Dr. Dimmick said adjacently to the northerly side – it border actually on both the east and north side just off the property on the south side and in fact they saw water some 30' closer to the house than the actual wetland line so there was flooding well beyond the delineated wetland line.**

**Chairman de Jongh stated this was a challenged piece of property and part of the issue that this Commission had to work with was that there was a court decision for the age restricted property to the south of this piece that forbid the Commission from being able to take a look the wetland impact in the whole area so they were preclude from taking a look at what was going on south of where you are which is not the way we normally try to operate – and I'm just paraphrasing – so he's just trying to let the Commission members know what the history on this is if their not familiar with it.**

**Chairman de Jongh said in walking that piece and in granting that approval – the approval was granted with stipulation that there be non-encroachment markers put in the backyard and that the area beyond the non-encroachment area was to basically remain in a natural state – not to be mowed – not to be grassed – not to be used**

– just a protective measure and those posts were to delineate that non-encroachment line and there were also supposed to be plantings that were put along that non-encroachment line.

Chairman de Jongh said according to the pictures that were sent to us attached to the letter that was sent – your request is not only to remove the posts in the middle of the yard but to put a fence back to the area of the edge of the grass if you will – to extend a little bit but to ignore beyond the non-encroachment line and eliminate some of the non-encroachment markers.

Chairman de Jongh said speaking for himself he was not all that in favor of the approval of the property in the first place because of the challenging circumstances or conditions that surround the property.

Chairman de Jongh said he said they came to an agreement and to a concession for everybody where they were able to allow the house to built with a limited lawn space but recognizing the integrity of the wetland area because it is under-pressure.

Chairman de Jongh said not only having the plantings not been put into place but your request to remove some of the post and basically expand what they permitted to be the lawn area goes against what was permitted in the beginning.

Chairman de Jongh said even on the map it says ‘no disturbance of any kind shall be allowed beyond the non-encroachment including the establishment of lawn with or without approval consent of the Cheshire Inland Wetlands and Watercourses Commission’ and yet there’s mowed lawn and no plantings.

Chairman de Jongh said as one Commission member out of seven – he is questioning why the requirements that were part of the permit were not completed – let alone can we kind ignore some of them and do away with some of the stuff so he has a real problem with that – but that’s just him.

Dr. Dimmick said in fact it is possible for us to revisit the original permit and say that the conditions of the permit were not followed through and reopen the whole thing and see about undoing it – it isn’t done very often but it is a possibility.

Mr. Siniscalco, the owner of the property addressed the Commission – he said he owns the property and built the house – he said they did

not encroach on the encroachment line at all – he said they have a silt fence there all the time ahead of those posts.

Dr. Dimmick said but somebody's mowing that land and it's supposed to be left un-mowed.

Mr. Siniscalco said yes where the tree he mowed the grass there a couple of times.

Dr. Dimmick said and you're not supposed to.

Mr. Siniscalco said that lawn has been there and you'll see it right on your print – that is an existing patch of grass that's been there before he brought the house – this property.

Chairman de Jongh said he understands that but what he's getting at Mr. Siniscalco is that the property was approved to be built on with the understanding that there was going to be a non-encroachment line crossing over what was the existing lawn and that non-encroachment area was supposed to go back to normal vegetation without being mowed and without being used.

Dr. Dimmick said so you've been violating the original permit by the mowing the area that we said if you got the permit you were not to mow.

Mr. Siniscalco said he thinks he cut it twice.

Dr. Dimmick said twice is twice more than nothing.

Mr. Siniscalco said the actual request that they were probably looking for – he said if you noticed on the print the wetland line goes back about 30' beyond the encroachment line at that point.

Chairman de Jongh said he understood that.

Mr. Siniscalco said and all they were asking for was if they could move that second post back say 20' or 15' just to give her a little bit beyond that tree. He said you know because it was existing – it's not in the wetlands – in fact it was questionable whether that is really wetlands if they remembered when they started with this whole thing.

Dr. Dimmick said yes because he thought the wetland line would be much closer to the house because the water was much closer to the

house – he said you're not listening to us – you got a permit to rebuild that house only if you followed the bit of allowing the part beyond these non-encroachment markers...

Mr. Siniscalco interrupted Dr. Dimmick and said he's asking if there's any chance if just moving that post back 15' or 20' to give a little lawn area – he said he's asking for a variance if you will – he said he wasn't trying to get into an argument about this

Chairman de Jongh said he understood the request – he said he appreciates what he's trying to do and one of the things they always try to balance is the use of the property owner versus the long term integrity of the wetland area and that's a struggle that they've dealt with – he said he's been on the Commission 26 years and its been struggling with that longer than that so he understands exactly what he's asking to do.

