

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, MARCH 3, 2020
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.

Members present were Dr. Charles Dimmick, Thom Norback, Earl Kurtz, Will McPhee, and Kerrie Dunne. Member not present was Dave Brzozowski. Staff present was Suzanne Simone.

Dr. Dimmick served as chairman pro-tem.

IV. DETERMINATION OF QUORUM

There were enough members present for a quorum.

**V. APPROVAL OF MINUTES – Public Hearing – February 18, 2020
Regular Meeting – February 18, 2020**

Motion: To approve the minutes from the February 18, 2020 public hearing and regular meeting with no corrections to the public hearing; corrections to the regular meeting: pg. 11 L40 “threw” to “through”, L44 should read “proposed plan”, L51 “approval;”, L52 “effected” to “affected”; pg. 12 L26 “marked” to “mark”, L27 “sign” to “signed”, L53 “apricates” to “appreciates”.

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

VI. ELECTION OF CHAIRMAN

Dr. Dimmick opened the floor for nominations for chairman.

Mr. Norback nominated Mr. Earl Kurtz as chairman.

Mr. McPhee seconded the motion.

There were no other nominations for chairman.

The nomination of Mr. Earl Kurtz as chairman was approved unanimously by Commission members present.

The nomination for chairman was closed.

VII. COMMUNICATIONS

Dr. Dimmick reviewed the following communications:

1. **Permit Extension Request Re: IWWC Application # 2020-002, Timothy McMurray, Jarvis Street, Site Plan – House**
2. **Correspondence Re: Permit Application 2020-003, 40 Terrell Farm Place Solar Placement**
3. **Site Plan – Re: Clearview Farm Preserve**
4. **Staff Communication w/Attachments Re: Request for Determination IWWC 2020-005, James A. Fazzone Developers, LLC, Highland Avenue – Construct 2nd Floor in Existing Building**
5. **Request for Permit Extension Re: IWWC App 2015-010, H & H RE, LLC – Moss Farms Road**
6. **Request for Determination IWWC 2020-006
Re: Carrier Property Subdivision, Reservoir Road, Site Plan - House**

VIII. INSPECTION REPORTS

1. **Written Inspections – N/A**
2. **Staff Inspections**
 - a. **Crestwood Drive – Ms. Simone stated there was a CO inspection of Crestwood Drive – a single residence that did comply with the permit, so they were all set as far as wetlands.**
 - b. **Woodridge Road – Ms. Simone stated she investigated a drainage complaint – there does not appear to have any concerns with wetlands.**
 - c. **Waterbury Road – Ms. Simone said she followed up with concerns expressed on a property Waterbury Road with stock piling of brush and other material within likely the upland review area if not the wetland area.**
 - d. **Peck Lane – Ms. Simone reported on a follow up on a call regarding Peck Lane happening potentially within the upland**

review area – wetland area; she would follow up and provide more information at the next meeting (and for item c).

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 they continue to get the required inspection reports in a timely manner.

Dr. Dimmick asked if this project was nearing completion.

Ms. Simone said she has not heard from the permit holder as to what their time frame is, but it seems as though they are doing the interior.

Mr. Norback said it looks like anything that's sloping towards the fence has been hayed and stabilized – he happened to notice when driving by.

Ms. Simone said it looked like there was established grass.

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 stated there was no movement on this item.

3. 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 SC 12/03/19
Map 32, Lot 32 SC 1/07/20
SC 1/21/20

Ms. Simone explained the corrective order has been recorded on the deed of the property as well the permitting software in the building department; the information about the property seems to be being shared based on an inquire on the property by a real estate agent.

X. UNFINISHED BUSINESS

- | | | | |
|----|--------------------|-----|----------|
| 1. | Permit Application | APP | 2020-002 |
| | Timothy McMurray | DOR | 1/07/20 |
| | Jarvis Street | SW | 1/16/20 |
| | Site Plan – House | MAD | 4/07/20 |

Ms. Simone said they did receive an extension request from the applicant – the extension of the mandatory action date is now through April 7, 2020 and the last communication with Mr. McMurry was that he hired an engineer who is working on the plans for the house as well as a soil scientist to locate the extent of wetlands and to show that on the site plans.

