

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
REGULAR MEETING  
TUESDAY, OCTOBER 15, 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, and Will McPhee (left the meeting at 8:14 p.m.).**

**Member absent: Earl Kurtz and Thom Norback.**

**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, Dave Brzozowski, and Will McPhee.**

**IV. DETERMINATION OF QUORUM**

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

**V. APPROVAL OF MINUTES – Regular Meeting – October 1, 2013**

**Chairman de Jongh suggested suspending the approval of the regular minutes October 1, 2013 to the end of the meeting.**

**There was no objection to postpone the approval of the minutes to the end of the meeting.**

**At 8:30 p.m.**

**Motion: To accept the minutes from the October 1, 2013 regular meeting as amended.**

Pg. 4 L19 “state” to “state forest”, “buts” to “butts”, L27 ; “they” to “the”, L29 add “to” before “re-vegetate”; pg. 10 L6 “a” to “are”, L22 “initiated” to “inundated”; pg. 15 L34 “ and” before “septic”.

Moved by Ms. Dunne. Seconded by Mr. Brzozowski. Motion approved 4-0-1 with Mr. McPhee not being present after 8:14 p.m. this evening.

## VI. COMMUNICATIONS

1. **Staff Communication: Town of Cheshire, West Main St. to Jarvis St. Application #2013-026**

This communication was reviewed.

Ms. Simone stated this was an application for the Town of Cheshire and it's on the agenda under unfinished business tonight.

2. **Staff Communication: South Meriden Road, Bishop's Corner, Lot 4 Request for Determination #2013-029**

This communication was reviewed. This item is on the agenda under new business.

3. **Staff Communication: Shawn Stanziale, South Meriden Road, Lot 1 Application #2013-027**

This communication was reviewed. This item is on the agenda under unfinished business.

4. **Staff Communication: Dante Pasqualoni, 815 Allen Avenue Application #2013-024, Inland Wetland Filling**

This communication was reviewed. This item is on the agenda under new business.

5. **Staff Communication: John Romanik, Jr., Whispering Hollow Court, Lot 6**

This communication was reviewed. This item is on the agenda under new business.

6. **Complaint: 35 Sudol Court, mowing of upland area, Permit #2010-008**

This communication was reviewed.

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

**7. APEX Developers on South Meriden Road  
Re: Enforcement Action & Show Cause Hearing**

**Ms. Simone stated this communication was a copy of report relative to the enforcement action and show cause hearing that was heard by the Commission at the last meeting for the Subdivision at APEX Developers on South Meriden Road.**

**Ms. Simone stated this communication was from the engineer relative to the location of the clearing limits and the condition of the erosion controls onsite.**

**VII. INSPECTION REPORTS**

**1. Written Inspections**

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

**2. Staff Inspections**

**a. Sudol Court**

**Ms. Simone reported that staff inspection of 35 Sudol Court; she met with the property owner on Friday, October 11, 2013 to verify what was done.**

**Ms. Simone explained the permit that was granted in 2010 allowed for the annual mowing of the upland review area – this area is not kept as a lawn but its kept as a meadow area as tall grass and they did recently mow that area – they did go up to the trees in the upland review area and remove Bittersweet invasive vines that were evidence still hanging up in the higher canopy of the trees.**

**Ms. Simone explained they worked through to the backyard area furthest away from the house where there's more trees and they did the same there – there's still evidence of Multiflora Rose and Bittersweet growing in that area.**

**Ms. Simone said the neighbor did complain about the mowing but she did not find anything that was in contrast or conflict with the permit that was issued.**

Chairman de Jongh said just to address the complainant that we should just let them know that we reviewed the record and everything was done as permitted.

Dr. Dimmick said it mentioned particularly that annual mowing is permitted.

Ms. Simone stated yes.

Chairman de Jongh stated that's right.

#### 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 again this is just ongoing monitoring until 2019.

2. **Unauthorized Activities in a Regulated Wetland Area** SC 9/17/13  
Apex Developers, LLC  
South Meriden Road

Chairman de Jongh said and as staff indicated there was a communication they got from Milone and MacBroom.

Ms. Simone said the communication – she could read it into the record – it's dated October 11, 2103; it was received today, October 15, 2013; in summary it stated that Dear Chairman de Jongh: At the request of the permittee for the above-referenced subdivision, we have reviewed the location of the installed sediment and erosion control measures at the limit of clearing on Lot 3-6 (Ms. Simone said when she spoke to the engineer today they did clarify that it actual read 2-6). The location of the silt fence and woodchip berm does not extend beyond the limits of clearing shown on the approved subdivision plans. The sediment and erosion control measures were installed in conformance with the subdivision plan and are presently in good condition. We have attached the limit of the clearing/sediment and erosion control measures that were identified in the field and shown on the approved subdivision plans.

