
Staff Present: Suzanne Simone

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited.

III. ROLL CALL

Ms. Dunne called the roll.

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

IV. DETERMINATION OF QUORUM

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

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

The approval of the minutes was deferred to the end of the meeting without objection.

V. APPROVAL OF 2011 MEETING DATES

The Commission reviewed the meeting dates for 2011.

Motion: To accept the 2011 meeting dates as proposed.

Moved by Mr. Bowman. Seconded by Mr. Dimmick. There was discussion about a possible location change for the first meeting in November due to
election day Motion approved unanimously by Commission members present.

The Inland Wetland and Watercourse Commission meetings will be held the first and third Tuesday of the month with only one meeting in August and December (on the first Tuesday) at 84 South Main Street, Council Chamber, unless otherwise noted.

VI. COMMUNICATIONS

1. Correspondence from Robert Henry, 12 Mountaincrest Drive
Re: Restoration status

This correspondence was reviewed. Ms. Simone noted that this item is under enforcement actions.

2. Correspondence from Bonnie Donato, 35 Sudol Court
Re: Restoration status

This correspondence was reviewed. Ms. Simone noted that this item is under enforcement actions.

3. KJD Cheshire Properties LLC, IWWC Permit Application #2010-028
Public Water Supply/Aquifer Protection Notification Form

This correspondence was reviewed. Ms. Simone stated that this item is under new business tonight.

4. Abutting Town Notification Letter to Prospect from David Murphy, P.E., MMI
Re: Town of Cheshire Public Works IWWC Application #2010-029

This correspondence was reviewed. Ms. Simone stated that this item is under new business tonight.

5. Staff Communication: Notch Road, Pond Dredging
Permit Application #2010-029

This correspondence was reviewed.

6. Staff Communication: South Main Street, Parking Lot Expansion
Permit Application # 2010-028

This correspondence was reviewed.
7. Staff Communication: Yalesville Road, Resubdivision Permit Application #2010-027

This correspondence was reviewed.

8. Other – none.

VIII. INSPECTION REPORTS

1. Written Inspections

a. Permits from July 2006- July 2009

Ms. Simone informed Commission members that staff went through all of the permits from the time period of July 2006 to July 2009 in correspondence with the public act that the Commission had adopted in the regulations; and there were 98 permits that were granted in that time so automatically those extension dates are extended.

Ms. Simone explained to Commission members that notices were sent to the permit holders and also those extensions were recorded on the town records.

Ms. Simone stated again there were 98 permits recorded.

b. Enforcement Action Correspondence

Ms. Simone said there were written inspections from Robert Henry as well as an email from Bonnie Donato; both items are under enforcement actions.

Chairman de Jongh asked staff about the correspondence from Mr. Henry; he said the correspondence indicated that some of the work was done but not all of it. He asked staff if they knew how much or what scope has already been done.

Ms. Simone said Mr. Henry did not give any further details so what staff would like to do is request to Mr. Henry is to go out to the property and take a look or Mr. Henry can provide some detailed information to her before she goes out there to take a look so they can better gauge where he is at with the work.
Chairman de Jongh said he would like have an idea of where the work stands by the January 2011 meeting.

2. Staff Inspections

a. 993 Mountain Road

Ms. Simone said there was a staff inspection of 993 Mountain Road. She explained that there was an inquiry of the pond beginning drained; staff went out to the property and investigated.

Ms. Simone reported that the pond level is quite low but it appears to be naturally low; there was no evidence of any pumping. She said there were people on-site; they were doing landscaping in the existing yard area – they were cutting back some areas but all of that work from what staff saw that day appeared to permitted by regulations so there is no violation there.

Mr. Bowman informed Commission members that he was the one who informed staff about the pond being low and he was concerned.

Ms. Simone said that staff did not see any evidence of them having pumped anything and she spoke with the people there as well as the property owner.

b. Weise Road

Ms. Simone said there was an inspection of the Weise Road culvert replacement project.

Ms. Simone stated that the project has been completed and that the banks have been graded and stabilized.

IX. 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 will be addressed under Executive Session.
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

There is still no movement on this item.

Ms. Simone noted the property is still for sale.

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

Chairman de Jongh said there was an email that came to them from Ms. Donato.

Ms. Simone said when she went out there on November 16, 2010 to meet with the property owner they went over the work that was done and all of the plantings were in except for three Willow trees – they were not able to get the Willow trees.

Ms. Simone said what the property owners did do is purchase larger trees then what was required through the permit so the Maple tree that was required in the area of the Willow tree is a more mature tree then what they were originally going to purchase.

Ms. Simone said the property owner had a question of whether the additional trees would be necessary so she spoke with her landscape person who had indicated that over time that might crowd the area out.

Ms. Simone stated that the property owner does have all of the other shrubs in the area – the Evergreen shrubs as well as the deciduous shrubs and trees. The wetland area – it has the 4” by 4’ posts up; the property has not yet get the round markers to put up against the post but she did indicate that she plans on doing that in the very near future but those posts are evident in the field.

Ms. Simone said so the questioning the email is whether or not they can just not on planting those three Willows or if the Commission will require them to do that next year.
Dr. Dimmick said there is really a question of they are not following the letter of the permit but are they or are they not following the spirit of the permit and that is part of the question.

Ms. Simone agreed. She said technically they are not following the letter of the permit even with the purchase of the larger tree but looking at the area staff could see that the intent of the required application and permit that was granted covers the work that was to be done.

Dr. Dimmick asked what kind of Maple trees were they.

Ms. Simone stated Red Maples.

Dr. Dimmick said that would work.

Chairman de Jongh said he thought it would do more harm to rip that back up and replant something else and if the landscaper feels that additional trees would crowd and make the situation really problematic then he did not see a problem with it; it may not be exactly what the Commission wanted but the end result is what they want and for him that is what he wanted.

Mr. Bowman said he felt the same way.

Ms. Simone said she believed the coverage was there. The intent was to provide coverage for birds but also to provide some shading; she said she believed it was still going to that especially with the larger tree that’s planted.

Dr. Dimmick said the reason he asked was adjacent to wetlands Red Maples are facultative to the wetland but if they put in a Norway then its not.

Ms. Dunne asked if the Commission had to take any action since there is a change.

Ms. Simone said he believed it would be helpful if there was a formal vote then that way they could put it on the record.

Ms. Fiordelisi said the letter says “by the end of next week” and the letter is dated November 17, 2010 that they (the property owners) would have the markers on.
Ms. Simone said she did not know if they purchased the markers – she said people are able to come into the office and not speak with her to get the markers so she would follow up with the property owner.

