Members present: Robert de Jongh, Charles Dimmick, Benjamin Alderton, Kerrie Dunne, and Sheila Fiordelisi.

Member(s) absent: Matt Bowman and Earl Kurtz.

Staff Present: Suzanne Simone and Attorney Kari Olson.

Dr. Dimmick noted that Matt Bowman was not present at tonight’s meeting due to the death of his father, Edward Bowman, Sr.

I. CALL TO ORDER

Chairman de Jongh called the meeting to order at 7:31 p.m.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited at the public hearing.

III. ROLL CALL

Mr. Alderton 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, Benjamin Alderton, Kerrie Dunne, and Sheila Fiordelisi.

IV. DETERMINATION OF QUORUM

A quorum was determined at the public hearing.

V. APPROVAL OF MINUTES – Public Hearing – April 6, 2010
   Regular Meeting – April 6, 2010

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

VI. COMMUNICATIONS
1. **Staff Communications: 971 & 477 Allen Avenue**  
   Re: Application # 2010-002  
   This item was reviewed by Commission members.

2. **Staff Communications: 630 Cook Hill Road**  
   Re: Application # 2010-007  
   This item was reviewed by Commission members.

3. **Request for Determination**  
   Re: Plants R Us, 150 South Meriden Road  
   Ms. Simone informed the Commission that a request for determination for Plants Are Us, 150 South Meriden Road.  
   Ms. Simone stated this item is listed under new business on tonight's agenda.

   Ms. Simone informed the Commission that after the packet went out the following communication items were received (the information was emailed to Commission members as well as handled out at tonight's meeting):

4. **Wetland Restoration Plan for 35 Sudol Road**  
   This item was reviewed by Commission members.

5. **Juliano Associates Report**  
   Re: Property at 630 Cook Hill Road  
   Ms. Simone stated there were two documents received. The items were reviewed by Commission members.

6. **Regional Water Authority Comments**  
   Re: 35 Sudol Court  
   This item was reviewed by Commission members.

7. **Other – none.**

**VII. INSPECTION REPORTS**

1. **Written Inspections**  
   Ms. Simone stated there were no written inspection reports.
2. Staff Inspections

a. Complaint 762 Allen Ave

Ms. Simone informed the Commission that she received a complaint from the homeowner at 762 Allen Ave regarding water in their basement.

Ms. Simone explained that the home is quite a distance away from wetlands but they were associated with problems with water in their basement with wetlands that are nearby; still they are up higher than the wetland area; they had some concerns about a property that had put some plywood in the wetlands across from Allen Avenue at 733 Allen Avenue and we are trying to associate that water in their basement was caused from this.

Ms. Simone said she went by the property and she did not see that there was any direct connection between the two but the property owner at 762 Allen Avenue to 733 Allen Avenue requesting that they not put things in the wetlands to obstruct water flow.

Ms. Simone said she would be writing the letter to the property owner at 733 Allen Avenue. She reported that she did not find anything as far a wetland violation or wetland concern tied to the water in the basement at 762 Allen Avenue.

b. Complaint 169 Country Club Road

Ms. Simone said staff received a complaint for 169 Country Club Road; this is the property at Country Club Road and Round Hill Road – its set back from Country Club Road and is right along Honey Pot Brook.

Ms. Simone explained to the Commission that there is a flexible pipe that goes from the house across the lawn and directly discharges into Honey Pot Brook. She said but looking where it is attached to the house – it’s directly attached to a sump pump that is in the basement – it does directly discharge into the brook.

Ms. Simone asked if Commission members had any questions or concerns.

Dr. Dimmick said partly whether it’s in our jurisdiction depends on when it was put in.

Ms. Simone said it looks like a new flexible tube.
Chairman de Jongh asked if staff thought they needed to have the applicant come before the Commission and explain why they took a flexible pipe and are draining water from their basement directly into the Honey Pot Brook.

Dr. Dimmick said this should obviously be into some kind of dissipater or something before going into Honey Pot Brook. He said he says that because there are some pumps that go directly into brooks that have been there for more than 35 years – those pre-existing situations the Commission can do nothing about.

