Members present: Charles Dimmick, Matt Bowman (arriving at 8:03), Benjamin Alderton, Kerrie Dunne, Sheila Fiordelisi.

Member (s) absent: Robert de Jongh and Earl Kurtz.

Staff Present: Suzanne Simone

Dr. Dimmick served as chairman pro-tem in Robert de Jongh’s absence.

I. CALL TO ORDER

Dr. Dimmick called the regular meeting to order at 7:40 p.m.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited at the public hearing.

III. ROLL CALL

The called the roll at the public hearing.

Members present at the public hearing were still present for the regular meeting.

Members present: Charles Dimmick, Matt Bowman (arriving at 8:03 p.m.), Benjamin Alderton, Kerrie Dunne, and Sheila Fiordelisi.

IV. DETERMINATION OF QUORUM

It was determined at the start of the public hearing that there were enough members present for a quorum.

V. APPROVAL OF MINUTES – Public Hearing – April 20, 2010

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

1. **Staff Report with Attachments**  
   **Re:** Plants R Us, Permit #2010-004A

   Ms. Simone stated the first communication was a staff report with attachments for permit application #2010-004A.

2. **Letter to Laura Willhite, 940 Allen Avenue**  
   **Re:** Mandatory Action Date for Permit Application #2010-002

   Ms. Simone said the second communication was a letter to Laura Willhite, 940 Allen Avenue in regard to the application number 2010-002.

3. **Staff Report with Attachments**  
   **Re:** Meadowview Estates, Permit Application #2010-005

   Ms. Simone stated that the third application was a staff report with attachments for Meadowview Estates permit application 2010-005.

4. **Staff Report with Attachments**  
   **Re:** 630 Cook Hill Road, Permit Application #2010-007

   Ms. Simone stated that communication four was a staff report with attachments 630 Cook Hill Road permit application 2010-007.

5. **Staff Report with Attachments**  
   **Re:** 12 Mountaincrest Drive; Show Cause Hearing & Notice of Violation

   Ms. Simone stated that communication number five was a staff report with attachments for 12 Mountaincrest Drive, show cause hearing and notice of violation is under a show cause hearing notice tonight.

6. **Staff Report with Attachments**  
   **Re:** Elim Park Baptist Home, Permit Application #2009-012A

   Ms. Simone said communication six is a staff report with attachments Elim Park application number 2009-012A.

7. **Request for Determination by Meiling Zhu and Wengeng Zhang**  
   **Re:** 401 Westland Avenue, Sunroom Addition
Ms. Simone said communication number seven was a request for determination for 401 Westland Avenue.

8. **Staff Memo**  
**Re: 401 Westland Avenue**

Ms. Simone stated that communication number eight is a staff memo regarding the same property discussed in communication item number seven.

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

9. **Engineering Comments re: Application for 940 Allen Avenue, application number 2010-002.**

Ms. Simone informed the Commission that information was received today from the applicant's engineer and the Town’s Engineering Department took a look at it.

10. **Information received re: 630 Cook Hill Road**

Ms. Simone stated that information for 630 Cook Hill Road was received from the applicant's engineer and the Town’s Engineering Department review.

11. **Other –none.**

**VII. INSPECTION REPORTS**

1. **Written Inspections**

Ms. Simone stated that written inspections were covered under communications for the show cause hearing.

2. **Staff Inspections**

   a. **12 Mountain Crest**

Ms. Simone said that a staff inspection in the field was conducted at 12 Mountain Crest.

   b. **1106 South Main Street**

Ms. Simone said as a follow-up to the complaint for 1106 South Main Street; the DEP Spill Department as well as the Fire Department was contacted; she said if the Commission recalls, this item was regarding a complaint of material being dumped in the catch basin.
Ms. Simone explained that the Fire Department did go out and investigated and found it was a small bucket of sheet rock compound that was washed out in the basin; the property owners were instructed not to do that.

Ms. Simone said that DEP was contacted; DEP is not investigating anything that site at the current moment.

c. Other – none.

VIII. ENFORCEMENT ACTIONS

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

   Dr. Dimmick said still on the calendar is 630 Cook Hill Road which is staying on until they can settle the current application modification.