Ms. Simone stated that the installation of the markers would be something staff would check to make sure it was done prior to the Commission agreeing to release the violation so that way it’s done in the field.

Chair de Jongh recommended there being some kind of motion just to recognizing the applicant’s activities to address the issues discussed by the Commission this evening and then staff could follow-up on the markers.

Motion: To accept the work that has been done at 35 Sudol Court by Michael and Bonnie Donato as being complete as far as the Commission is concerned and that upon the installation of the non-encroachment markers this item be removed from enforcement action section on the agenda.

Moved by Mr. Bowman. Seconded by Mr. Kurtz.

Discussion:

Chairman de Jongh said the only concern he had was he thinks they are going to wind up in the same place but he would like to keep the installation of the markers separate from the action the property owners have already taken. He said when staff comes back and says the markers have been installed they can then decide if whether or not they want to remove that – to have the removal of that tonight as part of the same package – he did not know if he was comfortable doing that. He said he would like to see it separate – to see the marker issue separate.

Ms. Simone said that she would need to draft language for the Commission to release the enforcement action – she said they do have formal language to use to release the violation that gets recorded on the land records.

Mr. Bowman amended the motion to read:
Motion: That the Inland Wetlands Commission considered the planting at 35 Sudol Court by Michael and Bonnie Donato as complete.

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

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

Ms. Simone informed the Commission that she would follow-up to get some detailed information from Dr. Henry as to what was done. Staff said she would see if she could get out to the site and document what has been completed.

5. Unauthorized Activities in an Regulated Wetland Area SC  10/05/10
   Edward and Lisa Ellis
   79 Dundee Drive SC  10/19/10

Ms. Simone informed the Commission that the corrective order that was issued has a corrective date of February 2011 so the property owner still has two months to complete everything at which time staff will go out and inspect.

X. UNFINISHED BUSINESS

1. Permit Application APP #2005-012B
   Brodach Builders, Inc. DOR 11/16/10
   Wiese Road
   Site Plan Modification MAD 1/20/11

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 modification of permit #2005-012 for construction of 41 age-restricted residential units, associated driveways and parking, and a stormwater management system on 31 acres in an R-40 zone.

2. That the November 18, 2010 Department of the Army Corp of Engineers letter and the November 3, 2010 Connecticut Department of Environmental Protection letter reference federal and state agencies review of the proposed development, and comments from the federal and state agencies has necessitated the application to modify permit #2005-012.

3. That the proposed modifications decrease the amount of direct and indirect wetland disturbances.

4. That the approved community sanitary sewer system is proposed to be replaced with individual pump units connecting to the force main, thereby reducing the approved quantity of fill required in the northern portion of the parcel for sewer system installation and function.

5. That the proposed plans increase the wetland buffer area from the approved permit, averaging a 100-foot buffer in the direct vicinity of Honeypot Brook.

6. That the proposed roadway design will reduce impacts permitted in the approved permit.

7. That the modification incorporate low impact designs including the elimination of roadway curbing, the addition of rain gardens/bioinfiltration areas, and installation of pervious pavers in areas specified on the below referenced plans.

8. That this site lies within the Honeypot Brook watershed, and Honeypot Brook flows through a portion of the site.

9. That CIWWC permit #2005-012, was granted, with stipulations, to Brodach Builders, Inc. for Site Plan (Richmond Glen ARPRD) on May 3, 2005. A permit extension #2005-012A granted on September 1, 2009, extends the permit expiration date of permit #2005-012 to September 1, 2014.
10. That at the November 16, 2010 regular meeting of the Cheshire Inland Wetlands and Watercourses Commission the proposed application for modification was found to be not significant within the context of the regulations and therefore the submission of a new application and public hearing was not required.

11. 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 #2005-012B, the permit application of Brodach Builders, Inc. for site plan modification, as presented and shown on the plans entitled:

“Richmond Glen
210 Wiese Road, Cheshire, CT
Dated February 18, 2005: Last Revision Date September 9, 2010
22 Sheets, Scale Varies
Prepared by Milone & MacBroom, Inc, Cheshire, CT.”.

The permit is granted on the following conditions and stipulations, each of which the Commission finds to be necessary to protect the wetlands and watercourses of the State and the Town of Cheshire:

1. Any lack of compliance with any condition or stipulation of this permit shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and an enforcement order shall be both issued and recorded on the Town of Cheshire Land Records.

2. No changes or modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.

3. All conditions and stipulations of CIWWC Permit #2005-012 granted, with stipulations, to Brodach Builders, Inc. on May 3, 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 September 1, 2014.

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

1. Permit Application
   APP #2010-027
   Richard Abbate
   DOR 12/07/10
   Yalesville Road
   Resubdivision
   MAD 2/10/11

Ron Hurlburt, a licensed land surveyor from Juliano Associates, LLC was present on behalf of Richard Abbate, the applicant. Ken Stevens was also present.

The Commission reviewed the plans for the proposed activity.

Mr. Hurlburt addressed the Commission.

Mr. Hurlburt stated that Mr. Abbate owns property at the corner of Route 68 and Terrell Farms Road.

Mr. Hurlburt explained that in 1991 Mr. Abbate bought the original Terrell Farm homestead; two years later in 1993 he brought lot six from the Terrell Farm Subdivision which was an approved subdivision at the time.

Mr. Hurlburt showed on the plan the location of the properties he was referencing. He said Mr. Abbate bought two pieces of property – two separate pieces. He pointed to the property lines of the plans – the lines go north south (in yellow).

Mr. Hurlburt said what then end up happening that several years later he built a large garage house – carriage house on what would be lot six and the Town then considered it as the property merging.

Mr. Hurlburt said what the property owner would now like to do is go back to two lots and instead of just doing a reconfiguration of the division line – it was two lots before they would like to have two lots now.

Mr. Hurlburt stated that the Town thought it best to go back in for resubdivision of the parcel.

Mr. Hurlburt showed on the plan the proposed location of the new line (in pink); he said the direction of the lot lines would change from north south to east west.
Chairman de Jongh said what was needed for the record was the directions.

Mr. Hurlburt said the two lots are side by side running north south and what they would like to do now is turn the division line 90 degrees so it would be two lots running east and west.

Mr. Hurlburt showed a plan that showed how the property would end up finally looking.

Mr. Hurlburt said there is a corner on the property that is about 8/10th of an acre of wetlands. He explained its kind of an odd type wetlands – it’s not your typical low-lying area it’s actually sloped.

