

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, SEPTEMBER 3, 2019
TOWN HALL – 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P. M.**

I. CALL TO ORDER

The meeting was called to order at 7:32 pm.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited.

III. ROLL CALL

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

Dr. Dimmick served as Chairman pro-tem in Robert de Jongh's absence.

Staff member Suzanne Simone was present.

IV. DETERMINATION OF QUORUM

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

V. APPROVAL OF MINUTES – Regular Meeting – August 6, 2019

Motion: To approve the minutes from the August 6, 2019 regular meeting with corrections:

Pg. 2 L27 “are was moved” to “area was mowed”; L29 “moved” to “mowed”, L39 “stain if buy” to “stating if you buy”; Pg. 6 L7 “the” to “to”, L9 should read “died due”, L10 “way” to “may”; Pg. 7 L14 “replayed” to “relayed”, L43 “sebaceous” to “cementitious”; pg. 8 L35 “predicated” to “predicted”; pg. 9 L8 “gust” to “gist”, L53 “where” to “were”; Pg. 10 L37 “apologizes” to “apologies”; pg. 11 L32-33 “spring” to “spraying”; Pg. 12 L53 “straying” to “spraying”; Pg. 15 L33 “player” to “payer”, L52 “hone” to “phone”; Pg. 18 L41 “relied” to “replied”; pg. 19 L26 “reply” to “rely”, L28 “applauding” to “appalling”; pg. 21 L9 “their” to “there”) L17 “aid” to “acid”, L46 “anybody” to “any body”; Pg. 23 L22 “this” to “his”; Pg. 24 L7 “while” to “whole”; Pg. 26 L51 “may” to “many”; Pg. 28 L13 “one” to “more”, L14 after “permit” delete “you”,

L15 should read “that which”, L18 “ad the chair pointe out and” to “and the chair pointed out that”; L51 “uploads” to “upholds”; Pg. 32 L30 “explaiened” to “explained”.

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

VI. COMMUNICATIONS

Ms. Simone reviewed the following communications:

1. Staff Communication w/Attachment Re: IWWC Application 2019-019, Crestwood Drive, Resubdivision
2. Staff Communication w/Attachments Re: Request for Determination 2019-020, 25 Baxter Court, Clearing and Regrading
3. Staff Communication w/Attachments Re: IWWC Application 2019-021, 1415 Marion Road
4. Staff Communication w/Attachments Re: Request for Determination 2019-022, 1564 Waterbury Road, Permit Renewal/Driveway/Grading
5. Staff Communication w/Attachments Re: Request for Determination 2019-023, 5 Copper Valley Court, Subdivision

Handed out at tonight’s meeting:

6. Information emailed at the end of the day regarding the draft motion for Crestwood Drive; and a recommendation for 710 Peck Lane and further information on Fenn Road.

VII. INSPECTION REPORTS

1. Written Inspections - none.
2. Staff Inspections
 - a. 1392 Cheshire Street – Ms. Simone reported on a follow up inspection regarding the letter that was sent to the new homeowners at 1392 Cheshire Street; she reported after they received that letter they asked her to come out to the site so that they could get some more information – when she went to the site she could see that the area behind the non-encroachment area of the fence which was an issue with the previous owners was being mowed as well the shrubs that had been established had been cleared.

Ms. Simone discussed with the owner there were limitation and that she (the owner) was not able to mow beyond that area and she had indicated she was unaware of it.

Ms. Simone reported that information is all recorded in the deed – all that information is recorded in the deed which is really the only way that information can be relayed to the owners.

Dr. Dimmick asked if they should issue an order.

Ms. Simone explained when she mentioned the bushes – they are not the bushes that were planted – it just seemed to be the native vegetation – she told the owner that area needed to revegetate; staff plans to follow up with a letter summarizing what she was told.

Ms. Simone explained the owner talked about getting a regular fence where she would just block off that area; staff advised her we (the commission) would need a little bit more detail as to what she was proposing to do and perhaps that was something she could do without a permit – but that would depend.

Mr. Norback asked wasn't an attorney involved and information discussed.

Ms. Simone said that the buyer's attorney had inquired about the site and was put in contact with the town attorney.

