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

Member (s) absent: Benjamin Alderton

Staff Present: Suzanne Simone and Attorney Kari Olsen.

Ms. Fiordelisi served as secretary pro-tem in Mr. Alderton’s absence.

I. CALL TO ORDER

Chairman de Jongh called the meeting to order at 8:09 p.m.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited at the public hearing.

III. ROLL CALL

Ms. Dunne called the roll at the public hearing. Members present at the public hearing were still present for the regular meeting. Mr. Bowman had recused himself for the public hearing presentation due to a conflict of interest. Mr. Bowman was present for the regular meeting.

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

IV. DETERMINATION OF QUORUM

Chairman de Jongh determined there were enough members present for a quorum at the public hearing.

V. APPROVAL OF MINUTES – Regular Meeting – March 16, 2010

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

VI. COMMUNICATIONS

1. Site Walk Minutes of March 18, 2010
Ms. Simone stated the first item under communication were the site walk minutes of March 18, 2010. She explained this item was listed as a communication; there was not a quorum for this site therefore the Commission does not need to go through the formality of accepting the minutes.

2. Letter from Louis Pasqualoni
   Re: Commission Inquiry of tree cutting at 456 East Johnson Avenue

Ms. Simone said the second communication is a letter from Louis Pasqualoni regarding the Commission’s inquiry of tree cutting at 456 East Johnson Avenue.

3. Correspondence from Connecticut Pond Services
   Re: Aquatic Pesticide Permit Applications

Ms. Simone stated the third correspondence from CT Pond Services regarding an aquatic pesticide permit application.

4. Staff Review with Attachment
   Re: Revision - Meadowview Estates Permit # 2010-005

Ms. Simone stated the fourth communication was a staff review with attachment regarding revision of Meadowview Estates permit #2010-005 which was subject of a public hearing tonight.

5. Staff Review with Attachments
   Re: 175 South Brooksvale Rd. – Permit # 2009-021A

Ms. Simone stated communication number five was staff review with attachments regarding 175 South Brooksvale Road regarding permit #2009-021A which will be addressed by staff under enforcement actions.

6. Staff Review with Attachment
   Re: 630 Cook Hill Rd. – Permit # 2010-007

Ms. Simone said communication number six is a staff review with attachment for 630 Cook Hill Road regarding permit #2010-007 which is under unfinished business tonight.

Ms. Simone stated that handed out at tonight’s meeting were the following communication items:
7. Engineering Department review of revised plans for Meadowview Estates.

This communication was review by Commission members.
8. Copy of CACIWC Spring 2010 Habitat Newsletter

This communication was review by Commission members.


A copy of the Connecticut Agricultural 2010 Fairs Brochure was made available to Commission members courtesy of Dr. Dimmick.

10. Other – none.

VII. INSPECTION REPORTS

1. Written Inspections

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

2. Staff Inspections

a. 175 South Brooksvale Road

Ms. Simone stated that a staff inspection report of South Brooksvale Road will be covered enforcement.

b. 1259 Notch Road

Ms. Simone said she received an inquiry about 1259 Notch Road. She reported that she did go by the property and saw evidence of some tree limbs that had been cut.

Ms. Simone reported that the inquiry was about clearing of land; she stated she had not seen that she just saw tree limbs that had been cut but that the under story was intact and no soil was disturbed.

Mr. Bowman asked staff if she knew the name of the property owner.

Ms. Simone replied she did not recall the name. She said the water from Mixville Pond comes right next to the property; there’s a waterfall – you can see it from Notch Road.

Mr. Bowman stated the house to the left of the waterfall is owned by Dynard.
Ms. Simone stated again that she saw tree limbs that were accumulated but no soil disturbance and no under story that had been cut.

Dr. Dimmick said in his opinion it doesn’t sound like a problem.

VIII. ENFORCEMENT ACTIONS

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

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

   There is also an item under unfinished business relative to this item.

