

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, NOVEMBER 18, 2014
TOWN HALL 84 SOUTH MAIN STREETS
COUNCIL CHAMBERS AT 7:30 P.M.
Immediately Following the Public Hearing at 7:32 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 meeting was called to order at 7:32 pm.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited at the public hearing.

III. ROLL CALL

The roll was called at the public hearing. Members still in attendance were Robert de Jongh, Dave Brzozowski, Charles Dimmick, Kerrie Dunne, and Earl Kurtz.

IV. DETERMINATION OF QUORUM

A quorum was determined at the public hearing.

**V. APPROVAL OF MINUTES – Public Hearing – November 6, 2014
Regular Meeting – November 6, 2104**

The approval of the minutes was deferred to the end of the meeting by consensus of Commission members present.

At 8:34 pm:

Motion: To approve the minutes from the November 6, 2014 public hearing with no corrections and regular meeting with corrections.

Pg. 2 L19 “regarding” to “regrading”; pg. 5 L 44 “sympatric” to “sympathetic”, L46 “can” to “can’t”; pg. 6 L31 “unusual” to “usually”; pg. 7 L40 should read “had said”; pg. 8 L 50 “remove” to “review”

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

VI. COMMUNICATIONS

1. Extension Request Letter from Terrence & Deanna McIntosh
Re: Corrective Order #CO-9-1-2014-A, 20 Smith Place

This communication was reviewed.

2. Letter to Terrence & Deanna McIntosh
Re: Corrective Order #CO-9-1-2014-A, 20 Smith Place

This communication was reviewed.

3. Staff Communication Re: 20 Smith Place
Corrective Order #CO-9-1-2014-A

This communication was reviewed.

4. Letter from the City of Meriden
Re: Show Cause Hearing for 825 Wallingford Road

This communication was reviewed. This item is on the agenda tonight.

5. Staff Communication Re: 825 Wallingford Road
Notice of Violation/Cease and Desist

This communication was reviewed.

VII. INSPECTION REPORTS

1. Written Inspections
 - a. Notice of Violation for 825 Wallingford Road

Ms. Simone reported there was a written notice of violation for 825 Wallingford Road.

2. Staff Inspections

a. 825 Wallingford Road

Ms. Simone reported there was a staff inspection of 825 Wallingford Road.

b. Prinz Court

Ms. Simone reported there was a staff inspection of Prinz Court and Edith Place – there are four sites that are currently under development and there are erosion issues on each of those sites. She said she did speak with one of the developers today and she will contact the additional developers to inform them of the situation.

c. Buzzotos on School House Road

Ms. Simone reported on Veteran's Day they had put some dye into their stormwater drainage system – into the gutters to see where it exited and the Fire Department responded and contacted DEEP. She explained they received the DSMS sheet for the dye used and they did not find there was a problem with the use of that dye.

Ms. Simone explained she spoke with Bozzotos and they had stated that if they do that in the future that they would contact the town and neighboring properties to let them know ahead of time.

Ms. Simone said she also met with them and they also showed her a drainage relocation plan which basically would take the down spout from the building and move it closer to the building instead of existing out on to state property which is closer to the wetlands.

VIII. ENFORCEMENT ACTIONS

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

Chairman de Jongh stated this was subject of a show cause hearing on January 7, 2014 and continues to be on our agenda for monitoring purposes.

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

Chairman de Jongh said to his knowledge they have not hear back from the applicant.

Ms. Simone stated they have their application under unfinished business.

This item would be addressed under unfinished business.

3. Notice of Violation SC 08/05/14
Terrence and Deanna McIntosh SC 09/02/14
Unauthorized Activities in the Upland Review Area/Inland Wetlands
20 Smith Place
Assessor's Map 30, Lot 146

Terrence McIntosh was present.

Chairman de Jongh stated they received a communication regarding this item.

Ms. Simone stated for the last meeting the Commission did receive a letter from Mr. McIntosh asking for additional time to be able to comply with the corrective order 91-2014 A; there was no time frame specifically requested in this letter and that is why at the last meeting the Commission asked that this be brought up and asked that McIntosh to appear before this Commission.

Chairman de Jongh said the question is when we will have the problem taken care. He said it's an odd situation because the town would have taken care of this for free long before now and for whatever reasons that opportunity passed by.

