

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
PUBLIC HEARING  
TUESDAY, OCTOBER 21, 2014  
TOWN HALL 84 SOUTH MAIN STREET  
COUNCIL CHAMBERS AT 7:30 PM**

---

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

**Members Absent: Will McPhee and Thom Norback.**

**Staff: Suzanne Simone.**

**I. CALL TO ORDER**

**Chairman de Jongh called the public hearing to order at 7:30 p.m.**

**II. PLEDGE OF ALLEGIANCE**

**The pledge of allegiance was recited by those present.**

**III. ROLL CALL**

**Ms. Dunne called the roll.**

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

**IV. DETERMINATION OF QUORUM**

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

**V. BUSINESS**

**Ms. Dunne read the legal call to open the public hearing on the following item:**

<b>1. Permit Application</b>	<b>APP</b>	<b>2014-028</b>
<b>Fifteen North Plains Industrial Road, LLC</b>	<b>DOR</b>	<b>9/02/14</b>
<b>1430 Highland Avenue</b>	<b>SW</b>	<b>9/06/14</b>
<b>Site Plan</b>	<b>SW</b>	<b>9/10/14</b>
	<b>PH</b>	<b>10/07/14</b>
	<b>PH</b>	<b>10/21/14</b>
	<b>MAD</b>	<b>11/25/14</b>

Chairman de Jongh informed all who were present the protocol the Commission follows for a public hearing.

Attorney David Sherwood from Glastonbury, CT, Attorney Ryan Corey, and Engineer Manny Silva, with Rose, Tisco and Co., LLC and Dean Berman the architect were present on behalf of the applicant. Attorney Sherwood stated the soil scientist and biologist Eric Davison was not present.

Attorney Sherwood explained that Eric Davison could not be present but did have a meeting with the staff and that they believed staff's questions were satisfied. He said if they have additional question they can continue the public hearing and Mr. Davison would be available on the 4<sup>th</sup> (November) if they continue the public so they can ask him then (if the Commission or staff had further questions).

Attorney Sherwood said as you know this is 1430 Highland Avenue – it's a proposed daycare facility.

Attorney Sherwood reviewed the site plan. He explained the parcel is generally rectangular and is about five acres in size – it's on the east side of Highland Avenue and currently there's a single family residence at the west very close to Highland Avenue – the parcel is fairly deep.

Attorney Sherwood said we have some neighbors immediately to the south who are with us this evening and who we have met with.

Attorney Sherwood said there is a gas line easement along the easterly boundary.

Attorney Sherwood stated there were three wetland features on the site – there's a wet meadow in the center of the site – there's a wetlands on the east side of the gas easement on the very eastern extreme of the property and there is an intermittent watercourse which runs along east-west on the northerly boundary of the property and there are some wetlands to the north.

Attorney Sherwood said you are seeing three versions of this site plan – the first version you took a look at was on September 2 and at that time the building was closer to Highland Avenue and then there's an access driveway toward the building which basically trisected the wet meadow in the center of the property. He explained the Commission didn't seem to like that plan so we worked to modify the plan and we came up with a revised plan where there was a

driveway which ran through the center of the wet meadow rather than fragmenting it into three parts which we thought might be acceptable but the staff clearly didn't think that was an appropriate plan.

Attorney Sherwood said so we worked with our soil scientist biologist and staff and our engineer and the town engineer and we've come up with this plan which avoids any impact at all to the wet meadow in the center of the property.

Attorney Sherwood said the proposal now is the building is moved significantly farther to the east within the property and the access driveway goes around the wet meadow – the only wetland watercourse impact is the channelization of the intermittent watercourse along the northerly boundary of the property.

Attorney Sherwood explained there's a wetlands delineation – the wetlands were flagged in the field. He said he understands you (the Commission) has been out there twice.

Attorney Sherwood said Eric Davison, our wetland scientist, submitted a wetlands evaluation and he said they are not doing anything at all to the eastern wetlands so he said he didn't think they had to worry about that.

