

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
REGULAR MEETING  
TUESDAY, DECEMBER 3, 2019  
TOWN HALL – 84 SOUTH MAIN STREET  
ROOM 207/209 – 7:30 P. M  
Immediately Following the Public Hearing**

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**I. CALL TO ORDER**

The regular meeting was called to order at 8:07 pm.

**II. PLEDGE OF ALLEGIANCE**

The pledge of allegiance was receipted at the public hearing.

**III. ROLL CALL**

The roll was called at the public hearing. Members present at the public hearing were still present for the regular meeting.

Dr. Charles Dimmick, Earl Kurtz, Dave Brzozowski, Thom Norback, and Kerrie Dunne were present. Member not present was Robert de Jongh and Will McPhee.

Dr. Dimmick served as chairman pro-tem in Bob de Jongh's absence.

**IV. DETERMINATION OF QUORUM**

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

**V. APPROVAL OF MINUTES – Regular Meeting – November 19, 2019  
Site Walk – November 16, 2019**

**Motion: To approve the minutes of the November 19, 2019 regular meeting with corrections:**

**Pg. 4 L55 “digression” to “discretion”; pg. 9 L23 “prevue” to “purview”; L38 “craving” to “carving”; pg. 11 L23 “he” to “the”, L24 full-time “engineering” to “engineer”, L43 “is” to “he”; Pg. 17 L34 should read “that was supposed to be delivered”.**

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

**Dr. Dimmick read the minutes of the November 16, 2019 site walks for Marion Road Subdivision at 8:30 am and West Johnson Avenue Site Plan for Medical Building at 9:15 am.**

**Motion: To approve the minutes of the November 16, 2019 site walks for Marion Road Subdivision and West Johnson Avenue with no corrections.**

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

**VI. APPROVAL OF 2020 MEETING DATES**

**Motion: To approve the 2020 meeting dates; 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of each month with exceptions (only the 1<sup>st</sup> meeting in August and December; and November 3<sup>rd</sup> to November 5, 2020 due to election day.**

**Motion approved unanimously by Commission members present.**

**VII. COMMUNICATIONS**

**Ms. Simone reviewed the following communications:**

- 1. Letter to Daniel Czyzewski Re: Violation at 2085 Plank Road**
- 2. Staff Communication w/Attachment Re: IWWC Application 2019-026, Marion Road – Resubdivision**
- 3. Staff Communication w/Attachment Re: IWWC Application 2019-027, West Johnson Ave. – Medical Office Building**
- 4. Staff Communication w/Attachment Re: IWWC Application 2019-030, 678 Coleman Road – Resubdivision**
- 5. Staff Communication w/Attachments Re: Request for Determination #2019-031 - Reservoir Road Timber Harvest**

**Handed out at tonight's meeting**

- 6. Engineering department comments regarding the Coleman Road application**
- 7. Engineering department comments regarding Marion Road application**
- 8. Holiday invitation for volunteers on commissions and boards.**

**VIII. INSPECTION REPORTS**

- 1. Written Inspections – N/A**
- 2. Staff Inspections – Ms. Simone there were no staff inspections other than future discussion regarding an anonymous complaint.**

IX. 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 erosion and sediment control reports continue to come in as required.

2. 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 no movement has taken place on this site; future activity would require the applicant to appear before the Commission with an application for proposed activity.

3. SHOW CAUSE HEARING  
Notice of Violation SC 11/07/19  
Unauthorized Activities in the Wetland & Upland Review Area  
Daniel Czyzewski (Flip It LLC) SC 11/19/19  
2085 Plank Road  
Map 32, Lot 32

Daniel Czyzewski of 2085 Plank Road was present.

Ms. Simone updated the Commission on this item – the applicant needed to install silt fencing and needed to provide a soils report.

Mr. Czyzewski addressed the Commission; he explained he received the letter regarding the silt fencing needed to be moved; and provided a copy of the soils report.

Dr. Dimmick reviewed the one – copy of the report submitted – the report shows soils were disturbed many years ago for the house and most recently clearing for new work (on the site).

It was suggested that show cause hearing be left until the Commission gets more information and comparison of the maps.

Mr. Czyzewski said the map he has contradicts the map on file – saying it's a much smaller area (wetland area).

Dr. Dimmick explained that sometime the maps are not correct.

Mr. Czyzewski said the well and septic are on the opposite side – and the lot is flat – and the wetland area is flagged.

