Members present: Robert de Jongh, Charles Dimmick, Kerrie Dunne, Sheila Fiordelisi, and Earl Kurtz.

Staff present: Suzanne Simone

Members absent: Benjamin Alderton and Matt Bowman.

Kerrie Dunne served as secretary pro-tem in Mr. Alderton’s absence.

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited.

III. ROLL CALL

Ms. Dunne called the roll.

Members present were Robert de Jongh, Charles Dimmick, Kerrie Dunne, Sheila Fiordelisi, and Earl Kurtz.

IV. DETERMINATION OF QUORUM

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

V. APPROVAL OF MINUTES – Regular Meeting – January 19, 2010

The approval of the minutes was deferred to the end of the meeting.

V. COMMUNICATIONS

1. Annual meeting notice of CAWS, February 23, 2010

   This communication was reviewed.

2. Letter from CL&P
   Re: Maintenance activities on selected electric rights-of-way in town
Ms. Simone said the second communication is a notification letter from CL&P informing the Commission that they plan on doing maintenance activities on selected electric rights-of-way in town.

Ms. Simone said not included in the information she submitted to the Commission was a whole section of CL&P’s methodology and how they are going to go about doing the work, erosion controls and all the like.

Ms. Simone stated that it appears CL&P has everything covered as far as concerns in wetland areas.

3. Letter from Ron Walters, RWA
   Re: 30 Homestead Place, pond restoration
   This communication was reviewed.

4. Letter to Linda Hettrick, 30 Homestead Place
   Re: CIWWC Application #2010-001
   This communication was reviewed.

5. Letter to David Carson, OCC Group, Inc.
   Re: Decision on Request for Determination for Allen Avenue water service lateral installation
   This communication was reviewed.

6. CCM Municipal Leader Training “Making the Best Land Use Decisions” on Wednesday, February 17, 2010
   This communication was reviewed.

7. Conflict of Interest Charter and Code of Ordinances
   This communication was reviewed.

8. Staff/Town Attorney communication
   Re: Citation Ordinance
   This communication was reviewed.

9. Request for Wetland Determination from Net Engineering
   Re: 150 South Meriden Road, Proposed Agricultural Use
   This communication was reviewed. This item is on the agenda tonight.
10. Public Works drainage maintenance notification  
   Re: Completed work at Oak Avenue  
   This communication was reviewed.

11. Public Works drainage maintenance notification  
   Re: Completed work at #20 & #68 Mt. Sanford Road  
   This communication was reviewed.

12. Engineering comments  
   Re: CIWWC App. #2010-002- Allen Avenue  
   This communication was reviewed.

13. Notification of Town Council Special Meeting  
   Tuesday, February 16, 2010  
   Town Hall Council Chambers at 7:30 p.m.

   Ms. Simone said the next communication was handed out at tonight’s meeting was a notification from the Town Manager’s office to inform members that the Town Council will hold a special meeting next Tuesday, February 16, 2010 to see a presentation by Yankee Gas.

   Ms. Simone said Yankee Gas plans on discussing their gas line projects which will include some wetland areas that they will have to go through.

14. Memo from Fire Department  
   Re: Water Service to 46 Allen Avenue Ext in Meriden, CT  

   Ms. Simone said this communication was from the Fire Department regarding water service at 46 Allen Avenue Ext in Meriden, CT which is the application 2010-002.

   Ms. Simone said in the memo, the Fire Department concurred with the Engineering Department’s comments on January 25, 2010.

   Ms. Simone stated additionally there are copies of the Court orders for that same application on Allen Avenue to extend the water service.

15. Other – none.
VII. INSPECTION REPORTS

1. Written Inspections

Ms. Simone stated that written inspections were covered under communication.

2. Staff Inspections

Ms. Simone stated there were no staff inspections to report on.

VIII. ENFORCEMENT ACTIONS

1. Unauthorized Activities in a Regulated Wetland Area
   Ms. Karin Eichten
   630 Cook Hill Road

   Chairman de Jongh stated this item is subject of on-going litigation.

2. Unauthorized Activities in a Regulated Wetland Area
   Mr. Chris Lambert
   Highland Avenue

   Chairman de Jongh said he assumed there was no change on this item.