Ms. Simone provided the Commission a brief history of this violation: in April staff was contacted by a property owner near to 20 Smith Place – abutting the stream of 20 Smith Place and had

identified that some dumping had taken place in the watercourse and it was identified and it appeared to be lawn debris from some neighboring properties.

Ms. Simone stated the person who had contacted the town had specific concern that the water was changing course because of the amount of debris and that water was getting close to the septic system.

Ms. Simone explained the Public Works Department had offered three property owners to come and take the material – they property owners would have to remove the material to the street line and then the town would take the material away for free.

Ms. Simone said she did speak with Deanna McIntosh and she had indicated that she was interested in taking part of it and that she would be signing the access agreement and then that did not get signed. She said she tried to contact her leaving voice mail messages and stopping by the house and leaving hand written notes at the property and didn't receive any communication back.

Ms. Simone explained so the two other neighbors that did sign the release did use the town and they got the material removed then there was a notice of violation that was issued at the end of July and a show cause hearing was held at the end of August and she met with Mr. McIntosh out at the property and then he appeared before the Commission on September 2 when the corrective order was issued and there was a discussion at that time that Mr. McIntosh would provide an appropriate date to remove that material and he had agreed on November 1.

Ms. Simone explained as a follow up she contacted him (Mr. McIntosh) sending a letter in September, a phone call in October and that brings us to today.

Chairman de Jongh said they received a letter from Mr. McIntosh dated November 3 which basically said that the cost of the removal was significantly higher than he expected – it could have been had for free.

Mr. McIntosh said the issue is the major part of the cost is in the removal and not so much the transport but they still would have had to remove it from that area several hundred feet to the curb which is where most of the cost would be incurred.

Mr. McIntosh said the other part to that is before he knew about this whole situation – Deanna was taking care of it – he said they had asked the neighbors who were putting all the stuff there to help remove it and they said they were going to talk to the town so don't worry about it; that's sort of what he heard about that part so that's obviously an opportunity missed.

Chairman de Jongh said the letter from November 3 indicated that you had found someone who would be able do the work in stages and it would be much more palatable in terms of cost.

Chairman de Jongh asked if Mr. McIntosh could give the Commission an idea of the time frame involved in this.

Mr. McIntosh said the reason he was not able to come up with a time frame in the letter was he hadn't met with one of the company principal's which he has since the letter. He explained they met on Thursday, November 13 and he came to look at the property and the plan was to start moving some of the larger debris – tree branches, tree stumps, bushes and so forth and do that first. He said he's schedule to come back November 29 – after Thanksgiving and the material is scheduled to be removed December 6 so that's about as specific as he has at this point – he said they are dealing with weather.

Dr. Dimmick asked if Mr. McIntosh had any idea (and he understood the weather issue) of the number of trips that he'd have to take to do this.

Ms. McIntosh said probably they are looking at four loads – two per month.

Dr. Dimmick stated that's a little bit more information that we had.

Ms. Simone asked if that was two in November and two in December.

Mr. McIntosh stated said they would start in December. He said the schedule would be solidified on November 29 – they'll look at how many men they'll need how many trailers and so forth.

Dr. Dimmick asked if they would drive back there with a trailer.

Ms. Simone asked if they planned on using the neighbor's driveway or driving on his property.

Mr. McIntosh said they'll drive on his property but it was close enough to the road so he didn't think there'd be a problem unless you think there's one.

Ms. Simone said she's trying to think – she said she thinks there's a cleared area.

Mr. McIntosh said there is a cleared area.

Ms. Simone said there's a small section then its vegetated.

Mr. McIntosh stated correct.

Dr. Dimmick asked if there was a soft ground problem as you get near the watercourse.

Mr. McIntosh said he didn't think so.

Ms. Simone said she thought it was pretty compacted – there was a lot of truck use back there so she thinks it is compacted.

Dr. Dimmick said he thinks they need this in writing rather than in just this form before we come to some kind of agreement. He said they can give a verbal agreement tonight but he thinks they need to have this all in writing for the December 2 meeting.

Chairman de Jongh asked if they contractor has given a schedule in writing or has it all been conversations he's had with you.

Mr. McIntosh said conversations. He said he can get it in writing.

