

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, JULY 5, 2016
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

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

Members Absent: Robert de Jongh and Dave Brzozowski.

Staff: Suzanne Simone.

Dr. Dimmick served as chairman pro-tem in Robert de Jongh's absence.

I. CALL TO ORDER

Dr. Dimmick 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 in attendance were Charles Dimmick, Kerrie Dunne, Earl Kurtz, Will McPhee, and Thom Norback.

IV. DETERMINATION OF QUORUM

Dr. Dimmick determined there were enough members present for a quorum.

V. APPROVAL OF MINUTES Regular Meeting of June 21, 2016

The approval of the regular meeting minutes of the June 21, 2016 meeting with corrections (Pg. 5 L18 "ray" to "array"; pg. 6 L25 should read "it from") were approved with no objection from Commission members.

VI. COMMUNICATIONS

Dr. Dimmick reviewed the following communications:

1. **Staff Communication w/Attachments: Request for Determination Re: #2016-021, 812 Sindall Road, Gazebo Installation**

This item was reviewed and is on the agenda under new business.

2. **Staff Communication w/Attachments: Request for Determination #2016-022, Re: 123 Higgins Road, Site Plan**

This item was reviewed and is on the agenda under new business.

3. **Staff Communication w/Attachments: #2016-023, Cheshire Street, Site Plan – Quinnipiac River Canoe Launch**

This item was reviewed and is on the agenda under new business.

4. **Staff Communication w/Attachments: #2015-013B, 10 Prinz Court, Modification**

This item was reviewed and is on tonight's agenda.

5. **Staff Communication w/Attachments: #2016-024, Lake Percival Way, Site Plan**

This item was reviewed and is on tonight's agenda under new business.

6. **Letter from OCC Design Consortium, LLC, Re: 108 Blacks Road**

This item was reviewed and is on the agenda under enforcement actions.

VII. INSPECTION REPORTS

1. **Written Inspections**

Ms. Simone stated there were no written inspections.

2. Staff Inspections

a. South Main Street

Ms. Simone explained there was a staff inspection of sedimentation and erosion control at South Main Street which is installed correctly.

b. Academy Road and South Meriden Road

Ms. Simone informed Commission members there was a follow to a call regarding a gas tanker refilling at Academy and South Meriden Road.

Ms. Simone said when she had gone out she didn't see that there so she'd follow up with that.

VIII. ENFORCEMENT ACTIONS

1. Notice of Violation SC 1/07/14
Mr. Nathaniel Florian Permit #2013-015 compliance date: 07/01/2016
Woodruff Associates
Unauthorized Activities in the Upland Review Area/Inland Wetlands
108 Blacks Road
Assessor's Map 19, Lots 43 & 44

Dr. Dimmick said he understood we received some communication but it was received late.

Ms. Simone explained it wasn't received late in regards to the compliance date – it was received right before the packet was mailed to the Commission on Thursday.

Ms. Simone stated she has not had a chance to review the record and go out into the field and prepare a motion for any releases but that is something she'd prepare for the next meeting.

Ms. Simone stated their letter indicates they're in compliance with what was asked of them.

Ms. Simone stated she'd follow up.

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|----|---------------------------------------|-------------|
| 2. | Notice of Violation | SC 09/15/15 |
| | Mr. David Flanagin | SC 10/20/15 |
| | Unauthorized Activities in an | SC 11/05/15 |
| | Inland Wetland and Upland Review Area | SC 11/17/15 |
| | Summit Road | |
| | Assessor's Map 32, Lot 50 | |

Dr. Dimmick said he believed this is being kept on the agenda and nothing is going on there.

Ms. Simone stated correct – it's on just for monitoring purposes.

IX. UNFINISHED BUSINESS

There were no unfinished business items to address.

X. NEW BUSINESS

- | | | | |
|----|---------------------------|-----|----------|
| 1. | Request for Determination | RFD | 2016-021 |
| | Troy Rohne & Amy Scherber | | |
| | 812 Sindall Road | | |
| | Installation of Gazebo | | |

Troy Rohne of 812 Sindall Road was present.