   Ms. Simone confirmed there was no change.

   Chairman de Jongh asked if staff heard back from the applicant on anything.

   Ms. Simone said no.

3. Unauthorized Activities in an Regulated Wetland Area
   Amit & Uma Joshi
   175 South Brooksvale Road

   Ms. Simone stated they (the applicant) received their approval at the last meeting. She informed the Commission that she did meet with Mr. Joshi and went over the stipulations to make them clear to him.

   Chairman de Jongh said with the recent heavy rain that we had shortly after we talked with Mr. Joshi, how bad was the area beat up after the rains.
Ms. Simone said when she drove by the site, although it wasn’t the same day or the day after she drove by but later on in the week the area appeared to be stabilized – there weren’t any concerns there.

X. UNFINISHED BUSINESS

1. Permit Application APP #2010-001
   Linda Hettrick DOR 1/05/10
   30 Homestead Place
   Pond Remediation MAD 3/11/10

   Ms. Simone informed the Commission that she met with Ms. Hettrick and went over the staff letter that staff sent to her detailing the information that the Commission had requested; staff stated that Ms. Hettrick informed her that she is working with an engineer to come up with plans and she expects to have the plans available for the Commission to review at the next meeting.

   Ms. Simone stated that Ms. Hettrick is aware of the mandatory action date and is prepared to ask for an extension if need be.

   Chairman de Jongh said he would suggest that they postpone any further conversation regarding this until they receive the information from Ms. Hettrick.

2. Permit Application APP #2010-002
   Laura Willhite DOR 1/19/10
   R.O.W. – 971 & 477 Allen Avenue
   Water Service Lateral Installation MAD 3/25/10

   Ms. Simone informed the Commission that staff sent the letter out to David Carson of OCC Group and staff did meet with him; they discussed what the Commission would be looking for as well the requirements to have the application completed with having signatures.

   Ms. Simone stated the property owner or the person who is going to be paying for the work did sign off on the application however the work is going to be conducted in the Town right-of-way and the Engineering Department has informed her that with the proposed plans as they are, the Town is not prepared to sign-off on it (the project) so in relation to the memo that was dated January 25, 2010 from the Engineering Department and the memo today from the Fire Department, staff suggested to Mr. Carson that he work with both of those agencies to finalize plans that would allow the Town to sign-off as an owner that they would be satisfied with that as well as they would be able to get a permit from the Town to do the work in road from the Engineering Department and then staff suggested that once
those agencies are satisfied that Mr. Carson come to the Commission to avoid coming to the Commission, possibly getting an approval but then still having a problem with the Fire Department then having to modify the plans and then come back.

Ms. Simone said Mr. Carson agreed to work the Town agencies and then come in for the final plan which he hopes to have that done for the February 16, 2010 meeting.

Chairman de Jongh said again he suggests, unless there are any other questions by Commission members he suggests they hold off on further discussion until they receive the final plan from Mr. Carson.

Further action on this item was deferred pending the submission of the final plans for the proposed activity.

3. Discussion - Citation Ordinance

Chairman de Jongh said there was an email response from the Town Attorney. He said he has had some conversations with Bill Volker in the Planning Office about this and in thinking about the conversations that they had as a Commission on the record.

Chairman de Jongh said again, his reason for raising the issue was it was one of those things that just kept hanging out and flapping out there in the wings (the discussion of having an ordinance); he said it seemed from this Commission’s feed back and conversations with Mr. Volker that it doesn’t make sense for the Town to have something like that because of the possibilities of Town employees having to be responsible for treble damages.

Dr. Dimmick said that does not apply (treble damages).

Ms. Simone agreed.

Chairman de Jongh said it doesn’t apply to the Wetlands but for Planning Zoning. He said he though that was one of the reasons why Planning and Zoning does not even have one (an ordinance).

Dr. Dimmick said the problem as he sees it is that the Commission would have absolutely no control over the outcome in a case like this; he said he did not even see the Commission having the right to do any arguing in favor of their position.

