The meeting tape was not audible due to audio difficulties from this point in the meeting to item number four under new business. Minutes taken from recording secretary notes.

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

Staff present: Suzanne Simone

Members absent: Matt Bowman.

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited.

III. ROLL CALL

Mr. Alderton called the roll.

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

IV. DETERMINATION OF QUORUM

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

V. APPROVAL OF MINUTES – Regular Meeting – February 2, 2010

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

VI. COMMUNICATIONS

1. DEP Approval Notification – DOT Project Number 25-140
   Culvert Replacement - Farmington Canal
The DEP notification was reviewed. Ms. Simone informed the Commission the project was approved.

2. Copy of State Aquatic Pesticide Permit Application
   Johnson Pond – 316 Sir Walter Drive
   316 Sir Walter Drive

   The copy of the application was reviewed by the Commission.

3. Copy of State Aquatic Pesticide Permit Application
   Weeks Pond – Weeks Road

   The copy of the application was reviewed by the Commission.

4. Yankee Gas Waterbury-to-Wallingford Line (WWL) Project
   Town of Cheshire Briefing, February 8, 2010

   Information regarding this project was reviewed.

5. Letter from Arisco Landscape
   Re: 175 S. Brooksvale Road, February 2010 inspection report

   Ms. Simone informed the Commission that an inspection report for
   175 South Brooksvale Road was reviewed.

6. Letter to Linda Hettrick - Application # 2010-001
   Re: Mandatory action date

   This communication was reviewed.

7. Correspondence from Linda Hettrick - Application # 2010-001
   Re: Construction sequence and time extension request

   This communication was reviewed.

8. Correspondence from Nancy Levesque - Application # 2010-004
   Re: Zoning information

   This communication was reviewed.

9. Correspondence from Nancy Levesque - Application # 2010-004
   Re: Tree/Stump removal

   This communication was reviewed.

10. 2010 Municipal Inland Wetland Commissioners Training Program
This communication was reviewed. Ms. Simone informed Commission members to notify her if they were interested in attending the training program so she could sign them up.

11. IWW Delineation Report & Impact Assessment Application #2010-006
    Re: Meadowview Estates Resubdivision – Huckins Road

12. Staff report Saddlebrook LLC
    Re: Application # 2010-006

This communication was reviewed. This item is under new business on tonight’s agenda.

13. Staff Report

VII. INSPECTION REPORTS

1. Written Inspections

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

2. Staff Inspections

a. 430 Wexford Place

Ms. Simone reported she received a complaint regarding drainage onto the property at 430 Wexford Place from a neighboring property owned by the Cheshire Land Trust. Ms. Simone explained she met with the contractor hired by 430 Wexford Road to discuss his proposal to install a drainage swale along the length of the driveway. This area is not identified as containing wetland soils, and according to the town soils map, is located outside the 50 foot regulated area.

b. Maple Ave

Ms. Simone informed the Commission that an anonymous wetlands related complaint was received in the planning office pertaining to a property on Maple Avenue. Ms. Simone said that staff drove around in that area but did not locate any evidence of wetland filling or dumping and was not able to determine the location of the property subject of the complaint (the caller did not provide location information).

c. Wetland Application Notification for Property in Waterbury
Ms. Simone informed the Commission regarding notification of proposed construction on the Waterbury/Cheshire town line. She noted that the wetlands are located on the Waterbury side of the subject site and the slope of the development sheds surface water in the direction of Waterbury. The Commission discussed the impacts associated with construction were related to construction of the parking area for a multi-unit commercial strip-mall.

d. South Brooksvale Road

Ms. Simone informed the Commission a complaint was received from Mr. Lundquist regarding property located at 175 South Brooksvale Road/Joshi property relating to water issues.