Ms. Simone stated the staff report does include the site plan which the property had supplied as well as photographs showing the proposed location of the gazebo.

Mr. Rohne addressed the Commission and explained in the backyard he has a pool and showed the location of the Sindall Brook on the plan.

Mr. Rohne said what he'd like to is put a gazebo in and it just goes into the wetland area about .28 SF and if it was square it would be in a little bit further; it can actually be an octagon and then the points would not go out as far.

Mr. Rohne talked about the corners of the proposed gazebo and the points that would go out into the brook could come forward towards the pool.

Ms. Simone said occurring to the plans that the town had reviewed for the stabilization at Sindall Brook – this area was restored and was identified as a wetland soil and it was lawn area before and is lawn area now.

Dr. Dimmick said they had this bit where Sindall Brook was cutting into the banks and we permitted a stabilization of the banks and the stabilization of the bank that had some fill that went into what was classified as wetlands so the area has been stabilized with lawn and the question is do we need a permit for a gazebo.

Dr. Dimmick asked if there was any foundation with this.

Mr. Rohne stated no – it would be on almost like a pier or a deck because the pool is probably about 1.5' higher than the brook so it has to be at this height – it would not intrude.

Ms. Simone said so it would be piers that you'd just be putting into the soil.

Mr. Rohne said basically there would be one beam that would be close to the wetland area.

Ms. Dunne said how close to the wetland area was that.

Dr. Dimmick said it would intrude by a couple of square feet.

Mr. Rohne said right now it looks like it's about 3' so .28 SF into the wetland area – if it's an octagon it actually doesn't go in as far so that could be an option.

Mr. Rohne explained when he was originally looking at different gazebo options he came up an octagon with 8 sides and one corner would be cut off and it would not affect the river.

Mr. McPhee was he wanted to clarify – was it sona tubes he'd be putting into the ground – digging in or would it be beams.

Mr. Rohne said it would have to be sona tubes – he said he's only seen the brook since 2009 flood once.

Dr. Dimmick said he's been watching that brook for 42 years.

Mr. Rohne said it's not really running as much as it was – since the renovation there's not as much water coming through that area.

Mr. Norback said he thought the Commission was more concerned with what kind of disturbance he is going to create with the soil.

Mr. Rohne said there would be no grading – everything would be hand dug because there are no machines to be brought back there – there's a fence to the right of the house that cannot be removed and then when they renovated the brook they actually had to build out around the fence to get the machine they were using to get into the back yard.

Mr. Norback said let's assume that whether you went octagon or rectangular or square that you're still going to intrude a little bit into the wetland area but as it is now it's a lawn area.

Mr. Rohne stated yes.

Mr. Norback said with that said how will you taking the building materials there exclusive of the concrete – he assumed that would be mixed by hand.

Mr. Rohne stated right and everything else will be hand carried; everything that's done there – the 250 lbs. trees he's hand carried with a cart – everything he removed from the property the debris he's hand carried – it's a tricky topography there – it's in a valley.

Dr. Dimmick said he didn't see an environmental disturbance as a result of those actions.

Mr. Norback said he was also thinking whatever his druthers are relative to the shape of the thing is almost inconsequential relative to the shape of the thing.

Dr. Dimmick said as long as it makes no difference in soil disturbance.

Mr. Rohne stated and it won't.

Mr. Norback said he didn't have a problem with it.

Motion: That the Commission declares the proposed activity de minimis within the context of the regulations and therefor it does not a permit.

Moved by Mr. Norback. Seconded by Ms. Dunne.

Ms. Dunne asked when we vote this way – he said there would be hand digging and no issue with that.

Dr. Dimmick said and if staff is driving by and sees something different then that's a different matter entirely.

Ms. Simone explained in the letter that he does describe there's not going to any grading or exposed soil so that information has been put in writing so it's part of the record.

Mr. Norback stated he would also like to reiterate to make sure the applicant understands that we weren't limiting him to the octagon shape.

Motion approved unanimously by Commission members present.