Ms. Simone said and attached is an 11" by 17" summary showing what was shown on the approved subdivision plan for the limit of clearing and what they field located as limit of clearing.

Ms. Simone said and there is someone here from Milone and MacBroom.

Chris Hulk, Civil Engineer from Milone and MacBroom was present representing the applicant.

Mr. Hulk explained they did go out to the site and they GPS located the limit of clearing done with the sediment and erosion controls – they silt fence with the woodchip berm that was installed at the base of the silt fence and it does not appear that they went beyond the limits of clearing that were shown on the original subdivision that was approved.

Chairman de Jongh asked if there were any other questions from Commission members (there were not) and if they were satisfied with the information received (there were not objections).

Chairman de Jongh thanked Mr. Hulk.

Chairman de Jongh said the Commission would allow staff to work her magic pen and have the necessary wording at the next meeting for public distribution.

**IX. UNFINISHED BUSINESS**

1.	Permit Application	APP	#2013-026
	Town of Cheshire	DOR	10/01/13
	West Main and Jarvis Street		
	Construct Farmington Canal Greenway	MAD	12/05/13

Chairman de Jongh said there was some discussion – technically they were going to do the public hearing on Tuesday, November 5 but that's also election day and there will probably be a significant amount of interest from the public so it was decided that they would look at alternative days – Wednesday, November 6 the Council Chambers are called for so the next available date is Thursday, November 7.

Dr. Dimmick said it turns out our schedule last January set the meet for Thursday, November 7 instead of Tuesday, November 5 anyway.

Chairman de Jongh asked if there was any objection to that.

There were no objections noted.

Chairman de Jongh said they will notice the public hearing and they have ample time to do that so they'll notice the public hearing for Thursday, November 7, 2013.

Chairman de Jongh stated the site walk is scheduled for this Saturday, October 19 at 8:00 a.m.; that will probably take an hour and a half and as we talked during the meeting last time the length of that would require us to position cars at both ends of the site visit so they that they'll walk one length of it and be able to drive back to where our cars are; cars can be positioned on West Main Street and then kind of walk the length of it and drive back so we'll car pool at both ends if that's acceptable; we can coordinate that that morning and kind of go from there.

Chairman de Jongh said in the event of substantial rain – and I would like to say substantial I think this should be held if it's raining but if it's a down pour – if we have a deluge – if we have a tsunami then obviously that's going to be canceled – I don't expect any of that to happen from what the weather forecast is – it looks like it's going to be pretty decent out Saturday.

Dr. Dimmick said the weather forecast says possible showers Thursday and Friday but just cloudy on Saturday.

Chairman de Jongh said so unless otherwise posted we will have that weather permitting but again the weather has to be pretty bad for us to cancel this.

Ms. Simone said the Town is going to be sending letters to all the abutting properties to let them know there's a public hearing so it's likely that there will be many people in attendance.

2.	Permit Application	APP	#2013-027
	Shawn Stanziale	DOR	10/01/13
	South Meriden Road		
	Site Plan – House	MAD	12/05/13

Chris Hulk, Civil Engineer from Milone and MacBroom was present representing the applicant.

Mr. Hulk displayed the plan for the proposed activity.

Mr. Hulk said they received some comments from the Engineering Department requesting some calculations referring to the rain garden that we have located on site.

**Mr. Hulk stated he (the Town Engineer) indicated that there was an increase of impervious area from the previously submitted plan as part of the overall subdivision of Bishops Corner.**

**Mr. Hulk said to elevate the increase in flow we have increased the size of the rain garden and submitted our calculations to the Engineering Department – they had accepted those and he believed they didn't have any other issue with the application.**

**Mr. Hulk said he believed they have submitted plans showing a non-encroachment line.**

**Ms. Simone stated she didn't receive that today.**

**Mr. Hulk stated they did plan on submitting a plan showing a non-encroachment line that would be roughly located around the limits of clearing or limits of impact – not to have additional impacts in those areas.**

**Ms. Dunne asked where the markers will be.**

**Mr. Hulk stated the area will be posted with the circular markers on the posts and he said he thought they were submitted today but apparently not.**

**Ms. Simone said she had discussion with Ryan (McEvoy) and he had indicated that they would be dropped off today – she checked periodically and we didn't receive anything.**

**Mr. Hulk said he'd make sure that he conferred with Ryan when he got back to the office – that is the plan to have that shown.**

**Chairman de Jongh said he thought that's really all that staff is waiting for is just to be able to verify what we've heard verbally and he thought once she's received that then unless there's any other questions or comments from Commission members.**

**Chairman de Jongh said Suzanne can go ahead and again kind of put the words together to put the motion for our review and consideration at the next meeting.**

**Chairman de Jongh asked if Suzanne needed anything else on this.**

**Ms. Simone stated no.**

Chairman de Jongh said super then he thought they were in good shape.

