

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, AUGUST 7, 2018
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.
*Immediately Following the Public Hearing***

I. CALL TO ORDER

Chairman de Jongh called the meeting to order at 7:56pm.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited at the public hearing.

III. ROLL CALL

Ms. Dunne called the roll at the public hearing. Members present at the public hearing were still in attendance for the regular meeting: Robert de Jongh, Charles Dimmick, Dave Brzozowski, Kerrie Dunne, Earl Kurtz, Will McPhee and Thom Norback. Staff: Suzanne Simone.

IV. DETERMINATION OF QUORUM

There were enough members present for a quorum.

**V. APPROVAL OF MINUTES – Public Hearing – July 17, 2018
Regular Meeting – July 17, 2018**

Motion: To approve the minutes from the July 17, 2018 regular meeting and public hearing with corrections; public hearing: pg. 2 L13 “the” to “the site”; pg. 4 L25 “is” to “is more”, L26 “vernal” to “vernal pool than”; pg. 5 L5 “driveway” to “driveway could”, L35 “hearing” to “hearing open”, L45 “asked” to “asked about.” Regular meeting: pg. 1 L52 “moved” to “mowed.”

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

VI. COMMUNICATIONS

Ms. Simone reviewed the following communications:

1. Staff Communication to George Cotter, Engineer for IWWC Permit 2018-017, Helm Family Investments I, LLC Re: Summary of Questions/Comments/Concerns from July 17, 2018 Public Hearing

2. Subsequent materials Re: IWWC Permit 2018-017, Helm Family Investments I, LLC

VII. INSPECTION REPORTS

1. Written Inspections

Ms. Simone stated she sent a letter to Mr. Rivera at 1392 Cheshire Street asking that he make an appointment so she could go out there and inspect the non-encroachment area as well as the survivability of the shrubs that he's required to plant.

Ms. Simone stated Mr. Rivera is aware there was certified mail but he did not pick that mail up; it was sent back to town hall.

Ms. Simone said she did have communications with him 0 that she'd cover under enforcement actions.

2. Staff Inspections

Ms. Simone reported from the street there was an inspection of 1392 Cheshire Street.

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 said this item remains 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

Ms. Simone reported that Mr. Rivera must have received the post card so he was aware mail was coming his way – he contacted her and asked what it was about – she said it was to come out to conduct an inspection – and he said he was not available that week and then he was and she wasn't.

Ms. Simone said when you drive by the property you can clearly see the non-encroachment area and he's (Mr. Rivera) continuing to mow it.

Ms. Simone said she can't check on the survivability of the two shrubs that he had planted but it's clear that he is maintaining that area as lawn which was the subject of the cease and desist order which is still standing; she explained he was made aware of last year that the Commission had some concerns that the posts were positioned in such a way that you could get a lawn mower between those posts and get back into that area.

Ms. Simone stated the cease and desist order still stands –she asked what the Commission would like to do.

Commission members agreed to have this matter turned over to the town attorney – with Chairman de Jongh suggesting that staff add pictures to add evidence.

There was no objection from Commission members.

Mr. Kurtz asked about accessing the property and who might have the right to do that.

Ms. Simone said she'd check with the town attorney to see if there's an ability she can get on the property because there's a cease and desist on the property.

Ms. Simone stated it's a clear view from the street that he's extended the lawn and has allowed the lawn to continue to grow in a non-encroachment area like he's done for the past 5 years or so it's an easy view; she'd check with the town attorney about inspection rights.

Chairman de Jongh said based on unanimously consent the Commission would ask staff to reach out to the town attorney.

IX. UNFINISHED BUSINESS

1. Potential Addition/Modification to IWWC Fee Schedule

Ms. Simone reported the ordinance review committee asked staff and the town attorney to work on language that the town might adopt which would encompass the 200% increase to the fee which this commission had advocated for – that language has been forwarded to the ordinance review committee; they are meeting tomorrow and will review the language – she hoped to be there to answer any questions.

2.	Permit Application	APP	2018-017
	Helm Family Investments I, LLC	DOR	6/19/18
	Lexington Court	PH	7/17/18
		PH	8/07/18
	Site Plan – Wetlands Crossing	MAD	9/11/18

Mr. Norback recused himself at 8:04 pm.

The public hearing on this item was closed; staff was directed to prepare wording for the next meeting and incorporate points made at tonight's public hearing and details regarding monitoring and survivability of plantings.

Mr. Norback returned to the meeting at 8:06 pm.

X. NEW BUSINESS

There were no new business items.

XI. ADJOURNMENT

The meeting was adjourned at 8:07 pm by consensus of Commission members present.

Respectfully submitted:

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