Chairman de Jongh said he thinks that would be great and would not only complete the file but would also we can also kind of measure the success of meeting what they are trying to achieve.

Mr. McIntosh asked about the best way to handle this taking into consideration the weather and that he didn't want to keep coming back to the Commission (if deadlines were missed because of weather).

Chairman de Jongh said if they can do what was outlined on December 6 – the major stuff – the trees and the shrubs – he thought that was going to go a long way toward removing the obvious stuff. He said if we wind up with a significant snow fall that is certainly

going to put a damper on the removal of the rest and he guessed they'd have to wait to see what would happen with the weather.

Dr. Dimmick said this could be put into the written agreement. He explained part of the reason he is insisting on the written agreement is that he's been on this Commission forty years and he's found verbal agreements aren't worth the agreements their written on; he said people totally disagree with what was said and who said what and so forth.

Ms. Simone said to clarify – when they are taking the tree stumps out – she said she remembered that those were further into the pile – that right at the front of the pile he had a lot of leaves – will they be removing the leaves first or will they be pushing them aside to get to the larger material.

Mr. McIntosh said pushing them aside to get to the larger material. He said he thought that was just a better idea to get the biggest part of the stuff moved out of the way then we can kind of see what we are dealing with – he said the leaves have been there a long time and are sort of mulchy and then see what we could do with that.

Ms. Simone said she had a question about taking those leaves and moving them – she said there wasn't that much area to work in so depending on what size equipment they are going to use – if they are going to use – if you take the leaves and push them over they may not have a lot of room – she said she is a little curious on how they are going to do that and if there was going to be an impulse to take the leaves and push them towards the watercourse.

Dr. Dimmick said they can be pulled back on to the lawn temporarily because its winter it will not kill the grass.

Mr. McIntosh said just so he understands in terms of the moving – does she thinks there's going to be a problem with the area or the environment or in terms of the amount of room they have.

Ms. Simone said exactly for access because there was a large amount of leaves there. She said looking at the amount of leaves there and the space they took up she really didn't know how they were going to effectively take that and move that off to the side and still have enough room to get around the leave pile and not go into the watercourse to be able to get the rest of the material out then they are going to be working closer to the watercourse.

Mr. McIntosh stated good point.

Ms. Simone said so maybe they'll need to take the leaves first to be able to get to the rest of the material and then that way you are only moving it once instead of twice.

Chairman de Jongh said it may also give you a little bit of access to the larger material even if there's snow cover so if that material in front of the stumps and bushes and stuff were removed then it's not going to be covered as much with snow cover – you are going to be able to pull that out.

Mr. McIntosh stated excellent point.

Chairman de Jongh said he thinks if they can get something in writing that kind of lays out the basic frame work of a time table that you're contractor is going to follow weather permitting then it fills a gap that we have in our file and it gives us something that we can monitor so this is moving forward instead of waiting until spring time.

Mr. McIntosh said absolutely and that he didn't want this dragging out until then.

Chairman de Jongh said he's recommend that we keep this on our agenda for monitoring – we'll receive the information from Mr. McIntosh as discussed this evening.

Dr. Dimmick said to keep in touch with staff – she's the one who is here all of the time and she's the one who can do all of the coordination.

Ms. Simone said if you (Mr. McIntosh) could get all that information to her before December 2 or the latest the day of and contact her to let her know if it's going to be last minute so she could expect it.

Chairman de Jongh stated the Commission appreciated Mr. McIntosh's cooperation.

Mr. McIntosh stated as I appreciate yours.

4. **SHOW CAUSE HEARING**

Notice of Violation

Whitney Watts

Unauthorized Activities in the Upland Review Area/Inland Wetlands

SC 11/18/14

825 Wallingford Road
Assessor's Map 80, Lot 2

Ms. Simone explained she was notified by a neighbor that expressed some curiosity about what was happening to the site and when she went out the site at 825 Wallingford Road she had observed that the driveway was put in – it was put in generally in the area that was approved from this Commission back in 2012.

Ms. Simone explained there is an area and there were pictures handed out tonight to Commission members – she said as soon as you get through the new portion of the driveway where it starts to open up – that area has been cleared. She said in the second picture which is on the first sheet – it does show a tree stump on the right hand side – that's not really representative of the entire area – it seemed to be more shrub and scrub growth – there were a few trees stumps they were not nearly as large as this one – she said this tree is shown pretty much in the area where the driveway is supposed to be.

