

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, FEBRUARY 5, 2019
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 7:30pm.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited.

III. ROLL CALL

Ms. Dunne called the roll. Robert de Jongh, Charles Dimmick, Dave Brzozowski, Earl Kurtz, and Kerrie Dunne were present. Staff member Suzanne Simone was present. Members not present were 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 – January 15, 2019

Motion: To approve the minutes from the January 15, 2019 regular meeting with a correction; Pg. 2 L22 “worse “is” to “worse in.”

Moved by Mr. Kurtz. Seconded by Mr. Brzozowski. Motion approved 4-0-1 with Ms. Dunne abstaining.

VI. COMMUNICATIONS

Ms. Simone reviewed the following communications:

1. Construction Sequence for IWWC App. 2019-001, Cornwall Ave., House
2. Request for Determination Clearview Farm Preserve Subdivision, Roadway Grading Changes
3. Engineering Comments for RFD Clearview Farm Preserve Subdivision, Roadway Grading Changes
4. Notification from Eversouce Energy Re: Routine vegetation maintenance within electric system rights of way.

VII. INSPECTION REPORTS

1. Written Inspections – N/A
2. Staff Inspections

Ms. Simone reported the following staff inspections:

- a. Cuff Brook/Jarvis Street – Ms. Simone reported on a concern a neighbor had regarding water in the area.
- b. Shire Court – Ms. Simone reported staff and the town engineer are looking at the problems regarding drainage issues at this location.
- c. South Main Street /Health Care Center – Ms. Simone reported there were erosion issues due to rain; erosion controls were reinstalled.
- d. Edith Court – Ms. Simone reported there was an issue with a pipe in this location.
- e. Lexington Court – Ms. Simone reported on an erosion control inspection at this location.

VIII. ENFORCEMENT ACTIONS

- | | | |
|---|----|---------|
| 1. 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 monitoring.

Ms. Simone reported the fence is in and they are waiting for the balance of the bill to be paid.

IX. UNFINISHED BUSINESS

1. Potential Addition/Modification to IWWC Fee Schedule

Chairman de Jongh reported the Commission is waiting for this item to be heard at an upcoming town council meeting.

- | | | | |
|----|---|-----|----------|
| 2. | Permit Application
House 2 Home Builders
Cornwall Avenue
Site Plan – House | APP | 2019-001 |
| | | DOR | 1/03/18 |
| | | MAD | 3/09/19 |

John Gable from CT Consulting Engineers was present on behalf of the applicant House 2 Home Builders. Ed Barnett, the applicant was also present in the audience.

Mr. Gable provided Commission members with copies of revised plans. He explained there were changes to the construction sequence – and that no construction can proceed until the fencing and placards are in.

Commission members received copies of the latest version of the construction sequence in their packets; the change is related to the timing of the placement of the placards.

Ms. Simone said the placard change and date of the revised plans was incorporated 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 applicant is seeking a permit to construct a single family house on a 4.77 acre property containing 3.69 acres of inland wetland or watercourses.
2. That the applicant's soil scientist field located the inland wetland soils and a watercourse on a portion of the property, in the vicinity of the proposed development.
3. That the direct upland area impact is 2,590 square feet of proposed lawn area.
4. That the applicant proposed to install the permanent split rail fence, as shown on the below referenced plan, prior to clearing the lot, and that the erosion controls will be installed simultaneously with the fence.

5. That the soil scientist report indicates the surrounding inland wetlands and watercourses are of high function and value.
6. That the proposed activities, if managed according to the site plan, 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 #2019-001, the permit application of HOUSE 2 HOME BUILDERS/ED BARNETT for site plan approval as presented and shown on the plans entitled:

“Septic Design/Plot Plan
Prepared for House 2 Home, Cornwall Avenue
Map 63, Lot 66
Dated: October 9, 2018, Revised November 26, 2018;
Revised January 29, 2019.
Prepared By: Connecticut Consulting Engineers,
Meriden, CT.”

And

“Inland Wetland Soils and Watercourse Assessment
and Impact Study
Map 63, Lot 66, Cornwall Avenue, Cheshire CT
Dated October 31, 2018 and November 19, 2018;
stamped December 20, 2018
Prepared by James Sipperly, Bozrah, CT.”

