

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, MAY 7, 2019
TOWN HALL – 84 SOUTH MAIN STREET
COUNCIL CHAMBERS – 7:30 pm**

I. CALL TO ORDER

The meeting was called 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, Earl Kurtz, Thom Norback and Kerrie Dunne were present. 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 – April 16, 2019
Special Meeting – April 16, 2019**

Motion: To approve the minutes with corrections from the regular meeting of April 16, 2019; and special meeting of April 16, 2019 (no corrections).

Regular Meeting: Pg. 3 L37 “cease” to “cease and desist”; Pg. L11 “to” to “from” Fenn Road, L12 “Mil” to “Mill” River, L15 “proposed” to “proposed development”, L16 “exiting” to “existing”, L21 should read “2 to 100 year”, L32 “hey” to “they”.

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

VI. COMMUNICATIONS

Ms. Simone reviewed the following communications:

- 1. Modification of Cease & Desist Order Letter Re: 569 Cornwall Avenue**

2. Notice of Violation Re: John McKinley, 1403 Marion Road
3. Staff Communication Re: 1430 Marion Road
4. Notice of Violation Re: Brahim Krasniqi, 152 Talmadge Road
5. Staff Communication Re: 152 Talmadge Road
6. Request for Determination Re: 1392 Cheshire Street
7. Staff Communication Re: Request for Determination, 1392 Cheshire Street
8. MMI Response Re: 257 Fenn Road IWWC Application 2019-006
9. Engineering Comments Re: Fenn Road IWWC Application 2019-006
10. Staff Communication Re: IWWC Application 2019-008, Marion Road
11. Excerpt from CT Land Use Law for Municipal Land Use Agencies, Boards, and Commissions, Saturday, March 23, 2019

VII. INSPECTION REPORTS

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

Ms. Simone reported on the following staff inspections:

- a. Marion Road – staff inspected the activity that took place on Marion Road at the McKinley property; this is under enforcement actions on the agenda.
- b. Talmadge Road – staff inspected activity that took place on Talmadge Road this is under enforcement actions on the agenda.
- c. Fenn Road – staff reported there was a site walk of the area; this item is on tonight’s agenda.
- d. Winslow Court – staff reported she received a complaint about drainage issues on Winslow Court; staff inspected and didn’t see an issue with the outlet structure.
- e. East Johnson Avenue – staff reported she received a complaint that there was clearing of the area near the utilities on E. Johnson Avenue; she informed the person the work was being done as part of a state permit and gave them contact informed for the project; the work is being done by DEEP and Eversource.

VIII. ENFORCEMENT ACTIONS

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| 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 continued monitoring.

Ms. Simone reported the May 2019 payment has not been received; the fence has been installed and staff can inspect that from the street.

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

Gaye Sincalazo was present on behalf of Ed Barnett. Mr. Sincalazo is Mr. Barnett's father-in-law.

Mr. Sincalazo explained he was at the meeting to request the release of the cease and desist.

Chairman de Jongh explained that there were still issues with the Commission not receiving weekly reports from the engineer and/or after every rainfall of 1/2" or greater – the required erosion control reports are not being received and the need for the reports was discussed at the preconstruction meeting and in detail at the last Commission meeting.

Mr. Sincalazo said he'd find out why the reports are not being submitted.

Chairman de Jongh said there had been discussion about the placement of a deck but that they are lacking the details such as size, location, etc.; nothing has been received in writing regarding the details for the placement of the deck.

Chairman de Jongh and Dr. Dimmick both commented on the lack of information provided regarding the deck and that this was not part of the original application, so the applicant would have to submit a request for a modification of the permit and show all the details for the deck and how the construction would occur.

Mr. Norback asked if they could apply for a separate application for the modification and continue to move forward with work on the original application.

Mr. Sincalazo said they were okay with applying for a permit for the deck separately.

Mr. Kurtz commented that its stated in the minutes what Mr. Barnett needs to do and he (Mr. Barnett) knows what he needs to do – it's clear – it's simple and he (Mr. Barnett) hasn't done it.

Ms. Simone stated the original plan did not have a deck (shown) so a modification should be applied for and show actually what they want to do.

Mr. Sincalazo said they want to move forward building the house.

Chairman de Jongh said they need to follow the construction sequence steps as outlined and each step is looked at before moving to the next step; since the reports are missing the applicant can't move forward.

Ms. Simone explained on April 30 she communicated with John Gable, the engineer, and others were copied – she read the email into the record – it stated that reports were needed with rainfalls of ½” or greater or weekly.

Chairman de Jongh said they can apply for the application for the deck and that nothing can happen until the inspection reports come in to make sure the sedimentation and erosion controls are in place.

Chairman de Jongh said he was not comfortable letting the application move forward until the reports come in.

Mr. Kurtz said the plan for the stockpile was needed; and if that has not been taken care of then the stipulations are not complete.

Dr. Dimmick said it was okay to let them stake out the location of the house but that they need the reports (before moving forward with any other activity). And, that the deck needs to be removed from the map/plan and the deck should be made part of its own application.

The plot plan needed to be corrected by removing the deck and the submission of reports are needed for staff to sign off on next steps.

Ms. Simone agreed to resend an email echoing what she said in previous emails and would include the engineer on the emails.