Ms. Simone said on the second page (of photos) it shows a stock piling of material – the material that was cleared – there were no erosion controls up and looking at the approved site plan this area was never proposed for development so the wetlands in this area were never delineated but looking at the site plan it does show a general location of wetlands which is consistent with the town's soils map and it is generally in the area where you see the stock pile of material.

Ms. Simone explained the landscape when you are standing out there does generally slope to that area – you can see in the bottom picture somewhat of an open area – you have shrubs and trees surrounding it – she stated that area she believed is likely wetlands.

Ms. Simone said the third page shows there were some wood chipped products that were put along the embankment and slopes down towards the wetlands; in the bottom you can see a close up where you see some small diameter branches or trunks and a large stock pile of what appeared to be the scrub growth Multiflora Rose and she says that because that's common on other parts of the property.

Ms. Simone said looking at the remainder to the site they still need to work on the driveway crossing which is not included in these pictures and they still need to clear where the house is to be located.

Ms. Simone said so looking at the plans this area was not part of that.

Dr. Dimmick said and the original application said that prior to any construction activities covered by the grant the applicant shall among other things shall have the following items completed by a qualified party and verified as complete by Commission staff and that included the staking and flagging of all clearing limits, sedimentation and erosion controls - so none of that was done and you were not notified.

Ms. Simone said she did have conversation with the property owner and the property owners engineer relative to the driveways crossing and the area where the house is to be located and there was discussion where they'd be clearing there and she did receive a report from their engineer that their erosion controls where up in the area as shown on the plans where the wetland crossing was approved.

Chairman de Jongh said but not the area that was cleared east of the proposed driveway.

Ms. Simone stated no – there was no discussion of that.

Ms. Simone said on November 14, 2014 a notice of violation and cease and desist order was issued and it basically summarizes everything that was just mentioned and it had directed that any clearing of the vegetation or accumulation of the stock pile or moving of the stock pile or anything in that northeast corner was to cease and desist but they were able to continue with the driveway improvement for the wetland crossing – to appear tonight – and to also get a wetlands delineation done of that area so that the Commission would have that advantage of seeing where the wetlands were actually located and could assess then what if any impact to wetlands or uplands.

Chairman de Jongh asked Mr. Watt's what happened.

Mr. Watts' addressed the Commission. He explained he bought the property in 2012 - he had an overall map of the property that is 44 acres total and that this whole area was forestry land when he bought it and when that he had to get it resurveyed.

Mr. Watts said during that process he brought that in to Diane Waller (town assessor's office). He said this area he showed on the map is approximately 35 acres; he said his house is going in the 5 acres area. He said his forester told some of the acreage could not be registered as forestry land so when he went to bring the map to Diane Waller in the assessor's office and ask if there was anything else he could do with the other portion of the land and she said he could plant Christmas trees.

Mr. Watts explained he wanted to do that so he cleared the area which like Ms. Simone said was really more prickles and invasive vines – there were no large trees growing in that area.

Mr. Watts said he didn't know if he had to do anything else in that area and his goal was to have some Christmas trees.

Chairman de Jongh said part of the problem is that it was not a secret that this property had an awful lot of attention not only by this Commission but by the City of Meriden because of its proximity to the reservoir and there were extensive public hearings on the development of this property and we were very, very clear in what we were permitting and what we were requiring of any development on this particular piece again being sensitive to this Commission and to the City of Meriden.

Chairman de Jongh said we gave you permission to go build the road and build the house and that was ultimately done but you went beyond that and that's what sets off the red flags for this Commission and makes us a little bit jaded in terms of working with developers because they are asking to develop a site that has an intense amount of interest and then once they have permission what happens is out of site out of mind so what we have is an area that has been cleared regardless of what the intent might have been – one it's an area that was not under our review because it wasn't part of the application and what we find out is wetlands outside of the area and not under review may have been significantly impacted.

Chairman de Jongh stated as a result the project has been shut down until we get some answers.

Dr. Dimmick said it is true that farming can be done adjacent to wetlands however it is required that you get a determination from the Wetlands Commission as to whether or not you have an exempt use to be able to do that farming but you cannot make that determination

on your own without the determination from the wetlands commission that what you have is an exempt activity.

