

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

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**I. CALL TO ORDER**

The meeting was called to order at 7:30 pm.

**II. PLEDGE OF ALLEGIANCE**

The pledge of allegiance was recited.

**III. ROLL CALL**

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

Staff member Suzanne Simone was present.

**IV. DETERMINATION OF QUORUM**

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

**V. APPROVAL OF MINUTES – Regular Meeting – July 2, 2019**

Motion: To approve the minutes from the regular meeting of July 2, 2019 with corrections:

Pg. 2 last paragraph should read, “Ms. Simone reported the balance that was due to the town in fees and fines due to the court injunction has been paid....not to go into that (area); deleting “the conjunction the that town received from the court has been complied with regarding fees and fines that had to be paid.” Pg. 16 L38 “sire” to “site”; pg. 17 L15 “elevate” to “alleviate”; L35 “Mr. McEv0y” to “Mr. McEvoy”; pg. 19 L33 “down: to “downstream.”

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

**VI. COMMUNICATIONS**

Ms. Simone reviewed the following communications:

1. Notice to Hold Show Cause Hearing to Ed Barnett

2. Requested information from Ed Barnett to IWWC
3. Staff Communication w/attachment Re: IWWC App. 2019-007, Shorab Hossain, Lanyon Drive
4. Engineering Comments Re: IWWC App. 2019-014, Miller Napolitano Wolff LLC & Tri-Star, Highland Ave
5. Engineering Comments Re: IWWC App. 2019-015, Elim Park Baptist Home, Cook Hill Road
6. Request for Agricultural Determination, 500 Academy Road
7. Staff Communication Re: RFD #2019-018 AG RFD #2019-018, 500 Academy Road
8. Request for Determination, Farmington Linear Trail, Pavement Crack Repair
9. Staff Communication Re: RFD #2019-016 Farmington Linear Trail
10. Request for Determination, 165-170 Northwood Court, Drainage Swale
11. Staff Communication Re: RFD #2019-017, 165-170 Northwood Court

Handed out at tonight's meeting:

12. Informative email Re; 1415 Marion Road, which is under enforcement actions
13. Comments from Milone and MacBroom to the town engineering department regarding the application on Highland Avenue
14. A second comment after a meeting held today regarding the application on Highland Avenue

#### VII. INSPECTION REPORTS

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

#### VIII. ENFORCEMENT ACTIONS

1. 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

This item would remain on the agenda; the Gelmetti's have until October to complete the plantings.

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

This item was wrapped into the show cause item 3.

3. **SHOW CAUSE HEARING** SC 7/16/19  
Reinstate IWWC Permit #2019-001  
Ed Barnett  
569 Cornwall Avenue  
Assessor's Map 63, Lot 66

Ms. Simone reported that there were three items that needed to be received – the town did receive them, and they have been forwarded to the Commission for review and to decide whether to reinstate.

Motion: That the Commission reinstates IWWC Permit #2019-001.

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

4. **Notice of Violation/Cease and Desist Order** SC 5/07/19  
**Unauthorized Activities in the Upland Review Area,  
Wetland Area & Intermittent Watercourse**  
John McKinley  
1415 Marion Road  
Assessor's Map 16, Lot 10

Ms. Simone reported the Commission had received a copy of map showing the approximate location of the wetland soils as well as what Mr. McKinley would like to do next on the property where he identifies that he would like to clear alongside a wetland area to cut trees as well as to remove the stumps and there is additional work that he has proposed in the wetland area.

The Commission instructed staff to send a letter that such work within 50' of a wetland would need approval application to this commission and approval from this commission; additionally to inform him that if he was going to do something further with the property that he would need to have a map that had the actual locations of the wetlands and not the approximate locations; and have something formal from a soil scientist as to exactly what he wants to do and have that verified (have the wetlands flagged); an application would need to be presented to this Commission.

