

NOTE: These Minutes are subject to Agency approval at next regular meeting.

Chester Inland Wetlands & Watercourses Agency

Regular Meeting, June 3, 2019

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1. Call to Order

The Chester Inland Wetlands & Watercourses Agency held its regular meeting on Monday, June 3, 2019, at the Chester Town Hall, 203 Middlesex Avenue, Chester, Connecticut. In attendance were Al Bisacky, Sally Sanders, Kim Senay, Bob Blair, Bill Bernhart and Ellie Wahlberg. Anna Sweeney, Wetlands Compliance Officer, was also present. Chairman Bisacky called the meeting to order at 7:10 PM.

2. Minutes – May 6, 2019

Motion by Sanders, second by Bernhart, to approve May 6, 2019 Minutes amended as follows – Under 6. #19-03 Aaron Manor, 23rd paragraph, last sentence should read, “Lanecor replied similar distances and shorter durations.” Unanimously approved with Blair abstaining.

3. Audience of Citizens – none.

4. Continued Show Cause Hearing – Chester Airport, 61 Winthrop Road – unpermitted activity within review area

5. Chester Airport, 61 Winthrop Road – unpermitted activity within review area

Agenda items 4 and 5 were tabled.

6. #19-03, Aaron Manor, S. Wig Hill Road, Septic System – Continued Public Hearing

Chairman Bisacky noted there were a couple of open issues, one of which was several of the abutters requested intervenor status. There was an objection from the applicant’s attorney. Bisacky noted he subsequently talked to Attorney John Bennet and the Agency could vote on intervenor status. **Motion by Sanders, second by Bernhart, to accept Intervenor status relative to Application #19-03, Aaron Manor. Unanimously approved.**

Mark Lanecor, principal with Dymar Engineers, introduced himself. He noted the applicant’s attorney could not be here as he had a heart attack on Saturday. He handed out some revisions of the plans. Intervenors were given the revised plans as well. Mr. Lanecor noted at the last meeting a report was entered by Wright Pearce and questions raised by the Agency in terms of alternatives and other subject matter. Bob Russo, Environmental Soil Scientist, was also present and will speak to items germane to his subject.

Mr. Lanecor noted they did not receive comments from the Health Department until late Wednesday of this past week. They have asked for additional information to be added to the drawings and there will be a meeting with the Health Department at 2:30 PM to review the revisions addressing their comments. Hopefully there will be an approval from the local Health Department which will be referred to Bob Scully.

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General comments from Wright Pearce from the last meeting were addressed. It was noted the two parcels have been formally merged into one parcel encompassing 19.3 acres. The boundary is an A2 updated with the lot line revision. Topographic mapping was also updated. The flood zone was depicted on the drawings and referred. The flood mapping was based on the 88 datam.

Mr Lancor noted the other area raised was a question about design flows. Wright Pearce noted this should fall under the jurisdiction of DEEP because it would be beyond the 7500 gallons per day. That's not the case. The code allows you to use metered data. Based on that information Bob Scully agreed this would fall under the Department of Health and the metered flow data would be allowed for design flow. The average daily flow came in at about 3562 gallons a day, times 1 and ½, and that comes to 5343 gallons per day as far as the design flow. We made a revision to Building #6, a 3 bedroom house converted to a 2 bedroom. The number of potential expansion of beds at the facility was reduced from 11 to 8.

Mr. Lancor noted the Manor House was the original facility for the Nursing Home. This building has never had apartments, it works in concert with the main facility itself. It's not used for anything except administration meetings in the building. It's all connected to the same system.

It is noted Ellie Wahlberg arrived at this time.

Mr. Lancor noted the design flow of 5343 for the main facility plus the additional flows comes up to 7200. None of the leaching area is actually located in the upland review area, however, a portion of the fill is. He reviewed the temporary impact of the fill and that it would be stabilized and seeded. What you will see is a grassed area no different than the wetland area itself.

Mr. Lancor reviewed test pits. It had been suggested more test pits needed to be done. He indicated over 32 test pits have been done in the presence of DEEP and local health department and it's not relevant. It's clear the updated drawings show the rock elevations. That information has been provided to the local health department. The health department has never asked for more test pits down gradient. If they requested them, we would be happy to comply, but don't see that its necessary.