- 2. Request for Determination RFD 2016-022
Real Masse
Lot 4, 123 Higgins Road
Site Plan**

Dr. Dimmick said this is for a request for determination and it part of a 3 lot subdivision that we approved for subdivision purposed quite a few years ago.

Ms. Simone stated in 2004.

Dr. Dimmick said at that point at least one of those lots was supposed to come back before us for site plan review before we went forward.

Real Masse of 123 Higgins Road was present.

Mr. Masse said they didn't get a chance to build a house there 12 years ago; he said now he really wants to get rid of lot because he can't afford paying the taxes on it.

Dr. Dimmick said the original permit in a since has expired although the subdivision permit was given in 2004 so the subdivision exists but in terms of any use for the lot anything there has expired so it seems to be we'd have to have a resubmission of some sort.

Ms. Simone said the subdivision permit did expire in 2009 – it did stipulate which is included in the staff report a copy of the approval in 2004 that prior to clearing or construction on lots 3 and 4 – lot 4 is the subject that's being discussed tonight – requires individual site review and approval from the Commission so the Commission for the record didn't review the subdivision for location of the house.

Ms. Simone explained the information that was submitted to the building department shows a general subdivision map from 2004 showing a house location – she said she didn't know if that was the exact proposed house location – usually the site plan maps are for the individual lot and not the subdivision.

Ms. Simone said so technically the permit is expired but that doesn't mean the subdivision is now invalidated. She said per the subdivision the lots have been broken up.

Dr. Dimmick said so essentially he has a lot which he wants to build a house; the lot contains wetlands therefor it needs a permit.

Dr. Dimmick said he wasn't sure what he (Mr. Masse) was looking for in the request for determination – it seem pretty clear to him he needs to apply for a permit.

Mr. Masse said he didn't know.

Ms. Simone stated she said the map that was submitted to the building department – she never saw one that was just for the actual site plan.

Dr. Dimmick suggested Mr. Masse work with staff and put together an application.

Dr. Dimmick asked if he (Mr. Masse) was planning to build this himself or plan on selling the lot for someone else to build on it.

Mr. Masse said it depends on how late we get – if it gets too late in the fall he doesn't want to build this year.

Dr. Dimmick said the permit should be granted to the person who is going to build the house; if you get a permit to build the house and then someone else is going to be buying it before the house is built then you'll have to request for transfer of the permit after you get it.

Mr. Masse said if he doesn't build this fall, he'll build next spring.

Motion: That the Commission has determined a permit is required for the proposed activity.

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

Dr. Dimmick suggested Mr. Masse work with staff on preparing a permit.

3.	Permit Application	APP	2016-023
	Town of Cheshire	DOR	7/05/16
	Cheshire Street		
	Canoe Launch to Quinnipiac River	MAD	9/08/16

Walt Gancarz, town engineer was present.

Mr. Gancarz addressed the Commission. He explained the Commission received information in their package for a proposed canoe launch which is described as kind at the rear of the water pollution control plant and this came about as a request from the US Fish and Wildlife – they have some funds from the Super Fund settlement up in Southington and they want to increase the accessibility to the Quinnipiac River so they've asked us to look at several different locations where they might put a canoe launch in.

Mr. Gancarz said they had asked about East Johnson while we were replacing the bridge but that's not a good spot – we don't have any parking out there – we don't have easements out there.

Mr. Gancarz said down by the plant obviously we have a large parking area and an already developed area.

Mr. Gancarz reviewed the plan with Commission members; he showed the location of the plant, a fence line that goes all the way around it but there's actually a mowed area that comes all the way

down – actually this last stretch is where previously the outfall to the plant was put in some 40-50 years ago so frankly all that area has been disturbed – it's now lawn – the staff down there keeps it mowed; there's a dike that surrounds the plant.

Mr. Gancarz said all of this work would be within the footprint of the mowed area except for the area adjacent to the river.

