

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

**THURSDAY, MAY 15, 2008 - 7:00 P.M.**  
**WATERTOWN HIGH SCHOOL TECHNOLOGY CENTER**

**Continuation of the Public Hearing from April 10, 2008**  
**APPLICATION #623 – CHERRY AVENUE, LLC**

**Members Present:** Mr. Ed Undercuffler, Chairman  
Mr. Donato Orsini, Vice Chairman  
Mr. Tom Murphy, Secretary  
Mr. Joe Polletta

**Members Absent:** Mr. Jim Zawadzki  
Mr. Glen Dupliese  
Mr. Tony DiBona

**Alternates Present:** Ms. Martha Sturgis (Seated for Glen Dupliese)

**Alternates Absent:** Mr. Michael Brown  
Ms. Denise Russ

**Others Present:** Mr. Moosa Rafey, Assistant Zoning Enforcement Officer

**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. Murphy 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.
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.

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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 April 10, 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 May 24, 2008.

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

Mr. Grimes represented Cherry Avenue, LLC regarding the application. He reviewed what had been going on the last couple of meetings. He explained that they met with Planning and Zoning the week before and made their presentation and submitted a formal

application which was pending. They went back to their plan that had 2 lots in the rear served by one common driveway. Mr. Rafey suggested they withdraw this application

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because they already have an approval and if there are any changes the commission would modify the changes for them that way the record will be clearer. Mr. Polletta was concerned if it was legal to have 2 permits for the same application.

Mr. Grimes responded yes that it was legal because there was a difference in this permit from the first permit. Mr. Undercuffler said that he knows that the driveway was wider and turnarounds, but was the plan the same as the one approved. Mr. Rhode responded yes. Mr. Polletta wanted to know that why Mr. Hayden was recommending that the last application had less impact than this one and could he explain why he is saying that but Mr. Rhode feels like there is not. Mr. Rhode responded that the water is flowing in the same direction that it does now. Mr. Rafey corrected Mr. Polletta by saying that the recommendation was not based on this plan but instead based on the 3 separate driveways and all those rain gardens. Mr. Rafey suggested withdrawing the application and going in front of the Planning and Zoning Commission with their previous application and if they need a modification they can come in front of the Conservation Commission again. Mr. Grimes wanted a modification to the prior wetlands application that they be allowed to use 660 Sq. Feet of the buffer area for the turnaround. Moosa said they will have to apply for a modification.

**Motion was made by Mr. Polletta to close the public hearing for application #623 and seconded by Mr. Orsini.**

**Discussion: None    Vote: 5 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