

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, OCTOBER 1, 2019
TOWN HALL – 84 SOUTH MAIN STREET
COUNCIL CHAMBERS – 7:30 P. M.**

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

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

Kerrie Dunne served as Madam Chair pro-tem in Robert de Jongh's absence. Earl Kurtz served as secretary.

Staff member Suzanne Simone was present.

IV. DETERMINATION OF QUORUM

Madam Chair Dunne determined there were enough members present for a quorum.

V. APPROVAL OF MINUTES – Regular Meeting – September 17, 2019

Motion: To approve the minutes from the September 17, 2019 meeting with no corrections.

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

VI. COMMUNICATIONS

Ms. Simone reviewed the following communications:

1. Request for Determination 2019-024 Re: 45 Beechwood Court, Shed
2. Staff Communication Re: RFD 2019-024, 45 Beechwood Court
3. CACIWC 42ND Annual Meeting and Environmental Conference
11/23/19

Handed out at tonight's meeting:

4. Public Works Request to conduct maintenance in a watercourse

Ms. Simone reported the Public Works Department provided yesterday, a drainage maintenance notification form to do some maintenance directly in a watercourse, they describe this will take place on Allen Avenue (830 and 834) to remove brush with a powered brush cutter – some pictures were provided – the vegetation is directly within the watercourse.

Ms. Simone explained if the Commission wanted to allow this to occur, then they'd have to vote to let this work proceed with the only the notification form; staff would then notify public works that they were free to do the work and when they'd finish part two of the form and staff would keep it for record keeping.

The Commission discussed the notification and proposed work outlined by public works.

Madam Chair Dunne asked about the powered equipment being used in the watercourse.

Ms. Simone said detailed information about they type of tools used was not provided.

Mr. McPhee said he for one - thought there was not enough detail (provided) to allow this to proceed; powered equipment could be a lot of different things – if they are somehow distributing the earth then they should be held responsible just like any other party; they are considering this maintenance but not providing proper details.

Mr. Kurtz stated he thought they (public works) needed to provide a plan.

Mr. Norback asked if this was the Pasqualoni property.

Ms. Simone said she didn't know who the property owner was – its just listed as 830 and 834 Allen Avenue (on the form).

Commission members agreed additional information would be needed regarding the work proposed to be performed.

Motion:

That the Commission determined that they wanted to see Public Works come before the Commission with a request for determination, providing more information in order for the Commission to make a determination.

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

VII. INSPECTION REPORTS

- 1. Written Inspections – There were no written inspections.**
- 2. Staff Inspections – There were no staff inspections.**

VIII. ENFORCEMENT ACTIONS

- 1. 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 reported that they are still receiving the erosion control inspection reports in accordance with the stipulations in the permit and those indicate the site is secure and the site is stabilized; they are still working on the site and things are progressing; the cease and desist order was modified to allow Mr. Barnette to do work and that the cease and desist order still stands and that is more of a legal practice in case something goes haywire – it still has a standing cease and desist order so they don’t have to start all over.

- 2. 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 SC 9/17/19
Marion Road/Cuff Brook SC 10/01/19
Assessor’s Map No. 25, Lot No. 16 and ROW**

Ms. Simone reviewed the status of this item; reminding the Commission that a third party engineer was hired; she explained generally what the plan was – and the third party engineers went out to the site twice to try to locate the manhole cover and aren’t able to locate it so there is a question of the manhole cover shown on the plan submitted from the engineering department – it may be historical in nature and not field located; one of the things the third party engineer noted was that the manhole cover should be located and that its imperative to have the water bypass tested to make sure it worked before setting up the dewatering and getting the pump in there to make sure it could actually connect and that there was not a collapse during construction.

Ms. Simone also explained the third party engineering came up with a suggestion which is based on the approved plan where there is a dewatering pump – they are suggesting the pump be located further upstream – its current location is right next to the culvert and they digging down in the streambed will cause seepage and the seepage

will go into the culvert as they are trying to line it – they are suggesting the pit be dug a little bit further upstream and there would be two pits – one the primary and the second the capture so anything that gets out of the first pit will make it to the second and that will be pumped out as a practical measure and capture any additional water that might go through.

Ms. Simone said at this time the Commission is not expected to evaluate these options as neither the permit holder nor the contractor have received this information; she said at the August 6th meeting the Commission allow her and the Chairman to work with the contractor on moving forward but now to consider altering that and look at the information from the third party engineer – and that it would be beneficial that this information (from the third party engineer) be shared with the town engineering department and the contractor and that it's up to the permit holder (the town engineering department) to evaluate this information and come back before the Commission for a formal modification – so it would get formal action from this Commission – that it would get vetted – the Commission can at that time talk about if they wanted the work to continue using the third party engineer and talk about work that might deviate from what was proposed.

The Commission discussed proposing a motion to require the engineering department work with Milone and MacBroom on the plan, staff said she could suggest to the engineering department to work with Milone and MacBroom on the plan, but that a motion ordering such may not be warranted at this time. The Commission is still allowing the permit holder and contractor to work on a solution, and such a motion sounds more like a corrective order; there was concern about the missing manhole that is in question; all agreed further discussion was needed and more work was need amongst all parties involved to come to some agreement on this project.