Mr. Hurlburt said the area that they are looking to now has a driveway amounts of disturbance that amounts to about 1/10th of an acre; he said it was actually a very small portion of the property on the very northern edge of it where a driveway would be coming through; again it amounts to about a 1/10th of an acres.

Mr. Hurlburt said its very similar to the property to the north – number 15 Terrell Farm which is part of the same subdivision which was approved and built; he said the photos show something similar to what the applicant wants to do.

Mr. Hurlburt shared photos with the Commission of an adjacent property from the original subdivision.

Ms. Simone stated that they have a copy of the approved site plan available for the Commission to view for that property to the north.

Mr. Hurlburt said as the Commission could see from the photos there is a driveway that runs to service number 15 adjacent to the property line and the applicant would like to do similar to that on their side of the property line to feed the property.

Mr. Hurlburt said as far as alternative – one of the alternatives was to come in off of Route 68; or number 746.

Chairman de Jongh said which is where the current drive comes into Terrell Farms.

Mr. Hurlburt said there would be another strip coming in to feed the rear of the lot – the problem with that is where the house is position
its close to that property line – if they were to do it as an easement it would encumber that property; thirdly the State really frowns upon driveways coming out onto Route 68; and fourth there isn’t proper sightline distance for the speed limit on Route 68 so that attempt they canceled.

Mr. Hurlburt said the other option would be coming in off of Terrell Farm in an area where the property owner has an existing travel way but it wouldn’t meet Town standards – its too steep coming off of Terrell Farm so to get the right percentage of slope you would have to excavate – there is a gas line going through there – there is not enough cover over it to end up making a driveway.

Mr. Hurlburt said so the location proposed is really the only place that’s possible to now make the lot work.

Chairman de Jongh asked about the topography.

Mr. Hurlburt said there is a site plan with topography.

Dr. Dimmick said the problem he has is that they seem to be wanting by the subdivision – they want to create a hardship and then ask for an exception because of the hardship they are creating; that is to say you want to make a resubdivision which would then restrict the pathways in which you could get a driveway and then they want to get an exception to be able to put a driveway through a wetland because they have restricted yourself by the subdivision and somehow that does not make any sense.

Mr. Hurlburt said in a more simpler form what they would like to do and what he would consider is just a reconfiguration of the boundary line and most of the time when you reconfigure a boundary line – its not a resubdivision as long – even if you had a four lot subdivision the end product is still four lots – it wouldn’t be a resubdivision you are just doing a lot line revision and a reconfiguration.

Mr. Hurlburt said they are not trying to make more then what they already had. What they are trying to do is – there was two lots and they are trying to keep it as two lots.

Dr. Dimmick said he understood that and that is not the problem – the problem is by making it into two lots with that particular configuration and now they get access back there – you are saying
that because of the way they are going to do that you are then going to have to put the driveway through a wetland.

Mr. Hurlburt said similar to the property to the north – that’s correct.

Mr. Bowman asked if he could make a suggestion before they went too far. He said he understood what they are trying to do in keeping the garage that they have within the setback of the regulations. The only way to go through is a location he pointed to on the plan.

Chairman de Jongh said but that is not the way they are proposing it to come out.

The Commission reviewed the plans relative to the driveway entrance and exit.

Mr. Hurlburt said he also planned to introduce Ken Stevens – he was involved in the original development of the property.

Mr. Hurlburt said Mr. Stevens knows obviously much better then he did as far as the wetlands and the circumstances pertaining to that.

Mr. Stevens addressed the Commission. He stated that this statement is as the past developer of Terrell Farm.

Mr. Stevens said that lot number 6 on Terrell Farm – it was originally tested and it was approved by Chesprocott at that time for an engineered system; when the owner of that lot went back and tested that area it was found that it wasn’t suitable for a septic systems so that lot became – even though it was a lot of record – it was stamped as a non-developable lot or whatever they put on the record.

Mr. Stevens said the only land in the 6 acres other than the existing house – the old Terrell house which is on Route 68 – is behind that house to develop so it’s not a matter of the fact that it was re-subdivided; he said he thought it actually had been re-subdivide and that re-subdivision had been cancelled out if he remembered correctly – and that was years and years ago by other owners.

Chairman de Jongh said he thought the point that Dr. Dimmick was trying to make though is that originally the lot was dived north to south with the lots on either side of that division line and there would be adequate accessway to both of those lots without having to impact the wetlands.
Chairman de Jongh said by drawing the lines horizontally now and bisecting that lot – you’re forcing us to consider an accessway that does a significant damage to the wetland in that back corner of that upper tier – that upper lot – that is the only way you can get in there.

Mr. Hurlburt said he guessed depending on what you would consider significant – the driveway itself would basically be at grade – there’s minimal...

Chairman de Jongh said you are still going to have to fill a wetland.

Mr. Bowman asked why they could not flip the house and come in in the buffer.

Mr. Hurlburt said that part is steeper and there is not enough cover and there is a gas line that runs across there.

Dr. Dimmick said you are still going to cross the gas line with the current proposal.

Mr. Bowman asked if the slope was less than 10%.

Mr. Hurlburt said yes (in the area of the proposed activity); he said in the other area they are not – there they are in excess of 10%; they would have to cut and they don’t have the material over the gas line to cut – that is the problem.

Ms. Simone said to clarify – the application that was received is for resubdivision and construction of the driveway so the location of the house is not sited in the plans so where they see the house located – they (the applicants) are not requesting that the house be located there; they are requesting just resubdivision and installation of the driveway without the house.

Chairman de Jongh said so it’s going to be a driveway to nowhere.

Mr. Hurlburt said not but at such time – this would be able to get us to be able to go to Planning and Zoning to meet their requirements for the resubdivision; at such time that a house would be built there would be site plan application if that house or the driveway was to be different then what they were representing here.
Chairman de Jongh said he was just confused with the information – he said he was confused as to why they are even considering the placement of a driveway when they: (1) don’t have the approval from Planning and Zoning to put the house; (2) the location of the house.

Mr. Hurlburt said they can’t go to Planning and Zoning without Wetland approval and they do have approval from Chesprocott – from the Health Department for an engineered septic system and a possible house location.

Mr. Hurlburt stated that it is a designed plan that they would expect this to happen; if anything was to be different that person would have to come back to this Commission for approval on it.

Ms. Simone said there is an application before Planning and Zoning for the same – for are resubdivision.

Mr. Hurlburt stated that was correct. He said they tried to make it simpler by not having to do resubdivision – again by just reconfiguring the lot line and they (P&Z) felt that the properties being basically being turned 90% that they wanted it to see if front of the Commission so they will be going there.