Mr. Watts stated he had spoken to Diane Waller and he asked what he needed to do to get his exemption - he said with the prickles and overgrowth no large trees were growing there – he said he wanted to do something here so she said to him you plant the trees and I come out and take a look. He said he did not realize what he considered brush nothing over 2” that he needed to come down here and talk to somebody.

Dr. Dimmick said it’s not so much getting a permit from us it’s getting a letter of determination that what you have is an exempt activity if you use this area for farming – you can’t make that decision on your own. He explained one court case after another has made that determination that that determination must be made by a wetlands commission that you have an exempt activity.

Chainman de Jongh said part of the problem that is here that other town hall departments to not have the regulatory authority to act on behalf of this Commission. He said he is not a developer but he understands you have to follow instructions otherwise it does go together the way he wants it to.

Chairman de Jongh stated he thought in order to develop that property you would have to follow the schematic and clearly on a schematic is shows where the wetlands are and where they are not.

Mr. Watts said when you say development he thought he had gone through all the stuff to build his house and that he didn’t realize clearing some brush to plant some trees in that area would require him to come before you guys.

Mr. Watts said it was his mistake if he made a mistake. He said he was here to fix it and didn’t want to make them (the Commission) mad. He said this was something he was hoping to do with his wife and kids.

Mr. Watts said he spoke with Ms. Simone and she had some pictures of the area – he said when we go into the area is was so overgrown he couldn’t find the engineers stakes.

Chairman de Jongh stated Mr. Waz from the City of Meriden was going to speak as he may have information this Commission (and applicant) may like to have.

Mr. Dennis Waz, Director of Public Utilizes from the City of Meriden addressed the Commission.

Mr. Waz said late last week he was made aware of the activity at 825 Wallingford Road. He said they are an abutter of the watershed property owned by the City of Meriden.

Mr. Waz explained once he was made aware of what was going on out there he sent someone out to investigate on November 13 – he said he wished he had more information for you today.

Mr. Waz said he had a staff member report out there to see what activity had taken place because there are feeder streams out there that go to Broad Brook pond three as part of Broad Brook Reservoir system. He said his staff member reported that upon arrival on the property he became aware of others on the property who appeared to be hunting so for safety reasons he retreated and came back and reported to him.

Mr. Waz explained he sent the superintendent out there later on with a fluorescent vest - he said they tried to find boundary markers for our property but were unable to – he said their land is all open space and they leave it natural so the waters can run off and feed pond three.

Mr. Waz said he didn't know who the owner was at that time and he'd like to meet up with him after this meeting to get more information.

Mr. Waz said what they plan on doing and this is the reason he asked to keep the show cause hearing open is to retrieve more information; he wants to get their survey crew up there to delineate the boundaries because on first inspection he thinks they may have been encroached upon - they don't want to make any accusations before they know where their boundaries are and what the impact of the actual land clearing is. He said there may have been some hunting going on there and photographed the site that Ms. Simone presented to you and plans on getting a land surveyor for the City of Meriden out there who coincidentally serves as their inland wetlands person so once he explained to him what the situation is out there he'll be able to give a better report as to what's going on out there and he (Mr. Waz) can report back to this Commission.

Mr. Waz stated if there are any issues out there he wants to handle them safely and speak to the property owner so we can coordinate

something and if hunting is going on out there something can be coordinate so he can have his staff working out there safely and then we'll report back.

Mr. Waz said if there is disruption of the wetlands – which slope down into our property there and if there is an impact they'll show just concern for the water quality for our feeder streams out there.

Mr. Waz thanked the Commission for his request to keep the show cause hearing open so they can get the proper information to the Commission so it can be properly acted upon.

Dr. Dimmick said one of the pieces of information that appears to be missing is the field location of just where the wetland are - thought they may determine farming activities are allow placing materials in the wetlands is not and a determination is needed and we need to know what is going to be placed there.

Mr. Watts explained marking of the wetlands would take place by Milone and MacBroom. He said that should take place tomorrow.

Ms. Simone once he has the delineation map he should provide that map to the Commission.

Chairman de Jongh said they should wait to get the plans before moving forward.