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

   SC 1/06/09
   SC 1/20/09
   SC 2/03/09
   SC 2/17/09

   Dr. Dimmick asked if there was any progress on this item.

   Ms. Simone stated there was no action on this item.

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

   SC 3/16/10

   Dr. Dimmick said if he remembered this last time they had a case of an application that was somewhat fuzzy as to exactly what was intended.

   Ms. Simone stated yes – and she could provide the Commission with an update as this item is under unfinished business.

SHOW CAUSE

Unauthorized Activities in an Regulated Wetland Area
Robert Henry and Maria Passaro-Henry
12 Mountaincrest Drive

SC 5/04/10
Dr. Dimmick asked staff if she could bring the Commission up to date as to what is going on here.

Ms. Simone explained she received notification from the Connecticut DEP Forestry Division; they were out on State property which abuts this property 12 Mountain Crest Drive in Cheshire and there they saw an excavator in a wetland area, in the middle of the watercourse area as well and they had cleared some trees and cleared the area.

Ms. Simone said she attempted to contact the property owner but not able to get in touch with them as is summarized in the staff report.

Ms. Simone said she did go out with DEP and walked in on the State property and could observe the conditions of the property from the State property and indeed they did indeed clear an area that is clearly identified as wetlands.

Ms. Simone said at the time – when they received their permit for the single family house in 2004 it was stated on their approval that there is a non-encroachment line – it was to be set at 20’ from the edge of the wetland and watercourse area as well as having it marked in the field.

Ms. Simone said when they received their certificate of occupancy the markings were in the field – they were reflected on the survey that’s required by the Town; those markers are no longer there or at least they were not visible from where staff was on State property looking over but that she did not see any indication.

Ms. Simone said there are further details of the maps that they have on file that locate the wetland area as well as a copy of that portion of the map.

Ms. Simone said there are pictures also that were taken the day staff was out there with DEP; she said from the pictures you could see there’s soil that’s exposed.

Ms. Simone stated it was unclear whether some of the soil was actually brought in – it’s clear it’s a different color than the other soils – there’s a real division line as to the different types of soil that are there.

Ms. Simone said according to the conditions of the site as well as the map it is clearly within a watercourse and a wetland area as well as in an upland area.

Ms. Simone explained that the show cause hearing notice was sent to the property owner as well as the notice of violation and an indication in there – an order as what is expected of them which includes an application to come before this Commission to restore the area, attendance at tonight’s
meeting to discuss with the Commission what had happened, what their goals were and that they should have everything prepared for the restoration plan to presented at the May 18th meeting and that all restoration work should be conclude by August 23, 2010.

Dr. Dimmick asked if there was anyone in the audience representing the owners of this property.

There was no reply from the audience.

Ms. Simone said that she has not had any communication.

Dr. Dimmick asked what staff advised as there next step in this.

Ms. Simone said, well there is the order so the Commission can take a look at the information can be provided and determine whether they believe that the order still stands and as far as the show cause, if the Commission feel comfortable looking at the material that has been provide to them to make a determination of whether there is adequate information that there is a violation on the property.

Dr. Dimmick said in his opinion, it is a clear violation to him particular with DEP backing up staff’s observations. He asked if some of this is on State property.

Ms. Simone said they (DEP) had informed her that there were some trees cut on State property as well as some clearing as well as some stock piling of soil on State property and that they (DEP-State) are pursuing that they their enforcement.

Ms. Dunne asked if the State was also pursuing.

Ms. Simone stated yes and they did ask for some information about the property which staff provided to them to help assist them in that.

Ms. Dunne asked if staff got back a receipt showing that they (property owners) received this (show cause).

Ms. Simone stated yes – they did.

Mr. Alderton said so staff has a certified return green card.

Ms. Simone stated yes – they were sent the regular first class mail copy as well as one that requires a signature and they did sign it.

Ms. Dunne said so there is no issue with notice here.
Dr. Dimmick said it sounds like they have been properly notified and they have failed to respond; the Commission has evidence from staff, evidence from DEP.

Ms. Simone informed the Commission that the green card was signed and shows the date of delivery as April 30, 2010 and the card is signed by Maria Henry and staff received a copy back in the Wetlands Office on May 3, 2010.

Dr. Dimmick said they have two things they can do here – one there is a cease and desist.

