

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, JUNE 17, 2014
TOWN HALL 84 SOUTH MAIN STREET
Room 207/209 AT 7:30 P.M.**

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

Members Absent: Dave Brzozowski and Will McPhee.

Staff: Suzanne Simone.

I. CALL TO ORDER

Chairman de Jongh called the meeting to order at 7:30 p.m.

II. PLEDGE OF ALLEGIANCE

All present recited the pledge of allegiance.

III. ROLL CALL

Ms. Dunne called the roll. Members in attendance were Robert de Jongh, Charles Dimmick, Kerrie Dunne, Earl Kurtz, and Thom Norback.

IV. DETERMINATION OF QUORUM

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

**V. APPROVAL OF MINUTES – Public Hearing – June 3, 2014
Regular Meeting – June 3, 2014
Site Walk – June 9, 2014**

Commission members agreed to move the approval of the minutes was deferred to the end of the meeting without objection.

At 8:54 p.m.:

Motion from the June 3, 2014 meeting: Motion: To approve the minutes of the public hearing and regular meeting of May 6, 2014 with corrections.

May 6, 2014 Public Hearing: Pg. 2 L44 “peck” to “peak”; pg. 4 L50 “has” to “as”; pg. 8 L39 “providing” to “provided”; pg. 9 L36 “we” to “were”; pg. 10 L6 “find” to “fine”, L35 “god” to “good”; pg. 12 L9 “comprise” to “compromise”; pg. 17 L10 “find” to “fine”; pg. 19 L5 “where” to “were”, L28 “prove” to “approve”.

May 6, 2014 Regular Meeting: pg. 7 L5 “our” to “are”.

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

The approved of the minutes from the public hearing and regular meeting of June 3, 2014 were deferred to the July 1, 2014 meeting.

June 9, 2014 Site Walk:

Motion: To approve the minutes of the June 9, 2014 site walk with no corrections.

Moved by Dr. Dimmick. Seconded by Ms. Dunne. Motion approved 4-0-01 with Chairman de Jongh abstaining since he was not present at the site walk.

VI. COMMUNICATIONS

1. CT DEEP Permit for Use of Pesticides in State Waters Re: Weeks Pond

This communication was reviewed. Ms. Simone said this item is just a notification to the Commission; if there are any objections or comments this Commission can forward them to the State.

2. Staff Communication With Attachment Re: Application Notice of Homeland Towers LLC to CT Siting Council for Cell Tower

This communication was reviewed. Ms. Simone stated this is provided to the Commission.

Ms. Simone explained that the Commission can weigh in if there’s any concern for the location of this tower.

Ms. Simone went on to explain that they (Homeland Towers LLC) will be in need of getting a state inland wetlands permit so that means this will be regulated by the state.

**3. Staff Communication With Attachments Re: Permit-After-The
Fact: End Wall Collapse/Culvert Extension**

This communication was reviewed. Ms. Simone stated this item was under new business tonight.

**4. Applicant's Engineer's Report Handed out at 6/03/14 IWWC
Meeting
Re: 650 Reservoir Road, Resubdivision #2014-012**

This communication was reviewed. Ms. Simone noted that this item is for 650 Reservoir Road subdivision application – this is a copy of the engineer's report handed out at the June 3 meeting.

5. Engineering Comments Re: 650 Reservoir Road

This communication was reviewed.

Chairman de Jongh noted that Commission members received in the mail maps for the Welch property.

**6. Staff Communication Re: 64 Rita Avenue Enforcement Action
This communication was reviewed.**

VII. INSPECTION REPORTS

1. Written Inspections

Ms. Simone stated there were no written inspections.

2. Staff Inspections

a. 640 South Main Street

Ms. Simone reported that following the last meeting she did call up the town attorney and forwarded the information about 640 South Main Street for the shed.

Ms. Simone said this is something that now the town attorney is following up on.

b. 64 Rita Avenue

Ms. Simone stated there was a staff inspection of 64 Rita Avenue.

VIII. ENFORCEMENT ACTIONS

1. **Notice of Violation** **SC 1/07/14**
Mr. Nathaniel Florian
Woodruff Associates
Unauthorized Activities in the Upland Review Area/Inland
Wetlands
108 Blacks Road
Assessor's Map 19, Lots 43 & 44

Chairman de Jongh explained that was subject of staff's comments under communications this evening.

Ms. Simone said in looking at the documentation that was provided to this Communication previously they had indicated that they will be submitting an application to this Commission and Planning and Zoning Commission is September.

Ms. Simone stated they will still have continued conversation with the applicant's engineer regarding how the site conditions are improving and how things are moving along with getting the survey completed and submitting an application.

2. **SHOW CAUSE HEARING** **SC 05/06/14**
Notice of Violation **SC 06/03/14**
Ms. Suzy Lynn Antunes Ribeiro **SC 06/17/14**
Unauthorized Activities in the Upland Review Area/Inland
Wetlands
64 Rita Avenue
Assessor's Map 14, Lot 43

Chairman de Jongh said this item was subject of a field trip on part of this Commission.

Chairman de Jongh explained that several Commission members were able to get out there and there were pictures that were sent to Commission members.

Ms. Simone reported that she, Dr. Dimmick and Mr. Norback went out to the site Saturday, June 9 and pictures were taken on June 9 and submitted to the Commission is a compilation of pictures that were taken when this complaint first came in which was taken April 14 – that is shown in photo number one.

Ms. Simone described for Commission members the location and viewpoints of the photos taken; one which showed the rear of the property and you could see the accumulation of fill.

Ms. Simone said going out to the site on June 9 the conditions had changed in that wood chips were now placed on top of the fill so there was no way of getting a view of the top the fill however the sides of the fill were viewable.

Ms. Simone said it did seem that in some or not most areas that perhaps the fill was perhaps 6' tall and she uses that as a reference because when Dr. Dimmick went down to test the soil he wasn't even at head height with the top of the fill.

Dr. Dimmick replied and he was at the base of the present fill – there are wetland soils and growing through the fill near the base are things like Spice Bush were are wetland buffer plants.

Dr. Dimmick said the other factor is that on this photo marked number one you will notice the two trees near the middle of post you see a rock in there – there are several rocks in a line there that look like they might be the edge of the original slope because similar things going on down the line – they took like they might have been the top of the original slope and everything past there you are seeing is fill material.