Mr. Gancarz explained there is one area here – as shown on the plan – it's just kind of a low area that tends to be wet – its grass but if it rained at all it gets soggy in there and so for two reasons – one is to get equipment – it would help to put stone down so it doesn't get bogged down – even long term for those folks that forage their canoes down across there it would be a little easier not to have their feet bogging down there.

Mr. Gancarz said right at the river what we proposed is to excavate down 2' basically put in some larger rip rap choke that off with 2" stone to get a good pad and then put in large stones – say 4' by 8' slabs to create a pad that you can walk down to launch your canoe.

Mr. Gancarz said there would really be a minimum amount of disturbance – they would put a silt curtain in ahead of time so they wouldn't have disturbance downstream.

Mr. Gancarz stated this would be done by Public Works staff in order to minimum costs. He said in speaking with them they expect this to one at most a two-day project – but probably a one-day project.

Mr. Gancarz said it would be done during a period when it's been dry and be in there one day and be out of there.

Dr. Dimmick asked if they about what's in yellow (on the plan) that doesn't have the black check on it – is that going to have a small gravel cover or just a dirt pad.

Mr. Gancarz explained it's actually all grass – it will just remain grass.

Mr. Gancarz said there will be some signage pointing people along the way but beyond that there's no intention of putting anything else – just keep it as grass.

Mr. Gancarz showed on the plans the area where it's steep.

Mr. McPhee asked if there was anything to prevent vehicles from driving down there.

Mr. Gancarz said there's nothing to prevent it but on the other hand no one has driven down there now; and this really doesn't improve it per se; there doesn't seem to be an issue; it's pretty steep and you'd have a tough time getting a vehicle down there.

Ms. Simone said she thought Will's point was well taken and that's something that we can add to the list that say no motor vehicles.

Dr. Dimmick asked if we had enough information so she could do a proper review on this.

Dr. Dimmick asked if there were any questions on this otherwise we'd just accept this and process it and handle it at the next meeting.

4.	Permit Modification	APP	2015-013B
	Bryan Zerhusen & Lama Alloush	DOR	7/05/16
	10 Prinz Court		
	Site Plan Modification	MAD	9/08/16

Joseph Green of Robert Green Associates was present on behalf of the applicant.

Mr. Green explained as you know about one year ago his client Brian Zerhusen submitted plans to the Commission for approval to construct a single family house at 10 Prinz Court.

Mr. Green said they have since constructed their house and completed a majority of the site work.

Mr. Green said prior to completing their lawn they are requesting approval to do the following: they would like to clear additional trees to expand their yard – he showed the location of the clearing on the plans – the easterly direction from the septic system; and number tow they would like to eliminate the retaining wall which is located on the easterly portion of the driveway and construct a slope due to safety concerns with that retaining wall being located at the end of the driveway.

Dr. Dimmick asked what was going to be the slope angle.

Mr. Green stated 3:1.

Mr. Green stated since these request require additional encroachment into the upland review he suggested that their soil scientist Tom Petras provide his input which provide two reports that are within the packages.

Mr. Green said within those reports Tom conducted two site inspections – during the first site inspection he investigated the area where the additional clearing would take place and he determined that the wetland limit in this particular area was accurate however when he hit on the easterly portion where the clearing was going on he noticed as indicated in the dark here is where he flagged the wetland soils – the original soil scientist flagged this area – as he showed on the plans.

Mr. Green explained during the second inspection for the fill slope at the end of the driveway Tom cited that he had no objection to us putting a fill slope as long as there was a dense grass cover and a row of native shrubs to be planted along here – he showed on the plans – acting as a denser more upland vegetative buffer to the wetland.

Mr. Green said those are the two changes they'd like to make to the approved plan.

The Commission and staff reviewed the proposed changes as shown on the plan; they reviewed the previously approved wetland line and Tom Petras's line.

Ms. Simone pointed out where the proposed clearing would take place.

Dr. Dimmick commented that the only place they have with the new set back line is the portion nearest where there was going to be a retaining wall and now they are asking for a slope.

Dr. Dimmick said the rest of it with the redefined wetland line is not a problem there.

