

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
REGULAR MEETING  
TUESDAY, APRIL 18, 2017  
TOWN HALL 84 SOUTH MAIN STREET  
ROOM 207/209 AT 7:30 P.M.**

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**Members present: Robert de Jongh, Charles Dimmick, Dave Brzozowski, Kerrie Dunne, Earl Kurtz and Thom Norback.**

**Members Absent: Will McPhee.**

**Staff: Suzanne Simone.**

**I. CALL TO ORDER**

**Chairman de Jongh called the meeting to order at 7:30 pm.**

**II. PLEDGE OF ALLEGIANCE**

**All present recited the pledge of allegiance.**

**III. ROLL CALL**

**Ms. Dunne called the roll.**

**Members present were Robert de Jongh, Charles Dimmick, Dave Brzozowski, Kerrie Dunne, Earl Kurtz and Thom Norback.**

**IV. DETERMINATION OF QUORUM**

**There were enough members present for a quorum.**

**V. APPROVAL OF MINUTES – Regular Meeting – February 7, 2017**

**Motion: To approve the minutes of the Regular Meeting of February 7, 2017 with one correction; page 8 line 9 change “he did” to “he.”**

**Moved by Mr. Kurtz. Seconded by Mr. Brzozowski. Motion approved unanimously by Commission members present.**

**V. COMMUNICATIONS**

**Ms. Simone reviewed the following communications:**

1. **DEEP Pesticide Application for Weeks Pond on Weeks Road**  
**This communication was reviewed.**
2. **DEEP Pesticide Application for McMahon Private Pond at 332 Village Drive**  
**This communication was reviewed.**
3. **Abutting Town Application, CT Self Storage of Southington**  
**This communication was reviewed. Ms. Simone explained this was sent to the Commission per required by state statute for abutting property owner or municipality notification.**
4. **Staff Communication w/attachments Re: 8 Edith Place**  
**This communication was reviewed. Ms. Simone stated this is the only item on the agenda tonight (under new business).**
5. **The Habitat CACIWC Newsletter, Winter 2017, volume 29, number 1 (To be handed out at meeting)**  
**This communication was reviewed.**

## **VI. INSPECTION REPORTS**

1. **Written Inspections**  
**Ms. Simone stated there were no written inspections.**
2. **Staff Inspections**  
**Ms. Simone discussed the following staff inspections:**
  - a. **Higgins Road – Real Massey**  
**Ms. Simone stated there was a staff inspection of the approved development lot on Higgins Road; that was Real Massey that has the permit. She explained they received their building permit; the erosion controls are up as according to plan and their non-encroachment markers are in place.**
  - b. **Higgins Road – Ed Lenin**

Ms. Simone said on Higgins Road which is in the same neighborhood – across the street (from the Massey property) Ed Lenin was the permit holder; the erosion control inspection was done.

**c. Highland Avenue – Daycare Facility**

Ms. Simone said the Highland Avenue Daycare – they started the work on that property; it was maybe about 3 weeks ago that she received a complaint from 108 Blacks Road that they were pumping from this Highland Avenue address – they were pumping it on to a neighbor's property which was then discharging sediment and water on to 108 Blacks Road.

Ms. Simone explained she went out to the site and the framers there were pumping – they stopped. She said there were issues with the condition of the site – that we had a lot of snow then we had a lot of rain and the ground was frozen; they had a detention basin which was approved and already in place and was just about filled to capacity – thankfully it didn't breach – they reinforced it and they stopped pumping onto neighboring property; there's been ongoing inspection on that property.

Mr. Norback asked where they were pumping from.

Ms. Simone said it's a wide parking area so where they started to frame the building all around the building water was accumulating so they were pumping the water and maybe in some areas maybe it was 8" deep.

Mr. Norback asked if it was dirt or processed stone in that.

Ms. Simone said it was dirt.

Chairman de Jongh asked if the proposed detention pond had been filled and they had to reinforce it – does that call into question the capacity of that detention pond.

Ms. Simone stated there were questions about that but she believed in talking with our town engineer and talking with their engineer that it's a situation of time of year – they have frozen ground that the rain that they received didn't have anywhere to go.

