Members present: Robert de Jongh, Charles Dimmick, Matt Bowman, Kerrie Dunne, Earl Kurtz, and Sheila Fiordelisi. New Commission member Peter Talbot was also present.

Staff Present: Suzanne Simone

Ms. Sheila Fiordelisi served as secretary pro-tem due to Mr. Alderton’s resignation.

I. CALL TO ORDER

Chairman de Jongh called the meeting to order at 7:39 p.m.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited at the public hearing.

III. ROLL CALL

Ms. Fiordelisi called the roll at the public hearing. All members present at the public hearing were still in attendance for the regular meeting.

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

IV. DETERMINATION OF QUORUM

A quorum was determined at the public hearing.

V. APPROVAL OF MINUTES –

Regular Meeting – May 18, 2010
Public Hearing – June 1, 2010
Regular Meeting – June 1, 2010

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

Chairman de Jongh stated he would like to recognize a new member of the Commission- Mr. Peter Talbot replacing Mr. Alderton.
Chairman de Jongh welcomed Mr. Talbot to the Commission and said he knew he would be a great addition to the Commission.

VI. ELECTION OF SECRETARY

Chairman de Jongh stated that due to Mr. Alderton’s resignation from the Commission the role of secretary is vacant.

Chairman de Jongh opened up the floor for nominations for secretary.

Mr. Bowman nominated Ms. Kerrie Dunne for secretary.

Mr. Kurtz seconded the nomination.

Chairman de Jongh noted the nomination of Ms. Dunne for secretary was moved by Mr. Bowman and seconded by Mr. Kurtz. He asked if there were any other nominations.

There were no other nominations.

Chairman de Jongh suggested that the nominations be closed.

Mr. Bowman moved that the nominations be closed.

Dr. Dimmick seconded the nomination.

The nomination to approve Ms. Dunne as secretary was approved unanimously by Commission members present.

VII. COMMUNICATIONS

1. Commission Member Summaries/Ordinance Sec. 2-36

Ms. Simone said the first communication is members’ summaries and ordinance 2-36.

Chairman de Jongh said he needed to make a change on the information he submitted for himself – he said he was a twenty-five year resident of the town and thirty-one years in business.

Ms. Simone said he made the change.

Chairman de Jongh explained the reason for this item was they obviously have some gaps in some summaries and what they would like to do is have Commission members provide an overview of what
their background is that they are bringing to the Commission for the purposes of – if its ever brought up in public hearing questioning – the credibility that they bring to the Commission – he said he thought it was information he though they should have.

Chairman de Jongh asked if Commission members could just give back to staff any details that they may have that would be appreciated.

Chairman de Jongh said they have had this brought up once or twice in previous applications that have come before them.

Mr. Bowman asked if this item could be added to the agenda for the next meeting.

Chairman de Jongh said it was on the agenda now.

Mr. Bowman replied it is only under communications – he said if it is put on as an item they can declare it at the next meeting and get staff their qualifications and their bios and they can discuss them at the next meeting.

Chairman de Jongh said he guessed the question he had was that he did not think it was an item for discussion as much as it is information being passed on to staff to fill in the blanks.

Dr. Dimmick said one of the things that bothered him was in the Town ordinance says they have to have two-three and two – two with declared environmental interests, three neutral and two with construction or other such interests.

Dr. Dimmick said since he spent thirty-five years consulting for developers I would rather consider himself a neutral party rather than one with environmental interests.

Mr. Bowman stated that is why he brought this up – based on what Dr. Dimmick had declared at the last meeting.

Dr. Dimmick said that was how he was originally put down when he was put on this Commission – as a neutral party.

Chairman de Jongh stated ok – and asked staff to add this item to the next meeting agenda and the Commission would then take some time to discuss it.
2. Staff Report with Attachments  
Re: 35 Sudol Court  
Ms. Simone said the second communication was a staff report with attachments – 35 Sudol Court.

