

CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING

Tuesday, September 15, 2020 at 7:30 p.m.

Via Video Teleconference

Public access available on YouTube at

https://www.youtube.com/channel/UC4_xey3QjJmwe57R_6K94Dw

Video available on Channel 14 and at www.cheshirect.org

I. CALL TO ORDER

Chairman Kurtz called the meeting to order at 7:31 pm

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited.

III. ROLL CALL

Ms. Dunne called the roll.

Members present were Chairman Earl Kurtz, Dr. Charles Dimmick, Dave Brzozowski, Thom, Norback Will McPhee and Kerrie Dunne.

Staff member present was Suzanne Simone

IV. DETERMINATION OF QUORUM

Chairman Kurtz determined there were enough members present for a quorum.

V. APPROVAL OF MINUTES – Regular Meeting – September 1, 2020

Chairman Kurtz called for a motion for the approval of the minutes from the September 1, 2020 regular meeting.

Motion: To approve the minutes from the September 1, 2020 regular meeting with corrections; pg. 9 L40 “makers” to “markers”.

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

VI. COMMUNICATIONS

Ms. Simone reviewed the following communications:

1. Request for Determination from Baillie & Hershman P.C.,
Dated: 8/28/20
RE: Lot 2 Waterbury Road – Driveway and Regrading

2. **Request for Determination from Tim Brown, Emailed: 9/08/20
RE: 880 Peck Lane – Above Ground Pool**

VII. INSPECTION REPORTS

1. **Written Inspections**

None.

2. **Staff Inspections**

- a. **Yalesville Road – Prinz Subdivision**

Ms. Simone reported on Yalesville Road there's a property that received a subdivision permit as part of the Prinz Subdivision – lot is currently proposed for development – they did not need an individual site plan approval per the subdivision regulations however it appears as though they maybe have cleared within the upland review area – more specifically the established non-encroachment area; this is something ongoing depending on the outcome of the information provided from their surveyor, if they hire a surveyor this may go to the Commission has a show cause hearing on October 6, 2020.

- b. **Marion Road Subdivision**

Ms. Simone reported there was an inspection of the Marion Road subdivision - erosion controls are up and functioning.

- c. **Coleman Road**

Ms. Simone said they are continuing to get inspection reports for Coleman Road which have been favorable.

- d. **FIP West Johnson Avenue**

Ms. Simone said they are continuing to get inspection reports for FIP on West Johnson Avenue.

- e. **West Johnson Avenue Bridge Replacement**

Ms. Simone said they are continuing to get inspection reports for the West Johnson Avenue bridge replacement project.

VIII. ENFORCEMENT ACTIONS

None.

IX. UNFINISHED BUSINESS

- | | | |
|-----------------------------------|------------|-----------------|
| 1. Permit Application | APP | 2020-021 |
| Public Works | DOR | 9/01/20 |
| 165 Northwood CT | | |
| Municipal Drainage Project | MAD | 11/05/20 |

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 current application is for the construction of a modified riprap plunge pool and 75-foot-long stone-lined channel within the upland review area.**
- 2. That the applicant's soil scientist field located the extent of inland wetland soils and submitted a report dated September 11, 2019. The wetlands mapped in this report are more extensive in the field than depicted on the town gis system.**
- 3. That this proposed work is to be conducted on two private properties, and the owners of these properties have signed the IWWC application documents.**
- 4. That the town engineer provided testimony on September 1, 2020 and stated the proposed berm would be permanently stabilized with a seed mix appropriate for the soil and site conditions. The area surrounding the berm will be lined with silt fence until the seed germinates and stabilizes the berm soil.**
- 5. That the plan identifies the installation of erosion controls.**
- 6. That when the erosion control plan is strictly adhered to and all permit stipulations are followed 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 #2020-021, the permit application of Town of Cheshire Public Works and Engineering Department for site plan approval as presented and shown on the plans entitled:

**“Town of Cheshire, Connecticut
Department of Public Works and Engineering
Site Plan
Proposed Storm Drainage Outfall Improvements
165 and 170 Northwood Court, Cheshire CT
Dated: August 9, 2020
Scale: 1”=20’
Prepared By: Cheshire Department of Public Works and
Engineering”**

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. The berm shall be seeded with a seed mix appropriate for the soil and site conditions. Erosion controls shall be installed around the berm and remain in site until the seed germinates and the established grass stabilizes the berm soil.**
- 4. Throughout the course of conducting construction activities, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the Town of Cheshire Engineering Department 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 September 15, 2025.