Ms. Simone said the Commission understands that Planning and Zoning can’t act until Wetlands act but she thought the question that they are looking for clarification on and staff is looking for clarification is why show the installation of a driveway at this point – it can be just brought before this Commission as resubdivision to break the two lots up and then that could – and if it was approved by this Commission then could go to Planning and Zoning; she said Planning and Zoning - she said she did not understand if there is a connection being made of why Planning and Zoning needs to have the Wetlands Commission approve the location of a driveway.

Mr. Hurlburt said the Planning and Zoning Commission is going to want to see that the Wetlands Commission approved a regulated activity; he said this is their (the applicants) plan of development which is what they would like to go forward with. He said he guessed if the Commission was against this happening and just stated that they were okay with the two lot subdivision – he feared that they go through all this time, effort and work – all the way to Planning and Zoning and when they come to do this they get turned down so instead of doing to later he’d rather do it sooner.
Chairman de Jongh said to be honest they may not even get approval from this Commission to do that – you always run that risk.

Chairman de Jongh said he understood where Mr. Hurlburt was coming from but if the application is for resubdivision activities which is the way it is listed on the agenda – he had no problem talking about the resubdivision this evening; speaking for himself he had a problem in approving the location of a proposed driveway when there is no house location and maybe there is a alternative way after a site visit – if they do a field trio maybe they can find an alternative placement for the driveway.

Mr. Hurlburt said there is a house location – that is what the have here (on the plans) – there is a septic, a house, and a driveway – it’s a full site plan that was approved by the Health Department.

Chairman de Jongh said okay but the application before the Commission tonight is for resubdivision.

Mr. Hurlburt said so what it comes down to he has given the Commission more information then needed.

Chairman de Jongh said he was just trying to get a handle on – he said he was getting mixed signals here – he said he was hearing from Mr. Hurlburt that what he wants is the approval for the resubdivision or the Commission to consider the resubdivision and the proposed location for the driveway.

Ms. Simone said what is being requested is on the application. She explained that she had a further conversation with Chris Juliano and he did clarify because she asked him is it for subdivision and site plan – he said no just subdivision and location of the driveway.

Ms. Simone said and also just to note to the Commission that the Engineering Department has not yet completed a review of this application so she could not speak to whether the upland area meets the requirements for grade or not.

Mr. Bowman said you’re saying you don’t have or you might not have the slope – the proper slope for a driveway.

Dr. Dimmick said because he would have to cut and get down to where the gas line is – he said he understood that problem.
Mr. Bowman said he understood it too. He said he has built roads and driveways over gas lines.

Dr. Dimmick explained there are places there that are shallow to bedrock. He said one of the reasons a wetland shows up on a slope there is that this is an area where the underlying bedrock slopes down towards the reservoir at about an 8% slope and so where the ground slope is steeper is than 8% it goes down and cuts down into a place where water traveling over the bedrock breeches the surface and you get that wetland and then the slope gets gentler on the surface and the water tables lower and then you no longer have a wetland; he said he did not know in terms of if you did make a cut whether you would hit rock or not.

Dr. Dimmick asked Mr. Stevens how far down the rock was.

Mr. Stevens said he would give him a guess that in that area it was probably down 15’ to 20’; he said the rock is fairly deep but there’s a hard pan in the soil.

Dr. Dimmick said the hard pan must be following the bedrock slope.

Dr. Dimmick and Mr. Stevens talked about the bedrock in the area.

Mr. Stevens said he did not think there was any rock on this lot if he recalled.

Mr. Bowman said if Mr. Stevens is saying there is no rock on the lot – what the depth of the gas line is.

Mr. Stevens said the gas line averages through that whole area around 3’, 3.5’, maybe 4’ – its pretty shallow.

Mr. Bowman said so they do have the ability to cut and go across that – number one.

Mr. Stevens explained that the gas line is at the very edge of the road right-of-way and the slope coming up to the gas line is probably some where’s between 3:1 and 4:1 at that point; its even more than that – he said you probably have – when you get 10’ off the pavement the gas line right-a-way elevation is probably about 4’ to 5’ higher than the road so you’re got closer to a 2:1 – 3:1 slope something like that.
Mr. Stevens said Mr. Abbate has a driveway at an area where the gas line isn’t quite as high as where they would have to come in; he said when you drive your car up there – if you are not very careful you bump out on your bumper.

Mr. Bowman stated in his opinion because Mr. Abbate owns that entire section – what is the zoning there.

Mr. Stevens stated 2 acres – R80.

Mr. Bowman said ok – maybe moving the driveway – not moving the driveway but maybe making an easement for the driveway further south – and when he says further south he means further south then the southerly property line.

Mr. Stevens said they can certainly look at that – he said he did not think it still works because as you well know the Town wants you to hold a 4% grade for the first 10’ off the road.

Mr. Bowman said he understood that but maybe that could be the hardship – that Wetland really wants you to come in with a driveway on this end – but that is not up to this Commission.

Mr. Bowman said he did not know how everyone else feels but he was a little bit uncomfortable with bring the road in.

Mr. Bowman asked where the road show on the original subdivision.

Mr. Bowman asked if the applicant had a drawing showing where the original curb cut was supposed to be.

Mr. Stevens said he did not believe they did.

Mr. Bowman said he would like to see that for certain.

Dr. Dimmick said they had a plan showing lot 6 and shows the driveway coming off of Terrell Farm and shows it roughly where that gravel driveway is now.

Mr. Stevens said the curb cut is much further north than Mr. Abates’ gravel driveway.

Mr. Stevens said the original plan that the Commission is looking at is not where the curb cut was actually put – it was just before the
curb – about where the wetland line comes in on both the revised wetland and the old wetland line which are very similar; there is a little bit more detail in the revised plan.

The location of the proposed and actual curb cut was discussed and review on the plans.

Dr. Dimmick said what they may have to do is to accept the application and then immediately do a fact finding expedition out there before the Commission goes further.

Mr. Hurlburt said that is what he was going to recommend – he said obviously this being a brand new application in front of the Commission he thought it would be of benefit to everybody for a field walk and they could better see the area; the area of the steepness and the location of the gas line.

Mr. Bowman said in his opinion before he would grant or vote to approve something like this – he would want to see the applicant be turned down by the Town for making that curb cut where the Commission would prefer it; he said he thought the Town was reasonable enough and responsible enough to see a situation like that.

Mr. Bowman asked what the minimum coverage for a gas line.

Mr. Hurlburt said he believed they want 4’.

Mr. Bowman said he thought it was a little less than that.

