

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
REGULAR MEETING  
TUESDAY, APRIL 16, 2019  
TOWN HALL – 84 SOUTH MAIN STREET  
COUNCIL CHAMBERS – 7:30 P. M.**

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**I. CALL TO ORDER**

The meeting was called to order at 7:31pm.

**II. PLEDGE OF ALLEGIANCE**

The pledge of allegiance was recited.

**III. ROLL CALL**

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

**IV. DETERMINATION OF QUORUM**

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

**V. APPROVAL OF MINUTES – Regular Meeting – March 19, 2019**

Motion: To approve the minutes from the March 19, 2019 regular meeting with corrections pg. 2 L38 “feds” to “feeds”, L41 Crestwood “Drove” to “Drive”; pg. 4 L6 “indict” to “indicate”, L14 “one (report) has not been” to “no report has been” submitted.

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

**VI. COMMUNICATIONS**

Ms. Simone reviewed the following communications.

1. Staff Communication w/attachments Re: Permit Application 2019-006, Fenn Road Subdivision
2. Staff Communication w/attachments Re: Permit Application 2019-007, Lanyon Drive tree cutting

3. **Permit Application 2017-006, Crestwood Drive, installation of sediment & erosion control measures**
4. **Show Cause Hearing Results & Cease and Desist Order Status, 710 Peck Lane**
5. **2019 CT Agricultural Fair Brochure - handed out at tonight's meeting by Dr. Dimmick.**

**VII. INSPECTION REPORTS**

1. **Written Inspections - N/A**
2. **Staff Inspections**

**Ms. Simone reported on the following staff inspections**

- a. **Lot 3 Crestwood Drive - sedimentation and erosion control measures and posts and wetland markers are installed.**
- b. **Talmadge Road - sedimentation and erosion controls are complete; there was a permit previously given for the installation of a pool.**
- c. **Farmers Court - a complaint was received - there were concerns of construction material that was coming out of a dumpster and was blowing around towards the wetlands; the contractor was contacted, and the issue was taken care of.**
- d. **Marion Road - previously there was a notice of violation sent out to a property owner and staff has been in communication with him regarding the removal of a stock pile along a watercourse; staff went by yesterday and reported that area has been improved.**
- e. **Lexington Court - there was an inspection; there is a vernal pool on this property and the silt fence has been moved in such a manner to allow unobstructed access to the vernal pool.**
- f. **McKinley Tree Farm on Marion Road - the property started to be cleared; staff was contacted by someone who was concerned about the clearing; staff contacted the property owner and advised that 'no clearing could occur within 50' of the stream' that was shown on the property; a short time after that staff received another call that the entire property had**

been clearing; so staff met Mr. McKinley out there and in fact all along the stream area had been cleared. Mr. McKinley was advised to stop the cutting and to not remove the stumps and was asked to do what he could do to stabilize the soil pile as well as to so control the sediment from getting into the stream.

Mr. Norback asked if staff gave some direction on the stabilization and expressed concern that the property owner might not know how to stabilize since 'he did not know what it meant not to cut down trees'; staff reported it was discussed in detail in the field (how to stabilize with stone and silt fence) and that she would need to get some further guidance from the Commission on what they'd like to do; the next meeting is May 7th so if they'd like to have her issue a cease and desist order with a show cause hearing then she can schedule that.

Chairman de Jongh asked - so you spoke with him before the sight was cleared about not clearing and he did it anyways.

Ms. Simone stated yes.

Ms. Simone spoke with Mr. McKinley and advised him about the crossing in the existing accessway area and he said he wasn't going to be working in that area and then she was notified by a neighbor that the clearing had continued and she did go out and spoke with him (Mr. McKinley) and he had questioned that it was an intermittent stream so perhaps it didn't qualify; she noted it's the only stream on the property.

Dr. Dimmick stated according to CT state statue and the CT state supreme court it does (qualify).

Mr. Kurtz said in his opinion a cease and deist should be issued.

Ms. Simone explained based on timing the cease and desist has to be sent out ten days prior to the next meeting so that means there would be a period of time where before the show cause hearing or cease and desist would be in effect so in light of that what the Commission like her to send a notice of violation to put him on notice and to let him know he'll receive a show cause hearing by a certain date.

Commission members agreed to allow staff to send out the notice of violation and notice the cease and desist.