Dr. Dimmick asked if we had something in terms of what erosion controls are going to be in place as they try to establish that slope because that's a critical part of the whole thing there – that's where something can go wrong.

Mr. Green said we have silt fence up today – the silt fence had been up for the project and he is not aware of any breaches or anything like that – he stated its basically built so they are just waiting for their (the Commission's) approval to keep that slope or we are going to have to build a retaining wall so it's just a matter of once we get approval – if we get approval to clear the trees we are going to go in there and we are just going to seed the whole place and we are going to be done so he's are just waiting for your approval.

Mr. Norback asked if that retaining was originally suggested to lessen the slope back there and what is different now that the slope works without the retaining wall.

Mr. Green said we have not touched the actual clearing limit.

Mr. Green said if he recalled the reasoning for the retaining wall to pull the slope back to have more of a level area.

Mr. Norback asked if that was requested by your applicant or the Commission.

Mr. Green stated it was requested by the Commission because we originally had a slope – our original plan had a slope there.

Mr. Norback asked what the ratio of that slope was.

Mr. Green stated 3:1.

Mr. Norback asked if it was 3:1 now.

Mr. Green stated correct.

Mr. Norback asked what it was going to be with the retaining wall.

Mr. Green stated we were actually going to keep the retaining wall – but then you are going to have an area 12" wide at the level area.

Ms. Simone said she had no questions just a couple of comments that the application is twofold; one to accept the proposed change in the location of wetlands then would allow for clearing and second was the retaining wall.

Ms. Simone stated the original wetlands line that was reviewed for the site plan application for 10 Prinz Court was what was originally done for the subdivision so they did not have a soil scientist go out and filed field locate for their site plan application.

Ms. Simone said as far as their retaining wall as she indicated in her staff review she was still looking into that and the engineering department is currently reviewing it.

Mr. McPhee asked when the subdivision was approved.

Ms. Simone stated in 2006.

Mr. McPhee said so in 10 years the wetland line has moved pretty drastically.

Dr. Dimmick said either that or it is just a case of difference of opinion; he said he has been on cases where he has had two different wetland scientists that were both qualified look at a piece of land and put the line 30' different. He explained sometimes wetland lines are sharp as we have seen in the field; sometimes there are gradual change in term so n non-wetland and you can have a difference in professional opinion so he presumed that's the case here.

Dr. Dimmick said he just became aware of a legal opinion – not specifically on this property but dealing with changing the accepted wetland line and the legal opinion came down that according to state statue you have to have a public hearing to change a wetland line.

Dr. Dimmick said he is not planning to us schedule a public hearing just for that purpose but he just wanted you all to be aware of if we accept this change without a public hearing someone in the future may decide to cause a problem.

Ms. Simone said she could provide more detail to the Commission on that – she explained she did go a wetland law update recently and

they provided some detailed information so she can review that relative to this.

Ms. Dunne said she'd feel more comfortable if we had that.

Dr. Dimmick said he felt it was his duty to bring it the attention of the Commission – that this thing is knocking around out there.

Mr. McPhee said so going by the old wetland lines – how far are you encroaching on the wetland review area with the new clearing.

Mr. Green stated about 10' so it would be about 40' to the wetlands.

Ms. Dunne asked on the new line where are you.

Mr. Green showed the location of the old line, the new line and the associated buffer with it – he showed where the new line was on the plan and where the buffer for that line – he showed on the plan the location they were looking for which represents about 10' – 15' at most.

Mr. Norback said he thought that was a good point Mr. McPhee just made that we wouldn't put ourselves out if we don't consider moving the wetlands – it's just informational at this point – it may or may not be there and we just make our decision on the merit of the application based on the old one.

Dr. Dimmick said we might be better off if we just look at that and use the difference of opinion as to where the wetland line as a reason for allowing the moving of the clearing rather than actually accepting a new wetland line.

Mr. McPhee said so we don't have to act on this now.

Dr. Dimmick said no – like every application it has to sit for two weeks before we actually can act on it.