2. Unauthorized Activities in a Regulated Wetland Area
   SC 01/06/09
   Mr. Chris Lambert
   SC 01/20/09
   Highland Avenue
   SC 02/03/09
   SC 02/17/09

   Chairman de Jongh asked staff if there was any movement on this item.

   Ms. Simone stated no.

3. Unauthorized Activities in an Regulated Wetland Area
   SC 11/06/09
   Amit & Uma Joshi
   SC 12/01/09
   175 South Brooksvale Road

   Ms. Simone stated she received notification from Mr. Joshi and Mr. Arisco regarding the status of the wetland restoration permit #2009-021A and she was informed the work was going to be completed by March 25, 2010.

   Ms. Simone said she did go out to the property on March 26, 2010 and she observed that the restoration had been completed according to the permit. All of the plants are in place. The wetland boundary markers are up on 4 by 4 posts; they had installed the silt fence around that area – a layer of wood chips as well as having the immediate area and the entire front yard sodded.

   Ms. Simone said so looking through all that information in the permit, it was required that Mr. Joshi send a letter to the Commission indicating that the work has been complete which he did submit.
Ms. Simone stated that only outstanding is the Commission’s requirement to have a year long monitoring and replacement as necessary of any plants that die within a year of planting.

Chairman de Jongh suggested that this item be kept on the agenda.

Dr. Dimmick asked if there was a draft motion to lift the violation.

Ms. Simone stated yes – attached to the staff inspection are two photographs that were taken on March 26, 2010 that show the wetland area; first in larger scales that you can see the lawn and then up close where you can see the wetland area, the plantings and at least one of the markers visible in the photo.

Ms. Simone stated she did draft a motion to release the notice of violation and in addition there is a draft notice to the Town Clerk to release the same that is recorded on the town records.

Motion to Release Notice of Violation:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors relevant to the issuance and release of the subject Notice of Violation, Commissioners’ knowledge of the area, and after review of Staff inspections and information provided by the property owner on this matter, finds the following:

1. That on September 23, 2009, a Notice of Violation was issued to Amit Joshi for Violation of CIWWC Regulations. Specifically, clearing of vegetation, grading of soil, excavation of drainage swales, use and storage of excavation equipment within a regulated wetland and upland review area without review by or authorization from the Cheshire Inland Wetlands and Watercourses Commission.

2. That at the October 6, 2009 Show Cause hearing, the Commission determined that inland wetland violations exist at 175 South Brooksvale Road.

3. That on November 3, 2009, the Commission approved, with stipulations, CIWWC permit application #2009-021, the permit application of Amit Joshi for wetland restoration and upland drainage.

4. That on November 24, 2009 a Notice of Violation was issued to Amit Joshi for Violation of CIWWC Regulations. Specifically, the clearing of all vegetation on site, evidence of equipment tracks through the wetland.
wetland area, deposition of upland soil in the wetland area, and the lack of any sedimentation and erosion controls on site.

5. That at the December 1, 2009 Show Cause hearing, the Commission determined that inland wetland violations exist at 175 South Brooksvale Road.

6. That on January 19, 2010, the Commission approved, with stipulations, CIWWC permit application #2009-021, the permit application of Amit Joshi for wetland restoration and upland drainage.

7. That Commission Staff visited the site on March 26, 2010, and has verified that all Commission-approved site activities connected with CIWWC Permit #2009-021A have been completed.

Therefore, the Cheshire Inland Wetlands and Watercourses Commission does hereby determine that all issues in the Notices of Violation issued to Amit Joshi for Violation of CIWWC Regulations on property generally shown as Assessor’s Map 84, Lot 287 have been addressed. Further, the Commission does hereby release and discharge the aforementioned Notices of Violation.

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

Motion:

To approve the sending of a letter to the Town Clerk drafted by staff noting that the violation recorded in the land records of property at 175 South Brooksvale Road has been lifted.

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

Chairman de Jongh thanked Mr. Joshi for working with the Commission on this issue; he also stated that the area looks a lot better.

