

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, MAY 19, 2015
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

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

Members Absent: Dave Brzozowski.

Staff: Suzanne Simone.

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

All present recited the pledge of allegiance.

III. ROLL CALL

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

IV. DETERMINATION OF QUORUM

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

V. APPROVAL OF MINUTES – Regular Meeting – April 21, 2015

Dr. Dimmick proposed that the Commission defer the approval of the minutes to the end of the meeting.

Commission members agreed to defer the approval of the minutes to the end of the meeting.

At 8:14 pm:

Motion: To approve the minutes from the April 21, 2015 regular meeting with corrections. Pg. 1 L 26 “receipted” to “recited”; pg. 2 L 30 “an inspection report” to “a compliance reminder”, L32 “discussed” to “discussed at the previous”, L38 “staff” to “staff visit”; pg. 3 L7 “principle”

to “principal”, L49 “done” to “now”; pg. 4 L5 “can” to “can have”; pg. 5 L21 “intensive” to “intents and”, L22 “now” to “not”; pg. 13 L6 “there” to “their”; pg. 17 L14 should read “stamp as opposed to”; pg. 20 L33 “legislator” to “legislature.”

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

VI. COMMUNICATIONS

Ms. Simone reviewed the following communications with Commission members:

1. **DEEP Permit Application of Use of Pesticides in State Waters
Re: Weeks Pond**

This communication was reviewed.

Ms. Simone stated that if Commission members had any comments she'd forward them back to the DEEP.

2. **Staff Communication With Attachments: Moss Farm Road
Application # 2015-010**

This communication was reviewed.

3. **Staff Photos for 916 Moss Farm Road**

This communication was reviewed.

4. **The Habitat Spring 2015 Newsletter: to be handed out at meeting**

This communication was reviewed.

5. **CT DEEP Municipal Inland Wetlands Agency Continuing Education
Workshop: Legal and Administrative Updates**

This communication was reviewed.

Chairman de Jongh asked if there was a requirement that Commission members need to have a certain number of hours of refresher courses.

Ms. Simone stated no there isn't.

Dr. Dimmick stated it's said you should but nobody enforces it and no one checks on it.

Ms. Simone stated staff does attend the annual legislative update.

6. Engineering Comments Re: Application # 2015-013,10 Prinz Court

This communication was reviewed.

7. Request for Determination, 710 Peck Lane
Re: Deck

This communication was reviewed.

8. Request for Determination, 607 Yalesville Road
Re: Pool Shed in Upland Review Area

This communication was reviewed.

9. Field Stake Survey, 916 Moss Farm Road

This communication was reviewed.

VII. INSPECTION REPORTS

1. Written Inspections

Ms. Simone stated there were no staff inspections.

2. Staff Inspections

a. Finch Avenue – Franciscan Sisters

Ms. Simone stated there was an inspection on Finch Avenue at the Franciscan Sisters. She explained there was an issue with the silt fence which has now been repaired.

b. CK Greenhouses

Ms. Simone stated there was an inspection of CK Greenhouses on East Johnson Avenue which is the subject of a show cause hearing tonight.

c. 916 Moss Farms Road

Ms. Simone said there was an inspection of 916 Moss Farms Road and is on the agenda under unfinished business for the proposed location of a driveway and construction of a single family house.

d. Pre-construction meetings

Ms. Simone stated there were two preconstruction meetings for permits that this commission issues: one for Old Lane Road for a single family house and the other for Cook Hill Road for a subdivision.

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 remains on our agenda for continued monitoring.

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 CO #12-2-2014-A

Chairman de Jongh stated this item remains on the agenda for monitoring.

Chairman de Jongh asked staff where we stand on this item.

Ms. Simone explained a reminder letter and email was sent on April 14 informing them and reminding them that their compliance date is July 1 of this year.

Chairman de Jongh asked if staff got a response from them at all.

Ms. Simone stated no.

Chairman de Jongh said he would suggest at the next meeting that part of the discussion they have is what the next step is if they fail to respond. He stated they (the Commission) have certainly given them time to do so.

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 CO #9-1-2014-A

Chairman de Jongh said this continues to be on our record – he said Mr. McIntosh indicated because of weather that he had postponed any activity.

Ms. Simone said she did not have an update but she would have it for the next meeting.