Ms. Simone said yes – to have them stop conducting the activity.

Dr. Dimmick said so then they can authorize the continuance of the cease and desist and they should do both as formal items and then they could also go ahead and his suggestion is say that they have adequate evidence for the show cause to say that there is definitely a violation does exists.

Motion: To have the cease and desist remain in effect for 12 Mountain Crest Drive, Cheshire, CT as well a motion to find that the property owners have conducted unauthorized activities in a regulated wetland area.

Moved by Mr. Alderton. Seconded by Ms. Fiordelisi.

Discussion:

Ms. Fiordelisi stated that the photographs are pretty clear – the investigation that was conducted.

Dr. Dimmick said he presumed if Commission members wanted to look at this at this point, the best thing to do is stand on State land and look at it themselves.

Ms. Simone stated yes and she would recommend that staff contact the Forestry Division since there are no trails to get out there and staff had to go through Hamden to get there.

Moved unanimously by Commission members present, 4-0-0.

Dr. Dimmick said with the motion approved they could close show cause at this point and just go ahead and treat this as a violation.

X. UNFINISHED BUSINESS

1. Permit Application
   Laura Willhite
   APP #2010-002
   DOR 1/19/10
Dr. Dimmick said he has not had a chance to review the items received tonight in terms of the communications.

Ms. Simone explained that Mr. Carson did state that he was going to be here tonight to present to the Commission; he did drop off some plans today that showed the modifications which according to his comments as well as a letter from the City of Meriden and review from the Cheshire Engineering Department covers the zoning issues.

The Commission agreed to postpone this item until later in the agenda hoping Mr. Carson shows up.

This item was readdressed at 7:52 p.m.

Mr. David Carson, a principal with the OCC Group was present on behalf of the applicant.

Mr. Carson said basically this is the same plan that was presented several months ago for an extension; he said there is a court order that this water service is provided to 46 Allen Avenue Extension.

Mr. Carson explained that over the last several months is there have been some minor revisions made to the plan pursuant to Cheshire Engineering Department’s review of the plan; the only pertinent revision is the fact that they pipe-jack the new waterline under both the driveways and under the 30” cross culvert in order not to disturb the bedding or the integrity of that existing cross culvert. Mr. Carson said so the plans do reflect this change.

Mr. Carson said what has taken all this time is the fact that this is a water service – it’s within a Cheshire street serving a Meriden property and its Meriden’s waterline that is being tapped off of.

Mr. Carson said Cheshire has requested that the City of Meriden take ownership and maintenance responsibly for this line within the Cheshire right of way as of Meriden PUC’s last meeting they have agreed to that. He said he has just received a copy of the letter today from Meriden PUC acknowledging that fact and has given that letter with this submission and to the Engineering Department this afternoon.

Mr. Carson explained the formal letter that the Town of Cheshire wants from the City of Meriden will be forth coming when the legal departments get to together but that he believed that Engineering
was satisfied with the fact, the letter and the revisions condition upon the fact that the lateral would actually be installed until the Town of Cheshire receives the letter from Meriden PUC acknowledging permission for maintenance.

Dr. Dimmick said so assuming you get your permit in the next couple of weeks – when would the work start.

Mr. Carson said he assumed the work would start almost immediately; he said all that he was actually privy to is he knew the court has been extremely agitated by the fact that it has taken this long. He said he thought this process has taken over a year so far; between the time the court ordered this service to be provided because the property has a contaminated well – so he did know his partner based on the letter from Meriden PUC sent a letter to the court advising them of the fact that Meriden PUC has given final approval of this and they would be pursuing final approval from Cheshire Wetland.

Mr. Carson said if assuming this application was approved, as soon as the letter came from Meriden to the Town of Cheshire the construction would be done because then the burden would be upon the applicant to fulfill the court order.

Dr. Dimmick said you may remember last January when you (Carson) wanted to do the work right away – one member had worries about frozen ground.

Mr. Carson said he guessed that worry was out of the way right now.

Dr. Dimmick asked if staff had any questions at this stage; he asked if this was what they were waiting for.

Ms. Simone said yes – this proposed plan is now consistent among all the town and city departments and agencies.

Dr. Dimmick said it was his understanding is since 30 years ago when he learned the technical jacking has improved to the point where it’s not too much of a problem.