4. Unauthorized Activities in an Regulated Wetland Area  SC 03/16/10
Michael and Bonnie Donato
35 Sudol Court

Ms. Simone stated there is a basic application under new business tonight for this same issue.
Chairman de Jongh said then they will defer any conversations until we bring it up at that point.

X. UNFINISHED BUSINESS

1. Permit Application
   Laura Willhite
   R.O.W. – 971 & 477 Allen Avenue
   Water Service Lateral Installation
   
   Ms. Simone said it was her understanding is that the applicant is still working with the City of Meriden to finalize the plans. She said the applicant is aware that their mandatory action date which they extended at the last meeting is now May 29, 2010, after which time there will be no extensions allowed so hopefully they will get everything together and bring it to the Commission in a timely manner.

   Chairman de Jongh said let’s play devil’s advocate for a second and they don’t.

   Ms. Simone said the Commission has within its authority to deny it since there really has not been any information provided.

2. Permit Application
   Diversified Cook Hill, LLC
   Plank Road
   Resubdivision – 14 Lots
   
   Chairman de Jongh stated this item was subject of tonight’s public hearing. The public hearing was continued to April 20, 2010 meeting. He noted this item was subject of a field trip that was conducted on March 6 and March 18, 2010.

   Further consideration on this item was deferred.

3. Permit Application
   Karin Eichten
   630 Cook Hill Road
   Modification
   
   Attorney John Lambert, 25 Trumbull Place, North Haven, CT was present on behalf of the applicant Karin Eichten.
Attorney Lambert addressed the Commission. He started his presentation by saying this application is a modification of both applications that were filed last year.

Attorney Lambert stated the first application filed last year was the “the one we wanted which was the lowering of the pond”; the second one the one this Board wanted which was the restoration of the outlet structure. He said in his opinion, the two don’t fit well together – both were approved.

Attorney Lambert said he did not think they both fit well together because there is no need to have the outlet structure completely repaired and 2’ above the waterline in order to accomplish the lowering of the pond.

Attorney Lambert said it was also mentioned at approvals last year that a “v-shaped weir” might be preferable to holes.

Attorney Lambert said Mr. Bowman was the person suggesting that but the Commission was against making any changes to what was applied for.

Attorney Lambert said we are here asking to be able to saw off the top of the outlet structure at about the height where the damage ends so they would have a totally clean lip to it and from there insert “v-shaped weirs” in order it and keep the pond at the level that has been approved; that is why it is an application for both of them.

Attorney Lambert said there were some questions at the meeting three weeks ago – both from Engineering and from staff. He said he believed that Mr. Juliano has responded to them.

Attorney Lambert stated it was his understanding that Mr. Juliano filed letters two weeks ago.

Attorney Lambert said he had not received any questions in addition to them or questions following up on those.

Attorney Lambert said one of the questions that Dr. Dimmick had was whether it was a “sharp-crested” or some other type weir.

Dr. Dimmick said the formula for the weir – are a v-shaped weir there’s two formulas one is for a sharp –crested weir and the other is for a broad-crested weir and it does make a difference what formula is used.
Attorney Lambert said and Mr. Juliano has responded to that by identifying the formula he used with a civil engineers handbook and has referred to it as a “sharp=crested weir.”

Attorney Olsen asked what the date of the letter was.

Attorney Lambert stated he thought it was March 22, 2010.

Ms. Simone said if she could just clarify to the Commission – she said she was not aware of any letter and if Mr. Juliano submitted if its not in their (the Commission’s) file and if he did submit it he (Juliano) would have received a receipt from our office and stating the letter was received.

Tape change.

Attorney Lambert said that the letter he had from Mr. Juliano was a draft of a letter and it was not on letterhead (Juliano).

Attorney Lambert said the copy of the draft letter he has is the draft that Mr. Juliano planned to submit.

Ms. Simone stated for the record, they have not received anything.