4. SHOW CAUSE HEARING
Notice of Violation SC 05/19/15
Mr. Charles Kurtz
Unauthorized Activities in an Inland Wetland and Upland Review
Area
East Johnson Road
Assessor's Map 12, Lot 2

Attorney Anthony Fazzone was present.

Mr. Kurtz stated that he did not intend to recuse himself from this item but noted the people are in his family but he has no financial ties and he doesn't live under the same roof. He said if somebody has a problem – either Attorney Fazzone or the Commission he would not be involved in this.

Attorney Fazzone stated there was no objection to Mr. Kurtz sitting.

Attorney Fazzone said he was basically here to just to tell the Commission that they are rally not ready to go forward. He stated that all the work has stopped there with the exception of that CK Greenhouse is continuing to put down the matting over the filled area. He said what's going on right now is that the far western portion of the property about as far away from the wetlands as you can get plus the matting will help to avoid erosion.

Attorney Fazzone stated it's a preparing for a mum field – outdoor planting is what's going on.

Attorney Fazzone said they have engaged David Lord to go out and do some further wetlands delineation – he did some soil delineation when the pump station was built there so he's going to go out and recheck that and then continue down along the property towards the Whole Foods property; and should have that by the first June meeting.

Dr. Dimmick asked if they could get some kind of report from staff on this.

Ms. Simone said the history on this property is the Planning Office was contacted by a neighbor who expressed concern and inquired as to what was going on at the site. She said the Planning Office contacted the property owner – he informed us he had been working with an engineer who had advised him as to where the flood line was and believed there were no wetlands on the property.

Ms. Simone stated we did have a meeting with the property owner and their engineer and we looked over the town soils map which does locate the Quinnipiac River bordering this property and does locate wetlands on the property; they were informed they should work immediately on a site plan and do field work to field locate where the wetland boundary is to show that on the map; to provide detailed information of how much fill was brought to the property; what type of grading was done so that why we could calculate what the impacts are to wetland areas and upland areas of any.

Ms. Simone stated in the meantime the State had also been contacted as well as the Army Corp of Engineers so this information would be supplied to them as well – they have inquires as to whether or not this is in a flood plain.

Mr. Norback said so the engineer didn't look at the map – is that what happened.

Ms. Simone stated we did not have any meetings with the engineer – the closest that we had was she received a phone call from the firm that's representing the owner and they asked the question about regulations in Cheshire and how close an activity could be to the watercourse and at that time she advised them that the Commission does not require any maximum distance to stay sway but if you are within 50' of the wetland and watercourse it needs to come before

the Commission but you could propose activity with 10' of the boundary or 40'.

Dr. Dimmick said he believed our files will also show the Army Corp was involved in activities just north of there back 25 years ago back when there was a sand and gravel operation – the Army Corp itself did a cease and desist on something that was going on out there; he said he wasn't sure how much is in our files on that but the Army Corp has been keeping an eye on that site for a long time.

Attorney Fazzone said there's recent history – you had Whole Food.

Dr. Dimmick said before that there were three other proposals.

Attorney Fazzone said what he was saying Whole Foods was probably the most recent; staking of the wetlands and what ever existed there and then from Whole Foods you come to the CK property.

Chairman de Jongh said he thought it was important for the record to show that Suzanne had called my office and we had a discussion about this as to how do we proceed and his recommendation was to do a show cause simply because that's a step we'd take for any other applicant and that is the reason this is on our agenda and before us this evening. He said it gives us an opportunity to find out what's going on.

Chairman de Jongh stated this would be continued to the June 2, 2015 meeting and at that time they'd have additional information presented by the parties involved.

IX. UNFINISHED BUSINESS

1.	Permit Application	APP	2015-004
	Town of Cheshire Public Works	DOR	03/03/15
	Grove Street		
	Site Plan	MAD	07/11/15

Don Nolte of the Public Works Department was present on behalf of the applicant.

Mr. Nolte submitted copies of the plans.

Mr. Nolte said since we had over filed walk out there and discussed various ideas and shared concerns for permanent stabilization we

revised the plans and reduced the impact to the wetland buffer by 1500 SF and we are down to 200 SF of intrusion into the 50' setback stating the pavement area has been reduced 50% it's about 900 SF a little more now.

Mr. Nolte said they are saving all of the trees and eliminating the proposed discharge to the slope because we feel the driveway that's proposed is more than adequate to maintain the increase even up to a 100 year storm for this very small area of pavement which is equivalent to the size of five parking spaces.