Mr. Lancor reviewed travel time which is not required by the Public Health Code. The reference Wright Pearce made is reflective of a 75 foot radius for well location. With a 75 foot radius you will get the 21 day travel time. Nothing here is located within 75 feet. The closest well next door far exceeds the 75 feet. This has no effect on the subject site or surrounding properties. There are no areas of special concern and this system completely complies with the Public Health Code, therefore, the 21 day travel time is not relevant.

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Mr. Lancor reviewed prudent and feasible drive alternative. He indicated at the last meeting it was brought up by the intervenor's attorney that the narrow band would have been a more feasible and prudent location for the crossing in lieu of the crossing where we located it. Since that meeting, we topod this area and the slopes are all in excess of 20%, one area 25%, which would require bringing the grade in at 10% or 12%. In terms of the actual wetlands impact, it would impact less area but when you take into account in terms of fill and cuts, its much more significant. In terms of actual construction there is a significant difference – 11,185 square feet of surface area that would be impacted in the upland review area, 962 yards of fill and 99 yards of cut in comparison to our plan which would be 9,171 yards of surface area, 239 yards of fill and only 94 yards of cuts. Lancor noted they do not recommend this alternative. It was also brought up at the last meeting the applicant exhausted the alternative of municipal sewer unless there is an actual source of funding. The cost would be in excess of \$2.5 million. The time to implement such a plan would take years and require approvals from WPCA, BOS, CONNDEEP, CONNDOT, OPM and taxpayers. The municipal route would also involve stream crossings. The proposed plan they are suggesting now would cost \$550,000 and is a more prudent approach with minimal long term impacts that can address the pollution problem now and not have to wait.

Mr. Lancor reviewed nitrogen analysis. He noted the current system is operating without any real treatment with a limited upland tributary area for nitrogen dilution that discharges to the Pattaconk Brook, via a wetland and storm sewer conveyance system. The public health code does not require demonstrating nitrogen levels as part of their review. The 1998 publication by CTDPH notes that "it is extremely unlikely that domestic subsurface disposal systems could ever produce hazardous nitrate levels in wells as long as the separating distances required y the Public Health Code are provided." They exceed the 75' limit in all directions for a domestic waste discharge.

Mr. Lancor reviewed the stream crossing. He noted the 15" culvert has been increased with a 35" x 24" corrugated aluminum pipe that will be extended 6" below the stream grade and the bottom filled with natural stone. The inlet and outlet aprons are sized for scour protection to satisfy the 100 year storm flow which will pass through the culvert and discharge at a velocity of 5.7 feet/second at the outlet. The inlet and outlet scour protection has been sized accordingly. In addition they are providing a 6" sleeve for the force main so if the main had to ever be repaired at the wetland crossing, it could be done without excavating this area. The sleeve and force main will be set below the culvert as required by the health department. There will also be a manhole for easy clean out and maintenance. Sheet SS-9 shows greater detail of the crossing.

Mr. Lancor noted in summary, it was their professional opinion the proposed plan is the most prudent and feasible alternative.

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Bob Russo, Certified Soil Scientist, introduced himself with CLA Engineers in Norwich, CT. He addressed the Wright-Pierce comments from their letter of May 6th.

A-3 indicates the Soil Scientist should recheck the wetlands delineation. Mr. Russo noted he submitted a letter last month indicating those delineations had been rechecked and they were still accurate.