Attorney Lambert said to him, he (Juliano) identified it has a “sharp-crested weir”; the responded to seemed to be that the important question asked by the Engineering Department was one of the integrity of the outlet structure after creating the a v-shaped weir; he said the response he saw said that is why he (Juliano) wants to seal-it and the sealant should protect the structure.

Attorney Lambert said moreover he guessed his own point was – we were already drilling holes in the structure – that’s been approved; there were not comments to drilling holes in the structure somehow shorting the life of the structure.

Attorney Lambert said he supposed he would add just one more thing – there is no obligation here to maintain the structure or to replace it at any time; if it crumbles – he said he believed it was Mr. de Jongh’s comment long ago that nature takes it’s own course and all structures including reinforced concrete pipe structures will eventually deteriorate and fail but when - Attorney Lambert said he could not say because he was not an engineer.
Attorney Lambert said in any event if you don’t have them – I’ll be happy to make certain he (Juliano) files because he was told it were filed two weeks ago.

Ms. Simone stated it’s (the letter) is not in their file.

Chairman de Jongh said he thought the letter from Mr. Juliano was a critical piece that the they as a Commission needs to have to understand or at least have an idea as to Mr. Juliano came up with his recommendation.

Attorney Lambert said he has a reference in it but it’s not signed by him (Juliano) – it’s the draft he said he was going to submit.

Chairman de Jongh said as he said – a signed letter with someone’s name attached to it on their letterhead would be far more important to the Commission then just a draft letter on copy paper.

Mr. Kurtz said didn’t they also request that Mr. Juliano be here so the Commission could ask him questions.

Chairman de Jongh stated he believed they had requested Mr. Juliano’s presence at the meeting.

Attorney Lambert said that you – Mr. Kurtz had requested that and he had requested that “concerns be given to us so we could do it without the cost of doing it.”

Attorney Lambert said this is a minor modification; this is a modification that was suggested by one of your members and manages to make things simpler and accomplish all of the goals.

Mr. Kurtz nothing is simpler because they have not produced the expert.

Chairman de Jongh asked to clarify one point – yes is was a comment made by one of our Commission members who is not an engineer; it was merely a comment in conversation and he thought those kinds of recommendations to repair or modify an application before the Commission needs to come from a professional who has the expertise to determine that as an accurate modification not a comment pulled out of context in a conversation.

Mr. Bowman stated that his comment was just a suggestion – it has nothing to do with the recommendation. It was a suggestion that it
was one of the ways of accomplishing what the applicant was trying to accomplish in their application.

Attorney Lambert stated he understood that.

Mr. Bowman stated it was a suggestion – not a recommendation.

Attorney Lambert said it seems to him the problem they have is that he has come with the assumption that stuff was filed and it hasn’t been so he would make sure it gets filed and verify it with Suzanne when it does get filed.

Attorney Lambert said he would take it (the matter) up in the morning.

Chairman de Jongh said again he didn’t know what the content of that is and I don’t know what other comments Engineering might have or other professional we as a Commission reply on might have for those comments but if it requires testimony from Mr. Juliano, we are going to ask that he be here; he said he understood that you (Attorney Lambert) are trying to minimize the costs but we’re also try to get this off our docket as quickly as they can as well but they need to be able to have access to the information that they can make a decision on as a Commission.

Attorney Lambert said he understood.

Attorney Lambert said one of the concerns and he (Juliano) does narrate in the draft that he has seen and you will get this – was just a primarily point you have is he goes through how to dewater this which is with pumps and recommends that it get to somewhere around 30,000 gallons per hour in order to lower the pond and it would be temporarily be lowered a little bit below the permitted level in order to get a dry surface for the entire area that is being worked upon including the bottom of the “v” and I think the comment and I’ll ask him to address it because we hadn’t had the storm yet but one of the things that was said in how to dewater this – if you recall from the earlier hearing both of the experts at those hearings mentioned that the dewatering that took place by the damage to it cause no adverse effects to the wetlands and that’s because – the amount of water that can go out there on a natural basis and has been going out of there on a natural basis for at least the 30 years that the structures have been there far exceeds what the dewatering or what the dewatering that wasn’t permitted or dewatering that is proposed.
Attorney Lambert explained that they had just had a storm that was of a 100 year type of level – he said he did think they have had the same type since June 1982 and if you go out there, you can see that nature itself has created a downstream pathway that accommodates these father large amounts of water.