Ms. Simone reported that the area has been subject to surface drainage problems and are not wetland related. Staff will be issuing a letter to Mr. Ljungquist summarizing their March 2nd

e. DEP Spill Notifications

Ms. Simone informed the Commission of two DEP notifications of spills in town. Ms. Simone informed the Commission that the Town received notification from DEP whenever spills occur in Cheshire. The most recent two directly impact watercourses, therefore Ms. Simone wanted to bring them to the attention of the Commission. The location of one of the spills was on Route 42 – a transmission fluid spill that entered the wetland/watercourse in the area.

Ms. Simone informed the Commission the second location of a spill (a green liquid chemical spill in the swale) was at the intersection of Creamery Road and Route 10.

Ms. Simone explained that the spills were under DEP jurisdiction and the Cheshire Fire Department and the DEP took immediate measures to contain the spills that entered the watercourses; she explained to the Commission the steps DEP took to contain the spill.

The Commission discussed the source of the spill (the car wash located on the west side of Route 10 at Creamery Road and the possible need for a letter from the Commission notifying the car wash owner of the need to use car with chemicals due to the proximity of wetlands and watercourses. Ms. Simone informed the Commission that spill response and required cleanups are the jurisdiction of the DEP. The Commission agreed that a letter did not need to be sent.
Ms. Simone said that she believed the DEP would require the car wash owner to be financially responsible for the DEP’s contractor clean up of the area.

f. East Johnson Ave: Pasqualoni property

Ms. Simone informed the Commission of an inquiry to the Planning office regarding tree cutting activities on East Johnson Avenue at the site of the Pasqualoni property.

Ms. Simone explained she observed cut trees in a flat area on the property and not directly along the bank; she noted a cabin was located on the subject property was removed.

The Commission discussed the activity taking place at this location; it was requested that the property owner appear before the Commission to inform the Commission and provide details regarding the activities taking place on the property.

Ms. Simone agreed to send the property owner a letter requesting his appearance at the next Inland Wetlands meeting.

g. Other – none.

VIII. ENFORCEMENT ACTIONS

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

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

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

Chairman de Jongh stated that this item would remain on the agenda.

3. Unauthorized Activities in an Regulated Wetland Area
   Amit & Uma Joshi
   175 South Brooksvale Road

The Commission received an inspection report – item number five under communications from Arisco Landscape pertaining to 175 S.
Brooksvale Road; the inspection report was dated February 2010 inspection report.

Mr. Alderton asked about this item being kept on the agenda.

The Commission and staff discussed the status of this item.

Ms. Simone explained that inspection reports were required through September 10, 2010.

This item would remain on the agenda.

### X. UNFINISHED BUSINESS

1. Permit Application
   - Linda Hettrick
   - 30 Homestead Place
   - Pond Remediation

<table>
<thead>
<tr>
<th>APP</th>
<th>#2010-001</th>
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<tr>
<td>DOR</td>
<td>1/05/10</td>
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<td>MAD</td>
<td>5/15/10</td>
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Linda Hettrick, the applicant, and John Paparazzo were present. Mr. Paparazzo will be conducting the proposed work at the subject site.

Items numbered six and seven under communications pertained to this application. Ms. Hettrick submitted a construction sequence and a request for an extension of the mandatory action date.

Ms. Simone stated that the mandatory action date was extended to May 15, 2010.

Ms. Simone stated that the applicant submitted revised maps.

Commission members reviewed the new maps.

Ms. Simone read the highlights of the letter from Ms. Hettrick to the Commission dated February 23, 2010:

Ms. Hettrick stated in the letter that approximately 1,500 cubic yards of material would be removed from the pond using a backhoe, small bulldozer and triaxle truck; approximately 500 yards of material could be used on site to fill in and level off areas around the side of the house and garage; in order to fix the breach in the dam there would be a concrete overflow approximately 20' inside the dam with a pipe leading out through the dam (the concrete dam was suggested by the State of Connecticut DEP); silt fencing would be installed in all areas of construction and around temporary material stockpiles as shown on the map; tree cutting around the pond.
would be kept to a minimum, and only done in areas to allow access for machines and dam reconstruction – approximately a dozen trees ranging in size from 4” to 12” in diameter; all banks inside the pond will be graded to approximately a 3:1 slope and no more than 8' deep in the center of the pond; and all disturbed areas would be seeded and hayed. The work would be done by John Paparazzo.