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|----|-----------------------|-----|----------|
| 2. | Permit Application | APP | 2020-003 |
| | Derrick Moorner | DOR | 1/07/20 |
| | 40 Terrell Farm Place | | |
| | Solar Installation | MAD | 4/07/20 |

There was no one present on behalf of the applicant (until 8:05 pm).

Ms. Simone said the mandatory action date on this has been extended by the applicant; information was provided – she contacted the person who sent it – she has not heard back but the information that was supplied is not overlaid on the wetland map so doesn't give a location as to where this is relative to the previous proposal; this information will be relayed to the person (working with the applicant); the Commission would need to see where the wetlands were on the original map.

Ms. Simone stated the applicant can ask to cut in the wetlands but they were advised that direct cutting within a wetland area for something like this would involve more consideration from the Commission; before the Commission could visit the site, they applicant decided to change the plans and now they are planning to do a free standing design.

At 8:05 pm: Paul Molner, the property owner and Mirza Smajick from Solar Installation was present on behalf of the applicant.

Mr. Smajick said they have a project to set up a ground mount (solar panels) – they have a review of the wetlands area – there would be about 30 trees that would have to be cut down.

Mr. Smajick confirmed after Commission members inquiry that – 30 trees are proposed to be cut down.

Mr. Smajick said he had some pictures – shared with the Commission.

Dr. Dimmick asked how many of those trees are in the wetland area.

Mr. Smajick stated all of them.

Dr. Dimmick stated in that case – this is a significant application and is going to need a public hearing – unless they have a real good reason and justification other than putting in solar panels – this is a very serious sort of thing as far as (the Commission) is concerned.

Mr. Smajick said he knew this would be a tough situation, but their engineering department said this was the only place to meet all the setbacks.

Dr. Dimmick said at one point they looked at putting them on the roof.

Ms. Simone said in looking at the plan submitted – it would be helpful to have this information overlaid on the wetlands map; they need to see what activity is proposed in the buffer area and what’s in the wetland area – and that this information would be shown on the base map; she needed to see the information that also showed the extent of wetlands.

Mr. Smajick provided the survey map.

Mr. Molnar addressed the Commission. He said the roof is slate (so they can’t put the panels on the roof); they did try a new location to move them further away from the wetland’s boundary further away from the wetlands.

Mr. Norback said they (Commission) really just need to know how it relates – they need it on a map showing how all this activity related to the true upland review area and wetlands – so they understand what is being asked for and how it relates.

Mr. Molner asked about the trees being taken down – inside and outside the buffer zone – can they be stumped verses taken down – he said in talking with the town there were certain options that were more acceptable.

Ms. Simone said the applicant has to proposed what they are looking for – but to remove the stumps of trees that Commission usually looks at that more seriously because now it’s the disturbance of soil and would require erosion protections and all of that.

Mr. Norback said it would be best to get everything on a map and work with staff.

Dr. Dimmick said once it’s on a map, the Commission would want to take a look at it.

Dr. Dimmick recommended working with staff; and that he was fairly certain this would require a public hearing. 00

Ms. Simone stated Milone and MacBroom made the wetland delineation worked on the version of the map that was done recently.

Ms. Simone noted the mandatory action date has been extended to April 7, 2020 so we are okay with town for right now.

Mr. Norback asked why did Dr. Dimmick said he was almost certain they would need a public hearing.

Dr. Dimmick said they have a request to do work in wetland without a valid reason as far as he was considered – its not an essential use of the property.

Mr. Norback said they do need the map (showing the location of the proposed activity on the property).

3.	Permit Application	APP	2019-005A
	Clearview Farm Preserve	DOR	2/04/20
	Beechwood Court		
	Site Plan – House (Modified)	MAD	4/09/20

Ms. Simone said at the last meeting, the Commission had asked to have the plan show the non-encroachment area with the markers which they have received – copies were handed out to Commission members.