- b. Carriage House Commons – Ms. Simone said they had been in communication with people who expressed concern about drainage on that property and wanted to do something for their walk out basements – they were informed that the properties that were within the upland review areas would need to submit something to the Commission and then she received a phone that work was being done out at the site; they went out there and saw that there was an area graded in addition there was disturbance right around the pond and looks as though landscapers were churning things up; she spoke with the president of the homeowners association and conveyed that project needed to stop and they needed to provide further information before they continued; then after speaking with them she received another phone call indicating that further work had been done prior to her (staff) going out and seeing the work that she saw so she would follow up with this and let the Commission know what happens at the next meeting.

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

Ms. Simone recapped the issues at 710 Peck Lan where clearing was done in the conservation easement area and there was a cease and desist order issued as well as the requiring of restoration and revegetation of this property; they did submit a plan that the Commission approved and part of that plan was they needed to hire an environmental professional to do an assessment of the property both of the design of the plan as well as to confirm that everything was planted in accordance to the plan; the letter was received and an inspection of the property revealed the plantings are in place and they are not mowing that area and not trying to extend it as a lawn area therefor there is a draft motion to release the cease and desist order that's been recorded on the land records.

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors relevant to the issuance and release of the subject Notice of Violation, Commissioners' knowledge of the area, and after review of written information provided by the applicant on this matter, finds the following:

- 1. That on March 27, 2019, a Notice of Violation/Cease and Desist Order was issued to Robert and Barbara Gelmetti for unpermitted activities within the conservation easement area.**
- 2. That on April 2, 2019 the IWWC held a Show Cause Hearing and issued a Corrective Order to restore and revegetate the conservation easement area.**
- 3. That on July 29, 2019 the property owner's environmental professional provided written verification that the restoration plantings were complete and conducted according to the approved plan.**
- 4. That on August 30, 2019 Staff visited the site and observed the site was stabilized with the required plantings.**

Therefore, the Cheshire Inland Wetlands and Watercourses Commission does hereby determine that the issues noted in the

Notice of Violation/Cease and Desist Order issued to Robert and Barbara Gelmetti dated March 27, 2019 have been addressed. Further, the Commission does hereby release and discharge the aforementioned Notice of Violation/Cease and Desist Order.

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

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

Ms. Simone confirmed this item is subject to continued monitoring and they continue to provide the erosion control monitoring reports in a timely manner and they information conveys there are no problems on the site.

3. 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

There is also an application under new business for this property.

Ms. Simone noted the cease and desist still stands pending further information presented tonight.

4. SHOW CAUSE HEARING
Notice of Violation/Cease and Desist Order SC 8/06/19
Unauthorized Activities in a Watercourse SC 9/03/19
Town of Cheshire Public Works/Engineering
Marion Road/Cuff Brook
Assessor's Map No. 25, Lot No. 16 and ROW

Ms. Simone said as was put together in the staff summary – the Commission had asked at the last meeting for an update from the fisheries division – she did not speak to fisheries but did speak to the enforcement division and they continue to investigate this and they do expect to have further information to share with this Commission in a couple of weeks.

Ms. Simone explained the question was asked about restocking – and it was conveyed to her that the state proposes that restocking is

not the best thing to do for this watercourse – right now it has a designation of a class A – it has a native fish population and if it was to be restocked that classification would go away.

Dr. Dimmick asked if it would like 3-5 years to come back.

Ms. Simone said it was stated that the recovery is expected to take 3-5 years; she also asked about if there are any other animal or wildlife impacted and it was stated that it's still the belief that it was the PH from the initial release that caused the fish kill and that unless there was an animal right there drinking at that time its very unlikely animals were impacted; they are not aware the wildlife division is looking into this because it was relayed to them as a PH issue.

Ms. Simone explained additionally information was submitted after the last meeting - the contractor provided information of a proposal they plan on doing and in the proposal on the cover of the proposal a comment is made that the bypass that was approved by this Commission and indicated to this Commission that the bypass was up and running point – that they are saying the bypass according to the plans was not set up according to the plans and that to set it up to that extent would be more intrusive to the stream and that the comment was made that whoever drew that up did not understand implications or ramifications of that type of design so based on their proposals of what they want to do – she spoke with Chairman de Jongh and Vice-Chair Dimmick that it would be in everyone's best interest to hire an engineer that has experience dealing with how to dewater a stream effectively so a firm has been hired and there are expected to start on it this week and provide more information to the Commission.

Mr. Norback asked at who's expense; and was it part of the recovery.

Ms. Simone replied that the town is paying for it – she did not know (if it was part of the recovery); she is not at the financial end of it – she just wanted someone with the experience dealing with this and guidance not that its even murkier and not as straight forward as originally presented at the last meeting – that they just needed to do one more application – now they need to change the erosion control plans.