Ms. Simone asked if the Commission would like staff to write a letter just stating that, that they can discharge from their sump pump however it cannot be a direct discharge into Honey Pot Brook but rather it would go onto their lawn.

Chairman de Jongh agree with staff that sending a letter would be to send a letter and reminding the property owner that the way they are trying to discharge the water now is not in compliance with the regulations – they can allow it to free flow into their property then seep into the ground and ultimately into the Honey Pot Brook but they cannot directly discharge into the Honey Pot Brook.

Dr. Dimmick said or even overland if it’s spread out enough.

c. Complaint Re: Cheshire Inn, South Main Street

Ms. Simone said apparently the Cheshire Inn is doing some renovating and someone who is staying there had come to Town Hall to inquire.

Ms. Simone reported that apparently they (Cheshire Inn) are dumping compound as well as paint directly into the storm water drain which is in their parking lot and that will then discharge directly into the Mill River.

Ms. Simone said DEP (Department of Environmental Protection) may be involved depending on what materials they are putting into the drain.

d. Other - none.

Chairman de Jongh asked that the record reflect that Town Attorney Kari Olson was present at tonight’s meeting.
VIII. ENFORCEMENT ACTIONS

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

   Chairman de Jongh stated that this item is subject of ongoing litigation.

   This item would also be discussed under unfinished business.

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

   Chairman de Jongh asked where they stood with this item.

   Ms. Simone stated there was still no activity - the property is just staying as-is; no additional cutting on the property, no additional soil disturbance.

3. Unauthorized Activities in an Regulated Wetland Area
   SC 3/16/10
   Michael and Bonnie Donato
   35 Sudol Court

   This item would be addressed under unfinished business.

X. UNFINISHED BUSINESS

1. Permit Application
   APP #2010-002
   Laura Willhite
   DOR 1/19/10
   R.O.W. – 971 & 477 Allen Avenue
   Water Service Lateral Installation
   MAD 5/29/10

   Ms. Simone informed the Commission that she has still not received any additional information from the applicant.

   Ms. Simone said the last they heard was when the applicant came to the Commission and submitted the application in January 2010 and that was the last time the Commission has had communication with them however they have been speaking with other town departments; there were issues with the Fire Department as well as Public Works; so they are working with the Town of Cheshire as well
as the City of Meriden to finalize the plans to bring them to this Commission.

Ms. Simone stated that she would send the applicant a reminder regarding the mandatory action date is May 29, 2010 and they are maxed-out as they had asked for the maximum extension.

Ms. Simone said so by the second meeting in May 2010 the Commission will be required to act on this item.

Ms. Simone said staff would send a follow-up letter to the applicant.

2. Permit Application
   APP    #2010-005
   Diversified Cook Hill, LLC
   DOR     3/02/10
   Plank Road
   FT      3/06/10
   Resubdivision – 14 Lots
   FT      3/18/10
   PH      4/06/10
   PH      4/20/10
   MAD     5/25/10

Chairman de Jongh stated that this item was to be subject of a public hearing this evening which has been postponed per applicant’s request.

3. Permit Application
   APP    #2010-007
   Karin Eichten
   DOR     3/16/10
   630 Cook Hill Road
   Modification
   MAD     5/20/10

Attorney John Lambert, 25 Trumbull Place, North Haven, CT was present on behalf of the applicant Karin Eichten.

Attorney Lambert said the last time he was here it thought the Commission had information; that information was supplied via an email that was forwarded to Suzanne Simone and the Town Attorney; he stated in his opinion, the email is fairly self explanatory.

Attorney Lambert said he received an email today suggesting that something was missing but he did not think there is.

Attorney Lambert said in the letter to him from Mr. Juliano is signed and has his signature; it says “I have attached a copy of the dewatering plan” that is the other document and yes it is not signed.

Attorney Lambert stated that Mr. Juliano was trying to explain the methodology – it’s on his (Juliano's) letterhead.
Attorney Lambert said he thought they submitted what they said they would submit. He said he thought they addressed questions of Mr. Warren Disbrow of Public Works & Engineering Department; he said the documents explains and answers Dr. Dimmick’s questions about what kind of formula to use.

