

**MINUTES**  
**CONSERVATION COMMISSION**  
**INLAND/WETLAND AGENCY**

**THURSDAY, APRIL 10, 2008 - 7:00 P.M.**  
**WATERTOWN HIGH SCHOOL TECHNOLOGY CENTER**

**Continuation of the Public Hearing from March 13, 2008**  
**APPLICATION #623 – CHERRY AVENUE, LLC**

**Members Present:** Mr. Ed Undercuffler, Chairman  
Mr. Donato Orsini, Vice Chairman  
Mr. Jim Zawadzki  
Mr. Joe Polletta  
Mr. Glen Dupliese  
Mr. Tony DiBona

**Members Absent:** Mr. Tom Murphy, Secretary

**Alternates Present:** Ms. Martha Sturgis  
Ms. Denise Russ

**Alternates Absent:** Mr. Michael Brown

**Others Present:** Mr. Moosa Rafey, Assistant Zoning Enforcement Officer  
Mr. Sean Hayden, Northwest Conservation District

**1. Call Meeting to Order**

Mr. Undercuffler, Chairman, Called the Public Hearing to Order at about 7:00 PM (7:05 PM).

**2. Roll Call**

Mr. Undercuffler executed the Roll Call.  
Mr. Undercuffler, Chairman, read aloud the Ground Rules as follows for the record:

“GROUND RULES FOR CONSERVATION COMMISSION/  
INLAND WETLANDS AGENCY”

1. The applicant or his representative will make his formal presentation to the commission stating the proposed regulated activities, the wetland impacts, and the alternatives which were considered by the applicant.

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2. All comments, discussion and observations shall be made through the Chair after proper recognition by the Chairman. This is necessary to ensure that only one person at a time speaks on any issue, thus making it easier for everyone to understand and for clearer legal transcription.
3. All persons addressing the Commission shall begin by first clearly stating their name and address for the record. If necessary, the person may be asked to spell his name for the record.
4. Following the presentation of the application, the Conservation Commission Inland Wetland Agency will ask specific questions of the applicant.
5. After the Commission has asked its questions of the applicant, I shall then allow any members of the public who wishes to speak either in favor of this application or against it to address the Commission.
6. I shall then allow the applicant to respond to the comments of the members of the general public.
7. I shall then allow any members of the general public who wish to present any additional information or clarifying discussion to do so.
8. I shall then provide an opportunity for the applicant to respond to these additional remarks if he or his representative so wishes.
9. The Conservation Commission/Inland Wetland Agency has thirty five days from the date the public hearing commences to complete the public hearing. The Commission may ask the applicant for a thirty five day extension of the public hearing period if the commission requires any additional information or wishes to schedule a site walk to observe the situation for them.
10. The Conservation Commission/Inland Wetland Agency has thirty five days from the date when the Public Hearing is closed to render its decision.

**3. Hearing of Applications**

- A. Continuation of the Public Hearing from March 13, 2008 - Application #623 of Cherry Avenue, LLC for construction of 3-Lot residential subdivision on Cherry Avenue, Watertown, CT.

Recess or adjourn the Public Hearing must be closed by April 24, 2008.

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**Perley Grimes, Cramer and Anderson of Litchfield**

Mr. Grimes explained that the Planning and Zoning Commission received their application in April and had no comment. They did set it for public hearing on May 5, 2008. Cheery Avenue, LLC would be happy to take the two interior lots on one driveway. They asked to continue the public hearing for another four weeks. The statutes allow tem to give 65 more days for the public hearing or for the commission to decide on it. That way they can report to the commission the comments that Planning and Zoning made at their May 5, 2008 meeting. Mr. Rafey explained that Mr. Grimes referred to the lots as two interior lots but they are not interior lots they are regular lots because they have frontage on a regular road. Interior lots are not allowed in an R-12.5 zone.

Mr. Polletta's concern was that how this application was before wetlands when something was already approved and then the Planning and Zoning Commission also. He was confused as to why they were before both. Mr. Grimes explained that they must come before the wetlands commission anytime they have a subdivision application. Mr. Undercuffler was under the impression that there could not be 2 applications at the same time. Mr. Grimes explained that they have an approved application from CCIWA that is on appeal and that they can re-apply while on appeal with Conservation.