Mr. Stevens said from his experience from other owners going in there and working with the Gas Company – they basically don’t want any excavation over it – they want to keep the same grade; they want give you 6” or something like that but if you get any less than that – in fact quite often where the gas line is really quite high with very little cover over it – you know maybe 3’ to 3.5’ they actually want you to pour a cement pad over the gas line and that’s happened in a couple driveways that went in there.

Mr. Bowman said that’s not a terrible thing – and it’s not a terrible expensive thing.

Moved by Mr. Bowman. Seconded by Ms. Dunne. Motion approved unanimously by Commission members present.
said it is a very expensive thing because you have to excavate and then incase the gas line in concrete – it's not just simply pouring the concrete.

Chairman de Jongh said what they need to do – he asked staff if they had enough information to accept the application.

Ms. Simone said the basics are with the signatures.

Motion: To accept the application.

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

Chairman de Jongh suggested that they defer any further consideration on this until they conduct a site visit and go out and actually see the site conditions.

Mr. Bowman said he would like to see the gas line staked; he would like to see the easements staked and he would like to see the actual gas line staked prior to the Commission's field walk.

There was discussion that it was going to take time to get a hold of the Gas Company to stake the area.

Mr. Hurlburt said he would get a hold of the Gas Company and see the soonest they could have it staked; he said he could not stake the lines himself because he did not know where the gas lines were.

Chairman de Jongh said the clock was not ticking and that the Commission needed to have the site visit before they could continue their discussion plus the holiday is coming up and there is only one meeting this month.

Mr. Hurlburt asked if they could still do the site visit and see if the gas line could be staked by the time of the visit; he said the gas line is at where the easement is shown.

Chairman de Jongh said if the Commission needed to go back out to the site to see where the gas line was then they could do that.

Chairman de Jongh said he wanted to see what the site conditions were, what the slopes are and get a feel for where the proposed driveway is – he said Mr. Hurlburt could stake where the driveway is
proposed to go; he did think Mr. Bowman’s comments about where the gas line was was critical as well.

Mr. Hurlburt said the Commission also said it was their opinion that they wanted to see the Town deny them first.

Chairman de Jongh said well that was suggested by one of the Commission members.

Mr. Hurlburt asked if that was something the Commission wanted the applicant to do – to ask the Town to waive their requirements of driveway slope.

Ms. Simone said the Town Engineering Department has not yet reviewed this so they don’t have any review of what the slope percentage actual is but one suggestion that staff would make to the Commission is if there is a consideration of what’s being presented tonight that perhaps the applicant could get that information in writing of what the requirements would be from the Gas Company – what that would entail as well as for the State to comment on a curb cut on to Route 68 so that way the Commission has further information.

Ms. Simone asked Mr. Hurlburt if he had a soil scientist report; she said when she spoke to Mr. Juliano he said one was done.

Mr. Hurlburt stated yes.

Ms. Simone said that she would recommend that if the Commission wants to do a field trip that the date be set tonight and then perhaps the applicant could the Commission as to whether they weren’t able to get it staked so it could be canceled; because there is only one meeting in December it would be difficult to set the field trip.

Chairman de Jongh said he would still like to go out and have the site visit – see the current conditions and see what is going on; admittedly the utilities may not be staked out and he recognizes that might be a challenge but he still wants to see the site conditions.

Mr. Bowman stated the reason the applicant has given for prudent alternatives in his opinion would not fly.

A field trip was set for Saturday, December 11, 2010 at 8:00 a.m.
Mr. Hurlburt said he would have the location of driveway staked by Saturday but he could not say he could get the gas line staked.

Further action on this item including the declaration of significance was deferred pending the outcome of the site visit.

2. Permit Application
   
   KJD Cheshire Properties, LLC
   726 South Main Street
   Site Plan – Parking Lot Expansion

   Darin Overton, PE of Milone and MacBroom was present on behalf of the applicant.

   Mr. Overton addressed the Commission.

   Mr. Overton said he was here representing KJD Properties – the applicant. He said as the Commission may recall this is one of Milone and MacBroom’s former office buildings – this is the one to the south; its located just south of Higgins Road and the southern property line abuts the Stonegate Development which also wraps around the back.

   Mr. Overton explained the property is at 726 South Main Street – its currently occupied by Osterman and Company.

   Mr. Overton said the property is in a R20-A zone and it’s about 1.27 acres.

   Mr. Overton said the original application had a wetland delineation he thought from back to 1989; he said in talking with staff, staff suggested that they have the wetlands looked again so in October of this year one of their soil scientist went out and remapped the wetlands on the site and the delineation that you see there is the current delineation from October of this year.

   Mr. Overton explained that the applicant is proposing to renovate the interior of the building. He explained that when Milone and MacBroom occupied that building the basement level was vertically all storage space and the attic space was unoccupied – it wasn’t used at all.

   Mr. Overton said the applicant is now expanding their business. They are renovating the lower level – they have already renovated it
somewhat and they are adding office space to the lower level and also adding office space to the third floor.

Mr. Overton said they are increasing the finished space up to 7,888 SF and because of that there is a need for some additional parking.

Mr. Overton said so what the plan is for – what the applicant is proposing to do – really the site impact is the expansion of the parking in order to accommodate or support the additional office space.

Mr. Overton said the previous parking lot had 34 spaces; they are adding up to a total of 16 spaces for a total of 50 spaces.

Mr. Overton said the one thing they are doing here is kind of limiting the amount of expansion of the paved parking area is that the parking regulations changed in 2008. He explained this was previously approved under an old regulation which required larger parking spaces so much of the parking expansion is achieve by re-striping the parking lot to the smaller spaces; previously they were 10’ by 20’ and now 9’ by 18” are allow but there is some expansion of the parking lot that is necessary to accommodate all of the new spaces.

Mr. Overton said he did a quick analysis of the amount of impervious or the amount of paving for the parking lot; he said he thinks they are increasing it by about 1% or a little bit less that 1%.

Mr. Overton said on this plan here the gray area that is shading is the existing paved area right now and the lighter kind of brownish gray color are areas where they are either expanding the pavement of modifying some of the islands.

Mr. Overton said there are also three spaces that designated as low use spaces – essentially they have some salesmen that come in once or twice a month; along the one-way entrance on the south they have three grass paver spaces that are shown on the plan that they will use for their sales people.

Mr. Overton explained that they have added a little bit of storm water management on the proposed site plan for this particular application.
Mr. Overton said previously this was all one owner and they had designed this as a low impact type of design in the parking lot where the water is allowed to sheet flow off and run into the pond.