3. E-mail from Amy Hourigan  
Re: 35 Sudol Court  
Ms. Simone stated the third communication was an email from Amy Hourigan regarding 35 Sudol Court.

4. Aquatic Pesticide Permit Application from Connecticut Pond Service  
Re: 215 Wallingford Road  
Ms. Simone stated the fourth communication was an aquatic pesticide permit application from the Connecticut Pond Service for 215 Wallingford Road.

5. Memo from Joseph Michelangelo, Director of Public Works  
Re: East Johnson Avenue Bridge  
Ms. Simone said the fifth communication was a memo from Joseph Michelangelo regarding East Johnson Avenue Bridge.

Ms. Simone stated the following communication items were handed out at tonight’s meeting:

6. Information re: application 2010-011 Mount Sanford Road Subdivision  
Ms. Simone stated this item would be discussed under unfinished business on tonight’s agenda.

7. Other – none

VIII. INSPECTION REPORTS

1. Written Inspections  
Ms. Simone stated there were no written inspections.

2. Staff Inspections  
a) 12 Mountaincrest Drive
Ms. Simone informed the Commission that today staff received a voice mail message from Dr. Robert Henry in regards to his submitting an application – she said she would be discussing with him what the Commission is looking for – she said she would just reiterate what the Commission had mentioned at the last meeting.

b) Country Club Road

Ms. Simone informed the Commission there was a property on Country Club Road where the Commission had reviewed – there was a sump pump drain that was directly discharging into Honey Pot Brook and they have removed that and they will be working on doing some drainage or something else on their property to help solve their sump pump problem without direct discharge.

IX. ENFORCEMENT ACTIONS

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

   Chairman de Jongh stated this item was still subject of ongoing litigation.

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

   Chairman de Jongh said this item is still status-quo.

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

   Chairman de Jongh said this item is under unfinished business on tonight’s agenda.

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

   Chairman de Jongh stated this item was addressed by staff earlier in her comments under staff inspections.
XI. UNFINISHED BUSINESS

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

Bonnie Donato was present.

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 the current application is for the planting and mowing of upland area damaged during unpermitted activities in March 2010, including the annual mowing of the upland area.

2. That the March 8, 2010 cease and desist order instructed the property owner to correct the impact caused by unpermitted activities in a wetland and upland area and to apply to the Commission for review and approval of restoration plans.

3. That town records and information submitted by the applicant demonstrate the wetland associated with this application is contained both on and off the subject property.

4. The Commission determined at the March 16, 2010 show cause hearing that a regulated activity was conducted without the required review and approval of the Commission.

5. That the applicant’s soil scientist submitted documentation detailing the clearing activities in the wetland and upland areas and suggested plantings and long term management.

6. That the applicant’s soil scientist testified that the annual mowing of the upland area will assist in reducing the spread of non-native invasive plants, the species of which are detailed in the documents referenced below.
7. 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 #2010-008, the permit application of Bonnie & Michael Donato for site plan approval as presented on the plans entitled:

“Wetland Restoration Application Plan
35 Sudol Court, Cheshire, CT
Dated May 5, 2010;
Two pages and one map
Prepared by Milone and MacBroom, Cheshire, CT.”.

And “Wetland Restoration Application Plan
35 Sudol Court, Cheshire, CT
Dated April 15, 2010;
Ten pages and one map
Prepared by Milone and MacBroom, Cheshire, CT.”.

And “Planting Plan, Donato Property, 35 Sudol Court, Cheshire, CT.
Dated May 2010; Stamped as Received June 07, 2010
Prepared by Milone and MacBroom, Cheshire, CT.”.

And “Invasive Species Inventory
Sudol Court, Cheshire, CT.
MMI #4242-01-1
Dated June 4, 2010
Prepared by Milone and MacBroom, 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. The mowing schedule detailed in the May 5, 2010 plan, the non-native invasive plant remove plan detailed in the May 5, 2010 plan
and the planting plan detailed in the June 7, 2010 plan shall be strictly adhered to.