Attorney Sherwood said that Mr. Davison thought wetlands number one – the wet meadow in the center of the site had some value and the intermittent watercourse he thinks only serves as drainage function – he (Mr. Davison) didn't think there was any adverse impact based on his report as a result of the channelization.

Attorney Sherwood explained the plans on the board and the plans before should be revised through October 20, 2014 – that's the plan we are going with – that's the plan we'd like you to consider and the plans you (the Commission) received.

Attorney Sherwood said he assumed all of the submissions have been made available to the Commission.

Attorney Sherwood turned the podium over to Mr. Silva who is our professional engineer.

Manny Silva of Rose, Tisco and Co., LLC, a registered engineer in Fairfield, CT addressed the Commission.

Mr. Silva said what they have here is the existing condition is a dwelling with some various out buildings – some paved driveways and sidewalks. He said essentially the topography of the site slopes from the west to east to this wetland area shown on the plan – the meadow wetland and there's an existing barn out in the middle of the site and then the topo continues on down to the wetland to the east end.

Mr. Silva stated there is a wetland offsite to the north – it is his understanding that at one time these wetlands were together and the horse stable race track or trotting track around the barn that was created and basically segregated the two wetlands and some fill was placed in the area and all the way around.

Mr. Silva stated so that is why the site is relatively flat and you have a pocket of wetlands here in the middle which is a meadow and pocket here to the north and one to the east.

Mr. Silva explained there was a manmade ditch put in near the north end of the property which is there today and we propose to channelize their proposal.

Mr. Silva said the site plan basically is we eliminate all the impervious area when we demolish the house and all the out buildings and the various driveways and concrete sidewalks/pad that are back here.

Mr. Silva stated they are going to maintain this Cedar edge as much as possible to screen the road from the use that we have here in the back. He said they are proposing to build a 20' driveway which then goes around they existing wetland and we have a water quality swale to one side so instead of having direct discharge of rain water into a catch basin right off of the pavement what we do is have indirect drainage where we don't link the paved surface right to the storm system right away and one way to achieve that is by creating a rain garden swale that's about a 350 LF primary treatment swale.

Mr. Silva said it's basically a depressed area that's planted with rain garden plantings to act as primary treatment for that storm water that's coming off of that pavement because the vegetation inside of it will act as a primary treatment – it will take out heavy metals and will act as a scrubbing agent for that surface runoff.

Mr. Silva explained there was a check dam at the very end of it to try to hold that water in a little longer and infiltrate for larger storms that

will overflow that and go into the wetland and then that water will be allowed to infiltrate into the wetland and feed that wetland a little bit.

Mr. Silva stated there is some impervious area now feeding that wetland. He stated there will be a lesser amount of impervious area but there will still be some feeding the wetland from the rain garden.

Mr. Silva explained they have another rain garden feature here in the center of this turn around island – essentially all our area in front of the building – from this point (shown on the plan) to the east is discharging without a curb over a grass depressed rain garden area and then there's a catch basin in the middle of that's 6' high above the bottom so that water is allowed to infiltrate also and with higher storms it overflows into the basin and then into the network.

Mr. Silva said so that's basically our site plan – we have some parking – some forty spaces here (shown on the plans) to the north of the building – a large play area which has to be linked to the building because the kids have to come right out of their classrooms into the play areas into a fenced in area – they can't walk outside of the uncontrolled area into the play yards.

Mr. Silva explained that there's a utility grading plan where you can see how the rain garden overflows tie into the overall drainage system – he said they have a check dam here (shown on the plans) which then goes into the existing wetlands.