Ms. Simone said and the placement of those rocks did appear to line up with the neighboring property.

Dr. Dimmick said yes – the neighboring property has a slope that drops off right about those rocks are and that's a typical sort of thing you'd find where someone would have had a slope they were trying to stabilize a long time ago.

Dr. Dimmick said almost all of the fill material we saw was beyond that point.

Dr. Dimmick said he and Mr. Norback noticed that they mature tree trunks sticking up through the fill had the appearance of what you'd normally see 3' to 5' above the base – he said kind of suspected that was at least that far down from where the leaves were sticking through there so that gave us some idea of the depth of the fill so we could assume some uniform tapering from there down to where the base is.

Dr. Dimmick said Mr. Norback had said something about the broken surfaces looking awfully fresh.

Mr. Norback said that was what he said – it just didn't look like this stuff's been there that long.

Mr. Norback said the homeowner said that they inherited the problem which he guesses wasn't germane anyway because if it's a problem it's a problem but this stuff didn't look like it was two years old.

Dr. Dimmick said he would definitely it was less than three years.

Mr. Norback said there are pieces of metal in there that aren't even rusted.

Dr. Dimmick said there was no stain on them at all.

Mr. Norback said he really didn't know what relevance that has except it just doesn't seem like – it just seems like its pretty fresh but again he really doesn't know.

Ms. Dunne asked if the homeowner placed the mulch on this.

Mr. Norback said yes – because it was the homeowner explained that they were just tired of looking at the debris field which it really does look like a debris field so they just tried to hide it – disguise it with the wood chips.

Mr. Norback said he would be speculative – it looks like somebody but fill in there trying to extend the backyard.

Ms. Dunne asked if there was any concern about the type of mulch that was put in there.

Dr. Dimmick and Mr. Norback stated it was just wood chips.

Dr. Dimmick said to the Chairman considering we've got the information that we have he thought they had enough information to determine that yes a filling violation exists on the property which was the original cause for the show cause hearing and therefor he moved to close the show cause hearing and move on towards treating the violation.

Motion: That the Commission finds a filling violation on 64 Rita Avenue exists on the property and the notice of violation and cease and desist will remain in effect and there's no longer the need to keep the show cause hearing open.

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

Chairman de Jongh said that they need to convey to the homeowner our decision tonight and they need to come before us with some kind of plan to be able to remediate.

Ms. Dunne asked if we needed to do a motion that they have to do this by a certain date.

Dr. Dimmick said he thinks they (the Commission) needed more information and propose what they plan to do.

Ms. Simone said she believed that they (the property owners) want to keep this material and they would probably want to get approval to do that so this Commission would entertain such an application then she could advise them that they need to submit an application.

Ms. Simone said if the Commission is leaning towards having this material removed then she could draft language for a corrective order for the next meeting.

Chairman de Jongh said we don't have any kind of a base line as to what that quality of wetland is.

Dr. Dimmick said once you get past the pervasive aggressive fill it's pretty good.

Chairman de Jongh asked if the removal would create more of a problem – he had two questions in his mind – is the debris that's there considered to be clean fill and number two whether or not the removal as such would create a bigger problem.

Dr. Dimmick said in his own opinion is one – yes it is clean fill – two if you pull it back from the top to a more even slope he didn't see how that's going to hurt the wetlands in so doing it particularly pulling it back to – this goes out flat and then drops down - pull it back to a more gentle grade and stabilize –

as it is there's always the danger for the material there to continue to vibrate and drop down in which is a potential problem.

Mr. Norback said he thought it was fair to assume that the homeowner in a perfect world would rather just put something on top of it and disguise it but he didn't know if that would exacerbate the problem – he said they (the homeowner) needed a plan to maybe pull it back and then add to it so it's a less steep toe there and that is probably something the Commission would be (in his words) sympathetic to and not just entertain because it would be hard to fill it reasonably and then stabilize it over that steepness and if it does about the wetland line.

Dr. Dimmick said if you put dirt in what's in there now it's going to go on down and come out at the base of the wetlands.

Chairman de Jongh said the next thought he had was how stable is that pile of debris.

Ms. Simone said walking on it was not that stable.

Mr. Norback said with the wood chips on it - it was a real ankle buster.

Chairman de Jongh said what he was thinking that if we allow the homeowners to pull this back is that going to create an avalanche effect and have this go into the wetlands.

Mr. Norback said he didn't think so – he said he thought part of a plan they would have for that would call for erosion controls probably at the base of it as it exists or a reasonable distance off it and then start pulling it back.

Dr. Dimmick said but use something with a bucket.

Mr. Norback said it's probably not as easy a task as he had originally envisioned as he looked at it from the Fire House.

Ms. Simone asked if there was any concern from Commission members as what might be underneath these wood chips since we were not able to review that.

Mr. Norback said it just looks like from the pictures it's a slab somewhere all saw cut and removed – he said he saw some ceramic tiles and he saw a lot of what appeared to drainage

langes - he said he couldn't even imagine what it was but he guessed it doesn't really matter.

Chairman de Jongh said as long as there wasn't any kind of oil.

Mr. Norback said he didn't see any of that.

Dr. Dimmick said he didn't see any of that either.

Mr. Norback said he thought they needed to lessen the steepness and then to their end cover this with some kind of top soil material where they could grow grass or something that would hide it – although the homeowner also asked about just putting a fence up so maybe that would be the ticket and then they wouldn't have to do anything.

Dr. Dimmick said they may have instability at the end of it.

Chairman de Jongh said he liked the idea of being able to pull something back at the top and just try to diminish that slope somehow – he said from one of the pictures that Suzanne took there were a couple of pieces of concrete – he didn't know where they were in relationship to side but they are not exactly lying flat.

Ms. Simone said that's the condition all around the perimeter of where this fill is.

Chairman de Jongh said that the stuff he wanted to see pulled back.

Dr. Dimmick said by the way when he was talking about the tree truck – if you look at the very last picture you'll see in the upper left the tree truck and you can see that its buried.

Mr. Kurtz said he wanted to ask about the trees – are the trees going to survive with that amount of fill around them.

Dr. Dimmick explained that mostly when you have a large tree like that you create a well around it if you are going to put in fill otherwise eventually you cause the rot right around the base where the roots come of the earth – you need air to get down there.