Ms. Simone stated right. She said that is how the statute is written is that it would take it away from the Commission and go to a third party.
Ms. Simone said the hearing officer that is contracted with the Town is Bruce Diamond. Attorney Diamond has an active contract to be a hearing officer so that would cover any traffic violations as well as if the Town was to adopt something like this (an ordinance).

Ms. Simone explained Attorney Diamond is not able right now to act as a Wetlands hearing officer because there is no ordinance in place.

Dr. Dimmick said he would be must happier if the legislature in some infinite wisdom allowed a unit of the DEP to act as a hearing officer in this matters because then he would feel at least they would have someone who at least understands the Commissions positions even if they weren't allowed to advocate that way but under the circumstance – it’s pretty much a crap shoot.

Chairman de Jongh said he knew the Commission asked if there were other towns that had any kind of ordinance like this – did you find anything out.

Ms. Simone said yes – she believed it was in the email she sent to Commission members.

Dr. Dimmick said New Cannan, Washington, and Old Saybrook had fine ordinances.

Chairman de Jongh said according to the notes that Staff had sent – Old Saybrook for example doesn’t have an enforcement law written into their ordinance so while they have the ordinance “they can hit people over the head with a ream of paper but that’s about it.”

Ms. Simone said yes they have double fines so if you are found in violation you get charged double the application fee when you come in for the application but there is not enforcement arm that if the person then did not come in with the application there is…..

Dr. Dimmick said sometime in the next three or four months, he was going to go check and talk to some people up in Washington and find out what kind of things are going on there – he said he has come contacts there.

Dr. Dimmick said it doesn’t look like this is an urgent matter at this point so he would wait for warmer weather to go up there.

Chairman de Jongh said he would suggest then based on the comments they had at the Commission’s last meeting and what staff has found out that the Commission can consider this a closed issues
unless there are other reasons to do otherwise unless Commission members have other feelings.

Chairman de Jongh asked Mr. Kurtz what his thoughts were.

Mr. Kurtz said let it ride until they know some more. He said there are only three towns to talk to about it.

Dr. Dimmick said he thought there was another town with an ordinance.

Ms. Simone said there may be more; there was another one staff looked at but it really didn’t have anything similar to what they were looking for – it didn’t have any enforcement; she said there may be some additional towns that she did not capture in her search but from what she could tell it’s not something that is widely used.

Dr. Dimmick said no. He said at the next CACIWC meeting he was going to ask his board members there whether any of them have any input on this matter.

Dr. Dimmick said this is something that there should be more information out there on then there is.

Chairman de Jongh asked if they needed a formal motion to take this item off the agenda or could they just do that.

Dr. Dimmick said it was just a discussion item it has no deadlines.

Chairman de Jongh said the Commission could consider the ordinance discussion a closed issue at least for now.

Chairman de Jongh thanked Ms. Simone for her work on the item.

XI.  NEW BUSINESS

1.  Conflict of Interest Ordinance

Dr. Dimmick said the conflict of interest ordinance has been something that has been in existence for quite some time – it’s just a reminder in particular because the Commission has new members and all that they know about the conflict of interest ordinance which when it originally went in was a real problem but it was modified that it was not a problem.

Dr. Dimmick said originally there was a clause in the ordinance that said essentially you had a conflict if anyone came in front of you with whom you’d ever done business.
Chairman de Jongh said of course that presents a problem in this small town.

Dr. Dimmick said yes but they modified that greatly when there were protests. He said two members of this Commission threatened to resign immediately if that were to go into effect.

Chairman de Jongh said what he might suggest since this was sent out by staff as part of their information that Commission members take a look at the ordinance and if there are any questions they can be forwarded to staff.

2. Wetland Determination
Proposed Agricultural Use – 150 South Meriden Road

Nancy Levesque, licensed professional engineer was present on behalf of Plants are Us.

Ms. Levesque said as stated on appendix A, Plants are Us greenhouses were located on a West Johnson Avenue property that has been purchased. Now, the Plants are Us owner has purchased a property at 150 South Meriden Road and would like to move four of the greenhouses over to the property.

Ms. Levesque said what moving the greenhouses would involve is essentially cutting and leveling out a portion of the back yard; she explained right now, there is an intermittent watercourse that runs through the back yard and it would involve piping a portion of that watercourse for about 275’ with appropriate erosion controls.

