

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, DECEMBER 4, 2018
TOWN HALL – 84 SOUTH MAIN STREET
COUNCIL CHAMBERS – 7:30 P.M.**

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

Earl Kurtz called the roll. Members present were Robert de Jongh, Charles Dimmick, and Thom Norback. Members not present were Dave Brzozowski, Kerrie Dunne and Will McPhee.

IV. DETERMINATION OF QUORUM

Chairman de Jongh determined there were enough members present for a quorum; with 4 members present.

V. APPROVAL OF MINUTES – Regular Meeting – November 20, 2018

Motion: To approve the minutes from the November 20, 2018 meeting with corrections: Pg. 2 L31 “was” to “when”; pg. 3 L13 “discuss” to “discussion”; pg. 4 L9 delete “the”; Pg. 5 L16 “they” to “the”, L19 “double stacked” to “two-way”, L23 “so” to “to”, L38 “there” to “they”, L40 “do” to “doing”; pg. 6 L17 “is does not indicated” to “it does not indicate”, L25 should read no activities outside”, L47 “summated” to “submitted”; L23 “said” to “asked”.

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

VI. APPROVAL OF 2019 MEETING DATES

Motion: To approve the 2019 meeting dates being the first and third Tuesday of the month starting at 7:30 pm; unless otherwise noted. The January 3 and November 7, 2019 meetings will be held on Thursday.

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

VII. COMMUNICATIONS

Ms. Simone reviewed the following communications:

1. **Staff Communication w/attachments Re: Permit 2018-020, 619 Tamarack Road, Site Plan – Inground Pool and Garage – under unfinished business.**
2. **Bond Release Request for Permit 2014-007, 509 Mountain Road, House2Home Builders – covered under new business.**
3. **Bond Release Request for Permit 2006-025, South Main Street (Stonegate), 772 South Main Street, LLC – covered under new business.**
4. **Request for Determination Re: 986 South Main Street – 8x18 Storage Shed – covered under new business.**

VIII. INSPECTION REPORTS

1. **Written Inspections – N/A**
2. **Staff Inspections**
 - a. **Lexington Court – Ms. Simone reported that the silt fence at Lexington Court was inspected and they are functioning.**

IX. 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

Release of notice of violation/cased and desist order:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors relevant to the issuance and release of the subject Notice of Violation, Commissioners' knowledge of the area, and after review of written information provided by the applicant on this matter, finds the following:

1. **That on November 29, 2016, a Notice of Violation/Cease and Desist Order was issued to Ed Barnett for unpermitted activities within the upland review area and wetland.**
2. **That on December 6, 2016 the IWWC held a Show**

Cause Hearing and issued a Corrective Order to remove fill area and stabilize the site.

3. That on December 19, 2016 the IWWC held a Special Meeting to consider revoking the permit and/or calling the bond. At this meeting the IWWC allowed the permit holder to agree to submit a revised site plan for the construction of a retaining wall.
4. That on July 5, 2017 the IWWC approved the revised site plan to permit the retaining wall.
5. That on November 14, 2018 Staff visited the site and observed the site was stabilized with established lawn, the debris within the rain garden had been removed and the non-encroachment posts were in place as identified on the A2 survey.

Therefore, the Cheshire Inland Wetlands and Watercourses Commission does hereby determine that all issues in the Notice of Violation/Cease and Desist Order issued to Ed Barnett dated November 29, 2016 have been addressed. Further, the Commission does hereby release and discharge the aforementioned Notice of Violation/Cease and Desist Order.

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

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| 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 discussion of this item was take place under executive session.

X. UNFINISHED BUSINESS

1. Potential Addition/Modification to IWWC Fee Schedule

Commission members reviewed a copy of draft letter addressed to the town council regarding their concerns and recommendations regarding the IWWC fee schedule.

Chairman de Jongh would sign the letter on behalf of Commission members and the letter could be forwarded to the town council.

This item would be kept on the agenda.

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| 2. | Permit Application | APP | 2018-020 |
| | Prospect Pools, LLC/Chris Keeler | DOR | 10/16/18 |
| | 619 Tamarack Road | | |
| | Site Plan – Inground Pool & 24' x 24' Garage | MAD | 12/20/18 |

Chris Keeler was present.

Mr. Keeler explained that the proposal is for the construction of a garage and pool.

Commission members reviewed the plans submitted.

The wetlands were delineated by Milone and MacBroom.

Ms. Simone reported that the specifics for the pool were still needed on the plans.

Mr. Keeler said that there is an error on the plans regarding the deck location being in the wrong place; and that they will likely add a retaining wall due to the slope on that side of the property.

Mr. Keeler said that revised plans would be submitted; he also said that fill will be taken off the site and that no fill would be brought on to the site.

Ms. Simone explained that the plans should show erosion controls and that staff's and engineering comments should be addressed.

Ms. Simone informed Commission members that the applicant requested an extension of the mandatory action date until January 3, 2019.

Chairman de Jongh expressed concerns about the steepness of the slope and that (the applicant) should provide a detailed narrative explaining the construction details.

Ms. Simone suggested that Mr. Keeler should give Milone and MacBroom staff and the engineering comments for their review.

Chairman de Jongh and Dr. Dimmick said they wanted to take a look at the wetland delineation line on site.

Further discussion on this item would take place at the January 3, 2019 meeting.

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| 3. | Permit Application | APP | 2018-021 |
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House 2 Home/Gay Siniscalco	DOR	10/16/18
Cornwall Avenue	SW	10/23/18
Site Plan – House	MAD	12/20/18

The Commission delayed discussion of this application to the end of the Unfinished Business section of the agenda, to allow time for application representatives to attend.

Commission members reviewed the draft motion prepared by staff for the proposed activity.

