

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, JULY 19, 2016
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

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

Members Absent: Dave Brzozowski and Will McPhee.

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 in attendance were Robert de Jongh, Charles Dimmick, Kerrie Dunne, Earl Kurtz 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 – July 5, 2016

Chairman de Jongh called for a motion to approve the minutes from the July 5, 2016 regular meeting.

Motion: To approve the minutes from the July 5, 2016 regular meeting with corrections. Pg. 5 L40 & L43 “sona” to “sono”; pg. 7 L32 “it” to “it is”; pg. 8 L5 “since” to “sense”; pg.10 L37 “they about what’s” to “the area which is”; pg. 14 L14 “filed” to “field”, L41 “term so n” to “terms of”; pg. 16 L41 delete “a” before “to”; pg. 18 L42 “200” to “2000”.

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

VI. COMMUNICATIONS

Ms. Simone reviewed the following communications with Commission members:

1. **Engineering Comments Re: Application 2016-025, Longo Property Subdivision**

This communication was reviewed.

2. **Letter to Withdraw Application 2016-025, Longo Property Subdivision**

This communication was reviewed. Ms. Simone stated this item is listed on the agenda under new business so the Commission can take up the request at that time.

3. **Correspondence from Tracy Jewett, 920 Cornwall Avenue**

This communication was reviewed. Ms. Simone reported this correspondence was sent to the Chairman and also other members.

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

This communication was reviewed. Ms. Simone stated this item is on the agenda under unfinished business.

5. **Engineering Comments Re: App. 2016-024, Lake Percival Way, Site Plan**

This communication was reviewed. Ms. Simone reported this item is on the agenda.

6. **Staff Communication w/Attachments Re: App. 2016-019 30 Judson Court Stream Restoration**

This communication was reviewed. Ms. Simone stated this item is on the agenda under new business tonight.

VII. INSPECTION REPORTS

1. Written Inspections

Ms. Simone reported there were no written inspections.

2. Staff Inspections

a. 108 Blacks Road

Ms. Simone reported that this item would be addressed under enforcement actions.

b. Lot 3 Field Stone Court

Ms. Simone stated there was an erosion control inspection conducted at Field Stone Court lot #3 and there were erosion controls were in place prior to them taking the stumps out.

c. 10 Prinz Court

Ms. Simone reported at 10 Prinz Court there was an erosion control inspection in review of the application tonight.

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

Chairman de Jongh stated staff had some correspondence concerning this item.

Dr. Dimmick said to make clear staff had prepared proposed wording for essentially saying everything has been satisfied and they can remove the violation.

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors relevant to the issuance and release of

the subject Notice of Violation/Cease and Desist Order and Corrective Order, Commissioners' knowledge of the area, and after review of Staff inspections and information provided on this matter, finds the following:

- 1. That on December 31, 2013, a Notice of Violation/ Cease and Desist was issued to Nat Florian for the unpermitted stockpiling unsecured soil and mulch in an upland review area and a wetland area, and the storage of unmarked chemical containers along the western property boundary, bordering a defined stream or intermittent stream channel as located on the Town of Cheshire soils map in violation of the Inland Wetlands and Watercourses Regulations.**
- 2. That on January 7, 2014 the Cheshire Inland Wetlands and Watercourses Commission opened and closed a Show Cause Hearing and determined violations did exist at 108 Blacks Road.**
- 3. That on July 25, 2014 Staff and Commission members visited the property and observed additional violations, most notably the watercourse diversion and man-made pool.**
- 4. That on October 7, 2014 the IWWC issued permit #2014-023 including a Corrective Order, to restore the watercourse, in addition to other items, to be completed by June 1, 2015.**
- 5. That on April 21, 2015 the IWWC granted an extension to the Corrective Order to December 31, 2015.**
- 6. That the town attorney became involved in February 2016, and initiated contact with the permittee/owners attorney and an extension to July 1, 2016 was agreed up on by the Commission.**
- 7. That on June 30, 2016 the Planning Office received a letter from Dave Carson, engineer of the permittee/owner, that the watercourse connection has been restored.**
- 8. That on July 14, 2016 Commission Staff confirmed that the pool area had been regraded and the watercourse restored, although water was not present in the watercourse so condition of the grade could not be determined by sight.**

Therefore, the Cheshire Inland Wetlands and Watercourses Commission does hereby determine that the requirements stated at the December 31, 2013, a Notice of Violation/ Cease and Desist Order and April 21, 2015 Corrective Order have been met and completed. Further, the Commission does hereby release and discharge the aforementioned Notice of Violation/Cease and Desist Order.