C-1 deals with the submittal to the DEEP for Natural Diversity Data Base. Wright-Pierce recommended the applicant submit another request to DEEP for the current proposed development plans and require an onsite habitat survey be performed for all current State and Federal Listed Species and Significant Natural Communities reported by DEEP as located on or within close proximity to the subject parcels. Mr. Russo noted he did submit a new request, contacted the CTDEEP Natural Diversity database and provided updated site plans. They requested some additional information and their review is ongoing. Mr. Russo noted they wanted additional information on the proposed crossing of the stream. The detail Mr. Lancor previously reviewed showing the enlarged culvert with natural material backfilled into the bottom and the seepage envelope under the crossing to maintain the hydrology of the wetland has been provided. DEEP also requested some additional plantings be done. He provided a letter and revised planting plan to the Agency and the Intervenors. At the last meeting one of the members suggested some additional plantings and DEEP suggested additional plantings as well. They looked at what would be appropriate and provide additional enhancement to the habitat in terms of wildlife food sources and in terms of aesthetics. The view of this site from the road and the neighbors is important. He reviewed proposed plantings, including trees downslope of where the activity is proposed and also Hybush Blueberry and Vibernum so that as these grow there will be a line of trees along the edge of the wetlands. There will be nice fall colors and provide food for wildlife and provide shade over the wetlands and enhance the buffering value of the land in between where the installation will be and the Pattaconk Brook wetlands. CONNDEEP has not given a final response yet.

C-2 requests a wetlands delineation report. That was provided to the Agency at the last meeting indicating the wetlands were delineated, how they were marked, soil conditions, etc. There was also an indication of a vernal pool on the site. Mr. Russo noted when looking at the site he found an area that had shallow water in it. He noted he's been doing wetlands assessment for 3 decades and by routine determines if there are vernal pools on the site. He would have reported it in his original letter if he had found any. He noted he did not find any vernal pools.

C-3 requests wetlands functions and values assessment which he provided at the last meeting so that issue has already been addressed. Mr. Russo reviewed Sheet SS-10 in detail. He noted they tried to locate the impact to wetlands in a place that minimizes the function to the wetlands and

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that's what they did in this project. He indicated primary functions and values lie mostly with Pattaconk Brook.

C-4 noted the applicant did not propose wetlands mitigation areas on the proposed development plans. He reviewed how the Army Corps and CONNDEEP views mitigation. Instead of excavating an upland area and converting it to wetlands, they prefer to see you excavate previously filled wetlands or add habitat value. It's not recommended to take good upland that provides useful buffer functions, useful habitat and convert it to wetlands. They don't advocate that any more. We have chosen to mitigate loss of function from the filling by planting other parts of the wetlands and diversifying the vegetative community and adding additional habitat value.

C-5 noted the applicant has not presented feasible and prudent alternatives. Mr. Russo reviewed some of these alternatives. He noted the property has frontage on West Main Street. Is it feasible and prudent to come from West Main Street over to the site of the septic system? It really isn't. He delineated wetlands right along West Main Street. He noted aside from the barn the vast majority of this property is wetland. One would have to cross at least 250 feet of wetland to get to the location of the septic system. Therefore, we can't come in from West Main Street. Some consideration was also given to moving the system further away from the wetland. Mr. Russo reviewed the report he circulated, specifically Appendix A, Soils Data. In summary, he noted a greater depth of soil was needed for a septic system so moving the system to the north is neither feasible or prudent. They also looked at crossing the wetland in a different place. The crossing currently proposed was not just randomly chosen. It was chosen after walking the site and looking at the site conditions to see what made the most sense. He noted the alternative proposed by the intervenor had a slope that was extremely steep. The grades were about 12% or more on the road itself and that's after cut and fill. There will still be a lot of velocity from the water that runs down that and will present a potential problem with sediments getting into the wetlands. Mr. Russo pointed out the area on Sheet SS-10 that would have to be disturbed to get to the crossing. It's all area within the 100 foot review zone that's currently vegetated and stable and provides an important function of buffering this wetland from the Aaron Manor facility that would have to be taken out. During construction there's the potential for impacts to wetlands that would be greater than the potential of the crossing that's the preferred alternative. Post construction, a steep slope would have to be maintained with potentially more problems.

Mr. Russo noted the alternative shown on Sheet SS-2B is a better option that will less likely long term options on the wetland. In either of these crossings, a culvert is being put in, an oversized culvert with natural material on the bottom, a seepage envelope and to be candid Pattaconk Brook is a very nice resource and is preferable to site the crossing further away from Pattaconk Brook. There's less chance of diminishing the Brook and effecting the water quality of the Brook.