Mr. Overton said since the pond is now on the neighboring property to the north which is not in the same ownership they decided to put in a bioinfiltration basin to storm the increase in runoff proposed for the additional impervious that they have here.

Mr. Overton said so they have designed something that is relatively simple – a design based on a volume analysis to just store potential incase from the new paving – its designed to infiltrate into the existing soils that are there – its got a small over flow structure – there is an 8” pipe that goes though – they have a 2’ to 3’ high berm that they are proposing there; very gentle grades.

Mr. Overton said it may look on the plans steeper than normal because they have 1’ grades shown on their instead of 2’ contours but that’s only about a 3’ berm – they kept the slopes very gentle – it’s a lawn area now – its indented to remain lawn, low maintenance – they will continue to mow it – they tried to do something very simple there.

Mr. Overton said the impacts to the 50’ upland review area are very minimal – you see the grading kind of matches into the edge – the overflow discharge is that 8” pipe from the bioinfiltration area – it comes to the edge of the 50’ review area and they have an under drain in the bottom that ties into that overflow structure to make sure that goes dry. He said as part of the maintenance they want that to drain out relatively quickly so that it would continued to be mowed and maintained as a lawn area.

Mr. Overton said so seeing they were right on the edge of the 50’ upland review area they filed the application- they did list some impacts on there in the upland review area but they are very minimal.

Tape change.

Dr. Dimmick asked about the pond on the site – he said he thought it had been a skating pond at one time.

Mr. Overton said he had skated on that pond when Milone and MacBroom were in that office building.
Dr. Dimmick said he thought someone had presented when this had originally came back in front of the Commission back in 1989 that the pond had been a skating pond.

Motion: To accept the application.

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

Chairman de Jongh said there is a dumpster located to the north – in the corner section – maybe they may want to move it and get it out of the upland review area.

Mr. Overton said that is the existing location where they have it now; he said he could talk to them about moving it to the south in another island area.

Motion approved unanimously by Commission members present.

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

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

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

3. Permit Application          APP   #2010-029
   Town of Cheshire Public Works   DOR   12/07/10
   Notch Road
   Site Plan – Pond Dredging       MAD   2/10/11

Don Nolte, Engineering Technician from Public Works and Engineering Department was present on behalf of the applicant. David Murphy, Project Engineer from Milone and MacBroom was also present.

Mr. Nolte said Mr. Murphy was present to present the application for the proposed pond dredging of the upper Mixville Pond off of Notch Road.

Mr. Nolte stated that this proposal was approved for Parks and Recreation Department as a capital expenditure in the 2008-09
budget. The proposal is for 15,000 cubic yards of excavation in the portion of the 5 acre of the upper pond.

Mr. Murphy addressed the Commission.

Mr. Murphy explained the project was for the Town of Cheshire Public Works Department sediment removal from upper Mixville Pond.

Mr. Murphy said he wanted to take a couple minutes and go through the plans and tell the story of what they plan to do and then he would list what’s in the permit application package – the reports and then he would wrap up by giving the Commission a little bit of an idea about the schedule with the DEP and Army Corp who are also reviewing this project.

Mr. Murphy said that the upper Mixville Pond is one of two ponds in the Mixville Recreation area; it’s the pond that serves as sedimentation basin for two streams, the Ten Mile River and the brook that is being called Country Brook which flows down out of Prospect – a residential area in Prospect.

Mr. Murphy showed on the plans the location of the pond, the Ten Mile River (southern portion) and Country Brook (northwestern portion); sheet three of the plan set shows existing conditions; the deepest area of the pond is the northeast corner sort of near the little spillover to the northeast pond – about 6’ deep in that area which is the desired depth for most of the pond; there are two islands that they are not proposing to excavate – they will remain in place; the shallow areas are to the southwest and northwest of the deeper area; so essentially where the Ten Mile River comes in to the pond and where Country Brook comes into the pond there has been sedimentation over the last twenty or so years, since the last time the sediment was removed from the pond.

Mr. Murphy said what was curious about the sediment deposition in the pond is that a lot of the material is coming from the northwest corner where the Country Brook flows – now Country Brook is obviously a much smaller stream then the Ten Mile River but it is showing a very, very high sediment load; if you go out there during a storm and take a walk over to the little bridge where it first enters the delta area – where you can see a lot of sedimentation occurring even under high flows you will just see sort of sand bars forming even with a couple of inches of rain.
Mr. Murphy said they were out there on March 31, 2010 when there was the high rain and they saw a lot of that going on.

Mr. Murphy said at high flows Country Brook does form a delta – it’s a big wetland area and there is a lot of deposition going on in the wetland but at low flows Country Brook really flows in this western component of the delta – against the wetland edge – so that is where the flow would be for example today – it would be in that western component.

Mr. Murphy said the plan also shows some of the aquatic vegetation; the emergence, the scrub shrub, and the floating vegetation with different colored hatches and patterns.

Mr. Murphy said they did take five soil samples and the soil sample locations are shown on the plan as well – they wanted to know what they would find – any contaminants or pollutants in the soil – the soil has turned up pretty clean – there are low levels, natural levels of some metals that sort of thing but they didn’t find anything that would require a special use permit or permits from DEP for that matter.

Mr. Bowman asked how close Country Brook comes to the Prospect dump.

Mr. Murphy said he thought the Ten Mile River tributary comes from that area; he said he thought it was a tributary to the Ten Mile River that is near the Prospect dump where as Country Brook is from a residential area.

Mr. Murphy said the next plan sheet – sheet four shows the proposed activity – he said he should note that all of this impact is temporary – it will be occurring when the pond is dewatered and the pond will be refilled so all of the wetland impacts proposed will be temporary.

Mr. Murphy said they have identified an area of about 2 to 2.5 acres of proposed sediment removal in the western and southwestern – northwest components of the pond; this is where the depth is all ready pretty shallow.

Mr. Murphy said the proposal is to go about 6’ to match the deeper area in the northeast corner of the pond.
Mr. Murphy said the plan also shows the temporary haul road in the footprint of the area of work; they are showing another haul road out to a proposed sediment retention basin structure that they want to install along Country Brook so at high flows it would catch a lot of the sand that right now is just flowing right into the wetland and into the pond.

Mr. Murphy said also shown on the plan is the proposed grading so there will be a 4:1 side slope that they are proposing to leave the pond within the areas where the sediment will be removed.

Mr. Murphy reviewed the plans sheets with the Commission; sheets showed the current and proposed grade of the pond.

