

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, MAY 1, 2018
TOWN HALL 84 SOUTH MAIN STREET
Council Chambers AT 7:30 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:31 pm.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited.

III. ROLL CALL

The roll was called. Members present were Robert de Jongh, Charles Dimmick, Earl Kurtz, Kerrie Dunne and Thom Norback. Staff: Suzanne Simone. Members not present were Dave Brzozowski and Will McPhee.

IV. DETERMINATION OF QUORUM

There were enough members present for a quorum.

**V. APPROVAL OF MINUTES – Regular Meeting – April 17, 2018
Site Walk – April 21, 2018**

Commission members discussed the two versions of the minutes prepared following the last meeting; the regular version is on file; members agreed that they would like to have an abridged/shorter version of the minutes prepared; an audio recording of the meeting would remain on the file and available in the town hall.

Motion: To approve the regular meeting minutes from the April 17, 2018 meeting with corrections; pg. 10 L 7 “as” to “for; after “wetland area” add “nearest Peck Lane.” Moved by Mr. Kurtz. Seconded by Mr. Norback; approved unanimously by Commission members present.

Motion: To approve the minutes from the April 21, 2018 site walk with no corrections. Moved by Dr. Dimmick. Seconded by Ms. Dunne; approved unanimously by Commission members present.

VI. COMMUNICATIONS

Ms. Simone reviewed the following communications:

1. Meyers Associates, P.C. Letter Re: Jason Bartlett – 358 Cornwall Avenue

2. Staff Communication w/attachment Re: IWWC App. #2018-007, 875 Peck Lane, Driveway Crossing
3. Communication Re: Michael Milone's Retirement Dinner 6/21/18
4. Copy of Jim Sipperly's latest soil scientist's report Re: 875 Peck Lane – handed out at tonight's meeting.
5. Engineering Comments Re: 875 Peck Lane – handed out at tonight's meeting.

VII. INSPECTION REPORTS

1. Written Inspections – none.
2. Staff Inspections
 - a. Ms. Simone followed up on the inspection of Boulder Road; although not directly a wetland issue she wanted to conclude the conversation about the town property on Boulder Road – the material has been removed –and we are waiting for the City of Meriden to look at the town property and report back to the state that we are clear – the town of Cheshire did receive a violation from the CT Department of Public Health; the town is waiting for this to be cleared.
 - b. 358 Cornwall Avenue – Ms. Simone stated there was an inspection of 358 Cornwall Avenue.
 - c. Ms. Simone said inspections of various open spaces not specific to the Wetlands Commission; just blocked culverts and down trees in streams and the Mill River.

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 item would remain on the agenda for continued monitoring.
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

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

3. Notice of Violation/Cease and Desist Order SC 2/20/18
Unauthorized Activities in an Upland Review Area, SW 2/24/18
Wetland Area and Intermittent Watercourse
Mr. Jason Bartlett
358 Cornwall Avenue
Assessor's Map 57, Lot 75

Ms. Simone provided an update; at the last meeting an email was received from the engineer saying that everything was certified; she contacted Scott Myers to ask him for a letter with a live signature and seal – it was provided in a letter dated April 17, 2018, saying he made a physical inspection and certified that items 1-4 were completed as ordered.

Ms. Simone reported she went out to the site on April 26, 2018; she provided four pictures of the site – the material has been removed from the pond – the material is stock piled – she said it appeared that the stock pile was much closer to the water than 25'; Mr. Bartlett reported that the hay bales were behind the silt fence – she would have expected to see them in front of the silt fence.

Mr. Kurtz commented that his engineer should have told him where the hay bales should be placed.

Ms. Simone said she had further questions for the engineer; she said he (Mr. Myers) made the certification that the stock pile was located more than 25' away – that it had silt fence, hay bales and was seeded; he certified that the pond outlet pipe was re-installed at the prior height allowing for controlled release of water from the pond into the drainage swale – he (Mr. Myers) stated to her he was not aware there was a drainage pipe; she said when she went out to the site that drainage pipe was very clear to see; Mr. Myers indicated he did not see a drainage pipe when he went out to do the survey a couple of years ago nor when he went out to certify this and stated in his letter dated April 17, 2018.

Ms. Simone commented that the pipe is shown in one of her photos; Mr. Myers commented to her that he thought the pipe referenced in order number three - was actually the pipe under the driveway – when she asked if the driveway was recently disturbed to allow for the installation of a new pipe - he said he didn't recall.

Ms. Simone reported that when she was at the site inspection it was clear the pond was still breaching the bank and flowing over land to the drainage swale – carrying unsecured soil with it -- Mr. Myers said he did not see that condition – when he was out there everything was stabilized – he did not have any concerns or any problems.

Ms. Simone spoke with Mr. Bartlett and he believes that since he bought the property there's been a problem with the standing drainage pipe – that it doesn't function properly; she asked him why in all of the conversations and when the Commission was out at the property – and it came before the Commission – when they had conversations in the office and on the telephone – that he never once mentioned there was a problem with the drain pipe – and why he didn't explore further the problem with the drain pipe instead of breaching the bank and allowing the water to flow – he (Mr. Bartlett) did not have an answer.

Ms. Simone reported that Mr. Bartlett repeatedly said he finished all the work on April 1 – that he was in compliance with the corrective order.

Ms. Simone provided additional information about the current status of the site - and that Mr. Bartlett stated he was not aware of issues and that he (believes) he's in compliance as of April 1 – he doesn't understand the conversation with Ms. Simone.

Commission members discussed this matter.

