



At 9:18 p.m.

Motion: To approve the minutes of the regular meeting of July 15, 2014 with corrections and the minutes of the July 25, 2014 site walk with no corrections.

Regular Meeting July 15, 2014: Pg. 9 L11 “since” to “sense”; pg. 10 L15 “to” to “no”; pg. 12 L35 “any” to “say”

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

## VI. COMMUNICATIONS

1. **CACIWC The Habitat, Summer 2014 Newsletter, volume 26 number 3 (To be handed out at meeting.)**

Dr. Dimmick said he thought copies of The Habitat were distributed to members. He said if members ever had any complaints about it ask him and he'd forward them to the editor directly.

2. **Abutting Town Notification  
Re: 195 Chimney Hill Road, Wallingford, CT, 16 Lot Resubdivision**

Dr. Dimmick said the abutting town notification was sent because it (the resubdivision) is 500' from the Cheshire town line so they have to send us notice of it.

Dr. Dimmick stated the notice that was sent lacked a map – actually two maps were attached but neither of them showed the property and so we are missing information – we are not sure exactly what it is going on. He said staff if she asked for more information from them.

Ms. Simone said she called the applicant today and spoke with Vancy in their office; she informed her that we (the Commission) did not receive any site plans associated with his application and requested that they be mailed to town hall.

Dr. Dimmick said he was going to request from the Commission since we don't meet for another month – when that material comes in he's going to request authorization to look it over and give any appropriate comment to the Town of Wallingford because otherwise they would receive comment from us if any to late to be part of their application procedure.

**Motion: That the Commission grants Dr. Dimmick authorization to review documents/maps for 195 Chimney Hill Road, Wallingford, CT, 16 Lot Resubdivision and act on behalf of the Commission to provide appropriate comments and report to the Town of Wallingford.**

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

- 3. CT DEEP Pesticides Notification  
Re: Upper Mixville Pond, 1300 Notch Road**

**Ms. Simone said this item is in conjunction with the dredging that the town is doing at Mixville.**

- 4. Soils Notification: DeVlyder Parcel, Warren & Willow Streets**

**Ms. Simone explained that the soil scientist had submitted documentation indicating that there are no wetlands nor upland review area on that property.**

**Ms. Simone said she did not know what their long term plans were but it may be if they are planning to go before Planning and Zoning that they have satisfied notification to this Commission about soils on the property.**

- 5. Staff Communication with Attachments  
Re: Application #2014-023, Blacks Road, Site Plan**

**Ms. Simone stated this item is under unfinished business tonight.**

- 6. Staff Communication with Attachments  
Re: Application # 2014-027, 64 Rita Avenue**

**Ms. Simone stated this item is under new business tonight.**

- 7. Show Cause Hearing Information  
Re: 20 Smith Place**

**This item was reviewed.**

- 8. Staff Communication with Attachments  
Re: Request for Determination/Application 2014-025, Verna At Pemberley Estates, LLC, Lot 6, Baxter Court**

**This item was reviewed.**

9. **Staff Communication with Attachments**  
**Re: Application # 2014-026, Mixville Park, Watercourse Crossing**

This item was reviewed.

10. **Public Works Update**  
**Re: Farview Drive**

Ms. Simone explained that information was provided to Commission members for this mailing as well as Dr. Dimmick, herself, and Don Nolte went out to the site today and as the information provided from Don had indicated that they came across some...

Dr. Dimmick said he went out and identified the stone that they actually broke their hammer on – it's a lens of Amphibolite which is an extremely tough rock which they weren't expecting and they can't work their way through it so it totally changes the approach they are going to have to use there – they can't follow the original plan because they can't dig down through this rock that actually broke their rental equipment.

Ms. Simone said so they're requesting that this area of the stream be piped – there are two driveways on either side of this stream area and they would like to pipe it through the area where the rock was located and then to have it daylight to the rear yard of the property.

Ms. Simone explained the reason why they didn't come in with a modification – an application to modify was because the site is wide open and if they were to provide an application to the Commission the Commission would not be able to act on it tonight.

Dr. Dimmick said so what they are asking for is to be able to go ahead and pipe that section and then ask for an application after the fact as we've done before when we've got a situation (like this); he said he agrees because he didn't see an alternative to what they are proposing but just to keep the record straight they would need an application; he said he didn't know if we handle that now or under new business – he didn't know which would be more appropriate.

Ms. Simone said it may be more appropriate under new business.

Dr. Dimmick said if there's no objection we'll add that to the end of new business.

Mr. Norback asked if this where we had looked at this property and it had the driveway that was so tight into the ravine there – so that’s what they are trying to improved and that’s where they are having the trouble.

Ms. Simone stated yes.

Dr. Dimmick said the original plan was to make a nice channel that would be lined with Gabion blocks and so forth and they can’t cut the channel.

Ms. Simone said and they do have the Gabion materials – they put them together so they will be able to incorporate some of it in this project; they will retain about six of them that they can use in a future project.

Dr. Dimmick said they won’t have to pipe the whole thing.

Mr. Norback said it’s a good deal anyway – it will conduct the water as well as what was proposed anyway.

Dr. Dimmick said it’s just not going to be a nice vegetated open channel because you can’t do it this way.

Ms. Simone said it needs to get to a certain depth – she said she thinks they have to dig down to 2’ and they can’t.

Dr. Dimmick said they got down about 6” and broke their tool.

Ms. Simone stated this item is on the agenda for item number five for new business.

**11. Mixville Park – Revegetation after Clearing, MMI – July 2014 Report**

Ms. Simone stated the last item under communications is a correspondence for Mixville Park for the revegetation after clearing – and this is their July 2014 report.

**VII. INSPECTION REPORTS**

**1. Written Inspections**

Ms. Simone said the notice of violation and the notification for a show cause hearing was sent to 20 Smith Place.

**2. Staff Inspections**

**a. Wastewater Treatment Facility**

Ms. Simone said there was a sediment and erosion control inspection done of the Wastewater Treatment facility which is in good order.

**b. Cornerstone Church**

Ms. Simone said Cornerstone Church on Waterbury Road was also in good condition.

Ms. Simone said as an aside they are interested in changing some of the grade on that property – they received their approved plans from this Commission and the Planning and Zoning Commission that called for a retaining wall; they had indicated that they would like to do away with the retaining wall and they were advised they would need to come back to both the Wetlands Commission and the Planning and Zoning Commission if they wanted to make that change since it is quite significant so we'll just have to wait on that.

**c. Mixville Park**

Ms. Simone said there was inspection of Mixville Park for their dredging.

**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

Dr. Dimmick said this item would be covered under unfinished business.

2. Notice of Violation SC 05/06/14  
Ms. Suzy Lynn Antunes Ribeiro SC 06/03/14  
SC 06/17/14  
Unauthorized Activities in the Upland Review Area/Inland Wetlands  
64 Rita Avenue

**Assessor's Map 14, Lot 43**

Dr. Dimmick stated has received something.

Ms. Simone stated yes – she received an application which corresponds with what the Commission had ordered that an application be submitted by July 30 to be on tonight's agenda so it is listed on tonight's agenda under new business.

**3. SHOW CAUSE HEARING**

**Notice of Violation**

**Terrence and Deanna McIntosh**

**Unauthorized Activities in the Upland Review Area/Inland Wetlands  
20 Smith Place**

**Assessor's Map 30, Lot 146**

Dr. Dimmick asked if anyone was here representing Terrence and Deanna McIntosh.