Chairman de Jongh said as he looked at the documents, and he appreciated the fact that Attorney Lambert got the documents to the Commission; he said what came out at him immediately was the lack of someone verifying the information above was accurate and submitted by Mr. Juliano. He said all be it the document was an explanation of the things that the Commission asked for but no one is verifying the validity or the content of the information; he said anyone could have cut and pasted and put the information together – we have no way of knowing anything other than that.

Chairman de Jongh said the other thing that this Commission wanted to be able to do is to – if they had questions to be able to talk to Mr. Juliano about this; he said he understood Mr. Juliano could not be hear tonight because he is out of town, so this is something that he (Chairman de Jongh) wanted to have happen and several others did.

Attorney Lambert said he wanted to address the first part – he said he has represented to the Commission that he had an email from Juliano and that is what he forwarded; it was on his letterhead – it was the colored letterhead – yes – I supposed I could have pasted but he point was “how do we know it is his (Juliano’s) signature – could someone have forged that; Attorney Lambert said he really did not understand that.

Attorney Lambert said Mr. Juliano is not here tonight and that is why he asked council if there is any point of coming and he informed staff Mr. Juliano would not be here tonight so he could have saved the Commission all this time right now.

Chairman de Jongh said he appreciated that and certainly the concern of the time is appreciated on both sides.

Chairman de Jongh said he was suggesting and he was not speaking for the rest of the Commission members but while its on the letterhead there is no way of verifying that this information was in fact comments by Mr. Juliano and that is typically verified by a signature of the person who is writing that document.
Ms. Dunne said if the Commission decided that they needed to have him (Juliano) before the Commission that would be next week (May 4); we could then ask that Mr. Juliano next week to sign the document and that would take care of the problem.

Chairman de Jongh said that would be fine.

Dr. Dimmick stated for the record, he one, shared some of the Chairman’s concerns but two, he has gone through what was submitted and it is technically compatible with information he has from other sources so he would tend to think the information is valid – he said he would be more comfortable with some kind of verification.

Ms. Dunne said she thought that could be done when he comes back.

Attorney Lambert said he thought he (Juliano) would be back in a week.

Chairman de Jongh said again he is not saying the information before the Commission is not accurate, I’m not saying its not supplied by Mr. Juliano but he as a person on this Commission would feel more comfortable if his signature were on that reinforcing the fact that it is his comments.

Attorney Lambert said he wanted to put on the record that when he came here two weeks ago he said he received things and he thought the Commission had them (documents); the two things he received – the only difference between what he was referring to and this, unless he (Juliano) made a word or two change were the same things that were finally sent to him on Friday on Mr. Juliano’s colored letterhead.

Attorney Lambert said he is representing to the Commission that he had received several emails from Mr. Juliano all of which were from his firm and he did not think it came from anyone else and he spoke to him on the phone. Attorney Lambert said he did ask at the original meeting if you people would put in writing concerns that they had; should he tell him the members of the Commission refused to put anything questions in writing so he could be prepared.

Chairman de Jongh stated no – and he thought Attorney Lambert’s assessment was not accurate. He said the Commission was clear as to what they wanted; they wanted Mr. Juliano here so they could ask him questions at that time, recognizing he is not able to be here tonight.
Attorney Lambert said he understood and the fact that you may wish to ask him questions does not negate the efficiency of if you have other questions they could be asked before hand to please ask them.

Chairman de Jongh said he certainly appreciated that and the Commission would certainly do that.

Attorney Olson said the record needed to be clear, she said there were some email correspondence, the issue here is that two weeks ago when Attorney Lambert appeared before the Commission, he had indicate that something had been filed with this Commission which was not filed – that was received apparently by you on Friday, Ms. Simone and I did not receive until yesterday (April 19, 2010) morning and you (Attorney Lambert) asked that she make a representation to you as to whether Attorney Lambert’s attendance tonight and Mr. Juliano’s attendance tonight was required based upon that submission.

Attorney Olson said she is not a Commission member, all they could be possible do was submit this (the document) to the Commission for them to consider tonight – there was not enough advanced time for staff comments or for anyone else to make any kind of representation to you.