Mr. Silva said they have a mitigation area which is going to link the two historically linked wetlands back together and then we have a headwall here where we start to fill in that manmade swale – we did that right after our mitigation areas so that if there is any access water filling in this wetland it will go into that headwall where it was going down a manmade ditch and now it's going into a pipe and that will go down to our Down Stream Defender which is a soil concentrator unit which will take out floatables and any grit up to 85% TSS removal and that will then discharge into the retention pond which is just basically a depression dug out from the existing grade – that has a little bit of a 1' berm around it then we have a level spreader discharge for the overflow at 222 which is basically the elevation of the existing grade out there and that will discharge.

Mr. Silva stated that they will create all these controls which will reduce discharge of runoff from the existing condition.

Mr. Silva said the ten year storm reduction will be 67.5% and a twenty five year storm reduction will be 39.5% and a fifty year storm will

have a reduction of 19.3% and at the hundred year storm we'll reduce the runoff off of this site by 6.3%.

Mr. Silva stated they also meet the guidelines for the DEEP water quality manual and their water quality volume. He said the DEEP requires that they have a water quality volume storage of 4,500 CF and we provide 14,600 CF of water quality storage on site.

Mr. Silva explained so what we have here is basically – there's a detail here showing the cross section of the detention pond and how the level spreader work which is the small curve is going to discharge the water on a level plane so you don't have any gouging or rutting of the discharge from the pond.

Mr. Silva said basically what we have here is a proposal that's going to reduce the amount of volume coming off the site from today and we'll also increase the water quality coming off this site today because currently there is no control – there's no storm water controls on the existing site for water quality or water volume.

Mr. Silva reviewed the soil erosion control plan and how they are going to control the erosion on the site during construction.

Mr. Silva explained what they have is basically an envelope with silt fence around all the disturbed areas so that during construction if there was a rain storm none of that disturbed soil leaves the site and stays within the site with the silt fence and we have an anti-tracking pad at the construction entrance which is also the new entrance for the driveway and that will stop any vehicles from tracking any mud out into the public street.

Mr. Silva explained they also have silt sacks on proposed catch basins and that's so that during construction any kind of water that's being discharged into the new system that may have some kind of sediment of mud in it will be collected in the silt sacks and not go into the actual sumps of the basins so that when construction is complete and have a stabilized site and they'll remove those silt sacks while the sediment is in them and we actually have a storm water system that's brand new – that will not be comprised from the construction process itself.

Mr. Silva stated they have their phasing notes and our soil and erosion control narratives here (on the plans). He explained they have an ornamental landscaping legend here which is basically some street type trees along the entrance kind of show a tree lined entrance coming into the site and then we have some small

Evergreen brush and bushes along the south side to screen the neighbors to the south and in front of the building they have some larger Evergreens in the back to screen the pond and the play areas from the neighbors to the south.

Mr. Silva stated they also have a rain garden plant list which is what's going to be planted inside the infiltration swale along the driveway and inside the area here where we'll have runoff coming right off of the pavement into that depressed area.

Mr. Silva said they basically have the standard details (on the plans); they have the secondary treatment device which is the Down Stream Defender so the rain gardens are the primary treatment and the infiltration swale is our primary treatment and secondary treatment is our Down Stream Defender prior to going into the retention pond.

Mr. Silva stated they have concrete curbs on site and stuff for zoning.

Mr. Silva said how they are basically going with the road around the meadow wetland is they have to grade area up and down to get drainage to work so we'll have basically a 1' to 2' landscape which are those gravity blocks lining the roadway just to breakup that up without having the fill in any areas right up to the wetland – he said they'd rather have the wall be right next to the pavement and give a little buffer space between the wall and the actual wetland.

Mr. Silva said they also have a mitigation plan which details how they mitigate for the filling of the manmade swale.