Attorney Lambert said he did not know the letter wasn’t there or he would have not taken up any of your (the Commission’s) time.

Chairman de Jongh said he would suggest that they keep this item on the agenda pending receipt of the information (Juliano letter) so that Commissioner’s have a chance to take a look at the information and make comments accordingly.

Attorney Lambert stated thank you and that he would confirm with Ms. Simone to make sure the letter is on and when it gets in.

Chairman de Jongh stated for the record that this item would be kept open pending the receipt of the information (from Mr. Juliano).

XI. NEW BUSINESS

1. Permit Application APP #2010-008
   Bonnie and Michael Donato DOR 4/06/10
   35 Sudol Court
   Wetland and Upland Restoration MAD 6/10/10

   Ed Bylinski from Milone & MacBroom was present. Mr. Bylinski informed the Commission that he is a professional wetland scientist as well as a forester.

   Mr. Bylinski informed the Commission that he reviewed property and conducted a site walk and he was going to give the recommendations for the wetland restoration.

   Mr. Bylinski stated that he had copies of a visual aid he wanted to submit to the Commission.

   Commission members reviewed the visual aid showing the subject parcel.

   Mr. Bylinski explained as part of the wetland encroachment that he identified on the map outlined in red is the limit of clearing that was conducted.
Mr. Bylinski stated the total amount cleared was .57 acres; 0.08 acres was within a wetland.

Mr. Bylinski said when they went through and did their investigation they split the area into three zones as labeled on the figure; upland, transitional and the wetland area. He said then they have a replanting and restoration plan for each of the three zones – the first being the wetland.

Mr. Bylinski explained the wetland was mostly a wet meadow with the dominate species were soft-thrush, tusicks-edge, Skunk Cabbage – normal herbaceous material that would be in that type of community.

Mr. Bylinski said the clearing was mostly along the transitional area of the wetland – most of the clearing was not done actually in the wet meadow however there were some ruts from the tractor that were left in the area that caused some standing water.

Mr. Bylinski said the transitional area was mostly a scrub-shrub community – Silky Dogwood, Nana-Berry, some small trees – Red Maple and some American Elm that were cut in that area.

Mr. Bylinski explained from what he saw there’s probably ten to maybe twenty clusters of Silky Dogwood that were cut – clusters were maybe ten to twenty stems each.

Mr. Bylinski said and then the upland area which was the majority of the clearing was small trees, scrub-shrub, a lot of Silky Dogwood, Red Maple, and Elm.

Mr. Bylinski said the stumps that he saw which ranged from about ten to twenty stumps were 1” to 5.”

Mr. Bylinski said in this area what they recommend be done in the wetland area is go through and rake out those ruts that were caused by the tractor; they found that there was no erosion, there was no root material that was taken out of the site so there was no sediment that went into the wetland so the damage was minimal to the wetland system.

Mr. Bylinski said what they suggest is they rake out the areas that were damaged and then put down a seed mix and try to bring the wetland back to where it was before.
Mr. Bylinski said as far as the transitional area – as far as the silky dogwood which was obliviously the dominate species; the roots systems are in tact and that area will eventually start resprouting and probably by even next year there will be many sprouts out.

Mr. Bylinski said what they want to do in that area is in addition what is going to resprout they were going to do replanting.

Mr. Bylinski said they came up with a planting scheme to replant the trees that were cut in that area; they have two Red Maples, two American Elms, a Weeping Willow tree and two Pussy Willow trees that would be scattered along the transitional area.

