
Staff Present: Suzanne Simone

Ms. Sheila Fiordelisi served as secretary pro-tem due to Mr. Alderton’s resignation.

Chairman de Jongh informed Commission members that a motion was needed to amend the agenda – an item was inadvertently left off of the agenda – it’s under unfinished business, it should be item number two under unfinished business the permit application for Bonnie and Michael Donato, 35 Sudol Court for wetland and upland restoration. This item was left off of the agenda that was publicly noted as well as sent out to members of the Commission.

Motion: To add item number two under unfinished business for the permit application for Bonnie and Michael Donato, 35 Sudol Court for wetland and upland restoration.

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

I. CALL TO ORDER

Chairman de Jongh called the meeting to order at 8:04 p.m.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited at the public hearing.

III. ROLL CALL

Ms. Fiordelisi called the roll at the public hearing. All members present at the public hearing were still in attendance for the regular meeting.

Members present were Robert de Jongh, Charles Dimmick, Matt Bowman, Kerrie Dunne, Earl Kurtz, and Sheila Fiordelisi.
IV. DETERMINATION OF QUORUM

A quorum was determined at the public hearing.

V. APPROVAL OF MINUTES – Regular Meeting – May 18, 2010

The approval of the minutes was deferred to the end of the meeting by agreement of Commission members present.

VI. COMMUNICATIONS

1. Letter to Ms. Eina Fishman
   Re: Wetland Determination for 6 Shipman Court

   Ms. Simone stated the first letter is to Ms. Fishman regarding wetlands determination for 6 Shipman Court.

2. Staff Report with Attachments
   Re: 35 Sudol Court

   Ms. Simone stated the second communication was a staff report with attachments for 35 Sudol Court.

3. Staff Report with Attachments
   Re: Inter-municipal Notification - Wolcott /Cheshire property

   Ms. Simone stated the third communication is staff report with attachments for Inter-municipal Notification - Wolcott /Cheshire property – this item is also under new business.

4. Correspondence from RWA
   Re: Cheshire Academy Application # 2010-010

   Ms. Simone stated item number four is a correspondence from Regional Water Authority regarding the Cheshire Academy application.

5. Wetland Mitigation Plan for Sindall Road Application # 2010-012

   Ms. Simone stated communication number five is a wetland mitigation plan for Sindall Road application.

   The following items were handed out at tonight’s meeting:

6. Information Relative to the PA 09-181
Ms. Simone stated that information was handed out tonight regarding PA 09-181.

7. Report for Wetland Delineation and Assessment for 12 Mountaincrest Drive

Ms. Simone stated a report was handed out wetland delineation and assessment for 12 Mountaincrest Drive which staff received this afternoon.

8. Other – none.

VII. INSPECTION REPORTS

1. Written Inspections

Ms. Simone stated that written communications were covered under communications.

2. Staff Inspections

Ms. Simone stated there were no staff inspections.

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 an ongoing court case.

2. Unauthorized Activities in a Regulated Wetland Area SC
   Mr. Chris Lambert
   Highland Avenue
   SC 1/06/09
   SC 1/20/09
   SC 2/03/09
   SC 2/17/09

   Chairman de Jongh stated this item is just in limbo right now – nothing is being done on this item.

   Ms. Simone stated yes.

3. Unauthorized Activities in a Regulated Wetland Area SC
   Michael and Bonnie Donato
   SC 3/16/10
Chairman de Jongh stated this item was under unfinished business.

4. Unauthorized Activities in an Regulated Wetland Area  SC  5/04/10
   Dr. Robert Henry and Maria Passaro-Henry
   12 Mountaincrest Drive

Dr. Robert Henry was present. Will Root, Soil Scientist from Milone and MacBroom was also present.

Ms. Simone said if the Commission would recall, there was a show cause hearing for this property and the Commission found a violation and required that an application be submitted for the last meeting.

Ms. Simone stated Dr. Henry did attend the last meeting and had further discussion with the Commission and the Commission made a motion suggesting that a wetland scientist should go out to the site and evaluate whether or not there was damage and then the Commission would determine whether or not an application was needed.

Ms. Simone said information was provided to staff this afternoon and this is the first time Commission members are seeing it. She said the information does make reference to a map which she does not have a copy of but Dr. Henry’s professional might be able to provide a copy.

Mr. Root addressed the Commission.

Mr. Root stated that Dr. Henry contacted him and asked him to take a look at the property on Mountaincrest Drive. He said Dr. Henry also asked for a report to be prepared for this evenings meeting – he said the report was forwarded to staff but did not have the attachments.

Mr. Root handed three copies of the attachments including site photographs, a soils map, and things like that.

Mr. Root explained that he delineated the wetland line – he said he did not know when this subdivision came before the Commission but he did see some old wetland flags out there. He stated there is a small intermittent watercourse to the rear of the property behind a very long winding driveway; this area was delineated and located the
flags using a hand-held GPS devise and transferred the data on to two maps.

The Commission reviewed copies of the maps Mr. Root was referring to.

Mr. Root said black and white map shows the area before the house was actually constructed – it is a 2004 aerial. The 2008 aerial color photo is a later photo – you can see the house constructed on it. He said you can see on the black and white photo between 1 and 1-A there is a small trace through the woods – you can see a small darkened area – that is an intermittent watercourse, it originates up by W-8 and W-13; there is a seep area there and it gradually coalesces into a very small watercourse that then flows south and then east down across Mountaincrest Drive.

Mr. Root explained the photographs – the color photographs were taken on May 27, 2010. He said the driveway is very steep, winding driveway and there is an area on there that is still un-stabilized – still under construction.

Mr. Root said in the foreground you can see a small double track area heading toward the bottom of the photograph; photo three is a different view of that; he said the small little accessway is a piece of equipment that has gone back towards the intermittent watercourse and on page three it shows the little green accessway of herbaceous growth – that is where the intermittent watercourse is located – its very small – its 3’ to 4’ across and you can hop right across it; photo five is a view looking from the other side of the watercourse back towards the house.

Mr. Root said from the photos you can get an idea of what the wetlands conditions are out there. It’s a forested wetland except for this area where a piece of equipment has gone through and cleared so there is a little bit of sunlight exposure so you’ve got some Soft Rush, Sensitive Fern and things like that.

Mr. Root stated that the last photo number six is more what the wetland would have been like historically – Snuck Cabbage, Spicebush, Red Maple, Yellow Bush on the edges; the area is very rocky; there is a forested wetland seep coalescing in to a small intermittent watercourse flowing around the property.

Mr. Root said Dr. Henry had asked for a function value assessment or some type of ecological assessment so one was provided.
Mr. Root explained the wetland area is very, very small – the headwaters of the wetland are of very low ecological value except for local wildlife – there is a good herbaceous zone, there is a good shrub zone development and a good tree zone so there is good stafigurity in the setting. He said it was a small wetland area proving resources for amphibians and small turtles and snakes or small song birds that might be in the area; nothing of any regional significance – nothing very significant in the watershed – its just a small backyard wetland that we have so many of.

Mr. Root said as far as disturbances which you see on the photograph – there has been some piece of equipment that has gone back and forth behind the house through the wetland – there has been some slight clearing of vegetation – you can see from comparing the photographs.