4. Throughout the course of conducting permitted activities covered by this permit grant, the applicant shall be responsible for ensuring the following:

   a. 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.

   b. That all disturbed areas on the site not directly required for pond reduction activities are temporarily seeded and hayed until the site is permanently stabilized.

5. This permit shall expire on June 15, 2015.

Moved by Mr. Bowman. Seconded by Dr. Dimmick.

Chairman de Jongh asked if there were any questions or comments from Commission members.

Mr. Bowman said yes.

Ms. Dunne said she just had a quick question – she said there was an email from someone – does it go in the file or do they need to read it into the record.

Ms. Simone explained the email is officially part of the record because it was sent in response to an application so it will be on file and it is up to the Commission’s discretion of whether or not they would like to read it into the record or not.

Ms. Simone stated that since that email she has not received any additional correspondence from any of the neighbors.

Chairman de Jongh said for the record – the email was from Amy Hourigan and she was present at the last meeting and she had some concerns about the application and she wanted to make those concerns known to the Commission in writing.

Dr. Dimmick said and we (the Commission) received them.
Mr. Bowman said he would just – he said it was noted but he just wished that when someone does something like this – it’s clear that she (Ms. Hourigan) is frustrated over the situation that has happened over there but she spoke with a representative from the CT Department of Environmental Protection about the damage to the wetlands on Sudol Court. He said he wished he knew who it was she talked – true damage is there that this individual at the CT Department of Environmental Protection was concerned about that it could be addressed and this is – he said he did not think this was appropriate and the last thing he really wanted to say on this is – on several occasions Amy Hourigan and Julie Sweigard got up and stated that real estate people had told them that that area would never be developed and never be touched.

Mr. Bowman said we on the Commission – at least he felt it was his job to protect the wetlands and protect the area around the wetlands but not to in anyway invoke any guarantee that is done or given by any type of real estate – either broker or agent in the Town of Cheshire.

Ms. Simone said she would like to follow-up with that – she said she speak with Ms. Hourigan when she told staff she contacted DEP and at that time Ms. Hourigan was asked if she could get something in writing directly from DEP and she (Ms. Hourigan) had stated that they – DEP had indicated to her that they would not be doing that.

Ms. Simone said in addition she did meet with Ed Bylinski and some of the comments from the last meeting have been incorporated in revised plans so there is now a proposed vegetated buffer going alongside the property from the established lawn into the potentially mowed area as well as having the mowed area marked in the field; there was also a summary provided of how many invasive species are out there by stem count so that in the future if the Commission did approve this at some point either the homeowner or it came back before the Commission there could be opportunity to evaluate this method and how effective it is in reducing the amount of invasive species.

Chairman de Jongh said before the Commission votes on the motion that is before them he said Ms. Donato and Mr. Root from Milone and MacBroom were here this evening to give the Commission just a little bit more light in terms of the Commission’s comments at the last meeting.

Ms. Donato said she had not seen the proposal that has come before them – she said her only question is was there any difference from what Mr. Bylinski had submitted to you (the Commission) – she said she knew the mowing in the proposal that Mr. Bylinski submitted there was a span but she did not know – she said she did not see it and just didn’t know if there
was nothing that was different from that plan – maybe more specificity – that’s fine.

Ms. Simone said she could show Ms. Donato a copy of the revised plan.

Ms. Simone said revisions would just be relative to what was proposed and basically it followed the guidelines provided in the document from Milone and MacBroom.

Ms. Donato said she then had nothing more to add other than when the work had to be completed by because she said she thought the original letter stated July 1st.

Ms. Simone asked if Ms. Donato wanted to see a copy of the draft.

Ms. Donato said no – if it’s no different than that was fine.

Dr. Dimmick said he wanted to commend staff on putting a great deal of effort into what was a difficult situation here – he said he thought she did a fairly good job of balancing a lot of different inputs.

Mr. Bowman said he thought she (staff) went above fairly good – he said he thought she did an excellent job.