Mr. Bylinski explained what they suggest for the upland area – the biggest problem that he saw when he went out was is there is a serious, serious invasive species problem. He said the Multi-Flora Rose was extremely dense in the area as he could see from the cut stems.

Mr. Bylinski said there was a lot of Bitter Sweet vines, you can see along the top area to the north of this site along the clearing limits there is actually a line of trees there that are existing and they are almost all girdled from the vine – they were so dense.

Mr. Bylinski said from what they want to do based on the recommendations is to try to keep that area an old field community. He explained before they went out there, he looked at the function and value when Milone & MacBroom did this development; he said this area was supposed to remain kind of an open field – late succession area; there is a lot of bird habitat, insect habitat – he said they want a lot of grasses in there; he noted that invasives came through and just completely took over that area.

Mr. Bylinski said not that the area has been cleared he thought that the first recommendation would be to keep that area and maybe go through and allow a fall time mowing once a year.

Mr. Bylinski said in addition they want to plant some old field species; five Red Cedars – he said Red Cedars are highly browsed by deer in this area too so they are also proposing that Juniper could be substituted for the Red Cedar. He said there area also a couple of Apple trees that are there and they want those to remain in that community – so there are three Apple trees that are going to be planted in that area too.
Mr. Bylinski said if the Commission does not want to allow any mowing in this area and they want to keep it strictly just a review area – then they would suggest the scattering of about ten to fifteen more seedlings. He said the seedlings will be about two’ to three’ tall – they are coming from wetland plants.

Chairman de Jongh asked if Mr. Bylinski had something in writing that the Commission can review in terms of recommended planting schedule.

Mr. Bylinski said he planned on submitting a formal report; he said they just wanted to know in this upland area if the Commission would allow a yearly mowing in order to keep that an old field community.

Dr. Dimmick said speaking strictly for himself he found that a yearly mowing October does help maintain meadow conditions which then provides habitat that you would not otherwise get. He said he did not know what the other members thought about this issue.

Mr. Bowman stated he would concur – absolutely and that is what he was going to suggest. He said if it’s not mowed and he asked Dr. Dimmick to correct him if he was wrong – will the invasive species just come back.

Dr. Dimmick stated that the invasive species definitely would come back.

Chairman de Jongh said the only comment that he has about mowing it – he said he did not know if it’s almost an open invitation for the homeowner to do whatever he/she wants to do in that area because it’s mowed; and that is certainly one of the things that they want to try to prevent.

Chairman de Jongh said usually when they have a non-encroachment area – passive activity is fine; it’s the active stuff they are concerned about and not necessarily for the original homeowner but whoever buys it the second, third, fourth or fifth time.

Dr. Dimmick said if you mow once in the fall at about an 8” height or something like that it tends to keep the invasives down and still provides the shelter you need.

Chairman de Jongh said he just did not want to see the area become a lawn area.
Dr. Dimmick said things like Meadow Lark absolutely depend on that kind of habitat.

Chairman de Jongh said his concern is not so much for the existing homeowner – his concern so for the next person who picks this up and has not heard this commentary; he said unless he was wrong he did not think there was any verbiage on the land record that says “you only have to mow it once a year” kind of thing.

Mr. Bowman asked if it could be put on a deed.

Ms. Simone stated no, there is no statute that would allow the Commission to enforce that.

Chairman de Jongh said “so out of site out of mind” which is how this thing came to their attention in the first place.

Ms. Simone explained in the area immediately behind the house which is in the area identified as upland area – the homeowners had indicated there were some pricker bushes and when she went out to the site it appeared as those probably Multi-Flora Rose was on that property; she said she saw at that time the person out there had a chipper and her fear is that they chipped the Multi-Flora Rose basically then dispersed throughout the upland area.

Ms. Simone said so the question is then if mowing does continue for the years that the Donatos own the home; let’s say that Multi-Flora Rose is growing up even a foot is going to get cut and then that is going to get dispersed; what will happen over time when the area stops getting mowed and now you have this entire area covered in Multi-Flora Rose – its there any provisions in the plan that would really address the invasive species and really try to reduce it in addition to mowing, understanding that mowing may not be the long term solution.