Mr. Orsini commented that technically they have never been denied but they are saying they were. Mr. Grimes explained that they were approved by CCIWA on a condition and they have appealed it. They were granted something they can't use. Mr. Orsini explained that Cherry Avenue, LLC never made a formal application it was only a preliminary and they were not denied. He felt that they took the assumption they would be denied but never actually applied.

Mr. Grimes responded that is was not an assumption. At Planning and Zoning they took a vote. They voted the majority no. There was no application at the time, but it was discussed and it was voted in a straw poll. Mr. Polletta questioned if the Planning and Zoning regulations prohibit 2 lots on a common driveway. Mr. Grimes said that they may approve it at their discretion. It's not prohibited. Mr. Rafey reminded the commission that their decision should be based just on the wetland application and not mix planning and zoning with wetlands. He also explained that the applicant has wetland approval for the same application before planning and zoning. Now they have another application in front of wetlands and it seems like they are asking for two permits from the same commission.

Mr. Grimes responded to Mr. Rafey's comment by explaining the only reason they did that was because they had to take an appeal because Planning and Zoning told them they couldn't do the two lots on a common driveway. Mr. Zawadzki recommended continuing the public hearing.

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**David Rhode, Compass Engineering, Watertown CT**

Mr. Rhode presented the perk test results to the commission. The tests were good and consistent throughout the soil. Mr. Polletta questioned how far the infiltrator is to the property line. Mr. Rhode responded on lot 2 it's 35 feet or so. Mr. Undercuffler read Chuck Berger's letter into the record as follows:

**“From: Charles Berger, Town Engineer  
To: Moosa Rafey, Assistant Zoning Enforcement Officer**

**April 10, 2008**

**Subject: CCIWA application #623 for a 3 Lot residential subdivision Cherry Avenue**

**I have received and undertaken a preliminary review of the plans and engineering report and hydrology and hydraulic calculations for the above referenced project. The plans consist of 4 sheets: Sheet S1 of 2 site development plans and Sheet SD2 of 2 Erosion and Sedimentation Control Plans. Sheet 1 of 2 Storm Drainage Plans and Sheet 2 of 2 Storm Drainage Profile and Details. Sheets S1 and S2 were prepared Compass Engineering and are dated 11/14/2007. Sheets 1 of 2 and 2 of 2 were prepared by Civil One and are dated November 14, 2007. The engineering report and hydrology and hydraulic calculations were prepared by Civil One and dated January 28, 2008 and an addendum number 1 dated March 12, 2008. The proposal consists of a 3 Lot residential subdivision with each lot having frontage on Cherry Avenue. All of the lots contain proposed infiltrators for the roof run-off. The driveways to lots 2 and 3 incorporate swales and rain gardens to provide for water quality improvements as well as to provide a degree of storm water detention. Addendum number 1 of the engineering report demonstrated that there will be a slight decrease in peak flows discharging to the on site wetlands. The addendum number 1 of the engineering report does not account for infiltration at the rain garden locations. The proposal does not address any drainage issues that may exist in the paper street right of way of Old Army Road. As the proposal demonstrates, slight decreases in peak flows on site. I do not have any further comments at this time. If you have any questions or need additional information please do not hesitate to contact this office.”**

Mr. Undercuffler commented that the issue of the alternative cuts off the water from the lower wetlands. Mr. Hayden commented that the swales and the rain garden did cut off the wetland from surface water flow on the top half of the wetland on site. Mr. Polletta commented that if the board felt that what was approved originally should stay, then they should deny this application and stick with the original one. Mr. Zawadzki felt that the extension should be granted.

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**Vinnie Lupichino, Old Army Road**

Mr. Lupachino would like the commission to address the flooding problems in the area. Mr. Rafey explained he took Mr. Berger to the site and showed him the existing drainage problem and he did mention it in his memo. What is there now is not the fault of this applicant.

**Motion was made by Mr. Zawadzki to continue the public hearing with an extension to May 15, 2008 and seconded by Mr. Dupliese.**

**Discussion: None    Vote: 6 in favor    Abstained: 0    Opposed: 0**

**MOTION PASSED UNANIMOUSLY**

Attest:

Ed Undercuffler, Chairman  
Conservation Commission  
Inland/Wetland Agency

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Approved by: Jennifer Guerrero, Minutes Secretary