**VIII. ENFORCEMENT ACTIONS**

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| 1. Notice of Violation/Cease and Desist Order<br>Unauthorized Activities in Upland Review Area<br>Luis Rivera and Joanna Kozak<br>1392 Cheshire Street<br>Assessor's Map 30, Lot 17 | SC | 5/16/17 |
|   | SC | 6/06/17 |
|   | SC | 6/20/17 |
|   | SC | 7/05/17 |
|   | SC | 7/18/17 |
|   | SC | 8/01/17 |
|   | SC | 9/05/17 |

Chairman de Jongh stated this item would remain on the agenda, so they can continually monitor to make sure it's done the way we expect it to be done.

Ms. Simone reported the town is still receiving payments.

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| 2. Notice of Violation/Cease and Desist Order<br>Violation of IWWC Permit #2019-001<br>Ed Barnett<br>569 Cornwall Avenue<br>Assessor's Map 63, Lot 66 | SC | 3/19/19 |
|---|----|---------|

Ed Barnett of 509 Mountain Road was present.

Ms. Simone advised the Commission they did hold a preconstruction meeting on Friday, April 5th, it was herself, Dr. Dimmick, Mr. Barnett, Mr. Sinacalazo, Ed Barnett's engineer John Gable as well as Bill Volker and Mike Strollo from the Planning Office; they read through the permit which then lead to reading through the construction sequence as well as the Regional Water Authority comments; discussed in that is that there is a standing order on the property that all the Commission has allowed currently is the removal of the stumps.

Ms. Simone reported in speaking with Mr. Barnett he had said he had roughed in the construction access and asked if he could put more stone down – that area is outside the upland review area and they would want to keep the street cleaned so he was okay with brining more stone in and there were discuss with Mr. Barnett and Mr. Gable about the sediment and erosion control reports and what the time frames was – they are due every week or after every ½ inch of rainfall or greater; and we started to receive those inspection reports – both of which are favorable and were handed

**out tonight – date April 8<sup>th</sup> and April 15<sup>th</sup> – both identified that the erosion controls were functioning as designed.**

**Commission members discussed what next steps the applicant can take, and that staff spoke to Mr. Barnett about coming up with a plan and his own time frame on how to proceed (with the construction sequence).**

**Mr. Barnett said the only things they had left to do was stumping and fixing the construction entrance so nothing would get on Cornwall; his engineer has to provide the planning office with a plot plan to show exactly where the house is going to be – he needs that in order to get a building permit from the building department so he can't do anything beyond what they talked about before he gets a building permit; right now they are finishing up grubbing and doing the construction entrance and waiting for the building permit to come in and to dig the hole so everything has to be signed off on in the town with building officials and Chesprocott before they can even dig a hole.**

**Mr. Norback asked about next steps.**

**Mr. Barnett said he is following the process and waiting to proceed with next steps.**

**Dr. Dimmick asked what the next step in the sequence was – was it to strip and grub the site.**

**Mr. Barnett said that is what he'd like to do; what he wants to do is stake the lot out.**

**There was discussion about what step of the sequence Mr. Barnett was on – between #6 and #7; but plot plan details were needed regarding where the stock pile was going – this information was needed from the engineer's weekly reports how work was progressing and that the work was being done correctly.**

**Mr. Kurtz said that he wanted to make sure the suggestion made by Mr. McPhee at the last meeting that work should progress step by step to ensure things were being done correctly; and items would be reviewed at each meeting before moving on to the next step (in the construction) sequence.**

**Ms. Simone suggested that if the Commission wanted to allow work to progress that weekly engineering reports needed to be reviewed and favorable and then when information submitted to the planning office is consistent in meeting with the approval then the Commission would authorize her to sign off on it and then once signed off Mr. Barnett can come off to the next step of clearing the top soil and staking out.**

**Mr. Norback said he didn't see the location of the stock pile on the plans; he said it put in an area where it doesn't silt into the wetlands, so you use grade considerations and you don't want to move in more than once.**

**Mr. Barnett said that details needed to be added – the location of the stock pile; staff would have that detail next week.**

**Chairman de Jongh said to add that detail on the map where it's going to be stored.**

**There was discussion about next steps and that the Commission would allow only the staking of the house as part of sequence #9 and no other activity described in #9.**

**Motion: That the Commission agreed to modify the cease and desist order once the following are completed to the satisfaction of Commission Staff:**

- 1) The continued submission of satisfactory erosion control inspection reports as stipulated in the permit**
- 2) The submission and approval by Commission Staff of the plot plan locating the stock pile of soil and erosion control as far away from the wetlands as possible**

**Once these steps are identified as complete by Commission Staff, the cease and desist order shall be modified to allow Mr. Barnett to proceed to construction sequence step (#7) and a portion of construction sequence step (#9) to allow for the staking of the house only and is not permitted to proceed with any of the other activities detailed in #9 of the construction sequence.**

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

3. **SHOW CAUSE HEARING** SC 4/02/19  
Suspension of Permit SC 4/16/19  
Ed Barnett  
569 Cornwall Avenue  
Assessor's Map 63, Lot 66

This item would remain on the agenda until the Commission is completely satisfied; both items #2 and #3 would remain on the agenda.