Mr. Kurtz stated it has to be done in order to stabilize what's already there.

Ms. Simone asked what type of application material would the Commission like to see – she said she gets the sense that they (the property owners) would want to narrate to the Commission what they are going to do and then do it – is that something that this Commission entertain or do they want something more solid plan that's designed that specifics step by step.

Mr. Norback said he's noticed that sometimes a narrative is subject to interpretation – they're just saying that there doing something – they could just be drawing pictures in the air.

Dr. Dimmick said well a narrative with a tabular section would work – it's just step by step with numbers would help.

Chairman de Jongh said he thought within the application if they had a narrative that gave some kind of sequence – and explained how the work was going to be done – if they planned on using a small bucket, etc.

Mr. Norback said they probably need to define the degree of slope and all that.

Ms. Simone said they also need to make sure that it's stable.

Chairman de Jongh said yes – and that's the big question in his mind is the stability of that jump.

Mr. Norback said actually it was unstable to walk on but he really didn't think the material is going to move – its big and it's all kind of twisted and rather willy nilly placed there but it doesn't seem like it's just going to go take a slide.

Dr. Dimmick said it's hard to tell because they put shavings on top and we really don't know what's going on.

Ms. Simone said it did appear though in looking at the photos that were taken in April that the pile was much higher and with these wood chips it's been pushed out further then it was originally so from the street it had a flat appearance but then went down; in April it appeared as though it was piled up.

Dr. Dimmick said in looking at the photos – looking at one of the trees it leans slightly – the pile seems to end just before it and he can't swear but he thought the pile went a little bit beyond it.

Ms. Simone said she can check all the photos – this is just a sample (being reviewed at tonight's meeting).

Ms. Simone said she thought it would be helpful if they (the property owners) were given a date by which to submit an application.

Chairman de Jongh said we've got one meeting in August – but if they could have something back to us by the first meeting in August then he thought that gives them (the property owners) a chance to be able to work with staff and out together a plan of action with consult by staff and then that way they don't feel there's a preverbal gun against their head – then they can get back in touch with us
And then that way to any kind of action that can be taken it could be done before it gets wet in the fall.

Motion: That the Commission requires that the property owner prepares a plan of action to remediate some of the problem and have that plan in front of the Commission by August 5, 2014.

Moved by Dr. Dimmick. Seconded by Mr. Norback.

Mr. Kurtz asked if they would include the pulling back of debris or fill that's already there in the motion or would you understand that's part of the plan.

Dr. Dimmick said he used the word remediation and that could be interpreted that way – staff will help with that.

Ms. Simone said she would relay that to them (the property owners); she said a good reason not to put it in the motion is what if they decided they want to remove it entirely then on the record it says you only have to remove a portion of that.

Motion approved unanimously by Commission members present.

IX. UNFINISHED BUSINESS

1. Permit Application	APP	#2014-012
Kathie A. Welch	DOR	4/01/14
Reservoir Road	SW	4/05/14
Resubdivision	PH	4/15/14
	PH	5/06/14
	PH	6/03/14
	MAD	7/08/14

Chairman de Jongh said this item was subject of several publics which were closed on the June 3.

Chairman de Jongh said the Engineering Department still has questions that require answers.

Chairman de Jongh stated it's important to note that we are not allowed to take any additional testimony from the audience or from any paid professionals but we can certainly talk amongst ourselves and the comments from the Engineering Department are more in line to assist us in our decision then guiding or taking away value of the comments that were made.

Chairman de Jongh said Suzanne had indicated that there were some additional maps that she had looked at – aerial maps.

Ms. Simone said since the last meeting when the aerial photograph was submitted to the Commission – the 1934 photo – she did check to try to locate if there were any additional photographs – it was mentioned that there was just the 1934 and she did locate that the town did have aerial photographs from 1975 and 1992 and she did have copies here tonight.

Commission members reviewed the aerial photographs.

Ms. Simone said staff was able to have discussion with the Commission and so this isn't necessarily considered new information – it's a follow up with what was submitted at the last meeting.

Ms. Simone said in 1975 it did appear as though that area was still operating or at least had some orchard areas there.

Ms. Simone showed the Commission the aerial photographs for comparison – the 1934 and 1975 aerial photos to get an idea of the area.

Chairman de Jongh said the Engineering Department is still looking for comments regarding the driveway rain garden outlet – there are still some unanswered questions that the Engineering Department needs some information on.

Ms. Simone explained that the Engineering Department when they do reviews for this Commission – they provide some information that’s just advisory that as a heads up as to what Planning and Zoning Commission members or Land Use Commissions might want so that it’s on the record and the applicant is aware that the plans could change if there are other things (that other commissions want to see).

Ms. Simone said so some comments are advisory but some are focused on impacts to wetlands and that’s this comment for the rain garden – is that there’s a question as to what the impact is because it does have a direct discharge into a watercourse.

Ms. Simone explained the 1934 aerial shows more open land than in the 1975 aerial – she showed members the orchard areas shown on both photos for comparison purposes.

Mr. Norback asked if this overlay was definitely indicative of the site plan where this structure’s is located.

Ms. Simone said she couldn’t verify that to an exact detail – it does seem to represent that.

Ms. Simone said the subsequent aerial to that shows that a house was created on the site.

Mr. Kurtz asked are we looking at a soil test because there’s an orchard there – is that the idea here.

Dr. Dimmick said he made the suggestion but on the other hand....

Mr. Kurtz asked if that was their (the Commission’s) concern – or is that a P&Z issue.

Chairman de Jongh said it was a concern raised at the public hearing by both the City of Meriden and Dr. Dimmick had made some comments based on his background and

professional credentials what might have historically taken place.

Mr. Kurtz said he was aware of all of that but is that the concern that the soil should be tested to see if there is any arsenic or lead.

Dr. Dimmick said it should but he didn't think there was any way we could order that.

Mr. Kurtz said he was wondering if that was a P&Z issue.

Ms. Dunne said we suggested that it would be very helpful but that has not been done (soil testing).

Chairman de Jongh said he didn't know necessarily if that was a Planning and Zoning issue.

Mr. Kurtz asked if it was a wetland issue.

Ms. Simone said she thought it all came down to impacts; if the Commission thinks they need more information to determine impact then it would be help for the Commission to make a determination but she didn't think the Commission would be in good standing at this point whatever the motion may be to require testing or ask for additional testimony because the public hearing is closed.