Attorney Olson said her point to Attorney Lambert in her email was that this should have been done two weeks ago – that is the frustration that we are here again tonight because of the last minute submission so before you criticize the Commission I think we should set the record straight.

Attorney Lambert said he was not criticizing the Commission at all but he thought the fact of the matter is – the question was there a point that you take it out – that’s all because the easiest thing to do is exactly what you did with the public hearing – nothing came in the two weeks and you postpone it – that is all he was asking for – I’m not criticizing the Commission, I was asking that if they were not going to bother taking this in as evidence is there any point in showing up; I’m here and I’ll be here again but all he asked if as a matter of courtesy – he said he tries to treat this Commission with courtesy is if you have questions in advance why spring them on an engineer – let him give you the answer.

Chairman de Jongh said well again, first off as a Commission, and just speaking as the chair, we could not tell you not to show up without having conservations with these Commission members and not having the stuff until virtually today – we received it yesterday.
Chairman de Jongh said he could not anticipate the questions from the other six or seven members might be and to the extent that again, as the Commission reads the information received questions may come up. Chairman de Jongh said he was not a suit sayer and he didn’t think he could anticipate the questions may be.

Chairman de Jongh informed Attorney Lambert that his presence was appreciated as Mr. Juliano’s presence will be appreciated when he comes to the next meeting, May 4, 2010.

Chairman de Jongh said as Ms. Dunne suggested what they will do then is postpone this, any further consideration on this pending the appearance of Mr. Juliano so the Commission can ask the questions and we also require that his signature appear on the documents that he submitted verifying its validity.

Dr. Dimmick said there is another problem, so far he (Juliano) has not submitted anything to us it’s come through you (Attorney Lambert).

Attorney Lambert said he did not know why that was a problem but I’ve been the delivery boy if that’s what you will; everything that has been submitted has been done by hand.

Ms. Simone said that she had a few things to add. In the document dated March 22, 2010 it make reference to something that’s attached yet it wasn’t in wasn’t in.

Attorney Lambert said there was a letter written to him submitted to the Commission and it says there is an attachment that describes a dewatering plan. He said when he looked at the unsigned things – gee wiz it seems like it looks like a dewatering plan…..

Ms. Simone read the sentence in one of the written documents submitted – “I have attached information on a typical pump which could be used for such an operation.”

Ms. Simone asked where the attached information on a typical pump.

Attorney Lambert said he thought it talks about this 500 gallon per minute.

Ms. Simone said it was unclear to her when he (Juliano) talks about an attachment – “I’ve attachment information” – my question is – is a separate document or is it contained in the text?
Attorney Lambert said he would be so happy to ask him (Juliano) if he has been misunderstood and if he is missing something let’s send it to you (staff). Isn’t that easy – isn’t it.

Ms. Simone said it should be – yea exactly – that was her point.

Ms. Simone informed the Chairman that the Engineering Department has this information but has not had a chance to review it so there are no comments available tonight.

Chairman de Jongh stated there still are a number of issues that need to be addressed and hopefully taken care of at the May 4, 2010 meeting.

Further consideration on this item was deferred pending receipt of additional information, the signed copy of the documents as presented to the Commission, information relating to the pump – the typical pump was referenced in Mr. Juliano’s document as well as the appearance of said person at the same time.

4. Permit Application

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<thead>
<tr>
<th>Permit Application</th>
<th>APP</th>
<th>#2010-008</th>
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<tbody>
<tr>
<td>Bonnie and Michael Donato</td>
<td>DOR</td>
<td>4/06/10</td>
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<tr>
<td>35 Sudol Court</td>
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<tr>
<td>Wetland and Upland Restoration</td>
<td>MAD</td>
<td>6/10/10</td>
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Ms. Simone informed the Commission that they received the restoration plan for 35 Sudol Court.

Ms. Simone stated that the plan does lay out some possibilities for the owner to undertake but it doesn’t give specifics as to what the property owner’s requesting to do.

Ms. Dunne said it also doesn’t seem to indicate whether the property owner agrees with the suggestions.

Ms. Simone stated that was right.