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Mr. Russo noted those are the alternatives considered and the Intervenors' comments have been addressed. We feel the alternative presented to the Agency is the most feasible and prudent and will minimize the impacts to the wetlands.

Chairman Bisacky reviewed the 3 lots owned by the same owners which have been combined. It was noted only 2 have been combined. Lots 58 and 257 have been combined. The third lot was not combined. Bisacky asked what test pits have been done on 257 up to South Wig Hill Road. The response was testing was done above it hitting shallow bed rock very short. Monitoring wells were reviewed.

Bob Russo from CLA Engineers noted his report included aerial photographs, GPS of bedrock outcrops in the soil.

Chairman Bisacky noted the lots need to be clarified on the Assessors Map.

Chairman Bisacky asked how the field has been accessed for mowing and maintaining. How is the mowing equipment being brought in. Al Wolfgram noted that information is not available, but they will provide it. The area of the test pits were accessed from the Aaron Manor property of where the field site walk was done. Bisacky noted they didn't see evidence of that. Timing and access for the various test pits was reviewed.

Sally Sanders asked what area is the leaching field. The trenches were pointed out. She noted they will be putting 7200 gallons of water in there on a daily basis and asked where that water goes when it discharges from the leaching fields. The response was it co-mingles with the ground water and eventually connects to a wetland or watercourse. The water currently and will go to the Pattaconk Brook. Sally Sanders had a concern that the water coming out of the system was solvent free. All this water goes into the Pattaconk Brook and down to the Connecticut River. All of the things from Aaron Manor will go into that water. She also noted it was mentioned Connecticut doesn't have any testing for these things. Isn't it our responsibility to start thinking these things shouldn't be washed down into the area? She was questioning the quality of the water going down and how to quantify how pure that water will be once it comes out of that system. How can you assure us that the water going in there is pure? There was discussion regarding pharmaceuticals that are excreted and in the water. Mr. Lancor (?) noted the soils can do a lot by generating bacteria and it does its job. He reviewed the process and depth of bedrock. It was noted they could easily put in monitoring wells if required. He noted he was confident this system would do its job.

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Chairman Bisacky noted last month it was noted guidelines have changed and you are now under DPH guidelines. We have asked Jacobson & Associates to give us a comparison between those two sets of regulations to see if a system can be designed that's more protective of the waters.

Chairman Bisacky noted this has been under Consent Order since 2006 and here we are in 2019. We are trying to find a solution that resolves the situation. Mr. Lancor asked to look at the sewer alternative and that took some time and the cost was unreasonable. In 2017 the regulations changed and it became a jurisdictional thing and DEEP wants nothing to do with this. So we are left with DPH.

Chairman Bisacky asked what alternatives were looked at to avoid removing that ledge and doing that earth work in order to gain access. Mr. Lancor noted there is no way to avoid that ledge. That whole area has been surveyed. The survey was reviewed. Mr. Lancor noted the force main has to be 15' off the property line and it would be going right through the heart of the rock. Bisacky asked if alternative ways were looked at for installing the force main and directional drilling. Mr. Lancor reviewed directional drilling through bedrock which is very expensive. It was not considered.

Sally Sanders noted they had mentioned the alternative of an onsite treatment plant. It was noted any onsite treatment plant would have to go to DEEP. The pharmaceuticals would not be taken out.

Chairman Bisacky noted there was discussion last month about nitrogen removal. At this meeting there was a paragraph about Nitrogen Analysis and a reference to the Public Health Code. He asked if the applicant intends to provide the calculations? The calculations were provided and will be sent to the Intervenors.

There was a question about the biofilm. Mr. Lancor reviewed this item. He noted this was not a condition in this instance.

Brian Hoenig from UKS representing the Intervenors introduced himself. He noted the Intervenors were grateful for the passing of the motion giving status. Todd Richie is here again from Wright Pierce. He noted they would like to address the idea of what is a prudent and reasonable alternative.