Mr. Paparazzo addressed the Commission and reviewed with them pictures of the subject site, the construction sequence and the project details.

The pictures were numbered and submitted for the record.

Mr. Paparazzo talked about the pumping of the water out of the dam in order to do the proposed work.

The Commission stated they wanted to see details regarding the pumping of water.

A field trip was set for Saturday, March 6, 2010 at 8:00 a.m.

Declaration of significance was deferred pending the results of the field trip and the submission of the pump details.

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

2. Permit Application
Laura Willhite
R.O.W. – 971 & 477 Allen Avenue
Water Service Lateral Installation

APP #2010-002
DOR 1/19/10
MAD 3/25/10

Ms. Simone stated that staff received a message from David Carson of OCC Group regarding the status. Mr. Carson conveyed to staff that the applicant is waiting for necessary City of Meriden approvals.

Ms. Simone informed the Commission that she informed Mr. Carson of the mandatory action date and that he can submit a request to extend the date as well as the possibility of withdrawing the application if he does not have the required permits in place before the current March 25, 2010 mandatory date.

3. Permit Application
Michael's Greenhouses, Inc.
South Meriden Road
Pond Elimination

APP #2010-003
DOR 02/02/10
MAD 04/08/10
Mr. Arisco was present.

Ms. Simone stated she had a draft motion for Commission members review and approval.

Mr. Alderton noted the permit expiration date should be changed to March 2, 2015 since the February 16, 2010 was cancelled.

The motion was changed to reflect the correct permit expiration date.

Motion:

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

1. That on December 1, 2009 the Commission determined that the elimination of the pond requires a permit from the Commission.

2. That the current application is for elimination of the existing 16,500 square feet pond (approximate).

3. That according to the applicant, the water from the existing pond will be pumped into the newly created pond, eliminating erosion concerns caused by over ground drainage from the existing pond into the new pond.

4. That the Commission has determined the activity to not be significant under the context of the Cheshire Inland Wetlands and Watercourses Commission regulations.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2010-003, the permit application of Michael’s Greenhouses for pond elimination as presented on the plans entitled:

“Property/Boundary/Survey, Land N/F Arisco Realty, LLC
300 South Meriden Road (CT Route 70), Cheshire, CT
Dated January 20, 2010
Scale 1”=100’, Prepared by Winterbourne Land Services, 604 Center Street, Wallingford CT 06492”.

And
"Michael's Greenhouses
Description of Work to be Done
(Construction Sequence)".

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. The construction sequence shall be adhered to.

4. All disturbed areas on the site not directly required for permitted activities shall be temporarily seeded and hayed until the site is permanently stabilized.

5. Throughout the course of conducting construction activities covered by this permit grant, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring that all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100' if possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.

6. This permit grant shall expire March 2, 2015.

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

4. Permit Application
   Plants R Us
   150 South Meriden Road
   Site Plan – Fill & Drainage
   
   APP  #2010-004
   DOR  02/02/10
   FT   02 13 10
   MAD  4/08/10

Ms. Simone reminded Commission members that the field trip for this site scheduled for February 13, 2010 had been cancelled due to inclement weather.
Christopher Conklin, PE of Conklin and Soroka was present on behalf of the applicant.

The Commission reviewed the plan for the proposed activity.

Mr. Conklin briefly reviewed the proposed activity to take place at the site; he talked about the installation of the pipe on the site and the location of the nearest wetlands.

Mr. Conklin talked about the installation of the greenhouses on the site.