Mr. Carson said he guessed so – but that he was not a construction engineering; he said apparently the jacking request was not that big a deal.

Dr. Dimmick said it seemed at this point staff could draft something up for the Commission’s review at the next meeting which is the deadline for the Commission to act on this application.
At 8:03 p.m. Matt Bowman joined the meeting.

Further action on this item was deferred pending staff review and recommendation.

2. Permit Application
   
   Permit Application: APP #2010-005
   Diversified Cook Hill, LLC
   Plank Road
   Resubdivision – 14 Lots
   
   DOR 3/02/10
   FT 3/06/10
   FT 3/18/10
   PH 4/06/10
   PH 4/20/10
   PH 5/04/10
   MAD 6/08/10

Dr. Dimmick stated this item was subject of a public hearing tonight which was closed this evening.

Dr. Dimmick queried Commission members to see if they wanted to give any instructions to staff on this – there is obviously not much more they can do until staff draws up a motion for review.

Ms. Simone said she did have some question of the Commission and the opinion of the Commission; she said this application is for subdivision as well as infrastructure to install the drainage, to install the sidewalks as Planning and Zoning requires such as well as the primary or the only road that goes onto the property.

Dr. Dimmick said they also then usually hear if the individual lots that abut onto or include wetland the Commission normally ask for individual site plan review as those individual lots come-up.

Ms. Simone said she wanted to just review with the Commission which of those properties the Commission would like to see – would that be all of them.

Dr. Dimmick said he though the only three lots that they have no worries about are lots 3, 4 and 5; they are the only three lots that do not directly impact wetlands; he asked staff if he missed one.

Ms. Simone said no there’s a large contagious wetland system that continues off the subject property to the west as well as to the east and then there are the pocket wetlands on lots 7 and 8.

Dr. Dimmick said and all the other lots have a little bit of wetland on them.
Ms. Simone said so when it comes to lot 6 there is a portion here; there are wetlands on the rear portion – is this something the Commission would like to see included in a site plan being required.

Dr. Dimmick said again, he would not have a problem not requiring for lots 3, 4 and 5 but lots 6 he wanted other people’s opinion.

Mr. Alderton said it seemed to him if it touches the wetlands it ought to be included.

Ms. Fiordelisi agreed.

Ms. Dunne agreed.

Dr. Dimmick said he thought the Commission had come to a consensus.

Mr. Alderton said even if it’s a small impact it still something.

Ms. Simone said although the majority of the work will be outside of the wetlands for the construction of the road there is still the detention basin that will be constructed in between lots 12 and 11 and which would be constructed prior to the applicant coming back to the Commission.

Dr. Dimmick said they needed some kind of inspection system in the permit for that – he said when you are building that detention basin the actual construction of it is the biggest chance for something to go wrong.

Ms. Simone said so would the Commission like to see a bond posted for the erosion controls around this detention area.

Dr. Dimmick said it would be appropriate in his mind to do that.

Mr. Alderton stated yes – he also thought so.

Dr. Dimmick said it could be the kind of thing where the Commission would ask that they do some kind of third party inspections and report back to the Commission. He said the rest of it he, himself was not too worried about – he said he just thinks of where he know things could go wrong.

Mr. Alderton said the road is not going to be impacted at all.
Dr. Dimmick said the road is going through the highest part; there is not even too much room to fetch for erosion purposes – it’s not a case of having a lot of water coming down on to the road.

Ms. Simone said there will be some disturbance in the very front because they will be filling in some portions of the wetland; so for that are then the Commission is comfortable requiring a bond for that as well.

Mr. Alderton said yes – he would say so.

Dr. Dimmick said yes.

Ms. Dunne and Ms. Fiordelisi also agreed.

Ms. Simone said so the road itself would not need that expect for the portions closest to the wetland.

This item was deferred pending staff review and recommendation.

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

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

Attorney Lambert addressed the Commission.

Attorney Lambert said that the applicant has had an application before the Commission for a number of meetings now; at the last meeting there were a couple of comments; one was a comment that because something was unsigned it might not be official – it might be made up or cut and pasted; he said they have since solved that and he demonstrated that he was not submitting false documents. He said that there were people that asked for Mr. Juliano’s presence and he asked that it be noted for the record that neither of those people who insisted upon Mr. Juliano being present are here; he said at the very first meeting he asked if there were any question any one had be given to him in advance; he said for the record he has received zero questions over the course of this entire application.