**IX. UNFINISHED BUSINESS**

1. **Permit Application** APP 2019-007  
**Shorab Hossain** DOR 4/16/19  
**195 Lanyon Drive** SW 5/14/19

**Tree Cutting**

**MAD 7/16/19**

**Nazmeen Hossain was present on behalf of her father Shorab Hossain and mother Sharmeen Hossain.**

**Ms. Hossain explained Suzanne emailed her regarding the wetlands and was provided a map showing what was permitted before the application sent in; she said her parents are okay with the limit that was set from before.**

**Ms. Hossain said they weren't able to measure it; and her parents knew roughly where it (the limits) were and that it would be okay – they agree with that.**

**Ms. Simone said the driveway was the main issue and this give them 100'; so, they would like to modify their original plan and submit a revised plan.**

**Chairman de Jongh said after going out there on a site visit – and based on the mapping that someone place stakes and then take tape and run it from the various intervals so they people doing the clearing know they can't go beyond that point – they need a formal barrier that they can go up to.**

**Dr. Dimmick said so before any clearing takes place, staff would have to go out and verify the placement of the stakes and that they are correct.**

**Chairman de Jongh requested that once the stakes are in to verify that with staff.**

**Ms. Hossain said she had a question regarding the trees – were they permitted to remove the stumps as well.**

**Dr. Dimmick said he thought what they have to look at if they are removing stumps that are fairly close to the wetland line there is a potential erosion problem when stumps are removed; again staff can give some instruction as to what methods can be done to prevent erosion when you remove the stump – you can go pull the stump out because you'd be exposing material easily; he suggested talking with staff on what method could be used.**

**Ms. Simone noted the location of the silt fence line on the map; and that she could meet with the property owners to discuss that with them.**

**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 re-establishment of the 1990 IWWC approved clearing limit.**
- 2. That the re-establishment of the previously approved clearing limit is within the upland review area and no wetland impacts are proposed.**
- 3. 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 #2019-007, the permit application of Shorab Hossian for site plan approval as presented and shown on the plans entitled:**

**“Town of Cheshire  
Geographic Information Systems (GIS)  
Date printed 5/1/2017  
With overlay of 1990 Gerald & Adoria Corcoran  
resubdivision map dated July 10, 1990”**

**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 clearing activities covered by this permit grant, the applicant shall accurately stake and/or flag all clearing limits as depicted on the above mentioned site plan and contact Commission Staff for inspection.

4. This permit grant shall expire on July 16, 2024.

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

2.	Permit Application	APP	2019-014
	Miller Napolitano Wolff, LLC & Tri-Star Development, LLC	DOR	6/18/19
	Highland Avenue, Dickerman Road, I-691 Subdivision & Earthwork	MAD	8/22/19

Attorney Anthony Fazzone of Fazzone, Ryan and Riccutti and John Milone of Milone and MacBroom were present.

Ms. Simone noted information was received from the applicant's engineer in response to town engineering department's review; the applicant's engineer was present if the Commission had any questions; she commented about the previous reviews of storm water plans and the current plan is similar.

Dr. Dimmick recalled a report of the Ten Mile River by Jim MacBroom that was delivered to the town before the 2007 proposal was done.

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors set forth in Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire, information gained from site visitations and the Commissioners' knowledge of the area, and information provided by the applicant and others on this application during the course of the public hearing and the pre-hearing proceedings, finds the following:

1. That this site has been the subject of previous Cheshire Inland Wetlands and Watercourses Commission permit grants, with stipulations, including, but not necessarily limited to a permit grant, with stipulations, to John Errichetti Associates for Site Plan for shopping mall on October 15, 1985, subsequently modified on December 13, 1990.

- 2. That the site is located in an interchange zone adopted into planning and zoning regulations on May 25, 1985 and that said interchange zone is part of the plan of development for the Town of Cheshire. Planning and zoning regulations adopted on July 13, 2007 permit residential, retail and office uses on the subject property.**
- 3. That the wetlands and watercourses on site have been identified in accordance with Connecticut statutory and Cheshire Inland Wetlands and Watercourses regulations.**
- 4. That this property lies within the watershed of the Ten Mile River, and the Ten Mile River flows north, bisecting the property from the southwest to the northeast portion of the site.**
- 5. That the current application is for subdivision of the property and construction of a roadway and associated stormwater management.**

**Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2019-014, the permit application of Miller Napolitano Wolff LLC and Tri-Star Development, LLC. for approval of subdivision and stormwater management as presented on the plans entitled:**

**“Subdivision Plan, North End Parcel  
1953 Highland Avenue, 2037 Highland Avenue and MBL: 3-51  
MMI# 6731-01  
Dated: June 17, 2019  
14 Sheets, Scales Varies  
Prepared by: Milone and MacBroom, Inc., 99 Realty Drive,  
Cheshire CT 06410”.**

**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. Lack of compliance with any Condition of this permit grant shall constitute a violation of the Cheshire Inland Wetlands**