Ms. Simone said thank you.

There were no other questions or comments from Commission members.

Motion approved 6-0-1, with Mr. Talbot not voting due to the fact he was not a Commission member when this item was presented and discussed.

2. Permit Application
   APP #2010-009
   Town of Cheshire
   DOR 5/18/10
   Highland Avenue
   PH 06/15/10
   Dredging of Weeks Pond
   MAD 7/22/10

Chairman de Jongh stated this item was subject of a public hearing this evening; he said staff will be allowed and Commission members to digest the information this evening and act accordingly at the next meeting.

3. Permit Application
   APP #2010-010
   Cheshire Academy
   DOR 5/18/10
   10 Main Street
   PH 6/01/10
   Site Plan – Athletic Field & Track
   MAD 7/06/10
Ms. Simone said at the last meeting the Commission had reviewed the application and there were no outstanding issues that were mentioned that needed to be resolved.

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 the current application is for reconstruction and relocation of the track & field and associated stabilization, realignment and sediment removal of an intermittent watercourse, invasive plant removal in a wetland area, and planting plan.

2. That the proposed direct wetland activities cover a 4,250 square foot area for the removal of sediment, grading, plunge pool installation, and streambed realignment.

3. That the proposed direct upland activities cover a 22,000 square foot area for the installation of stormwater management infrastructure, sediment and erosion controls, and vegetation management.

4. That the proposed construction activities will not have a significant adverse effect on the adjacent wetlands and watercourses.

5. That the Commission declared this application not significant within the context of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire.

6. That the applicant’s representatives presented testimony during public hearings.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2010-010, the permit application of Cheshire Academy for reconstruction and relocation of the track & field and intermittent watercourse management as presented on the plans entitled:

“Cheshire Academy
Armando Simosa Athletic Field
10 Main Street, Cheshire, CT
12 Sheets, Scale As Noted
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. An inspection of the condition, integrity, and adequacy of the sedimentation and erosion controls shall be made by a qualified party on a regular basis, either weekly or after every significant rainfall of 1/2” or greater, whichever is sooner, until all disturbed areas are stabilized. Said party shall be independent of the contractor. All reports shall be submitted to the contractor and Commission Staff either within three days of inspection, or prior to the next storm event, whichever is sooner. All breeches or deficiencies shall be forwarded to applicant and Staff. The costs of said inspections to be borne by the applicant.
4. 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 the following:

   a) 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.

   b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.

5. This permit grant shall expire on June 15, 2015.

Moved by Dr. Dimmick. Seconded by Mr. Bowman. Motion approved 6-0-1, with Mr. Talbot not voting due to the fact he was not a Commission member when this item was presented and discussed.

4. Permit Application
   Ruth A. Podgwaite
   Mount Sanford Road
   Subdivision

   APP #2010-011
   DOR 6/01/10
   MAD 8/05/10

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

Ms. Simone stated that at the last meeting the applicant’s engineer requested that this item be deferred to tonight’s meeting.

Mr. Duschay addressed the Commission.

Mr. Duschay said at the last meeting he had asked that this application be tabled (deferred) pending the results of additional testing that was requested by Chesprocott to receive the feasible approval necessary to more forward with the P&Z application.

Mr. Duschay said since that time we’ve done that testing and have received that feasibility approval.

Mr. Duschay stated the project site is located in the southern portion of Cheshire; its actually abutted by the town line of Cheshire and
Hamden and its located on the west side of Mt. Sanford Road – west of Route 10 going south bound on Route 10.

Mr. Duschay said the parcel is approximately 6.9 acres in size and is located in an R-80 zoning district – that is a residential zoning district.

Mr. Duschay explained that the front portion of the property is not wooded – it’s an open field used mainly for grazing and that portion of the property is approximately 5.2 acres and that is shown on the plan in the light green.

Mr. Duschay said the rear portion which is approximately 1.7 acres of the property is densely wooded and the existing tree line as in the field now under existing conditions.