Ms. Dunne said so if we wanted to do it we would have done it already.

Dr. Dimmick said it would be difficult for us to issue a denial based on a possibility there's arsenic there – any provision if we were to move that would have to be on a more likely than not criteria that something existed – it was a possibility – he said it was a concern he actually had an obligation to raise that concern.

Ms. Simone said in the proceedings the applicant really didn't rebut any comments from Dr. Dimmick and didn't provide their own professionals to provide testimony so the Commission they did evaluate the testimony of someone on the Commission or off the Commission who deemed to be credible and have knowledge of what they seeing.

Mr. Norback said it seems that during this process that the engineer of record tried to address the potential that there was arsenic or any of these chemicals in here so he thought they went an extra step in trying not so much as assume it was present that in the case it was present - he thought they made a reasonable effort to mitigate.

Chairman de Jongh stated to potentially mitigate.

Dr. Dimmick said putting these floc logs in there will help because his concern was if the material exists and it would be in very fine material which goes right through silt fence then floc log is a pretty good device.

Mr. Norback said he pointed that out on there didn't he.

Dr. Dimmick said he did (the applicant's engineer).

Dr. Dimmick said he's not sure that's in the actual plans that we are working on or whether that was a suggestion saying he could do that.

Ms. Simone said she had the plan submitted at the last meeting.

Dr. Dimmick asked if there was any detail on the rain gardens or floc logs.

Ms. Simone said there is so much to go through for the record and she has not finished her review for this meeting.

Ms. Simone stated the Commission has to act on this at their next meeting.

Mr. Norback asked if they could get some clarification on these details.

Ms. Simone stated yes.

Mr. Norback said or in any approvals require it.

Dr. Dimmick said it is in our preview that we could make suggestions if things could go wrong.

Mr. Norback said if it made it to this plan or not - he felt or thought that the engineer offered it up.

Dr. Dimmick said the other thing we talked about in terms of the plans and what actually happens and he said looking at this we have to have a place to give an approval with the kind of monitoring built into it that independent of whoever goes out there. He said you and I both know over the years we've had people who execute things beautifully and people who butcher things no matter what the plans say.

Mr. Norback said he thought we talked about that as far as having a narrative procedure.

Dr. Dimmick said it doesn't matter what's on the plan if it's not followed.

Ms. Simone said to follow up with Mr. Norback's comment that yes – if there is something that is offered on the record then the Commission can tie a stipulation or approval of what's offered on the record if it's not dictated on the plans.

Mr. Norback said he thinks he said at the last meeting that as long as they leave staff some latitude during the sequence then he was pretty comfortable with that – that staff would go out and make sure everything was in order.

Dr. Dimmick said that's a lot of work for staff – staff can't sit on that job constantly.

Ms. Simone said usually with large projects or one's that have direct wetland impacts the permit holder is responsible for hiring a third party (for project oversight).

Mr. Norback said maybe he was worried about the overseeing body but as long as we have some trust worthy oversight that it seems like its ok.

Ms. Dunne said oversight and reports to us.

Mr. Norback said like with erosion controls we have that and it's in the stipulations that inspection reports come from by a qualified entity.

Mr. Norback said this because of the potential – the presence of the materials – maybe this is a little more onerous but he thinks we should still be able to do that.

Ms. Simone said that's for the issue of arsenic.

Mr. Norback said and generally speaking erosion controls but we are blustering those in case there's the potential for arsenic.

Ms. Simone said this is a little bit different because we had the City of Meriden but here and testified pretty much against the application and talked about all the potential harm.

Mr. Kurtz said if they were so concerned where have they been the last 75 years – whether its approved or not its allowed – what they want to do is allowed to be developed.

Chairman de Jongh said the possibility exists whether or not they have the permission to do it is up to the Commission.

Mr. Kurtz said what he's saying it's zoned for building homes.

Mr. Kurtz said if Meriden was so concerned they could have been proactive.

Dr. Dimmick said Meriden has come in front us on at least three previous applications since he's been here that had to do with their reservoir and watersheds; sometimes they do and sometimes they don't.

Chairman de Jongh said certainly the proximity of this has raised a question of impact.

Ms. Simone said the record also shows that there's a distinction by the City of Meriden that this is located near pond number one – which is the primary infiltration source so that's why they are coming out with the information that they are is that they find that to be a very important part of the reservoir not looking at the whole reservoir as all just one entity but that there are different areas to it – some of them are some sensitive than others.

Chairman de Jongh said he thought it was important that we get engineering's comments.

Ms. Simone said we can't get any more comments – the testimony is over so that issue stands (the issue addressed in the engineering comment letter).

There was discussion about the testimony being closed and no other information could be considered – but possibly from government agencies.

Ms. Simone said she'd have to look into seeing if information still could be received from government agencies.

Ms. Simone said so as far as that question - what is the impact of the direct discharge from the driveway rain garden into that watercourse – that's still an outstanding question.

Ms. Dunne asked if that was something we can or cannot get the answers.

Ms. Simone stated cannot at this point.

Mr. Norback asked aren't they (engineering) really just asking for clarification on that issue number eight.

Ms. Simone said she could ask the engineering department to further clarify that item.

Mr. Norback said all they were asking was the driveway rain garden has an underdrain discharge pipe that discharges to the stream – what effect does this have on the drainage calculations – he said she could also just ask if that was figured into the drainage calculations.

Dr. Dimmick said he did remember some testimony and the applicant said the underdrain would have a continuance steady flow sort of discharge – with the underdrain you are not getting a direct feed into the underdrain; he said there was something in the testimony to that affect.

Ms. Simone said she recalled that testimony.

Chairman de Jongh said at this point we have the information that this is all the information we have so he thinks what the Commission members need to do is to take a look at all the testimony and all the information we have received from the three public hearings and the information that was provided to us as supporting information by staff or by the applicant and we need to arrive at a conclusion – and convey to staff what are thoughts are – so she can be prepared to address this – again this has to be addressed at the next meeting – there's a mandatory action date (of July 8, 2014).

Dr. Dimmick talked about staff preparing findings and then all the other pieces could be pulled together for the motion.

Mr. Kurtz asked if staff would have a proposal ready for the next meeting.

Ms. Simone said she will have a draft motion for the next meeting.

