

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, NOVEMBER 17, 2015
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

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

Members Absent: Dave Brzozowski.

Staff: Suzanne Simone.

I. CALL TO ORDER

Chairman de Jongh called the regular 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, Kerrie Dunne, Earl Kurtz, Will McPhee 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 November 5, 2015

Motion: To approve the minutes of the November 5, 2015 regular meeting with corrections.

Pg. 4 L44 “we are” to “were”; pg. 5 L12 “doing” to “going”; pg. 6 L7 “bound” to “bound by”; pg. 7 L42 “but” to “cut”; pg. 11 L42 “as” to “ask.”

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

VI. COMMUNICATIONS

Ms. Simone reviewed the following communications:

1. **Staff Communication Re: Application # 2015-034
Jason Bartlett, Partial Filling of Pond**

This communication was reviewed.

2. **Staff Communication Re: Show Cause Hearing: Summit Road**

This communication was reviewed.

VII. INSPECTION REPORTS

1. **Written Inspections**

Ms. Simone stated there were no written inspections.

2. **Staff Inspections**

Ms. Simone explained she received a complaint about the Cedar Crest Subdivision on Jarvis Street that there was soil being tracked into the road. The complaint was forwarded to the engineering department and they met with the contractor out there. There is a remedy in place.

VIII. ENFORCEMENT ACTIONS

1. **Notice of Violation** **SC 1/07/14**
Mr. Nathaniel Florian **Permit #2013-015 compliance date: 12/31/15**
Woodruff Associates
Unauthorized Activities in the Upland Review Area/Inland Wetlands
108 Blacks Road
Assessor's Map 19, Lots 43 & 44

Chairman de Jongh stated this item would remain on the agenda for continued monitoring.

2. **Notice of Violation** **SC 05/19/15**
Mr. Charles Kurtz **SC 06/02/15**
SC 06/16/15
SC 07/07/15

Unauthorized Activities in an Inland Wetland and Upland Review Area

East Johnson Avenue
Assessor's Map 12, Lot 2

Chairman de Jongh stated this item was subject of a staff recommendation later on (in the agenda).

1. **SHOW CAUSE HEARING**

Notice of Violation	SC 09/15/15
Mr. David Flanagin	SC 10/20/15
Unauthorized Activities in an	SC 11/05/15
Inland Wetland and Upland Review Area	SC 11/17/15
Summit Road	
Assessor's Map 32, Lot 50	

Ms. Simone explained after the last meeting she did contact Mr. Flanagin sending him an email asking him if he had any further information to share with the Commission. She stated she has not heard back from him.

Chairman de Jongh suggested they close the show cause hearing and keep the cease and desist order in place; stating if we remove the cease and desist order at the same time its allows him to do stuff and we'd have to start the process all over again; the cease and desist order will keep this item on our radar screen.

Dr. Dimmick said what he and Suzanne actually saw (on the site) potential unauthorized activities therefor we can justify the original cause for the cease and desist which is the reason we are having the hearing.

Chairman de Jongh said he thought there hasn't been activity on the site since this revelation.

Ms. Simone stated she has not been back out to the site since then and she has not heard from the neighbors complaining about anything.

Mr. McPhee suggested sending him a certified letter advising him (Mr. Flanagin) of what is happening since emails can get lost and go into spam.

Ms. Simone stated whatever action the Commission takes tonight will be sent certified mail in addition to an email.

Ms. Dunne asked if there was any way to monitor what's going on.

Ms. Simone said we can keep it on the schedule and we can also keep it on the agenda because there will be an open cease and desist order if the Commission deems so tonight.

Dr. Dimmick said and we have permission from the property owner to go on the property.

Motion: To close the show cause hearing and to keep the cease and desist in place.

Moved by Dr. Dimmick. Seconded by Ms. Dunne. Motion approved unanimously by Commission members present.

IX. UNFINISHED BUSINESS

1.	Permit Application	APP	2015-033
	CK East Johnson North, LLC	DOR	10/20/15
	456 East Johnson Avenue		
	Agricultural Use	MAD	12/24/15

Ms. Simone stated Commission members received a copy of a modified draft for review.

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 the applicant is seeking a permit-after-the-fact for the regrading of two parcels, for agricultural purposes.
2. That on July 7, 2015, the Commission closed a Show Cause Hearing, and requested the owner submit an application for permit after the fact to address the regrading.
3. That the applicant's engineer stated that the property was regraded to a 1% to 2% grade, a reduction from the previously existing 7% grade.

4. That the applicant's engineer stated that there is 21,550 square feet of direct wetland impact from the placement of approximately 4,500 cubic yards of soil.
5. That the applicant's engineer stated that there is 10,682 square feet of direct upland area impact from the placement of approximately 1,884 cubic yards of soil.
6. That the activities will likely not have a significant adverse effect on adjacent wetlands or watercourses.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2015-033, the permit application of CK EAST JOHNSON NORTH, LLC for site plan approval as presented and shown on the plans entitled:

**“Grading & Erosion Control Plan
CK East Johnson North, LLC
456 East Johnson Avenue, Cheshire, CT
Dated: May 14, 2015; Revised November 3, 2015
Scale: 1”=40’
Prepared By: Kratzert and Jones Associates, Inc.,
Milldale, CT.”**

The permit is granted on the following terms, conditions, stipulations and limitations (collectively referred to as the “Conditions”) 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. The October 29, 2015 Engineering Department review will be adhered to, including the submission of an A2 survey in spring 2016.

4. Throughout the course of conducting agricultural activities, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring the following:
 - a) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100' where possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.
 - b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.
5. This permit grant shall expire on November 17, 2020.

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

2.	Permit Application	APP	2015-034
	Jason Bartlett	DOR	11/05/15
	358 Cornwall Avenue		
	Partial Filling of Pond	MAD	1/09/16

Ms. Simone explained to Commission members that they did receive the original application that does have the soil scientist's investigation of this site however the application is lacking a site plan.

Ms. Simone stated she did speak with Mr. Bartlett – he is aware he needs to submit that information and that staff will review that information and then it will be before the Commission for discussion.

Ms. Simone said to date we have not received the site plan but that she would be in communication with him (Mr. Bartlett) to remind him there is only one meeting in December (the mandatory action date is January 9, 2016).

Ms. Simone stated she would be in contact with him (Mr. Bartlett) regarding meeting dates and mandatory action dates.

X. NEW BUSINESS

1. East Johnson Road Bridge Replacement

Ms. Simone stated that a new application was received for the East Johnson Avenue Road bridge replacement – the date of receipt is today and this item will be on the agenda for the December 1, 2015 meeting when they (the applicant) will give a presentation.

XI. ADJOURNMENT

The meeting was adjourned at 7:38 pm by consensus of Commission members present.

Respectfully submitted:

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