Mr. Duschay stated the rear 1.7 acres is densely wooded while the front 5.2 acres is open field.

Mr. Duschay stated the property generally slopes in a west to east direction - that would be towards Mt. Sanford Road; the high point on the property is approximately elevation 222 and that’s located in the south western corner and low point is approximately elevation 158 and is located down in the south eastern corner – where you will see a wetland pocket on the map.

Mr. Duschay said the wetlands on site were flagged by Milone and MacBroom in May 2010.

Mr. Duschay explained that the proposed subdivision involves three lots – one being the existing home that is currently on the property as well as two additional lots.

Mr. Duschay said the two new lots would be served by a proposed rear lot access way shown on the plan while the existing home will continue its access from Mt. Sanford Road.

Mr. Duschay said all the lots are proposed to be served by public water and private sub-service sewage disposal systems.

Mr. Duschay said since the last meeting they have done additional testing there to obtain feasibility approval from the Chesprocott Health District and they have done so.

Mr. Duschay said in terms of storm water management on site – they have designed rain gardens which are outfitted on each lot as well as
some small infiltration to collect the runoff coming from the rear lot accessway; all the rain gardens are designed to mitigate the increase in runoff for the 100 year storm in accordance with town standards and the maximum impoundment for the rain gardens is 1'; both rain gardens on site for the two proposed lots also are outfitted with under drain to ensure that during dry periods they don’t entirely dry out and are not a mosquito breeding ground.

Mr. Duschay said a report regarding the storm water management measures has been submitted for the Town to review and at this point the applicant has received not comments from Town staff regarding that report.

Mr. Duschay said in terms of sediment and erosion controls – numerous sediment and erosion measures are incorporated into the plan – this includes silt fence down gradient of all construction activities – there are some inlet protection on the proposed inlets as well as soil stock piles located throughout the site.

Mr. Duschay stated there were no direct wetland impacts associates with this application and there is approximately .03 acres of upland area disturbance. The disturbances area associated with the daylight for the under draining which is draining the proposed rain gardens; he showed on the plans the location of the rain gardens and drainage.

Mr. Duschay said at this time he would be more than happy to open the presentation up to the Commission for any questions they might have.

Dr. Dimmick said he believed the southern line of that property is a right-of-way that was looked at one time for proposed subdivision in Hamden and the water goes down that right-of-way and into one of the wetlands – at least during rain – he said he was not sure there was a permanent channel there or not but certainly during rain storms water goes down that right-of-way and then goes into one of the wetlands down near Mt. Sanford Road.

Dr. Dimmick said there is also on an old map a paper right-of-way and he did not know if it got abandon or what – it would be somewhere near the west side of the map – maybe just off it.

Mr. Duschay said he was not familiar with the second right-of-way but he said he knew there was an old right-of-way that runs along the Town boundary – he said he thought it was noted on the property
survey which is part of the application package; he said he was not familiar with the one to the northwest.

Dr. Dimmick said the second right-of-way may not have been properly recorded but it does show on some on maps – someone had proposed a road.

Mr. Bowman said that actually goes to the Thear property – the road is noted as an unimproved road on the map.

There was discussion about the right-of-ways; it was noted one of the right-of-ways was really just a gentleman’s right-of-way and not official.

Mr. Bowman said it was explained that the two new properties would be served by City water – he asked if the existing well would remain.

Mr. Duschay said the existing well would remain in place – they have actually located the infiltration – it needs to be 25’ away from the existing well – the existing well will remain where it is now.

Ms. Simone asked if the application was for subdivision only or subdivision as well as rear lot accessway and rain gardens.

Mr. Duschay stated the application was for all three activities – subdivision, construction of the road and rain gardens but not individual site plan approval on these lots.

Mr. Duschay said they would expect that if the Commission deemed necessary they would have to come back for individual site plan approvals.

Mr. Bowman asked if the two lots were for family members.

Mr. Duschay said yes – he thought the consideration was that somewhere in the will of the applicant the lots would be for family members.