Dr. Dimmick commented about sheet 4. He said he had a problem with one of the contour lines. He said a 223 going across – they are going to be leaving essentially a high ground – he said the problem he is seeing there is they are going to have a high ridge going through the middle of the pond when you finish because they are dredging it down on the southwest below 223 and on the northeast you’ve got it down below 223 and then they have this thing running right through there – its going to be between 223 and 224.

Mr. Murphy said he thought the ridge that Dr. Dimmick is speaking about might be about a half a foot in height.

Mr. Murphy said the area just to the right of it is about 224 or less.

Dr. Dimmick said he saw a 224 high point.

Mr. Murphy said sheet 6 is the water control plan. He said the proposal here – he said he thought this brought some comfort to the Commission – would be to do what was done about 20 years ago under a previous Public Works Director – so the plan would be to direct the Ten Mile River temporarily into the lower Mixville Pond; at the same time the lower pond would be dropped about two feet in level which they could do at the dam pretty easily with the controls that are in place.

Mr. Murphy explained that with the lower pond dropped about 2’ and the Ten Mile River flowing into the lower pond there wouldn’t be any flow except for Country Brook flowing into the upper pond. At that point, a little bit on its own, in keeping with the draw-down in the
lower pond it would drop a couple feet – probably on its own but they would also use pumps to dewater it. This would be done when flows were low and not when flows were high in the springtime or flooding or anything like that.

Mr. Murphy said the temporary haul road would be gravel would be brought out into the pond. He said mechanical excavation is what’s proposed for the sediment removal; so this isn’t hydrolytic dredging.

Mr. Murphy said he was not sure if Commission members were familiar with Mackenzie Reservoir in Wallingford – they just wrapped up about two years of the same kind of project – they drew down the reservoir and they used traditional excavation equipment to remove sediment.

Mr. Murphy said the proposal is to ultimately use a great deal of material – the 15,000 yards – they did some grand size analysis – its very sandy – you might have the impression that when you step into the pond it’s a lot of muck but really right under the surface of the muck there is a lot of sand – fine to course sand – but it’s a good graded sand – a lot of its road sand from Prospect.

Mr. Murphy said the plan is to reuse a lot of the sand and the plan is to not have all of it be on site but what they’ve done is they’ve graded out an area – this is Town owned land on the same property where they can temporially fit all of the materials.

Mr. Murphy said what is important about this plan is that residents across the road to the east won’t be looking out at a mountain at any time because the gradation – it is pulled back to the west – the contours so they would just be looking out at really flat surface and then it would drop off so they wouldn’t see a mountain or a hill. He said they thought that was important to just fit in with the neighborhood a little bit better because while the sediment is there they want to make sure it doesn’t look like a big construction site.

Mr. Murphy said the material would be dewatered in place during the pond draw down and it would be removed and it would be brought to this area where it could be continued to dry out a little a bit but it wouldn’t be running at that point anyway it would have dried out in the pond footprint and then some of it would be brought to Public Works to be used for a variety of projects where fill was needed – it would be clean fill.
Mr. Murphy said sheet 11 summarizes all of the impacts – the temporary impacts. He explained the impacts are listed one through seven in the table in the upper right hand corner; he said they have square footages for the total dewatering of the pond; for sediment removal; for the temporary haul roads; the permanent part of the haul road which would be in an upland area not within a wetland; they have the river bypass where the temporary culverts would be placed; sediment disposal area; and sediment basins so everything is tallied there to try to help evaluate what is going on.

Mr. Murphy said the Town of Prospect town line is fairly proximate to the project hence the letter that was sent out last week to the Town of Prospect.

Mr. Murphy said finally they have a restoration plan. He said what they have proposed are some plantings along the edges of the area they are working in and along the edges of area that they are not removing sediment – those are the sort of worm like hatch areas shown on the plan.

Mr. Murphy said they’ve also got some stone piles and some tree stumps – that sort of thing for fish habitat. He said this is something that DEP is asking for more and more – they have been with DEP already on this so they knew they would be pleased to see some of that.

Mr. Murphy said be mentioned Mackenzie Reservoir in Wallingford earlier – he said they just finished up the project after a couple of years - he said you can go out there and see some of these piles that are in place if the Commission cared to look to see how they turn out at the end. He said they made sure they did not cram them all into one part of the pond – regardless of the fact that twenty years down the road there may be another proposal to remove sediment so they did not want to have them all right near where they’d be working but some of them are on that part of the pond as well.

Mr. Murphy said he believed that was all he had regarding the project overview.

Mr. Murphy said he dropped off with the set of plans a fairly thick report, there was a summary in there, a soil scientist report is in there, an engineering report which really focuses on the water control, the alternatives analysis.
Mr. Murphy said the alternative analysis covers three different things; alternative ways to remove the sediment, alternate places to put the sediment and then alternative disposal sites. He said they looked at a bunch of alternatives and they are all there in the report.

Mr. Murphy said the environmental report goes through the evaluation of impacts to the Natural Diversity Database as described.

Mr. Murphy said and finally they have a flight contingency plan so that if flooding to occur – flooding can occur at anytime – what would be done to protect both the workers and the Town in that kind of event – how equipment would be moved and who would report to whom.

Mr. Murphy said he did not bring the soil scientist who worked on the project with him tonight but his report is in there.

Mr. Murphy said he wanted to wrap up with what is going on at the State and Federal levels.

Mr. Murphy said the applications were submitted to the Army Corp and to DEP in late April – early May 2010. They have not heard anything in writing but they have had some back and forth – some simple questions answered.

Mr. Murphy said they did have a letter with questions from the Army Corp – Corey Rose from the Army Corp is overseeing this project. He said they were actually quite pleased that Corey Rose tried to move this from an individual permit into a PGP general permit – category 2 because she was hoping that because she felt the impact was not significant and also not permanent that it could be dealt with that way; unfortunately because the project is in a flood way – it's a river so its in a flood way DEP could not allow it to be PGP so it remains an individual permit with DEP and the Army Corp.

Mr. Murphy said they have not received any formal notices of insufficiency or requests for information – they are hoping to hear something soon – its been there since April or May 2010 so they would like to hear from them (DEP and Army Corp) at some point.

Mr. Murphy said they have already caught on the fact that there area some people at DEP that are not in favor of the sediment basin on Country Brook and there are some that are in favor of it so they are
not sure how that is going to play out – the applicant is certainly in favor of it.

Mr. Murphy said a lot of times when they do sediment removal project what they do when restoration occurs is they put in a forebay in the pond – that really works well in ponds that have a different shape or configuration then this one – they are basically dealing with a circle so it would be real difficult to put in a forebay across the Ten Mile River and even more difficult to put one across the delta of Country Brook because at high flows there is water coming out of several different distributaries so they really couldn’t catch it all so they though better to move up stream and catch it where its – where the grade changes where it comes out of the hill – that it’s really where it drops everything so they would like to get the sediment there; not everyone at DEP might agree with that but that’s the current plan.