Dr. Dimmick clarified that the greenhouses were determined to be of agricultural use by the Wetlands Commission; the construction of the greenhouses were not as-of-right without that determination.

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

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

Audio resumed at this point in the meeting.

Ms. Simone stated she had a draft motion for Commission members review and approval.

Ms. Simone noted the permit expiration date should be changed to March 2, 2015 since the February 16, 2010 was cancelled.

The motion was changed to reflect the correct permit expiration date.

Motion:

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

1. That on February 2, 2010 the Commission determined that the deposition of fill within a field delineated wetland and the piping of a watercourse require permits from the Commission.

2. That the applicant’s soil scientist field located wetland soils and a watercourse on the subject property.
3. That the current application is for deposition of fill within a designated wetland and the piping of 275 feet of a watercourse. The fill is to be obtained from cuts on site. No additional fill is proposed to be brought on site.

4. That according to the applicant’s engineer the proposed plan calls for installation of an 18 inch HDPE pipe with flared end sections and a rip rap apron.

5. That the Commission has determined the activity to not be significant under the context of the Cheshire Inland Wetlands and Watercourses Commission regulations.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2010-004, the permit application of Plants R Us for placement of fill for greenhouse installation and piping of a watercourse as presented on the plans entitled:

“Improvement Location Plan, Land of Judith A. Pasqualoni
150 South Meriden Road, Cheshire, CT
Dated January 27, 2010
Scale 1”=30’, Prepared by NET Engineering, LLC., 660 Moss Farms Road, 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. Prior to the commencement of permitted activities under this permit grant, the applicant shall properly install erosion controls, as depicted on the above-referenced site plan. Staff may insist on additional controls if warranted by field conditions.
4. All disturbed areas on the site not directly required for construction activities shall be temporarily seeded and hayed until the site is permanently stabilized.

5. Throughout the course of conducting construction activities covered by this permit grant, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring that all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100’ if possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.

6. This permit grant shall expire March 2, 2015.

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

XI. NEW BUSINESS

1. Permit Application
   Diversified Cook Hill, LLC
   Plank Road
   Resubdivision – 14 Lots
   APP #2010-005
   DOR 3/02/10
   MAD 5/06/10

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

Mr. McEvoy said the application is to conduct regulated activities associated with a 14-lot residential subdivision.

Mr. McEvoy showed the plans the location of the parcels that are to be subdivided. He said there was roughly one large piece roughly 65 acres shown on the northern portion of the map and two smaller parcels along the southern portion of the site that are former locations of what were referred to as the Milldale –Waterbury Tran-line that are owned by Clarence Miller and Cheshire Investments Company which are also co-signers of the application as owners.

Mr. McEvoy said the applicant does own the larger 65 acre portion of the parcel.

Mr. McEvoy said the parcels are bounded by what was previously referred to as the second phase of Woodland Hills Subdivision along
Summit Road which was an 8-lot subdivision approved by the Wetlands Commission in 2005.

Mr. McEvoy said to the south there are existing properties also part of the first phase of the Woodland Hill Subdivision along Plank Road and Scott Road; and a handful of existing parcels in that area as well; and to the north by Interstate 84.

Mr. McEvoy said the parcel does fall within 500' of the City of Waterbury so the applicant has provided for certified mailings, notifying the wetlands enforcement officer in Waterbury.

Mr. McEvoy stated the site in generally wooded with the exception of a few very noticeable areas. The eastern portion of the parcel is sparsely vegetated but is a very broad, flat wetland meadow; bisecting that wetland and a portion of the upland part of the site are two high pressure gas transmission lines which generally run east to west.

Mr. McEvoy said he believed the gas transmission lines were operated by Algonquin Gas Transmission Company and the remainder of the site to the west is all matured forest upland areas for the most part with a few pockets of wetland located in local low points in the northern part of the parcel.

Mr. McEvoy explained that the wetlands on the site were highlighted with a yellow cross-hatch on the map).