Attorney Lambert stated Mr. Juliano was present tonight to answer any questions or to explain what the applicant wants to do. Attorney Lambert said he believes this is a fairly simple application – he said
what they always wanted to do is lower the pond. He said the record from last July demonstrated that if anything the small of this pond or the lack of this pond – everything that makes it smaller would be better; for the wetlands, for the horses, for the cleanliness of the water supply – everything would make it better to have it lower but they have never asked for it to go lower than the level it was approved when the subdivision was approved; he said this was simply an alternative method to get to that point and not to take the money to fix the top of the structure when its un-needed since they have been given the approval to lower the level of the pond far below the top of the structure.

Attorney Lambert said with that said he would ask that Mr. Juliano come forward and answer any questions or explain briefly his plan.

Dr. Dimmick said before that happens he did want to clarify one thing – when they are asking for signatures and so forth – you must realize the Commission did have an incident many years ago where something was presented to them without a signature and reported to have permission of a land owner to do something and the land owner did not know about it; so its not as though they’ve never had that experience.

Attorney Lambert said no but for the record he has been a licensed lawyer for 33 years and no one has ever suggested that he submitted anything that was a false document. He said it was on there letterhead, it was emailed to him, he forwarded from them so it had to come from their email and he found it offensive – he said e understood Dr. Dimmick’s point but it was proven in fact he was not dealing in false documents.

Dr. Dimmick said he thought they had received what they were looking for in that respect.

Dr. Dimmick welcomed Mr. Juliano.

Dr. Dimmick said they had questions that had been noted and the Commission was looking forward to be able to ask them of Mr. Juliano directly.

Dr. Dimmick said this has been complicated today by the fact that he has just received a copy of a further modification of the modification.

Mr. Chris Juliano addressed the Commission. He said Dr. Dimmick’s comment was not necessarily true.
Mr. Juliano said the assistant Town Engineer Warren Disbrow has some issue with the v-notch weir especially when they enter into a low flow situation where the water would drop below 224.1 but that’s a natural occurrence – that’s going to happen almost no matter what they do; he said instead of continuing this because it has been going on – the whole process, not just this application (he said it is going on three years since he first came before the Commission on behalf of this applicant); he said that he wanted to move this along for everyone sake.

Mr. Juliano said in a letter/fax to Mr. Disbrow he basically said if he still has a problem with the v-notch weir – fine they could always go back to the orifices – that was already approved – that’s fine but the only issue was the maintenance issue – the applicant – and if she’s okay with it fine and then he through out just as an alternative suggestion – if he was okay with it just to take that whole structure down to the proper elevation therefore they maintain at 224.1, there is zero maintenance or what maintenance that happens now and basically everyone can kind of wash there hands of it and say okay it is going to behave exactly as it does now – the water will be at the elevation that they want except for in those extreme low flow situations which they anticipate anyway and they can all just be done with this and hopefully clear up the court issue with it and get this all done this summer and they will never have to hear about it again.

Dr. Dimmick asked if they were voluntarily abandoning the v-notch or if the Commission found it favorable would you still be willing to go along with it because the fight seems to be between you and Warren Disbrow.

Mr. Juliano stated yes it was and what he was afraid of and in some Commissions but not this Commission, Mr. Disbrow has put it out there that he does not necessarily agree with his flow measurement.

Mr. Juliano said he has been on this property since 1992, specially for this thing since 2007; he said he kind of knows what that pond does – he has been there enough – he said he does not want to fight – he doesn’t want to see a situation where he is required to monitor flows for 6 months or year – he said they don’t want this to continue so he is throwing this out there just to put this to rest; he said they can live with the orifices – they can live with the v-notch weir, they can live with cutting that entire structure down to 224; he said he just wants to move this along in a manner the Commission is comfortable with; he said they know him – he has been here long enough – he said he was not trying to do something that’s not good for the environment or goes against any of the Commission’s regulations.
Mr. Bowman said in his opinion would be number one – go with the v-notch. He said in his opinion that would be the simplest way out of this situation; number two he would go cutting it off at 221; he said he knew the applicant was not going to go out and get in the pond when its up and its fall and there are leaves – the leaves are going to get in it.