Dr. Dimmick spoke about who would ultimately pay for between the contractor and insurance company – it usually takes a couple of years to settle out who pays for what.

Mr. Norback asked about the dewatering that wasn't set up as initially proposed – was that an informed decision to not set it up that way or is it subsequent to that – and because the job is restarted or is there a claim that it wasn't the best way to do it and someone made a field judgment.

Ms. Simone stated she had no information on that – she hasn't had any communication other than the contractor stating that when they look at the plans and look at the field the bypass what was originally designed was not set up and they are proposing that not be set up because it would be more damaging to the stream – that is why we are hiring someone to evaluate the site.

5. **SUSPENDED PERMIT DISCUSSION** PS/RH 8/06/19
Unauthorized Activities in a Watercourse 9/03/19
Town of Cheshire Public Works/Engineering
Marion Road/Cuff Brook
Assessor's Map No. 25, Lot No. 16 and ROW

The Commission would keep this item open pending the further information.

6. **SUSPENDED PERMIT DISCUSSION** PS/RH 8/06/10
Regulated Activities in Violation of the IWWC Regulations PRH 9/03/19
Ricci Construction Group
Fenn Road
Assessor's Map No. 91, Lot No. 132

John Milone, PE of Milone and MacBroom was present.

Ms. Simone said if the Commission remembered at the last meeting the permit for the Fenn Road subdivision which allowed for the creation of the road was suspended and there was a requirement that a survey showing the limit of clearing that was conducted be submitted to the Commission in order for the Commission to further discuss it so that was presented to the Commission in the packet mailing and along with that is a report from their environmental professional which identified the clearing limits and his comments and also handed out to the Commission is a copy of the suspension as well as some talking points that the Commission might take further.

Mr. Milone explained Matt Sanford of his office went out there and as his letter identified an area where trees were removed from the property and where mowing had taken place; he showed on the map the location of the clearing and roadway and the area of activity for the roadway that was permitted; she spoke about the lots required to come back before the Commission for subsequent approval prior to clearing or construction activities on those lots.

Mr. Milone said the applicant completely misunderstood or did not pay attention to that provision of the permit and in trying to work out there – he said it was hard to get through the brush out there – he

said he thought they were trying to make the site easier to maneuver but went beyond the terms of the permit so that's why they are here.

Mr. Milone explained the map shown now does indicate the area that was disturbed - they staked out the non-encroachment areas that were approved by the Wetlands Commission as part of the original application and stayed within those areas except for a few small work on a few areas - he showed on the map the areas of where the clearing and the mowing took place outside the 50' regulatory area - he showed where there was clearing that was consistent with the road - and tree clearing on lot five that was not limited by the Commission - there was also tree clearing on the western portion of lot one which was clearly outside of their rights at this time because it had not been approved by the Commission because there was not a site plan.

Mr. Milone explained that Matt Sanford's letter is self explanatory - he didn't think there was any environmental damage that occurred because it stayed outside of the 50' perimeter and it was primarily brush with the exception of a few trees that were in the area of the river - clearly it's a violation and they were here tonight to work through with the Commission what was an appropriate action to move forward; there has been to sedimentation and erosion controls placed - they were going to but a cease and desist was placed on the activity - there hasn't been any erosion because the ground has not been disturbed per say.

Dr. Dimmick said it might be appropriate based on the report to somewhat modify - the suspension still holds at this point - but since the wetland scientist suggested erosion controls be put at the end of the cleared limit the Commission could modify the suspension asking for a site plan showing the erosion controls along the cleared limit then instruct the permit holder to install silt fence along the unpermitted limit of clearing - he thought the needed to move forward on that.

Dr. Dimmick said staff suggested that we consider imposing a bond which is a separate matter.

Mr. Norback asked does the topography necessitate the silt fence they are asking for; he talked about what would be most effective.

Ms. Simone and Dr. Dimmick commented that the silt fence was a suggestion; and open for consideration.

Dr. Dimmick said they should require a site plan showing erosion controls and at certain portions silt fencing going up and then consider silt fence along the rest of the area.

Ms. Dunne said right now it makes sense to ask for a plan since the Commission doesn't have that.

Mr. Milone said the developer would like to proceed with the construction of the roadway – and they want to do it consistent with the Commission's blessing – they will come back separately for site plan approval when they have buyers for those lots that require this Commission's approval, but they are not here asking for that this evening.