Mr. Silva said they are filling in 2,200 SF of regulated area which is a manmade swale – they are going to create about 4,800 SF of mitigated wetlands which will also serve to connect the two wetlands which is the existing meadow wetland and the wetland to the north and how we are achieving that is currently there is some sand fill that's kind of mounded up in that area between the two wetlands and they are going to remove that material and they are going to over excavate it about 6" and then put in a wetland type top soil which is an organic type of mix and we'll create these irregular mounds and micro topography in between the two wetlands and then plant it with mitigation plantings which the schedule is here (on the plans) with various plugs that the wetland scientist came up with and essentially that will create a continuance wetland that will function as one big system verses the two segregated systems.

Mr. Silva said the top of wall and below wall elevations – it doesn't really get anything greater than 12" to 18" tall and then we are going to have the town's standard plaques on four by four posts on every corner point around the meadow wetland so that identifies what that area actually is and why it's there.

Mr. Silva said they are also proposing a fence or a low stone wall around the whole area just to further delineate it and use it as a feature to the site to show that this is the reason who it's here and that's why they have a protected area because it is a wetland and it obviously a wetland that this Commission finds important.

Mr. Silva stated that was basically his presentation – he said if there were any questions he'd be happy to answer them.

Dr. Dimmick said he'd like to start off by saying that in general he likes what's been done here – he said he does approve of the planting list and that it's about what he would have chosen for there.

Dr. Dimmick said he had two maintenance questions – one the triangular rain garden - he said in the winter months there was a strong change of getting quite a bit of road sand off into that area what is the maintenance plan for taking care of that.

Mr. Silva said what he usually does when there are rain gardens is that they definitely don't plow into rain gardens – that's a big no-no.

Dr. Dimmick said you've intentionally and for good reason slanted everything towards that rain garden which means with no curve which is what you said and he would approve. He said there's sand and a lot of sand at certain times is going to get in there.

Mr. Silva stated correct and what they normally do for that is obviously the grass area and grass slope are doing their job – they are going to trap that sand but what we do is for they submit – he said he thought it was there but they'd submit it – is the maintenance plan for the catch basins and the bio swales to be inspected at least six months out of the year and cleaned if there's any sediment – he said he thinks it's over 12" in the catch basins and maybe 6" in the bio swale and then they would remove that sand and dispose of it.

Mr. Silva said he thought sanding has kind of gone by the wayside anyway but that will be part of the maintenance schedule for this site.

Dr. Dimmick asked about the Down Stream Defender – that needs periodic cleaning also from the looks of it.

Mr. Silva stated correct – that also is a yearly inspection – if you have oil over 8” it has to be vacuumed out from the bottom up or from the top down; it’s going to have a series of three manhole covers on it and then what happens is that we create a maintenance manual for sites like this and that goes to the property manager who cleans the snow and sweeps out the parking lot and things of that nature and maintains the landscaping.

Mr. Silva said they would have a maintenance schedule in there and they a lot of times they create a log book so that they make sure they are looking at the thing we want them to look at.

Chairman de Jongh said he wanted to echo his vice chair’s comments with regard to the applicant’s cooperation in trying to come up with a plan that’s certainly addressed the desire of the property owner to do what he envisions and what we see and is much more readily able to digest and accept so he appreciates the cooperative effort.

Chairman de Jongh asked about the play area around the perimeter of the general building – he said he assumed that toward the west beyond the rain garden in that meadow area that’s not going to be a play area – is that in any way going to be mowed maybe once or twice throughout the year or is it going to be left in the natural state.

Attorney Sherwood said he just wanted to make a point that some of you might not be aware of is that is in respect to the operation of a day care. He said what happens is the children are either brought in their parents car/vehicle or they are brought in by buses and they have to be brought right to the front of the building so nobody is going to get dropped off in the street – a bus is going to go in the site and go around the circle. He explained one of the site constraints we had was to try with this layout was to try to make sure they had a turning radius for the buses so there’s not going to be any children at all outside expect from the bus or the vehicle.