Todd Richie from Wright-Pierce introduced himself. At the last meeting he submitted a review letter on behalf of the Intervenors. He would like to focus on the feasible and prudent alternative of the sewer connection provided by the Intervenors more in detail showing it is actually showing on the Plan of Conservation and Development. Mr. Richie noted they had a recent meeting with the First Selectwoman who was open to the opportunity and that she has

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had conversations with the applicant in the past that didn't go anywhere. He reviewed the Plan of Conservation & Development relative to extension of the sewer plan. There had been discussion regarding crossings and how many there would be. This route shown in the POCD actually reduces the number of crossings of the Pattaconk Brook to one major time. He reviewed temporary and permanent crossings. Mr. Richie noted they are proposing to pump from the east property to the west property over the wetlands crossing to the system. He proposed a low pressure sewer system. This will allow minimal trench excavation and cover over the pipe. This is a pressurized system. He noted their proposed route is already approved by the POCD. He reviewed the actual route. Mr. Richie noted this facility is a valuable resource to the Town and this is a long term solution. There is an existing pollution problem right now. The Health Code says "no sewage shall be allowed to discharge or flow into any storm drain, gutter, street, roadway or public space, nor shall such material discharge on to any private property so as to create a nuisance or condition detrimental to health. Whenever it is brought to the local Director of Health, that such condition exists on any property, he shall investigate and cause abatement of this condition." Mr. Richie noted this condition is not currently abated. There could be holding tanks put in right now to stop this from happening and it's not happening. Right now it's happening within 100 to 150 feet from the back door of this building and it's going to be 400 feet away through the woods with trees planted around it and if somebody is not looking for it, then who is going to find it and enforce it. That's the question they have. Septic systems are not designed to last forever. You can aerate them to rejuvenate them over time but if that's not done, then ultimately the biomat will take over and clog over time. Septic systems do fail and this one has been failing by the applicant's admission for a very long time as well as the Notice of Violations on record. On behalf of the Intervenors they do not want this issue not to impact them, the environment or anyone in a negative way. Mr. Richie noted if this is a financial issue, the First Selectwoman is open to discussing that. There are opportunities for funding. He reviewed some of these funding sources and submitted one source of funding for the record. Mr. Richie noted the long term solution has to come from the community approach and community perspective and that's what they are proposing as a feasible and prudent alternate. It's what the town has planned for and they came up with some costs pretty much in the ballpark as what the applicant's engineer has discussed, but at the same time, it does benefit others along the way.

Mr. Ritchie quoted from the CLA letter of May 6th, "The water treatment system proposes to discharge the treated water into the subsurface soil. The system has been designed to meet the Connecticut Health Code, and will renovate the treated water to drinking water quality standards." He didn't know if it would. The DEEP was concerned about the 21 day travel time and about nitrogen removal.

Mr. Ritchie quoted from the CLA letter of May 6th, "Note that as Aaron Manor is an operating business, the "no action" alternative is not appropriate in this case." There has been no action

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so far. Nothing has been implemented so far. He also noted from that letter "...the failing system continues to contribute pollutants to the onsite wetlands...".

Mr. Ritchie also noted there is Clean Water Funding through DEEP. They offer 55% grant for planning and as a small community if qualified a 25% grant. There is also the USDA 20% grant and a 40 year low interest loans.

It was noted they can request another extension to July 1st and then there is a 35 day period for decision. The applicant submitted a written extension request to July 1st. Chairman Bisacky noted the hearing will be continued to July 1st.

7. #19-03, Aaron Manor, S. Wig Hill Road - Septic System

This hearing was continued until July 1st. No further discussion under this Agenda item.

**Motion by Sanders, second by Wahlberg, to move Agenda Item #9 to before #8.
Unanimously approved.**

9. #19-07 Camp Hazen, 204 W. Main Street, parking area and storm water drainage
Chris Taylor with Jacobson & Associates presented the application last month to add a Day Camp Pavilion and a Drop Off Loop and Parking Lot. Full sets of plans were submitted which included a culvert across Route 148. ConnD.O.T. indicated that would not be acceptable to them unless we could prove it would be of benefit to the State. The plans have been revised relative to the drainage and grading. Mr. Taylor reviewed the revised plans noting the main entrance, the Day Camp Pavilion, the Drop Off Loop, etc. He noted there are now basins in front of the Drop Off Loop that will discharge further to the east. There will be a swale along the frontage of the property, a roadside ditch essentially, vegetated and swale it down to the existing culvert. That is the preferred option of D.O.T. He reviewed the infiltration basin, culvert and outlet going into a vegetated swale. This is much less wetlands impact with the revised grading. There is less disturbance to mitigated buffer areas. There is still disturbance within the 100' review area along Cedar Lake at the existing gravel road where they are proposing paving and parking. There is also another wetlands and review area on the north side of 148 with impact to the 100' buffer as well.