Ms. Simone said if the applicant had a preference of whatever method they were using – if they could just present that to the Commission and the Commission can determine what comments from whatever department they wanted to hear or what they had questions about.

Mr. Juliano said at this point he thought the best preference for everyone involved is to take that structure down – the top of it to elevation 224 then they don’t need any orifices – they don’t need any weirs – it will behave exactly as it does today; when they have storms water will just go over the top.

Dr. Dimmick asked what the top was at now.

Mr. Juliano stated approximately 227.

Dr. Dimmick asked if there was not a considerable free board for temporary flood storage as a result of that being at 227.

Mr. Juliano stated no; he said if you go out there today the water is at the top of that structure and flowing over the top so they have zero flood storage.

Dr. Dimmick said he meant assuming they put in that v-notch. He explained that the various hearings they had on this where there were people who spoke against the functionality of that pond – it was admitted by one of the water people that yes there was a potential for flood storage as a positive.

Mr. Juliano said that too. He said if they put in any orifices or a v-notch they now get flood storage so there is that positive and this is the kind of situation that is likes the v-notch weir – its self cleaning-it’s a beautiful thing – its just that Mr. Disbrow seemed to have a problem that.

Mr. Bowman said they are actually going to on the v-notch above the 224.1 – you are going to cut it higher – its going to go up to a level point where you are going to saw cut it – make it level – clean it up and seal it.
Mr. Juliano agreed but said the notch has to be below 224.1 so that they can get the proper flow through.

Dr. Dimmick said he also appreciated that Mr. Juliano finally send the detail of the pump which they Commission hadn’t gotten previously and the detail of the sealants.

Mr. Juliano said the sealant was CS-2100.

Dr. Dimmick said that looked like the appropriate sealant because it seals both steel and concrete.

Mr. Juliano said it seals concrete and he went through the case study that it can be used under water so it would be perfect.

Dr. Dimmick said that seemed to answer the Warren Disbrow’s worry about….he said there are some sealants that will not stick to steel.

Mr. Juliano said he had not seen his latest comments...he said he did look for a product that would be the right product; he said its not going to take a lot you are probably talking a quart lasting 5 years – it can be done every year for multiple years just to maintain it and it’ll probably last longer than that.

Dr. Dimmick said for him the Commission has finally gotten the two things they needed – the detail on the pump and the detail on that sealant; he said those were things that were missing.

Mr. Juliano said the first meeting in April 2010 where he was not able to attend – he was not quite sure what kind of pump was going to be available so he had to do some research and the last meeting he was on vacation.

Dr. Dimmick said that he wanted to say something so that it is not taken as a conflict of interest or you can judge on it – he said he designed for Mr. Juliano’s father a v-notch weir back 30 years ago.

Mr. Juliano said he does not take as a conflict at all – he takes it as a seal of approval.

Ms. Simone said just to clarify this is for v-shaped notches as well as cutting it off.

Mr. Juliano said yes – any concrete they cut they will seal so any exposed r-bar is sealed the concrete will be sealed and basically keep the water off of any cut surface.
Ms. Simone said aside from the sealant – are you proposing both at the same time – cutting the top off and v-shaped notches.

Mr. Juliano said yes – because it easier to cut in about 5” to 6” and make a clean surface instead of trying to repair it; if they just cut it and seal it.

Dr. Dimmick said either way you are taking some of the top off because it’s damaged.

Mr. Juliano said yes – 5” to 6” at the most under the proposal the Commission has in front of them.

Dr. Dimmick asked if it was a 45 degree v-notch.

Mr. Juliano stated 90 degree v-notch.

Dr. Dimmick said so that makes it 3.5’ across the top.

Mr. Juliano said the original details does should that information; he said the v-notch weir is very simple – very easy.

Dr. Dimmick said to him it feels to him that it would provide flood storage there would be some benefit.

Mr. Juliano said if that is what this Commission likes – the applicant was happy to keep it on the table.

Dr. Dimmick agreed that the applicant should get the pond lowered the way they want it lowered and get the flood protection.