Attorney Sherwood said you’ll notice that there are parking spots right in front those parking spots are for parents – parents park the vehicle and they have to bring the child in and if the child comes in by bus then there has to be someone from the day care supervising the kids into the day care – once they are in the day care they are basically in jail because all the play areas are fenced so they can’t get out – they are not going to be wondering around the property –

they are not going to be walking towards the road so why is it relevant to the Wetlands Commission is because you are not going to worry about anybody playing in the wet meadow or wondering around or fooling around with any of the drainage features – that won't happen.

Attorney Sherwood stated the danger to the wetlands and the drainage features is the landscape crew which is why he thinks Manny intends to put a manual together.

Attorney Sherwood said as far as the salt and sand he just wanted to point out that the sight is flat as the floor in this room so they don't anticipate any great need for any treatment – he said he basically thinks it's going to be plowing although he agreed there will probably be salt at the entrance so the kids don't slip.

Attorney Sherwood said as far meadow goes – Eric Davison has spec'd that – he wants it mowed once a year at the time of year when the mowing of the wetland won't cause ruts in the meadow and the intention is to leave it as a meadow and not to allow any woody to establish.

Dr. Dimmick said that's what we have asked for in the past with other applicants we like to make sure we don't get woody materials established so a mowing once a year actually helps preserve it as a meadow and benefits the ecology in the long run.

Attorney Sherwood said what they tried to do basically when you told us we couldn't go through it was what they tried to do is segregate it and we are trying to make it into a nature feature which kind of goes along with the site with is why we are thinking that if the driveway goes around it they put a fence around it so that it won't be something people feel they have to mow or fertilize or plant trees in the middle of or anything like that.

Dr. Dimmick commented the proposed plantings will be kind of colorful during certain times of the year.

Attorney Sherwood said he thought Eric Davison had intended to do that.

Ms. Simone said she would just like to comment that she did meet with the applicant's engineer and attorneys and biologist and then she did have some questions for the biologist and he did provide a written response. She did asked if there was any potential effect or impact to the wetlands to the north of the property which is off site.

Ms. Simone stated Commission members may recall in the field that it was commented that there may be vernal pools to the north of this property and he (Mr. Davison) had indicated that he does not believe that they creation of a mitigation area will have any negative impacts on the vernal pools so that he doesn't anticipate that it would create a decoy area or prevent the vernal pool from continuing to function as it likely does now.

Ms. Simone said so in reviewing all of this material and with the town engineer's comments that were submitted today she didn't have any further questions or comments regarding the application.

Chairman de Jongh said he was going to read a very brief summary from Walter Gancarz the town engineer in regard to this application – from Mr. Gancarz to the Cheshire Inland Wetlands “We have received a third submission (design plans dated October 5, 2014 reported dated October 20, 2014) for the proposed day care center located at 1430 Highland Avenue. Based upon our meeting with the engineer and the revisions presented on the plans and the drainage report we offer no further review comments for the Inland Wetlands submission. We reserve any further comments that may relate to the Planning and Zoning or WPCA applications.” This summary was received October 21, 2014.

Chairman de Jongh stated it seems that Mr. Gancarz has no negative comments about this at all.

Chairman de Jongh stated at this time if there were any questions or comments from members of the public.

Marion Tavano of 1422 Highland Avenue addressed the Commission.

Ms. Tavano said the property that they are talking about tonight is very close to her heart because four generation of us grew up there – she did, her parents would have been there for pretty much sixty years. She said her concern is all the talk about drainage and wetlands and she said she knew her dad had to be very careful and very specific about what he did when he put up the barns – she said one of her concerns is she is kind of down below – the property next to hers was built up – they property on the other side of her parents was built up so she does acclimates a little bit of water and she's just concerned with all these new things that are going in – she said it's just a concern – she said she's not here to object to it by any means but she just wants to make sure that it's all done right so she's not looking at problems later on.

Dr. Dimmick said you are directly to the south of the property – he said there was a drainage pipe going to the south which is going to be eliminated and that drainage is now going to go to the east as he reads the plans so there should be at least a slight decrease in the amount of water going on to your property.