Ms. Simone said she has not had any communication with them but to provide a back ground as is provided in the information sent to the Commission.

Ms. Simone said back in April our office and the Public Works office received a call from a neighbor who had stated that they were concerned that the stream which is partially on 20 Smith Place was loaded up with yard debris and they had concern that the water would back up and possible flood their septic system because they are at a lower elevation.

Ms. Simone said the Public Works Department had agreed that they could schedule to work with the property owners if notice was sent to the property owners telling them there was a violation – if they could bring their yard material to the street line and that the town could take it away and the purpose of that is because the town just wanted to help, assist and prevent a problem.

Ms. Simone explained there were a total of three property owners that were affected – two of them did authorize the town to gain access on to their property to drive a truck up to the side of the road and have staff remove the yard debris.

Ms. Simone stated she did speak with Deanna (McIntosh) – she had called and she had inquired what the letter meant – she had made a statement that she thought perhaps her landscaper had called to

complain about her yard; she (Ms. Simone) assured her that wasn't the case that this was just based on observation from a neighbor that was concerned about potential damage to the septic system because of the condition of the stream – she had indicated that she would like to sign off on it and we never received any communication from her.

Ms. Simone said so she drove to the property – gave her (Deanna McIntosh) another hand written note with the form to sign off – also left a voice mail message – didn't hear anything back.

Ms. Simone said the Public Works Department had made it clear that they were just doing this one time – so on July 7 for that morning they would be available and they would do the work – it only took a matter a couple of hours if that to do the work.

Ms. Simone said she has not had any communication – the letter that was sent out on June 5 summarizing the conditions that the town found and the prescribed remedy had indicated that if they had elected to not move forward and work with the town that they may be issued a notice of violation and that enforcement action may be taken.

Ms. Simone said the letter that was sent out July 29 is due to the lack of action on the June 5 letter and she did go by the property on July 28 and she did verify that the yard material is still stock piled along the stream as well as it appears that there is still some material directly in the stream channel.

Dr. Dimmick said well under the circumstances since they have failed to show up - he said he thinks we (the Commission) has to go through the next step which is to issue a notice of violation.

Ms. Simone said it's all covered under one – she issued a notice of violation and cease and desist in one order and also then had the agenda for a show cause.

Dr. Dimmick said okay so they've had strike one and strike two so the next thing then is to turn it over to our town attorney is that correct.

Ms. Simone said the Commission could issue a corrective order – ordering them to remove the material by a certain date so it will give them time to try to work on this – it would be solely their responsibility – the town from what she understands would no

longer offer to assist with the removal but that's something that she could draft for the next meeting.

Dr. Dimmick said that's another possibility we could do that and an in issuing a corrective order state that if that is not done by such and such a time it would be turned over (to the town attorney).

Ms. Dunne said that sounds good – how much time would you like to give them.

Dr. Dimmick said well we are taking that this would not be until the next meeting that this would be drafted.

Ms. Simone said for the September 2 meeting.

Ms. Dunne said Suzanne will need to know how much time to give them.

Ms. Simone said how long a period of time will they be allowed to remove this material.

Dr. Dimmick asked could we make it so if the material is not removed by such and such a date that you would automatically turn it over or would we have to come back and take another vote.

Ms. Simone said that can be done – do you have an idea of time period of how long to give them.

Dr. Dimmick explained this is the sort of thing that the other people are given two weeks to clean up.

Ms. Simone said she believed we gave them three and a half to four weeks.

Mr. McPhee asked if the site looks like its inhabited – does it look like they are home – did they mow or anything.

Ms. Simone said the lawn is mowed and there has been a vehicle in the driveway when she's gone by.

Mr. McPhee said and how much debris are we talking about – do you have any idea of the cubic yards – how many dump truck loads.

Ms. Simone stated it's a significant amount; it would take several pickup trucks full.

Mr. McPhee said he thinks they have been given numerous opportunities here to correct this and with the town's help which is too bad they didn't off on it.

Mr. McPhee said he thinks he is with the correction date of September 15.

Dr. Dimmick said staff is saying she wouldn't have this drafted until September.

Mr. McPhee said he thought she was going to do it after tonight and be directed to just go with it.

Ms. Dunne said how about the first meeting in October.

Ms. Simone said that's true the Commission can do that also.

Mr. Norback asked if we can tell them this is coming and allow them the interim to try to correct it so the clock doesn't start ticking until the next meeting but tell them that's what's coming and the can take advantage of this next 30 days or whatever it is and knowing this is coming maybe that will help; it might help them out although they don't seem to respond well.

Ms. Simone said so they have advanced notice.

Mr. Norback said it gives them that time instead of wasting that time in between now and then.

Ms. Simone said for the corrective order that's drafted for September 2 – does the Commission have an idea of what length of time they would like to see proposed in that corrective order that they need to get things corrected by.

Dr. Dimmick said he's hearing 30 days (from Commission members).

Mr. Norback asked if its grass clippings or some combination of grass clippings and brush.

Ms. Simone said it looks like grass clippings – branches – she said she didn't see any cut trees. She explained she viewed this from the other side of the stream on the property owner that had called the town and that was in April so the area wasn't filled out so she was able to see straight across but it was a significant amount of material

and it did fall into the stream and that's directly where the culvert opening is so that's why there was that level of concern.

Mr. Norback asked in her letter would she be able to describe how much – maybe some of it isn't actually in violation so are we just looking to unclutter the watercourse or do they need to get rid of all of it.

Ms. Simone said it's near the stream bank and from what she recalls the pile is quite high so it could just continue to fall over.

Dr. Dimmick said it's an existing hazard whether or not.

Dr. Dimmick asked if that was the consensus that we go ahead and do that – have something ready to go September 2 with a 30 day end date and we'll let staff let them know this is what's coming unless something is done.

Commission members agreed (with the plan) by consensus.

#### IX. UNFINISHED BUSINESS

1.	Permit Application	APP	2014-023
	Pine Ridge Enterprises, Inc.	DOR	7/01/14
	108 Blacks Road		
	Site Plan	MAD	9/04/14

David Carson, a principal of the OCC Group was present on behalf of the applicant.

Dr. Dimmick said we had a field trip to look over the property at 108 Blacks Road.

Ms. Simone stated yes and there are minutes for that site visit which are under consideration of the Commission at the end of the meeting.

Dr. Dimmick asked if anyone wanted to go first to describe what they saw (on the site walk).

Mr. McPhee said he believed there were some questions that the engineer had to answer for us so should we let him go first.

Mr. Carson addressed the Commission.

Mr. Carson explained that before he begins he has revised plans – he has a couple of sets of those revised plans which he'll bring up to the Commission.

Mr. Carson said since the site walk he's been in contact with both the applicant and the property owner regarding several questions that have come up from the site walk and in an email from Commission member Kurtz which he did not know the answers for.

Mr. Carson said he'd briefly go through those – with regard to the material remaining on site – it is owned by the applicant Pine Ridge Enterprises.

Mr. Carson said the Mulch Works truck and equipment which is all over the site – he found out Mulch Works is a division of Pine Ridge Enterprises – they are the delivery and installation division of that company.

Mr. Carson said the metal storage containers on site are partially owned by the owner of the property – Nat Florian and some of them are privately owned by tenants – the privately owned ones were onsite when Nat Florian bought the property – quite a few years ago.