Mr. Milone again explained they were over- zealous with the clearing.

Dr. Dimmick stated the permit was for clearing for the road – there was no permit given for individual lots outside the road right of way and what was necessary for that – it's a very clear violation of what was permitted.

Mr. Milone said they now just want to continue with the construction of the road – he said right now there are no drainage problems – no sedimentation problems – the ground has not been disturbed and its fairly flat; he talked about options they could consider.

Dr. Dimmick commented about the historic nature of the site; and the need for erosion controls in some areas on the site.

Ms. Simone asked if the Commission was open to seeing erosion controls just for the placement of the road so that it wouldn't be going up to the current limit of clearing but that it would be more focused on the creation of the road.

Mr. Norback talked about the suggestion of adding an orange fence outside the areas where they've had problems – just to keep people cautioned – they may not need silt fencing – they just need to keep people from going in there and not prohibit the contractor from keeping a road in.

Ms. Simone stated the bond for the road has been posted so that's all set – the erosion controls needed to be looked at near the river – the erosion controls may have been designed based on the clearing limits (not disturbed).

Mr. Milone review the map and showed the area of where the silt fence was being proposed; and suggested how they could move forward.

Ms. Simone said to be clear what is being discussed is to allow the work to start before the next meeting.

Dr. Dimmick said – only once the erosion controls are in place (and inspected) for the roadway.

Ms. Simone suggested having their own (the applicant's) own engineer inspect the work.

Mr. Norback stated he wanted to make sure the Commission knew what they were approving.

Ms. Simone suggested Mr. Milone add to the plan what they were agreeing to.

The plans were changed by hand by Mr. Milone to reflect the work being proposed.

Dr. Dimmick stated that the Commission accepted the modification of map SP-1 dated March 26, 2019 and modified September 3, 2019 – new boundaries marked in yellow for silt fence control and signed by John Milone, of Milone and MacBroom and submitted for the record.

Motion:

That the Commission moved to reinstate permit 2019-006 based on the revised map showing erosion controls dated September 3, 2019; that the roadway can begin construction after installation of erosion controls and receiving written verification of the proper installation of erosion controls shown on the map by their engineer.

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

IX. UNFINISHED BUSINESS

- | | | | |
|----|--------------------------|-----|----------|
| 1. | Permit Application | APP | 2019-019 |
| | Ricci Construction Group | DOR | 7/16/19 |
| | Crestwood Drive | | |
| | Resubdivision | MAD | 9/19/19 |

Ms. Simone stated it was re-verified that that this application is for resubdivision and site plan approval; the location of the house and the establishment of the non-encroachment line and all of that is what they are asking for – its not just a proposal – that amendment has been made in the application; the motion requirements were reviewed.

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 and during the course of public meetings, finds the following:

- 1. That the applicant is seeking a permit to resubdivide and construct a single-family house on lot 3, which was created by a previous approved subdivision on Crestwood Drive.**
- 2. That the applicant's engineer has provided information that there will be no net increase of run off from the site. This plan has been reviewed by the town engineering department.**
- 3. That the activities will likely 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 #2019-019, the permit application of RICCI CONSTRUCTION GROUP for resubdivision and site plan approval as presented and shown on the plans entitled:

**"Proposed Resubdivision of Lot 3, Royal
Crest Estates
400 Crestwood Drive- MBL; 06-85, Cheshire,
CT.
Dated: July 12, 2019: Revised: July 30,
2019
Four Sheets
Prepared By: MMI, Cheshire, CT."**

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 construction activities 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 and permanent marking of the non-encroachment line. 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.**
 - b) Prior to the commencement of construction activities, 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 to items 3a-3c at any time if field condition warrant them.

4. 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.

5. The permit shall expire on September 3, 2024.

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

X. NEW BUSINESS

1. Request for Determination RFD 2019-020
Anthony Imperati
25 Baxter Court
Clear Within the Conservation Easement

Anthony Imperati of 25 Baxter Court and Joan Malloy of 35 Baxter Court were present.

Dr. Dimmick said the problem here is it (the request for determination) is within a conservation easement – and the specific wording of that conservation easement was that nothing could be done in it without permission from the Commission which sounds as

though you need a permit to do something; so if the request is whether or not a permit is needed it seems to him it clearly would be.

Dr. Dimmick said it also appears that clearing has been going on in that conservation easement without permission.