4. Cease and Desist Order SC 4/02/19  
Unauthorized Activities in Upland Review Area/Conservation Area  
Robert and Barbara Gelmetti  
710 Peck Lane  
Assessor's Map 42, Lot 63

Ms. Simone reported she did speak with Barbara Gelmetti and provided them with the markers which they purchased and were required in the approved plan; she also provided them with a copy of the plan that shows where the markers are to go; and she did confirm with Ryan McEvoy of Milone and MacBroom that they have been in touch with the Gelmettis and they are working on a restoration plan – they have had some staff out to the property already to look at the area and get an idea of the size to start work on a plan; an update or plan will be available for the May 7<sup>th</sup> meeting.

IX. UNFINISHED BUSINESS

N/A

X. NEW BUSINESS

1. Permit Application APP 2019-006  
Ricci Construction Group, Inc. DOR 4/02/19  
Fenn Road  
Subdivision MAD 6/06/19

Van Hopson, Civil Engineer at Milone & MacBroom, Inc. was present on behalf of the applicant.

Mr. Hopson gave a presentation for the property located on Fenn Road where Ricci Construction plans to subdivide a 45-acre property; the property is bisected by the Mill River. He showed on the map the location of the proposed subdivision and current house location and other property features.

Mr. Hopson said the property has about 5-6 acres of disturbance and is located in the Mil River watershed in an R-40 and R-80 zone; it does have a 100 year flood plain associated with it; its in the South Cheshire Aquifer protection area and the RWA supply watershed; there is currently a single family home and shed and the only existing storm drainage infrastructures are a 24” and 2-15” pipe that discharge to Fenn Road off of the site; wetland exist on the site associated with the Mil River and discharges from Fenn Road.

Mr. Hopson explained for the proposed into 6 lots – one existing and 5 new lots; with the exiting house to remain; its roughly a 450 yard cul-de-sac and its going to be served by public water in the street by RWA and individual septic systems shows on the plan; there will be storm water management consisting of dry wells and the town drainage system to accommodate the 2 to 100 storm events; they are proposing a 300sf wetland disturbance for the proposed storm water management system.

Mr. Hopson reported that the test pits were done, and they planned to address town engineering comments.

Ms. Simone asked if the construction sequence is shown for the basin.

Chairman de Jongh said that information (about the basin) needed to be provided; and hey should conduct a site visit.

The Commission deferred determining significance pending the outcome of a site walk scheduled for Saturday, April 27, 2019 at 8:00am.

2. Permit Application	APP	2019-007
Shorab Hossain	DOR	4/16/19
195 Lanyon Drive		
Tree Cutting	MAD	6/20/19

Nazmeen Hossain was present on behalf of her parents, the Hossains.

Ms. Simone explained the applicant is seeking approval for the cutting of trees on their lot; she reviewed the lot’s history and 1990 permit and 2017 determination of what could take place on the lot pertaining to clearing and tree cutting.

Ms. Hossain said they want to cut down trees that are rotted and falling (one fell on a car); she showed on the map the location of where they wanted to cut trees and an area they wanted to clear.

**Ms. Simone noted most of the lot is wetlands; and that she would work with the applicant prior to the next meeting to develop a more detailed site plan.**

**Dr. Dimmick noted that this proposal may require a public hearing; since activity is proposed to take place in wetlands.**

**After reviewing the proposal, Commission members agreed that they should conduct a site walk which was scheduled for Saturday, April 27, 2019 at 9:00am.**

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|-----------|---|------------|-----------------|
| <b>3.</b> | <b>Permit Application</b>                 | <b>APP</b> | <b>2019-008</b> |
|           | <b>Public Works &amp; Engineering</b>     | <b>DOR</b> | <b>4/16/19</b>  |
|           | <b>Marion Road</b>                        |            |                 |
|           | <b>Cuff Brook CMP Culvert Maintenance</b> | <b>MAD</b> | <b>6/20/19</b>  |

**The public works department requested that this item was postponed to the next meeting.**

**XI. ADJOURNMENT**

**The meeting was adjourned at 8:20 pm by consensus of Commission members present.**

**Respectfully submitted:**

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