Mr. Root stated there were no downstream impacts at this time – certainly no long term effects in a small wetland like this; if left to its own devises that you would expect the same vegetation that’s in the area to gradually restore itself – in that zone in five years from now you wouldn’t really know that anything had occurred there at all.

Mr. Root again stated there was some small disturbance in the wetland – a small crossing created – a little bit of fill on either side but not much else than that and no off-site off property impacts that he could see.

Chairman de Jongh said so Mr. Root in his opinion – if this area was left as is it should restore itself back within a reasonably short period of time.

Mr. Root said he did not see any reason why not – there is a clearing and a little bit of fill or land disturbance beyond the wetland areas – that would be in a upland zone – the wetland is going to restore itself very quickly.

Dr. Dimmick asked if there was any fill in the actual wetland.

Mr. Root stated no not in the wetland it looks like just a piece of equipment had gone across and done some grading to the west beyond the wetlands as shown in the photographs and just a little accessway was created in from the driveway to get down into that low point – there is no pipe in there – there are no cut trees or logs
for a piece of equipment to go over. Mr. Root said he could not see any tracks – they had filled in.

Dr. Dimmick asked if Mr. Root would make any recommendations as to speeding up the recovery of the wetland.

Mr. Root said he thought if the Commission insisted upon that – if they saw Red Maple trees and a few Spice Bush that were immediately joining the area – you would need about three or four trees and five or six shrubs would create a buffer zone in the upland wetland transition zone – he said he did not know if there were any future plans for the area or not. He said at this point if they wanted to do a restoration he would suggested a few trees and a few small shrubs. He said there is already an herbaceous layer in tact.

Chairman de Jongh said basically they could put back what was taken down.

Mr. Root said yes – what is looks like was taken down was one or two trees on each side and two or three shrubs to create a 12' wide or so pathway to get a piece of equipment temporarily through.

Chairman de Jongh asked Dr. Henry if there was any intention to make a permanent crossing or is that just an inadvertent perverse.

Dr. Henry said they are really not looking to do anything back there at all – and probably never.

Chairman de Jongh asked Dr. Henry if he had any objection then if the Commission requested, and he was only speaking for himself, replanting some of those trees that were taken down.

Dr. Henry replied – whatever you need. He said they were not trying to develop back there they just wanted to take the dirt so they could make a berm to make the driveway a little bit safer on the way down in the winter – he said whatever the Commission wanted he would do.

Chairman de Jongh asked Ms. Simone if she had a chance to take a look at the information and if she had any thoughts about it.

Ms. Simone said she took a look at the report that was submitted today and she said she thought it covered the assessment and it reflects what is in the staff report of what was found on the property.
Ms. Simone explained that the order that was sent on April 29, 2010 had specified that an application was to be submitted for restoration so she did not know what the Commission’s view on that is.

Chairman de Jongh said he is not speaking for the rest of the Commission members but he thought if they had – and he did not know whether or not a formal application would be needed as much as just a written planting scheme of what was intended to be put back so that they try to bring back that disturbed wetland area as quickly and as efficiently as possible rather than a formal process; he did not know if there was a need to go through the formal process.

Chairman de Jongh stated there was less disturbance at the site then they thought there might have been in the beginning.

Ms. Simone said staff recommendation would be for an application just from the standpoint of protecting the Commission that if for whatever reason there is an agreement made tonight and for whatever reason Dr. Henry sells the property or whatever – its not planted, its not complied with that then this Commission would start from square one.

Dr. Dimmick asked if there was some question about some missing markers.

Ms. Simone stated yes.

Dr. Dimmick asked if that had been resolved.

Ms. Simone said she did not know if Dr. Henry knows but there were wetland markers that were indicated on the A-2 survey and that when staff went out to the property they were no longer there.

Dr. Dimmick said he did remember them being placed – as he remembered this property before the house was built; the Commission had specified they be put up and it was verified that they had been.

Ms. Simone stated yes.

Dr. Henry said whatever they did they will fix.

Chairman de Jongh asked if the markers were in the area that was disturbed.
Ms. Simone said they were in the backyard and the disturbed area is right beyond where the markers were.

Chairman de Jongh said so the markers were in the backyard.

Ms. Simone stated yes; this was going through the marker area to get to where it’s cleared.

Dr. Dimmick said this is one of those cases where the actual wetland is upslope from the house – normally wetlands are down slope from houses but in this case they are upslope and that is partly why the Commission allowed buffer at that time to be 20’ off the wetland line instead of 50’ because of the fact the wetland is upslope from the house and therefore its not a problem from water running from the house to the wetlands.

Mr. Bowman said the other problem with the problem it was the only place you could put the house.

Ms. Simone said in the original approval the Commission had stipulated that a row of Evergreens be planted to help protect that 20’ buffer and the property then came in with a modification request to put in a fence instead.

Mr. Bowman asked if a fence was ever put in.

Chairman de Jongh said the fence in now where the markers were to have been.

Ms. Simone said there is some discrepancy of where the fence may be or may not be as property ownership from what she understood but there were markers that were in the backyard and the copy of the as-built was part of the staff record; she said she could get the large copy if the Commission would like to see it.

Chairman de Jongh asked how much of a variance did they have.

Ms. Simone said there were some issues with the fence regarding where the fence may be required to be moved. She said from what she understood she did not know if the State has contacted the property owner – there is review of the property that possibly the fence is – on State property.

Mr. Bowman said he heard that also.
Chairman de Jongh said that is a different issue.

Ms. Dunne said they should probably have the markers put back as part of the Commission’s request and it sounds like some minor planting needs to be done as part of this application.

Dr. Dimmick commented that it seemed to him in that area they have an undulating bedrock that comes close to the surface and then drops and so forth and that is part of why the water breaks out in these funny places.

Mr. Root said he thought Dr. Dimmick was right that the soils were fairly shallow – shallow to bedrock there are a few outcrops mostly to the south of the area and that may be why there are so many seeps in the area because the water is seasonally riding over bedrock.

Mr. Bowman said at this time – he thought Ms. Simone did a great job of going back and getting the past information the Commission need; he said he thought was now was needed was a full application and the area should be completely restored to not only what was approved initially but the recommendations of Milone and MacBroom and also the subsequent application modification that came in so this is restored completely to the way it was originally and according to the as-built they have on file.

Ms. Simone provided a copy of the as-built she was referring to – it locates two markers.

Mr. Bowman said what he would like to see is when this is complete is another as-built as to what they have put in so the Commission knows what has been proposed and what has been installed is complete; this was just his recommendation.

Chairman de Jongh said the Commission is asking for a detailed application asking for a couple of things: the re-installation of the missing monument to be consistent with the as-built that was dated October 2006 as well as the recommended restoration scheme that was recommended by Mr. Root of Milone and MacBroom and then finally once all that is done a similar as-built that shows exactly where things are so they have it for future reference going forward.