**X. NEW BUSINESS**

<b>1. Permit Application</b>	<b>APP</b>	<b>#2013-028</b>
<b>John Romanik, Jr.</b>	<b>DOR</b>	<b>10/15/13</b>
<b>Whispering Hollow Court</b>		
<b>Site Plan - House</b>	<b>MAD</b>	<b>12/19/13</b>

Chris Hulk, Civil Engineer from Milone and MacBroom was present representing the applicant.

The Commission reviewed the plans for the proposed activity.

Mr. Hulk said this lot is lot 6 which was formerly part of the Hickory Knoll Estates – a subdivision located on Whispering Hollow Court; the actual lot is located on the west side of the end of the cul-de-sac on Whispering Hollow Court.

Mr. Hulk said the site itself is roughly 6.5 acres with a wetland corridor that roughly runs through the site – and there are several meandering streams that kind of make there way from one end of the site to the other.

Mr. Hulk said the site as you can sort of see on the plan with the topography around here (shown on the plan) it slopes down steeply and then kind of flattens out in the wetland area.

Mr. Hulk said what they are proposing on this lot is currently a single family house served by septic and well.

Mr. Hulk said you may recall this lot was previously submitted a couple of years ago and when of the things at that plan had entailed was that they were looking to install some box culverts and have a significant amount of direct wetland impacts that would be associated with the box culverts and there'd also be ongoing possible impacts associated with the box culverts as far as running on the sides of it – potential flooding even things as far as limiting amphibian access from one side of the wetland corridor to the other.

Mr. Hulk said currently what they are looking to have done is we are actually going to do a timber bridge – it would be roughly 16' wide located here – shown on the plan – it would also be about 60' long.

Mr. Hulk said the purpose of the bridge would be to help to access the house that would be located further to the west from the wetland corridor.

Mr. Hulk said the bridge itself even though it being significantly more costly would be much better as far direct wetland impacts – it would have a significant decrease as far as impacts and flooding or running along the sides of what would have been box culverts and also allows for easy access of amphibian life to cross the corridor or the bridges.

Mr. Hulk said also unchanged from the other plan is replacement of the existing culverts – here and here – as shown on the plan – the existing culverts now currently are mostly in-filled and are not really functioning to any form of adequacy; they mostly are just a cause of flooding and kind of a deterrent to the area; so we'd be looking replace those two – allow for the natural flow of the river to be maintained.

Mr. Hulk said so as stated before the site would be accessed from Whispering Hallow Court – here – as shown on the plan – the driveway itself would go along the accessway that was currently approved through the subdivision.

Mr. Hulk said he was sure they'd see assuming they go out in the field is there's basically a path that comes along here – shown on the plan – that we have actually just basically put the driveway right on top of and they'd be crossing the wetland corridor with the bridge – also one of the other things that in the wetland corridor area that would be placed underneath the driveway would be a seepage envelop – this would allow for water to pass through the lower parts of the driveway while not undermining the driveway.

Mr. Hulk said we have had several discussions with the Fire Department and there's actually a fire hydrant located at the very end of Whispering Hallow Court and that's one of their main concerns.

Mr. Hulk asked if the Commission liked he answer any questions they might have.

Dr. Dimmick asked if Mr. Hulk had in his office the plans for the previous two times we've turned this down – that might very well like to be able to look at it in terms if we are looking at alternatives to see where you have improved over the times that we've turned it down before.

Dr. Dimmick said he thinks at least four members of this Commission were not here the last time they turned it down – they probably could use that review; he said he knew Suzanne hasn't really had a chance to go back and do her homework on it either but some of us old folkies remember it very well.

Mr. Hulk said they'd be happy to get the old plans and put together a comparison plan of what the previous impacts were – where it was located and some of the other detriments.

Mr. Hulk said one of the other things that was submitted was a well and impact assessment that was done by Bill Root – in that case he kind of outlined some of the previous problems with the other plan as compared to our proposed plan and other benefits of having the bridge versus the box culverts and the limited impacts that we have now.

Chairman de Jongh said he thought along with that information Dr. Dimmick was asking for – if Bill is again going to take a look at the comparative differences between the two – if he could do a summary of that along with that that would be extremely helpful – being able to just take a look at that and point by point be able to see where the differences with the variances are and what the improvements have been over the previous applications and this one – that would be helpful.