Mr. Kurtz asked if she was comfortable that she's go all the information.

Chairman de Jongh said there may be two drafts – one for and one against depending on the Commission's pleasure.

Ms. Simone said depending on the record as she goes though the all information and testimony.

Mr. Kurtz said despite the way anyone might vote – he thought if there was a vote not to approve there had to be reasons why.

Ms. Simone said all draft denials and approvals are based on the record.

Chairman de Jongh said members should keep in mind that it's not all or nothing situation – they could get an approval for one lot and not the other one so denials or approvals can go a variety of different ways so it's important to know that as we take a look at the information that we've received – it doesn't have to be all or nothing situation.

Chairman de Jongh said again this is for resubdivision activities only – this is not for site plan approval so the ultimate footprint that where the house is going to go will require the applicant to come back for site plan approval –if the application is approved.

Ms. Simone stated for the record, following the last meeting the next day the applicant's engineer contacted her to verify that he was in fact in error thinking he applied for the site plan and she did confirm that the application fee that was paid was only for resubdivision as well as the wetland crossings.

Chairman de Jongh said we will allow staff to do her magic and we will be ready to address this at our next meeting on July 1.

2. Permit Application	APP	#2014-020
Ball & Socket Arts, Inc.	DOR	6/3/14
493 West Main Street		
Site Development	MAD	8/07/14

Motion:

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

1. That the current application is for the renovation of a 3.29 acre parcel into an arts center and retail spaces.
2. That the inland wetland and upland impacts include improvements to the existing stormwater management system, which exits into the Farmington Canal.
3. That the project calls for approximately 18,550 square feet (.43 acres) of upland area impacts for the construction of the driveway, sidewalk, utility installation, parking area, sight line and grading. Approximately 100 square feet (.002 acres) of direct wetland impacts are proposed for the installation of the storm drain end walls in two locations.
4. That the Commission has determined the activity to not be significant under the context of the Cheshire Inland Wetlands and Watercourses Commission regulations.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2014-020, the permit application of BALL AND SOCKET ARTS, INC. as presented on the plans entitled:

**"Ball & Socket Arts-Phase I
493 West Main Street, Cheshire, CT**

Regulatory Submission, May 19, 2014
11 Sheets-Scale Varies
Prepared by Milone and MacBroom, Inc.,
Cheshire, CT.”.

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

1. Any lack of compliance with any condition or stipulation of this permit shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and an enforcement order shall be both issued and recorded on the Town of Cheshire Land Records.
2. No changes or modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.
3. Prior to the commencement of activities covered by this permit grant, the applicant shall have the following items both completed by a qualified party and verified as complete by Commission Staff:
 - a) Prior to any clearing or earthmoving activities, the accurate staking and/or flagging of all clearing limits shall be completed.
 - b) Per Section 12 of the Cheshire Inland Wetlands and Watercourses Regulations, a bond covering the costs of the erosion and sedimentation controls shall be filed with the Town Planner’s Department prior to the commencement of activities. The amount of the bond shall be determined by the Cheshire Planning Department.
 - c) Prior to the commencement of construction activities, a professional engineer shall certify, in writing to the Commission, that all required erosion and sedimentation controls are in place and functioning as represented by applicant to ensure the prevention of erosion and sedimentation into adjacent wetlands and watercourses. The cost of the professional

engineer shall be borne by the applicant. The applicant shall also notify Commission Staff so that Staff may inspect the site to verify that all required controls are in place. Staff may also insist on additional controls if field conditions warrant them.

- d) Prior to the commencement of activities covered under this permit grant, the name of a contact individual together with a 24-hour phone number shall be submitted to the Planning Department and designated with responsibility and authority to receive notices of any breaches or deficiencies of sedimentation and erosion controls on-site, and to effectuate repair of any such breaches or deficiencies within 6 (six) hours of such notice from the sediment and erosion control inspector, as identified above, or the Town of Cheshire.**
- 4. An inspection of the condition, integrity, and adequacy of the sedimentation and erosion controls shall be made by a qualified party either weekly or after every significant rainfall of 1/2" or greater, whichever is sooner, until all disturbed areas are stabilized. Said party shall be independent of the contractor. All reports shall be submitted to the contractor and Commission Staff either within three days of inspection, or prior to the next storm event, whichever is sooner. All breaches or deficiencies shall be forwarded to a contact individual, as defined above, immediately after inspection. The costs of said inspections to be borne by the applicant.**
- 5. Throughout the course of conducting construction activities covered by this permit grant, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring the following:**
 - a) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100' if possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.**

- b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.

6. This permit grant shall expire on June 17, 2019.

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

3.	Permit Application	APP	#2014-021
	A.M. Napolitano, LLC	DOR	6/03/14
	566 & 540 Cook Hill Road	SW	6/09/14
	Subdivision (Farm Meadows at Cook Hill Rd.)	MAD	8/07/14

Dr. Dimmick stated for the record we had a site walk on June 9, 2014 and staff had prepared minutes of the site walk. He stated he looked over the proposed wording of the minutes for the site walk and he moved the acceptance. Seconded by Ms. Dunne. Motion approved 4-0-01 with Chairman de Jongh abstaining since he was not present at the site walk.

Dennis McMorrow with Berkshire Engineering and Surveying was present on behalf of the applicant.

Mr. McMorrow explained two weeks ago his partner came and represented A.M. Napolitano in his absence due to a family matter.

Mr. McMorrow said at that time they had received a review letter by the engineering department and he didn't have time to process that letter; and when he got back to work last week Mr. Disbrow was on vacation last week so he actually didn't get a chance to talk to him until Monday morning when he came back from vacation so that's why he just submitted new plans this evening - he apologized for the timing of that - he didn't have a chance to do anything until Monday morning.

Mr. McMorrow said he knew his partner gave an overview of the project and he'll be happy to go over any of that information with the Commission questions - what he was going to do is go through this memorandum dated May 28 and tell the Commission how we modified the plans, reports to address engineering concerns.

Mr. McMorrow explained item number one addresses the drainage calculations and Mr. Disbrow stated that in Cheshire you like to see a .95 to .98 runoff coefficient – for 30 years he’s used .9 and he’s just always done it that way so he modified his drainage reports with the runoff coefficient to address that concern.