Ms. Dunne said she though the Commission wants the v-notch.

Mr. Juliano said that was great.

Dr. Dimmick said it was asked by staff that they need to get some reference in the record of the actual dates of submission.

Mr. Bowman said he did not want to poo-poo the Town Engineer but if this is going to continue he would like to see him at the next meeting.

Ms. Simone said the Engineering Department provide a review for this Commission – the Commission can then decide whether to take up those comments or that they are satisfied with information so
they don’t need to follow-up on those things; its falls to the Commission’s discretion.

Mr. Bowman said he just wanted people to know that if someone else wanted to question Mr. Disbrow as to what his feelings were – then that was a valid situation too – that he could come before the Commission and explain his situation.

Tape change:

Mr. Juliano said the applicant wanted to change from the orifices to the v-notch weir – he said he submitted a full report dated January 25, 2010; he said he believed with that report there was an 11” by 17” that showed the Commission what the original structure looked like and what it would look like with the v-notch weir.

Ms. Simone said since there was so much correspondence she wanted to make sure it was straight as to what was being referred to.

Dr. Dimmick said the other thing he wanted to comment on was that Mr. Disbrow was correct that it is possible for the pond to drop down to the bottom of the v-notch and it is also possible for the pond to drop below the bottom of the v-notch because there is enough ground water movement that were they to have a drought and there was enough ground water moving they could lower the pond anyway.

There as discussion about the possibility of the level of the pond dropping.

Dr. Dimmick thanked Mr. Juliano for finally attending a meeting.

There were no other questions addressed.

Dr. Dimmick said in his opinion he was ready to move ahead on this application.

Further action on this item was deferred pending staff review and recommendation.

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

Ms. Simone informed the Commission that she did speak with Bonnie Donato and summarized to her the discussion that the
Commission had which was that what was presented to them was really a range of options that usually a soil scientist would be presenting to their client and then they would work together to come up with a plan.

Ms. Simone said that Mrs. Donato is now aware that the Commission is looking for a restoration plan, a proposal of what it is they are really asking for along with details – if there was going to be planting plan and all of that.

Ms. Simone stated that Mrs. Donato is aware of what is needed. Also, Ed Bylinski, the soil scientist was on vacation last week and they are playing phone tag this week.

Ms. Simone said she would be putting together a packet this week of examples of previous plans so they can see what the Commission has reviewed in the past for such project.

Ms. Simone said Mrs. Donato had indicated to her that they would have a bonified restoration proposal for the May 18 meeting and that will give the Commission enough time to review it.

Ms. Simone said that Mrs. Donato is also aware that she may have to ask for an extension but staff did express to her the urgency to get this plan together and get things going so they can start the restoration sooner than later and then to comply with the cease and desist which gives them a time frame as to when to get everything approved and completed.

Further action on this item was deferred to the next meeting.

XI. NEW BUSINESS

1. Permit Application

   Plants R Us
   150 South Meriden Road
   Modification

   APP #2010-004A
   DOR 5/04/10
   MAD 7/08/10

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

Ms. Levesque said as discussed at a previous meeting she and Mr. Pasqualoni realized that water and electrical were not included on the initial plans. She said the intent is basically to have an electrical line running from the house installed and inspected by the Building Department, installed by a licensed electrician – inspected by the Electrical Department.
Ms. Levesque said the water line is essentially something that would act almost like a sprinkler system – it won’t be a wet line year round.

Mr. Bowman asked about the size of the pipe and the well depth and where the static level was and what size pump was proposed and would it have the capacity to pump 28 gallons a minute; he said the pump in there down does not have that capacity.

Ms. Levesque talked about the water line (1.5” flexible pipe). The existing home is on a well and the well has been tested and it gets about 25-27 gallons per minute; it’s a 6” well.

Ms. Levesque said she did not know have the number for the static level. She said the applicant has been watering his plants without any problem – she said she would check about the pump.

Ms. Levesque said the line is above the surface – the applicant has a line attached to hose bib outside the house and everything is still functioning very well. There have been no issues with the pumping of water to the existing green houses; the well has been looked at and there has been no problems with the well so far.

Mr. Bowman mentioned the possibly of issue with the well.

Ms. Levesque said she would pass along Mr. Bowman's concerns to the applicant.