Mr. Nolte said they had examine other solutions but they all involved getting down to the toe of the slope creating a firm base and rip rapping up to 4000 SF of area which we felt was unnecessary and we feel we can with this little bit of improvement at least get a pickup truck on this narrow street.

Dr. Dimmick stated he liked it compared to the other one (proposal) he thinks the minor changes make a major improvement in decreasing the impact.

Chairman de Jongh said he concurred. He said based on the field trip that was quite a challenge to stabilize the side slope by taking trees down and then what happens – this was a reasonable alternative.

Dr. Dimmick asked if we had the paperwork filed for the modification.

Ms. Simone stated yes.

Dr. Dimmick suggested that staff go ahead and prepare wording – he said every question he had has been answered.

Chairman de Jongh said this is a terrific alterative. He said they'll now allow staff to (draft wording) and they can take care of this at the next meeting.

2.	Permit Application	APP	2015-006
	Clearview Farm Preserve, LLC	DOR	03/03/15
	Cornwall Avenue		
	Subdivision	MAD	05/19/15

Chairman de Jongh stated at tonight's meeting there was a letter that was received by the Commission from the Law Offices of Fazzone, Ryan and Ricciuti.

Chairman de Jongh read the letter from Attorney Fazzone into the record. The applicant Clearview Farms Preserve, LLC withdrew their application.

3.	Permit Application	APP	2015-008
	Westminster Construction, LLC	DOR	04/07/15
	404 Mount Sanford Road		
	Site Plan - House	MAD	06/11/15

Ms. Simone stated there was a draft motion for approval. She said it provides the standard language including the provision for an erosion control bond to be posted specifically for the northwest corner where there's fill being brought in near an upland review area.

Motion:

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

1. That the current application is for construction of a single family house on Lot 3, Mount Sanford subdivision.
2. That the proposal locates the placement of fill and the outlet discharge in the northwest corner of the property.
3. That the inland wetland boundaries were copied from IWWC permit #2007-007, dated May 1, 2007.
4. That the proposed activities are not located within the inland wetland or upland review area.
5. That the proposed activities will not have a significant adverse effect on adjacent wetlands or watercourses.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2015-008, the permit application of WESTMINSTER CONSTRUCTION, LLC for site plan approval as presented and shown on the plans entitled:

**“Property & Topographic Survey
Of Property Located at 404 Mount Sanford Road – Lot 3
Cheshire, CT
Prepared for Westminster Construction, LLC
Dated March 17, 2015, Revised March 25, 2015
Five sheets, Scale varies
Prepared by Rose, Tiso & Co., Fairfield, CT.”**

The permit is granted on the following terms, conditions, stipulations and limitations (collectively referred to as the “Conditions”) each of which the Commission finds to be necessary to protect the wetlands and watercourses of the State and the Town of Cheshire:

- 1. Any lack of compliance with any condition or stipulation of this permit shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and an enforcement order shall be both issued and recorded on the Town of Cheshire Land Records.**
- 2. No changes or modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.**
- 3. Prior to any clearing, grading, or other construction activities on the site, or the request for a Building Permit, the applicant shall:**
 - a. accurately stake and/or flag all clearing limits and permanently mark all non-encroachment lines. The location of non-encroachment lines shall be agreed upon by the applicant and Commission Staff. Work is to be completed by qualified personnel. The applicant shall notify Commission Staff so that Staff may inspect the site to verify all such areas have been properly marked. Staff may also insist on additional markings if field conditions warrant them.**
 - b. provide a professional engineer’s certification, in writing to the Commission, that all required erosion and sedimentation controls are in place and functioning as represented by applicant to ensure the prevention of erosion and sedimentation into adjacent wetlands and watercourses. The cost of the professional engineer shall be borne by the applicant. A visual barrier such as orange plastic construction fence or equivalent shall be used to identify the erosion controls. The applicant shall**

also notify Commission Staff so that Staff may inspect the site to verify that all required controls are in place. Staff may also insist on additional controls if field conditions warrant them.