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

2.	Permit Application	APP	2020-022
	Public Works	DOR	9/01/20
	170 Northwood CT Municipal Drainage Project	MAD	11/05/20

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 current application is for the construction of a modified riprap plunge pool and 75-foot-long stone-lined channel within the upland review area.
2. That the applicant's soil scientist field located the extent of inland wetland soils and submitted a report dated September 11, 2019. The wetlands mapped in this report are more extensive in the field than depicted on the town gis system.
3. That this proposed work is to be conducted on two private properties, and the owners of these properties have signed the IWWC application documents.
4. That the town engineer provided testimony on September 1, 2020 and stated the proposed berm would be permanently stabilized with a seed mix appropriate for the soil and site conditions. The area surrounding the berm will be lined with silt fence until the seed germinates and stabilizes the berm soil.

5. That the plan identifies the installation of erosion controls.
6. That when the erosion control plan is strictly adhered to and all permit stipulations are followed 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 #2020-022, the permit application of Town of Cheshire Public Works and Engineering Department for site plan approval as presented and shown on the plans entitled:

**“Town of Cheshire, Connecticut
Department of Public Works and Engineering
Site Plan
Proposed Storm Drainage Outfall Improvements
165 and 170 Northwood Court, Cheshire CT
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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. The berm shall be seeded with a seed mix appropriate for the soil and site conditions. Erosion controls shall be installed around the berm and remain in site until the seed germinates and the established grass stabilizes the berm soil.

4. Throughout the course of conducting construction activities, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the Town of Cheshire Engineering Department 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 September 15, 2025.

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

X. NEW BUSINESS

1. Request for Determination RFD 2020-024
Baillie & Hershman P.C.
Waterbury Road (Lot 2)
Driveway and Grading

Ms. Simone said a letter was submitted for a request for determination.

Attorney Jay Hershman from Baillie & Hershman was present.

Attorney Hershman addressed the Commission and provided a brief summary – the Commission approved at the September 3, 2019 meeting that a permit would not be required for the installation of a driveway and grading at the property in the upland review area – the work has not yet been completed and there is no mechanism for an extension of the determination – so they have to request a new determination for the property owner to complete the work.

Attorney Hershman stated they are requesting a new determination to allow for additional time for the driveway installation; he did

supply to the planning office after the September 3, 2019 meeting an updated map from Kratzert and Jones Engineering which showed the addition of two non-encroachment markers that had been hand drawn on it by him (Attorney Hershman) at the September 3, 2019 meeting and attached that updated map to the determination request.

Chairman Kurtz said the background is well known and there (should) be no problem with this – it's a formality.

Ms. Simone said yes – the non-encroachment area has been previously established; the 4 by 4 posts are in the ground; staff has not been out there recently to see if the markers have been added to the post, however the markers were purchased from their office to put on the posts; the silt fence may need to be reinstalled depending on when construction starts; the posts are already in the ground so there was movement on the previous determination.

Motion:

The Commission determined that in light of the fact they had previously determined a permit was not required; and no adverse conditions have arisen since that time, again they determine this application does not need a permit.

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

2. Request for Determination RFD 2020-025
Tim Brown
880 Peck Lane
Above Ground Pool

Ms. Simone said the request is for an above ground pool which is proposed to be located in the upland review area; the house was constructed prior to wetland regulations – there was no requirement for establishing an upland review area or buffer; the current area is lawn and that is the area they will be putting the pool in.

Photos were forwarded to Commission members yesterday and the requester is on the call.

Tim Brown addressed the Commission. He explained he submitted a letter last week regarding the property – they purchased the property in 2001 and it's been a grassed in area since they've been there; he didn't believe any of the wetlands would be disturbed or the upland areas would be disturbed other than adding a couple of inches of fill to level the property; he stated staff had provided him with all the information for pool installation and maintenance of the pool and taking care of any water issues or future draining issues.

Dr. Dimmick asked staff if she viewed the property.

Ms. Simone replied she had not been on the property.

Mr. Brown stated the property abuts the linear trail.

Dr. Dimmick said as long as the vegetation stays in place there would not be a need for erosion controls.

Ms. Simone commented that based on the photos, the yard is relatively flat, and no trees will be cut.

Mr. Brown said he is working with pool company on (details); but he thought a few inches of soil will need to be added.

Mr. McPhee said he didn't have a problem since its grassed area and there was no major disruption to the earth.

Motion: The Commission determined no permit is necessary and the activity is de minimus.

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

XI. ADJOURNMENT

The regular meeting was adjourned at 7:43 pm by consensus of Commission members present.

Respectfully submitted:

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