Ms. Levesque said the greenhouses have essentially been cut down to size basically to fit in between the building setbacks as well as required dimensions in between the greenhouses.

The Commission reviewed the plans for the proposed activity.

Ms. Levesque stated Michael’s Greenhouses in just north of this property.

Chairman de Jongh asked if there was a house on the subject property.

Ms. Levesque said there is a house; she explained the owner of Plants are Us is actually living in the house – his name is Mark Pasqualoni – he and his wife Judith live there.
Ms. Levesque said now that the West Johnson Avenue property has been sold Mr. Pasqualoni needs a place for the greenhouses; it’s a close location for him; he and his wife have purchased and moved into the house and they would like the greenhouses on their property.

Ms. Levesque explained they have a full two acres and they would just like to continue their business on South Meriden Road.

Mr. Kurtz asked – did you say a full two acres.

Ms. Levesque said they have two acres – yes.

Dr. Dimmick said it says 2.02 acres.

Ms. Levesque said they are not planning on having any live stock or anything that requires more acreage – it’s just for the greenhouse usage.

Dr. Dimmick said the general thing here, they have a proposed agricultural use and they have two take this in two parts; the use of wetlands for agricultural use is as of right but as soon as you start doing something with a stream even an intermittent stream then that is not as of right and does need a permit essentially and the Commission would have to vote on that but since this is a request for determination that is essentially what it comes down to; he said he would also think that somewhere along the line they do need to take a look at the site before they start formalizing their permit proposal but at this point this is a request for determination not an application.

Ms. Levesque said correct however she spoke with Suzanne Simone and she suggested that a she bring in the application complete in case it was determined even that the piping needed to be done; since the property was recently sold – she believed in December 2009, the property owner is looking to move fairly quickly unfortunately so it has put him in a bit of a bind; she said they have all of the necessary information to make a permit application.

Ms. Levesque said she visited the site the other day after the rainfall – the stream was not running any heavier typically then it was. She explained there is an 18” pipe going underneath South Meriden Road in that area and it easily handles the water.

Dr. Dimmick said it dries up in the summer.

Ms. Levesque said that it does.
Dr. Dimmick said but if he remembered it has certainly been flowing pretty steadily the last few months.

Ms. Levesque said it was flowing the last few times she had visited the site.

Dr. Dimmick said the thing is he has not been on this particular property; he has seen the stream from the street so he is not sure just what those wetlands look like.

Chairman de Jongh said they have not been out there in a long time.

Dr. Dimmick said in his opinion they do need to take a look at the site. He asked the Commission if they wanted to do this in two stages – one is the determination.

Chairman de Jongh said yes – to vote on the determination and then go from there.

Motion: That the Commission having looked at the information presented to them declares that the portion of the proposed activities that involve the piping of the existing intermittent stream will under the regulations require a permit application.

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

Mr. Kurtz said he was curious about the acreage – he said he thought three acres was a farm regardless of the relevance of the agricultural intention.

Dr. Dimmick explained that the Court decisions this are such that farming as defined under wetlands is not subject to that same limitation.

Mr. Kurtz asked staff if that is how it’s written.

Ms. Simone said well in the regulations when it talks about exceptions it just references farming and agricultural use it doesn’t give a minimum for acreage.

Mr. Kurtz said the only reason he is asking the question is he wanted to make sure the motion did not need to include the entire project.

Dr. Dimmick said for town zoning you get that three acres in there but with this they are dealing with State definitions and the State Court decisions and what constitutes farming does not have a minimum acreage figure in it; so that is what they are dealing with.
Mr. Kurtz said they are talking about the drainage only and whether or not the greenhouses are in a wetland they would not worry about it but they would have to go to Planning and Zoning to get a permit to build the greenhouses.

Ms. Simone said she was not sure about that if they need to go to Planning and Zoning; maybe Ms. Levesque knows.

Mr. Kurtz said he knows the exemption for agriculture as far as getting a Planning approval – it applies to a farm which is defined as three acres or more to use as a farm.