Mr. Carson said Nat is per his (Mr. Carson's) request attempting to contain the individual tenants to get a list of what is stored in those containers that he does not own.

Mr. Carson said the ones that he owns he advised me that there is furniture and miscellaneous mechanics tools and equipment that he owns.

Ms. Simone asked if that was just the metal containers not the plastic ones.

Mr. Carson said the big metal storage containers.

Dr. Dimmick said the things that look like they could in back of a semi at one time.

Mr. Carson stated exactly.

Dr. Dimmick asked if there was any way he (Mr. Carson) could indicate which ones are owned by whom.

Mr. Carson said he will provide that when Nat provides him with that information.

Mr. Carson said oddly enough he guessed some of them have been there so long that they send their monthly check or whatever – he (Nat) has not even been able to contact them because the telephone numbers that he has for these people don't even exist because it's been decades; so he's assuming he's (Nat) is contacting these people by mail.

Mr. Carson said during the time he's been on the site he's never seen anybody enter one of those storage units so it appears to be pretty well permanent storage – not something that is routinely opened and closed.

Mr. Carson said in discussions with the property owner – he has agreed – as you can easily see on the plan because we individually located every single one of those storage units; the property owner has agreed to relocate those units a minimum of 10' from the intermittent watercourse as part of this application.

Mr. Carson stated at present there are at least two that actually extend across the watercourse so he (the applicant) has agreed to pull those units out and maintain a minimum of 10' as part of this application.

Mr. Carson said additionally the plans before you this evening and shown on here – we have relocated the perimeter concrete blocks to the bins to be a minimum of 15' from the regulated wetland line.

Mr. Carson said that area that we looked on the site walk happened to be the closest point that the existing wall barriers have to the watercourse.

Mr. Carson said that particular point that he believed Dr. Dimmick measured – that will be moved 6' from where it is now so the whole wall will be a minimum of 15' along the watercourse – along the backside of the property is closer to 25' from the watercourse.

Ms. Simone asked if the mental containers then will be moved 10' away from the watercourse or the wetland boundary.

Mr. Carson said well realize all there is the intermittent watercourse there – there is not wetland boundary there.

Ms. Simone said where the wetland flags are – is that where you mean the edge of the watercourse.

Mr. Carson showed on the plans the location of the wetland flags and where the intermittent watercourse was in relation to the containers.

Dr. Dimmick said so if those containers are moved back to the level where your new wall is going to be that would work out nicely.

Mr. Carson said that isn't a problem.

Dr. Dimmick said around the pond area you've got some kind of landscaping or something.

Mr. Carson said yes so again we've moved the wall around the pond area and that he has some additional information with regard to the pond.

Mr. Carson said apparently and he should have known this because we've worked on several other landscape material sites throughout and around the state and everybody has a pond.

Mr. Carson said granted the pond was illegally excavated but it is there now – the pond as it exists provides three things – one it provides for some peak stormwater detention because it has to fill up before it flows out during a rain storm event – it provides for emergency fire protection – there's water in it obviously from the mulch piles; the mulch piles are called for to be limited to 15' in height – that's a typical limitation by DEP again for fire protection reasons and it withdraws water from that to use in his (the applicant's) mulch processing operation.

Mr. Carson explained the yellow drums – he was correct – those were intended to store water – that's the purpose; the drums up in till present time were buried behind the existing mulch piles so that's why they haven't been utilized to date.

Mr. Carson said the new plan calls for those yellow drums to be relocated over by the pond inside the walled area – they will be filled so that water can be drawn from them during a dry period.

Mr. Carson said the plan also states that any outside fuel storage will be prohibited.

Mr. Carson said the pond itself again we are noting and recommending that the sides of the pond be sloped back to 2:1 and loamed and seeded in order to stabilize that area – plant some White Pines around there any basically once that area is completed and walled off they will kind of revert to a small isolated habitat area.

Ms. Simone asked then does that mean then they don't plan on using the pond.

Mr. Carson replied was not pick up on the tape.

Dr. Dimmick told Mr. Carson that this plan is beginning to look reasonable to him – he said had to remove most of his objections – not necessarily all of them.

Ms. Dunne said just confirming – water is being taken out of the pond but nothing is being put into the pond.

Mr. Carson said correct.

Mr. Carson addressed the stock piled material.

Dr. Dimmick called for a brief recess at 8:02 pm so the battery in the microphone could be change. The meeting resumed at 8:06 pm.

Mr. Carson explained that as he said in his best estimate its approximately sixty percent of the material that was originally there on March 4 has been moved off the site.

Mr. Carson said one of the most significant thing is the amount of top soil and initially he was advised that the top soil actually had a new home – it was scheduled to go somewhere.

Mr. Carson explained what he has found out and he kind of verified this on his own over the course of going on many site visits – seeing the material rescreened and ultimately what he found out is that after two screenings the material did not pass laboratory testing to meet landscape specifications.

Mr. Carson said as he stated in the past most of the Pine Ridge's business is very specific high-end mulch top soil – it doesn't go to homes – its goes to businesses – he said he knows they do Mohegan Sun – he said he knows they do roof top gardens like in the cities; he said even after a second screening the material didn't pass – it needed the addition of sand so sand had to be brought on to the site

in order to mix with the existing top soil in order to pass the spec – this process of doing it twice – he said he watched it – he saw them screen the material – screened again – it didn't pass.

Dr. Dimmick asked if it was too course or too fine.

Mr. Carson said the first time it was screened apparently it was too course – it had pebbles a quarter of an inch and that didn't pass – they rescreened it and apparently in doing that the lab results came back and said there was not enough sand – enough fines in the top soil so they lost the sale – whoever was taking this material go the material somewhere else.

Mr. Carson said what he did find out from the property owner – he said that the lightest use of the top soil is in the fall – most commercial top soil operations they place with fall seeding and not during the summer obviously and not in the spring; so he (the applicant) is still hopeful to get rid of that material by the end of the year.

Mr. Carson said what he would ask is for the ability to bring sand onto the site to mix with the top soil that's there.

Mr. Carson said the other top soil that he does is organic top soil and as a matter of fact he saw it tonight – he said if you saw his original plan there was a pile of organic material way in the rear corner – if you go out there now you can see they've tunneled through the top soil pile to get to that organic material which they mix in with the other top soil – again all this material has to pass specs – specs that are put on by landscape architects he assumed.

Dr. Dimmick said he thinks we may have two items that we are intermingling here – he said he thinks the main reason for requiring the permit was to secure the materials on the site and prevent any further movement of material from the site on the surrounding properties then there was a second line item in terms of the amount of material that was stored on the site.

Dr. Dimmick said the plans in front of us he thinks are primarily for the securing of the site.

Mr. Carson said he agreed – the fact that the design of the bin layout – the drainage system and the limitation on the height of the stock piled material in and of itself also limits the amount of material.

Mr. Carson said he would project that this plan probably limits the amount of the material somewhere in the neighborhood of 50% of the material that was there on March 4.

Mr. Norback said he didn't know if it was the Commission's concern of who the buyer of it is – whether it's a high end buyer or some jimoke – since the Commission really as Dr. Dimmick stated this came before us because one we wanted the material taken away and it's still there and they tried to screen it and they held out for top dollar – maybe it's time to just bite the bullet and sell it to somebody else.