- c. post a bond covering the costs of the erosion and sedimentation controls, per Section 12 of the Cheshire Inland Wetlands and Watercourses Regulations. The bond shall be filed with the Town Planner's Office. The Cheshire Planning Office shall determine the amount of the bond.
 - d. submit contact information with a 24-hour phone number for the individual with the responsibility and authority to receive notices of any breaches or deficiencies of sedimentation and erosion controls on-site, and to effectuate repair of any such breaches or deficiencies within six (6) hours of such notice from the sediment and erosion control inspector, or other appropriate staff of the Town of Cheshire.
4. An inspection of the condition, integrity, and adequacy of the sedimentation and erosion controls shall be made by a qualified party on a regular basis, either weekly or after every significant rainfall of 1/2" or greater, whichever is sooner, until all disturbed areas are stabilized. Said party shall be independent of the contractor. All reports shall be submitted to the contractor and Commission Staff either within three days of inspection, or prior to the next storm event, whichever is sooner. All breaches or deficiencies shall be forwarded to a contact individual, as defined below, immediately after inspection. The costs of said inspections shall be borne by the applicant.
 5. Throughout the course of conducting permitted activities, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring the following:
 - a) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100' where possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.

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

6. This permit grant shall expire on May 19, 2020.

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

4.	Permit Application	APP	2015-010
	H & H RE, LLC	DOR	04/07/15
	Moss Farm Road		
	House	MAD	06/11/15

Chairman de Jongh explained there were a number of communications that were forwarded on to us with pictures.

Darin Overton, PE of Milone and MacBroom was present on behalf of the applicant.

Mr. Overton said there were two rounds of comments from the engineering department both of which we responded to and the first one we submitted a revised plan making some minor changes to accommodate those concerns.

Chairman de Jongh said one of the questions they had when looking at the pictures of the property was about the road and why they had to come very close to the vernal pool and why it couldn't be pulled further away – they wondered why that road couldn't be pulled further away from the vernal pool.

Mr. Overton said where the driveway is shown now has been an area of prior lawn so there's no clearing across the wetlands there – that was a prior lawn area but there is room to pull it further to the south and a little bit to the west. He said they do have the 50' access easement that's there but there's room to pull it further to the south and a little bit to the west; there's room to pull it over 10' to 15'.

Mr. Overton said it's centered on the easement now – he said he knew they went the alternatives analysis when we looked at this originally as far as the permitting – he said he's not sure why it ended up where it was but there's room to slide it over.

Dr. Dimmick said his concern is not only that's it's close to the wetlands but the fact that vernal pool is proven to be quite a viable internal pool and perhaps a rather valuable access – he said they actually try to stay further away from vernal pools than ordinary wetlands so in his mind the whole thing has now become significant within the context of the regulations in terms of trying to make a maximum buffer between the driveway and the vernal pool to the point that he is considering asking us (the Commission) to declare the proposed application significant within context of the regulations.

Motion: To declare the proposed application significant within context of the regulations specially section 10.2 a and b.

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

Chairman de Jongh stated a public hearing would be set for Tuesday, June 2, 2015. Further discussion on this item would be postponed until he next meeting.

Mr. Overton asked if there was anything additional the Commission would need.

Dr. Dimmick said they would look at any alternatives that can reduce the impact there and with a great deal of concern about the actual vernal pool in that location.

Ms. Dunne said they'd want testimony from Mr. Root because he said he observed breeding activity of Spotted Salamanders so we'd have questions about the type and impact on them.

X. NEW BUSINESS

1.	Permit Application	APP	2015-013
	Joseph M. Green	DOR	05/05/15
	10 Prinz Court		
	Site Plan - House	MAD	07/09/15

Joseph Green, engineer for the applicants was present.

Mr. Green informed the applicant that the applicants wished to build a house on assessor's lot 75 10 Prinz Court which is the lot on the corner of Yalesville Road and Prinz Court.

Mr. Green said this was part of the Prinz property subdivision. He said one of the conditions of approval was that this lot had to come back for approval of the site plan.

Mr. Green said what the owners would like to do is place a house (shown on the plan) with a driveway and septic. He showed on the plans the location of the proposed activity and the location of the wetland line (as marked by the soil scientist from the original subdivision) and the non-encroachment line which said that no grading, clearing and anything beyond this line can take place.

Mr. Green said the 50' upland review line is shown on the plan and as is the associated well for the house.

Chairman de Jongh said so we've 25' to 30' from the edge of the wetlands.

Mr. Green stated that is correct.

Ms. Simone asked if they were bringing in fill to change the grade towards the wetlands.