Mr. McEvoy said there are also wetlands located on the southwest corner of the parcel that are created primarily due to the filling that occurred over the years for the construction of the tran-line which runs along the entire southern portion of the parcel and then off the site to the southwest.

Mr. McEvoy said in general the large wet meadow area to the east is essentially flat with slopes much less than 5% and in some cases approaching zero percent (0%) which is probably why it's a wetland.

Mr. McEvoy said there is a high point on the site at roughly 650 (elevation) with a low area in the wet meadow portion of the parcel of approximately 540 (elevation).

Mr. McEvoy said the slopes range from almost dead flat on a portion of the site to quite steep as you approach I-84 particularly to the west with a slope ranging of roughly 25%.

The Commission reviewed the maps of the site.
Mr. McEvoy said the applicant is proposing a 14-lot subdivision in the western portion of the lot where the vast majority of the upland soils occur.

Mr. McEvoy said the applicant was coming into the site with a proposed roadway just off the gas easement which was specifically chosen to avoid any conflicts with the large transmission pipelines.

Mr. McEvoy said they are proposing all of the lots to access off of 1450 +/- linear foot standard town roadway.

Mr. McEvoy said all of the lots are proposed to be served by septic and wells.

Mr. McEvoy said they are handling storm water rates with two detention basin locations; one in the eastern portion of the upland part of the site and another one in the extreme southwest corner adjacent to where the old train lines used to be.

Mr. McEvoy said associated with the construction of the roadway they do have a number of small direct wetlands impacts.

Mr. McEvoy showed on the map the location of the entrance roadway.

Mr. McEvoy said the Commission could find all of the impacts and regulated activities on titled sheet I-N of the submitted plans.

Mr. McEvoy said what they are essentially doing with the roadways – they are trying to cross in the narrowest part of what would be essentially wetland disturbance.

Mr. McEvoy said the entire road frontage that they have alone Plank Road is essentially wet areas with the exception of one pocket where you have an existing driveway in an wetland area that the applicant proposes to cut through; he said because of the standard town road width and shoulder grade, etc, they do have impacts on two pockets of wetlands on either side of the road.

Mr. McEvoy said they also have, according to Cheshire Zoning regulations, are required to provide sidewalk along the entire frontage of the site; not just the roadway itself but along the whole frontage of Plank Road.

Tape change.
Mr. McEvoy said there is a small isolated wetland pocket that exists both on the adjacent parcel and within the town right-of-way.

Mr. McEvoy said the should of the road in this location is somewhat poorly maintained; there are large trees that are essentially right on the roadway – 24" trees that a matter of inches or feet away from the roadway which would need to be cleared in order to create adequate site lines for this road.

Mr. McEvoy said they have checked out in the field the location of the trees that have to be removed and light vegetation and brush and things like that that need to be removed. He said they will not need to go onto the adjacent parcel in order to create the site lines that are needed according to town standards.

Mr. McEvoy said of course they have upland impacts associated with these proposed activities; impacts in the vicinity of the roadway (shown on the plans).

Mr. McEvoy said there was one other spot in particular where there is activity within the upland and that’s further to the north; the discharge of the detention basin falls just of slope of the wetlands and there is some minor activity of clearing and installation of storm drainage within the upland area.

Mr. McEvoy said also along with the proposed activities in the wetlands, they are also proposing some mitigation activities.

Mr. McEvoy said there are some small pockets of wetlands in localized low points.

Mr. McEvoy said particularly in the northwest corner of the site there are two isolated pockets that have been heavily disturbed over the years by ATV users and things like that. He explained there are actually some abandoned vehicles up in that area; he said they are proposing to clear out all of the manmade items from the site and plant the area with some wetland friendly species that will help protect the site long term.

Mr. McEvoy said in addition, nearest to the roadway, they are also proposing to again remove some debris that has accumulated over the years along with some upland planting immediately adjacent to the wetlands.