Ms. Simone confirmed that currently all of the equipment has been removed from the site and the dewatering shown on the plan was never installed, which was confirmed by the state – engineering is required for the dewatering plan.

Commission members agreed the engineering department (the permit holder) needs to take an active role to get this project to move forward; they discussed how to request the Engineering Department to move forward and the Commission's option to issue a corrective order.

Motion:

The Commission moves to provide the permit holder (the Engineering Department) and contractor with the third-party engineering review; and notifies the permit holder (the Engineering Department) that in order to be considered for permit reinstatement,

the Engineering Department must take an active role in a formal submission of an application for permit modification of the approved plan.

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

The unanimous consensus of the Commission was the suggestion that the Engineering Department and contractor work together and with the third-party engineer review team on a design modification for consideration for permit reinstatement.

- 3. Notice of Violation/Cease and Desist Order
Violation of IWWC Permit # 2019-008
Unauthorized Activities in a Watercourse
Town of Cheshire Public Works/Engineering
Marion Road/Cuff Brook
Assessor's Map No. 25, Lot No. 16 and ROW**

There was no additional information to report on for this item.

- 4. Notice of Violation/Cease and Desist Order
Violation of IWWC Permit #2019-006
Ricci Construction Group
Fenn Road
Assessor's Map No. 91, Lot No. 132**

Ms. Simone reported at the last meeting the cease and desist order was modified to allow for the construction of the road provided that the erosion controls were installed and were inspected by their engineer and that a favorable inspection be provided to the Commission in writing; she did email that to the developer and his engineer after the last meeting as well as sending a letter to the developer; she would be following up on this this week to do a site inspection to make sure everything is in compliance.

VIII. UNFINISHED BUSINESS

None.

IX. NEW BUSINESS

- 1. Request for Determination
Robyn Merritt
45 Beechwood Court
Shed**
- | | |
|------------|------------------|
| RFD | 2019-024 |
| DOR | 10 /01/19 |

Robyn Merritt of 45 Beechwood Court was present.

Ms. Simone said this is an unusual situation – this was subdivision approved by this Commission in 2017 and at that time it was known

as Clearview off of Mountain Road – there is now a road in place called Beechwood.

Ms. Simone explained after the Commission granted the approval in 2017 there were some alternations made to the boundaries of the lots – they did not affect the non-encroachment lines to the west – the changed in alternation to the north and east; so with tat the property at 45 Beechwood Court – the house is constructed – they received their certificate of occupancy – they do have an non-encroachment line that is established on the lot – they do have the markers in place according to the 2017 approved plan.

Ms. Simone said the configuration of their lot now takes part of what the Commission saw in 2017 that was part of lot 8 and part of lot 9 – lot 9 contains a bump out of a wetland area – it shows a peak and just below that peak it shows two flood plain designations – measuring from the wetlands down to the established non-encroachment line – that’s in access of 65’ so it does not follow the 50’ upland review area as a buffer zone – it allows for additional buffer in some of these areas.

Ms. Simone said there is nothing in the record that the Commission said they wanted to see a greater line and there was no presentation specific to the increase of that buffer area at the time the applicant’s engineer presented it.

Commission members reviewed map – showing the non-encroachment line that was approved in 2017.

Ms. Simone said what’s being asked for tonight is to change the designation of the little triangle to have that little bump out area – there are pictures that show what exists in that area now – it’s just an open area it used to be part of a meadow area – they tree line is somewhat irregular.

Ms. Merritt said they were hoping to have the non-encroachment line realigned so that they could have utilization of their property that does not fall within that 50’ upland area; they are looking to bump their shed into that area so the shed will not touch the upland area in anyway - it will not go past the property line – by moving it 5’ further will allow the shed to align with the tree line which will be a better spot in terms of visibility so it won’t stick out of the woods so far and it will just be a better spot in terms of visibility and not sticking out.

Ms. Merritt said the shed will house bicycles, lawn mower and snow blower and miscellaneous gardening tools; pesticides will stay in the garage on a shelf – nothing that would affect the environment (would be in the shed).

There was discussion over the non-encroachment line; and flood plain line; and keeping the non-encroachment line consistent.

Ms. Simone suggested, if the Commission would allow, to have Ms. Merritt draw on the map the location of where another post would be.

Ms. Merritt agreed to add the post detail to the map and to install the 4" by 4' post in the field; she said the shed is going to be located on a flat area and slopes forward away from the non-encroachment line – they plan to fill in the front with dirt and bring it level and use a bed of crushed stone (they will build the area up in front of the non-encroachment line).

Ms. Merritt drew on the map the location of the non-encroachment post; and signed and dated the map which would be part of the official record.

Ms. Merritt showed on the map the location of the proposed shed and the location of the posts on her property.

Motion: The Commission determined the proposed activity is de minimis, therefore an application for a permit is not needed.

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

2. Permit Application	APP	2019-024
Robyn Merritt	DOR	10/01/19
45 Beechwood Court		
Shed	MAD	12/05/19

Ms. Merritt withdrew the permit application request.

X. ADJOURNMENT

The meeting was adjourned at 8:15 pm by consensus of Commission members present.

Respectfully submitted:

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