Mr. Green stated yes – they would like to have a walkout (basement).

Dr. Dimmick said it looks like they have fill within 15' of the wetlands according to the plan.

Mr. Green said our clearing limit is shown on the plan.

Mr. Green said the reason for them placing the house here was the original site development plan actually had it closer to Yalesville Road – they swapped it and their main reason is that they wanted it as far away from the State road as possible so they wanted to place the house way over to the left and have the septic over here (shown on the plan); they have kids and they don't want to get close to that road.

Dr. Dimmick said he didn't think it was going to fly. He said to the chairman that they (the Commission) propose we declare this activity significant within the context of the regulations and set a public hearing. He stated it's totally against the way they set up the original subdivision plan and the concept of what we had in mind for it.

Motion: To declare the proposed activity significant within the context of the Commission's regulations specifically 10.2 b.

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

Chairman de Jongh said the public hearing was set for June 2, 2015. He suggested to Mr. Green that as part of his presentation that they look at alternatives on how that can be repositioned particularly in the context in the way that subdivision was originally approved; and to look at alternatives.

Mr. Green said from the owners standpoint is essentially that this lot was approved with a house being only in one spot and that was what was on the approved site development plan.

Ms. Simone said just to clarify – the stipulations did say that this lot did needed to come before Commission for site plan review so that means the Commission did not approve the location of any house shown on the lot previously but they had approved it was a subdivide lot and that was the only lot on the subdivision that needed to come back for site plan approval so all the other properties where they located houses they were allowed to stay within that general area.

Dr. Dimmick said keep in mind, anytime we give a subdivision approval and allow a lot to be part of that subdivision all we guarantee is that you can get a house on that lot we don't guarantee any location on there partially when we put a setback line on there which is part of the approval of the subdivision.

Dr. Dimmick stated this proposal is in total violation of our original concept of where the setback line would be.

Mr. Green said he understood that but he was thinking that with the current health code with the septic design and all that that if they are essentially saying that this house can't be placed here that the only spot would be placed here and put the septic here (he showed the location on the plan) based the current health code.

Chairman de Jongh said he know how this could be reconfigured but he thought it was clear from the comments from Commission members that the current presentation does not fit the whole context of the approval originally and again as staff had indicated it just simply stated you have the ability to build a house in the approved

location of the house so we just need you to come back to us with changes because it seems to be clear that if this is the only way you can present this it's going to be an uphill battle.

Ms. Simone said she had a question for clarification would the Commission entertain a design that showed a change in the proposed grading perhaps a reduction in the amount of fill that's being proposed.

Dr. Dimmick said he thought that was certainly as much of a concern as the fill going that close to the wetland as is anything else. He said going back forty some odd years he's been on this commission, we have allowed some homes within that 40' but the design of the grading was such that they was far less grading involved including one's that have walk out basement towards to the wetland areas.

Ms. Simone said as far as any field work the Commission would want to see done – perhaps now would be the time to let the applicant know that. She said staff in comfortable with the depiction of the wetland line that's based on the subdivision map that came before the Commission in 2005 - is the Commission comfortable with that or what they like the applicant to do further research – it might be fair to let him know that at this time.

Dr. Dimmick said as he remembered that is not an absolutely sharp wetland boundary – it's a transitional thing there – the land flattened somewhat towards the actual wetland line.

Mr. Green said you are talking roughly 4% to 5%.

Mr. Norback said that would beg the question is some of the concern how that slope terminates could the applicant perhaps explore ideas on how to terminate it more abruptly farther away from the wetlands or have some kind of a retaining wall so they may be able to alieve some of the fears Commission members have.

Dr. Dimmick said what he seems to remember is that the land flattens before you get to the actual wetland so the grade is only about where the actual wetland line is – the grade is raised only about 1% at that point and then it's starts rising and goes towards the road.

Mr. Norback asked if a field trip is called for.

There was discussion regarding the location of the wetland line and the need to have the wetland delineated to they could see how it all relates.

Chairman de Jongh said to Mr. Green if it's the Commission's pleasure to go out and visit the site that we have some idea partially toward the area of grading – where wetland flag 26, 25 and 24 are.

Mr. Green asked if they had to issue taking the wetland off of the original subdivision plan and us using that but staking to that line.

