

Regular Meeting

CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION

REGULAR MEETING

Tuesday, October 20, 2020 at 7:30 p.m.

Via Video Teleconference

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, Kerrie Dunne, Thom Norback and Will McPhee.

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 – October 6, 2020

Chairman Kurtz called for a motion to approve the minutes from the October 6, 2020 regular meeting.

Motion: To approve the minutes from the October 6, 2020 regular meeting, with corrections proposed by Dr. Dimmick.

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

VI. COMMUNICATIONS

Ms. Simone reviewed the following communications:

1. Request for Determination, Nosal Properties of Cheshire, :
58 Fieldstone Court, Clearing, Grubbing and Grading, Dated 10/14/20

Regular Meeting

2. 1392 Cheshire Street, Site Plan, Received: 10/15/20

VII. INSPECTION REPORTS

1. Written Inspections

Ms. Simone stated written notices went out after the show cause hearings for 720 Yalesville Road and 152 Talmadge Road – both items were under enforcement actions.

2. Staff Inspections

Ms. Simone reported that no additional site alterations were observed 152 Talmadge Road.

VIII. ENFORCEMENT ACTIONS

1. Notice of Violation/Cease and Desist Order **SC 10/0620**
Unauthorized Activities in the Wetland & Upland Review Area
Mr. Heber Alvarenga
720 Yalesville Road
Map 59, Lot 76

Heber Alvarenga contacted Ms. Simone after the last meeting and indicated that he had hired a restoration specialist to devise and submit a restoration plan. He anticipated this report would be completed and submitted by the November 5 meeting.

2. Notice of Violation/Cease and Desist Order **SC 10/06/20**
Unauthorized Activities in the Upland Review Area, Wetland Area, and Intermittent Watercourse
Mr. Brahim Krasniqi
152 Talmadge Road
Map 66, Lot 15

Ms. Simone discussed the Commission's decision at the October 6, 2020 meeting granting 60 days to submit an engineer's report regarding the impact of the work completed without a permit.

Ms. Simone stated she will continue to reach out to the property owner.

Regular Meeting

IX. UNFINISHED BUSINESS

1. **Permit Application**
Sarafina and Michael Staski
1392 Cheshire Street
Privacy Fence Installation

APP 2020-026
DOR 10/06/20

Sarafina Staski summarized the site plan she submitted with notation of the fence post placement.

Chairman Kurtz and Mr. Norback discussed the installation of the posts.

Motion: To approve draft motion for approval.

PERMIT APPLICATION #2020-026
SARAFINA AND MICHAEL STASKI
1392 CHESHIRE STREET
SITE PLAN: FENCE IN UPLAND AREA

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 installation of a fence within the upland review area and replacing the split rail fence along the eastern non-encroachment line which was ordered to be installed in 2019 by stipulated court judgment.
2. That this proposed work is to be conducted within the established non-encroachment area.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2020-026, the permit application of SARAFINA AND MICHAEL STASKI for site plan approval as presented and shown on the site plan associated with IWWC permit #2011-025 issued to House 2 Home plans with the fence locations identified in handwritten notation.

Regular Meeting

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 existing split rail fence protecting the non-encroachment area may only be removed when a new privacy fence is to be immediately installed in its place and non-encroachment markers shall be installed in a visible area on a replacement fence.
4. The sections of fence shall be installed to provide a minimum of six (6) inches of clearance between the bottom of the fence and the ground, preventing the impounding of water behind the fence.
5. Throughout the course of conducting construction activities, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the maintenance and refueling of equipment and vehicles shall be 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.
6. This permit grant shall expire on October 20, 2025.

Moved by Dr. Dimmick. Seconded by Mr. Norback.

Regular Meeting

Discussion: Ms. Simone read a proposed addition to draft stipulation #3 to read: "...and non-encroachment markers shall be installed in a visible area on the replacement fence."

Mr. Norback suggested the language be changed to "on a replacement fence". Ms. Simone read the proposed language.

Commission members discussed the benefit of requiring a minimum of 6 inch gap from the bottom rail of the fence to the ground, preventing impoundment of water, protecting the fence in the event water built up behind the fence and eliminating a barrier to turtle movement in and around the wetland areas.

Motion approved unanimously by Commission members present.

X. NEW BUSINESS

- | | | | |
|----|--|-----|----------|
| 1. | Request for Determination
Joseph Nosal, Jr.
Fieldstone Court
Clearing, Grubbing and Grading | RFD | 2020-027 |
| | | MAD | 12/24/20 |

The Commission reviewed the site plan dated October 13, 2020 and heard testimony from the requestor's engineer, Darin Overton. The Commission discussed the erosion controls identified on the plan and the expectation that the erosion controls would be installed correctly and maintained, as shown on the plan.

Motion: To determine that the proposed plan does not require an application for a permit.

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

- | | | | |
|----|---|-----|----------|
| 2. | Joseph Nosal, Jr.
Fieldstone Court
Clearing, Grubbing and Grading | APP | 2020-027 |
| | | DOR | 10/20/20 |
| | | MAD | 12/24/20 |

Applicant's engineer withdrew the application.

- | | | | |
|----|---|-----|----------|
| 3. | DeGennaro Development & Construction, LLC
Wiese and Academy Roads
Resubdivision | APP | 2020-028 |
| | | DOR | 10/20/20 |
| | | MAD | 12/24/20 |

Regular Meeting

This application was acknowledged as received. Presentation and discussion of this application is scheduled for the November 5 meeting.

X. ADJOURNMENT

The regular meeting was adjourned at 8:01 pm by consensus of Commission members present.

Respectfully submitted:

**Suzanne Simone
Environmental Planner/Commission Staff
Cheshire Inland Wetland and
Watercourse Commission**