Dr. Dimmick said one of the things in at last one of the previous denials was based on some of our field observations that indicated that even at non-wetland island there is over run by spring floods from time to time that is channels going through even the non-wetland thing – it doesn't look all that wet at certain times – at other times the entire corridor there goes under water and that's part of what we had in mind that those culverts were functional for carrying a flood only during normal times – they never were able to carry major flows that go through that area which is tremendous – it comes down out of Prospect and down into that.

Ms. Simone said she had a couple of questions; were the wetlands located in the field.

Mr. Hulk stated Bill Root went out and did a field observation to confirm the locations that were previously submitted and approved.

Ms. Simone asked if there were wetland flags placed in the field.

Mr. Hulk said he would have to double check with them to see if they did put up new wetland flags – there are still currently some wetland flags that are out there; before we would conduct a field walk we could have someone go out and stake the actual areas of where the wetlands are and where the bridge would be crossing and different things like that so we could get a good grasp of where the actual wetlands are versus the impacts we might be having.

Ms. Simone said and the conversations with the Fire Department – do they see this latest plan where you are proposing a timber bridge and did they have any comments about the bridge itself.

Mr. Hulk said one of the comments about the bridge itself would be the Fire Department would be able to access above it or go over it – they also he thought suggested possible a pull over area – we haven't gotten to exactly where they would want it but obviously we would not be locating it in the wetland corridor – what area there might be looking to have it as possible a pull off area – here – as shown on the plan – or somewhere around there but they have not finalized with them (the Fire Department) exactly where they would like it.

Ms. Simone said okay then your still in the process of finalizing the plan based on their comments.

Mr. Hulk stated yes.

Mr. Hulk said another thing as far as the report that was submitted by Bill Root is he does outline some of the previous potential impacts versus what we have now but we could also put together a plan that actually shows with the step-by-step bulleted points and ask him to clarify more fully.

Dr. Dimmick said we have a map in front of us while we here the narrative or read the narrative it makes more sense then trying to picture it all just from the narrative itself.

Chairman de Jongh asked just to go back to some of the conversation Mr. Hulk was having with Suzanne and that had to do with perhaps any changes you might have to make based on Fire Department improvement – will those changes in anyway have further impact on the wetlands.

Mr. Hulk stated the impacts themselves would not be directly in relations to the wetlands – the areas would potentially be on the upland review area probably to the south side of the driveway; we're

basically clearing in this area already to have the driveway there so depending on where they would like it and further discussions with them – they might be acceptable to have a turn off area here – shown on the plan – or they might be able to access it with the existing house just by having the fire hydrant there so we'll have to finalize those conversations with them – but significantly changing plans would not be the case.

Chairman de Jongh asked if they had enough information to determine significance.

Ms. Simone state yes – we're still waiting on the application fee but we have the appendix B that's been submitted which is signed by the applicant and the owner.

Chairman de Jongh said so we'll have the application fee and those particular pieces in place before we move forward at the next meeting.

Ms. Simone said the applicant is aware that the Commission can't take action until everything has been submitted including the application fee.

Chairman de Jongh said he thought they could have the discussion of significance at this point assuming the other pieces would fall into place.

Dr. Dimmick said having gone though this entire process – this being the third time on it – he did think this is going to fall within our guidelines for being significant in terms of potential for significant adverse impact on the wetlands.

**Motion: To declare the proposed activity significant within the context of the regulations under 10.2 a, b, c, and e.**

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

Chairman de Jongh said they could schedule a public hearing for November 7 if that's acceptable.

Dr. Dimmick said if they have all their materials in hand by then.

Chairman de Jongh said that was his next question – whether or not they'd have everything in place and available –if we could get those comments that Dr. Dimmick was alluding to and any information that

**Bill Root might have – if the Commission members could have that prior to the meeting he thought that would be helpful – we can kind of look at that stuff and be able to prepare some questions.**

**Mr. Hulk said we'd definitely get all that information for you as well as get the applicant fee in.**

**Chairman de Jongh said ok then let's assume that we'll schedule a public hearing then for November 7, 2013 – relative to a field trip – again there's at least four members of the Commission right now that have not been able to go out and view this property so if we can do it on the 19<sup>th</sup> its going to be a long morning assuming the first field trip is going to be about an hour plus so we can do it that morning or we can extend it for the week after.**

**Commission members reviewed their availability to attend a field trip on Saturday, October 19.**

**Chairman de Jongh said they'd tack the field trip for this property onto the field trip already scheduled. He said Dr. Dimmick and Mr. Brzozowski could go out there at their leisure.**

