

INLAND WETLANDS COMMISSION

THESE ARE THE MINUTES OF JULY 17, 2007 INFORMAL MEETING CONCERNING THE RETAIL AND RESIDENTIAL DEVELOPMENT OF 109 ACRES OF NORTHEAST INTERCHANGE ZONE.

THE MINUTES OF THIS MEETING ARE NOT ON THE P&Z WEBSITE AS OF JULY 30, 2007.

ONLY THOSE PAGES THAT RELATE TO THE NORTHEAST DEVELOPMENT ARE SHOWN HERE.

NOTE THAT THE ENTITY THAT WILL APPLY FOR THE DEVELOPMENT IS NOT W/S DEVELOPMENT. THE NEW ENTITY IS "CHESHIRE ROUTE 10, LLC".

Summit Road and that he would like to install a wider curb cut to take a wide turn into his driveway a little bit faster.

Mr. Bauer said generally speaking where the catch basin is and where the wetlands are delineated is to avoid the wetlands. He said the proposed activity would be right on top of the property line and would have to take down a gigantic tree (as shown in picture number 3).

Mr. Bauer said that picture number two shows the wetlands, shown as a trench along Summit Road. He said that although he has not consulted with a soil scientist but that it is his own opinion that the area is functioning mostly as stormwater management.

Mr. Bauer said that in his opinion, the design before the Commission is the best design for the driveway.

Motion: To accept the application as complete.

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

Dr. Dimmick suggested that Commission members take individual field trips of the site.

The Commission agreed to defer significance pending individual field trips of the site.

2. Informal Discussion with Cheshire Route 10, LLC

Mr. Bowman said that at this point because this item is at the informal discussion stage he would sit in on the discussion but that there has been some discussion that one of his family members is a member of the LLC.

Mr. Bowman said he would like a ruling from the Town Attorney about his involvement with the application process.

Mr. Bowman stated that one of his family members does own a minority share of the property. He said that he has checked with his own attorney and he advised him that to recuse himself (Bowman), the family member would have to be a majority share holder, he would need to live with Mr. Bowman, which he doesn't and Mr.

T
NE
↓

NE

1
NE
↓
Bowman would need to have a monetary consideration, which Mr. Bowman doesn't.

Mr. Bowman stated again that he would like a ruling from the Town Attorney as to whether he can sit in on this application or not, but at this time since it is at the informal stage he would sit in on the discussion.

Chairman de Jongh said that staff would check with the Town Attorney to get determination to see if Mr. Bowman could be part of the application process.

Lou Massello of W. S. Development, an affiliate of Cheshire Route 10, LLC was present. Mr. Massello said that the discussion on his proposal would be lengthy and would okay with other agenda item going before this one.

This item was deferred to the end of the information discussions.

3. Request for Determination
843 Farmington Drive

Anthony Sciascia of AGS Builders, Inc at 25 Jesse Court, Cheshire, CT was present on behalf of Augustin Chen, who resided at 893 Farmington Drive, Cheshire.

Mr. Sciascia said Mr. Chen would like to construct a 12' by 12' room to the back of his existing home.

Mr. Sciascia said that at about 46' behind the home there is a stream and the proposed activity would encroach the wetlands.

Mr. Sciascia said that in order to conduct the proposed activity, the applicant would have to dig three piers, 12" in diameter to 42" The piers would be hand hug and the dirt would be wheel barreled from the site; nothing would be put on the ground as far as waste is concerned.

Mr. Sciascia submitted pictures to show the Commission what the conditions on the site look like. He said that out to 22' there is vertically 1' to 2' drop-off; at the 22' to 31' point mark the area drops off at 1.5' at the location the yard drops off towards the stream.

There was discussion that there is only one meeting in August and that the outcome of the application process may not take place until late September.

Mr. Boyd asked if he should hire a survey and engineering firm in order to provide the information that is necessary.

Chairman de Jongh said that if Mr. Boyd could get the permission from the property owner to view the site and file an application, he might not have to bear the expense of hiring anyone at this point. Chairman de Jongh said that a lot of times when the Commission goes out and does a site visit, a lot of problems are solved by seeing what is at the site.

Chairman de Jongh said that the Commission can better determine the impact to the wetlands when they are on the site.

Dr. Dimmick suggested Mr. Boyd get an aerial photograph off the computer in order to see the house and to mark the boundary lines.

Chairman de Jongh suggested that Mr. Boyd get the preliminary paper work in place and then have the Commission visit the site to help determine if Mr. Boyd should proceed any further.

NE
5. Informal Discussion with Cheshire Route 10, LLC

Lou Masiello of W. S. Development, an affiliate of Cheshire Route 10, LLC was present. Jeff Curly, project Manager of W.S. Development, Attorney Fazzone, of Fazzone and Ryan, LLC and John Milone of Milone & MacBroom, Inc were present on behalf of Cheshire Route 10, LLC. Bill Root of Milone & MacBroom was also present.

Mr. Masiello addressed the Commission regarding an information discussion for a project in the interchange zone.

Mr. Masiello explained that he has been before many of the other Town Departments regarding the proposed project. He said that the proposed project does have environmental issues that need to be considered as part of a formal application process.

NE



Mr. Masiello gave an informal overview of the proposed project for a life-style outdoor mall located in north Cheshire, in the area known as the interchange zone.

Mr. Masiello talked about the applications before the regulatory Commissions for a zone change to allow for a mixed-use development.

Mr. Masiello talked about the process to acquire a zone change.