Mr. Bylinski said what they have suggested here is actually to develop an old field community. He explained the old field community will enhance all the species – the Milk Weed and the grass species and when these build up in the under story and on the ground layer the invasive species can’t compete with them.

Mr. Bylinski explained that the invasive species especially the Multi-Flora Rose and Wing Dunomous is that they will get to a certain point – they’ll get to 4’ to 5’ tall and then they will start shading out everything below them and that its when they become dominate, that’s really when they become a problem.
Mr. Bylinski said if the can do a once a year mowing and they start mowing these Multi-Flora Rose down to a certain point and keep them to the point where they’re not out-completing everything around them, the root systems will eventually die and they will be removed from that area.

Ms. Simone stated okay.

Dr. Dimmick said he thought they could try for some language even though they’ve been told they can’t this on the land record and can’t put this on the deed, we can still try for some language in terms of remediation which will for a while at least allow for that.

Ms. Simone said well certainly when it comes through as the application and the Commission reviews the plan – it could be a stipulation allowing mowing to happen once a year to require it –

Dr. Dimmick said it pretty much needs to be fall otherwise you are going to disturb the nesting birds that do nest in the Spring.

Ms. Simone said right and if the applicant is requesting for that specifically the Commission then could list that as an approval in a stipulation but to require an applicant who did not state any interest in doing this – that would create a difficulty.

Chairman de Jongh said okay.

Mr. Bowman said but it is a recommendation from the professional that they hired.

Ms. Simone said right and if the application is stating that they would like to mow once a year and they would like to mow to this height and they would like to mow in October then the Commission could allow and provide a stipulation based on that but not a requirement coming from the Commission.

Chairman de Jongh said so we can lead them to water but we can’t make them drink.

Ms. Simone stated yes.

Dr. Dimmick said he would like a clarification – he said he mentioned 8” – that is what he was taught 25 years ago and he has not read anything since – he said he did not know if that was about right.
Mr. Bylinski said yes – that is definitely about right; he said he was thinking probably about 6" but that is definitely in the ballpark.

Mr. Bylinski said another thing he would like to say is if this wasn’t mowed and we went through with another recommendation of maybe planting more trees in that area – its just going to turn right back to what is was.

Mr. Bylinski said the way they are looking at it is that this is his (Mr. Bylinski’s) recommendation and also that of William Root, the senior Environmental Scientist at Milone & MacBroom.

Mr. Bylinski said they came up with this plan because there really isn’t n alternative for this kind of area; the invasive species will just go right back in there if there’s no management in there at all.

Mr. Bylinski said and as far as bird habitat and there are a lot of passerine birds that live in that wetland system and they thought this (plan) would be the best choice for it.

Chairman de Jongh asked staff if this was a basic application right now.

Ms. Simone said they have the basic application.

Chairman de Jongh asked if staff could acknowledge that they have the pieces that they need to be able to move forward on this.

Ms. Simone said they have the appendix B which is signed by the property owner, they received the check but they are just awaiting the detailed report.

Dr. Dimmick said then at this stage they could accept the application pending clarification.

Ms. Fiordelisi asked since it is wetlands future homeowner can’t do anything in there without coming before the Commission – is that correct.

Chairman de Jongh stated yes – at least technically correct.

Mr. Bowman said that field is mowed twice a year for hay – in the spring actually and what they are really doing by mowing it in the fall is providing the wildlife sanctuary that they need so it’s probably better off than just having – it might be something to note for a future
application when there are fields like this maybe to suggest they be mowed to keep the invasive species out.

Dr. Dimmick said he was all in favor of that.

Motion: To accept the application.

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

Dr. Dimmick said looking at the map it looks like some of the clearing went on to adjacent property – is that the case.

Mr. Bylinski said no that’s just a problem with GIS; it was an approximate boundary that was done in the field and the accuracy of the unit is about a meter. He stated no – it was not on another property.