Mr. Imperati explained the reason for the request is to clear the overgrown amount of vegetation and invasive plants that have taken over the conservation easement that was established in 2013; there has been growth that has taken over the pond and property so his request is to remove the invasive plants and clean up what has taken over the conservation easement; he doesn't plan on disrupting any soil or the pond – only to improve the visibility.

Dr. Dimmick what is being prosing is to negate the purpose of the conservation easement to start with – which is part of the reason for the wording; and any clearing that has been done has been done without our permission and is a clear violation – the whole area does need to grow back for the protection they wanted originally; if he wants anything different he (Mr. Imperati) is going to have to come with a formal proposal to the Commission along with expert testimony who can justify what is being done.

Mr. Imperati talked about the area being taken over by thorns and overgrowth of thick brush.

Mr. Norback said he agreed – we needed expert testimony as stated.

Ms. Dunne said anything would require a permit and the easement is very clear – and activity is in violation.

Dr. Dimmick said he understood a neighbor has cleared without permission and that needs to be replaced in some fashion.

Ms. Malloy said with regarding to work done in the conservation easement – she contacted Suzanne prior to doing anything – she came to the house and walked the conservation area – there was a lot of construction debris, pipes, storm damage and invasives – she checked with Suzanne to make sure the construction debris could be removed – and at the time Suzanne indicated all the invasives could be removed – there was regular contact over the last couple of years – the work was done by hand over a couple of years; she spoke about how invasives were killing a tree and wildlife has returned.

Ms. Malloy spoke about the site and has read the conservation easement – she represented the original developers – the intent of the conservation easement was to preserve the existing conditions were are different then what is there now.

Ms. Simone said the Commission is aware of the conversation with Ms. Malloy and that invasives being removed were in relationship to the removal of the debris; she also noticed when visiting Mr. Imperati's property the property next door was vastly different, and she had a conversation with Ms. Malloy that the property should just revegetate.

Ms. Malloy said they are working to keep the invasives back – only using a string trimmer – she said she has drone photos – that area used to be a lot cleared – people used to fish in the pond, but people can get there anymore.

Ms. Simone said this is just a request for determination for 25 Baxter Court – the conservation easement is not up for detailed discussion.

Motion: That the Commission declared that the proposed activities would require a permit application.

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

| | | | |
|----|------------------------|-----|----------|
| 2. | Permit Application | APP | 2019-021 |
| | Irene McKinley | DOR | 9/03/19 |
| | 1415 Marion Road | | |
| | Clearing and Regrading | MAD | 11/07/19 |

John McKinley of 1403 Marion Road was present.

Ms. Simone said a map was shown previously that showed wetland delineation and a second map that showed particular areas and specific proposals that are on two separate maps.

The Commission reviewed the maps provided and reviewed maps provide by staff.

Ms. Simone said they do have the soils map that identifies the location of inland wetlands and is signed by a soil scientist; and they have the report from the soil scientist that provides further details of the specific wetland soil types for the areas identified on the map; they also have the sketch that identifies the proposals.

Ms. Simone explained the maps show some of the wetlands but not all of them – some shown in the northern portion of the property but there are not all shown relative to the driveway – in the area where the cease and desist was issued – this area had started to be cleared without erosion controls – its right near the wetlands and stone was put in the inlet to stop erosion from getting in there. She said Mr. McKinley is looking to do further work alongside the wetland and to clear existing trees.

Ms. Simone asked Mr. McKinley to explain what he was looking to do starting with section A.

Mr. McKinley explained he wanted to cut trees down and mow the area; he said the top part of the area is within the 50' area.

Ms. Simone asked if there was currently hay on the side going up the driveway.

Mr. McKinley said yes – there is grass growing there.

Dr. Dimmick commented about the area – and that protection was needed to protect the wetlands; sections identified for activity have good silt loam soils and tend to erode if you are not careful with it.

Ms. Simone asked Mr. McKinley how he planned on protecting the area – information is not shown regarding protection details.

There was discussion regarding what Mr. McKinley was asking for and what he was proposing to do.

Mr. McKinley started to explain what he planned on doing on section A – clearing hay and taking out 5-10 trees.

Ms. Simone started reading information provided on July 2, 2019 for sections A-G; she read what was being proposed.

Mr. McKinley interrupted Ms. Simone and said she had an old documents/maps and he said he just submitted the permit and simplified details.

Mr. Norback said there is nothing on the maps indicating what he is trying to do.

Dr. Dimmick asked about trees on the site.