Ms. Simone explained to Mr. Czyzewski that the silt fencing should be installed around the cleared area and along the tree line.

The Commission talked about the finger wetland area that that that finger of wetlands should be protected.

Mr. Czyzewski granted Ms. Simone permission to have time to look at the report and survey the area to determine where the silt fence should be installed.

Ms. Simone asked Mr. Czyzewski to call the office to set up a time to meet out at the site.

This item would be continued at the next meeting.

**X. UNFINISHED BUSINESS**

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|----|---|-----|----------|
| 1. | Permit Application                                | APP | 2019-026 |
|    | A.M. Napolitano LLC                               | DOR | 11/07/19 |
|    | Marion Road                                       | PH  | 12/03/19 |
|    | Resubdivision, Individual Lots & Wetland Crossing | MAD | 1/07/20  |

This item was subject of tonight’s public hearing.

Mr. Norback said the only question he had was about the where on the construction sequence were they calling for erosion controls.

Mr. Dennis McMorrow, PE of Berkshire Engineering and Surveying, LLC in Bantam, CT, explained that the its on sheet E1 of the plans but that he would sent staff a copy of a word file for record.

Staff would work on preparing motion wording for the next meeting on January 7, 2020.

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|----|-------------------------------------|-----|----------|
| 1. | Permit Application                  | APP | 2019-027 |
|    | FIP Construction, Inc.              | DOR | 11/07/19 |
|    | West Johnson Avenue                 | PH  | 1/07/19  |
|    | Site Plan – Medical Office Building | MAD | 2/11/20  |

This item will the subject of the January 7, 2020 public hearing.

Dr. Dimmick noted that the soils report (wetland assessment report) was submitted by Soil Science and Environmental Services.

Mr. Kurtz asked about having that Milone and MacBroom or another professional engineering company review all the materials and figures before the next meeting; he said he wanted to see Milone and

**MacBroom or a firm like Milone and MacBroom do an independent review of the project.**

**Commission members discussed the need for the project plans, reports and figures needing the review of a license professional engineer and other professionals including soils and environmental professionals.**

**Ms. Simone explained to the Commission that an outside firm can be hired, and that the applicant would have to pay for the report – the project is significant.**

**Motion: That the Commission requested that an entire project review be made, and recommendations be prepared by Milone and MacBroom (for the FIP Construction, Inc, West Johnson Avenue, Medical Office Building) before the January 7, 2020 public hearing.**

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

**Ms. Simone reported that recently she, Dr. Dimmick and Ms. Dunne attended Connecticut Association of Conservation and Inland Wetlands (CACIW) conference and attended a session on hiring outside engineers and soils scientists to review projects.**

**Ms. Simone said she'd contact the town attend regarding the hiring of an outside engineering firm; and report back.**

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|-----------|--|---------------------|
| <b>2.</b> | <b>Permit Application</b>                              | <b>APP 2019-029</b> |
|           | <b>Bonnie MK Donato</b>                                | <b>DOR 11/07/19</b> |
|           | <b>35 Sudol Court</b>                                  |                     |
|           | <b>Site Plan – Annual Mowing of Upland Review Area</b> |                     |

**This application request was for the re-permitting of an expired permit for annual mowing.**

**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 the annual mowing of an upland area to reduce the establishment of invasive plant species.**

- 2. That the applicant's soil scientist testified in the 2010 permit application for the same that the annual mowing of the upland area will assist in reducing the spread of non-native invasive plants.**
- 3. 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 #2019-029, the permit application of Bonnie Donato for site plan approval as presented on the plans entitled:**

**"Planting Plan, Donato Property, 35 Sudol Court, Cheshire, CT. Dated May 2010; Stamped as Received November 4, 2019 Prepared by Milone and MacBroom, Cheshire, 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. The mowing of the upland area as identified on the map referenced above is limited to once per year.**
- 4. Throughout the course of conducting permitted 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 pond reduction activities are temporarily seeded and hayed until the site is permanently stabilized.

- 5. This permit shall expire on December 3, 2024.

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

**XI. NEW BUSINESS**

- 1. Permit Application APP 2019-030  
Napolitano Dietrich, LLC DOR 11/19/19  
678 Coleman Road  
Resubdivision & Individual Lots MAD 01/23/20

Dennis McMorrow, PE of Berkshire Engineering and Surveying, LLC in Bantam, CT was present on behalf of the applicant. David Lord, certified soil scientist and environmental consultant from Soil Resources Consultants was present. Andy Napolitano, the applicant was also present.