Ms. Simone said one thing she'd like to point out is that on the application it does indicate there are three points to this application – the first one being wetland amendment so the way that its phrased now the applicant is seeking permission from the Commission to amend the location of wetlands which would then be part of the

record and they would have an understanding of what the Commission thinks where the wetlands are located.

Ms. Simone said it may be a grey area because it may be that if the Commission just uses the information from the soil scientist and if they use that as reference that they don't put it on the record to say we accept it – then you are making a decision on something that you haven't really accepted or acknowledge in the record so it leads to a lot of interpretation.

Mr. Norback said if it would behoove the applicant to strike that aspect in the application.

Ms. Simone said she didn't think so because then you are left in that situation that you have information from a soil scientist and are making a decision based on that information yet you are not committing to that.

Mr. Norback said he thought we weren't making it on that information we were going to make it on the old wetlands line.

Ms. Simone said now it's as if the Commission is potentially guiding the applicant – the applicant came here under their own free will to ask for permission – to have the Commission review things – to ask the applicant to maybe tweak this and resubmit it to us – that's a little...

Ms. Dunne said they have wetland amendment – that's part of the applicant – that's what we have before us.

Ms. Simone said she thought what would be a benefit to the homeowner in this regard is that then they understand what the Commission understands which is the location of wetlands and what's allowed within that area and what they can and cannot do and then then provide them with the ability – maybe they wanted to put a swing set or something in that forested area.

Mr. Norback said with that clarification he agreed – he said he wasn't looking at it from that perspective.

Dr. Dimmick said the other thing is to have a to have a mandatory publication announcement if we have a public hearing so is that an additional expense on the whole thing.

Mr. McPhee asked Ms. Simone for a clarification as to the public hearing item.

Ms. Simone agreed to look into this – as far as where they have to have a public hearing or not - she said she know they have not received any notification from the state as far as saying that they must from now on do such and such but there may have been advisory information that she could supply.

Mr. McPhee said okay so in the next two weeks we can clarify that and engineering will have comments on the wall.

Dr. Dimmick said the application is in front of us and as soon as we find out anything we'll advise the applicant.

Ms. Simone asked Mr. Green if the plan shows the location of the markers.

Mr. Green said they are not shown on the plan but they are at the intersection point – he showed her on the plan those locations.

Ms. Simone said so generally they are located in the area of the proposed new clearing.

Mr. Green said yes and showed where they are in relation to the silt fence and the retaining wall.

Dr. Dimmick asked if we needed anything more at this point.

Ms. Simone said she'd have more information for the next meeting.

5.	Permit Application	APP	2016-024
	Trilacon Development Corp.	DOR	7/05/16
	Lake Percival Way Site Plan	MAD	9/08/16

John Wagenblatt, a principal of the LRC Group, 160 West Street, suite E, Cromwell, CT and George LaCava, the owner and developer of the project.

Mr. Wagenblatt addressed the Commission. He said they were here tonight to ask a re-approval of special permit granted back in July of 2000, specifically we are asking to construct two-units and add a

garage to an existing unit that fall within upland review area of the Ten Mile River and Lake Percival.

Mr. Wagenblatt said he was pointing to unit 6 (on the plan) which is an existing unit that is the closest to the Ten Mile River – what they are proposing is to add a garage with an alternative location for a second location for garage; unit 4 and unit 5 are proposed units.

Mr. Wagenblatt stated unit 5 falls within the upland review area and unit 4 – he said he was not 100% sure why they are asking for unit 4 for them to come before the Commission.

Dr. Dimmick said the permit was granted in 2000 – the permit was never acted on – there's nothing built.

Ms. Simone stated a portion of it was completed but the remainder of what's shown here was not permitted.

Dr. Dimmick asked if units 4 and 5 part of the original approval.

Mr. Wagenblatt stated yes. He said actually there were 6 units total – unit 1 which is constructed; units 2 and 3 and then 4, 5 and 6.

Dr. Dimmick said he didn't remember the details – he said he knew why 5 and 6 required individual site plan approval and he's didn't remember why unit 4 (needed a permit) but that was 16 years ago.