Mr. McEvoy said that was a brief summary of what they are proposing for the site. He said they are looking for the Commission to make a determination on the significance of these activities and
also see if the Commission would like to have a field walk before any further discussion on this application.

Dr. Dimmick said he had a feeling the answer was going to be yes on both of the questions.

Dr. Dimmick asked if staff was satisfied with the materials submitted as part of this application in order to accept it and start to move forward.

Ms. Simone stated yes.

Motion: To accept the application.

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

Chairman de Jongh said he agreed with Dr. Dimmick that the Commission would want to conduct a field trip of the site. He said the Commission walked the original application for the other property extensively and he said he thought the Commission would need to go out to review this site.

There was discussion regarding the terrain of the subject parcel.

Mr. Kurtz asked what exit the property is near in relationship to I-84.

Mr. McEvoy said the property is really not that close to either exit 25A or 26 but it’s in between those two.

A field trip was set for Saturday, March 6, 2010 at 8:45 a.m.

Mr. Alderton asked how many acres was the applicant proposing to develop in relationship to the 65 total parcel acreage.

Mr. McEvoy said on the top of his head he did not know the answer but he said it was roughly half the site – maybe 60% of the site is proposed to be developed; the remaining areas which include the vast majority of the wetland meadow wetlands were to remain in the ownership of the applicant.

Ms. Simone stated that the wetland report indicted that the entire property is 75.7 acres and that 37.4 acres is designated for the subdivision.

Chairman de Jongh asked if Mr. McEvoy had seen the commentary from the Engineering Department to the Town.
Mr. McEvoy said he had.

Mr. McEvoy said the applicant received two pieces of information from the Engineering and Public Works Department.

Mr. McEvoy explained the first piece of information was from Warren Disbrow from the Engineering Department and a majority of the comments really don’t have any direct impacts to the activities that are proposed. There are some questions about locations of catch basins and grading of the cul-de-sac but there is one item in particular that will impact their total number of final square footage and that is comment number 6 where Mr. Disbrow makes the comment that the side slopes off the right-of-way have to be on a 1:3 ratio; one foot vertical to three feet horizontal – he said the applicant has proposed a 1:2 ratio.

Mr. McEvoy said what will ultimately happen is they will have to look at the grading right around the roadway here and the extent of the slope coming up to the proposed grade of the road may extend out a little bit further than what they originally proposed; and the wetland impact might increase slightly.

Mr. McEvoy said other than the issues noted, all of the other comments from Mr. Disbrow can be addressed prior to the next meeting; he said he did not think Mr. Disbrow’s comments would have a huge impact on the application other than his one comment.

Chairman de Jongh said he wanted to make for the record that both the commentary from the Engineering Department was recognized and that responses would be forth coming.

Mr. McEvoy said the comments were just received yesterday and he did not have an opportunity to respond.

There was discussion regarding the declaration of significance and the possible need for a public hearing.

Motion: To declare the proposed activity significant within the context of the Commission's regulations specifically section 10.2 a, b, and e.

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

A public hearing was set for Tuesday, April 6, 2010.
Mr. Alderton asked if the applicant would consider, in terms of the other areas that were not impacted by development, a conservation easement.

Mr. McEvoy said he would have to discuss that with the applicant.

Mr. Alderton said that was something he would like to know.

Mr. McEvoy agreed to find out.

A field trip was set for Saturday, March 6, 2010 at 8:45 a.m. Further action on this item was deferred pending the outcome of the public hearing.

2. Permit Application
   Saddlebrook LLC
   Huckins Road
   Resubdivision

   APP   #2010-006
   DOR   3/02/10
   MAD   5/06/10

Matthew Ducsay, PE of Milone and MacBroom was present on behalf of the applicant.

Mr. Ducsay said that in front of the Commission tonight is the application of the resubdivision of lot 5 Saddlebrook Farms Subdivision.