Mr. McMorrow addressed the Commission explained the application is for the re-subdivision of Lot 1 on the Coleman Road subdivision; its part of the 5.7 acres that were subdivided into lots 1A and 1B.

Mr. McMorrow explained Mr. Lords flagged the wetlands; soil tests were done with Chesprocott for new septic for a 4-bedroom home and public water is available in the road; lot 1A is getting a well and a new septic system.

Mr. McMorrow said the wetlands and non-encroachment lines were shown on the map.

Mr. McMorrow stated he was in receipt of a memo from Don Nolte from the Engineering Department; the comments were regarding the consideration of a retaining wall behind the garage and driveway on lot 1B in order to maintain a buffer to the wetlands which he was not in agreement with; the recommendation to use erosion control blankets over the proposed 2:1 slope on lot 1B; that the town would have the right to drain over the subject property after the road was accepted; and the placement of concrete monuments per subdivision regulations.

Dr. Dimmick talked about the clause in the old permit that talked about there being previous filling.

**Mr. Napolitano explained this area has not been filled.**

**Ms. Simone noted that the file said that if future work is going to be done – that a new permit would need to be applied for.**

**Ms. Simone agreed to supply the applicant with a copy of the old permit, so they could reference that in the record subdivision.**

**Ms. Simone asked how the soils would be retained.**

**Mr. McMorrow said haybales and silt fencing and by adding (erosion) blankets to protect the area; it's a 2:1 slope in this area.**

**Mr. McMorrow agreed to add more details to the plans regarding they hay bales and silt fence; and that the signature on the map was added and there were no Natural Diversity Database (NDDB) hits.**

**Ms. Simone asked when the work would be done.**

**Mr. Napolitano said he wasn't sure if it would be spring or summer.**

**Dr. Dimmick said they'd have to wait until after April.**

**Ms. Simone noted that wording for a proposed permit would need to detail when the work would take place.**

**Mr. Napolitano and Mr. McMorrow both said S&E controls would be place (in the area) as needed**

**A draft wording would be prepared for the next meeting.**

- 2. Request for Determination RFD 2019-031  
Scotland Hardwoods/Rod Burgess  
Reservoir Road  
Forestry Timber Harvest**

**Rod Burgess of Scotland Hardwoods was present on behalf of the applicant.**

**Mr. Burgess addressed the Commission explained the plan was conduct a timber harvest off of Reservoir Road; he explained that nothing would be put in the wetland and they'd be using skid trails and crossing that were used previously (on a previous project) and will be put back in place for this project.**

**Mr. Burgess stated he provided exhibit A (narrative) and exhibit B (map) that identified the cutting area that consisted of 75 acres of a 380 acre area to log; two logging areas identified located in the City of Meriden; IWWC determined previously that a permit was not required for tree cutting on the north/west parcel; in 2000 a permit**

was issued to allow forestry on the north/east parcel which is the same area they are looking to cut in again.

Mr. Burgess presented additional information about the logging project and its location; they'll use tri-axle truck, the area of cutting will be marked; about 150,000 board feet of timber will be removed; 90% of the White Ash will be removed (due to the Emerald Ash Borer), Oak, Black Birch, Maple, Hickory Poplar and White Pines will also be removed.

Mr. Burgess noted there's one crossing in Meriden and two in Cheshire – portable bridges will be used and already established skid trails and crossings; water bars will be installed if necessary; the project will take 6-8 weeks to complete.

**Motion:** That the Commission determined the proposed activity does not require a permit.

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

Mr. Richard Meskill, from the City of Meriden was present in the audience. Mr. Meskill replaced long time City of Meriden Public Utilities Director Dennis Waz.

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|----|--------------------------------|-----|----------|
| 3. | Permit Application             | APP | 2019-031 |
|    | Scotland Hardwoods/Rod Burgess | DOR | 12/03/19 |
|    | Reservoir Road                 |     |          |
|    | Forestry Timber Harvest        | MAD | 2/06/20  |

Rod Burgess of Scotland Hardwoods requested the withdrawal of the application.

**XII. ADJOURNMENT**

The meeting was adjourned at 9:13 pm by consensus of Commission members present.

Respectfully submitted:

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