**Mr. Norback said with the rough grade they may not have considered all the directional flows.**

**Chairman de Jongh said he would have assumed all of those assumptions were part of the calculations.**

**Ms. Simone said they do plan on monitoring it to see if there's any further problems – and if they need to come up with another solution.**

**Chairman de Jongh said then they can to come back before us.**

**Dr. Dimmick said he would reply heavily on their engineer because it's his reputation.**

**Ms. Simone said in this situation these are not the people who got the permit in the first place – they permit has been transferred to them but they are not the original engineers – they original engineers were from some other place in CT and they worked on this then the project was sold to another group.**

**d. Old Lane Road – Dr. Norwood**

**Ms. Simone explained that Dr. Norwood received a permit from the Commission; the house is constructed and there's still substantial work that needs to be done prior to them receiving their CO for occupation; she said she put together a list everything they needed to make sure they get done before they even apply for a certificate of occupancy.**

**e. Mt. Sanford Road**

**Ms. Simone said there was a certificate of occupancy for a house that was built a couple of years ago and sat vacant.**

**f. Moss Farms Road**

**Ms. Simone said the property owner at Moss Farms Road was interested in taking some soil from the road property and putting it on to his property. She said she met with the property owner to identify where he's putting it and it's not within the wetland area.**

**g. 8 Edith Place**

**Ms. Simone stated this item is on the agenda tonight.**

**h. Talmadge Road**

**Ms. Simone stated Talmadge Road – Mr. Webster came before the Commission asking for a request for determination for clearing trees on the lot – it's on the corner of Talmadge and South Meriden and Academy Roads.**

**Ms. Simone said he (Mr. Webster) is hiring a tree cutting company who is going to clear to the front of the existing barn which is very far away from the potential wetland area.**

**Dr. Dimmick asked wasn't there a question as to where his property line ended and there the state line was.**

**Ms. Simone said she did mention that to him again – she said it may be our information is in incorrect because it shows that barn is on state property; and the state would be well aware of that.**

**Ms. Simone said that Mr. Webster said he was going to check his deed and verify that there are no issues with that.**

**Ms. Simone said its very likely that our mapping system is erroneous.**

**i. 509 Mountain Road**

**Chairman de Jongh about the status of the property on Mountain Road – with the weather events we've had the last few months.**

**Ms. Simone explained she met with Mr. Barnett and he said that he is going to be working with Ryan McEvoy (of Milone and MacBroom) regarding the punch list of things that need to come back before this Commission.**

**Ms. Simone said that means removing the sediment that got into the upland area and replanting trees that were cut that weren't permitted to be cut.**

Ms. Simone said the site has been stabilized when she's gone by. She stated Mr. McEvoy is continuing to send his erosion control updates – the things that needed reinforced have been reinforced.

**VII. ENFORCEMENT ACTIONS**

- |    |   |             |
|----|---|-------------|
| 1. | Notice of Violation/Cease and Desist Order<br>House 2 Home Construction, c/o Mr. Edward Barnett<br>Unauthorized Activities in a Regulated Wetland Area<br>509 Mountain Road<br>Assessor's Map 62, Lot 4 | SC 12/06/16 |
|----|---|-------------|

This item was discussed under staff inspections item i.

**VIII. UNFINISHED BUSINESS**

There were no items of unfinished business.

**IX. NEW BUSINESS**

- |    |   |  |
|----|---|--|
| 1. | Permit Application<br>Premal Nanavati<br>8 Edith Place<br>Site Plan – Tree Clearing | APP 2017-002<br>DOR 4/18/17<br>MAD 6/22/17 |
|----|---|--|

Premal Nanavati of 8 Edith Place was present.

Mr. Nanavati addressed the Commission.

Mr. Nanavati explained he built a new house on 8 Edith Court and moved in on October of 2013.

Mr. Nanavati said that the Commission has the packet with the pictures – it's a 2 acre lot and .8 acres is useable.

Dr. Dimmick said what we permitted for the subdivision – about 60% of the subdivision was wetlands so there's was not much space left that wasn't wetlands.

Mr. Nanavati said basically Suzanne has come out there and we got the appropriate permissions – the wetland markers are still there – he stated we have not done anything on the property.

Mr. Nanavati said right literally on the boarder of the wetland (shown on the map in the packet) shows where the wetlands and wetland line.

Commission reviewed the map.

Mr. Nanavati said right on the wetland boarder there are big trees – many of them are dead; there are stumps that are right on the boarder – there is a stone wall there and some of the pictures depict that.

Mr. Nanavati said his intent is just to clean it up a little bit right on the boarder.

Mr. Norback said with no intention of planting further lawn.

Mr. Nanavati said the lawn is .8 acres – you don't need more room than that.

Dr. Dimmick said he's questioning what was said that many of the trees are dead – he said he remembered that a lot of the trees on that property are Oaks and so they haven't begun to open up yet so they might look dead.

