

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, FEBRUARY 6, 2018
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

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

Member not present: Dave Brzozowski and 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

The pledge of allegiance was recited.

III. ROLL CALL

Ms. Dunne called the roll.

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

IV. DETERMINATION OF QUORUM

Chairman de Jongh determined there were enough members present for a quorum.

V. APPROVAL OF MINUTES Regular Meeting – January 16, 2018

Chairman de Jongh called for a motion to approve the regular meeting minutes from the January 16, 2018 meeting with no corrections.

Moved by Ms. Dunne. Seconded by Mr. Norback. Motion approved unanimously by Commission members present.

VI. COMMUNICATIONS

Ms. Simone reviewed the following communications.

1. Permit Extension Request for CIWWC Permit # 2013-020, Consolidated Industries, Mixville Road

This communication was reviewed.

2. Conflict of Interest Ordinance

This communication was reviewed.

3. FOIA Regulations

This communication was reviewed.

4. Potential Addition/Modification to IWWC Fee Schedule

This communication was reviewed; and is on the agenda under new business tonight.

VII. INSPECTION REPORTS

1. Written Inspections

Ms. Simone reported there were no written inspections.

2. Staff Inspections

a. Sindall Road

Ms. Simone stated previously there was an approval for Sindall Road for a septic system replacement; and that work is now completed.

b. Forestry Project

Ms. Simone stated the forestry project that came before the Commission a couple of meetings ago; she explained they started their work then actually abandon the plan to use an entry off of Reservoir Road where they were going to put in two new water crossings - they said the soil there was still quite soft even though the weather conditions were cold so they're using the existing exit way on Route 68 and they are going in and out on the same trail so they have eliminated two water crossings.

c. Cedarcrest Subdivision

Ms. Simone stated there was an ongoing inspection of the Cedarcrest Subdivision on the east side of Strollo Court where there's a stock pile of soil.

Ms. Simone said she spoke with the developer and he wasn't able to install silt fence because of the frost; he put down more sand bags and he indicated that was something he'd continue to monitor and in the interim and when were able to get into the ground he'd finalize that area and stabilize it more thoroughly.

Chairman de Jongh said at least he's stayed in touch with you and make sure the area is stabilized.

VIII. ENFORCEMENT ACTIONS

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

Chairman de Jongh stated this remains on our agenda for continued monitoring.

Dr. Dimmick asked what the progress was on this one.

Ms. Simone reported there's landscaping that still needs to be done and some earth work so with the current conditions he's not able to do anything.

Ms. Simone said she did have a conversation with him and went over what's expected and that's something he's aiming to do in the spring.

2. Notice of Violation/Cease and Desist Order SC 5/16/17
Unauthorized Activities in Upland Review Area SC 6/06/17
Luis Rivera and Joanna Kozak SC 6/20/17
1392 Cheshire Street SC 7/05/17
Assessor's Map 30, Lot 17 SC 7/18/17
SC 8/01/17
SC 9/05/17

Ms. Simone stated this is for monitoring also for next spring and summer through the growing season to ensure that the new shrubs they put in are still viable and growing.

IX. UNFINISHED BUSINESS

There were no unfinished business items.

X. NEW BUSINESS

1. Permit Extension APP 2013-020A
Consolidated Industries DOR 2/06/18
Site Plan
677 Mixville Road MAD 4/12/18

Ms. Simone stated this was a straight forward extension for five years on their current and valid permit which would then make the permit valid through August 6, 2023.

Dr. Dimmick asked if they've done part of this work.

Ms. Simone said she didn't think so.

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, site visitations, and after review of written information provided by the applicant on this application finds the following:

- 1. That this application is for the permit extension of the existing approval #2013-020, which was approved by the Cheshire Inland Wetlands and Watercourses Commission on August 6, 2013 to Consolidated Industries.**
- 2. That IWWC regulations allow for the extension of permits to 10 years, per Section 11.3.C.5.**

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants a five year extension to CIWWC Permit Application #2013-020.

The permit request 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. All conditions and stipulations of CIWWC Permit #2013-020 granted, with stipulations are incorporated by reference as though fully set forth herein to the extent they are not in conflict with the present permit grant.
4. This permit grant shall expire on August 6, 2023.

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

2. Potential Addition/Modification to IWWC Fee Schedule

Chairman de Jongh said Suzanne sent out a summary for us to look at on what other towns standards fees are; stating this is open for discussion.

Commission members and Ms. Simone entered into a discussion about what aspects the Commission wanted to explore regarding permit after the fees imposed by other towns; this came about after Ms. Simone spoke with the town manager about this issue and he asked her to reach out the Connecticut Conference of Municipalities; she has not yet reached out the town attorney regarding any potential legal ramifications.

Ms. Simone said in looking at what other towns do for after the fact permit fees she discovered discrepancies between what other towns charge for permit fees so she included that for discussion; and after they come up a game plan she reach out to the town attorney; so its likely this conversation would continue to the next meeting.

All Commission members engaged in discussion regarding the potential addition/modification to IWWC fee schedule; it was noted that fees the town charges for after the fact permits does not come close to covering the costs to process and conduct inspections for after the fact permits.

Commission members discussed the amount of extra time it takes staff, the Commission and other town departments to address after the fact permits and violations, what other towns charge for after the fact permits, fees schedules for inland wetland permit applications and processing, ranges of fees charged and various scenarios where fees are imposed on property owners for permit/violations.

Commission members agreed to have staff draft a proposal for revised fees based on their input and have the town attorney review the proposal – and have the town attorney attend a meeting to discuss the proposed fees with the Commission.

Discussion on this item would be continued at the next meeting.

XI. ADJOURNMENT

The meeting was adjourned at 8:16 pm by consensus of Commission members present.

Respectfully submitted:

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