Further consideration on this item would be deferred pending the submission of an application. This item would be left on the agenda.
X. UNFINISHED BUSINESS

1. Permit Application

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<td>Diversified Cook Hill, LLC</td>
<td>APP #2010-005</td>
<td>3/02/10</td>
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<tr>
<td>Plank Road</td>
<td>DOR</td>
<td>3/06/10</td>
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<td>Resubdivision – 14 Lots</td>
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Mr. Matt Bowman recused himself from this portion of the meeting at 8:24 p.m.

Ryan McEvoy, PE of Milone and MacBroom was present on behalf of the applicant.

Mr. McEvoy said if there were any questions the Commission has about what was presented during the public hearing he would be happy to clarify but otherwise there was nothing further from the applicant to add.

Ms. Simone stated there were two draft motions submitted to the Commission – one is the approval from this Commission and the second is the 8-26 report to the Planning and Zoning Commission.

Ms. Simone stated that the expiration date for the permit should reflect today’s date – June 1, 2015.

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, previous site visitations, and after review of written information provided by the applicant on this application, finds the following:

1. That the current application is for resubdivision of a 75.7 acre lot into a 14 lot subdivision on 37.4 acres, and installation of a 1,400 linear foot roadway, sidewalk and storm water management infrastructure on the east side of Plank Road, bordered by I-84 to
the northeast and the Woodland Hills subdivision (IWWC permit #2005-041 approved October 2005) to the southeast.

2. That the proposed lots will be served by private water and septic in an R-80 zone. There are no existing structures on this property.

3. That the applicant’s engineer stated that 2,545 square feet of direct impacts are proposed and 15,400 square feet of regulated activities within the review area are proposed.

4. That the proposed construction activities will not have a significant adverse effect on the adjacent wetlands and watercourses.

5. That the Commission declared this application significant within the context of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire.

6. That the applicant’s representatives presented testimony during public hearings.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2010-005, the permit application of Diversified Cook Hill LLC for resubdivision as presented on the plans entitled:

“Meadowview Estates
Plank Road, Cheshire, CT
Dated February 15, 2010; Revised April 14, 2010
19 Sheets, Scale As Noted
Prepared by Milone & MacBroom, Inc.”.

And

“Inland Wetlands and Watercourses Delineation Report and Impact Assessment: Meadowview Estates, Cheshire CT
Dated February 11, 2010
Prepared by Milone & MacBroom, Inc.”.

The permit is granted on the following conditions and stipulations, 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 and/or construction for purposes outside those covered under this permit grant (installation of roadway, sidewalk and stormwater management system), lots 2, 7, 8, 9, 10, 11, 12, 13 and 14, require individual site plan review and approval.

4. Per Section 12 of the Cheshire Inland Wetlands and Watercourses Regulations, a bond covering the costs of the sediment and erosion controls, as shown on the above-referenced plans, shall be filed with the Town Planner's Office prior to the commencement of construction activities. The amount of the bond shall be determined by the Cheshire Planning Office.

5. Throughout the course of conducting construction activities covered by this permit grant, 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.

6. This permit grant shall expire on June 1, 2015.

Moved by Dr. Dimmick. Seconded by Ms. Dunne. Motion approved unanimously by Commission members present. Mr. Bowman was not present for the vote.
Section 8-26

Motion:

Pursuant to Section 8-26 of the Connecticut General Statutes and the Cheshire Inland Wetlands and Watercourses Commission Regulations, CIWWC permit application #2010-005, the permit application of Diversified Cook Hill, LLC. has been reviewed and approved with stipulations. The application is for resubdivision, construction of a roadway and stormwater management systems as shown on plans entitled:

“Meadowview Estates
Plank Road, Cheshire, CT
Dated February 15, 2010; Revised April 14, 2010
19 Sheets, Scale As Noted
Prepared by Milone & MacBroom, Inc.”.

And

“Inland Wetlands and Watercourses Delineation Report and Impact Assessment
Meadowview Estates, Cheshire CT
Dated February 11, 2010
Prepared by Milone & MacBroom, Inc.”.

The Commission has found that there are wetlands on site and that portions of the site are within 50’ of wetlands and is therefore a “regulated area” pursuant to Section 2.1aa of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire.

The Commission has approved the resubdivision, construction of a roadway and installation of stormwater management systems for this property.

Further, the Commission finds that, based on wetlands considerations, there is no compelling reason that the Cheshire Planning and Zoning Commission should deny the subdivision request of the applicant.

Moved by Dr. Dimmick. Seconded by Mr. Kurtz. Motion approved unanimously by Commission members present. Mr. Bowman was not present for the vote.
Mr. Bowman returned to the meeting at 8:27 p.m.

2 Permit Application
Bonnie and Michael Donato
35 Sudol Court
Wetland and Upland Restoration

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<th>Permit Application</th>
<th>APP</th>
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<td>Bonnie and Michael Donato</td>
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Bonnie Donato was present. Ed Belinski and Bill Root from Milone and MacBroom were also present representing the applicant.

Ms. Donato addressed the Commission. She informed the Commission that Ed Belinski and Bill Root from Milone and MacBroom were present to answer any of the Commission’s questions.

Ed Belinski addressed the Commission.

Mr. Belinski stated a planting plan has been submitted; in the area that has been disturbed and cleared an old field community is proposed and there is a plan to restore the wetland.

Mr. Belinski said the wetland that was impacted was about 10’ by 10’ – a plan was submitted.

The Commission reviewed the restoration plan.

Chairman de Jongh asked Mr. Belinski to provide a brief summary of the proposed restoration plan.

Mr. Belinski said the client owns in there backyard a wetland buffer zone – the toe of the slope is the wetland – mostly herbaceous grasses – fairly high quality. He said up from the wetland there is about a 100’ slot which is in the buffer zone and then the client cleared that area and was sighted by the Commission and then called Milone and MacBroom and was provided a planting zone and a restoration zone that they thought would be best in order to restore the native species that were there.

Chairman de Jongh asked how long would it take from start to finish on this restoration project.

Mr. Belinski said the species that were there were mostly Silky Dogwood – the tree species were mostly American Elm; a lot of transitional species they resprout very fast – he said he actually went
and took a look at the property – the area is already starting to resprout.

Mr. Belinski said the problem with this area is there was an extreme amount of invasive species on the property. There was Multi-flora Rose, Wing Dewmonimus – there was an extensive list and Bittersweet vine was girdling the trees – he said it looked like there were a lot of old orchard apple trees that were being destroyed by the vines.

Mr. Belinski said when they went on the property they could see the invasives starting to return in the cleared area. He said historically this area was an agricultural field – it was mowed once or twice a year for hay production and but mowing it the invasive species weren’t inhabiting this area.

Mr. Belinski explained that once the development was put in invasives started developing and they have now just kind of taken over the property.

Mr. Belinski said what is being proposed is to plant upland species plants, Juniper, Silky Dogwoods, apple trees and some cranberry.

Mr. Belinski said by mowing once a year around the planting they were going to be able to restore the old field community to what it was before; then they are going to plant plantings along the wetland boundary – the Silky Dogwoods along the wetland boundary are already starting to resprout.

Dr. Dimmick said staff had raised a question – the Commission had originally said something about mowing in the fall – staff raised a question – that it was suggested that it would be better to mow in mid-June before the Bittersweet or the Multi-flora Rose sets seed – he said he did not know what Mr. Belinski’s impression of that advise would be.