**and Watercourses Regulations, and a cease-and-desist order, or other appropriate enforcement, 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. The Commission makes no warranties or representations, either express or implied, that future regulated activities will be permitted on this site as a result of the present permit.**
- 4. Prior to any clearing, earthmoving and/or construction activities on lots #3, #4, #5 and #8 lots individual site plan review and approval for each of the above listed lots is required from the Cheshire Inland Wetlands and Watercourses Commission.**
- 5. Prior to any clearing, grading, or preparation for the construction of a road or stormwater management system, the applicant shall:**
  - a. arrange for and hold a pre-construction meeting with Commission Staff to review this permit grant's Conditions.**
  - b. accurately stake and/or flag all clearing limits.**
  - c. provide a professional engineer's certification, 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.**
  - d. submit contact information with a 24-hour phone number for the individual with the 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 six (6) hours of such notice from the sediment and erosion control inspector, or other appropriate staff of the Town of Cheshire.

6. An inspection of the condition, integrity, and adequacy of the sedimentation and erosion controls shall be made by a qualified party on a regular basis, 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 below, immediately after inspection. The costs of said inspections shall be borne by the applicant.
7. All disturbed areas on the site not directly required for construction activities shall be temporarily seeded and hayed until the site is permanently stabilized.
8. Any maintenance or refueling of equipment and vehicles shall be performed at least 100-feet from all wetlands and watercourses. 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. Any and all leaks or other discharges of oil, gasoline or chemicals onto the ground shall be reported immediately both to the Cheshire Planning Office and the Connecticut Department of Environmental Protection.
9. This permit shall expire on July 16, 2024.

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

3.	Permit Application	APP	2019-015
	Elim Park Baptist Home, Inc.	DOR	7/02/19
	Cook Hill Road		
	Site Plan	MAD	9/05/19

**Ms. Simone reported there was information they were waiting on – the Natural Diversity Data Base (NDDDB) recommendations have been added to the plans and our engineering department reviewed the plans and they had no comments.**

**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, previous 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 construction of a pedestrian trail and bridge along the Mill River, and a plunge pool with check dam.**
- 2. That the plunge pool and check dam will improve the water quality of the Mill River by reducing flow velocity and sedimentation.**
- 3. That the proposed trail will not require the removal of mature trees and will not harm or cause sedimentation to the Mill River.**
- 4. That the town engineering department has reviewed the application and finds that the proposal conforms to town and industry standards.**
- 5. That the Commission has determined the activity to not be significant under the context of the Cheshire Inland Wetlands and Watercourses Commission regulations.**

**Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2019-015, the permit application of Elim Park Baptist Home for site plan approval as presented on the plans entitled:**

**“Elim Park Baptist Home, Inc.  
Construction Details  
140 Cook Hill Road, Cheshire, CT  
Dated July 10, 2019  
4 Sheets: Varying Scale**

**Prepared by Fuss and O'Neill, Manchester, CT.”.**

**The permit is granted on the following conditions and stipulations, 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 the commencement of clearing, grading or any construction activities covered under this permit the applicant shall have the following items both completed by a qualified party and verified as complete by Commission Staff:**
  - a. The accurate staking or flagging of all clearing limits conducted by a qualified individual. Staff may insist on additional staking or flagging if warranted by field conditions.**
  - b. The proper installation of all sediment and erosion controls indicated on the above referenced plans. Staff may insist on additional controls if warranted by field conditions.**
  - c. The 24-hour contact phone number for the individual designated with the responsible and authority to receive notices of any breaches or deficiencies of sediment and erosion controls on-site, and to effectuate repair of any such breaches or deficiencies within 6 (six) hours of such notice from the sedimentation and erosion control agent from the Town of Cheshire.**
- 4. Throughout the course of conducting construction activities covered by this permit grant, 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' if 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 seeded and hayed until the site is permanently stabilized.

5. This permit shall expire on July 16, 2024.

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

#### X. NEW BUSINESS

1. Request for Agricultural Determination RFD 2019-018  
500 Academy Road  
Shawn Stanziale  
Greenhouse for Hydroponic Vegetable Garden/Fish

Shawn Stanziale was present.

Mr. Stanziale explained he wanted to build a greenhouse on the land; he would be operating in the 50' zone of the wetlands; he is seeking permission to farm without a permit.

Chairman de Jongh said as he understood it – it was going to be a 60' by 60' (structure).

Ms. Simone said in looking at the proposal there is no request to fill in a wetland or change a watercourse or create a road; in looking at the regulations – if you are looking to do those things it requires a permit.