Chairman de Jongh said when we permitted this property to be built it was with the understanding that there was a lot of argument in favor of not approving this to be built – the concession to allow it to be built was yes ok we can build it but we have to be able protect the integrity of the wetland with a non-encroachment area to allow the wetland to do what it normally does.

Mr. Siniscalco interrupted Chairman de Jongh and said which they did.

Chairman de Jongh said but they didn't finish it thought – he said you just put posts in but you didn't put the plantings in which were part of the plan.

Mr. Siniscalco again interrupted Chairman de Jongh and said they didn't go for a CO yet.

Chairman de Jongh said he understood that so what you're asking for tonight though is for us to change the approval that we gave you and reduce the non-encroachment area and what he's saying is that in order for that approval to granted that is what this Commission decide that this is where the non-encroachment area is going to be – you will put in plants on that and will allow that non-encroachment area to grow back to natural vegetation as part of the wetland area to do its function to increase the size of the lawn area is not what we're going to permit you to do at least not what we've permitted you to do up to this point.

**Mr. Siniscalco said you can't knock a guy down for trying.**

**Chairman de Jongh said kudos for trying.**

**Mr. Siniscalco said we have a potential buyer here that asked us to if there's any chance of getting a little more lawn so that's why there here tonight.**

**Chairman de Jongh said he's stating his opinion and he's not speaking for the other five or six people on this Commission.**

**Ms. Dunne said so what is exactly before us – a request to do what.**

**Chairman de Jongh said the request before us is to basically change the non-encroachment line – move it back 15' or 20' if he's correct.**

**Ms. Simone stated it's a determination to see if a permit is needed.**

**Chairman de Jongh said it's a determination to see whether or not an application is needed to come before us to chance what they were permitted to do.**

**Ms. Dunne said and it sounds like we would think that an application would be required.**

**Dr. Dimmick said an application to modify the original conditions of the permit.**

**Chairman de Jongh stated yes – he said that's the only way they could consider it.**

**Ed Barnett, 75 Windermere Court addressed the Commission.**

**Mr. Barnett said he was just curious for the wetland line that's drawn and where the plantings are – you've drawn a straight line thought there versus a line where the wetlands are – that was the original area – he said they didn't touch the existing lawn that was there but a line was drawn – in some places its 4' – the post is 4' from wetlands and in other places its 20' from the wetlands – he asked if there was any reason why that was done that way.**

**Chairman de Jongh said and again in an effort to try to comprise the future homeowner to allow a piece of property to utilized – this Commission typically requires as they had the conversation with Mr. Sipperly earlier this evening – this Commission typically requires 50'**

setback from the wetland for a non-encroachment line – to do 50' would be in the back of the house on this property – it wouldn't give you virtually any lawn at all so what they tried to do was to give you an area where there would be some lawn again but trying to stay consistent as much as they could given the constraints of this property – because if they tried to do 50' all the way around there would be much of a lawn – you could probably put in a three ring pool and that's about it and maybe a swing.

Chairman de Jongh said so they tried to compromise with the homeowner and come up with something that was usable for the homeowner but satisfying this Commission's requirements.

Mr. Barnett asked the way it's drawn now could they put a fence right on the encroachment line in front of the plantings.

Chairman de Jongh said he had no problem with that he thought that was great.

Chairman de Jongh said the purpose of the non-encroachment line is to make a visible barrier not just for the current homeowner but for future homeowners to recognize that fact that beyond that nothing should be done – its to protect the wetland area.

Chairman de Jongh said the Commission typically requires plantings of some kind – if you want to put in a fence he for one had no problem with that again he can't speak for the rest of the Commission members.

Ms. Simone asked if she could just suggest that if there is a request for just the fence that perhaps the Commission could entertain two requests – the one that's been submitted to the Commission for review and then one specific to the placement of a fence along the non-encroachment line that way it keeps the record clean and everyone is informed.

Ms. Simone said so if there inclined to do that it could be considered a second request just for the fence and the Commission could take that up separately.

Chairman de Jongh said he understood that posts in a backyard are dangerous – he said he has two grand kids and there's no way you can keep them in a 20' area so posts by themselves present some safety problems but they're there for obvious reasons – if you

wanted to put in a fence that's a visible barrier where no one is going to go beyond that fence.

Ms. Devancy said what she was looking to do was just to follow the current vegetation line on the property that's there now and not go past that.

Chairman de Jongh said he understood that but the current vegetation line on the property is right up against the wetland area and that's not something at least that this Commissioner is going to entertain.