Mr. Wagenblatt explained the wetlands have been reflagged about two weeks ago by Martin Brody and he has a brief report which he would hand over to staff.

Ms. Simone stated they'd need a signed copy because they don't have an original signature from the soil on any of these maps.

Mr. Wagenblatt said they could do that as well.

Mr. Wagenblatt said in order for them to complete the project they road per the 200 approval has been constructed up to a point south of unit 6 and utilities are in up to that point and what needs to be built to complete the project for units 4 and 5 will be driveway, utility access for utilities and installation and then the construction of the units.

Mr. Wagenblatt said as of now they are proposing a smaller footprint for units 4 and 5 but because these are custom homes they may vary a little bit and we will probably have to be coming in for a site plan approval for what the final approval.

Dr. Dimmick said for modifications (of an approval).

Mr. Wagenblatt said unit 5 as of now with the footprint they are using is actually further away from the wetlands as it was approved in 2000.

Mr. Wagenblatt said on the this plan they are showing proposed erosion control coming along from about the existing pavement – to a point south of unit 5 and then also on the north and west side of unit 6 (as shown on the plan).

Dr. Dimmick asked if this area was sewered.

Mr. Wagenblatt stated yes – the sewer comes down and goes behind unit 1 – there's an easement out to Jarvis Street and that is constructed and is as-built as well.

Mr. Wagenblatt said water comes off the driveway to a point about to the end of where the road is and then loops around for service to unit 1 and then where unit 2 and unit 3 are located.

Ms. Simone said in the 2000 approval did it show that there was going to be disturbance right along Ten Mile River near unit 5 that's there was going to be regrading right down to the water.

Mr. Wagenblatt said he didn't believe but that he had a copy of it here – that he'd look for.

George LaCava, president of Trilacon Development of Cromwell, CT addressed the Commission.

Mr. LaCava said he knew a couple of people might have been on the Commission when they came through here – basically they came in in 2000 and they got a site plan approval from planning and zoning and then came to wetlands – part of the wetland requirement was that when we constructed unit 5 that we would come in and bring the site plan at building permit town.

Mr. LaCava said unit 4 we originally showed access off of that drive – all the site improvements are done – the sewer – the water – utilities are all in place and that was done early on.

Mr. LaCava said so what happen during the down turn was a job we just put on hold and when we went to revitalize it we met with Suzanne and the town planner and we talked about how the wetland permit had expired so basically we are coming in to try to just renew that permit for those particular units.

Mr. LaCava said unit 4 originally showed the driveway on that particular unit on to that private drive that goes in front of unit 4 to act to service unit 5 but with the new plans which have a side entrance coming on to the main road.

Mr. LaCava said he believed they were up above the wetland review area – he's not 100% sure but John would check the dimensions but he thought unit 5 was the one most sensitive because of the proximity of the slope to the water.

Ms. Simone asked about the application for lot 5 – are they proposing the exact location – you are proposing a site plan in addition to the other work.

Mr. LaCava said what we are showing – because of market changes – that they are just coming on the existing road way and then this drive would still have to come in and service unit 5 and that would be constructed and that he believed is within the upland review so the footprints of these are smaller and he believed the impact would be less because less grading.

Ms. Simone said okay so what's shown for lot 5 here is exactly what you want to build.

Mr. LaCava said that's what we are offering – it's not to say that if someone came in and wanted custom we'd come back to you again for your approval.

Mr. LaCava said the property is the location of the Old Percival Mansion and originally where we had shown the garage to be build and now we have another proposal to put it in two other locations.

Mr. Wagenblatt said to answer Suzanne's question the grading did not go down all the way to the wetlands; there's a retaining wall and the limit of disturbance went west of that originally.

Dr. Dimmick said if there's nothing else staff can look this over.

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

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

Dr. Dimmick said this can go through our regular process and handled the next time.

XI. ADJOURNMENT

The meeting was adjourned at 8:22 pm by consensus of Commission members present.

Respectfully submitted:

**Carla Mills
Recording Secretary**