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

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|----|---------------------------------------|----|----------|
| 2. | Notice of Violation | SC | 09/15/15 |
| | Mr. David Flanagan | 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 | | |

Chairman de Jongh stated this continues to remain on our agenda for monitoring purposes.

IX. UNFINISHED BUSINESS

- | | | | |
|----|----------------------------------|-----|----------|
| 1. | Permit Application | APP | 2016-023 |
| | Town of Cheshire | DOR | 7/05/16 |
| | Cheshire Street | | |
| | Canoe Launch to Quinnipiac River | MAD | 9/08/16 |

Dr. Dimmick stated we reviewed this item at the last meeting and with a few comments from Commission members' staff has prepared proposed wording for a permit applicant.

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 applicant is seeking a permit to construct a canoe launch for direct access to the Quinnipiac River.

2. That the canoe launch will be located on public property, Quinnipiac Park/ the Waste Water Treatment Plant.
3. That the US Fish and Wildlife Service supports this project.
4. That the 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 #2016-023, the permit application of Town of Cheshire Department of Public Works for site plan approval as presented and shown on the plans entitled:

"Town of Cheshire, Connecticut
Proposed Canoe Launch Quinnipiac Park
1325 Cheshire Street, Cheshire, CT Dated: June 22, 2016
Scale: 1"=30'
Prepared By: Cardinal Engineering, 3 Colony Street,
Meriden, 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, earthmoving and/or construction activities, the applicant shall accurately stake and flag clearing limits and properly install erosion controls.
4. Any and all recommendations from the Connecticut Department of Energy and Environmental Protection regarding protective

measure for Natural Diversity Database species shall be stringently adhered to.

5. The work shall be conducted during low flow conditions of the Quinnipiac River, and during dry weather conditions.
6. Throughout the course of conducting construction 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' if 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.
7. This permit grant shall expire on July 19, 2021.

Moved by Dr. Dimmick. Seconded by Mr. Kurtz.

Mr. Kurtz commented that this is one of the nicest applications we've had in a long time.

Dr. Dimmick agreed and so did Ms. Dunne.

Motion approved 4-0-1 with Chairman de Jongh abstaining from the vote due to not being present for the applicant's presentation.

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 stated as they recalled from the meeting held in the first week in July he came in for two modifications to the site plan.

Mr. Green said one of the modifications was that they would like to add some additional clearing to the lot and they outlined that on the plans (as shown on the plans) and then also when they got the lot approved back a year ago this time they had a retaining wall in here (shown on the plan) and the clients wish to remove that retaining wall and have the slope graded out and that's generally it.

Chairman de Jongh said he asked staff to take a look at the approval that was granted originally.

Mr. Kurtz asked if this was the house that's already built. He asked what it looked like relative to the approval and what they are asking for right now – there's a deck on it – right.

Mr. Green said yes there is (a deck).

Mr. Green said this house is built; they did a foundation as-built and its built in the location that's its shown on here within a tenth or two in direction – front or back – side to side.

Mr. Green said the slope that is out there today is generally mimics what we have shown here also.

Mr. Kurtz said they have already gone past the retaining wall phase.

Mr. Green said that's correct.

Mr. Kurtz commented that it's now a modification.

Chairman de Jongh said he thought the only issue that seems to pop up is not necessarily the request that they are asking but the compliance on the part of the property owner to provide the reports that this Commission required relative to the sedimentation and erosion controls. He said he thought staff had to on a number of occasions go out and make inspections on her own and touch base with the contractor and subsequently make sure that that was done thereby taking valuable time from her day to do some things that the applicant was required to do by this Commission.

Chairman de Jongh said so as a result what he is going to suggest to the Commission – but one of the only ways we can compel the

applicant to compile with the request is to have the applicant submit sedimentation and erosion control bond so that we can be assured that everything is done the way we are expecting to be done because there has not been any cooperation in the past – not without staff initiating their cooperation which is not the way we've always operated.