Mr. Belinski said he took a couple of classes with the DEP on old field communities – what they really want is a late mowing October even into November maybe just for the bird habitat – any ground nesting birds.

Dr. Dimmick said most ground nesting birds hatch in mid-May and the chicks are out and gone by mid-June.
Mr. Belinski said his comment was just the DEP recommendation. He said as far as the invasives – what they do is once they develop a grass cover they will out dominate the invasive species and therefore they won’t be allowed to develop any further; he said once you get a native community that is dominate in the area they will out compete all the invasives and then they will not be able to grow.

Dr. Dimmick said this is a DEP recommendation for October.

Mr. Belinski said he had a document with him that he got in class; the document is called “Managing Grasslands, Shrub-lands, and Young Forested Communities for Wildlife.” He said there was a whole chapter on grassland communities and recommendations to control invasive species in annual mowing.

Dr. Dimmick said he agreed with the annual mowing it was the timing of it what there seemed to be a disagreement on.

Mr. Belinski said the timing is not really a big deal as far as if the Commission wants it done earlier – he said he would like to get as much growth during the year and allow for small wildlife animals to habitat through the summer.

Chairman de Jongh said he though the timing of the mowing could be worked out with staff.

Ms. Simone said she could see from a perspective from bird habitat that there are certain times of year – she said her focus was that if the Commission had a greed with mowing and that the mowing was being suggested for invasive plant control that then it timed appropriately for the specific plants.

Mr. Bowman suggested staff looking into the DEP recommendation for a late October or November mowing and there would have to be a reason for it.

Ms. Simone agreed to take a look at the DEP recommendation – if its specific to birds that’s fine; she said regarding the information staff has come across regarding mowing for invasive plant removal based on the time of year because you don't want seeds on the plant and then cut it.

Mr. Belinski said there is a big range for the mowing recommendation– it’s actually from May into late summer and fall.
Chairman de Jongh asked Mr. Belinski to provide staff with a copy of the document in order to come up with timing for mowing.

Chairman de Jongh asked if Commission members had another other questions – there were no questions asked.

Chairman de Jongh said he did not know if any of the neighbors had any comments about this – he stated for the record this is not a public hearing but if there are questions – he stated again for the record – this is not a public hearing.

Mr. Bowman stated that the Commission had to be real careful.

Chairman de Jongh said the neighbors could ask specific questions that they would like the applicant to answer fine but the Commission would not entertain comments pro, against or what have you – he stated again this is not a public hearing.

Ms. Julie Sweigard of 59 Williams Road addressed the Commission. Ms. Sweigard said if it was never mowed before – it was never supposed to be touched - why is it going to be allowed to be mowed now.

Mr. Belinski said what the mowing would do it to reestablish it back to an old field community. He said the old field community is one of the most lacking types of habitat in the State which is why the State is trying to clear more traditional areas.

Mr. Belinski said since the development was put in – you say there is a thriving community back there – he said actually what they are trying to do is get rid of the invasive species – the area was not living up to its potential as being a wetland area; he said what they are doing now is transition it back to the original field community that it was.

Ms. Sweigard commented about the area never being touched; she said if it had never been touched nothing would be done to it – would the State come in and something to it.

Chairman de Jongh said this is not a public hearing and there cannot be bantering back and forth – if there was a question that is fine.

Dr. Dimmick said Ms. Sweigard got an answer of sorts. He said he did need to mention they saw this property before it was developed and it used to be farmed and when it was farmed it was mowed
annually or semi-annually so it’s not a case of never been – it’s a case of trying to go back to the way it was.

Ms. Sweigard asked if the State would have come in and actually mowed it – would they have made a point to come in and mow it.

Chairman de Jongh stated probably not.

Ms. Amy Hourigan of 39 Williams Road addressed the Commission. Ms. Hourigan said she was lead to believe this was a forum where they could ask questions and if it’s not will there be.

Chairman de Jongh said this was not declared to be a significant activity on the part of this Commission so they will not have a public hearing.

Ms. Hourigan asked if there would be a chance for neighbors to comment.

Chairman de Jongh stated no – not in this particular case. He said they can entertain very limited questions because this forum is not a public hearing and it was not posted as such nor did this Commission feel there was enough of a violation to warrant a public hearing.

Mr. Kurtz said he noticed in the letters there are a couple of references to the pristine condition perhaps someone from Milone and MacBroom what is not pristine about this property – he said there are invasive species in there – it’s not like it’s a wetland that’s been untouched or undamaged – it had already been damage and it seems as though the attempt to plant some trees and do some mowing is to improve upon what was there not a couple of months ago but three or four years ago. Mr. Kurtz said he was not the expert and he may be misunderstanding too.

Ms. Hourigan asked if she could say what she wanted to say.

Chairman de Jongh said unfortunately they cannot allow public comments – this is not a forum for that; he explained the Commission is governed by regulations that they have to abide by and this was not posted as a public hearing so they can’t open it up as a public hearing.

Mr. Bowman said he believed the comments have been received in writing and the Commission took those comments into consideration
and they will take those comments into consideration when they make their final decision on this application.

Ms. Simone said yes and just to clarify that to provide public testimony in writing is always permitted whether it’s a public hearing or not so that the public does have an opportunity to interact with the Commission in writing but the Chairman is correct in that when it’s a public hearing there is allowed to be more input vocally from the public.

Chairman de Jongh said if Ms. Hourigan has specific questions or comments they can be directed to the Commission in writing and they will take that into consideration when they deliberate their findings on this; but public questions and comments cannot be addressed in this setting.

Ms. Hourigan asked if there were clear wetland markers what is the point if you can take them out and mow.

Mr. Bowman said these are not wetland markers – these are non-encroachment markers that are outside of the wetlands – the non-encroachment markers are approximately 50’ from where the wetlands are so by mowing that area its not in the wetlands its in the upland review area so its actually uplands and not wetlands.

Dr. Dimmick said they are talking about a once a year mowing and not turning it into a lawn – they are talking about leaving it at least 6” depth below the mow – this is a maintenance method which is quite often used to maintain an area in a natural condition for wildlife as opposed to mowing and turning it into lawn which would totally be the reverse situation – no way would the Commission justify or allow a more frequent mowing or a lower mowing here because that would destroy the potential.

Mr. Bowman asked Dr. Dimmick if he was suggesting then at this point best management practices.

Dr. Dimmick said that is best management practices from a wildlife standpoint – yes exactly and the Commission has specified at least twice in the past when they have given permits for building they have specified a once a year mowing for a non-encroachment area as a way of management.

Chairman de Jongh asked staff about the items she was looking for – has everything been received that is needed.
Ms. Simone said the Commission had asked previously to have the soil scientist come and present which he has but she did have a question about the mowing – is there any information about what kind of equipment would be used – would it just a homeowners lawn mower or they going to hire someone.

There was discussion about the type of mower used to mow a lawn with a 6” height; possibly a brush-hog or high tech mower.

Ms. Donato said they would hire someone to mow the lawn.