Ms. Levesque said she did speak to Rebecca Auger in the Planning Office and she stated that they would not need a Zoning permit as long there was a farmers permit and if the greenhouses did not go over the building setbacks. She said that was her conversation with Ms. Auger and regarding the three acres – in the Zoning regulations it's only regarding having live stock on the property – animals like a horse – there was no limitation as to what size property you needed for a greenhouse; she said it came up when she spoke to the soil scientist regarding the property and she called the Zoning Office immediately to ask them before they moved further; she said she was told they wouldn’t need a permit with the farmers permit for it so she said basically since there were wetlands on the property they would definitely need a wetlands application but she did check into that.

Chairman de Jongh asked Ms. Levesque for the record that the comments from Rebecca Auger be included in writing for the record so there is not “he said she said later on if that issue comes up.”

Ms. Levesque said not a problem.

Ms. Simone asked Mr. Kurtz if he wanted to see what they had in the regulations.

Mr. Kurtz said only if she would confirm that there is no acreage requirement – he said he would have no problem with that.

Mr. Kurtz said the reason he was asking is that when Dr. Dimmick made the motion in regard to the drainage he was wondering if they should including more than just the drainage – that is why he asked the question.

Mr. Kurtz said several regulations that they have don’t have an acreage requirement.
Ms. Simone said no – they do not. She said they just speak more to the activity not to the acreage and Zoning regulations may cover that but that would be something separate.

Dr. Dimmick explained to Mr. Kurtz that he has been studying a lot of these court cases coming down and a lot of the things that I really wouldn’t consider agriculture the courts have decided are agriculture as far as these wetlands regulations are concerned so he is reluctantly going along with that but they are making a very clear definition between what you are doing with a wetland and what you are doing with a watercourse.

Dr. Dimmick said there is another question – are you putting any fill in here.

Ms. Levesque said the fill will all be moved around don the site. She said there is probably 750 yards or so of material – she said there is a cut and a fill.

Dr. Dimmick said there is a thing in terms of fill in a wetland – it doesn’t have a farming exemption per say.

Ms. Levesque said it’s more of a cut and then the back fill of the pipe only not filling it to elevate it – it would basically just be a cut into the hill and the moving around of that soil – its going to be about 700 yards – not a huge amount.

Chairman de Jongh said he was looking at greenhouse at elevation 210 – is that going to be set in the bank?

Ms. Levesque said it’s going to be set in and then everything is going to be elevated from there.

Chairman de Jongh said then speaking to Dr. Dimmick’s question then if they are looking at the elevation on that one greenhouse – he said he is looking at elevation 210 – that top right hand corner of the plan – that one looks like its imbedded in the bank so what you are saying is that is going to cleared out and the bank raised in the back so there is going to be a lot more – there is going to be a lot of area that is going to be leveled if you will.

Dr. Dimmick said yes but that is outside the wetland area.

Ms. Simone asked the Chairman if he would like her to read what was allowed as a matter of right for agriculture.

Chairman de Jongh said yes – he thought is would be important.
Ms. Simone said okay – this is in the Town of Cheshire regulations 4.1 a1 which is the section as of right in non-regulated uses and it reads “grazing, farming, fish farming, nurseries, gardening, harvesting of crops, farm ponds of three acres or less essential to the farming operation and activities conducted by or under the authority of the DEP for the purposes of wetland or watercourse restoration or enhancement or mosquito control; the provisions of this subsection shall not be construed to include – so to mean the following are exempt – road construction or erection of buildings not directly related to farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for expansion of agricultural crop land or the mining of top soil, peat, sand-gravel, or similar material from wetlands or watercourses for the purposes of sale.”

Chairman de Jongh said so the movement of the property in that area is an exempt activity.

Dr. Dimmick said yup – putting the greenhouses are essential farm house buildings; cutting there is allowed – filling would not be allowed without a permit.

Chairman de Jongh asked if there were other questions regarding the determination of the property before the Commission.

Ms. Simone asked if the motion broke it into two items.

Chairman de Jongh said yes – first they talked about the determination of whether or not an application was required and that is what this motion is for.

Motion approved unanimously by Commission members present.

Chairman de Jongh said in his opinion this item did need an application.

Chairman de Jongh asked staff if she saw the application.

Ms. Simone said no but the plans were discussed.