Chairman de Jongh said it's a major modification of what was permitted to be done when the approval was granted –again he can't speak for the rest of the Commission members.

Mr. Barnett said he understood that but a basically he's looking at how its drawn where there's a straight line and some posts are close to the vegetation and others are not – that would be his only question.

Chairman de Jongh said he thinks what they tried to do - and there were different pockets of wetlands which are more valuable than others – certainly towards the back of the property its significantly more valuable than to the sides and when we had this discussion he knew that he for one was concerned about the wetland – there's a wetland finger on the map that goes to the southerly portion of the property where there's no protection at all – he said he raised that during the site visit and we realized that may not be as significant as some of the other areas so we tried to come up with a comprise to allow some kind of lawn to be present – the installation of a fence is as staff had indicated could be something that they could entertain separately but he for one had no problem with that.

Mr. Barnett said ok but the question of having a fence along the actual wetlands – it's that something he would vote on.

Chairman de Jongh said for him he would not he would not allow it because its not – it voids the purpose of a non-encroachment area and it doesn't provide any protection for the wetland whatsoever because its not just the vegetation its an area in front of that where there's a flood plain and that area was significantly flooded when they were out there initially looking at that property – it was under pretty good stress.

**Mr. Barnett said he would suggest if you look at it now it would be different than what it looked like before based on what they did – the improvements that they made – it’s now dry as a bone.**

**Chairman de Jongh said again they take a look at this at the time that they have the application before us based on wetland soils and we make a determination based on that – we can’t go back into post conditions and re-evaluate our decisions.**

**Mr. Siniscalco said the elevation there is the same as it is on one side of the encroachment line as it is on the other – where the grass had been growing previously – there’s no difference in elevation.**

**Chairman de Jongh said again he understands what they are asking to do.**

**Mr. Siniscalco said with the fence in the front they are still planning on putting the vegetation behind it.**

**Mr. Barnett said unless they approve a fence versus vegetation – the fence is an alternative to vegetation – would that be acceptable.**

**Dr. Dimmick stated no.**

**Chairman de Jongh said again he thought that was something that – before us right now is a request for determination of whether or not you can remove some of the posts and put in a fence or put in some kind of barrier 20’ beyond that’s already been permitted.**

**Chairman de Jongh said that’s really the issue we have here tonight.**

**Chairman de Jongh said the separate issue is if you can change what that visual barrier looks like and we can entertain that as a separate issue but he thought they needed to act on what’s before us this evening and that’s on the request for determination to remove a couple of the posts in the center of the backyard and push the non-encroachment line back 15’ to 20’ – that is what the request is for this evening.**

**Mr. Kurtz stated that it’s not a question of determination because there’s a permit that is already in place and if there’s any request to be made at all it would have to be a modification of the permit which is out of sequence.**

**Motion: That the Commission denies the request for determination and would require an application to modify the existing permitted activity on the property at 1392 Cheshire Street.**

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

**Chairman de Jongh said the next step would be if they wanted to do some type of fence or what have you they could certainly entertain that.**

**Mr. Siniscalco asked if they go along the way their permit is and they fully intend to do that – put the vegetation in – now comes the issue of a fence – that’s actually out of the wetlands so actually you people probably don’t even have jurisdiction over it.**

**Chairman de Jongh said they require that there be plantings along with the posts so if you put in the plantings that’s fine – if you decide to put in a fence after the fact as long as it’s not behind the plantings he had no problem with that.**

**Dr. Dimmick said as far as jurisdiction is concerned each town is allowed within limits – each wetlands commission to determine how far back from a wetland they have jurisdiction – the Town of Barkhamstead says anything within 600’ of a wetland is in their jurisdiction – we in this town normally said automatically anything with 50’ of a wetland and in some cases even further if we think there’s a possibility of impact on the wetlands.**

**Dr. Dimmick stated so yes – we have jurisdiction –guaranteed.**

**Chairman de Jongh said he didn’t mean to present the issue that that would not be something – he said if you for example just wanted to put a fence in and not put in any plantings – we would need to know what kind of fence, how its going to be put in – if there’s going to be creosote – that kind of stuff.**

**Mr. Siniscalco said they are talking about a fence plus the plantings.**

**Chairman de Jongh said that’s fine – he said what you are permitted to do is to put the non-encroachment markers in with plantings – if you wish to put in a fence in front of the plantings he as one would not have a problem with that.**

**Ms. Devancy, Mr. Siniscalco and Mr., Barnett thanked the Commission.**

- 4. Request for Determination APP #2005-027B  
Thomas Norback  
270 Mountain Road  
Deck**