**Dr. Dimmick said they'd work that out.**

**Ms. Simone said she would contact Thom Norback and Earl Kurtz to let them know.**

**Chairman de Jongh set the field trip for Saturday, October 19, 2013 about 9:15 a.m. – 9:30 a.m.; he said he was guessing it was going to take an hour plus to do the sight walk for the Linear Trail so he would play it somewhere between 9:15 a.m. and 9:30 a.m.**

**Chairman de Jongh said they'd dispense any further discussion on this pending the results of the field trip and the public hearing on November 7, 2013.**

**Ms. Simone asked if the area of the driveway be staked out for Saturday.**

**Mr. Hulk stated yes it would and they'll have stakes at the entrance of the driveway, the bend – basically so you can walk through and see where everything is going.**

**Chairman de Jongh said they'd have flags at least for the pertinent areas that were discussed.**

Mr. Hulk stated yes.

Chairman de Jongh thanked Mr. Hulk.

- |    |                               |     |           |
|----|-------------------------------|-----|-----------|
| 2. | Permit Application            | APP | #2013-023 |
|    | Consolidated Industries, Inc. | DOR | 10/15/13  |
|    | 677 Mixville Road             |     |           |
|    | Swale Maintenance             | MAD | 12/19/13  |

Carla Sylvester of Blue River Engineering and Sal Coppola, Facilities Director at Consolidated Industries were present on behalf of the applicant.

The Commission reviewed the plans showing the proposed activity.

Ms. Sylvester said this application is for maintenance of an existing swale that is located at the facility.

Ms. Sylvester stated it's the same swale that was approved last year. She explained they put in new rip rap over some geo-textile.

Ms. Sylvester explained the Connecticut DEEP came to the facility in June for a site inspection and requested the facility remove some stained rocks and some sediment that had accumulated so they are planning to do that.

Ms. Sylvester stated the work would be done by hand – they would install some haybales between the edge of the swale and the river and they anticipate replacing about less than a cubic yard of stone.

Chairman de Jongh said when we looked at the paperwork there were a couple of oddities namely the owner of the property is only listed as Consolidate Industries and there was somebody's signature but no printed name as to who the person was who signed the application.

Mr. Coppola stated the person who signed it was the vice president general manager.

Chairman de Jongh asked if he was the one who signed the paperwork.

Ms. Sylvester stated yes.

Chairman de Jongh asked if we can have them amend the paperwork and just write in the person's name – is that acceptable.

Ms. Simone said it's been notarized.

Mr. Coppola said they could bring it back tomorrow if they wanted it notarized again.

Dr. Dimmick said its not so much the case of notarized as to make it clear as to who was the one who did it (signed it).

Ms. Simone said she thought to have a signature on here – on the plan would be fine and then also to have name of owner – specifying a person.

Chairman de Jongh said what he's suggesting is that we need to obviously clean up the paper work so that we can identify that so whether that means someone needs to come in tomorrow and pick up the paper work and have it amended – he asked what the protocol was for that.

Ms. Simone said we can give you (the applicant's representatives) this appendix B and that can be signed off on and then the notary could answer the question whether that could just be crossed off and written over – she didn't know what the rules are regarding that.

Ms. Simone gave the documents back to the applicant's representatives.

Chairman de Jongh said he didn't know if there were any other concerns or questions that Commission members might have had.

Dr. Dimmick said he thought it was pretty straight forward.

Ms. Simone said the comments from the Engineering Department asking about the erosion controls – and you mentioned haybales – she asked if you (the applicant's representatives) could put something on a map or even one of the copies we have that we can just keep that document.

Mr. Coppola said they'd pencil it in (on the plans).

Mr. McPhee asked what was meant by the staining of the bricks.

Ms. Sylvester said it's just probably the combination of just dirt that's come off – they recently paved a significant amount of area and she thought it was just the combination of dirt and bacteria that may have formed on the rocks.

Mr. McPhee said nothing pollutant wise.

Ms. Sylvester stated no – not oils – she said whatever has come off vehicles but it's not from a spill or anything like that.

Dr. Dimmick said it sounds like their just being nitpicking and trying to follow something in their book.

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

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

Chairman de Jongh said they'll allow staff to go ahead and put the words together and take care of this at their next meeting and then you can clean up some of those issues and we're good to go.

Ms. Sylvester and Mr. Coppola thanked the Commission.

3.	Permit Application	APP	#2013-024
	Dante A. Pasqualini	DOR	10/15/13
	815 Allen Avenue		
	Filling in a Wetland	MAD	12/19/13

Dante Pasqualini of 815 Allen Avenue was present.