Dr. Dimmick said that was part of the problem – this is not what they would normally receive as being a permit request that they could act on in that there are too many alternatives here and so if the Commission tries to permit on this basis it’s almost like they (the applicant) can pick or chose which they would do. He said they can always go through and specify that they will do this and they will do that but the problem with that is that it has been the Commission’s tendency to get the specs from an applicant and okay them or
modify; this document does not have specifics as to what they are going to do.

Chairman de Jongh said part of the problem is that there is no schematic to give them an idea as to where the plants are supposed to go even if they don’t have to be in the exact specification - latitude and longitude but there is no visual schematic in terms of what the planting schedule is going to look like.

Chairman de Jongh said there were a number of things missing and in his opinion that prohibit the Commission from acting on this item this evening.

Ms. Simone asked if the Commission would like her to contact the owner as well as the person who drafted the restoration plan and suggest they put something together for the next meeting for the Commission to review of what it is they really want to do and lay out how they are going to do it.

Chairman de Jongh said if staff could communication that to the parties involved so they know clearly that the Commission is not going back and forth and keep asking for things; they are clear as to what the Commission needs and that is more specificity and what the restoration plan is going as well as a diagram on how this is ultimately going to look.

Dr. Dimmick asked if it would help if they were given a sample of applications that were approved in the past regarding this sort of thing; to use as a guideline or model.

Ms. Simone agreed, saying yes that would help.

Further consideration on this item was postponed pending receipt of required information. This item would be addressed at the May 4, 2010 meeting.

XI. NEW BUSINESS

1. Request for Determination
   Modification of Plants R Us - Permit # 2010-004
   150 South Meriden Road

   Nancy Levesque, PE was present on behalf of the applicant.

   Ms. Levesque informed the Commission while Mr. Pasqualoni was constructing the greenhouses; he constructed the two that are to the
south and has filled them up essentially and at easy of the operation
his desire is to – where there is an empty spot in the center before to
build what is called a hen-house greenhouse – it’s an A-framed
greenhouse which would connect to those two that he has
constructed and then he would install a third greenhouse but remove
the fourth one and use that as a loading area.

Ms. Levesque said one thing that was a concern was that that center
area which is 25’ by 50’ would be concrete and would be a loading
dock – it doesn’t modify the grading too much on them; it really is
just an extension of the use but they want to come in and determine
whether or not they had to do a full modification of the permit or if
this would be something else that would be permitted under the
greenhouse use.

Ms. Levesque said also, one thing that had been neglected before
that she hasn’t put in was electric and water to the greenhouses; she
indicated those services and they are shown running underground;
right now they are just over the ground.

Ms. Levesque said now there is a good sized hose running from a
hose bib out to the greenhouse for water – he would like something
more permanent; for electric they could go overhead but since they
are coming back in and it is really no further disturbance then they
were proposing before but the layout has changed somewhat so they
didn’t want anyone to be surprised – nothing has been done yet.

Dr. Dimmick said that he would think that the water line is going to
require a request for permit modification under the circumstances;
that is certainly something that would have required a permit under
the original application and the electric should be added to it.

Dr. Dimmick said as far as the other structure – the other greenhouse
– is that requiring any more fill.

Ms. Levesque said it is not requiring anymore fill – its essentially at
the same level as the other greenhouses; they are actually removing
a bit of material in order to get the 4’ drop for a loading area so its
not requiring any fill.

Dr. Dimmick said originally the greenhouses were a permitted
activity unless there was fill being placed.

Ms. Levesque said fill is being moved around but they haven’t
brought in any fill other than what’s been necessary for piping and
they have added a small drain along the back of the greenhouse just
because of the slope cut; there is quite a bit of water coming out right now – there is a lot less water then there was the main difference was that this greenhouse going the other way was going to be concrete verse just being the weed mat; it’s a little bit more permanent of a structure than the other greenhouses but there is no fill required.

The Commission reviewed the plans and the existing and proposed greenhouses.

Chairman de Jongh asked if the proposed greenhouse was going to have a concrete pad. He asked if greenhouse typically had a concrete floor.