Mr. Watts talked about the access to the site and said he spoke with Ms. Simone about this. He showed on the plan the access driveway and the location of the neighboring property. He said Ms. Simone said he could keep working in this area but he found out after taking with his neighbor he cut in about 30' or so.

Dr. Dimmick stated the problem is the permit specified where the activity was allowed and where the driveway would be and if he wanted a change in the permit he (Mr. Watts) would need to ask for a modification to the permit.

Dr. Dimmick said as far as planting the tree he could plant the trees in the wetlands as long as he had a letter of determination that what you have is a permitted activity; you can't place material in the wetland and the water company would have a problem with that and the nutrients that would be put in the wetland.

Dr. Dimmick talked about the exemption for farming and that you can place material in the wetlands so the exemption has constraints.

Ms. Simone asked about the driveway that was altered – the plan that was approved from the Commission shows a 50' right of way and shows the driveway contained in that right of way so when he says it's been altered 30' does that mean 30' outside of that right of way or 30' within it.

Mr. Watts reviewed the plans with the Commission showing them the location of the house and driveway, shed and row of trees.

The Commission reviewed the plans.

Chairman de Jongh stated it appears this activity is a modification of the permit and not to say the Commission wouldn't allow it but it's a question of following protocol and that if he's going to change what was permitted to do – do I have your permission to change it; is there no impact to the wetlands and if there's no runoff – it's not just a question of there's a change to what we looked at and will the end result change and will it have an impact (based on the original approval).

Ms. Simone showed the photos of the line of trees and it does appear appear the vegetation still does appear on the east side of the driveway.

Chairman de Jongh said it's not so much a question that they would not have let him do what he has done but he needs permission to do it. He said they need to know what the wetlands look like to determine what kind of impact it had.

Dr. Dimmick explained the need to have this information in the public record – they need to have on their record exactly what was done and what was permitted to be done. He said they have a legal obligation to do this.

Chairman de Jongh said they also have to be mindful of the City of Meriden and the applicant needs to make sure the people he outsources the work to knows what to do and if they encroached on the City of Meriden then that's a different set of situations that need to be taken up.

Chairman de Jongh said he would recommend they keep the show cause hearing open not only for the receipt of the information from

Milone and MacBroom but for the information from Mr. Waz that he was going to allow this Commission to receive.

Ms. Simone asked what the Commission thought about allowing him to work in that part of the driveway – he asked her if he could put stone down and she said yes he could put stone down that could serve as a tracking pad.

Mr. Watts said the area has been too muddy to do any work – he needs stone there to get trucks into there – he thinks he's about 5' outside the area discussed.

Ms. Simone stated she did not see any evidence of erosion along the driveway; there is a treed area to the east and opens up past the area of the shed.

There was discussion about the area Mr. Watts wanted to place the stone. The wetlands delineation is taking place tomorrow.

Chairman de Jongh and Commission members reviewed the location Mr. Watts pointed to on the plan where he wanted to place the stone in the driveway area. There was discussion about the ownership of the property and right of way property and the length of area that was to be stone for a driveway and the 5' of area outside the plan area.

Chairman de Jongh said he still had concerns because all the delineation information was not yet available.

Mr. Kurtz asked if the Commission was going to allow his to continue with the driveway work and then ask for a permit modification after the fact.

Chairman de Jongh said that would have to be done after the show cause hearing.

Dr. Dimmick said Mr. Watts should ask for a request for determination for the tree farming.

Ms. Simone stated that is a separate issue.

Ms. Simone said as far as the driveway is concerned she didn't have a concern with the stone going in but if the delineation comes up and should wetlands in this area that would be a whole other thing; this needs to be said just in case.

Chairman de Jongh stated that the Commission gives staff the permission that once the delineation information is in that she can advise Mr. Watts about what activity he can proceed with driveway work but the show cause hearing would be left open.

Ms. Simone stated to clarify – once this property is delineated she should be contacted – she will go out there and look at their flags and if the flags are 50' or more from the driveway he is able to put the stone on without any problems and he does not have to wait for the soil scientist to produce a map and the map comes to this Commission – the flagging in the field is enough.

