

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
REGULAR MEETING  
TUESDAY, SEPTEMBER 4, 2018  
TOWN HALL, 84 SOUTH MAIN STREET  
ROOM 207/209 AT 7:30 P.M.**

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**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, Dave Brzozowski, Charles Dimmick, Earl Kurtz, Kerrie Dunne, 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**     Public Hearing – August 7, 2018  
Regular Meeting – August 7, 2018

Motion: To approve the August 7, 2018 public hearing minutes with corrections pg. 2 L22 “abandon” to “abandoned”; pg. 3 L19 delete “the” before “July 16”, L28 “commentary” to “complementary”; pg. 4 L42 of (garlic) mustard seed; and regular meeting minutes with no corrections.

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

**VI. COMMUNICATIONS**

Ms. Simone reviewed the following communication:

1. Cheshire Herald Article of 8/30/18 Re: Permit After the Fact

**VII. INSPECTION REPORTS**

1. Written Inspections
2. Staff Inspections
  - a. 1392 Cheshire Street - Ms. Simone reported that she met with the property owner (Luis Rivera) at 1392 Cheshire Street regarding the fact there is mowing taking place beyond the posts; the owner said he's having an issue with the shrubs dying due to ponding

(of water) – he also said that he wants to make the yard larger. Ms. Simone said she informed him that request would be in conflict with the cease and desist order; and it would require a new permit request; she also informed the property owner that the issue is now with the town attorney. She also reported that the property owner has put up a for sale sign (on the property).

- b. Inverness Court – Ms. Simone reported although there is not a wetlands on this property, there was a call from the developer in August 2018 about a breach - silt fence was installed and roof leaders were in place. There was a call from Mr. Metcalf, a neighbor, regarding issues – it was noted he has had on going issues with the developer.
- c. 79 Dundee Drive – Ms. Simone reported on an issue with mowing in an area outside of what had been a posted area (for no mowing); the previous owner took the posts down and the property was sold to a developer, who reported the posts were going back up.
- d. South Main Street medical building project – Ms. Simone reported that everything is going okay at the project site.

**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

Ms. Simone reported that she's waiting for Mr. Barnett to finalize the stabilization of the site, seed, etc. She said she'd follow up with Mr. Barnett.

- 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

This item was covered under communications; there are ongoing issues at this site.

**IX. UNFINISHED BUSINESS**

- 1. Potential Addition/Modification to IWWC Fee Schedule

Ms. Simone reported that the discussion of the IWWC Fee Schedules will be going before the town council at their meeting on Tuesday,

September 11, 2018. Ms. Dunne will attend that meeting (on behalf of the Commission).

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 from this portion of the meeting at 7:39pm.

**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 construction of a wetland crossing, with associated filling.
2. That the applicant's soil scientist field located the inland wetland soils and a vernal pool, in the vicinity of the proposed driveway.
3. That the proposed driveway and associated grading and drainage swale is located 20 feet from the edge of the vernal pool according to soil scientist report dated August 3, 2018.
4. That the direct wetland impact for the construction of the driveway is estimated to be 0.08 acres, and the impact to the upland review area to be 0.39 acres. The total fill amount is estimated to be 115 cubic yards.
5. That the soil scientist testified at the July 17, 2018 and August 7, 2018 public hearings that the vernal pool is productive and supports amphibian life cycles, as witnessed by egg masses and tadpoles.
6. 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 #2018-017, the permit application of HELM FAMILY

**INVESTMENTS I, LLC for site plan approval as presented and shown on the plans entitled:**

**“Wetlands Driveway Crossing  
For Helm Family Investments I, LLC  
Lots 35-42 & 35-122 Lexington Court, Cheshire, CT  
Four Sheets, Scale Varies  
Dated May 30, 2018, Revised August 7, 2018  
Prepared CW International, 2091 Highland Ave.  
Cheshire, CT.”**

**And**

**“Wetland Assessment Report-Driveway Crossing  
Lots 42 & 122 Lexington Court, Cheshire, CT  
Dated August 3, 2018 (Revised)”**

**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. Prior to any clearing, grading, or any other construction activities on the site, the applicant shall accurately stake and/or flag all clearing limits and properly install all erosion controls as depicted on the above referenced plans. Staff may also insist on additional erosion controls if warranted by field conditions. Staff shall be contacted when these items are completed and Staff will inspect the area prior to the commencement of site work and Staff will provide approval for site work to begin.**
- 4. The Recommendations detailed on page 10 and page 12 of the August 3, 2018 Wetland Assessment Report shall be adhered to.**

5. The shrub plantings and invasive plant removal shall take place within 8 months of the initiation of work for the construction of the driveway.
6. 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' if 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.
7. This permit grant shall expire on August 30, 2023.

Moved by Ms. Dunne. Seconded by Dr. Dimmick. Motion approved unanimously by Commission members present 6-0. Mr. Norback was not present for the vote.

Mr. Norback returned to the meeting at 7:40pm.

**X. NEW BUSINESS**

Ms. Simone provided information to Commission members regarding open space properties in Cheshire.

**XI. ADJOURNMENT**

The meeting was adjourned at 7:41 pm by consensus of Commission members present.

Respectfully submitted:

Carla Mills  
Recording Secretary