Chairman de Jongh asked if the map had been signed off on – he said it looks like Thomas Pietras signed the map.

Ms. Simone said they do have a copy of the signed map.
Ms. Simone asked Ms. Levesque if the site plans handed in as part of the application – are they the same as the ones that were handed out for the determination.

Ms. Levesque said yes – that they are. She said she wanted to make sure that the application was complete and right.

Dr. Dimmick asked if the application includes all the proposed activities.

Ms. Levesque said that was correct.

Dr. Dimmick asked if the application includes all the proposed activities.

Ms. Levesque said that was correct.

Dr. Dimmick said staff if the materials that need to be part of the application seem to be there that they normally need to get started.

Ms. Simone said yes but without looking through the application in its entirety but it does have the signatures, the check and the notarized section of appendix C as well as details about the wetlands and signature of the property owner.

Motion: To accept the application.

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

Chairman de Jongh suggested the Commission set a date for a site visit.

Dr. Dimmick said he also wanted details regarding the method of construction and what is going in here. He asked if the plan was to continue the 18” pipe.

Ms. Levesque said essentially the 18” pipe is basically permitted for the out flow but there is a large distance of the pipe that actually doesn’t need to be so it will be free-flowing for a portion and then where the greenhouses begin it would be piped across the property.

Dr. Dimmick asked if that was an 18” pipe also.

Ms. Levesque said that would be an 18” pipe.

Dr. Dimmick asked if they were using re-enforced concrete or asphalt.

Ms. Levesque said actually just looking at HDPE – corrugated plastic pipe with a foot of cover.
Dr. Dimmick asked if that would handle any farm machinery that would go across it.

Ms. Levesque stated that it will – it can handle up to – it’s an H25 loading as long as it has a…

Dr. Dimmick said okay because occasionally you are going to have a huge semi-back up over there.

Ms. Levesque said the applicant said the longest truck he has would be a 26’ box truck; she said the property is tight – it’s a limited amount for greenhouses and he is not looking to bring in any huge semis at this point; if there needs to be a larger truck it can probably be done in the home’s driveway rather than bring everything up and also the installation and the filling over the pipe would allow them to bring any materials over the yard directly to the greenhouse rather than up because the other thing is they have indicated a driveway on the northern end of the property however they also need State approval for that driveway so that is another issue that it’s indicated on that plans however it may or may not come to fruition.

Chairman de Jongh said so the consideration the Commission has does not include the creation of that driveway – that is just there for illustrative purposes.

Ms. Levesque said it was there for illustrative purposes at this time; it’s just something that if it does get constructed she did not want it to be a surprise.

Dr. Dimmick said he sees the flared outlet – do you have any headwall structure on the inlet plans.

Ms. Levesque said essentially the stream bed in that area is approximately 18” wide so a flared end structure in that wouldn’t be…

Dr. Dimmick said he didn’t know whether – sometimes they put a little bit of a headwall there but you don’t think it’s going to need it.

Ms. Levesque said in that spot she didn’t think it would need it but that was something they could leave up to a field determination – she said she could add a note regarding that.

Dr. Dimmick said and then there comes the bit of “I know they want to move as fast as possible” he said he was not sure if this is the time of year where one normally tries to do this sort of thing.
Ms. Levesque said unfortunately Spring and the growing season has starting and it is not the ideal time but as she stated the property that they were on was sold she believed in the month of December and he has taken down the greenhouses; its not a concrete flooring or anything it’s basically a clearing and weed mat that they put down.

Ms. Levesque said they are hoop houses.

Dr. Dimmick said okay – that makes a difference.

Ms. Levesque said it is not as intensive as some of the other greenhouses they see in town.

Dr. Dimmick asked Mr. Kurtz if he had any comments on this.

Mr. Kurtz said he was thinking - his only question was do they have to consider both but if they don't have to consider the greenhouses then they can just walk into the Building Inspector's office and get a permit and build them up; that is assuming they meet all the criteria which he still has a little question about but he (the applicant) doesn’t need to wait on the greenhouses – all he needs to wait on is the pipe. He said that would be his understanding because the Commission has no consideration regarding the greenhouses and the Town has already said the farmers can get a permit to build the greenhouse as long as they are bonafide farmers – he said he was going to assume that was the way it was.