Mr. Carson said he agree but he would like to note that realize there has been no erosion – no off sight siltation – the site has been stabilized since March – since the violation has been issued within a matter of couple of weeks of when he (Mr. Carson) became involved in the project – the site has been stabilized and it's been stable ever since and the top soil pile is stable – everything is stable and as the material – the mulch material has been removed from the brook side of the site – he's (the applicant) has been putting in the concrete blocks – those are protecting the brook and those blocks continue down and around the pond the site is protected and the site is stabilized.

Mr. Carson said basically what he wrote down here in conclusion if you can look at this application and get past the fact that yes there was a violation – unfortunate – past the fact that this applicant should have approached me (Mr. Carson) or someone else before he ever did anything – and look at the fact that what we are really comparing here is a plan which in his opinion stabilizes the site going forward – grants the site a permit with conditions which can be enforced versus what we've had – it's a 40 year old site – grandfathered site with no wetland permit and other than an actual violation there's nothing to enforce because there's no conditions on the site what so ever.

Mr. Carson said the existing gravel lot and it's there because we located it goes right through the watercourse.

Mr. Norback said when the applicant first came before the Commission - he had leanings thinking what are we really improving since its sitting on top of a comprised area anyway – that its top soil – that's the way he was thinking personally but whatever was ruled that they had to remove and so far no good; so now he guessed if he had a concern its they are bringing more material in – he said he

didn't know if they should talk percentages or if they are bringing in sand to introduce to the pile – how big is that pile going to get at that point and do we actually care with the site being as well secured as it is.

Mr. Carson said he didn't think they were talking about bringing in sand to stock pile it – he thought they were talking about bring sand in to mix.

Mr. Norback said and what does that do to the pile – does it make it even higher – are we adding 6,000 yards of sand.

Mr. Carson said he was thinking probably 2,000 yards of sand – a 1,000 to 2,000 yards of sand.

Dr. Dimmick said getting back to where we need to go – he said the measures that were used to stabilize the site could be called a stop gap measures – what we are looking for is someday the site can be stabilized and we no longer have to worry about things that could go wrong which he thinks their final plan version takes care of that – at least to his mind.

Dr. Dimmick said he really wouldn't care too much if you got the edges and the margins of the site secure so that nothing is going to go off it then we can stop worrying about just how much is going in there other than the provisions if we put in the 15' height maximum and so forth.

Mr. McPhee said he would agree this is an improvement that we are seeing here tonight from Mr. Carson.

Mr. McPhee said he is still very much struggling internally with the fact that if this was a new site would we permit this and that's how he try and keep how we do things here – to be fair for one is fair for all and he has a hard time believing that we would allow storing of materials within 50' of the upland review area.

Mr. McPhee said we have a precedent already set and there's an gentleman here tonight – Mr. Ceccolini – with regards to when there's a violation they remove the violation completely come back into us and get a plan and correct the matter properly.

Mr. McPhee said he thinks we are fooling ourselves a bit to state that it's okay for them because they are already in violation – they are in violation period!

Mr. McPhee said he thinks our normal criteria should stand to this piece of property as it does with any other piece of property.

Mr. McPhee said that the tough talk side – he said he was going to propose 25' away from the buffers and maybe some type of fence on top of the concrete walls so that dirt, well pipe and garbage that they have thrown going over the concrete that are existing out there under the conditions now into the wetland areas don't happen again.

Mr. McPhee said he still has some questions about the trench drain.

Dr. Dimmick asked how high are these walls going to be compared to what you've got there now.

Mr. Carson said he would probably they would be two blocks high.

Dr. Dimmick said so they are one block high now.

Mr. Carson said so it just finished product so basically all you are doing is protecting from a bucket loader going in there to load a truck – it's what you saw – a spill over when you go in there with a three yard bucket and it spills out.

Mr. McPhee said explain to me again how the trench drain is not going to act as propellant - the southern end of this property is where most of the contaminants are based on all of the truck mechanics and oils and grease and parking – whatever it may be in which sheet flow is going to bring it naturally that way if he's reading this correctly (the plans) – how is that pipe not acting as basically propelling the contaminants to the wetland – what is in this splash pad that's going to allow the solvents, oils or whatever to dissolve or evaporate or whatever.

Mr. Carson said to begin with he's not sure there are .

Mr. McPhee said yes – he agreed that was an assumption.

Mr. Carson he has seem no evidence of any but basically – first you have to realize that there is no increase in runoff – there is no difference in where the discharge of storm water occurs now or after this plan is implemented – same volume of water – same discharge point – same concentrated flow.

Mr. Carson said the only difference is it running overland picking up sediments or anything else before it discharges off site or is it

slowed down – collected in a pipe and then discharged so the trench drain provides for one with the trap rock trench drain picking up oil molecules and dissolving them – letting them break down by sunlight.

Mr. Carson said the water goes in it - it's designed like a curtain drain so it's not just going into a pipe and flushing out – this curtain drain is filling up – there's some potential for some ground water infiltration – fills up goes out the pipe goes to the next basin so the basin at the end where we have the big stone filtration area is only collecting storm water from the area of this landscaping operation – it's not collecting six acres of water - it's only collected the two acres of water that right there – right now what you have is six acres of overland flow goes to that exact same point – obviously if its uncontrolled it's eroding down the embankment and its carrying whatever it carries with it – by collecting it you are slowing down that velocity – you are allowing any sediments or anything in there to fall out within the structures and you are trapping potential oils and you are discharging it at the same point.

Mr. Carson said no increase in storm water runoff and actually probably decrease in peak discharge – same amount of discharge – probably at peak a little lower - no impact on the watercourse what so ever because it's going directly – discharging directly opposite the culvert that's under the adjacent driveway so it's going there – we've oversized the outlet pipe to cut down the velocity – it comes out of that pipe and goes into a pipe that's one and a half times larger – and no velocity at all by the time that pipe discharges to the wetlands on the adjacent property – it just flows gently out – there's no velocity at all and fortunately or unfortunately the case may be – he said he's had months of opportunities to watch what happens there in storm conditions.

Dr. Dimmick said Suzanne – you had some old photos of this site.

Ms. Simone stated yes old aerial photographs.

Dr. Dimmick said because as he has stated at an earlier meeting he vaguely remembers this site from when he moved into town in 1972 and while industry was concentrated in the front part of the site he did seem to remember the whole back part of the site having been cleared at that site although parking a few vehicles he didn't remember anything being done.

Mr. Carson said that trailer that is presently buried behind the top soil stock pile which is called to be removed that was there as part of some sort of truck repair operation prior to this owner buying the property – it's been there all this time.

Mr. McPhee asked what year did he purchase the property.

Mr. Carson said he honestly didn't know – he can't say.

Commission members reviewed the photos of the site.

Mr. Carson said another thing to keep in mind and he was cognoscente of the need for wetland buffers and respecting wetland buffers – but one of the things that should be kept in mind here is that this buffer aside from – let's call it the banks of that intermittent watercourse - the site drains away from the intermittent watercourse – none of this site actually drains into the intermittent watercourse – that intermittent watercourse was actually – he strongly believe nothing more than a ditch could drain the wetlands that's all the way up in front of the site – off site.

Mr. Carson said then of course over the years it's level enough that's its developed vegetation and so forth but none of this site actually drains into that watercourse so there really is no impact from the site on the watercourse running down the side other than the potential of spillage and so forth which we are addressing – where the impact is – is at the end of the site where presently the site sheet flows off - its burned at the end which causes a concentrated flow and the bank is washed at that one point of concentration so that's where the impact is now.