Mr. McKinley replied about what areas had Christmas trees.

Ms. Simone asked if it was advisable to provide Mr. McKinley information as to what they were looking for – and ask for a map showing existing conditions and wetlands and areas of proposed activity.

Ms. Dunne said they need details of what is going to be done, where and how many trees were to be removed and other provided all details of the proposal – a map is what they need.

Ms. Simone agreed to follow up with Mr. McKinley helping and explaining what the Commission is looking for.

3. Request for Determination RFD 2019-022
Attorney Hershman for Luis & Susan Jaramillo
1564 Waterbury Road
Site Plan - Driveway/Grading

Jay Hershman was present on behalf of the applicants.

Attorney Hershman explained there was permit in place for this property - it's over 5 years old and the property has since sold; this is for a request for determination – the installation of the driveway is outside of the wetland area.

Attorney Hershman confirmed the driveway proposed is in the exact location it was previously proposed.

Ms. Simone explained the permit was issued in 2007 and expired in 2006; and while the permit expired it did create this lot – they are not looking for a revalidation for this lot - they are looking for the development of this lot and the lot is in keeping of what the Commission approved previously and the installation of the driveway.

Ms. Simone suggested non-encroachment markers be shown on the plan; which they can meet and maintain.

Attorney Hershman agreed to draw the non-encroachment markers to the plans along the 50' area.

The Commission was willing to allow the 50' non-encroachment markers added to the plan.

Motion:

That the Commission has determined in light of the fact that they have guaranteed the placement of the non-encroachment markers, the Commission has determined that a formal permit for this activity is not required; based on the official map dated November 6, 2006; revised August 25, 2019; and modified at the September 3, 2019 meeting.

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

4. Permit Application APP 2019-022
Attorney Hershman for Luis & Susan Jaramillo DOR 9/03/19
1564 Waterbury Road
Site Plan - Driveway/Grading MAD 11/07/19

Attorney Hershman requested that the permit application be withdrawn.

5. Request for Determination RFD 2019-023
Brodach Builders, Inc.
5 Copper Valley Court
Subdivision

Ryan McEvoy, PE from Milone and MacBroom was present on behalf of the applicant.

Mr. McEvoy explained he was before the Commission for a subdivision on 5 Copper Valley Court – the property I the current location of Copper Valley Swim and Tennis Club; he showed the location of the subject parcel and the location of the cul-de-sac and adjacent properties.

Mr. McEvoy said the club historically was a swim and tennis club; Honeypot Brook is located on the northern portion of the site; along with the associate wetlands and a fairly significant sewer/trunk line interceptor located along the eastern side of Honeypot Brook and wetlands located at the toe of the slope.

Mr. McEvoy explained the changes in elevations – its flat near the pool down to the river elevation.

Mr. McEvoy said what they are proposing is the club is looking to sell off the pool portion of the site and remain as a tennis club only.

Mr. McEvoy said the applicant is proposing to construct three new residential lots on the eastern side of the site with a common rear lot access way; all lots are about two acres in size – the largest lot three located in the rear; the will be served by sanitary sewer which will connect towards the north to an existing manhole – then to the interceptor towards Honeypot Brook.

Mr. McEvoy said the plan shows the wetland limits – the only clearing that would occur within 180' of the wetlands would be for the installation of a portion of the sanitary sewer to connect into the exiting manhole which is positioned 90' from the wetland itself.

Mr. McEvoy said there are no anticipated regulated activities associate with this and he would also offer that the plan as proposed is the further back as it can go with respect to the common driveway; he said from time to time the town may want to clear vegetation along the interceptor.

Mr. McEvoy handed out a graphic to showing that the applicant is willing to offer a non-encroachment line and that at some point the town may want to do something in the area of the Honeypot

interceptor – it would be something the town and not the homeowner would do.

Ms. Simone noted this proposal would still need to go before planning and zoning.

Motion: That the Commission determined that the proposed activities does not need a wetlands permit.

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

| | | | |
|-----------|-------------------------------|------------|-----------------|
| 6. | Permit Application | APP | 2019-023 |
| | Brodach Builders, Inc. | DOR | 9/03/19 |
| | Copper Valley Court | | |
| | Subdivision | MAD | 11/07/19 |

Mr. McEvoy requested that the permit application be withdrawn.

XI. ADJOURNMENT

The meeting was adjourned at 9:02 pm by consensus of Commission members present.

Respectfully submitted:

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