Mr. Belinski reiterated again for the record that there would absolutely no mowing in the wetland and there will be a vegetation buffer between this area and the wetland.

Chairman de Jongh said the Commission has received everything that they intended to receive.

Ms. Simone said yes – from what the Commission had requested.

Ms. Simone asked if the homeowner amiable to having some row vegetation planted along the buffer line allowing for a gap to get equipment in and out.

Ms. Donato asked what buffer staff was referring to.

Ms. Simone said the area from the back of the house where the buffer markers were to have a row of shrubs or something like that along that area to help delineate the buffer in the field but still allowing a gap to allow equipment in.

Mr. Bowman suggested a fence – sections of fence - space – sections of fence – space so everything can move in and out but the area is delineated – it is a buffer then you are not worried about if a shrub is grown or not grown or dies or whatever – it’s a permanent fence. He stated this is what he would prefer to see in the area.

Ms. Fiordelisi suggested maybe a fence with markers on it.

Ms. Donato said Milone and MacBroom proposed the shrubs so that was in their mindset – the shrubs that are in the plan and if there would be need for more shrubs then...
Mr. Belinski showed on the plans the area where they were proposing a line of plants; plantings are also proposed outside the buffer zone that is on the applicant’s property. He said what they are proposing is a line of shrubs especially in the bottom next to the wetland line shown on the plans; a lot of shrubs are concentrated in that area that makes a buffer; towards there are two more plantings and the area furthest north would be the best place the best place to bring a tractor in slope wise and its away from the wetland.

Chairman de Jongh said he thought was staff was asking is particularly when you get towards the eastern section of the disturbed area – the spacing on the plantings that are proposed are significantly greater than the spacing that are planted for the western section – so he thought that staff is suggesting – and obliviously there is concern for the current property owner but the Commission is also concerned for future property owners and there has to be some way to visually let however owns the property to realize the section behind to the north of the house is not to be mowed except for once a year.

Chairman de Jongh said this has always been a concern of the Commission, not so much for the currently property owner but in perpetuity; he said if there is a closer planting schedule that can be pulled together for that section that’s what Mr. Bowman is looking for and what staff was suggesting – whatever it might take and he did not have a problem with shrubs – he said as long as no one takes then down afterward but they can always take down fences too.

Chairman de Jongh said as long the buffer allows the entrance into the area to be mowed annually but also visually creates that buffer; and the end goal of a visual buffer is achieved.

Ms. Donato said that was fine – they will figure out how big that piece needs to be.

Mr. Bowman said with a fence you could put an individual non-encroachment line; he said he found a fence to be more permanent compared to plantings that can die. He talked about having fencing with 8’ sections with a break every 8’; its not that expense since the entire area is not fenced and you can place signage is the open 8’ area stating the area in a non-encroachment area.

Chairman de Jongh stated regardless of what it takes if the end result is going to be shrubs a post is needed to delineate the non-
encroachment area whether the sign be on a post or fence the end result has to have that notification.

Ms. Simone stated the mandatory action date is June 10, 2010 so the Commission would be required to act tonight unless the property owner put on the record a request to extend the Commission's consideration.

Chairman de Jongh said since the Commission just received information tonight – they would like time to deliberate and digest it and come back at the next meeting with a recommendation; if they had to vote of the applicant tonight it could be denied due to lack of information unless the applicant agreed to extend the mandatory action date.

Ms. Donato stated on the record that she was agreeable to extend the mandatory action date and then that would give them time to work with Milone and MacBroom on creating a more noticeable buffer.

Ms. Donato stated she was willing to extend the mandatory action date to July 6, 2010; she said her concern was the survival of the plantings if planted in July; she wanted to make note about the plantings in July.

It was noted that Ms. Donato did not have to have the plantings planted by July.

Ms. Simone said the order specified that everything would be planted by x date. She said once the Commission makes a motion on this and if it’s an approval the Commission can change that order date.

Chairman de Jongh said so it's the applicant's wish to extend the mandatory action date to July 6, 2010.

This item would be kept on the agenda and defer any further consideration on this item pending receipt of information at the next meeting.

3. PA 09-181 Proposed amendments to regulations PH 6/01/10
   MAD 7/06/10
Chairman de Jongh stated that information regarding the proposed amendments to the regulations were read into the record under communications.

Dr. Dimmick stated since there were no objections from anyone from the public at the public hearing her moved the following:

Motion: Since there were no objections from anyone at the public hearing, it was moved that the Commission amend the regulations as proposed in the May 5, 2010 correspondence from Town Attorney Kari Olson re: PA 09-181 Section 11.3 (A) and (D).

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

The motion was to approve the changes to the Commission’s regulations.

4. Permit Application  
APP #2010-009  
Town of Cheshire  
DOR 5/18/10  
Highland Avenue  
MAD 7/22/10  
Dredging of Weeks Pond  

Joe Michaelangelo, Director of Public Works and Town Engineer and Dave Arzt, PE from Cardinal Engineering and Ken Stevens, Environment Soil Scientist from Soil Science and Environmental Service were present on behalf of the applicant.

Mr. Michaelangelo explained that the Town has an application in to the Commission to perform some sedimentation removal on Weeks Pond; he said that Weeks Pond is an impounded portion of Honey Pot Brook which is located to the rear of Highland School – the approximate size of the site is about three acres; he said they are looking to remove some sedimentation from a forebay part.

Mr. Michaelangelo stated the town has an application in and they have professionals working on it – Dave Arzt from Cardinal Engineering and Ken Stevens, Environment Soil Scientist from Soil Science and Environmental Service were working on the project.

Mr. Arzt addressed the Commission.

Mr. Arzt showed the plan under existing conditions; he showed the location of Castle Glen Road and Highland School and the location of flow from Honey Pot Brook.
Mr. Arzt explained the Honey Pot Brook flowed in a northerly direction through a 72” pipe under Castle Glen Road.

Mr. Arzt showed a couple of photos of the site including the area where they plan to store the sediment they plan on taking out; the location of a turbidity control curtain that will be used to prevent any sediment from getting downstream.

Mr. Arzt showed the location of an existing pipe filled with sediment. He showed the location of the access road where the sewer is and the area looking into the open pond where there is a little peninsula.

Mr. Arzt informed the Commission that the wetland had been delineated; he showed on the plans the location of the Connecticut wetlands and the Federal wetlands.

Mr. Arzt said they have the 100 year flood plain that overtops the road; he stated the drainage area is greater than one square mile.

Mr. Arzt showed the plan of what is being proposed; he said he would show the Commission the overall plan and then the staging.

Mr. Arzt showed the location of a proposed access road with an anti-tracking pad, silt fencing, a turbidity curtain that will move as they work, the construction of a stone wall with haybales inside and that is where the sediment that is taken out of the area would be placed.

Mr. Arzt said the proposed stone wall is made so the sediment dewatering area is out of the 100 year flood zone; he said measures are being taken to keep the sediment out of the 100 year flood plain.

Mr. Arzt said the 100 year water surface is elevation is 187-19 downstream of the road; it overtops the road for about 50’ – a couple inches deep and upstream of the road it is 189-48.