Mr. Carson said once we put in the barriers and the drainage system will eliminate any impact on even that portion of the watercourse and will simple discharge straight to the pipe there.

Dr. Dimmick said Will we have an air photo from 1975 – if you want to see it.

Dr. Dimmick said this is what was in active use 1975 and you'll find cleared land behind and a few vehicles parked back in there.

Dr. Dimmick said the watercourse at the back of the property goes through here (shown in the photo) – there was a ditch and another ditch came in through a funny angle – he said he remembered the front yard being actively in use and vehicles would park there.

Ms. Simone said then there's the 1992 photo.

Commission members reviewed the 1992 photo.

Dr. Dimmick said what seems to have happened since 1992 – they seem to have expanded maybe about 10' to 15' – he said they have another whole building here – it's got along history here – he said part of what's influencing him is that while they weren't storing things at the edge of the watercourse back there they had already cleared land and put down gravel or something pretty close to things so that's why he thought 15' was reasonable – regarding the 25' before we came into existence in 1974 they were already using that so – there's grandfathered and there's grandfathered.

Mr. McPhee said he struggles with that – it's either regulated or it's not so if it's not regulated we shouldn't even be talking about this because its grandfathered in.

Dr. Dimmick said having stuff so close that they get into the watercourse is not an earlier use – having stuff 15' from the watercourse was an earlier use and this is kind of where he was drawing his line on it (based on the aerial photos); he said the aerial photos mostly reinforces what he remembered expect it does look like a little bit of fill went in to that north west corner – about where the pond is now.

Mr. Carson said he thinks Suzanne is opening it now – there is the map that Suzanne had found from Planning and Zoning from 1971.

Ms. Simone said this (map) is from 1981 and it was for an application dealing with what's known as parcel A – what we are talking about today is parcel B which is bisected by this easement here and this map indicates existing tree buffer zone and its listed at 10' but it did not list here that anything was stored just that it was cleared and there are no approvals through Planning and Zoning to allow for storage of anything back here – in fact this is going to go before Planning and Zoning for a contractors storage yard – the Wetlands Commission is the first step so they'll need to get Planning and Zoning approval for their current use of that.

Mr. Carson said what's important to note is on this map and on a previous map where it didn't come to Wetlands – we went to Planning and Zoning they call for this 10' existing tree buffer to be maintained.

Mr. Carson said just to put it in perspective – he proposed a wall that's 32.5' from the property line – 22.5' past that 10' buffer.

Ms. Simone asked if he found a stone wall – this appears.

Mr. Carson stated yes – there's a stone wall.

Ms. Simone said then the wetlands are on the interior of that.

Mr. McPhee said that's makes him feel a lot better noticing that this is in place and the buffer was there and that's the use of the property so he does feel better about that – the only other thing that he would ask is he doesn't know why the containers wouldn't be within that 10' from the watercourse – is it 10'.

Mr. Carson said that's what he's had asked and agreed with on with the property owner.

Mr. McPhee asked if there was going to be anything marked behind the containers – any kind of fence or wall so the containers aren't just pushed back at a later date to where they are now – are there any vegetation plans – any concrete wall – any markers.

Mr. Carson said not really but realize – for what it's worth – in the aerial where these containers are actually encroaching on intermittent watercourse there are no flagged wetlands there – it's the watercourse itself so it's fairly simple so in any time in the future measure 10' from the watercourse – you are not measuring from an imaginary line so to speak – you don't have a flag to know where you are measuring from – it's actually from the watercourse itself.

Dr. Dimmick said well – we have a lot of information here – we have a couple of alternatives possible – one alternative is turn this over to staff for trying to put together a permit – keep in mind the next meeting is the first meeting in September would be the absolute deadline for acting on a permit or we could decide that we don't have enough information or that the proposed activity is significant within the context of the regulations and then schedule a public hearing for September 2 – so those are your alternatives and he's open to any suggestions as to how you (Commission members) feel about it.

Mr. Norback said he liked the Suzanne option – he said he didn't think it was necessary to have a public hearing – does anybody else.

Ms. Dunne said she was trying to remember the reasons for having a public hearing – its environmental – its public interest – do any of those fall within this.

Dr. Dimmick said it's not public interest in this case so much as we would have to declare it significant within the context of the regulations and the three possibilities to consider according to our regulations if we decide its significant due to environment impact – the proposed regulated activity on wetlands or watercourses or the applicant's purpose for and feasible and prudent alternatives of the proposed regulated activity which alternatives cause less or no environmental impact to wetland or watercourses and then the third one he marked of the eight choices of – is any management practices or mitigation measures which may be considered by the Commission as a condition as a condition of issuing a permit for the proposed regulated activity.

Mr. Norback said we are going to like two and three on that one.

Dr. Dimmick said before he saw tonight's revised plan he was leaning towards a and b on this as being reasons for calling it significant – he said himself he feels better about it have seeing the revised – revised plan.

Ms. Dunne asked if there was a concern about the fact that with this pond that's it's a diverted watercourse – would that not be a reason for it to be significant.

Dr. Dimmick stated that would certainly be a possibility to consider that way.

Mr. McPhee said he feels comfortable that there's been enough discussion about this and that there's enough public impact that it should be deemed significant and for at least a public hearing and look at all options and move forward from there.

Motion: That the Commission moves to declared the proposed activity significant within the context of the regulations specifically section 10.2 a and b.

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

The public hearing was set for September 2, 2014.

**X. NEW BUSINESS**

1.	Wetland Determination	RFD	2014-025
	Verna At Pemberley Estates, LLC	DOR	8/05/14
	Lot 6, Baxter Court		
	Site Plan - House	MAD	10/09/14

Attorney Joan Molloy of Loughlin and Fitzgerald of 150 South Main Street, Wallingford, CT was present on behalf of the applicant.

Dr. Dimmick stated this lot was part a previously approved subdivision and we asked that lot six come before us for further action.

Ms. Simone said to update the Commission – this afternoon we received a set of plans that are signed by Chesprocott that locates the septic system.

Dr. Dimmick said we have two things here – if we determine that an application is necessary the applicant has already filed something – if we determine it's not necessary she can go home without that procedure.

Attorney Molloy explained that as Dr. Dimmick has explained when the subdivision was approved and the wetlands permit for certain activities such as the removal of the existing house was granted – it was a condition of approval that any of the lots that were adjacent to the wetlands to the pond that's not on the property would have to be resubmitted for site plan review so in accordance with that condition we did make a submission as noted in the cover letter which was provided by Ryan McEvoy of Milone and MacBroom – all the activities for the house and the grading and the septic system are all outside of the regulated area and that is why we submitted the request for the determination and again just to cover our bases in the event the Commission saw something we didn't see and thought that a permit was necessary we did submit an application and should you determine if a permit was not required she presumed she can just withdraw that application so it could be removed from your agenda.

Dr. Dimmick said he should point out by the way that the house that was on this property – it was all one estate before it was subdivided is shown in outline there and it went almost to the edge of the wetlands and it's been completely as part of the original permit.

Attorney Molloy stated it has been completely removed.

Ms. Simone said if she could just add some information - at the time of the subdivision the applicant had volunteered to put a conservation easement so the 40' conservation easement is shown on the plans and it has been recorded on the Cheshire land records.