Ms. Levesque said another issue that came up was regarding the catch basin that was added on the loading area – she said she has added a detail for a snout – which is basically a hood with the catch basin and a 3’ sump for that basin so that any oil or solid anything may flow will be taken care of in that basin.

Ms. Levesque said the applicant is living on the property.

Ms. Simone noted that all of the basic requirement have been complete; she noted the wetland scientist did not signoff on this however it’s the same plan, same location as the previous plan submitted that does have the wetland scientist signature.

Motion: To accept the application.

Moved by Mr. Alderton. Second by Ms. Fiordelisi. Motion approved unanimously by Commission member present.

Motion: To declare the application not significant with the context of the regulations.
Moved by Mr. Alderton. Second by Ms. Dunne. Motion approved unanimously by Commission member present.

Further action on this item was deferred pending staff review and recommendation.

2. Permit Application  APP  #2009-012A
Elim Park Baptist Home, Inc  DOR  5/04/10
Cook Hill Road
Modification  MAD  7/08/10

Attorney William Caulwell and Ron Dischinger.

The Commission reviewed the plans for modification.

Attorney Caulwell said they were before the Commission about a year ago; there was a field trip and the application was approved and then approved at Planning and Zoning. He said they have now purchased the property due east of their property.

Attorney Caulwell said they are moving the parking spaces – the building stay exactly the same – they are essentially adding 40 new parking; 6 will be paved, 34 will be unpaved but grassed to be used only if there is an outside event for people to park and the lot would not be used on a regular basis.

Attorney Caulwell said he believed the modification is not significant.

Ms. Simone said all the appropriate information has been submitted.

Motion: To accept the application.

Moved by Mr. Alderton. Second by Ms. Fiordelisi. Motion approved unanimously by Commission member present.

Motion: To declare the application not significant with the context of the regulations.

Moved by Mr. Alderton. Second by Ms. Fiordelisi. Motion approved unanimously by Commission member present.

Dr. Dimmick asked what increases there were to impervious surfaces.

Attorney Caulwell said there are 40 new parking spaces but only 6 were to be paved and the rest are grass.
Mr. Bowman said there was about 1200' plus a road so there is probably 1500' to 1800' more of impervious.

Attorney Caulwell said but they have more land to work on.

Dr. Dimmick said they were talking about .05 acres.

There was discussion about the amount of additional increase of impervious surface.

Attorney Caulwell said the flow does go through a separator; the flow would go into the present system.

Dr. Dimmick said he did not see a problem with the modification they just need to get the language right.

Attorney Caulwell said for the record Elim Park has been a wonderful neighbor to the Town of Cheshire and they do things right.

This item was deferred pending staff review and recommendation.

3. Request for Determination
Meiling Zhu & Wengeng Zhang
401 Westland Avenue
Sunroom Addition

Meiling Zhu & Wengeng Zhang were present.

Dr. Dimmick said that the Meiling Zhu & Wengeng Zhang wanted to add a sunroom to the back of the house; there are wetlands in the backyard.

The Commission reviewed the plans.

Ms. Simone said according to the Town soil map and Commission members received a copy of the map – there are wetlands to the rear of the property and the wetlands soils map just shows the general location but measuring this out its 50’ from where they plan on doing this work; so administratively staff wanted to run it by the Commission.

Dr. Dimmick said he was under the understanding the sunroom was going to run parallel to the house; the sunroom would remain inside.

Dr. Dimmick said in his opinion this is a de minimus activity.
Motion: To declare the proposed activity de minimus as far as it would impact the wetlands and no permit would be required.

Moved by Mr. Bowman. Second by Ms. Fiordelisi. Motion approved unanimously by Commission member present.

4. Approval of the April 20, 2010 Public Hearing and Regular Meeting Minutes

Motion: To approve the minutes from the April 20, 2010 public hearing and regular meeting with corrections.

In the minutes Mr. Alderton’s name was misspelled – the correct spelling is “Alderton.” Correction to appear in the May 18, 2010 minutes.

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

XII. ADJOURNMENT

The meeting was adjourned at 8:40 p.m. by the consensus of Commission members present.

Respectfully submitted:

Carla Mills, Recording Secretary
Cheshire Inland Wetland and
Watercourse Commission