Dr. Dimmick said he thought staff could also verify that on at least two occasions staff found defects in the erosion controls that hadn't been reported.

Chairman de Jongh said again his suggestion is that we compel the applicant to put up a bond to make sure that sedimentation and erosion controls are properly installed and maintained and that way Suzanne doesn't have to keep going out beating the drum on her own.

Dr. Dimmick said as an addition then to the wording for it – assuming we grant the permit medication as requested that could be worded in that modification.

Ms. Simone said as a follow up at that last meeting there was a question regarding a proposal for an amendment to the wetland delineation and whether a public hearing was required – she said when she looked through the state statutes it makes reference to any changes to the official soils map requires a public hearing but the applicant is requesting a change to the site plan.

Ms. Simone said the official soils map does locate that there are wetlands generally in this area but it doesn't provide any specific details to where they are located because of the scale of the aerial photograph.

Ms. Simone said so what the applicant is asking the Commission is to look at the new field data from 2016 and that the Commission reevaluate that and look at that expert testimony and find whether or not the Commission is comfortable and deems it reasonable that that would be the new wetland delineation based on the latest soil scientist report; there's not requirement for a public hearing.

Dr. Dimmick stated that medication was proposed by Tom Pietras who has a long history has a very qualified soil scientist.

Dr. Dimmick stated he has never had a question about his (Tom Pietras) work before so he has no question of it now.

Ms. Dunne said compared to the 2006 maps – she said she thought something was said about wetland flags 23 thru 30 and now it's changed – where the flagged wetland boundary is.

Ms. Simone stated yes – the wetland delineation area has changed a portion of the property towards Yalesville Road.

Mr. Green stated the original line was mapped starting at the property line all the way through (an area shown on the map); he said that Tom Pietras agreed with this line (shown on the plan) but he did not agree with the line mapped (shown on the plan).

Dr. Dimmick asked if Mr. Green happened to know who did the original line.

Mr. Green stated it was Milone and MacBroom and he was not exactly sure who there did.

Dr. Dimmick said it was probably their usual soil scientist Bill Root.

Ms. Simone said she could look that up since she had the file.

Ms. Dunne asked if they (the Commission) needed to make any kind of vote as far as there's not a change in the official designation. She asked if they needed to do anything as far as a Commission.

Chairman de Jongh said staff can create some wording which would reflect that if that's the Commission's choice – and if the Commission is in agreement along with the requirement that that erosion and sediment bond be part of that approval.

Chairman de Jongh said we can give Suzanne an opportunity to put that together – he said he wasn't sure she was prepared to do that tonight or present it at the next meeting.

Ms. Simone said it would be helpful for there to be on the record that the Commission did mention each of these items that the applicant is requesting – so the change in the wetland delineation – the new clearing limits as well as the removal of the retaining wall.

Ms. Simone explained the engineering department did review the plans not to install the retaining wall and they did not have any comments or questions regarding that.

Mr. Norback asked why they would – it's in back of the house.

Ms. Simone explained the engineering department does reviews for this Commission based on slope and whether a proposal has engineering principals that are being followed.

Mr. Norback said so it's the principals then – okay – he said he didn't know how their perspective mattered relative to wetlands but it matters relative to good engineering practices.

Chairman de Jongh asked if there were any other questions or comments of Commission members – he asked if they were in agreement with the recommendation for the bond.

Mr. Norback said he thought it was a good idea.

Ms. Dunne stated yes – definitely based on they have not been in the past compliance with the stipulation to submit the report then it makes sense.

Chairman de Jongh has there's no clear evidence that they had been doing it of their own free will – they have been doing when coerced and that's not the exactly the way we would like to see cooperation arrangement between an applicant and this Commission.

Chairman de Jongh said so what he'd suggest is that we allow Suzanne to go ahead and let her do what she needs to do in terms of writing and addressing not only the removal of the retaining wall but also the relocation of the wetland delineation and the requirement of that erosion and sedimentation bond.

Ms. Dunne asked the clearing of the trees – is there an issue with that.

Ms. Simone asked if the plans show where new wetland permanent markers would be.

Mr. Green said their intent is to keep them along that non-encroachment line.

Ms. Simone said you won't have anything shown on the plans to show where they are but that's something (that can be added).

