

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
REGULAR MEETING  
TUESDAY, FEBRUARY 19, 2019  
TOWN HALL – 84 SOUTH MAIN STREET  
COUNCIL CHAMBERS – 7:30 P.M.**

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**I. CALL TO ORDER**

Dr. Dimmick 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 Charles Dimmick, Dave Brzozowski, Kerrie Dunne, Will McPhee and Thom Norback. Staff: Suzanne Simone. Not present were Earl Kurtz and Robert de Jongh.

Dr. Dimmick served as chairman pro-tem.

**IV. DETERMINATION OF QUORUM**

Dr. Dimmick determined there were enough members present for a quorum.

**V. APPROVAL OF MINUTES – Regular Meeting – February 5, 2019**

Motion: To approve the minutes from the February 5, 2019 regular meeting 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 communications:

- 1. Request Re: Designation Status of Soil Type for 1538 South Main Street, Assessor's Map 91, Parcel 167-1 – under new business on tonight's agenda**
- 2. Staff Communication w/Attachment Re: Designation Status of Soil Type for 1538 South Main Street**

3. **2018 Vernal Pool Report Re: 85 Fieldstone Court – Ms. Simone reported this item had been on the agenda previously and the applicant had offered to create a new vernal pool and agreed to send Ed Pollack, soil scientist a copy of the reports; the efforts have been successful.**

## **VII. INSPECTION REPORTS**

1. **Written Inspections – N/A**
2. **Staff Inspection**
  - a. **Clearview Farm Preserve Subdivision Roadway Grading Changes/removal of dead and dying trees - Ms. Simone reported on a staff inspection of the site and observed dead and dying trees in the channel; the plan is to remove some of the trees while leaving others.**

## **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

Dr. Dimmick stated this item would remain on the agenda until there was a final resolution.

Ms. Simone informed the Commission that the property owner made payment to the town in February for the work.

## **IX. UNFINISHED BUSINESS**

1. **Potential Addition/Modification to IWWC Fee Schedule**

Ms. Simone informed Commission members that the town council approved their request to adopt the IWWC fee schedule as proposed; after the fact permits would cost the applicant three times the amount of fees that would have been due if the applicant was timely filed. The change would take effect April 1, 2019.

Commission members discussed the fee schedule approval and the fact the town council did not notify staff, Chairman de Jongh or the Commission that this item was on the town council agenda; and that they did not have the ability to be present for discussion on this item.

Ms. Dunne and Mr. McPhee asked why they were not notified that this item was on the town council agenda.

Mr. McPhee said he thought town departments and commissions worked together.

## **X. NEW BUSINESS**

- 1. Request for Designation Status of Soil Type RDS 2019-003  
Attorney Anthony J. Fazzone/Cheshire Housing Authority  
1538 South Main Street**

Attorney Fazzone addressed the Commission requesting a designation status of soil type for a proposed project on South Main Street for the Cheshire Housing Authority, before the Cheshire Housing Authority applies for grant funding for the project.

Attorney Fazzone explained the Cheshire Housing Authority is under contract to purchase the property and there are not proposing any building or grading in any wetland area located off the subject property. The purpose of receiving a determination is so the Cheshire Housing Authority can file an application with the State of Connecticut for a grant/seed money to get the project engineered; then to go back to the state for financing.

The Commission and staff discussed the request, the subject area and the possibility that a vernal pool exists.

Ms. Simone said the soils map shows a pond area but there are no soil types – it's an undesignated area; with no wetland soil types.

Milone and MacBroom submitted a report detailing the man-made depression on the site; and although it lacked features consistent with an inland wetland it had potential vernal pool characteristics.

**Motion:**

That the IWWC accepts the non-wetland "soils" designation of the depression on this property, as outlined in the February 14, 2019 letter from Milone and MacBroom, however, this acceptance does

**not preclude the requirement to come before the IWWC for any proposed regulated activities or development of the property.**

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

## **XI. ADJOURNMENT**

**The meeting was adjourned at 8:00 pm by consensus of Commission members present.**

**Respectfully submitted:**

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