And

“Construction Sequence: Stamped as Received by
Planning Department, January 30, 2019”

The permit/order 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. No disturbance of any kind, including establishment or maintenance of lawn areas, shall be allowed beyond the wetland boundary identified in the above referenced plans. Language identifying the non-encroachment area shall be placed in the deed of the property and on a map for this property filed in the Cheshire Land Records, which shall, in part, state that no disturbance or activity of any kind other than passive recreation shall be allowed within any non-encroachment area.**
- 4. Per Section 12 of the Cheshire Inland Wetlands and Watercourses Regulations, a bond covering the costs of the sediment and erosion controls, as shown on the above-referenced plans, shall be filed with the Town Planner's Office prior to the commencement of construction activities. The amount of the bond shall be determined by the Cheshire Planning Office.**
- 5. The Construction Sequence, stamped as "Received" by the Planning Department, January 30, 2019 shall be strictly adhered to.**
- 6. Prior to any construction activities, including tree cutting, covered by this permit grant, or request for a Building Permit, the applicant shall have the following items both completed by a qualified party and verified as complete by Commission Staff:**
 - a) Prior to any clearing or earthmoving activities, the accurate staking and/or flagging of all clearing limits.**
 - b) Prior to the commencement of construction activities, including tree cutting, a professional engineer shall certify, in writing to the Commission, that all required erosion and sedimentation controls are in place and functioning as represented by applicant to ensure the prevention of erosion and sedimentation into adjacent**

wetlands and watercourses. The cost of the professional engineer shall be borne by the applicant. The applicant shall also notify Commission Staff so that Staff may inspect the site to verify that all required controls are in place. Staff may also insist on additional controls if field conditions warrant them.

- c) Prior to the commencement of activities covered under this permit grant, the name of a contact individual together with a 24-hour phone number shall be submitted to the Planning Department and designated with responsibility and authority to receive notices of any breaches or deficiencies of sedimentation and erosion controls on-site, and to effectuate repair of any such breaches or deficiencies within 6 (six) hours of such notice from the sediment and erosion control inspector, as identified above, or the Town of Cheshire.

Commission Staff may insist on additions/modifications to items 6a-6c.

- 7. An inspection of the condition, integrity, and adequacy of the sedimentation and erosion controls shall be made by a qualified party either weekly or after every significant rainfall of 1/2" or greater, whichever is sooner, until all disturbed areas are stabilized. Said party shall be independent of the contractor. All reports shall be submitted to the contractor and Commission Staff either within three days of inspection, or prior to the next storm event, whichever is sooner. All breaches or deficiencies shall be forwarded to a contact individual, as defined above, immediately after inspection. The costs of said inspections to be borne by the applicant.**
- 8. Prior to the clearing of the property, the split rail fence shall be installed, with permanent markers attached, and silt fence located in front of the split fence. The additional stand alone posts and markers shall also be installed at the same time as the fence.**
- 9. Prior to occupation of the residence or request for certificate of occupancy, the yard is to be stabilized with established lawn, with no exemptions allowed regardless of the season conditions or time of year.**

10. Throughout the course of conducting construction 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.

11. All recommendations from the Regional Water Authority outlined and attached to the November 19, 2018 comments shall be stringently adhered to.

12. The permit shall expire on February 5, 2024.

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

X. NEW BUSINESS

1. Request for Determination RFD 2019-002
Milone & MacBroom, Inc.
Mountain Road
Clearview Farm Preserve Subdivision Roadway Grading Changes

Darin Overton, PE of Milone and MacBroom was present on behalf of the applicant. Paul Bowman was also present.

Mr. Overton reviewed the proposed grading changes and showed on the plan the location of the grade changes; there would be no changes to wetland impacts.

Motion: That the Commission determined there was no change to wetland impacts, therefore no permit was required.

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

Mr. Bowman asked about removing dead trees; he is proposing the trees would be pulled out using chains – no vehicles would enter the wetland area; the stumps would remain.

Ms. Simone said there was no need for a permit for this activity.

The Commission discussed the removal of the dead and dying trees; it was suggested that staff check the site before the removal of the dead trees.

Ms. Simone said she'd arrange to visit the site before the trees were removed.

XI. ADJOURNMENT

The meeting was adjourned at 8:12 pm by consensus of Commission members present.

Respectfully submitted:

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