Attorney Molloy stated that is correct.

Dr. Dimmick said if you need one other thing if you are not clear on this – there is a large existing pond that goes all along the southern edges of all of these properties here and the pond for the most part lies outside the actual subdivision but lies right immediate adjacent to it.

Motion: That a permit is not required based on the map presented this evening which is dated June 3, 2014 Lot 6 of Pemberley Estates signed off by Chesprocott.

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

2.	Permit Application	APP	2014-025
	Verna At Pemberley Estates, LLC	DOR	8/05/14
	Lot 6, Baxter Court		
	Site Plan- House	MAD	10/09/14

Attorney Molloy requested that this application be withdrawn.

3.	Permit Application	APP	2014-026
	Robert Ceccolini, Park & Rec.	DOR	8/05/14
	Notch Road (Mixville Pond)		
	Watercourse Crossing	MAD	10/09/14

Robert Ceccolini, Park & Recreation was present on behalf of the applicant.

Dr. Dimmick said if you remember there was a watercourse crossing made at one time that because of various reasons had to be removed among other things because fill that was put in it required an Army Corp permit which it did not have so they are dotting the “l’s” and crossing the “t’s” and trying again.

Mr. Ceccolini from Parks and Rec addressed the Commission. He explained he was here a couple of years ago to represent the

department – we had an Eagle Scout project that was some pavers that were put between the two ponds at Mixville for park users to be able to cross from one side of the park to the other without getting their feet wet and to have a safe crossing.

Mr. Ceccolini explained the project was completed by the Eagle Scout and then afterwards it was determined that it should have been permitted and that some fill was put in there so those pavers were removed – the fill was removed by the Parks crew – the pavers have been piled up at the site and we did then hire Milone and MacBroom to submit a plan to the Army Corp and got a positive response for them this spring – he said he thought it might be in your packets.

Mr. Ceccolini said and so that described in pretty good detail what our plan would be – what the layout would be – it would be to put those 12 pavers which are 4' by 4' each approximately back across that crossing – we would do it without using any machinery in the water – we took them out that way where we had a loader on the land that we were able to drag them out with boards and we would start on one end and work out way across.

Mr. Ceccolini said the Army Corp has made it clear to leave a minimum of 12" between the blocks and we would follow the plan and lay them in there.

Mr. Ceccolini said as an aside the Eagle Scout – now it's a couple of years later is a college student - he's volunteered he and his family and some other scouts to help us when we do the hand work to put them back in.

Mr. Ceccolini said it will look similar to what it was before but it will not entail any additional fill being brought in – they will be settled into the pond crossing and nestled in amongst the rip-rap that's there right now.

Mr. Ceccolini said he's been down there several times – he said he knows Suzanne's been down there and watched as we took them out. He said he didn't know if she had any comments on this – he would be happy to answer any questions.

Dr. Dimmick said the material he looked didn't seem to have a construction sequence as part of the submitted material – do we have anything of that sort.

Ms. Simone said no – there's some information that's narrated in the Army Corp letter but there is no sequence that specifies time of year or how the work will be conducted.

Dr. Dimmick said the other item – if you remember last time part of our problem was that once things were put in place we started getting loose stone displaced and getting movement from the upper pond to the lower pond – do we have any way of making sure that things will be secured this time – we are not going to have things moving afterwards.

Mr. Ceccolini said he thought some of the material that moved last time was the smaller stone that had been put in so that was removed to the best of our ability at that time and we are not proposing to bring in any smaller stone – these pieces would be nestled amongst the rock that is there right now.

Dr. Dimmick said when you say nestled amongst – someone is going to make sure that they are not going to start rocking or something – which they are going to nestle them until they fit snug.

Mr. Ceccolini said and if there was a problem we would go back which we would did on occasion the last time – go back and reset some in if there were any problems like that.

Mr. Ceccolini said just to reiterate a little bit about the crossing – the park users loved it and it was very popular and we had a lot of comments after it came out “when are you going to put it back in – can you put it back in” and so he knows it was a very popular amenity that we added at the park and people really liked – a lot of dog walkers there – a lot of people from the neighborhood – a lot of middle age people that are walking every morning and it really gave them a changes to have a nice circuit through the park.

Mr. Ceccolini said so we will definitely be aware of any unevenness or rocky movement and we have one of our park guys and that is his responsibility is Mixville Park and so he's constantly in the park and he would pick up on that if there was something to that effect.

Mr. Norback said Charles you mentioned something about construction sequence – while it doesn't give sequence it does say that's it's to be leveled by hand and that's seems like the spirit.

Dr. Dimmick said that's the method but in terms of we normally ask for a construction sequence – we are going to come in such and

such time of the year and we are going to this and we are going to do it in this order and so forth and some of this is been given verbally already.

Dr. Dimmick said he would suggest since we can't act on this tonight anyway we can act on it on September 2 meeting that will give time for some of this verbal to be put in writing so Suzanne can have that in writing and if Suzanne has any questions that can all be put together so we can have answered to that and be able to act on this at the September 2 meeting.

Mr. McPhee said that sounds good. He said he wanted stated that he glad your (Mr. Ceccolini) back here tonight – he thought it was a good project.

Dr. Dimmick stated we just needed to follow procedure.

4.	Permit Application	APP	2014-027
	Suzy Ribeiro	DOR	8/05/14
	64 Rita Avenue		
	Fill Removal	MAD	10/09/14

Suzy Ribeiro and Jaxon Rivers were present.

Dr. Dimmick said we had some material submitted as an application which was received on July 30 – there is a question as to whether or not we have the complete application or not here; he said he believed Ms. Ribeiro was here.

Ms. Simone explained staff received the appendix B application on July 30 and she did send a follow up email to Suzy that while she's here tonight we'll just get her signature on this as the owner – she does provide a narrative that was sent to the Commission members and in that narrative she requests that the application fees be waived.

Ms. Simone said she did speak to both her (Ms. Ribeiro) and Jackson that the town collects a \$60 fee for the state and that this Commission is not able in to waive that – that's a state requirement that the town just collects the fees and then the state comes to collect the fees from the town.

Ms. Simone said so looking at appendix B that was submitted it appears as though the total initial fee barring if there's any public

hearing because those are all additional fees – it would be about \$180 that the applicant is asking that it be waived.

Ms. Simone explained the \$60 is separate – its \$180 in town fees; the was just an rough estimate because there isn't detailed information in here regarding how much material is going to be removed so there wasn't a way for me to be assess the impact review but she was just guess-a-mating that that's about \$180 total.

Ms. Simone said and looking though the requirements and Ms. Ribeiro does have a sign off sheet in the application packet that was sent to her – there's some information that still is needed – she said she tried to make things easier by giving Ms. Ribeiro a check off list.

Ms. Simone said under the check off list – appendix B was submitted and it still requires that you send a notification to the Regional Water Authority and she has another copy of that here for you that you can take with you and then basically the Commission needs written verification that you sent that.

Ms. Simone said the state activity reporting form – she can fill that out for you (for Ms. Ribeiro) if she prefers because it requires a lot of maps and things like that so she (Ms. Simone) can do that.

Ms. Simone said and then there is a check off list that the Commission can discuss as to what's required – they may be able to waive some of these things just what's required for site plan since there's no plan accompanying this.

Ms. Simone handed the check list to Ms. Ribeiro.