Dr. Dimmick said they have a growing business as it were.

Ms. Levesque said like she said the only thing that is unfortunate is that this stream bisects the entire property.

Mr. Kurtz stated well that is the problem he’s got (the applicant).

Ms. Levesque said it would be accessing it from another property to begin with do some clearing and grubbing and what not in order to get ready.

Chairman de Jongh said he would suggest, speaking for himself – he would love to go out and see the property as a formal field and go out there and take a look at the site and familiarize themselves as to how this is going to be laid out.

Dr. Dimmick said as Ms. Levesque knew the Commission could not act on the application tonight anyway.

A field trip was set for Saturday, February 13, 2010 at 8:00 a.m.
Ms. Simone and Ms. Levesque agreed to meet up to discuss the project details; any Commission member not able to make the field trip can contact staff to see if they can all coordinate to go out to the site during the week.

Further action on this item including the declaration of significance was deferred pending the outcome of the field trip.

3. Permit Application
   Michael’s Greenhouses, Inc.
   South Meriden Road
   Pond Elimination
   APP #2010-003
   DOR 02/02/10
   MAD 4/08/10

Michael Arisco was present.

Ms. Simone said there was a request for determination on this property previously and the Commission did determine that a permit application was needed for the pond elimination.

Dr. Dimmick said for the pond elimination and not for digging a new pond.

Ms. Simone said they did have a copy of a survey map that shows the property, the location of the current pond and there are also details for a construction sequence.

The Commission reviewed the plan details submitted for the pond elimination.

Ms. Simone said in addition to the site plan there’s a construction sequence that details how the work is to be done; first by starting out digging for the new pond using materials from excavation to elevate the sides of the new pond; then once the new pond is complete the water will be pumped from the existing pond into the new pond; third when the existing pond is emptied then they will extend the rain water collection pipes to the new site; number four the existing pond will then be filled with structural fill and number five final grading will then be completed on both sites.

Mr. Arisco said “structural fill” is what his contractor told him would be used – whatever that means. He explained it was not going to be top soil but something with some substance so that it would compact and fill in the existing hole.

Dr. Dimmick said he did not know – it was a new one on him.
Ms. Simone said she did speak to Mr. Arisco about taking the water from the existing pond and putting it into the new pond and it will be piped into the new pond so it won’t have any surface flow.

Mr. Arisco said staff also asked him to call Ron Walters from the Water Company; Mr. Walters said the project is outside the watershed.

Ms. Simone said that is what the map indicated but it was good Mr. Arisco followed up.

Dr. Dimmick asked if the all the necessary items needed for the application were submitted.

Ms. Simone said they have the signatures; they are waiting for the check; all the paperwork is in order.

Mr. Arisco said he forgot to bring the check unfortunately but would bring in to the office tomorrow morning.

Motion: To accept the application.

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

Motion: To declare the proposed activity not significant within the context of the Commission’s regulations.

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

4. Approval of Minutes from the January 19, 2010 Regular Meeting – addressed after Executive Session

Motion: To accept the minutes of the January 19, 2010 Regular Meeting with corrections.

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

5. Change in the February 16, 2010 meeting time from 7:30 p.m. to 6:30 p.m.
The Commission discussed the Town Council Special Meeting on Tuesday, February 16, 2010 in Town Hall Council Chambers at 7:30 p.m.

The Commission agreed that based on the fact several members wanted to attend the meeting they would change the Wetland meeting time to 6:30 p.m. instead of 7:30 p.m.

Ms. Simone noted that because of the special meeting, the next meeting would be held in a different room in the Town Hall.

Ms. Simone agree to post the time change for the Tuesday, February 16, 2010 meeting.

XII. EXECUTIVE SESSION

The Commission went into executive session at 8:11 p.m.

The Commission came out of executive session at 8:14 p.m.

No decisions or motions were taken in the executive session.

XIII. ADJOURNMENT

The meeting was adjourned at 8:17 p.m. by the consensus of Commission members present.

Respectfully submitted:

Carla Mills, Recording Secretary
Cheshire Inland Wetland and Watercourse Commission