Mr. Green stated correct – he said they went over last time where they would be placed – at the street line – at the angle point – at an angle point and then at the property line.

Dr. Dimmick said he thought the request for the bond should also stipulate the placement of those monuments.

Motion: That the Commission required that a bond be in place for the following items: change in the wetland delineation; change in the clearing limit; for the removal of the retaining wall; and for the installation of the monuments.

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

Chairman de Jongh said we'll allow staff to let her do what she needs to do and we can address this at the next meeting.

Mr. Green said just so he understands – they owner/applicant has not submitted his letters that he was required to do based on the last permit.

Ms. Simone explained he was supposed to monitor the erosion controls and make sure they were up and functioning and then he was required to submit reports to the Commission showing that was done and that everything was functioning and that wasn't being done for quite a while.

Ms. Simone said she contacted the property owner and received a letter basically saying that he didn't find it necessary.

Dr. Dimmick stated that was a condition of the permit that they be submitted by a responsible party.

Ms. Dunne said also for the record – there are also photographs that Suzanne took that show (the site).

Ms. Simone explained (there are photographs) from the last visit to the site which was last week – there were areas where the erosion controls were compromised – the silt fence was leaning and in one area where the retaining wall is proposed to not be there's a slit in

the silt fence so material can just go right through the whole in the fence.

Mr. Green said he would certainly let them know.

Ms. Simone said Tony was out at the site so she did speak with him; she stated she had spoken to him in the past and he has followed up but it's they are not following the stipulations in the approval.

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 were present.

Mr. Wagenblatt addressed the Commission.

Mr. Wagenblatt explained two weeks ago they were here and presented a plan to adjust unit 4 and 5 from the original approval from 2000. He said because the permit has lapsed, town staff wanted us to come in and get approvals on units 4, 5 and 6.

Mr. Wagenblatt said some of the questions that were raised two weeks ago by the Commission mostly had to do with where the disturbance was before and what we are proposing now.

Mr. Wagenblatt stated the biggest change is probably on unit 5 – unit 5 on the original plans was a much larger unit and the offset – as shown on the plan – located at the south west corner of unit 5 – on the original plan that was approximately 52' – 53' off of the edge of Lake Percival and now it's closer to 57' – 58' off so what's going to be within the upland review area would be grading.

Mr. Wagenblatt said on unit 4 – he said staff asked us to come back in – he said they believe that because of the driveway to unit 4 it was closer to the disturbance but what we have done is move the driveway from unit 4 off of this proposed long access driveway utilizing the access for the overall site so they are going to be coming off; all the grading for unit 4 is completely outside the upland review area.

Mr. Wagenblatt said unit 6 – the proposed garage – we actually show two proposed garages – one is an alternate; the one that's preferred is the attached unit where it is to the north – that is actually falls over into the upland review area and then the second one is attached but is more of an L shape to the east of unit 6 and that one falls outside of the upland review area; before there was some proposed grading in this area but no proposed structure.

Mr. Wagenblatt stated they did receive comments from town engineering late last week – two comments – one had to do with the sewer; he stated he did address those and send in comments to staff earlier today.

Mr. Wagenblatt said they (town engineer) were concerned that the sewer was not as-built. He said in fact they did find plans by the previous design team that did as-built this sewer which the town sewer goes from a point north of where the two units are and then goes out cross country down to Jarvis Street; that was as-built and according to the WPCA agreement that was supposed to be constructed and finished by December 31, 2002 which it was.

Mr. Wagenblatt said he didn't have any further information on that but if staff requires it they can try to dig some up.

Ms. Simone said she didn't think it would necessarily be required as part of this application but the town engineer wanted to give you the heads up instead of waiting to go through land use agencies and then be told at the end that you needed to have WPCA – so he was just notifying you during this process.

Mr. Wagenblatt said the other comment that they had – they had concern on the slope behind unit 5 – they asked that we look into doing something a little different because of some of the issues they had with the development they had on the other side of Jarvis Street with the slope so what we've done is put in a reverse bench mid-way down and on one of the detail sheets we show a slope greater than 3:1 and we've put a mat down for stability – it's a bio-degradable slope – they grade and put the top soil down – and seed and this mat down to help stabilize it during the seed germination period.