Mr. Ducsay explained to the Commission that Saddlebrook Farms Subdivision is located on the corner of Marion Road and Huckins Road. He said the application for subdivision was originally approved by this Commission in June 2009 as a five lot subdivision.

Mr. Ducsay said just to give the Commission some history on the site, initially under the initial application there was a 100 year FEMA flood plane line associated with Cuff Brook which runs from the west to the east across the property.

Mr. Ducsay said during the initial application there was a field walk of the property.

Mr. Ducsay explained the 100 year flood plane was a zone A-line which is a graphic line; putting that line on the plan and comparing it to the relationship of the topography it was clear that that line was off.

Mr. Ducsay said the applicant moved forward with the five lot subdivision while also working with FEMA to revise the line to
accurately reflect the 100 year flood plane associated with Cuff Brook.

Mr. Ducsay said since the approval of the initial application in June 2009, FEMA has approved the new flood plane line and the Town has adopted it as well.

Mr. Ducsay said the new flood plane line is on the plans in front of the Commission.

Mr. Ducsay said the new line is a heavy dash – gray scale line that is relatively close to Cuff Brook; he stated per the Cheshire Zoning regulations no residential structures are allowed within the flood plane so that is why this subdivision of this lot could not be at that time per the regulations which is why they had to go through the low-mar process which is a letter of map revision.

Mr. Ducsay said the applicant is now back tonight with the resubdivision of the lot to essentially create six lots on the entire parcel.

Mr. Ducsay said the acreage is 2.34 acres and is located in an R-40 zoning district.

Mr. Ducsay said the wetlands were initially flagged by Milone and MacBroom in August 2008 and a wetland delineation report was submitted as part of this application.

Mr. Ducsay said the resubdivision consists of two lot; right now its one lot. He said the applicant would like to re-subdivide the lot into two lots.

Mr. Ducsay said both of the lots would take access off of the rear lot access way shown all the way to the west on the plans which was also approved as part of the initial application for this project.

Mr. Ducsay stated that both lots would be served by public sewer and water. He said the initial project had sewer and water extensions which would serve these two lots here (Mr. Ducsay showed on the map).

Mr. Ducsay said in terms of storm water management – both lots are outfitted with a rain garden. The rain garden is designed to mitigate the increase in volume for all storms 3 through 100 year and each rain garden also has a grate overflow structure in high storm events. The water will overflow into the grate structures and then discharge to Cuff Brook at an existing discharge point.
Mr. Ducsay said the maximum impoundment depth of the rain gardens is 1' 3" – that is going to be the maximum amount of water that is ever going to be in any of those the rain gardens.

Mr. Ducsay said there are no direct wetland impacts associated with this application and there are approximately .05 acres of upland disturbance required in order to do the grading necessary in and around lot 5.

Mr. Ducsay said on lot 5 there is a new single family residence proposed while on lot 6, the applicant would like to retain the existing barn that is there which was seen during the previous field walk of the initial application.

Mr. Ducsay said the barn is intended to be improved and built as a single family residence. He said the plan is showing the driveway as well as the garage on the lot in order to serve that house.

Mr. Ducsay said the plan depicts numerous S&E control measures – silt fence reinforced with haybales down gradient of all the activities in order to protect Cuff Brook.

Mr. Ducsay said once again, Cuff Brook is the only wetland resource on the property.

Mr. Ducsay said if the Commission has any questions he was more than happy to attempt to answer them.

Dr. Dimmick said in his notes from staff it says the application is for subdivision only but it looks like its subdivision and also regrading.

Ms. Simone stated the resubdivision is only meant to clarify that it's not site plan; in the application it does specify for construction of a single family home. She said there is some grading that is proposed and the information has been provided in the application.

Dr. Dimmick asked if this application would require the Commission to issue a report to Planning and Zoning because of a resubdivision.

Ms. Simone stated yes.

The Commission reviewed the plan details.