Mr. Pasqualini informed the Commission that his environment James Sipperly was going to give a presentation – he was supposed to be here by now – he asked if this item could be put off until he arrived.

Chairman de Jongh stated for the record that Mr. Pasqualini has asked for this portion of the meeting be postponed until later on until the soil scientist arrives on site.

There were no objections to postponing this portion of the meeting.

This item was postponed at 8:09 p.m.

This item was brought up again at 8:14 p.m.

Mr. McPhee informed the Commission he needed to excuse himself from the rest of the meeting.

Mr. McPhee left the meeting at 8:14 p.m.

Chairman de Jongh asked that the record show as of 8:14 p.m. that Mr. McPhee had excused himself from the meeting due to a scheduling conflict.

Tape change at 8:14 p.m.

Mr. Pasqualini addressed the Commission.

Mr. Pasqualini stated unfortunately his soil environmentalist Jim Sipperly has been delayed at another town meeting in Middletown so he would like to present to you (the Commission) the situation at his home that was create during the Sindall Road restoration during the excavation.

Mr. Pasqualini said he had some photographs here – he thought it would be best and easiest for him to explain step by step.

Mr. Pasqualini submitted the photographs for the Commission's review.

Mr. Pasqualini explained that page number one was marked is on the bottom right hand corner and shows what his lawn – his property was like before the problem with the over flooding and the destruction of the Sindall Brook Road from the Meriden Subdivision.

Mr. Pasqualini said these three photos were taken (the Commission reviewed the photos) from Allen Avenue looking downward on the property – Sindall Road on the extreme right – in the upper right hand corner you'll see the arrow pointing over there.

Mr. Pasqualini explained that page number two will show the flooding that took place – this was about a week after the actual June 1 disaster – he said you can see on the right hand side of his driveway in the bottom right hand corner that the grade was still maintained along side the driveway there – coming down even though the brook cutting a new channel because of the force of the water that was coming down the area immediately abutting the driveway maintained itself thankfully enough.

Mr. Pasqualini said if you can turn onto page three please – you'll note that after the water receded that on the bottom right photo you'll see the graded area along the driveway continued to maintain its pitch – its grade to the brook which was always the original way although you'll see in the other photographs that the overflowing did

cut a new channel partially upward towards the driveway which was part of the restoration.

Mr. Pasqualini said on page four you'll see that this is the final grading that the Town left that is ponding – you'll note in the bottom right hand corner there's still excavator tractor marks there in the lawn area.

Mr. Pasqualini said if you refer back to number one you'll see that this condition never existed before.

Mr. Pasqualini said he was told during all of the excavation and restoration of the brook with numerous dump truck loads of top soil being removed that whatever was needed at the very end of the grading would be brought back. He said when the Town did come back they told him that that was not possible although Mr. Michaelangelo assured me and I had given him the photographs before they started of what it was like before and this is the way it remained.

Mr. Pasqualini said final page five – oddly enough Mr. George Noewatne and Donald Nolte paid him a visit about three weeks ago and they did take a look at the areas of the brook that are still being undermine with the embankments falling down. He said you'll notice in the bottom left photograph on page five that that one continues to erode.

Mr. Pasqualini said his request before you tonight is this area that was not properly graded off and top soil put is to simply bring back some of my top soil that was trucked out and put it in there so I can get back to mowing this area and grading it back to what it originally was and probably request if the Commission would consider a field trip to come and actually this.

Chairman de Jongh said he thinks if his memory serves him correctly he thinks conversations that we had about this in previous meetings where that topographic evidence that we had indicated that the site conditions today are pretty similar to what the site conditions were previous.

Chairman de Jongh said one of the things they didn't have was a bench mark against which they could measure – if his memory serves him correctly there wasn't a bench mark or some type of a reference point to indicate what it was prior to the work being done by the Town and where were are now but according to survey maps the topography is pretty much the way it was post and pre – again

**we are comparing apples to oranges but that is the only way we can do that at this point.**

**Chairman de Jongh said he was a little bit confused as to what we are trying to restore because it looks like that's the way the condition was based on the information they had previously and if his recollection is incorrect - please any of the Commission members let him know that he's wrong but he thought that's the way he recalled it.**

**Mr. Pasqualini said he believed Mr. Conklin had explained that the Town's maps that they used were the aerial mapping of topography that does not show the first 2' – he said he hired him (Mr. Conklin) and paid him to do the actual field topography and to get the exact amount and he definitely showed in this instrument grading and everything that there was a basin created there; unfortunately I never felt that he would have had to have him do a reading prior to the Sindall Brook restoration or he would have had that done.**