Chairman de Jongh asked if the location of the rain gardens would change if the locations of the homes change.

Mr. Duschay said he would think the location of the rain gardens were pretty well locked in – he talked about the location of the rain gardens as proposed; he stated again that the location of the rain gardens were pretty well locked in.
Chairman de Jongh said then while they are not looking for site plan approval – it’s a pretty safe assumption that the location of the homes are going to be approximately where they are depicted on the map.

Mr. Duschay said the home have a little bit more flexibility then the rain gardens do – he said the rain gardens are locked in in their current locations but the homes does have a little bit of flexibility but there are constraints.

Dr. Dimmick stated the soil scientist signature was still needed on the map. He also said he did not see any problems with the application but did want to make sure the Commission was able to take a look at site plans for the homes; that could be taken care of with stipulations.

Mr. Duschay said the signature would be provided and all future submissions would have the signature.

Ms. Simone asked if the Commission wanted, when the time was appropriate, to make a stipulation that the review of individual home locations come before the Commission first as a request for determination – so if the location changes or if there is a need for future review and a permit.

Motion: To accept the application pending the receipt of the signature of the soil scientist.

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

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

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

Further action of this application was deferred pending staff review and recommendation.

5. Permit Application APP #2010-012
   Krista & Jeffrey Ostuno DOR 6/01/10
   Sindall Road
   Wetland Enhancement MAD 8/05/10
Sheila Fiordelisi recused herself from this portion of the meeting at 8:05 p.m.

William Root of Milone and MacBroom was present on behalf of the applicant.

Mr. Root said the application is for some wetland enhancement and restoration work in compensation for some former wetland filling that apparently occurred on the property.

Mr. Root said last time the mitigation proposal was presented. He said at that time there was a request that the property to the west – a third parcel be shown on the maps and subsequently that information was added to the maps and submitted to the Commission.

Mr. Root said the third parcel is approximately 13.5 acres. He same the approximately size of the mitigation work is approximately 50’ by 200’ – about 10,000 SF – greater than the wetland impact was and the proposal was to remove some invasive species – replant native trees and shrubs and take down some aggressive vines – just general edge of wetland mitigation work.

Chairman de Jongh commented on the applicant’s willingness to do and work and the request from the City of Meriden that the work needed to be done.

Chairman de Jongh said the willingness of the applicant to mitigate an area that had been negatively impacted by a lot of garbage – he said the steps taken were precisely what the Commission was looking for.

Mr. Bowman said he was glad to see the third parcel added to the plans – he said he knew the parcel was huge and is very important parcel of wetlands; he said he was satisfies with this and that all parties know how significant the wetlands in this area are and he did not want to see anymore hiccups.

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 the current application is for 1,685 square feet of fill in the Cheshire portion of a pocket wetland contained in both Cheshire and Meriden, and the mitigation of a 4,000 square foot area in a large wetland system contained on the north boundary of the subject lot. That the proposed mitigation plan includes the removal of man-made debris and invasive plants, and the planting of native trees/shrubs and ferns.

2. That the proposed construction activities will not have a significant adverse effect on the adjacent wetlands and watercourses.

3. That the Commission declared this application significant within the context of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire.

4. That the applicant’s representatives presented testimony during public hearings.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2010-012, the permit application of Krista and Jeffrey Ostuno for wetland filling and mitigation as presented on the plans entitled:

“Wetland Enhancement/Mitigation Location Plan
Ostuno Property
Sindall Road, Cheshire, CT
Dated May 27, 2010; Scale: 1”=50’
Prepared by Milone & MacBroom, Inc.”.

And

“Composite Base Map
Prepared For: Krista Fournier & Jeffrey Ostuno
Sindall Road
Cheshire & Meriden, Connecticut
Dated June 9, 2010; Scale: 1”=80’
Prepared by Milone & MacBroom, Inc.”.

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. 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 the following:

   a) 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.

   b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.