Ms. Tavano stated that was her concern. She said she has a friend who has kind of been counseling them and he would like to say something too.

Mr. Silva stated Dr. Dimmick is correct – essentially there is an existing 12” pipe that goes from the meadow wetland to the south and discharge to this area here behind their house (The Tibinos) – he said they (the applicant) proposes to cap that and basically no longer discharge water to the south so that now that all this impervious area is going to where the house is and sheds that shed water on to the ground - that would tend to go south – he said they are eliminating all that and now the driveway is now actually pitched to the north and there is going to be a swale here so anything that used to come up over land from the north is going to be intercepted by this swale now and not shield it from their property to the south so you should see a reduction in the amount of water coming onto your property from this because it basically creates a barrier from the north.

Mr. Silva said there also was an overflow from the wetland area south that they are going to cap on their end.

Ms. Tavano said she didn’t know where the information came from but there was never any fill in the center of that – there was never anything dumped in the center – the only place they had any fill brought in was for the race track – there was never anything by the wetlands – she said she thinks he was talking about where the first paddock used to be – there was never any sand brought in.

Dr. Dimmick said the soils show there is sand there that would not have been there originally but of course it could have washed in from the track – he said the top inch of the wet meadow shouldn’t be as sandy as it is – it’s coming from somewhere.

Ms. Tavano said they used to drag the track in order to make clear so it could have fallen into there.

Mike Darin, a friend of the Tavanos, addressed the Commission. He stated he was here just helping friends. He explained he did some civil engineering for years and was a mechanical engineer now

working with medical devices unrelated to this so he was here just a good friend trying to help.

Mr. Darin explained they delivered some plans to us yesterday. He said he looked at them late last night and thinks some of the questions with a few more days probably could have done it together - it's just he was pitched for time.

Mr. Darin said on the plan there's a map reference to number four that isn't on the plan – he thinks it's an error by omission – he said they'd like to understand what that is.

Mr. Silva handed Mr. Darin a copy of the sheet of the plans he inquired about. He explained it's a reference that carried over from the land survey and it's basically a reference of a map that was filed on the town records about how the property were split because the two properties were once one then they were subdivide so it's just a reference about the map that was filed to subdivide the property.

Mr. Darin stated he was just provided a copy so that was helpful.

Mr. Darin said there's a lot of discussion about the drainage throughout the wetlands which is very important and he thinks the driveway that's being added to the length of the property line – there's a lot of impervious material right at their (Tavanos) property and over the years with the changes to the south and to the north with the restaurant and landscaping company there has been increased water to their property and with that long driveway section right along their property line while he thinks the intent is to bring the water away from them to the north he is skeptical as an engineer – not an account of the design but the excitement – he would be very concerned if it were his property with that much impervious material right on his property line that it would go the right way – that his property would be protected. He said it seems that their experience with the abutting neighbors hasn't gone well and this is an opportunity it could go poorly again when the design is done everybody leaves profitable structures in place and they have water on their property (Tavanos) and then they are in a pinch so he has some concern for them – they are concerned about that.

Mr. Darin said he just wants their (Tavanos) interest to be protected and what's the best way to protect them from that.

Mr. Silva said right now they have the drainage pitch at about 2% slope towards the actual swale and the south side of the driveway can be definitely curbed – they can't have a curb on the north side

because it has to be discharging to the swale but we can definitely put a curb on the south side which will further ensure that no direct runoff from the paved area comes to the south and he thinks that will more than substantiate guarantee that's there's any water coming from the south of that curb line.

Mr. Darin said the last thing is when he looked at the plan yesterday he was just shocked that there were 52 parking spaces – why are there so many parking spaces – to him it's just more impervious material more runoff to the wetlands and more risk for them for runoff for them (Tavanos); he said he knows it's in the back unlikely the that the rain would go from parking up but it seems like an awful lot of parking spaces for what is mostly a drop off type facility. He said so those were the three concerns – first one addressed but the other two are still of concern.