Mr. Arzt said the approximate area that will be dredged is 10,650 SF – the approximate volume of sediment to removed is 685 cubic yards; the area disturbed outside of the pond is 15,400 SF and the area of State wetland disturbed is roughly 10,700 SF in the pond plus another 2,250 SF for a total of 12,900 SF and the area of Federal wetland disturbed is a total of 11,972 SF – the pond area plus 13,025 SF.
Mr. Arzt said the ordinary high water level is 183.5 which is about a tenth of a foot higher than the dam so basically if the normal flow is about a little over an inch over the dam.

Mr. Arzt explained to the Commission how the project is proposed to be staged; stage one will be to construct the anti-tracking pad and the access road, build the stone wall, cut the trees in the area first then build the stone wall and put the haybales inside the stone wall so that the excavated sediment can dewater in that area.

Mr. Arzt said they will construct a road and access ramp as shown on the plans; he showed the location of the peninsulas out there now but in order to remove the sediment they are going to use a crane and a drag line; the present land that is there will not support the weight of the crane; the plan is to put in a stone dike of rip rap and then top dress that with a little bit of process aggregate so they can get out there without disturbing the wetlands.

Mr. Arzt said they will have the turbidity control curtain which is floating boom around the areas shown on the plan; silt fence is also proposed and the haybale will be located inside the stone wall for the sediment dewatering area.

Mr. Arzt said there is also a sediment check dam. He said the access ramp is approximately 1' above the normal water surface and the sediment check dam will be about 1' below the water surface; so its going to have the same flow received that they have now - they are trying to keep the sediments in this area so it doesn’t get out in the main water body.

Mr. Arzt described the details of stage two; he talked about the moving of the turbidity curtain and finish the sediment check dam.

Mr. Arzt said stage three would require the placement of the turbidity curtain in a location shown on the plans as well as the flow from the culvert and they will be excavating the area by drag line putting it into trucks and bring it to a specified location for dewatering – they are taking it about 200’.

Mr. Arzt said in stage four they will move the turbidity curtain to a specified location – the flow will come to a location shown on the plans and they will be excavating the area with a drag line and then they are completed.
Mr. Arzt said the area has not been excavated or dredged for about 20 years; he said they were thinking maybe every ten years to fifteen years depending on the sediment that comes it may have to be redone so they are going to propose leaving the access road so they can access the area in the future if need be as a maintenance – which what this is now – a maintenance dredging.

Dr. Dimmick asked if had been twenty years – he said he certainly remembered when this came before the Commission to be dredged.

There was discussion about the timing of the last dredging of the pond.

Mr. Michaelangelo said he could check on the approximate date but it’s been about twenty years.

Dr. Dimmick asked about where the property line for Castle Glen in relation to the proposed activity; he said he thought they came down to the lake in places.

Mr. Arzt said it’s pretty close to the east edge of the lake.

Mr. Michaelangelo stated it is a Town of Cheshire pond – not private property.

Mr. Michaelangelo said that Castle Glen Association were strong supporters of this project and there are several members of the Association that are active – he said they met with one of them about a month ago.

Mr. Arzt informed the Commission that an application has been submitted to the US Army Corp of Engineers because its over 5,000 SF and that also goes to the CT DEP; he said they are still waiting for a response from them.

Mr. Bowman asked how long the applicant thought that would take.

Dr. Dimmick noted EP staff has just been cut again.

Mr. Arzt said hopefully a month or two.

Mr. Bowman said so even with the Commission’s approves nothing could begin until the applicant gets the US Army Corp of Engineers and DEP approvals.
Dr. Dimmick stated no – it’s independent.

Mr. Arzt said if they can tell them that you have given your approval it makes it easier to give their approval.

The Commission discussed the reasons the proposed application would be deemed significant under their regulations; they also noted the need to have the project done and that they wanted to see the project done.

Motion: To declare the proposed activity significant with the context of the Commission’s regulation specifically section 10.2 a and c.

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

A public hearing was set for Tuesday, June 15, 2010 at 7:30 p.m.

Further consideration on this item was deferred pending the public hearing.

5. Permit Application
   APP #2010-010
   Cheshire Academy
   DOR 5/18/10
   10 Main Street
   PH 6/01/10
   Site Plan – Athletic Field & Track
   MAD 7/06/10

Chairman de Jongh stated that this item was subject of tonight’s public hearing. He said they would allow Commission members and staff time to digest what they heard this evening and allow staff to prepare a draft motion for the next meeting.

XI. NEW BUSINESS

1. Permit Application
   APP #2010-011
   Ruth A. Podgwaite
   DOR 6/01/10
   Mount Sanford Road
   Subdivision
   MAD 8/05/10

Ms. Simone informed the Commission that this item is going to be postponed per the request of the applicant.

Chairman de Jongh stated further consideration on this item would be postponed until the next meeting.

Ms. Simone stated the mandatory action date is August 5, 2010.
It was noted that August 3, 2010 in the only Commission meeting schedule in August.

2. Permit Application
   Krista & Jeffrey Ostuno
   Sindall Road
   Wetland Enhancement

   APP #2010-012
   DOR 6/01/10
   MAD 8/05/10

Ms. Sheila Fiordelisi recused herself from this portion of the meeting at 9:11 p.m.

Dan Kroeber, PE, and Bill Root Soil Scientist from Milone and MacBroom were present on behalf of the applicant.

Mr. Kroeber addressed the Commission.

Mr. Kroeber said he was here tonight representing Krista and Jeffrey Ostuno who were also here for questions if the Commission happens to have them.

Mr. Kroeber said they were here to talk about the property located on Sindall Road – he said at the last meeting he gave more than a brief explanation of why they are here – he said at that meeting they were under the correspondence section; since then they have made an application to formally fill a wetland and also to mitigate the filling of that wetland.

Mr. Kroeber said the property is located east of Cheshire Street and north of Route 10.

Mr. Kroeber said the property is approximately 14 acres in size with 3.1 or so of those acres located in Cheshire.

Mr. Kroeber explained that historically this property was a sand and gravel pit – the property was actually was left in pretty miserable shape by the former land owner – the slopes around the entire perimeter were over excavated.

Mr. Kroeber said there was debris. There was a house – the house wasn’t on the Cheshire piece of the property it was on the Meriden piece but that was in pretty dire condition as well.

Mr. Kroeber stated that debris was scattered throughout the property.
Mr. Kroeber provided a little bit of history – he said he already told the Commission this information last time but he would go over it again.

Mr. Kroeber said they have a couple of maps that are able to educate them on the topographic history of the property – the first is a map that was prepared by Conklin and Soroka in 1999 – it’s called the slope restoration plan. He said this was a plan to restore those excavated slopes along the perimeter of the property – the City of Meriden required that this plan be submitted – there was a cease and desist on all sand and gravel removal operations and they wanted these slopes restored to what the original intent was for the limits of the sand and gravel operation.

Mr. Kroeber said on those plans there is an area shown where there is no wetland located – he said there was one wetland located on the property in Cheshire located in the north east corner of the property; he said when you flip forward ten years to 2008 there is another plan which a piece of the plan is part of the application that was filed; the plan was prepared by Juliano Associates in 2008.