Dr. Dimmick said he didn't remember despite the fact he knows where the soils are in most of this town – he said he didn't remember what the soils are – are they sand and gravel.

Mr. Wagenblatt said yes.

Dr. Dimmick said and then some of those include some fine sands which have an erosion problem so probably engineering is right on the mark.

Mr. Wagenblatt said they agree.

Mr. Wagenblatt said other than that he thought they pretty much addressed what they (town staff) were looking for – he said Suzanne stated before the meeting that staff has not reviewed they changes they made.

Dr. Dimmick said unit 4 from what you're saying is not a concern primarily because the driveway is not going to go where it was originally planned – it's entirely in uplands nowhere near the review area.

Dr. Dimmick said on unit 6 the proposed garage – although it gets within the upland review area is in a previously disturbed area – there was a retaining wall and there's gravel driveway there at this present time.

Mr. Wagenblatt stated correct.

Dr. Dimmick said so our main concern is with unit 5 and are main concerns are probably with the regrading and the stabilization to prevent part of that erode and go down into Lake Percival.

Chairman de Jongh stated he thought was probably accurate – that we are more concerned about what's happening on that one unit.

Mr. Wagenblatt said you do have the erosion controls – he showed them the plan sheet showing the erosion controls.

Dr. Dimmick said he would add one possibility – but stock piling onsite material to stabilize if that slope above the proposed house starts to have a problem so you can step in immediately and make some kind of correction to that – it really doesn't need much more than having a little bit of spare silt fence and gravel sitting there so if we get torrential rain storms you don't have to send someone out to get supplies.

Mr. Wagenblatt said okay; and we have had some pretty nasty weather of late.

Mr. Wagenblatt said they do show a stock pile between units 4 and 5 area and the developer can leave something in case of an emergency.

Ms. Simone said as far as unit 6 – showing that there are two garages – do you have a site plan that you can submit to the Commission that just shows one garage that you are showing a preference for because if the Commission was to act on this it shows there are two garages.

Mr. LaCava said right now we don't have a preference – we are just showing two options because a lot of it is just going to depend upon what we do get for a buyer but one shows a three car garage and the other a two car so at this point he really doesn't (have a preference).

Chairman de Jongh said just as a suggestion and picking up on staff's concern – one of the thinks they might want to do just to clean up the map for our files – is go with the three car garage for now – it you have someone who doesn't want a three car garage then it's going to change it and improve the footprint in terms of disturbance – that's just a suggestion – if the rest of the Commission is in agreement – it's better to show just one (garage plan) then two because if it's on the plan it's on the plan and then we can do two things in that footprint and that's not what we are trying to do so he would suggest going with the three car garage and leave it up to the land owner and if it switches to the two then so be it and you can notify us if there is any material change to what we were able to discuss and decide upon.

Dr. Dimmick said going from three cars to two cars lessens the impact slightly when you ask for a modification – we'd declare it de minimis and not need any modification where if you go from a two to a three we might decide that increases the impact and we need a modification permit.

Chairman de Jongh said staff has not had a chance to take a look at the comments that we submitted recently – she can take a look at that and we can be prepared to address this at our meeting next time.

Ms. Simone asked if she could get one copy (of the plan) showing where the new garage would be.

Mr. Wagenblatt stated okay.

X. NEW BUSINESS

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|----|--------------------------------|-----|----------|
| 1. | Permit Application - WITHDRAWN | APP | 2016-025 |
| | Frank A. Longo | DOR | 7/05/16 |
| | Talmadge Road | | |
| | Subdivision | MAD | 9/08/16 |

Chairman de Jongh stated this application has been withdrawn.

Ms. Simone stated it has been withdrawn – it was submitted before the last meeting that is why the clock started ticking so by state statute it is officially brought before the Commission so they had to formally withdraw it and they are asking for their application fees back.

Ms. Simone stated the only thing done on this from a staff perspective is that the engineer department review was finalized.

Motion: That by unanimous consent the Commission agrees to recognize the withdrawal of the application and to refund the application fee.

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

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|----|--------------------|-----|----------|
| 2. | Permit Application | APP | 2016-019 |
| | Peter L. Grant | DOR | 7/19/16 |
| | 30 Judson Court | | |
| | Stream Restoration | MAD | 9/22/16 |

Peter Grant of 30 Judson Court was present. Michael Lambert, professional engineer with Harry E. Cole & Son was present on behalf of the applicant.