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 the construction of a single-family house on lot #11 of the previously approved Clearview subdivision.**
- 2. That a site plan permit for the construction of a single-family house was issued April 4, 2019. The current site plan repositions the proposed house.**

3. That site plan field locates the extent of inland wetlands, as field delineated in support of the Clearview permit #2016-005A.
4. That the site plan locates the 50' upland review area. The plan identifies the location of the permanent markers to be installed along the existing tree line.
5. That no wetland impacts are proposed.
6. 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 #2019-005-A, the permit application of CLEARVIEW FARM PRESERVE, LLC for site plan approval as presented and shown on the plans entitled:

**“Site Plan – Subsurface Sewage Disposal System
Clearview Farms Preserve, Lot 11
Beechwood Court, Cheshire, CT
Dated January 27, 2020, Revised February 19, 2020
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 accurately stake and/or flag all clearing limits and install sediment and erosion controls, as depicted on the above-mentioned site plan.
4. Throughout the course of conducting permitted 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. This permit grant shall expire on March 2, 2025.

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

XI. NEW BUSINESS

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|----|--|--|
| 1. | Request for Determination
James A. Fazzone Developers, LLC
1490 Highland Avenue
Construction 2 nd Floor in Existing Building | APP 2020-005
DOR 2/18/20

MAD 4/23/20 |
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Attorney Anthony Fazzone was present on behalf of the applicant.

Attorney Fazzone explained he was here out of abundance of caution – photographs were supplied of the existing building – there will be no work outside of the building itself – the roof is not being raised – there's room within the building to add a second floor – the plan is to make it a public storage where people can store their personal belongings.

Attorney Fazzone said the most significant is showing the parking lot in the rear – the property was subject of a permit back in 2007 which was also attached to their determination – that was a fairly

significant application that called for some filling – some restoration (and drainage) in back of the parking area (and around the back of the building).

Dr. Dimmick said this (proposal) is not changing anything – that would have any effect on the wetlands.

Attorney Fazzone stated exactly.

Motion: That the Commission determined the activity was not significant and does not require a permit.

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

- 2. Request for Permit Extension APP 2015-010A
H & H RE, LLC
Moss Farms Road
Site Plan – House**

Ms. Simone said there is a permit that is already in place for this property; the permit will expire in 2020 and they are now asking in advance for an extension of 5 years – there are no changes proposed.

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 this application is for the permit extension of the existing approval #2015-010, which was approved by the Cheshire Inland Wetlands and Watercourses Commission on July 21, 2015 to H&H Realty, LLC.**
- 2. That the applicant is seeking to add an additional five years to the expiration date, the IWWC regulations allow for the extension of permits up to 10 years, per Section 11.3.C.5.**

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Extension for the permit of H&H RE, LLC for site plan approval, as presented and shown on the plans referenced in the July 21, 2015 approval of application #2015-010.

The permit request 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. All conditions and stipulations of CIWWC Permit #2015-010 granted, with stipulations are incorporated by reference as though fully set forth herein to the extent they are not in conflict with the present permit grant.
4. This permit grant shall expire on July 21, 2025.

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

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| 3. | Request for Determination & Application
MMI for Carrier Property Subdivision
Reservoir Road
Site Plan – House | RFD 2020-006
DOR 3/03/20 |
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Ryan McEvoy, PE from Milone and MacBroom was present on behalf of the requestor.

Ms. Simone explained the permit has expired – the driveway has been constructed – the house has not been constructed that is why they are coming back to the Commission as whether or not a permit is needed.

Mr. McEvoy said he was here on behalf of the requestor for lot 1 of the Carrier Subdivision off of Reservoir Road; there were two wetland impacts associated with the common driveway – shown on the plan – about 1000' long.

Mr. McEvoy said this was approved originally in 2002; the driveway was constructed and lot 2 on the northeast side of the property

adjacent to a cul-de-sac in Wallingford they do not have access to was built.

Mr. McEvoy stated this application is for lot 1 that remains unapproved since the original approval; and the reason why they are asking for a determination is because the lot does have wetlands on it and the upland review area of 50' is shown on the plans and as part of the 2002 approval the non-encroachment line was established (shown on the plan) is somewhat along the upland review area and in some cases in the upland review area – what they are proposing is a very short length of the driveway and some lot grading in the review area but upgradient of the non-encroachment area.