Mr. McMorrow said in that same paragraph he’s saying that the post development impervious surface appears low being .71 acres and after reviewing all the drainage calculations that .71 acres is the pre-development conditions not the post development – he has 2.1 acres of impervious; what he says is his office did a rough calculation showing 1.8 acres added to the site and I agree with that in my drainage calculations – 1.7 rounds up to 1.8.

Mr. McMorrow said what he did is he redid the calculations going from the .9 to the .95 after our discussion based on the drainage areas that we have and the amount of impervious the final numbers really didn’t change that much on the calculations but they have been modified to meet the requirements.

Mr. McMorrow showed the Commission the locations were was referring to on the plans.

Mr. McMorrow said the site is broken up into two drainage areas – you have this wetlands on the south east of the site and that drains out to Cook Road and then we have a little bit of wetlands in this corner here which drains down along the back side of Half Moon Road and they all meet down here in the same wetlands.

Mr. McMorrow said he has drainage area one and drainage area two in the calculations and we’ve analyzed the pre-development and the post development for both one and two.

Mr. McMorrow explained when you add the entire site up the pre-development conditions were just over 18 CFS for the 100 year storm – the post development conditions are 26.3 so we’re increasing because of the impervious of the road and the impervious of the houses and the driveway and meadow into lawn in that area.

Mr. McMorrow said this is the larger wetland along lot 8 – there’s a manmade ditch that goes down and there’s an

existing 12" culvert that runs diagonally across Cook Hill now that culvert is only 12" and that's really the governor of the whole drainage calculations – we can only put 5 CFS into that so he designed this basin to offset both the increase drainage area two and the increase drainage area one and we only have a 5 CFS outfall so our final – the net for all the drainage calculations is down to 18.3 CFS.

Mr. McMorrow said he might have misspoke – the existing is 21 CFS going to 26 – are final number is 18.

Mr. McMorrow said because of that 12" pipe he couldn't just do pre and post zero increase – it's actually less – significantly less than the pre-development conditions.

Mr. McMorrow said if you look at the analysis of that culvert – existing conditions without the development the 100 year storm doesn't pass in that pipe so it's making a situation that much better out there.

Mr. McMorrow said also he designed a water quality basin the first 6" of that basin has to percolate through the sand filter that he designed on it and that meets the WQV – the water quality volume from the 2004 State of Connecticut Storm Water Design Manual so the basin not only does the trick of zero increase – decreasing the peak development runoff but it also meets the 2004 standards for water quality on that basis so it's a dual purpose on that basin.

Mr. McMorrow said that's all for item number one.

Dr. Dimmick said he can't help but mention that roughly 40 years ago he was one of the first people to design a v-notch weir basin and it got copied all over the state.

Mr. McMorrow said he's done many - it's a great function for the higher scores.

Mr. McMorrow said item number two – bituminous curbing is not allowed; he said on the details on the plan it does show concrete and what happened he didn't modify his erosion control narrative to get rid of the bituminous curbing in that narrative so that was changed in the narrative and all the pipe labels have been changed from the 80 S to the RCP.

Mr. McMorrow said he asked Mr. Disbrow what he wanted for chambers – he wasn't sure what sediment chambers were – he explained (Mr. Disbrow) what wanted with the chambers with the new plans – they have sediment chambers added to the three outfalls going into the basins and the driveway for three.

Mr. McMorrow said he knew per the regulations that this is a Planning and Zoning consideration – you are only allowed three driveways on the circular part of the cul-de-sac – we were aware of that – he thought he had moved the driveway down far enough where we met the regulations – Mr. Disbrow disagreed so he slide the driveway farther down on the revised set of plans so that has been taken care of.

Mr. McMorrow said the fourth one is just the subdivision name – Mr. Disbrow says Farm Meadows exists – this is Farm Meadows at Cook Hill – he said he didn't know if the subdivision name was that critical or not. He said he didn't change it yet- he'd wait to go to Planning and Zoning and have that discussion.

Mr. McMorrow said that's the engineer's comments – he's gone through them – he'd said he be happy to answer any questions the Commission has after the last meeting and the site walk.

Ms. Simone said one question she had about the plans – does it incorporate showing the proposed non-encroachment line and placement of markers; she said it was mentioned at the site walk.

Mr. McMorrow said he didn't get that comment so the answer is no.

Mr. McMorrow said so we need to do that.

Chairman de Jongh said we need to make sure that's represented on the map.

Ms. Simone said so you would just need to depict where you are proposing that the non-encroachment line exists because right now it shows 50' and you would need to document on the plans whether that's what you are going with or you are asking for a reduction in that and then to show the placement of the wetland boundary markers.

Ms. Simone said we usually put them at each property corner and then every 50' or every contour change.

Mr. McMorrow said so obviously where we have some work going on in the regulated area for the road where we are proposing grading in that regulated area or non-encroachment tags would go along the base of that grading.

Ms. Simone said it's where you want to permanently establish the non-encroachment area so not so much of where you might be working to facilitate putting in a road but just where you want the lawns – it's primarily for the residents to know where the edge of the lawn will be.

Dr. Dimmick said the road along the watercourse probably doesn't need anything – it's when you get up to where the homes are and they have lawns.

Chairman de Jongh said he was assuming that red line indicates the non-encroachment mark – 50' non-encroachment line.

Mr. McMorrow said that's your 50' regulated area.

Chairman de Jongh said we need markers appropriately placed.

Mr. McMorrow asked if they could move it 25' off of that line.

Ms. Simone said that's what you need to propose so you would show that.

Andy Napolitano, the applicant addressed the Commission regarding location of the non-encroachment line.

Chairman de Jongh said if there were discussions in the field as to modifying the non-encroachment area during the field trip – that needs to be shown on the map and again with the placement of where those non-encroachment markers are going to do.

Mr. Norback said he actually brought that up during the site walk knowing the inclination of the homeowner is going to be to get as much lawn as they can and he thinks it's conducive as well.

Chairman de Jongh said if the site conditions warrant it – it's certainly something we can consider but we try to typically keep a 50' buffer recognizing that doesn't become lawn for the homeowner - it's just allowed to grow and maybe they can grow it twice a year but it's not lawn.

Mr. Napolitano said it's certainly something that has been mowed historically.