**Mr. Pasqualini said and honestly this is a very small area which is why he is requesting the field trip and he certainly respect and understand the comparison of the Town's topography map but the aerial ones are not accurate – they don't show the first 2'.**

**Chairman de Jongh said the request to have that identified was not part of the previous application so that's why it was never requested to be done. He said you always win the football games on Mondays so hindsight is always 20/20.**

**Chairman de Jongh said he thought many of us have been out to the site already when there was work to be done in that one area – he said he knew himself and Dr. Dimmick and he didn't know if Ms. Dunne was out there but there was two or three of us that were out there on the field trip – he forgot when – was it last fall.**

**Mr. Pasqualini said it was over a year ago when the embankment – they recognized during the restoration that further down the brook the whole embankment was giving way because of undermining but that is about 50 yards past this area – we did not really identify this area at the time because there was still work going on and we all honestly believed that it was going to be returned to what the first photograph shows.**

**Dr. Dimmick said may I ask you in your presentation – these photos – you throw off something and said the flooding in June and you**

didn't indicate June of which year – you certainly didn't mean this year.

Mr. Pasqualini said no sir – he meant on the year that this took place – he thinks it was about six years ago – Suzanne would probably have that in the records as to when the Meriden catastrophe happened and Cheshire received it all.

Dr. Dimmick said he couldn't remember the exact year either but he knew it wasn't this year – you said this is what happened in June and just left it hanging.

Dr. Dimmick said for our records – they needed the year.

Mr. Pasqualini said he apologized.

Ms. Simone said she believed it was 2006.

Mr. Pasqualini said that's when the flooding took place and unfortunately Meriden didn't step to the plate and correct what they caused – finally thankfully enough the Town of Cheshire stepped in after about five years and started to do it.

Mr. Pasqualini stated he was the last one on the list – they started way up above me.

Dr. Dimmick said actually our problems with Meriden go back to the 1980s – this was the latest and worst of the various ones caused by things going on there but its awfully hard when you're down stream to take care of what's going on upstream – this is not in his (Mr. Pasqualini's) jurisdiction.

Mr. Pasqualini said he certainly understood that.

Ms. Dunne said she wondered what kind of materials he was going to use to fill the wetland.

Mr. Pasqualini said he would honestly like the top soil that the Town trucked out and he was told that it would be used to be brought back for final grading – he said he would appreciate that – he said he had asked at the time if it could be left on the property until the end of the project but they felt that they had far too much and what was needed would be brought back.

Ms. Dunne asked what he planned on using.

Mr. Pasqualini said well we have a farm here in Cheshire and we're lifetime residents – we do have top soil that actually in past years we've sold some to the Town. He said he could get it from there – in talking with George – George says he had plenty of topsoil and when he came to correct other situations that he was aware of that this is such a small amount that per permission from Wetland he would bring that and use that because he has to bring some back for planting some lawn.

Chairman de Jongh said there's about maybe a half a dozen points that the Commission needs to get clarified and he don't know if he (Mr. Pasqualini) has the capacity to be able to answer that to the satisfaction of the Commission – we were hoping that at least Mr. Conklin was going to here and certainly schedules are what they are.

Mr. Pasqualini said he was sorry – he had thought that too.

Chairman de Jongh said for himself – he didn't want to speak for the rest of the Commission members but you know things like variances and the contour lines and material definitions and delineations – things like this – these are areas which again we'd need to have professional information to input on so he was of the frame of mind that really without their expertise and their testimony on the record not too much is going to happen tonight.

Mr. Pasqualini said he understood.

Dr. Dimmick said he thought they could move this along to some extent – he said he hates to impose more on staff then they do already but if staff could jot down and send a memo as to specifically the area – just to do a shot gun thing and come back several times.

Chairman de Jongh said he thought it was the intention of staff to give this to Mr. Conklin this evening.

Ms. Simone said she could give it to the applicant (questions).

Dr. Dimmick said he didn't want to end up back and forth – back and forth – back and forth and either do you (Mr. Pasqualini).

Mr. Pasqualini said he certainly understood that.

Ms. Simone handed Mr. Pasqualini two pages of questions; one from the Engineering Department and one from the Planning Office.

Mr. Pasqualini accepted the documents.

Chairman de Jongh said what he would suggest is – seeing the disadvantage that Mr. Pasqualini is at without having his experts to your side – he would recommend that they suspend any further discussion on this until our next meeting to give his professionals a chance to address the areas of concern that we've got – hopefully they will be available at the next meet where we can pose questions to them.

Mr. Pasqualini said yes sir – I apologize they were supposed to be here tonight – both of them ended up in situations that have delayed them.

Chairman de Jongh said it happens – he said again he would suggest if it's without objections from the Commission members that he would suspend any further consideration on this and bring it up again at the next meeting.