Mr. Masiello reviewed with the Commission plan showing the area of proposed development and the areas of development that would have impacts on the wetlands and watercourses in the area.

Mr. Masiello gave an overview of the types of stores and restaurants that would occupy the mall.

Mr. Masiello said that the plan does propose a crossing across the Ten Mile River. He said that all the proposals for the site would need to be approved by both the Planning and Zoning and the Inland Wetlands Commission.

Mr. Masiello said that there is currently a crossing of the former Farmington Canal. He talked about the current condition of the Farmington Canal and the most recent collapse of the canal.

Mr. Masiello stated that the plan would incorporate a balance between the commercial development and the important natural features.

John Milone of Milone & MacBroom, Inc addressed the Commission.

Mr. Milone gave a brief, informal review of the site relative to the key natural resources on the site.

Mr. Milone reviewed on the plans the location of the Ten Mile River and condition of the area relative to the breach of the canal and the work that has been done in that location. He also talked about the location and details of the flood plain and the by-pass swale.

Mr. Milone said that the wetlands have been delineated by Milone & MacBroom, Inc and field located.

NE



Bill Root, Soil Scientist and Wetland Ecologist with Milone & MacBroom, Inc gave a brief, informal overview of the wetland analysis of the site. The wetlands were flagged in October 2006.

Mr. Root talked about the wetlands, flood plain forest, watercourses, Ten Mile River, the aqueduct and the wildlife and fishery resources in the area. He stated that there is a large White Pine grove on the eastern bank of the site that is about 40 years old.

Mr. Root said that the site has many natural features including the presence of turtle species; details on the features and the turtles would be described in more detail during the formal application process.

Mr. Root briefly talked about the vernal pool study conducted of the site. He said that a wildlife study was also conducted of the site and that those details would be reviewed once the formal application was submitted.

Mr. Root talked about a portion of the subject area being previously disturbed as part of farming operations.

Chairman de Jongh asked if the temporary by-pass would remain after the project is completed.

Mr. Milone showed on the plans the some of the details of the project relating to the by-pass, wetland features of the site and possible wetland impacts.

Mr. Milone talked about the proposal to cross the wetlands and the idea of using a pile support structure to cross the wetlands.

Mr. Milone briefly talked about the amount of infiltration proposed at the site and the use of infiltration basins. Mr. Milone said that the developer does anticipate work on the aqueduct located on the site.

Mr. Milone said that as part of the proposed plan, the developer will be proposing an extension of the trail system outside the regulatory area but in the proximity of it.

Mr. Milone talked about the creation of a passive recreation area and theatre area being a part of the proposal.

NE

Mr. Milone said that the developer would be looking for the Commission's thoughts on the pond located on the site. He talked about the degradation of the pond.

Mr. Masiello discussed the need for the restoration of the pond.

Mr. Masiello showed on the plans the location of the pond and the area of the former Farmington Canal as some of the details proposed to restore the pond and canal area.

Mr. Masiello talked about a proposal of a visitor center as part of the overall proposal to allow visitors to appreciate the natural resources and environmental aspects of the area.

Mr. Masiello talked about the proposal still being a work in process and that the application hoped to work with the Planning and Zoning Commission and the Wetlands Commission to get the proposal approved.

Dr. Dimmick asked Mr. Milone about a historical detail pertaining to the pond. He said that he remembers something about the drainage of the pond and that attempts to drain the pond would be useless because of the impact on the pond from the Ten Mile River.

Mr. Milone said that he would have to revisit the details regarding the pond. He talked about the approximate amount of wetlands impact at the site.

There was discussion about how the Commission could access the site especially in the area of the culvert.

There was discussion when the formal application would be filed and the scheduling of a public hearing on the application.

Attorney Fazzone said that the wetlands application would need to be filed before or at the same time as the Planning and Zoning application.

Attorney Fazzone said that he expected that a formal application would be filed with the Commission by the August 7, 2007 Commission meeting.

Mr. Kurtz asked about the access way to the property off the 691 ramp.

NE



END

6.

Mr. Masiello said that the current plan does not accurately depict the lining up of the ramp and driveway entrance to the site.

Chairman de Jongh set a field trip of the site for August 11, 2007, after the acceptance of the formal application and at the point the applicant has permission from the property owner to field trip the site.

Dr. Dimmick talked about the need to allow for other members of the public to attend the field trip and if someone files as an interested party they may have the right to attend the field trip.

Attorney Fazzone said that he would look into this allowing others to attend the field trip.

The field trip was set for August 11, 2007; this date would be confirmed at the August 7, 2007 meeting.

Discussion
Re: 630 Cook Hill Road
Notice of Violation

Chairman de Jongh stated that the Commission was in receipt of a letter dated July 11, 2007 from Christopher Juliano, P.E. of Juliano Associates, 405 Main Street, Wallingford, CT regarding 630 Cook Hill Road.

Chairman de Jongh said that Mr. Juliano's comments in his letter were challenging the Commission's insistence that there was a violation on the property.

Ms. Simone said that the letter from Mr. Juliano makes the assertion that the work that was conducted on the west and the east sides of wetlands as well as the work conducted inside the pond is the matter of right as there are horses on the property; Mr. Juliano concludes that therefore the activity is covered under matter of right regulations and does not have to go before the Commission and that a violation does not exist on the property.

Ms. Simone said that Mr. Juliano has submitted some information that he used to get the point across; he does make a reference that his company was involved in 1996 with the original subdivision for Bluefield, LLC.