Chairman de Jongh asked about the distance of the corner of the proposed house to the wetlands.
Mr. Ducsay said that the closest the structure is to the 50’ upland review line is about 45’ away from the wetlands (at the garage corner – rear corner).

Chairman de Jongh asked from the wetlands and not from any kind of non-encroachment line that the Commission might impose.

Mr. Ducsay stated that was correct – from the wetland edge.

Dr. Dimmick said there was regrading proposed closer than that.

Mr. Ducsay stated yes - that was correct.
Mr. Ducsay he expected that any approval would be conditioned for a site plan approval; he said he was aware of some confusion as to what the application was for – wetlands approval or wetlands approval and site plan approval.

Chairman de Jongh said so they are not looking for site plan approval on this – is that correct.

Ms. Simone said no – he was correct.

Dr. Dimmick said but the regrading was part of this application.

Mr. Ducsay stated that was correct.

Chairman de Jongh asked staff if there was enough information on this application to act on this application this evening.

Ms. Simone stated the signatures that are required are on file as well as the application fee being received.

Motion: To accept the application.

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

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

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

The Commission reviewed the map specially the areas that showed the steep drop-offs on specific lots.
Mr. Ducsay said on lot 5 there is a pretty significant drop-off and one could see based on the grading being depicted that the rear of any residential structure is intended to be a walk out to make up for that 10' grade change from one side of the house to the other; the grading depicted there is to make up a portion of that vertical change across the property.

Dr. Dimmick said he was glad that one structure was going to remain but it would take a lot to restore it to its previous condition. He said it will make a difference in the regrading because that gives kind of a fall back protection for the area being regrading the fact that the structure is going to remain there.

Chairman de Jongh said if he remembered correctly weren’t there some hedges along the edge along Cuff Brook.

Dr. Dimmick said that was further down.

Mr. Ducsay said he thought Chairman de Jongh was referring to another area where another structure is currently being refurbished.

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

3. Discussion of Yankee Gas
Waterbury to Wallingford Line Project
Town Council presentation - February 23, 2010

Chairman de Jongh stated that staff sent out information to all Commission members on the project that is being proposed by Yankee Gas.

Dr. Dimmick stated a few Commission members went to the hearing.

Ms. Dunne asked Chairman de Jongh if he got an answer to his question about where it looked like the project was going through the water.

Dr. Dimmick said it was noted that the map was wrong. Dr. Dimmick said he asked that a corrected map be supplied – he asked staff if that happened. He said he had other questions he asked be responded to in writing.

Ms. Simone said she has not contacted Yankee staff yet but she would; nothing has been received yet.
Ms. Dunne said that the Yankee Gas representative contact wetlands staff not vise-a-versa.

Dr. Dimmick talked about the map error and the fact that gas line crosses the Farmington Canal and the Commission should have detail on that.

Ms. Simone said she would look at the minutes from that meeting and make contact.

There was a brief conversation about the gas line project proposal.

4. Approval of Minutes
Regular Meeting – February 2, 2010

Motion: To accept the minutes of the February 2, 2010 Regular Meeting with corrections.

Pg. 6 L14 delete "he suggests"; pg. 7 L14-15 "must" to "much" and "some" to "its", L44 "come" to "some"; Pg 9 L42 "in" to "is"; pg 10 L25 "two" to "to", L45 "nay" to "any"; pg 13 L20 "don" to "on", L25 "say" to "se"; pg 15 L17 "said" to "asked", L22 "entirely" to "entirety."

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

XII. EXECUTIVE SESSION

The Commission went into executive session at 8:42 p.m.

The Commission came out of executive session at 8:50 p.m.

No decisions or motions were taken in the executive session.

XIII. ADJOURNMENT

The meeting was adjourned at 8:51 p.m. by the consensus of Commission members present.

Respectfully submitted:

Carla Mills, Recording Secretary
Cheshire Inland Wetland and Watercourse Commission