4. This permit grant shall expire on June 15, 2015.

  Moved by Mr. Bowman. Seconded by Ms. Dunne. Motion approved 5-0-1, with Mr. Talbot not voting due to the fact he was not a Commission member when this item was presented and discussed. Sheila Fiordelisi was not present for the vote.

Sheila Fiordelisi returned to the meeting at 8:10 p.m.

6. PA 09-181 PH 6/01/10
   Proposed amendments to regulations

   Ms. Simone said there was a need to amend motion approved at the last meeting for the proposed amendments to regulations – the effective date needed to be added to the motion so it could be published in the paper as well as recording in the land records and sending the notification to the different agencies that require it.

   Original motion from the June 1, 2010 regular meeting:

   Motion: Since there were no objections from anyone at the public hearing, it was moved that the Commission amend the regulations as proposed in the May 5, 2010 correspondence from Town Attorney Kari Olson re: PA 09-181 Section 11.3 (A) and (D).
Moved by Dr. Dimmick. Seconded by Mr. Bowman. Motion approved unanimously by Commission members present.

Amended motion:

Motion: To amend the previous motion (approved at the June 1, 2010); the amendments to regulations to take effect June 22, 2010 at 12:01 A.M.

Moved by Dr. Dimmick. Seconded by Mr. Bowman. Motion approved 6-0-1, with Mr. Talbot not voting due to the fact he was not a Commission member when this item was presented and discussed.

XII. NEW BUSINESS

1. Permit Application
   APP #2010-013
   Elliot R. Mayo II  DO R  6/15/10
   Meriden Road
   Storm Water Discharge  MAD  8/19/10

James Braim, PE of Harry E. Cole & Son was present on behalf of the property owner of 1790 & 1804 Meriden Road in Wolcott. Elliot Mayo was present in the audience.

Mr. Braim addressed the Commission.

Mr. Braim said the property is on the Cheshire – Wolcott border; its in Wolcott and there is a small area in the back that is in Cheshire – he said the area in Cheshire is what they are here for tonight.

Mr. Braim said the parcel is about 1.15 acres – there is only about .26 acres in Cheshire and of that a small fraction - .07 acres is actually the wetlands on the Cheshire property.

Mr. Braim said the parcel is 1.15 acres – a small portion of it is the Cheshire area and the wetlands are noted in dark green on the plans; he said that area is about .07 acres – about 3,500 SF of wetlands.

Mr. Braim showed on the plans the Meriden roadway – Route 322, and Lake Hitchcock and a Webster Bank.

Mr. Braim said the parcel is in Cheshire - currently zoned C-3 in Wolcott – is general commercial. He said right now there are two buildings on it – existing building and been in use for years – there are five units in one and two units in the other building; he said the
larger building was constructed in 1960 and the small one in 1965 – so they are been around for quiet a while.

Mr. Braim talked about the issue with the pipe – he said somewhere around 2003-04 time frame there was an issue with the pipe that had blocked or collapsed and at that point someone jumped in there and repaired it and replaced a portion of it with ADS pipe – he said when this was done the person doing the work was not aware of all the wetland regulations and they just did it; he said he would discuss later how to fix that issue.

Chairman de Jongh asked for the record if the portion that was repaired – was it the portion in Wolcott or Cheshire.

Mr. Braim said it was a little bit of both. He said the pipe was replaced at that time with ADS pipe

Mr. Braim said the site has public water and sewer.

Mr. Braim said at the last meeting there were some concerns about the pipe.

Mr. Braim said some modifications were made to the plan to address the Commission’s concerns and try to restore the state that was there many years ago.

Mr. Braim said first off they are proposing to remove the pipe – they want to get in there and take the pipe out – install as manhole and install a new pipe that drains over to the proposed detention water quality basin and they are also going to have a diversion structure in the manhole to route the low flows through an oil-water separator which will also go into the detention water quality basin.