Mr. Taylor reviewed the functionality of the existing culvert. They will request D.O.T. to clean out their culvert. Storm water runoff takes a slightly different path now then what it will under the proposed conditions. The culvert will have to be monitored and kept clean. If it backed up, it would come back on to Camp Hazen property before overtopping the road. Chairman Bisacky asked who the property owner was on the south side where it discharges. The reply was Chester Land Trust. Mr. Taylor noted its not Camp Hazen's property and the swale goes on to private

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property. There is not much room for either D.O.T. or Camp Hazen to come in and clean it out. Bisacky asked if it was Land Trust or residential property. Mr. Taylor noted it was Land Trust and continues across a private driveway before it ultimately gets to Pattaconk Brook. Mr. Taylor reviewed the high ground water conditions. There are no plans to change anything on the private driveway. There will be more flow, however, going to the culvert. Kim Senay asked if there has ever been an issue with overflow on the driveway. Denise Learned replied she didn't know of any issues. Sally Sanders asked if there were any plans to remove vegetation along the Lake. Mr. Taylor replied no and reviewed the existing gravel road and parking. Drainage patterns will be maintained. No new discharges to Cedar Lake at all.

Mr. Taylor reviewed the Landscape Plan. The evergreen trees will be removed and replaced.

Motion by Sanders, second by Wahlberg, to approve #19-07 Camp Hazen as presented in May 20, 2019 plan. Unanimously approved.

8. #19-06 Ray Young, 173 W. Main Street, demolition and house construction
It was noted Mr. Young was not present. This item was tabled.

**Motion by Sanders, second by Wahlberg, to move Agenda Item #11 to before #10.
Unanimously approved.**

11. #19-10 Irwin Griffith, 16 Bokum Road, Farm Related Activities
Irwin Griffith introduced himself. His application was distributed to members. He noted he wanted to put in a cart path along a power line right of way. His property is 6 ½ acres with a CL&P right of way with a brook. There is a 25' strip between the CL&P right of way and the piece of property inside his property. He wanted to put in a cart path from the right of way up the hillside back up to around the house. He will be putting in hops plants along the open area. Mr. Griffith pointed out where the wetlands was located. Anna Sweeney noted he was above the CL&P wetlands. The access road for CL&P was reviewed. Mr. Griffith noted he will be doing a crushed stone entrance to match CL&P.

Chairman Bisacky reviewed the application process and noted the Agency should do a site walk. A site walk was scheduled for Tuesday, June 11, 2019, at 6:00 PM.

10. #19-09 Horse & Rock Properties Inc, 221 Middlesex Avenue – Shed
It was noted the applicant had left the meeting.

12. Discussion of Dredging in Chester Creek
Anna Sweeney noted the disposal site was at the end of Dock Road. An application was required due to this being a regulated activity of placing fill within 100 feet of a watercourse.

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13. Regulations and Map Modifications – nothing further relative to this item.

14. Wetland Compliance Officer Report

226-8 Middlesex Avenue – owners will be demolishing their house and building a new one. The house is well above the wetland area along the Connecticut River and the owners are going to measure the distance to this area.

15. Correspondence – none.

16. Receipt of Applications After Posting of Agenda – none.

17. Any Other Business – Protocol for Administrative Permits

Bill Bernhart noted he didn't get to put together a proposal. It was decided any decisions should be made by the Agency members weighing in.

18. Adjournment

Motion by Sanders, second by Wahlberg, to adjourn at 9:58 PM. Unanimously approved.

Respectfully submitted,



Judith R. Brown, Recording Secretary