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| 3. | <u>SHOW CAUSE HEARING</u>
Suspension of Permit
Ed Barnett
569 Cornwall Avenue
Assessor's Map 63, Lot 66 | Presented |
| | | SC 4/02/19 |
| | | SC 4/16/19 |
| | | SC 5/07/19 |

Chairman de Jongh stated this item would remain on the agenda.

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| 4. | Cease and Desist Order
Unauthorized Activities in Upland Review Area/Conservation Area
Robert and Barbara Gelmetti | SC 4/02/19 |
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no erosion controls were in place – except for a stockpile of stone in the culvert out near the driveway crossing (staff advised during the site visit to install erosion controls around the stockpile of soil and to put stone within the stream channel leading to the driveway crossing.

Mr. McKinley provided details as to why he cleared the lot for the purpose of wanting to plant hayfields. He explained he didn't think he needed to do anything (apply for a permit) to plant hay.

Dr. Dimmick explained that even under agricultural use the Commission still needs to have the wetlands looked at.

Mr. McKinley agreed he would not do anymore clearing on the site unless he came before the Commission for review.

Motion: The the Wetlands Commission after reviewing the material submitted supports staff in her declaration in needing a cease and desist in this particular matter.

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

The show cause hearing was closed and will remain on the agenda for monitoring purposes.

6. **SHOW CAUSE HEARING**

Notice of Violation/Cease and Desist Order SC 5/07/19
**Unauthorized Activities in the Upland Review Area,
Wetland Area & Intermittent Watercourse**
Brahim Krasniqi
152 Talmadge Road
Assessor's Map 66, Lot 15

Namit (?) Krasniqi and Brahim Krasniqi were present. Namit Krasniqi spoke on behalf of Brahim Krasniqi.

Ms. Simone provided a report to Commission members regarding the notice of violation and cease and desist; she explained unauthorized activity was conducted in a regulated area – cutting of trees, tree clearing and clearing of landscaping occurred near the pond and within the wetland area without a permit.

Namit Krasniqi explained to the Commission that the reason they removed the trees and cleared the area was because dead/dying trees were falling and had fallen – about 5-6 trees were taken down. He showed Commission members pictures from his phone - the pictures showed the condition of the trees removed; he said they planned to chip the cut trees.

Commission members reviewed the pictures of the site; staff would put expectations in writing to the homeowner on how they could clean up the area.

Motion: That the Wetlands Commission closed the show cause hearing.

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

Motion: That the Wetlands Commission releases the cease and desist order.

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

This item will be left on the agenda for monitoring purposes.

IX. UNFINISHED BUSINESS

1.	Permit Application	APP	2019-006
	Ricci Construction Group, Inc.	DOR	4/02/19
	Fenn Road	SW	5/02/19
	Subdivision	MAD	6/06/19

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

Mr. Hopson stated after the May 2, 2019 site walk, the plans were revised and submitted.

Dr. Dimmick said after the site walk and looking at the plans, he is okay with the proposal.

Motion: That the Wetlands Commission determined the proposed activity is not significant within the context of the regulations.

Moved by Dr. Dimmick. Seconded by Mr. Norback. Motion approved 4-0-1 with Chairman de Jongh abstaining because he was not present at the sight walk.

Further action pending staff review and recommendation.

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

Ms. Simone stated the applicant was not present.

The previously scheduled site walk was postponed due to inclement weather.

A new date for the site walk was set for May 14, 2019 at 8:30 am.

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

Don Nolte, Engineering Operations Manager, was present. Eric Phippen, from the company who will install the GeoSpray geopolymer was also present.

The town is seeking approval for maintenance and improvements to an existing culvert within Cuff Brook on Marion Road; they plan to restore a 7' by 11' by 54' long culvert using a GeoSpray geopolymer product that's made of cement and polymer; the project will take one week to accomplish and costs \$100,000.

Commission members reviewed the plans detailing the proposed activity and asked staff to prepare something for the next meeting.

X. NEW BUSINESS

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| 1. | Request for Determination | RFD | 2019-009 |
| | Luis Rivera | | |
| | 1392 Cheshire Street | | |
| | Deck within Upland Review Area | | |

No one was present on behalf of the applicant; the requester (Luis Rivera) did indicate he planned to attend the meeting to discuss the proposal.

Ms. Simone explained that a request for determination was received for the installation of a deck requiring three sonatubes to support it.

A narrative and plan was received outlining what was being proposed; a letter from the property owner Luis Rivera was sent explaining that he wanted to replace the current 8" concrete sonatubes with 12" sonatubes and change the deck size from 10' by 12' to 13' by 12'.

Commission members reviewed the plans for the deck and placement of the sonatubes; and reviewed the location of the wetlands relative to the proposed activity.

Ms. Simone said it appeared based on the photos provided that the area outside of the fencing still appears to be mowed.

Dr. Dimmick said based on the details provided he did not see an issue with the proposal.

Motion: That the Wetlands Commission has looked at the proposal and has made a determination based on the proposal sees no impact requiring a permit from this Commission.

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

XI. ADJOURNMENT

The meeting was adjourned at 9:10 pm by consensus of Commission members present.

Respectfully submitted:

Carla Mills
Recording Secretary
Cheshire Inland Wetland and Watercourse Commission