Ms. Simone explained to Commission members that she spoke to the applicant's engineer John Gable who stated he and the applicant would be present at tonight's meeting so they would be aware of all of the details citing in the draft motion.

The applicant and the applicant's engineer were not present at tonight's meeting.

Mr. Kurtz said he had concerns regarding the proposal; he talked about his concerns and that the more he talked the more concerned he was about voting in favor of approving the application based on past experiences with the applicant.

Commission members talked about their concerns about approving the motion without the applicant being present so staff could review on the record the major points detailed in the draft motion.

Commission members discussed the number of votes needed to approve the motion; four votes were needed to approve the motion.

Mr. Kurtz said he was not comfortable approving the application.

Mr. Norback also expressed his concerns approving the application.

Commission members collectively agreed they were not comfortable with the situation; and discussed factors that supported their lack of comfort with granting a permit for the proposed activity in a sensitive wetland area.

Motion:

Moved by Mr. Norback. Seconded by Dr. Dimmick. The motion to approve failed 2-2-0 with Chairman de Jongh and Dr. Dimmick moving to approve and Mr. Kurtz and Mr. Norback moving to deny the motion.

4.	Permit Application	APP	2018-022
	1008 South Main Street LLC	DOR	11/08/18
	South Main Street		
	Site Plan – Medical Office Building	MAD	1/12/19

Darin Overton of Milone and MacBroom was present on behalf of the applicant.

Mr. Overton addressed the Commission and submitted 4 copies of revised plans detailing changes based on RWA and engineering comments; the plans show changes to the parking – the plan now shows additional accessible parking and more water quality measures have been added to the revised plans.

Commission members reviewed the revised plans submitted at tonight's meeting; members agreed that the revised plan date would be noted in the motion.

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 redevelopment of a commercial building and associated parking area at 1008 South Main Street.**
- 2. That the plan incorporates the use of silt fence and hay bales surrounding the property, along the Mill River.**
- 3. That wetland boundary markers shall be installed along the proposed limit of clearing within the upland review area.**
- 4. That no direct or indirect wetland impacts are proposed.**
- 5. 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 #2018-022, the permit application of 1008 South Main Street LLC for site plan approval as presented and shown on the plans entitled:

**“Proposed Medical Office Building
1008 South Main Street, Cheshire, CT**

1418-51

Dated November 6, 2018, Revised December 4, 2018

Prepared by MMI, 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. Prior to any construction activities covered by this permit grant, or request for a Building Permit, the applicant shall accurately stake and/or flag all clearing limits and install silt fence, as depicted on the above mentioned site plan.**
- 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 shall expire on December 4, 2023.**

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

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| 5. | Permit Application | APP | 2018-023 |
| | Chao-Ting Wu, Trustee | DOR | 11/20/18 |
| | Notch Road | | |
| | Site Plan – Filling and Regrading | MAD | 1/24/19 |

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 filling and regrading of an upland review area located behind the residence of 1530 Notch Road.
2. That the plan incorporates the use of silt fence and hay bales surrounding the property, along Mountain Brook and along the driveway connecting to Notch Road.
3. That the extent of inland wetlands and watercourse boundary was field delineated and depicted on the site plan.
4. That the plan identifies that once this area is regraded it will be seeded with a conservation seed mix and allow to vegetate naturally and will not be maintained as lawn.
5. That the proposed filling and regrading activities will not have a significant adverse effect on the adjacent wetlands and watercourses.

Therefore, the Commission grants CIWWC permit application #2018-023, the permit application of Chao-Ting Wu, Trustee as presented and shown on the plans entitled:

“Land of Chao-Ting Wu, Trustee
1530 Notch Road, Cheshire CT

Stamp Date November 14, 2018 and November 20, 2018
Prepared by Summer Hill, Civil Engineers and Land
Surveyors, P.C.
Madison, CT”

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 November 29, 2023.

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

XI. NEW BUSINESS

1. Bond Release Request APP 2014-007
House2Home Builders
509 Mountain Road
Site Plan – House

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission has considered the request for bond release by Ed Barnett, representing House 2 Home Construction for erosion control bond stipulated as part of CIWWC Permit #2014-007 issued May 6, 2014 and finds the following:

That staff has inspected the area and verifies that all areas are generally stabilized, and all conditions of the permit grant have been generally met.

Therefore, the Commission grants the bond release request by the applicant for the erosion control bond.

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

2. **Bond Release Request** **APP 2006-025**
772 South Main Street, LLC
South Main Street
Site Plan – 6 Units

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission has considered the request for bond release by Frank Dinatali, representing 772 South Main Street Associates, LLC. for erosion control bond stipulated as part of CIWWC Permit #2006-025 issued November 21, 2006 and finds the following:

That staff has inspected the area and verifies that all areas are generally stabilized, and all conditions of the permit grant have been generally met.

Therefore, the Commission grants the bond release request by the applicant for the erosion control bond.

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

3. **Request for Determination** **RFD 2018-024**
Ricci Construction Group
986 South Main Street
8x18 Storage Shed

John Ricci was present.

Mr. Ricci informed Commission members that he was proposing to construct a storage shed on blocks for to house a snow blower, blower and tools to maintain the property. He said that no chemicals would be stored in the shed other than the gas for the snow blower.

Commission members reviewed the proposed plan showing the location of the proposed shed, the wetlands and the parking on the site.

Motion: That the Commission declared that the proposed activity is de minimis and does not require a permit.

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

4. Executive Session: Pending Litigation

The Commission moved into executive session at 8:21 pm.

The Commission returned from executive session at 8:30 pm

XII. ADJOURNMENT

The meeting was adjourned at 8:30 pm by consensus of Commission members present.

Respectfully submitted:

**Carla Mills
Recording Secretary**