Ms. Simone said so the application appendix B said it's for the removal of fill and regrading of land by hand and the letter that was submitted – “ to whom it may concern – I Suzy Ribeiro homeowner of 64 Rita Avenue, Cheshire would like to see this matter that was an issue back in 2011 before I purchased the house in end of August 2012 be resolved as soon as possible. I Suzy Ribeiro to not have any money to do what the town is asking me to do. I don't have money for application fees, renting machinery, to pull the fill out, to hire someone to test the soil. I don't have any money to do anything. My boyfriend/fiancé and I proposed to move the fill out by hand in a timely manner working around our work schedules providing that the town direct us in to the amount of the material that needs to removed and the degree of the slope that the property needs to maintain. In conclusion, we/I would like this matter resolved as soon as possible.

Please waive all of our fees and we plan to be at the meeting August 5 to talk about resolving this issue. Sincerely, Suzy Ribeiro.”

Dr. Dimmick said we have a problem in that it is an incomplete application – he said he didn’t think they had enough to go on – we would need at least some kind of a map.

Dr. Dimmick said now it is true that somewhere in the town records we have the wetlands maps that have a suitable scale – he said he believed Ken Stevens years ago put an approximate wetland boundary on – it’s not as accurate as having an onsite map but it’s possible that they could get a copy of that from the town and by drawing on it be able to supply some of the information that we would need.

Ms. Simone said the topo map – is this what you are referring to that has the soils map. She said the information that we provide is that this does not delineate the wetlands because of the scale at which its drawn – it has an area of about three acres – it’s a pretty sizable area.

Ms. Simone said so in speaking with Suzy we has discussed that when you were out at the site and you had sampled the edge of the fill.

Dr. Dimmick said at the edge of the fill it was wetland soil at the toe of the fill so the wetland soil actually extended to some distance back into the fill.

Dr. Dimmick said the property immediately to the south there is an old slope reinforced with stone at the top of it that probably represents the original contour in that area before fill was put in there and that would at least give it a top of slope and some idea of determining what kind of contours would bring it back to the existing conditions.

Mr. Norback asked does that help us get – since we were actually looking for a map how does that help us.

Ms. Simone said it doesn’t necessarily.

Mr. Norback asked maybe we could define it with measurements – some kind of a land mark.

Dr. Dimmick said he could bring out his pocket transit and we could shoot some stuff.

Ms. Dunne explained to Ms. Ribeiro that we are trying to figure out where the wetlands are because people usually have a soil scientist – they have it mapped – understand we are trying to work with you and figure this out so that’s what this conversation is about.

Mr. Norback said we are trying to find a resolve that has the least economic and sweat impact.

Dr. Dimmick stated but also at the same time we have minimal requirements here that we can’t go beyond our minimal requirements – legally we are bound to have certain minimal things.

Ms. Simone said she thinks the Commission could consider that using this just as a rough guide – that the fill is either in wetlands or it’s in an upland review area or a little bit of both so either way it’s still a regulated activity so that the actual line may not matter – that’s up to the Commission to decide it can be viewed from that point of view.

Ms. Ribeiro said two years ago when I first bought the house I got the land surveyed – on our land surveyed there were no wetlands on it.

Dr. Dimmick said that survey for buying property gives you the boundaries of the property – it does not give you contours of the land – it does not indicate wetlands – it should indicate easements but other than that there’s no legal requirement for transfer of land other than boundaries.

Mr. Norback asked if she had a copy of that survey – the map.

Dr. Dimmick said we could use that and measure off from it.

Mr. Norback said we are assuming they didn’t do topo – it would be very unusual for them to have done topo but maybe for some reason – maybe a bank required it or something – he wouldn’t dismiss it summarily.

Dr. Dimmick said a copy of that map could use as a based and we could use something like that but we have to have some kind of map on file with an application.

Ms. Simone said and that map would be signed by a surveyor and would have a lot of information that the Commission might find useful.

Dr. Dimmick and while we normally require a certified soil scientist to set the line back in the old days before they had that requirement he used to do it himself.

Mr. Norback said the application now reads now that it's all to be removed by hand – that's pretty ambitious.

Mr. Norback said it handcuffs you in case you find insurmountable to move it by hand not you are handcuffed by this permit because of that statement and it doesn't seem relevant.

Dr. Dimmick said if it's a case to remove fill by hand where possible.

Mr. Norback said he was just saying then you are limiting yourself – if all of a sudden someone marries into your family with a backhoe – then maybe you've got a good deal but the way the permit reads is that its only by hand so he's just wondering if that's prudent.

Ms. Ribeiro asked if it was 100% sure that the fill is on wetlands.

Dr. Dimmick said in a sense it matters and in a sense it doesn't matter because even fill on a slope above a wetland needs a permit to be up in place so the fill was placed illegally whether it's actually in the wetland or its just on the slope leading to the wetland and he thinks it's a case of both in this case – any activity involving fill within 50' of a wetland requires a permit and obviously this is placed without a permit so one way or another – our biggest concern is that fill is actual in the wetland but within our jurisdiction is also the rest of that fill there all of which is within 50'.

Ms. Ribeiro asked how do we measure the 50' if we don't know where the wetland is.

Dr. Dimmick said he could give a pretty good idea of it.

Mr. Norback said if you could get that map that would be a giant step.

Dr. Dimmick said and I think what we are going to finally require is not saying it all has to be pulled back 50' from the wetland but it has to be pulled back to a reasonable slope – and the part that's

definitely in the wetland – he know at least the last 8' of it is definitely in the wetlands.

Ms. Simone said she had a couple of things she'd just like to get clear on the record: first if a soil scientist was to go out to the property and take a look at it – they would not be able to tell where the wetlands are if the fill is on top of wetlands because they wouldn't be able to sample underneath the wetlands to get that soil because there's too much material on top.

Ms. Simone said so the Commission is operating from a point of view or we can see that its wetlands because of the elevation – how the land slopes – that is very likely that this is in wetland and also that 50' upland review area – now to measure exactly 50' – that's usually not an exact science because the wetlands line is never straight – it's usually undelaying so the Commission has not to date ordered that material be removed from the wetlands and 50' away – the Commission asked that an application be brought in so that you can propose to the Commission what you'd like to do so that the Commission is entertaining the possibility that you want to keep some of that material there but you know in your letter you ask that the Commission tell you how much material to remove.

Ms. Ribeiro said right if we are removing it by hand we don't want to kill ourselves that's why she asked – how much do we take out.

Ms. Simone said right she understand that.

Ms. Simone asked if the Commission found it valuable that perhaps they can measure from the edge of the fill to measure out a certain amount of feet.

Mr. Norback said to establish the toe – the slope.

Ms. Simone said to establish a measurement so that we are all on the same page and we know what's being done so that would require just staking at the edge – the foot of the fill.

Dr. Dimmick said Tom you and I could do part of this.

Ms. Simone said and measuring from that way and then that way that's a measurable goal that then you know what you are doing and the Commission knows what to expect.

Mr. River asked so what the Commission is proposing is basically from the back of our property line to the top of the slope – measure that distance out.

Mr. Norback said no – from where the material was placed terminates where it fell over the edge we would try to determine – that point probably stays and we just draw a line back through the existing material to make that slope less steep and more stable.

Dr. Dimmick said we want it less steep and more stable and he would say we may want a little but at the every existing toe pulled back.

Mr. Norback said he didn't think anybody would be proposing to take 20' of material out in one fell swoop.