Mr. Kroeber said what you will see in the 2008 plan is that there are actually two wetlands on the site – it was part of an application made to this Commission that this plan was prepared.

Mr. Kroeber said there was a larger wetland shown – actually larger than where it was shown in 1999 and then a new wetland appears in the central portion of the property – that wetland is approximately 1,685 SF of that is located in the Town of Cheshire.

Mr. Kroeber stated that the wetland area he is describing is pretty clear that it is a manmade wetland – if you look historically from these two plans – there was probably 20’ of material excavated out in an area of the wetland and perched water table or something of the sort created this wetland that is sown on the map.

Mr. Kroeber said in October 2009 Krista and Jeffrey acquired the property and then back in March 2010 applications were made to the City of Meriden to go back – Meriden had issued cease and desist on the property until any further permit application could be had on the property in Meriden - they wanted the slopes restored.

Mr. Kroeber said at this point an application was made back to the Planning and Zoning Commission to restore the slopes – the City of Meriden actually requires that the slope in the area of wetlands be
restored and some of that work has been done; he said at this point it was brought to his attention that there was a documented wetland on the 2008 Juliano map no longer exists as was talked about last time.

Mr. Kroeber said his clients Krista and Jeffrey have indicated that they did not fill the wetland – he said they could not vouch for that one way or the other – they can only believe what they have told us but the wetland no longer exists.

Mr. Kroeber stated the applicant has come forward – the Commission has requested that they go out and look for some areas where they can potentially mitigate the more valuable wetland on the property so with that they has Mr. Bill Root go out the property to examine this wetland here and come up with some good mitigation efforts that the application could do.

Mr. Kroeber said with that he would turn the mike over to Bill Root.

Mr. William Root addressed the Commission.

Mr. Root reported that he made a site visit to this property May 27, 2010 – took a look at the area we are talking and didn't see a wetland but a lot of fill going over the property and a lot of grading has taken place; he stated he did not see a wetland there.

Mr. Root said there was a wetland area over the Cheshire line – it’s a fairly large wetland system – it broadens out to the west from the very developed old sand and gravel operation – it’s a forested swamp – very well developed as there are open pools of water in there, Skunk Cabbage, Royal Ferns – a real mix of sedges and ferns.

Mr. Root stated there is a very nice shrub layer – a lot of Silky Dogwood, High Bush Blueberry, Winterberry, Azalea so there is a nice mix and the over-story is mostly Red Maple but there area some American Elm on the edge and also some Tupelo Trees as well so there is a good mix of plants and with the open pockets of water you’d expect some good diversity of amphibians and reptiles as well – so it’s a nice wetland system and its over on the Cheshire side.

Mr. Root said as Mr. Kroeber stated earlier it’s very close to the development that has taken place on the Meriden side.

Mr. Root said he took a look for mitigation opportunities – there is not much mitigation to be done; he said actually inside the wetland
proper its really in very good shape but the whole margin of it as it comes close to the developed part of the landscape has been disturbed quite a bit – there is a lot of Oriental Bittersweet – there area very aggressive Grape Vines, dead trees in there that are very close to the toe of the slope from the fill that has taken place; he said there is a old fence from other historic operations – there’s bottles and tires and things like that as well as some open patches of mud so it’s a good chance to go in and do some clean-up to what is a very nice wetland area along the margin which is close to the develop zone.

Mr. Root said what he suggested and what he put in the report is that they go in and take out the manmade debris – tires, bottles, the old silt fence - get all that stuff out of there – get rid of some of the dead trees and the vines that are killing them and then go in and do some replanting in some of the area where disturbance has taken place.

Mr. Root stated that the clean-up is not a big effort but it’s a zone that’s about 50' wide – 25’ of transition zone, 25' into the wetlands where Multi-flora Rose that has gotten established; the plan is to take them out and replant them in kind with shrubs that are already there – Winterberry, Azalea, High Bush Blueberry; and some of the muddy patches where there has been some historic run-off along the margin – there is a good opportunity there to replant some ferns and things like that – so some nice mix of plant material to go back into an area that has been historically disturbed and supplement what exists on site to make up for the apparent lose of manmade wetlands on the other side.

Dr. Dimmick asked if any of the dead trees and any value as snags.

Mr. Root said no there small about 4” – they are going to go over one way or the other in short order.

Mr. Bowman asked if they are recommending that wetland be increased by 1,600’ for the loss of the 1,600’.

Mr. Root said no – he wasn’t proposing any excavation or regrading – this is strictly a landscaping/landscaper effort going in and removing dead and dying material, taking out invasives and replacing them in kind with native trees and shrubs.

Mr. Bowman said he thought that was what the proposal was going to be was to replace the 1,600’ of wetlands with 1,600’ of wetlands in another area.
Chairman de Jongh said he thought what the intention was from his perspective was – having walked that property once before and recognizing that the area Mr. Root was referring to has really been disturbed with garbage being thrown in that area – just to bring that back to a much more effective wetland area – more productive than it currently is. He said in his opinion size in the case doesn’t matter as long as the quality has improved and that overall improves the integrity of that one area.

Chairman de Jongh spoke about the smaller section of wetland in Meriden - he said it wasn’t much.

Dr. Dimmick said it was already being encroached on when they saw it; he talked about asphalt being place in this area.

Ms. Simone asked what the square footage of the mitigation area was.

Mr. Root said 4,000 SF of area that they are working in but there is not 4,000 SF of debris and invasive plant and things like for area that seemed worthy of restoration and enhancement effort.

Chairman de Jongh said they were improving a marginal area to a more productive area.

Mr. Root stated that was what they were going to try to do.

Mr. Bowman said he thought Mr. Root already stated that it was a high quality area.

There was discussion regarding the location of the high quality wetland area and that the margin is not particularly good.

Mr. Bowman asked at the last meeting he had requested that all three pieces involved be included – he said on this application only two piece are shown – the third piece that is being designated as a very high quality wetlands - why that wasn’t on this application.

Mr. Kroeber explained that the activity – the mitigation activity and the area that was apparently filled all fall on this one property so they felt it was appropriate to file an application where they were proposing the activity and where an activity may have happened was the reason.
Mr. Bowman stated there is a mention of high quality wetlands and he said its not on this property – he said for the record he wanted it stated that there are high quality wetlands on the piece that’s next to it and there should be no mistakes made because supposedly there has been an innocent mistake made in the filling but that is a high quality wetlands and anyone going in there or doing anything without coming to us and notifying us within that 50’ upland review area has been forewarned.

Mr. Kroeber stated he would make sure that information is passed along to the Ostunos - and they certainly understand that.

Dr. Dimmick said he knew there was a dam going towards the west and the dam at one time may have been a lake baliermer pond when there was a dam when you get over to the property to the west; he talked about the property to the west of the subject parcel and about the area near a high stone dam and the location of an old mill pond.

Mr. Bowman said the soils types further west are very sandy to a low degree which is why they were hauling gravel out of this end of it.

Motion: To accept the application.

Moved by Dr. Dimmick. Seconded by Mr. Kurtz. Motion approved unanimously by Commission members present. Ms. Fiordelisi was not present for the vote.

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. Ms. Fiordelisi was not present for the vote.