Mr. Pasqualini thanked the Commission – he said he appreciated it and again his apologizes for the inconvenience.

Mr. Pasqualini asked if he could collect the photos and bring them back next time.

Ms. Simone stated she did have one set (for the file).

4. Request for Determination  
Milone & MacBroom, Inc.  
South Meriden Rd., Lot 4  
House

Chris Hulk, Civil Engineer from Milone and MacBroom was present representing the applicant.

Mr. Hulk said this lot was previously approved under the subdivision of Bishops Corner.

Mr. Hulk explained Bishops Corner is located on South Meriden Road – Route 68 and 70.

Mr. Hulk said they had done a field walk and this would be one of the properties in the back kind of in the southern corner.

Mr. Hulk explained under the previous plan what they had proposed was a single family house a wetland septic – the previous location of

the house was kind of outlined here in blue (shown on the plan) along with the driveway.

Mr. Hulk said the septic and well are both located exactly in the same spots.

Mr. Hulk said the limit of clearing is located in the exact same area – we have not changed that at all.

Mr. Hulk said as you can see the silt fence kind of runs along the southern and western portions – that was recently installed as we discussed earlier and it was installed in that location.

Mr. Hulk said the current plan is proposing to basically re-orientate the house so that it kind of faces the end of the common accessway turn around located here (shown on the plan); the driveway itself would be located on the north western portion of the house – kind of running parallel to the property line.

Mr. Hulk said in terms of this Commission the upland review area has still not been impacted based on this plan versus the last plan. He said the septic, well and limits of clearing are all located in the same area - basically the house has just been re-oriented.

Dr. Dimmick said Mr. Chairman it was his understanding that when we gave subdivision approval we stated for this and several other lots that the lots required individual site plan approval and in fact that we had not approved either the house position or driveway position or the septic position as a result of giving the subdivision approval so its not a case of this having been changed from what was originally proposed but the fact that we never gave site plan approval at all for this lot.

Chairman de Jongh stated that's correct.

Mr. Hulk said well in this case the septic is located to the west of the proposed building – southwest of the common accessway turn around; the upland review area is shown here (shown on the plan in green) – its shown roughly here with the tree line slash limit of clearing – roughly 20' to 30' to the east of the upland review area and then running about 10' off of it there along the southern portion.

Mr. Hulk said the septic itself would be roughly located 50' outside of the upland review area.

**Dr. Dimmick said he appreciate what you're saying but the point is that on our agenda this was asked for a request for determination as to whether or not you need to make a permit application and what you're giving is the information we would take if we had a permit application in front of us which to his knowledge we do not have one.**

**Mr. McPhee said he was questioning whether we should be hearing this if there's a cease and desist on this property.**

**Chairman de Jongh said that was the next issue he was going to bring up – we have a cease and desist order on that area so we've got a couple of items which are in conflict with each other – he said Mr. Hulk was kind of caught between a rock and a hard place on this.**

**Chairman de Jongh said to Dr. Dimmick's point – we need the individual site plan approval which was one of the conditions of the approval of this subdivision and so this information would really be part of a normal application as opposed to a request for determination.**

**Chairman de Jongh said he thought the general consensus appears to be that we would need an application as opposed to a request for determination – we would need the application for the individual site plan approval.**

**Mr. Hulk stated okay.**

**Motion: That the Commission having considered the request for determination on this lot has determined that a regular site plan application is necessary to go forward on this.**

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

**Mr. Hulk stated they would have an application submitted. He asked if there were any other requirements as far as the cease and desist order.**

**Mr. McPhee said they just need to act on the cease and desist – this is a new application.**

**Chairman de Jongh said that is a separate issue.**

**Ms. Simone said and because that information was received today there wasn't an ability to draft a release so the Commission isn't able**

to review any language that would have been put together if they received it before.

Chairman de Jongh said they could probably address that (the cease and desist) at the next meeting and then take a look at the application at the same time.

Mr. Hulk thanked the Commission.

**5. Lot 6 Saddle Brook Subdivision – new application**

Ms. Simone stated there was a new application submitted for lot 6 for the Saddle Brook Subdivision – that's on Huckins Road.

Ms. Simone said because it was received today there's no ability to amend the agenda and she had not taken a look at it as of yet so it will be on the agenda for the next meeting – November 7, 2013.

Chairman de Jongh said so at least we can recognize its receipt and bring it up at the next meeting.

Ms. Simone stated yes.

**XI. ADJOURNMENT**

The meeting was adjourned at 8:30 p.m. by the consensus of Commission members present.

Respectfully submitted:

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