Mr. Stanziale explained the farming operation using fish and hydroponic vegetation farming.

Dr. Dimmick said in his opinion this was agricultural use as long he stays out of the actual wetlands and aren't disturbing soils that will get washed into the wetlands.

Chairman de Jongh said he had questions on how this was going to be installed.

Mr. Stanziale said there's going to be limited earth moving – there will be silt fence put in and the area will be clear cut because he needs the light for the greenhouses so the trees within the silt fence area and not into the wetland area; it's a basic greenhouse that's going to be put up – there will be sonatube footings for the greenhouse and there will be a section for the aquaponic section of it where the fish will grow – other than that it's a basic greenhouse; he is not changing the elevation of land.

Chairman de Jongh said he was concerned because they are right up against the edge of the wetland boundary; how is the excavation going to take place – he understands it's a permitted right but he is concerned about the integrity of the wetland that's right there; when the property was built there were very concerned about the integrity of the wetland and now they are being asked for permission to go right up to it and install something right up to the boundary – so if we are clear cutting trees which also means pulling out the stumps is the same concern they have with the people who are trying to lose trees on Lanyon Drive.

Chairman de Jongh stated he is struggling with the integrity of the wetland boundary.

Mr. Stanziale said the only way to build the greenhouse is to work in the area of the silt fence; there are roughly six trees he needs to remove – three are completely dead already; he said there is no way he can put up a greenhouse without doing some work.

Mr. Kurtz said he thought they needed someone to tell us how this is going to be done and why this is going to be done because – it's definitely agricultural but it's something that's newer and he is not familiar with it; he said greenhouse don't need footings – they are on grade and use posts like a pole barn; and the greenhouse proposed may need more of a structure to support water containers.

Mr. Stanziale said they are going to use poles and use something to support them going in 36' to 40' into the ground. He said it's a closed system and he is not putting anything into the wetlands; the only thing that's being added is the evaporation of water – the fish waste creates the feralization for the plants – you fill up the gravel bed – no dirt is being added; he explained the system and filter used for the farming – evaporation is the only thing they are losing.

Chairman de Jongh said the system sounds harmless – it's the construction of the greenhouse and what if any damage its going to do to the integrity of the wetland area when we were so concerned

when they house was built; he understood based on the regulations this is a permitted use under the agricultural statute – he is just concerned about the structural aspect.

Mr. Stanziale said the tank is roughly 36” – half is going to go in the ground and half of it is above the ground – it’s a rubber liner that has give.

Ms. Simone read the regulation wording for 4.1.A (as of right uses):

“1. Grazing, farming, fish farming, nurseries, gardening, harvesting of crops, farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this Subsection shall not be construed to include road construction or the erection of buildings not directly related to the farming operation; relocation of watercourses with continual flow; filling or reclamation of wetlands or watercourses with continual flow; clear-cutting of timber, except for the expansion of agricultural crop land; or the mining of top soil, peat, sand, gravel, or similar material from wetlands or watercourses for the purposes of sale.”

Motion: That the Commission declared the proposed activity as of right use under the regulations and statutes for agricultural use and therefore does not need a permit from this Commission.

Moved by Dr. Dimmick. Seconded by Ms. Dunne. Motion approved 4-1-0 with Chairman de Jongh voting against the motion.

2. Request for Determination RFD 2019-016  
Farmington Linear Trail  
Public Works/Engineering Department  
Pavement Crack Repair

Ms. Simone explained there was an approval but was not acted on within the one year time frame; she said that nothing has changed – it’s the same exact determination its just that it expired; they are going to be working in the area that’s currently paved and they will be cutting out the cracks and replacing the asphalt; they will not be expanding the trail on either side and there will be no wetland impacts.

Motion: That the Commission reinstates its decision made a year ago, that the activity does not need a permit.

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

- 3. Request for Determination RFD 2019-017  
165 – 170 Northwood Court  
Public Works/Engineering Department  
Drainage Swale**

**Dr. Dimmick said he has a few questions about this request and was not sure he had enough information based on what was sent.**

**The Commission requested that a member of the public works department attend the next meeting.**

- 4. Permit Application APP 2019-019  
Ricci Construction Group DOR 7/16/19  
Crestwood Drive  
Resubdivision MAD 9/19/19**

**Ms. Simone said this item was just received today and would be up for discussion at the next meeting.**

**XI. ADJOURNMENT**

**The meeting was adjourned at 8:02 pm by consensus of Commission members present.**

**Respectfully submitted:**

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