Mr. McEvoy said, to him, it's very similar to how the house and lot were shown on the original subdivision but now it's a bit of a gray area.

Dr. Dimmick asked if this required some extensive regarding for raising the house.

Mr. McEvoy replied no – no tremendously – its roughly at grade on the back side – there is a pretty standard grading.

Dr. Dimmick asked if the original permit had conditions as far as erosion controls which are on the map.

Mr. McEvoy stated they have silt fence and hay bales down gradient of the construction; the major impacts associated with this construction is with the driveway itself which is the common driveway which is complete – and the other activity within the upland review area is the entrance coming off the driveway and some minor lot grading within the upland review area upgradient of the non-encroachment line.

Mr. Norback asked if the secondary driveway has been roughed in.

Mr. McEvoy replied not exactly – nothing has been established.

Mr. Norback said so you couldn't see that it was established and what the grading was at and how it impacted already.

Mr. McEvoy stated again no (its not been established).

Ms. Simone said looking at the plan it does indicate there will be grading right up to the non-encroachment area – that is one of the closest areas of impact on the lot; the plan does show the silt fence and hay bales but just so the Commission is aware without a permit – she can go out and do an inspection but there is no permit she would not be in the looking (from the building department) as to what's going on.

Dr. Dimmick said the original permit allowed for the erosion controls to be inspected by staff – but now, how can the erosion controls be inspected by staff if they don't have a permit in place – this is the part that's bothering him.

Mr. McEvoy showed the location of the upland review area on the plans.

The Commission discussed the need for a permit.

Motion: That the Commission would require a permit for the work as described to them.

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

Mr. McEvoy said a permit was submitted in case one was required; it was submitted today so he hoped the Commission would consider receiving it and so they can start the clock.

Motion: That the Commission voted to add the application to the agenda for discussion at tonight's meeting.

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

Dr. Dimmick noted the application has been received.

Mr. McEvoy provided a brief presentation for the application for lot 1 of the Carrier Property Subdivision approved in 2002; at the time of approval the non-encroachment line was established shown on the plan upgradient of the wetland review area and in some cases in the review area and in some cases along the upland review area; and in order to construct the lot as proposed they do have approximately 1500 SF of activity associated with construction of the driveway coming off of the common rear lot accessway – disturbance within the upland review area is located upgradient of the non-encroachment line that was established in 2002 – and a couple of small areas within 50' of the wetlands; the wetlands associated with this were flagged in 2001 by Soil Science and Environmental Services.

Mr. McEvoy said the lot was going to be served by a grinder pump sanitary sewer which will be discharged through lot two and up to Wallingford and by a private well at the rear of the property.

Mr. McEvoy explained the house itself is in a similar location as shown in 2002; one deviation is they now have a silo garage instead of a front load garage – the grading is somewhat similar to the 2002 plan with a partial walkout of the left side of the house; there is some minor regarding of the lot - there's nothing outrageous regarding

cuts and fills and all down gradient areas will be protected by silt fence and haybales and the driveway coming off the common rear lot access will have a erosion construction entrance pad.

Mr. McEvoy said the wetlands were flagged in 2001 – he would asked the Commission whether or not they felt comfortable with that wetland identification; and has removed pretty much untouched since 2001.

Mr. McEvoy said the property abuts the City of Meriden and that area is walked somewhat frequently.

Mr. McPhee asked about the breaks in the silt fence.

Mr. McEvoy explained in some cases like this its directly down gradient – you don't want to have the silt fence connected in that manner because it encourage the water to channelize – he said it would be no trouble at all to connect them (if the Commission was more comfortable with that).

Ms. Simone said the plan shows the clearing limit closer to the non-encroachment area then where they have the markers; and if they would move the markers to the 50' line.

Mr. McEvoy showed on his plan the markers – he agreed to move the markers as suggested by staff.

Mr. McEvoy said he'd be submitting revised plans within the next few days.

Staff had enough information to draft something for the next meeting.

At 8:05 pm - returned to item two under unfinished business.

XII. ADJOURNMENT

The regular meeting was adjourned at 8:17 pm by consensus of Commission members present.

Respectfully submitted:

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