Mr. Murphy said so they are waiting to hear back from DEP and Army Corp.

Dr. Dimmick asked about after they finish the dredging and before you start the restoration are they putting an organic layer down.

Mr. Murphy explained that there is not a plan to do that at this point.

Dr. Dimmick said he asked because there is a mention of an organic layer in the plans – in the planting scheme at one point it says “all tubers and ridge stock shall be pushed 1” to 2” deep into the organic soil.” He said so it sounded like they were going to have one but he didn’t remember him saying it.

Mr. Murphy said he would look into that for Dr. Dimmick.

Dr. Dimmick asked if the application was complete.

Ms. Simone said the basics are there required for the signatures and information.

Commission members agreed the proposed activity was significant based on their regulations.

Motion: To accept the application.
Moved by Dr. Dimmick. Seconded by Mr. Bowman. Motion approved unanimously by Commission members present.

Motion: To declare the applicant significant within the context of the regulations specifically section 10.2 of the Commission’s regulations and also because of public interest in this particular project.

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

A field trip was set for Saturday, December 11, 2010 at 8:45 a.m.

A public hearing on this item was set for Tuesday, January 4, 2011 at 7:30 p.m.

Further action on this item was deferred pending the outcome of the field trip and the public hearing.

4. Discussion with Yankee Gas
West Main Street Streetscape

Ted Hart, PE of Milone and MacBroom was present on behalf of Yankee Gas.

Mr. Hart said he was here tonight on behalf of Yankee Gas for the crossing of the Farmington Canal at West Main Street.

Mr. Hart explained that this is part of the overall project of the 16” gas main that goes from Wallingford to Waterbury. He said as everyone knows in Cheshire that West Main Street was dug up and the 16” main was installed.

Mr. Hart said there was a gap at the canal where the canal crosses West Main Street. He explained because the DOT basically changed their mind – originally the plan was to cross here and they have a new culvert that is being planned – its going in next year and so Yankee Gas has been told they can’t go on top of the 5’ by 7’ box culverts that DOT is planning to install.

Mr. Hart said so they are coming out going south and then crossing the canal and then going back into West Main Street.

Mr. Bowman asked if that was on Dalton’s property.
Mr. Hart said yes – its Dalton property – it’s going to be the same easement area as DOT has negotiated and there is an agreement in principal between Yankee Gas and Dalton.

Dr. Dimmick said some of that used to be the old button factory.

Mr. Hart said it was Ball and Socket – he said basically they are going right through their front yard.

Dr. Dimmick asked what the depth or height of the pipe compared to the canal – is that going to be going above the canal or going under the canal.

Mr. Hart said it will be going under the canal.

Dr. Dimmick said so they pipe line is going to have a considerable drop from where it is in the street then.

Mr. Hart said it will dip down and go under the canal and then come back up and meet up with the pipe line that is in the street; it is 3’ below the existing canal grade.

Dr. Dimmick said he remembered when they had the original public discussion on this pipe line – he had specially asked about the crossing and you all at that time were sure that you would be able to go over the culvert.

Mr. Hart said that was the plan – as this project as progressed there has been a couple of changes along the way and originally they got a Army Corp 404 permit and 401 water quality certificate from DEP for the project and the reason for that was they crossed the Naugatuck River with an open cut and they received permits for that.

Mr. Hart said the permit was basically for the entire length of the project because they only look at entire projects.

Mr. Hart said they are going back to the Army Corp and DEP; they already talked to the Army Corp and they are satisfied – they are going to be handling this as a modification of the permit and DEP – they are submitting the modification tomorrow.

Mr. Hart said they would like to do this work before the rest of the project starts up again in April 2011; this would be a good winter
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project to do when the ground is frozen so they would like to do this in February 2011 and it depends on when they get their DEP permit.

Dr. Dimmick said as a public utility strictly speaking you don’t really need a permit from the Commission – you just need to keep them informed.

Mr. Hart said that’s correct – this is an informational meeting – under the state statutes the DPUC regulates the gas company so they don’t need local permits but they have to get all of the state and federal permits – so this is an informational meeting.

Chairman de Jongh stated the Commission appreciates that.

Mr. Hart said what they are going to be doing is installing a 16” main – there is also a 6” gap in the street right now – they are going to take that out also and route it with the 16” main so there will be two will be side by side gas mains; one is the 16” transmission main and the 6” is the local gas pipe.

Chairman de Jongh asked if the Commission had a copy of the map for their files.

Mr. Hart said he could give it to the Commission – he said he believed they did send to Ms. Simone.

Ms. Simone said they have the smaller version but they weren’t able to print it out.

Mr. Hart gave staff the map for the file.

Mr. Hart said Bill Root, the wetland biologist that is working on the project and Mark Smith is the project manager from Northeast Utilities, who is managing the entire project were present.

Chairman de Jongh asked how long did they think it would take from start to finish to install the pipe.

Mr. Hart said in total one to two weeks – actually doing the work in the canal one to two days – its fairly quick work when they are out of the street – they don’t have to do any paving or anything.

Mr. Hart asked if there were any other questions.
Chairman de Jongh said that the Commission certainly appreciated the information and keeping the Commission up to date on what’s going on.

Mr. Bowman asked when the state planned on doing the culvert.

Mr. Hart said next year.

Mr. Smith said in April 2011 but it could be later in the year – it may be July.

5. Approval of the November 16, 2010 Regular Meeting Minutes

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

Pg. 6 L9 2005 “they” to “the”;
Pg. 7 L31 add after “are” “in”, L40 delete “enough” and that’s there;
L42 add “is” after sewer”, L44 “he” to “the”;
Pg. 9L33 delete “in any wetlands”, L36 “there” to “their”; Pg. 10 L30 “utilizes” to “utilities”; Pg. 11 L32 “impervious” to “pervious”;
Pg. 12 L29 “then” to “than”, L43 “constancies” to “consistencies”.

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

XII. EXECUTIVE SESSION

The Commission went into executive session at 8:48 p.m.

The Commission came out of executive session at 8:57 p.m.

No decisions or motions were taken in the executive session.

XIII. ADJOURNMENT

The meeting was adjourned at 8:57 p.m. by the consensus of Commission members present.

Respectfully submitted:

Carla Mills, Recording Secretary
Cheshire Inland Wetland and Watercourse Commission