Mr. Braim said they have provide the detention water quality basin to off set the increase in impervious area to take care of the water quality flows for the site and so they are going to continue to release that towards the wetlands but they are not going to put a pipe all the way down to the wetlands.

Mr. Braim said the applicant is looking to change the existing unit into a proposed daycare facility – childcare facility. He said that is really what necessitated the site changes and they are looking to add some pavement to add an additional 6 parking spaces; there will also be an outside playscape area for the children.
Mr. Braim said when they are all said and done they are not going to be within the wetlands with anything and they are basically going to be outside the buffer except for a little portion of rip-rap which will intruded within 10’ of the buffer.

Mr. Braim said the areas that are to be disturbed they are proposing a New England Wildlife and Conservation seed mix in those areas.

Dr. Dimmick asked if the paving would be increased.

Mr. Braim said they area increasing the paving a little bit – that is why they are providing detention.

Chairman de Jongh asked for the increased parking lot area behind the proposed playground area – and since the runoff is going on to the Cheshire side – is there a plan to install any gravel curtain around that to absorb any kind of runoff rather than just have it sheet flow.

Dr. Dimmick said they have a proposed oil-water separator.

Mr. Braim said Chairman de Jongh had a good idea and they are not opposed to do that and would be glad to add that detail; he said it make since to add.

Chairman de Jongh said it may be over-kill but by the same token in a heavy storm it just makes sense to protect that section since it is going to be flowing in Cheshire.

Dr. Dimmick suggested adding crushed trap-rock opposed to Quartz gravel because trap-rock will trap oil.

Mr. Bowman asked about curbing.

Mr. Braim said there would be no curbing; the area would sheet flow.

Mr. Braim said a storm water management plan was prepared.

Ms. Simone said the June 10, 2010 plan was received but the Town Engineer has not had the opportunity to give a review based on the revised plans.

Mr. Braim stated they do have a soil scientist signature on the plan.

Mr. Bowman said he wanted to make sure the pipe was taken out.
Motion: To accept the application.

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

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

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

Further action of this application was deferred pending the submission of additional information and staff review and recommendation.

2. Approval of Minutes from the Regular Meeting – May 18, 2010, Public Hearing – June 1, 2010 and Regular Meeting – June 1, 2010

Motion: To approve the minutes from the Regular Meeting – May 18, 2010, Public Hearing – June 1, 2010 and Regular Meeting – June 1, 2010 with corrections as noted.

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

Regular Meeting May 18, 2010: No noted corrections.

Public Hearing June 1, 2010: pg. 4 L24 “sight” to “site”, L26 delete “to make sure of the track”; pg. 5 L36 “a” to “at”, L41 add “all” before “together”; pg 6 L delete “this”; L34 “dispoint” to “this point”; pg 7L8 “aquanaut” to “aquent”; pg 8 L23 delete “stands”, L27 “stabilize” to “stabilized”; pg 9 L16 delete “is now”; L18 “Arbitrates” to “Arborvitae”;

Reg. Meeting June 1, 2010: Pg. 3 L 11 add “in re” before “wetland”; PG. 6 L10 “stafigurity” to “stratification”; PG. 7 L29 “perverse” to “traverse”; pg. 15 L36 “tow” to “toe”, L39 “sighted” to “cited”; pg.16 L39 “a greed” to “agreed”; pg.18 L8 delete “another” pg. 24 L10 “her” to “he”; pg. 25 L15 “sediement” to “sediment”; pg. 26 L28 & L36 “sediement” to “sediment”;

Reg. Meeting June 1, 2010: Pg. 3 L15 “processor” to “predecessor”, L18 “baliemer” to “or”; pg. 37 L15 “dm” to “dam”, L18 “baliemer” to “or”; pg. 37 L15 “processor” to “predecessor”, L26 “and” to “any”.

24
XIII. ADJOURNMENT

The meeting was adjourned at 8:26 p.m. by the consensus of Commission members present.

Respectfully submitted:

Carla Mills, Recording Secretary
Cheshire Inland Wetland and Watercourse Commission