Dr. Dimmick said okay – he just wanted to get that clear.

Chairman de Jongh said they would defer any other consideration on this application pending the receipt of the information the applicant commented on this evening.

Further consideration on this item was deferred to the next meeting on April 20, 2010.

2. Permit Application  A PP   #2005-027A
Thomas J. Norback  DOR          4/06/10
Mountain Road
Site Plan Permit Extension  MAD      6/10/10

Ms. Simone said there is an application for an extension of a permit; the permit was granted in 2005; it will be expiring June 21, 2010.

Ms. Simone said that the application indicates that the impact work has already been completed which is installation of a French drain however the rest of the work is not completed which is outside the regulated area but still the applicant wanted to come in for their extension just to have all their bases covered.

Chairman de Jongh asked if there were changes on the plan.

Ms. Simone said there is no change to the plan – it’s the same thing.
Motion:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors pursuant to Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire, Commissioners’ knowledge of the area, site visitations, and after review of written information provided by the applicant on this application finds the following:

1. That this application is for the permit extension of the existing approval #2005-027, which was approved by the Cheshire Inland Wetlands and Watercourses Commission, and issued to Thomas Norback on June 21, 2005.

2. That the applicant has indicated that the permitted work directly in the wetland area, the installation of a drainage system, is complete.

3. That no changes to the approved plans are requested.

4. That the proposed site plan activities will not have a significant adverse effect on adjacent wetlands or watercourses.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2005-027A, the permit application of Thomas Norback for site plan approval, as presented and shown on the plans referenced in the June 21, 2005 approval of application #2005-027.

The permit request 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. All conditions and stipulations of CIWWC Permit #2005-027 granted, with stipulations, to Thomas Norback on June 21, 2005 are incorporated by reference as though fully set forth herein to the extent they are not in conflict with the present permit grant.
4. This permit grant shall expire on June 21, 2015.

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

3. Discussion of Public Act 09-181

Ms. Simone said at the last meeting the Commission was notified that the State had passed a public act requiring that certain applications of certain sizes namely if it’s a subdivision or housing unit, if its less than 400 units – basically in Cheshire we are dealing with more suburban applications so just about all of the applications that this Commission and Planning and Zoning have approved will fall under this.

Ms. Simone explained that this state act requires that the time period be upped from 5 years to 6 years so any approvals given from July 1, 2006 to July 1, 2009 would now automatically have an expiration date of 6 years of date of issuance as opposed to the 5.

Ms. Simone said the Town Attorney was contacted and asked for their guidance as to how this Commission and Planning and Zoning is to proceed. Most likely the regulations for each Commission will have to be amended to reflect this change.

Chairman de Jongh said and they will have to send notices out to each of those people who received permits that they have extensions that their permits are now good for an additional year.

Ms. Simone stated yes.

Mr. Bowman asked about the Norback application and if he had to come back for an extension.

Ms. Simone said he did because the permit was in 2005.

Ms. Simone said so as we get information from the Town Attorney she would pass it along to the Commission.

Chairman de Jongh thanked Ms. Simone.

4. Approval of Minutes from the March 16, 2010 Regular Meeting
This item was deferred from the beginning of the meeting.

Ms. Simone said one thing she would like to get on the record is the permit approval for item number four Saddle Brook, LLC, Huckins Road, Resubdivision – stipulation number five (5) – “the permit grant shall expire on March 16, 2010” it should read “March 16, 2015.”

The Commission and staff had a brief discussion regarding the permit extension issue.

Motion: To approve the minutes from the March 16, 2010 regular meeting with corrections.

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

XII. EXECUTIVE SESSION

There was no executive session held at tonight’s meeting.

XIII. ADJOURNMENT

The meeting was adjourned at 8:50 p.m. by the consensus of Commission members present.

Respectfully submitted:

Carla Mills, Recording Secretary
Cheshire Inland Wetland and
Watercourse Commission