Ms. Levesque said yes – a concrete pad. She said the proposed greenhouse has a concrete base, they other two have a weed mat on the base. She said that was proposed for all four initial greenhouses was a weed mat for the base, however this structure just to make it easier for the loading of the trucks the applicant would prefer to have it as concrete.

Chairman de Jongh asked what happens for oil and gas that leaks off of that concrete pad in the wetland area.

Ms. Levesque stated she will have the applicant do a containment area within – actually within and drain within that area so they can stop anything like that from happening.

Dr. Dimmick said in his opinion he thought the proposal was an as-of-right activity.

Chairman de Jongh said they are now putting concrete where concrete typically wasn’t going to go.

There was discussion about building greenhouses as an as of right essential to a farming operation which is the language that is in the statute.

Dr. Dimmick said in his opinion, the proposed fall under the activity of essential to the farming operation.

Chairman de Jongh said he would certainly want some kind of drainage system in place to catch any kind of oil or gas or whatever might drip. He also agreed with his colleague’s requirement that it probably does require a modification permit for the installation of the utilities.
Mr. Alderson said he would second Dr. Dimmick’s statement on both accounts, one that he agrees it probably needs a modification for the water and utility but the concrete structure seems to pertinent to the greenhouses and essentially to the greenhouses if he is not mistaken so it seems to him it is a permitted activity under agricultural use.

Ms. Simone said the Commission cannot add any stipulations to activities that are deemed as of right but the applicant can present something and the Commission can say that is okay as a matter or right but they cannot modify what is a matter of right.

Chairman de Jongh asked Ms. Levesque if she was presenting the proposal as an illustration with a drain for oil and gas that may seep from any mechanical equipment – is that what she is presenting.

Ms. Levesque stated for the record that the plan was going to be modified to do so – provide an illustration with a drain for oil and gas that may seep from any mechanical equipment, when she brings it in for the actual permit modification. She said presenting that will cover any hesitation the Commission may have. A drain will be proposed in the modification with water separation as necessary.

There was discussion about the use of only light weight trucks accessing the greenhouses. Ms. Lévesque stated that was correct – only light weight trucks will be used.

Ms. Levesque said the applicant will present with the water and the electric line with the modification the correct oil water separation so the wetland won’t be damaged.

Motion: In reference to the proposed modification of CIWWC permit application 2010-004 as specified in a letter to the Commission of April 14, 2010 moves that the Commission declares that the removal of one greenhouse in favor of driveway loading area and the addition of a central greenhouse for equipment storage and the loading and unloading of plants are within the definition of as of right uses for farming; that the installation of underground water and electric supply to the greenhouse will require a modification to the permit and the installation of curtain drains east of the greenhouses can be considered a construction essential to the farming operation and therefore would be permitted as of right.

Moved by Dr. Dimmick. Seconded by Mr. Alderton. Motion approved unanimously by Commission members present.
2. Approval of Minutes April 6, 2010 Public Hearing & Regular Meeting

Motion: To approve the minutes from the April 6, 2010 public hearing and regular meeting with corrections.

Public Hearing: pg 2 L22 delete “; it”; pg 2 L25 add “by” before “residential”; pg 3 L28 “underlined” to “underlying”, L34 “service” to “surface”; pg 4 L17 delete “the”; pg 5 L9 “Edge” to “Sedge”, L10 should read “typically has a”, L35 delete “during this”, L44 delete “its”; pg 7 L5 “site” to “sight line”; pg 9 L24 “many” to “mainly”; pg 12 L24 “prevue” to “purview”.

Regular Meeting: Pg. 3 L39 “in tact” to “intact”; pg 13 L15 “dominate” to “dominant”, L16 “soft-thrush, tusicks-edge” to “soft rush, tussock sedge”; pg. 14 L38 “not” to “now”; pg 16 L47 “Wing Dunomous” to “Winged Euonymus”; pg 17 L5 “dominate” to “dominant”, pg 18 L22 “n” to “any”.

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

XII. ADJOURNMENT

The meeting was adjourned at 8:09 p.m. by the consensus of Commission members present.

Respectfully submitted:

Carla Mills, Recording Secretary
Cheshire Inland Wetland and Watercourse Commission