Dr. Dimmick said we have no problem with what might be called farmer mowing because there is a type of habitat favorable to wild life which is regularly mowed twice a year and is favorable because it's mowed twice a year so it's doesn't end up being scrub forest because of all the different things including wetland type species that like it to have a tall grass condition and so species for instance – some birds nest in tall grass in the spring as long as you don't mow it until mid-summer then they have their chance to use that tall grass habitat and the mowing is somewhere that keeps the trees from growing in it.

Dr. Dimmick said so there's a difference between manicured lawn and mowed area.

Chairman de Jongh said that's a distinction we try to create to make sure that's not a manicured lawn that that is somewhat natural and it's also protection for the wetland area.

Mr. Norback said he'd ask if in this particular situation given site conditions is that 50' buffer imperative.

Ms. Simone said it's not just about providing wildlife habitat it's just as a buffer but applicants are able to request a different extension or location for the non-encroachment line and the Commission will evaluate the value and function of that wetland and the proposed change.

Ms. Dunne said the driveway goes into that one area.

Ms. Simone said yes – it borders it.

Chairman de Jongh said looking at lot 7 there's a little bit more constraint than some of the other lots.

Ms. Simone noted that the driveway going to lot 7 goes right along it.

Chairman de Jongh said he's looking at the map and he's thinking that lot is more constrained relative to having a lawn so it may be something we need to consider moving that line back on that one – he said he'd be less inclined to move the other ones because there's plenty of area for a lawn.

Dr. Dimmick said the whole aggregate overall picture – if we don't keep the 50' for the entire subdivision – if we are keeping it for most of it we are fulfilling some of our needs; he said we've had some where we've had intrusion right to the very edge of the wetland for a particular lot where there's a hardship type case or it's there was something really unusual for that but we like to remind people that it's there because otherwise lawn might run right into wetlands without some kind of a boundary.

Chairman de Jongh said this is not a public hearing so we can't entertain questions back and forth from the public but if you can depict what the runoff is going to be looking like on the map towards Cook Hill Road and where that runoff is depicted to go.

Mr. McMorrow showed on the plan the location of the existing pipe that comes across Cook Hill into kind of a wing wall structure and then that wing wall structure – there's a 12" culvert that runs right along Cook Hill Road and picks up these catch basins and then discharges on the other side.

Mr. McMorrow showed on the plans the location of the drainage; he said the water is going to the north and not to the south.

Chairman de Jongh said certainly one of the things the Commission can do if there's – we have not determined significance on this application – but if there's significant public questions that need to be addressed then we can declare a public hearing for that reason but tonight it not the opportunity to do that.

Mr. McMorrow said the flow is not going to the south – its heading to the north and he would reiterate that with our drainage system – detention system we're correction what he considers an existing problem – not that town drainage is designed for 100 year storm but it will make the situation

better on three levels – the capacity of the pipe – the detention – and water quality.

Dr. Dimmick said so the flow off the property is aimed to the southwest and then it's going north up the road.

Mr. McMorrow stated correct.

Dr. Dimmick said the drainage is to the southwest down through the property but then it makes a dog leg when we get to the road and then ends up going north.

Dr. Dimmick said its doing that now.

Dr. Dimmick said in other words the Fish and Game people have worries in terms of where their property is which is to the south of this.

Mr. McMorrow stated they were not changing the drainage pattern and we are decreasing flows.

Dr. Dimmick said just try to remember that flow north down Cook Hill Road will actually then later end up going west he believed because Cook Hill Road then goes north past that bend – it straightens out then goes west – north west.

Ms. Simone said there's a town owned property there.

Mr. McMorrow said there is an old road bed where this discharges.

Ms. Simone said and the town owns that property and there is a watercourse that then goes into town owned open space.

Mr. McMorrow said you have a watercourse that runs along this side of the subdivision below the north border – it would be on the back side of the properties that are on Half Moon Road.

Dr. Dimmick commented about the flow of the road drainage.

Ms. Simone said so this proposed drainage then meets up with the water that comes out of the 36" culvert.

Mr. Napolitano stated yes.

Chairman de Jongh said and they current do that now.

Mr. Napolitano stated correct.

Chairman de Jongh said so the pre and post conditions are going to be exactly the same with one exception and that is the runoff from the post development would be less then what the current conditions are – they wind up all in the same place.

Mr. McMorrow stated there are not changing any of the drainage patterns on the subdivision and that's why we are able to offset – if this drainage up here went to another discharge point – it's not really proper to offset this increase with this basin – it's because they both drain here we are able to do that type of analysis.

Dr. Dimmick said based on the testimony and the field trip he made the following motion.

Motion: That the proposed activity is not significant within the context of the Commission's regulations.

Moved by Dr. Dimmick. Seconded by Mr. Norback. Mr. Kurtz said there were members in the audience who wanted to speak – would that effect the decision on significance.

Dr. Dimmick said it doesn't affect the significance – it does effect whether we should then call a public hearing even if we declare it not significant – we can do that.

Ms. Simone said if the Commission received a petition with a certain minimum number of signatures then a public hearing would be held regardless of determination of significance.

Dr. Dimmick said they have called a public hearing based on public interest.

Motion approved unanimously by Commission members present.

The Commission discussed the need for a public hearing based on public interest regarding the proposed application and that there were members of the public in the audience interested in asking questions and have concerns about the application.

Chairman de Jongh explained that the applicant has testified that the post conditions have actually have less runoff from the site without any change where the runoff currently comes from the site so nothing changes other than the fact that there's less water coming off the site based on the engineering design.

Dr. Dimmick said as a clarification – in the long run there's more water coming off the site – there's less water coming off at a given interval of time – the way the process delays to hold water back so that the continuous flow will be longer but the instantaneous flow will be less and make the whole situation less flashy.

Chairman de Jongh said he didn't know if that satisfied the concerns or questions that members of the audience have.

Members of the audience stated not really – not all of them.

Motion: That the Commission schedules a public hearing on this application.

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

The public hearing date was set for July 1, 2014 at 7:30 p.m.

Dr. Dimmick stated that information will be available in the town planner's office – the background maps and calculations.

Chairman de Jongh said they defer any further conversations until the next meeting on July 1, 2014.

X. NEW BUSINESS

- | | | | |
|----|--|-----|-----------|
| 1. | Permit Application (Permit After the Fact) | APP | #2014-022 |
| | Cheshire Village Associates | DOR | 6/17/14 |
| | 115-215 East Mitchell Avenue | | |
| | Culvert Extension | MAD | 8/21/14 |

Chairman de Jongh said they have a request to consider this item but they have no information.