Ms. Simone suggested a few town staff members visit the site – since he (Mr. Bartlett) stated everything was done correctly – she said it's appropriate that he can be given the courtesy of one more visit – if it doesn't comply with what the Commission specified in the corrective order it goes to the town attorney.

Chairman de Jongh had no problem with that – they have given Mr. Bartlett more than enough opportunity and ample time.

Ms. Simone recapped the history of working with Mr. Bartlett on other projects – providing help with the process; he has not corrected the problem.

Ms. Simone commented that he stated in the past that when the water flowed over the bank it flooded out neighbors – seeing it flood here – it's doing the same thing it has always done.

Ms. Simone said she planned coordinator with town staff to go out to the site this week - Mr. Norback also agreed to visit the site.

Chairman de Jongh said they'd leave this item open pending the results of the site visit and take this up again on May 15; if nothing has changed they'll notify the town attorney; the town attorney would be placed on notice regarding this item.

Commission members and staff talked about outstanding issues that need to be corrected on the site – based on the items detailed in the corrective order.

IX. UNFINISHED BUSINESS

1. Potential Addition/Modification to IWWC Fee Schedule

No additional information has been received regarding fee schedules.

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| 2. Permit Application | APP | 2018-005 |
| Macy's Corporate Services, Inc. | DOR | 4/03/18 |
| Knotter Drive | | |
| Site Plan – Parking Lot | MAD | 6/07/18 |

Ryan McEvoy, PE from Milone and MacBroom was present.

Ms. Simone reported a revised plan was submitted showing an area of staked non-encroachment markers in the area of the rain garden.

Mr. McEvoy reviewed the revised plans – the response from the DEEP regarding listed species from the Natural Diversity Database – they received a letter with a list of recommended practices to preserve the Box Turtle, Wood Turtle and Eastern Ribbon Snake – the practices were noted in the letter and recommendations were noted on the plans.

Mr. McEvoy also noted the area of the debris pile noted by the town engineer – the area in the upland review area has to be removed – non-encroachment markers have been placed in the vicinity of the debris pile; additional markers have been added at the limit of clearing within the review area near the rain garden and 50' upland review area; cut vegetation will also be removed from the site.

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 current application is for the repair, regrading and paving of existing gravel and paved parking lots.
2. That the inland wetland boundaries were field located by Megan Raymond, soil scientist, as indicated in her April 2018 inland wetland soil report.

3. That the proposed activities will 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 #2018-005, the permit application of MACYS CORPORATE SERVICE, INC for site plan approval as presented and shown on the plans entitled:

**“Macy’s Pavement Rehabilitation
475 Knotter Drive, Cheshire CT
Site Plan
5 Sheets, Scale Varies
Dated March 28, 2018, Revised Sheets
Prepared by Milone and MacBroom, Cheshire, 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 debris piles within the upland review area are to be removed in dry soil conditions, with material disposed of away from the upland review area. This work shall be completed by October 1, 2018.
4. Throughout the course of conducting permitted 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 for parking lot rehabilitation shall expire on May 1, 2023.

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

3.	Permit Application	APP	2018-006
	Scotland Hardwoods c/o Rod Burgess	DOR	4/17/18
	Route #68 Forestry	MAD	6/21/18

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

1. That the application is for a selective timber harvest on 380 acres containing wetlands and watercourses.
2. That according to the applicant, the proposed activities are for timber harvest and forest management purposes.
3. That on March 27, 2018 Staff inspected the site and observed trees to be harvested marked with orange paint. Trees to be harvested are not located on steep slopes.
4. That no evidence has been presented that the proposed timber harvest activities are prohibited under the Inland Wetlands and Watercourses Regulations of

the Town of Cheshire, or are inconsistent with the Town of Cheshire's Plan of Development and Conservation.

5. That the proposed timber harvest activities will not have a significant adverse effect on the adjacent wetlands and watercourses.

Therefore, the Commission grants CIWWC permit application #2018-006, the permit application of Scotland Hardwoods for timber harvest approval as presented and shown on the plans entitled:

“Exhibit B, Broad Brook Reservoir
South/West
Dated March 7, 2018,
Prepared by Rod Burgess”

with the following stipulations:

1. Lack of compliance with any stipulation of this permit grant shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and a cease and desist order shall be both issued and recorded on the Town of Cheshire Land Records.
2. Any changes or modifications to the plans as presented will require subsequent Cheshire Inland Wetlands and Watercourses Commission review and approval.
3. Any maintenance or refueling of equipment and vehicles shall be performed as far as practical from all wetlands and watercourses, as least 100' if possible. Oil, gasoline, and chemicals needed at the site should be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.
4. This permit grant shall expire on May 1, 2023.

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

**Cheshire Inland Wetlands Commission
Regular Meeting**

May 1, 2018

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| 4. | Permit Application | APP | 2018-007 |
| | David & Laura Rochford | DOR | 4/17/18 |
| | 875 Peck Lane | | |
| | Driveway Crossing | MAD | 6/21/18 |

David Rochford was present.

Mr. Rochford addressed the Commission – stating he (and his wife) received about 20 concerns from engineering; his wife also had concerns about the length of the driveway.

Mr. Rochford said they plan to revise the plans – change the location of the proposed house and shorten the driveway length.

There was discussion regarding the application review and approval process – as well as the timing for an extension and time if there was a need for a public hearing.

Mr. Rochford said he'd be submitting revised plans for review at the next meeting.

X. NEW BUSINESS

There were no new business items.

XI. ADJOURNMENT

The meeting was adjourned at 8:05 pm by consensus of Commission members present.

Respectfully submitted:

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