Chairman de Jongh said as Dr. Dimmick pointed out there's probably not too much of a change from the original subdivision that was approved. He said they'd want to see the three wetland flags identified because those are the areas of highest concern (wetland flag 25).

Mr. Norback said also to have a measurement back to the structure would help so they can envision.

Chairman de Jongh said the other thing he'd ask for is if Mr. Green could stake out where you propose the edge of the fill to be then that way they can get an idea of what the distance is between the wetland flags.

Chairman de Jongh explained an original homeowner is much more concerned about the integrity of what's going on but it's a very transited town and people leave and the next homeowners might not be as prudent about keeping in mind what they can and cannot do; and its very close to the wetland area and we just need to be aware of that so if this Commission does approve this we are comfortable with this thing is going to be laid out.

Mr. Green said they'd work around the Commission's schedule to get the work done for the site walk.

Chairman de Jongh stated a field trip of the site would be set on Tuesday, May 26, 2015 at 5:30 p.m.

2. Request for Determination RFD 2015-014
710 Peck Lane
Deck in Upland Review Area

Paul Bowman was present on behalf of the applicant Diversified, LLC.

Mr. Bowman submitted a plan showing the proposed activity.

Mr. Bowman stated this lot is a lot of record from years ago as part of the farm and we had an approval to build a house on the property along with a septic system behind the house to the east.

Mr. Bowman stated he sold the property and the homeowner would like to put a deck on the back of the house.

Mr. Bowman stated the deck is 12' by 18' and we'd need to put in piers for the stairs – they go up alongside of the house. He said the plans show where the piers would be – they would be 10' from the house and the deck would over hang the girder or the piers by 2'.

Dr. Dimmick asked if that was also showing a septic system.

Mr. Bowman said yes – that would have been previously approved.

Dr. Dimmick said he didn't seem to think this was going to be a problem – it's already disturbed land.

Motion: That the Commission declares that the proposed activity does not need a permit under the regulations.

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

3. Request for Determination RFD 2015-015
607 Yalesville Road
Pool Shed in Upland Review Area

Ms. Simone said the property owner submitted a narrative which indicates that he is replacing a shed on his property. She said she has a copy of a site map from the town GIS system which locates the house as shown as 607 – the small area was the previous shed which they no want to replace; they indicate there is a foundation in place but they don't want to use the foundation they want the new shed to up raised up on sonatubes; they measure that as 48.5' from the edge of the pond; they indicate the pond is now dry and it's been dry the past couple of years but because it's less than 50' it's coming before the Commission for a request for determination.

Ms. Simone said the narrative indicates there is no clearing – there's no grading – no fill that needs to be brought in – no trees cut in order to facilitate putting in the shed.

Chairman de Jongh asked if they were going to remove the foundation that was on the other shed or are they going to put the sonatubes around the other foundation.

Ms. Simone said she did not know – he didn't indicate that.

The Commission had a few questions about the structure's foundation.

Ms. Simone said the applicant made it seem like the foundation was fixed and landscaped.

Ms. Simone informed the Commission at the last minute the applicant was unable to attend so he's aware if the Commission has further questions that this could be held over to the next meeting.

Chairman de Jongh said one of the questions he wants to have answered is whether or not they are going to remove the foundation and if they are how are they going to do that from the house side and not the pond side – he didn't know.

Commission members review the plan.

Mr. Kurtz asked how he (the applicant) gets an address of Yalesville Road – it seems like he is on Talmadge Road.

Mr. McPhee stated that this work is already done – the new shed was built this past week. He stated he drives by this address everyday so this request for determination is really after the fact. He said it is on pylons and they did not disturb the grade stating he can attest to that.

Commission members discussed the request and the work that has been done and why the applicant is coming for a request for determination after the fact.

Ms. Simone said she believed he needed to get a building permit for this so she wouldn't double the building department informed him he needed to come to wetlands.

Commission members discussed past situations like this and that although the activity might be deemed de minimis the applicant needed to come before the Commission.

Chairman de Jongh said to be consistent they need to have the applicant come before the Commission and explain why this work was done before the Commission for so they can make the determination whether it is or isn't de minimis.

Ms. Simone said this would be left on the agenda for the next meeting and she'd ask that the applicant attend the meeting.

At 8:14 PM: Return to the approval of the minutes at

XI. ADJOURNMENT

The meeting was adjourned at 8:16 p.m. by the consensus of Commission members present.

Respectfully submitted:

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