Mr. Nanavati said the ones he (Dr. Dimmick) is talking about – he agreed with him and those are the ones further back – he is only referring to the ones on the boarder when they were creating the specific area for building of the wall itself because there was a silt fence there and its literally right on the boarder of the silt fence and you can see from the picture there are dead stumps – you can see the stone wall; he said the ones along the stone wall are the ones he's asking about; he said anything that's further than that that's in the wetlands – he's okay with all the trees that are there.

Mr. Norback asked if he was planning on stump removal and grinding or are you cutting them flush.

Mr. Nanavati said he's just going to cut them as low (has they can).

Mr. Nanavati stated that was it.

Mr. Norback asked if the arborist may have thought the trees were lost to filling to begin with.

Ms. Simone said actually there's one tree that appears unhealthy that's on the edge and is leaning towards the house – that one does seem as though that's a hazard tree.

Ms. Simone said when she was out there – many of the ones with “x's” are live trees and appear to be healthy to her – she said they did have the discussion about the stumps that are out there and some of the dead trees that are standing and decaying as well as branches on the ground and some of those don't required permit provided there is no machinery in there.

Dr. Dimmick said if there truly dead (the trees).

Ms. Simone said if the Commission could get further clarification – are all the ones with the “x's” – what are those that are being asked to be taken down.

Mr. Nanavati asked the Commission members to look at the pictures and the “x” marks on the tree – he said these trees are right on the line of the wetland line.

Mr. Norback asked if there were on the non-encroachment line.

Ms. Simone stated on the non-encroachment line.

Ms. Dunne asked if they were dead trees or live trees.

Ms. Simone said the non-encroachment line is established but just so you're aware – it's right on the line as well as going into and in one area on the corner it seems as though there's about maybe 7 trees that have the “x's” on them.

Mr. Nanavati said some of them are marked – some of them are small ones that are right on the edge; and many of them are surrounded with dead stumps and they are literally on the line (of the stone wall).

Mr. Norback said we're calling that a stone wall but (what is it) – not just debris from raking out the lawn.

Ms. Simone said there is a (wall).

There was discussion about the stone wall.

Ms. Simone said there is some gray stone placed there on top of that – as shown on the photos.

Mr. Nanavati said there are certain sections that are broken but we didn't touch it – the silt fence was in front of it.

Ms. Simone stated its right along the non-encroachment line.

Mr. Nanavati said he's looking to remove some dead – decaying trees and he has no interest in touching the stumps or other things on the stone wall or increasing the size of the yard – he has no interest in planting anything else.

Mr. Nanavati stated there is no stump removal – there's no grinding of the stumps.

Chairman de Jongh said if there's no intention to expand the lawn area then why is it then that he wants to cut down the trees (if they are healthy).

Mr. Nanavati said some of them are not (healthy); some are not.

Dr. Dimmick said this may be a case where two of us from the Commission can be assigned to go out and take a look and make a decision.

Mr. Nanavati said he has no issue with that (happening).

Dr. Dimmick said the reason we have a non-encroachment line in cases like this is you had a large contiguous wetland and the area around it that originally maintained a tremendous amount of wildlife – there was quite a deer herd.

Mr. Nanavati explained he has young children and they see deer, hawks and turkeys. He said the reason he wants to remove some of the trees is for esthetics to be honest.

Mr. Kurtz asked about far was the tree line/non-encroachment from the house; he wanted to know if the reason to cut the trees was to get more light.

Mr. Nanavati said he thinks it's about 80'; some trees are straggly and make noise at night; there are in total about 7-8 trees that have

already fallen and are dead that are part of the overall count of 10 trees (to be removed).

Chairman de Jongh said he didn't think anyone on the Commission was in favor of cutting trees for the sake of cutting trees so he thinks that's where they are coming from.

Dr. Dimmick asked if the application was in order.

Ms. Simone stated yes.

Chairman de Jongh said to follow Dr. Dimmick's suggestion to go out and take a look at it (the site) to assist in staff's assessment.

Mr. Nanavati said he was open to a compromise.

Chairman de Jongh stated this item be deferred pending a site visit by Dr. Dimmick and Mr. Norback and anyone else that would like to join them on Saturday, April 22, 2017 at 8:00 am; and report back at the next meeting.

**X. ADJOURNMENT**

The meeting was adjourned at 7:53 pm by consensus of Commission members present.

Respectfully submitted:

**Carla Mills  
Recording Secretary  
Cheshire Inland Wetland and Watercourse Commission**