Mr. Grant addressed the Commission. He stated he was the home owner and applicant; he said if there are any engineering questions he had Mr. Michael Lambert from Harry E. Cole & Sons present.

Dr. Dimmick said he knew they had gotten some plans he (Mr. Lambert) emailed to us but if he could give us a quick rundown about the stabilization and the sequencing of event. He said it looked okay to him but he didn't know if the other Commission members had a chance to review this.

Mr. Lambert addressed the Commission. He explained the applicant had come to them – he had a swale going through his back yard – there's a wood kind of retaining wall falling down – so the plan is to relocate the intermittent watercourse and kind of bring it a little bit further away from the house; give it a more gradual sweeping motion to the flared end section on the south of the property.

Mr. Lambert said the whole goal is to make it a uniformed swale going down. He explained before it was barely at a 1% pitch and then when you get to the bottom it gets a lot steeper so he (the applicant) is having a lot more erosion problems there when there's heavy, heavy rain storms.

Mr. Lambert said what they are doing (he showed on the plans) was to have a consistent slope at just about 3% from the outlet pipe into our property from the north corner going down.

Mr. Lambert stated the goal is to – at least on the inside near his house almost have just a 1.5% berm at a 2% slope from the bottom of the swale; on the outside we want to go 3:1 a little bit more gradual so if that heavy rain does come through its not hitting a wall – it's not going to erode away – we found at least at a 3:1 slope it's not going to cause as much problems as having the wooden wall or without having a concrete wall there for the water to rush down, hit something – having that gradual curve to it and having the 3:1 slope is definitely going to help it.

Dr. Dimmick asked what they were going to stabilize it with.

Mr. Grant said he thought the drawing included with the application show the location of rip rap both at the termination of the intermittent watercourse where it enters the 18" concrete reinforced pipe where it goes under Judson Court; we also have rip rap at the entry of the intermittent watercourse.

Dr. Dimmick asked if that was standard or modified rip rap.

Mr. Grant said modified (rip rap) is what we noted.

Mr. Norback asked if the work would be done in the dry season.

Mr. Grant noted on the application his desire is to get this done work done, have all the work done by the end of this year – the end of September.

Dr. Dimmick said as he told them last time he went around and looked at it – it is a mess and something has to be done it's just you need a permit to do it and if you have something on file as to what's going to be done and we approve it and its on file we are going to be fine along that line.

Mr. Grant said he like the idea of creating a constant slope from the entry to the outlet and minimizing the potential for stagnation of that stream when it does occur.

Dr. Dimmick said if he were doing it he'd put a little bit more friction along the intermittent points so it doesn't end up being a busway drain; he noted there were a number of ways to do that.

Mr. Norback asked Dr. Dimmick did that run the risk of snags from it running less robustly.

Dr. Dimmick commented there were a number of ways of doing it using rocks – he noted there were a number of different techniques to do it.

Ms. Dunne asked if they listed the planting because she saw there were going to do plantings.

Mr. Grant said right now things are TBD but what he'd like to do is a mix of perennials, ornamental trees, Willows – something that would like to get its roots into the water which would also help that area; he said he had experience using Willows and in a short period of time grew way too large.

Dr. Dimmick said if given a permit we might want to work in an allowance to go in and trim occasional so you don't have to come back in every time they want to control because it's getting over grown; you want to be able to do maintenance if the permit allows per the permit.

Ms. Simone said she has had a chance to review this – one comment is in regards to the species and if they are not certain right now as to what they are that the Commission would stipulate to exclude any non-native invasive species and a list could be provided.

There was a brief discussion about native and non-native invasive species.

Ms. Dunne stated Suzanne has a list of good things to plant.

Mr. Grant said that would be good to have.

Chairman de Jongh said he thought they now had everything they need and would ask staff to pull together with wording for the next meeting.

Dr. Dimmick thanked Mr. Grant for coming before us (the Commission) properly to make sure everyone is going to be happy about this.

XI. ADJOURNMENT

The meeting was adjourned at 8:09 pm by consensus of Commission members present.

Respectfully submitted:

**Carla Mills
Recording Secretary**