Ms. Simone said the application that was submitted in the application after the fact – and the information they submitted in conjunction with it is first is a narrative and by the property

manager who talks about when the end wall collapse and the steps they took and what the Fire Department said about it.

Ms. Simone said he (the property manager) also states that he enclosed a property survey from 1979 which really doesn't have much information and germane information relative to the culvert.

Ms. Simone said he (the property manager) then does submit photos that shows the collapse of it and then it shows some new material being put in.

Ms. Simone stated additionally there's a letter from Milone and MacBroom where they indicate they visited the site after the collapse – they observed that the area had a leaning end wall and a damaged concrete pipe.

Ms. Simone the letter was written by Darin Overton from Milone and MacBroom – he says in his letter at the site visit he says the concrete end wall will be removed and the existing precast pipe will be extended to allow the fill to slope to extend the pipe thus eliminating the need for a wall; the pipe extension will terminate at the new flared section; that the emergency repair was reviewed by town staff – that they have allowed the work to proceed – Ms. Simone said there was no authorization for the work but there was discussion between herself and the chairman and the vice chairman – the work happened because it was an emergency and the permit will be a permit after the fact; the contractor has already been selected and the work is underway.

Ms. Simone read the remaining portion of the letter to Commission members.

Ms. Simone said the only recommended addition was to provide a guide rail between the top of the slope and the edge of the edge of the pavement.

Ms. Simone said she was out at the site when there were doing the work and it did appear as though there were being very mindful of the stream and they had erosion controls up.

Ms. Simone said the question what was raised to her from John Capone asking whether he could get a waiver from the required site plan and any design information or any details; she stated this information was just verbal.

Ms. Simone said Mr. Capone indicated he would not be available to come to tonight's meeting –which he would plan on attending the meeting on July 1.

Ms. Simone said Mr. Capone asked verbally for the Commission to consider his request for a waiver- nothing is in writing but she can ask for something; he had asked staff to waive that required but she informed him that it's only the Wetlands Commission that could resolve someone from the regulations.

Mr. Kurtz asked if there was an application here.

Ms. Simone said he submitted that material (reviewed) for the application and that application form and he did provide some payment – he still owes a balance on the application.

Dr. Dimmick said the photos help but need to have something to put in the file besides photos.

Chairman de Jongh said we need to have something in writing.

The Commission agreed they needed something in writing to show what was done; if it's not a formal plan from an engineer they need to at least to have something that's a map like thing that shows what was done and where.

Chairman de Jongh stated there has to be a written request on the part of the applicant – we can't just go by what's verbal.

Dr. Dimmick said we have taken maps in the past that haven't been done by an engineer or by a surveyor which were accurate enough to show us what has been done.

Ms. Simone said the application that he submitted states headwall was washed out to heavy rain and deteriorated RCP pipe joint; the Fire Department was concerned with road stability for trucks; RCP pipe extended with 48" section plus 96" flared end; the structure would be filled; rip rap ground cover – so those are the only specifics that were submitted as far as the details as what took place.

The as-built of the site was reviewed and the area where the collapse took place.

Ms. Simone noted it shows the catch basin, manhole cover, storm drain line.

Mr. Kurtz said he wanted someone to come in and tell us what's going on but to we need that to accept the application.

Ms. Simone said no – the Commission can acknowledge that it's received.

Dr. Dimmick said that we have acknowledged it but we have incomplete information to be a able to move forward.

Ms. Simone said there's still a balance due on the application and then there is the request that he not have to submit any additional information; the job has already been done due to it being an emergency situation; a an engineer received the work but did not do the work.

Dr. Dimmick asked if this property was town owned.

Ms. Simone stated no – this is private property (It's the Cheshire Housing Authority).

Ms. Dunne said it's financed by the Connecticut Finance Authority.

Ms. Simone said he did state that because its financed by the Connecticut Finance Authority they require certain notification one of them being a letter from an engineer outlining the problem and with a recommended course of action so that's how the Milone and MacBroom letter came to be.

Ms. Simone said that Mr. Capone does not in this letter that it should be noted that Milone and MacBroom did not engineer this work and are not the engineers of record.

Chairman de Jongh asked who determined what had to go where.

Ms. Simone said the contractor – Carts Company, Inc. were on site to discuss the proposed work and the procedures agreed by all the proposed work was reasonable.

Mr. Norback said expect for a drawing it seems like it's all right.

Mr. Kurtz said maybe it's not right – maybe if an engineer looked at it he would say the pipe should extend further – etc.

Ms. Simone said the engineering staff and he were out at the site and we did have conversation but we did not design but there were suggestions that were made from the engineering department; at first they were interested in doing a quick fix which was to put the end wall back up and the engineering department had suggested that no they thought there was a failure in the culvert and then that would just lead to further problems and it should be done as a one shot deal; nothing was designed or approved from the engineering department – there were no calculations.

Chairman de Jongh said he thinks what they need is just some additional narrative on this.

Dr. Dimmick said we need some kind of map – we can't tell anything from what we have.

Ms. Simone said is that something they'd like to see from an engineer – engineered drawings.

Dr. Dimmick said he wants to accurate and to scale but whether it's an engineer or not that does it he's not that picky about that.

Mr. Kurtz asked if the project was important enough to have an engineered plan.

Chairman de Jongh said as protection to the property owner it makes sense to have something that is from a professional to be able to back up the solution because if it fails again in the future then at least they can go back and say well it was poorly designed – there's no point of reference.

Dr. Dimmick said they could get a surveyor to do an as-built and say this is what it looks like; with a map and a short narrative – you don't need an engineer you need a surveyor.

Mr. Norback said that's all you can do is describe the onsite conditions.

Ms. Simone said a narrative and an as built that describes the site conditions that's accurate and to scale.

Chairman de Jongh said they've accepted the information this evening.

The Commission deferred significance pending the receipt of additional information.

Chairman de Jongh stated further consideration on this item would be deferred to the next meeting.

At 8:54 p.m. the Commission returned to the approval of the minutes.

XI. ADJOURNMENT

The regular meeting was adjourned at 8:56 p.m. by the consensus of Commission members present.

Respectfully submitted:

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