Chairman de Jongh asked if it was the applicant's intent to curb the south end of that driveway that we would need to put in a curb to help mitigate the potential for any runoff on the property owner to the south of the applicant's property. He said they have two choices they can certainly keep the public hearing open for the receipt of that or they can publically state that this is what they intended to do and that would be the only change that this Commission would permit so he leaves that up to the applicant.

Attorney Sherwood said a couple of things – the parking is a function of the zoning regulations and the staffing requirements. He said there's probably won't be any buses parked on the site and parents won't be parking except to bring children back and forth but there are very strict staffing requirements for day care partially when there are children under three and there will be children under three here so those forty spaces are necessary.

Attorney Sherwood said with respect to the curbing we certainly don't have any problem keeping the public hearing open – we were thinking that if something came up Eric Davison would be here on the 4<sup>th</sup> but if nothing comes up you can close the public hearing. He said they'd kind of like to get a vote on the 4<sup>th</sup> if possible.

Chairman de Jongh stated the issue would be if they closed the public hearing and then what they would do it take it up as part of our regular application at the very least they have to wait two weeks before staff could come back with a recommendation for this Commission to consider. He said they have a two week window that is mandated by state statutes by the time the Commission decides to ahead and vote on it.

Chairman de Jongh talked about the time frame needed to vote on this application. He said staff noted to him if the only change we are talking about is the inclusion of the curb on that south side of that driveway she feels comfortable in being able to draft a recommendation at the next meeting.

Attorney Sherwood said the only concern he has about the curbing is the property they are concerned about doesn't run the entire length of the site so he's thinking it may not be necessary to curb the entire southern end of the driveway and the other concern he has is what sounds good to him may not sound good to Mr. Gancarz and he doesn't want to run into a problem with him saying you can't curb that because it's going to effect this or that. He said they don't have any financial problem putting in curbing.

Attorney Sherwood said they don't want a runoff problem with our neighbor because that's going to be a problem down the road regardless of what you do but he is a little concerned that if Ms. Simone does make a recommendation and runs it by Mr. Gancarz.

Attorney Sherwood explained the neighbors have another bite of the apple at the Planning and Zoning Commission so if there is some issue we've hoping it wouldn't hold us up.

Attorney Sherwood said so as far as they are concerned if you don't have any additional questions you can close the public hearing and they would not object to a condition with respect to the curbing as long as it's not going to cause any problems with the town engineer.

Ms. Simone said she thinks not and that there is discussion of the curb it would probably be best to if they would offer to keep the public hearing open and then that way your engineer and the town engineer could be in communication and have prepared plans, have comments from the town engineer so then she could prepare a draft for the next meeting.

Dr. Dimmick commented on the two week waiting period criteria followed for applications and for motions.

Attorney Sherwood said as a lawyer he thinks they can vote on the 4<sup>th</sup>. He asked if the Commission wanted Mr. Davison here on the 4<sup>th</sup> and that if they needed an extension they would grant an extension beyond the 4<sup>th</sup>.

There was discussion about the next meeting date.

**Attorney Sherwood asked that they leave the public hearing.**

**Chairman de Jongh said that leaves the opportunity for engineering and all parties to be able to converse back and forth and we can receive that information as part of the public hearing and not run into a legal quagmire.**

**Chairman de Jongh said he thinks the information they have tonight is fine and Mr. Davison does not need to be present at the next meeting.**

**Attorney Sherwood asked that Mr. Darin work with their engineer and the town engineer so the three of them could come up with a solution that satisfies everyone.**

**Chairman de Jongh said they will keep this public hearing open and continued the public hearing to the first meeting in November.**

**Chairman de Jongh said the Commission appreciates the cooperation of the applicant in being able to bring this (application) to this point.**

**VI. ADJOURNMENT**

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

**Respectfully submitted:**

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