Dr. Dimmick said it would help if we had that map and we can establish some data lines and then give you a chance to make a proposal of to how much material is removed once we some kind of determination as to what's within our jurisdiction and how much of that is fill and so forth – it would be a rough guesstimate.

Mr. Norback said he's hoping you guys understand that we are really trying to help you here but we are still bound by the laws and our mandate – we have to react to this – we have to monitor – we have to do all that so once we sign up for this it's what we have to do but we are trying to help you here.

Mr. Rivers said that's understandable.

Mr. River said the other question he had for this is – the rest of the yard looks like a big soup bowl and the whole intention was to have a nice level yard.

Dr. Dimmick said well some of this fill you are pulling off this slope although most of it is not suitable for anything but some of it – the finer material could be used to fill in your soup bowl.

Mr. Rivers said further back towards the street do I have to have a permit actually fill it because its 5' that I'm bring in.

Ms. Simone said to clarify that – that there may be zoning regulations that you are allowed to bring a certain amount of fill on to your property for lawns and things like there so that's something she could check and email you about that.

Mr. River said the other question that he had – he was talking as far as zoning and permits and all that – we don't need a permit to put up a 6' fence around our property – and as far as zoning we don't need anything for that.

Ms. Simone said zoning is a separate issue.

Mr. River said to them and they said anything 6' or under you don't need anything you can put a fence up.

Mr. River said our property goes back 240' and we are determining the back portion of our property is in wetlands.

Mr. River said if he were to run a fence right along my property –

Dr. Dimmick said now all of a sudden you are getting into because a fence falls into the category of what we mentioned fill in the wetland – the broad definition of fill includes putting a fence in; it san activity within a wetland.

Mr. River said his reason being is one of our neighbors likes in the fall time take their leaves and blow them from the front of their yard all the way to the back of the yard and puts them into the one corner of his property and now he has a pile of leaves that chest deep.

Dr. Dimmick said you need to blow them back.

Mr. River said that's how this whole thing started.

Ms. Ribeiro said when you guys do come out to tell us about the slope and how much to remove –

Dr. Dimmick said he and Tom will try to help.

The Commission asked that they get a copy of the map (survey map) first.

Ms. Ribeiro agreed to bring the map to town hall so a copy could be made.

Dr. Dimmick said there's no way around needing a map as part of the application.

Ms. Simone said she suggested Ms. Ribeiro call ahead of time to make sure that she's there – that she can make the copy from her (Ms. Ribeiro) so she doesn't have to leave her original.

Ms. Dunne said check to see you may have one than one map – bring all of them so Suzanne can see which is the most helpful.

Ms. Ribeiro said when you guys do come out and take a look at it and tell us the kind of a slope – on that day would you be able to also to let us know how far a fence could go up – because that's in the future of our plans to put up a fence.

Ms. Simone said it depends if the fence is going to be in the wetlands and then maybe bring in an application.

Ms. Ribeiro said we won't want to put anything in the wetlands just leave everything behind.

Dr. Dimmick said we need to get a base map of existing and proposed land conditions – you can't put a fence in the wetlands but once things are moved around to what would be to our satisfaction then he didn't think it was any concern of ours where the fence goes.

Mr. McPhee said at the same time that they are doing this they are obviously indicating that in the future they may put in a fence so it makes sense after your visit and they want to put the fence in upland review portion of the property that we include in this permit.

Dr. Dimmick said he wasn't actually sure that while we are actually out in the field and we've made our measurements whether we are at that stage ready to make that kind of recommendation.

Ms. Simone said this was in response to a violation.

Commission members agreed to keep the issues separate.

Ms. Simone said there is the issue of the request for the waiving of the town fees that's still up for discussion.

Mr. McPhee said he didn't have a problem with it but he didn't think they should vote on it until the application was complete.

Dr. Dimmick said maybe that's the best thing – we have to do one thing at a time – we have to have a complete application – we need

some measurements here of the volume of material we are talking about.

Ms. Simone explained to Ms. Ribeiro that you will get the copy of the map (s) and then call town hall and set up a time to make sure I'm here – she'd take a look at the map and make the copies and then we'll take it from there.

Dr. Dimmick said he has some free time and so might Mr. Norback to visit the property.

Mr. Norback said ideally he could meet around dinner time.

Dr. Dimmick and Mr. Norback talked about being able to come up with some measurements that would be helpful.

Ms. Simone stated the Commission does have the authority to waive the town fees.

Ms. Ribeiro said the only thing that's unclear to her is when you guys would be coming out.

Mr. Norback said he and Charles and he needed to figure that out and would let her know.

Ms. Simone said we need to get the map from you (Ms. Ribeiro) first so first you collect your maps from home – you give me a call – we set up a time to make sure that she can get the maps from you – she can make copies from the original and give you the originals back and we can talk about the map and then she would pass the information along to Commission members and from there they can figure out what their schedule is and then they will be in touch with you to make sure you are available too.

Ms. Simone said before you go (Ms. Ribeiro) if I can you signature in the form.

Ms. Dunne asked if there was any time line here.

Ms. Simone said there's a mandatory action date right now of October 9; but the applicant is legally able to extend that out 65 days from there so December.

Dr. Dimmick said then there's time for them to actually carry through on it afterwards.

Ms. Simone stated the applicant start date started ticking today.

Mr. River said as far as Regional Water Authority that we contact – is it just a sense of us calling.

Ms. Simone said you can call the person that's listed on there – you can have a discussion with them but you would need to send something to them also – its basically they want answers to their questions that they have listed there and many of them are yes or no as well as a narrative as to what you are proposing to do.

Dr. Dimmick explained every application has to do this as a matter of state regulation.

Ms. Simone said she'd take care of the yellow form – the state form so you don't have to worry about that.

Mr. River thanked Ms. Simone.

5. Public Works Update  
Farview Drive

Dr. Dimmick provided the Commission with an update on the status of the Public Works Farview Drive project.

Dr. Dimmick explained that this is where there was an old drainage channel – a culvert goes under Farview Drive and goes between two house and they are fairly close together and have their driveways either closer and one driveway was eroding into the channel which was immediately next to it – there were questions of stabilizing the whole the thing; we issued a permit for that stabilization and that involved having a stabilized open channel with Gabion baskets to help in the stabilization process and then as they started to dig down to establish this they hot rock – they could not get through.

Dr. Dimmick said he went out and tested it and it was no wonder they couldn't get through it – the only way to get through that is if blasted it.

Dr. Dimmick gave a brief description of the hard rocks that were encountered on the site.

Dr. Dimmick continued to explained they hit this one Amphibolite (hard rock) and they aren't getting through that so they want to modify and pipe the first 75' to 80' to the existing culvert which is the

narrow portion between these two houses and once they get back to the back of the two houses it goes back to the open channel design that they originally purposed.

**Ms. Simone shared a map of the project with Commission members.**

**Mr. McPhee asked if we were not really asked to do anything here – it's just for discussion.**

**Dr. Dimmick said they would apply for a permit after the fact but they've got the thing ready to go – they can't just leave this thing open our September meeting. He said they are handling it professionally but they still officially have to a permit after the fact.**

**Commission members agreed this is the process to follow.**

**The Commission returned to the approval of the minutes at 9:17 pm.**

**XI. ADJOURNMENT**

**The regular meeting was adjourned at 9:19 p.m. by the consensus of Commission members present.**

**Respectfully submitted:**

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