Mr. Bowman asked staff to include language that the adjacent piece is very significant because he would vote against any motion if that language was not in it.

Further consideration on this application was deferred pending staff review and recommendation.

Ms. Fiordelisi returned to the meeting at 9:27 p.m.

3. Intermunicipal Notification
   Wolcott / Cheshire Town Line
Meriden Road (In Vicinity of Musso View Avenue)

Wilhelm Thiel, Engineering Technician with Harry E. Cole & Son was present on behalf of the property owner of 1790 Meriden Road - Elliot Mayo.

Mr. Thiel addressed the Commission.

The plans for the proposed activity were reviewed – the property owner is looking for a determination as to whether or not a permit application was needed for the property activity.

Mr. Thiel stated that the location of the parcel is 1790 Meriden Road – it’s located in Wolcott with a portion of it being in Cheshire; the portion in Cheshire does have wetlands on it and that is why they are in front of the Commission tonight.

Mr. Thiel gave a brief overview of the application – he said the application in front of the Wolcott Planning and Zoning Commission – the applicant is going for a child day care with proposed parking modifications.

Mr. Thiel stated that no activity is proposed within the upland review area but they are proposing a grass depression located uphill from the inland wetlands.

Mr. Thiel asked if there were any questions.

Mr. Thiel said there is an outfall - an existing pipe located in the wetlands – it was probably put in prior to ownership of the current owner – he said he took ownership in or around 1985 or so.

Mr. Thiel said during that time there was an issue with the pipe – there was some maintenance that needed to be done and a portion of the pipe was replaced with corrugated plastic pipe; he said on the map it shows the area where there is a “y” – that is the corrugated plastic pipe that was replaced; he said he was not sure when it was or if there was a permit taken out for that.

Mr. Bowman stated there wasn’t (no permit taken out).

Dr. Dimmick said there was no permit that ever came in front of them for that.
Dr. Dimmick said he hoped an application was filed with Cheshire Inlands and Wetlands for the activities; he said just being outside the upland review area doesn’t excuse them from filing an application.

Mr. Thiel said that they were told today would just be a determination to see if an application was needed.

Mr. Thiel said he did not have much more to go over – again he stated they are not proposing any work within the upland review area – he said a detention basin is proposed because of the increase in runoff produced by the modification from parking.

Dr. Dimmick asked if the water from the detention basin goes where.

Mr. Thiel said the water from the detention basin will either infiltrate – they do have a high level overflow that they are proposing that will go back into the wetlands during heavier storm events.

Chairman de Jongh stated – the wetlands being located in Cheshire.

Mr. Thiel stated that was correct – the wetlands are in Cheshire.

Chairman de Jongh said so the run-off from Wolcott is going to go into Cheshire.

Mr. Thiel said it will go into the detention basin which is in Cheshire.

Chairman de Jongh asked if there was any run-off from that activity being collected and run-off in areas in Wolcott.

Mr. Thiel said there is a watershed area that is collected by a catch basin which is going through the existing pipe and the outfall is in the wetlands – as existing.

Chairman de Jongh said so again none of the run off is being collected and being disposed of in Wolcott – it’s all coming into Cheshire.

Dr. Dimmick said that’s three counts why they need an application; he said it is perfectly clear an application is needed.

Mr. Bowman stated no ifs, ands or buts.

Chairman de Jongh stated he did not disagree.
Mr. Bowman said he never saw a 12” yard drain – he saw a 4” yard drain – a 6” yard drain but never a 12” yard drain. He said he would like to see that incorporated into whatever type of drainage they are going to do and have that removed from the wetlands because that is illegal.

Mr. Thiel said it may be a typo by the draft’s person.

Dr. Dimmick said not only that but he thought they would need to file a permit request after the fact for having placed in there even if it was the processor that did it – otherwise it becomes an illegal activity. The discharge from the pipe should be in the upland review area and not within the wetlands.

Dr. Dimmick and Mr. Bowman discussed the piping issue and the possible ramifications if something was not done to correct the issue.

Chairman de Jongh said since all of the run-off from this proposed activity would be coming into Cheshire – and speaking for himself he would also be concerned what steps would be used to trap and oil or gas from any vehicles for those areas to be collected in the Wolcott area – he did not want that coming into the Cheshire area – he wanted in kept in Wolcott and not running into the pipe and into Cheshire. He said these are the details he would be looking for.

Mr. Bowman said he also wanted to see a maintenance schedule for whatever is going to be put in Cheshire that it will be maintained – whatever the professional opinion would be.

Chairman de Jongh stated that is was the full consensus that a full application would be necessary – with the details and coordinating with staff regarding what details the Commission would be looking for.

Ms. Simone said just to clarify they would be looking for an application to cover both – the new proposed activities and the existing drainage pipe as well as details for removing the outlet into the wetland and having it being dispersed over land in the upland.

Chairman de Jongh said he wanted them to get rid of the oil on the Wolcott side and not letting it run-off onto the Cheshire side.

Dr. Dimmick asked who did the wetland line – he said they need that information and the signature on the map.
There was not a signature of the soil scientist on the plan but it would be need as well.

Mr. Thiel said he did not know who did wetland line.

Mr. Bowman asked if staff knew when the original building was done – he said he wanted to know this information for the next meeting (the initial building and the installation of the pipe)

Ms. Staff said since the project was not in Cheshire staff would not have that information available.

Mr. Thiel agreed to work with staff to get all the necessary information to present before the Commission at the next meeting.

Motion: That the proposed activity would require a wetlands permit from the Town of Cheshire.

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

Further consideration on this item was deferred pending the receipt of a formal application.

4. Approval of Minutes from the May 4, 2010 and May 18, 2010 Regular Meetings.

Motion: To approve the minutes from the May 4, 2010 regular meeting with corrections.

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

Pg. 4 L12 add “at” after “anything”; pg. 5 L14 add “was” after “but”, L19 delete “indeed”; pg. 6 L17 “there” to “their”, L26 “particularly” to “particular”, L32 delete that they”; pg. 9 L18 delete “hi partner” ; L19 delete “a letter”, L46 “engineering” to “engineer”; pg. 17 L25 “should” to “show”; pg. 19 L30 add “rather” after “; pg. 20 L11 “down” to “now”.

The approval of the minutes from the May 18, 2010 was deferred to the June 15, 2010 meeting.

5. Vacant Secretary’s position on the Commission
Discussion of the appointment of a new secretary would be added to the June 15, 2010 meeting agenda,

Mr. Bowman wanted to add to the agenda for the next meeting to have a declaration as to what role the Commission fulfills – whether it be from the general public, from construction or the environment.

Chairman de Jongh said they needed to check this out because there is a new Commission member who is being recommended by the Democratic Town Committee and they need to make sure that person has filled the appropriate slot.

Mr. Bowman said he wanted it on the agenda and then its in writing and there is a paper trail.

This item could be added under communications for the next meeting.

XII. ADJOURNMENT

The meeting was adjourned at 9:41 p.m. by the consensus of Commission members present.

Respectfully submitted:

Carla Mills, Recording Secretary
Cheshire Inland Wetland and Watercourse Commission