Chairman de Jongh said they are going to keep the show cause hearing open and the report they need is from Milone and MacBroom and make sure the wetland delineations have been flagged and staff can go out and look at the conditions following their survey and if she is comfortable with the location of those flags then the Commission is giving you permission to put the stone down so he can do that driveway; the show cause hearing will remain open and so they can receive the information from the City of Meriden that there was no encroachment on the property.

Mr. Watts stated he doesn't believe he encroached on their property at all and did apologies for not wanting to make the Commission's job harder.

IX. UNFINISHED BUSINESS

1.	Permit Application	APP	2014-027
	Suzy Ribeiro	DOR	8/05/14
	64 Rita Avenue		
	Fill Removal	MAD	12/13/14

Chairman de Jongh asked where were on this.

Ms. Simone explained we have not received any information from the applicant. After the last meeting staff did send her an email asking her for an update and she did not respond to the email.

Ms. Simone stated there have been numerous emails going back and forth where she is aware of the time frame and the information that is required to this Commission.

Ms. Simone stated as of this date the Commission does not actually have a proposal indicating how much material they would like to remove, how they would like to move it and how they would like to stabilize it; they have not even indicated whether they are accepting the plan that Dr. Dimmick came up with back on their (Dr. Dimmick and Mr. Norback) filed visit so there really hasn't been any communication.

Ms. Simone stated the mandatory action date is December 13, 2014 which would require the Commission act at the December 2, 2014 meeting.

Ms. Simone noted there is no provision for additional time extensions because they did volunteer the 65 days.

Dr. Dimmick said should he ask staff at this point if she should prepare a corrective order to be voted on at the December meeting if we don't hear anything positive at that point.

Chairman de Jongh stated he thinks that makes sense.

Dr. Dimmick stated a corrective order could ask that all or a substantial part of the material be removed.

Dr. Dimmick said he thinks they (the Commission) has bent as far as they are going to bend.

Ms. Simone asked if she should also draft a denial motion.

Chairman de Jongh stated yes.

Ms. Simone stated they were aware that the Commission needed to receive it (the information) by tonight for the Commission to really review it and come up with proposals for any stipulations.

1.	Permit Application	APP	2014-028
	Fifteen North Plains Industrial Road, LLC	DOR	9/02/14
	1430 Highland Avenue	SW	9/06/14
	Site Plan	SW	9/10/14
		PH	10/07/14
		PH	10/21/14
		PH	11/06/14
		PH	11/18/14
		MAD	12/23/14

Chairman de Jongh explained at the request of the applicant the public hearing has been extended on this item to December 2, 2014.

X. NEW BUSINESS

1.	Permit Application	APP	2014-030
	Chris Hillburn	DOR	11/18/14
	80 Suffield Court		
	Septic Replacement	MAD	1/20/15

Ms. Simone explained they received notification from Chesprocott that the septic system at 80 Suffield Court had failed and notice had come to this Commission a few meetings previously and the Commission was aware they needed to do an emergency repair.

Ms. Simone said they are coming in for a permit after the fact even though the work is currently being done. She said the applicant submitted a plan (that was before the Commission).

The Commission attempted to review the copy of the plan submitted but the scale was too small for them to read it.

Ms. Simone stated there was no one present at tonight's meeting on behalf of the applicant.

Chairman de Jongh suggested the Commission accept this and postpone consideration until the applicant can get some here to decipher plan.

Ms. Simone said she did have some discussion with the applicant about the scale to use for the plan but she thought something would be submitted that was viewable.

Dr. Dimmick said the information states the septic system is 60' the nearest wetland. He reviewed a few of the details based on the details presented to the Commission regarding septic system location, fill and contours. He spoke about the type of soils and type of fill they were using in the area.

Ms. Simone stated she'd contact the applicant and get another map at a larger scale.

Further action on this item was deferred to the next meeting.

2. Sandbank Road – Cheshire Community Food Pantry

Ms. Simone stated that information was received regarding a proposal for the Cheshire Food Pantry to be relocated on property located on Sandbank Road.

The Commission reviewed the map included with the submission and tried to determine the location of the proposed activity.

Ms. Simone stated this item was submitting an application to Planning and Zoning.

XI. ADJOURNMENT

The regular meeting was adjourned at 8:35 pm by the consensus of Commission members present

Respectfully submitted by:

**Carla Mills
Recording Secretary**