**Mr. Norback recused himself from this portion of the meeting at 8:35 p.m.**

**Chairman de Jongh reviewed with the Commission the request for the installation of a deck which is going to be adjacent to the existing footprint of the house – about 11' from the house and it will be put on sonatubes and there's going to be a staircase.**

**Ms. Simone said she did go out to the property today there are erosion controls surrounding the property in the proposed work area.**

**The Commission reviewed the plans for the proposed deck.**

**Chairman de Jongh said it looks like from the information they have before them that the activity is in an area that has already been disturbed – it is now lawn area and then the sonatubes are going to be that existing lawn area just to support the weight of the deck as he understood it.**

**Thom Norback, 383 Gunner Court was present.**

**Mr. Norback said to answer the question – the sonatubes which would be three would be 11' from that portion of the house – one section of the house would actually steps back about 5' to 6' more than that so you can say its actually 6' past that portion of the house.**

**Dr. Dimmick said and you say its 8' tall and will it be open underneath.**

**Mr. Norback said it will be about 8' tall and it will be open underneath.**

**Chairman de Jongh said he noticed there was some siding missing below the slider.**

**Mr. Norback said that's the expected location of the deck and the erosion controls in place in that area which is actually a flat area – the erosion controls that are in place there are called waddle – and its just a tube of erosion control and its been extremely effective and easily effective he might add because they have grade issues that are favorable in that particular area – the most significant grades are after the waddle and north of the waddle where they've gone with silt fence that had some close to breaching issue because we had some heavy rain since the construction started and he actually doubled the silt fence in that area to mitigate.**

**Dr. Dimmick said if we determined that you don't need a permit would you still be willing to file an as-built with the town just so we know what did go in there.**

**Mr. Norback stated he had to do an as-built anyway so he would certainly make the town privy to it – showing the deck on it.**

**Chairman de Jongh said he didn't see a problem with this request.**

**Motion: To declare the proposed modification de minimus and not requiring a modification of the permit.**

**Moved by Dr. Dimmick. Seconded by Mr. Brzozowski. Motion approved 5-0-1 with Mr. Norback not being present for the vote.**

**Mr. Norback returned to the meeting at 8:40 p.m.**

**5. Beachport**

**Ms. Simone said by majority vote the Commission can add this item to tonight's agenda.**

**Dr. Dimmick moved to allow this item to be added to the agenda. Seconded by Ms. Dunne. Motion approved unanimously by Commission members present.**

**Chairman de Jongh said apparently Beachport wanted to make some improvements in their property and they wanted to put a structure in nearby one of the buildings and they needed a variance from the town to do what they wanted to do – the variance was denied so anyway they got permission to put in this structure but apparently they put the footings for this structure in the wrong place so now they need the variance anyways because the footings are already in.**

**Dr. Dimmick said this mainly came in front of us because they are changing the drainage off the parcel that they originally had.**

**Ms. Simone stated yes – there are no wetlands on the site – the wetlands are located off site.**

**Chairman de Jongh reading the letter into the record:**

**“Robert de Jongh, Chairman**

**August 30, 2013  
Cheshire Inland Wetlands and Watercourses Commission  
84 South Main Street  
Cheshire, CT 06410  
Re: IWWC Permit #2009-001**

**Cheshire Housing Authority, Foote Commons f/k/a Beachport Family Housing; 356 and 366 West Main Street, Cheshire, Connecticut**

**Dear Mr. de Jongh:**

**This correspondence shall serve as a request, on behalf of the Cheshire Housing Authority, for a determination that the proposed change in the rear setback of Building 1 from 17 feet to 12 feet as requested in its Application for Special Permit – Modification and Request for Waiver, does not require a modification of the above referenced Inland Wetlands and Watercourses Permit. I would appreciate the Commission's review of this matter at its next regularly scheduled meeting and advise accordingly.**

**If you have any questions concerning this matter, please feel free to call me at any time.**

**Very truly yours,**

**Kevin J. Hecht”**

**Dr. Dimmick asked Ms. Simone if this is any way manner or form change the drainage characteristics coming off this site.**

**Ms. Simone stated her understanding it does not but they are seeking to modify their Planning and Zoning permit and so since there's a wetlands permit they wanted the Wetlands Commission to**

**weigh in on it so this Commission could submit a report to Planning and Zoning saying it was reviewed and what the findings were.**

**Motion: Having looked at the change that this Commission finds there is not change in the conditions of the original Cheshire Wetlands permit for this parcel and therefore no permit modification from the Commission is necessary and they will so report to the Planning and Zoning.**

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

#### **XI. ADJOURNMENT**

**The meeting was adjourned at 8:43 p.m. by the consensus of Commission members present.**

**Respectfully submitted:**

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