

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
REGULAR MEETING**

Thursday, November 5, 2020 at 7:30 p.m.

Via Video Teleconference - Public access made available on YouTube at  
[https://www.youtube.com/channel/UC4\\_xey3QjJmwe57R\\_6K94Dw](https://www.youtube.com/channel/UC4_xey3QjJmwe57R_6K94Dw)  
Video available on Channel 14 and at [www.cheshirect.org](http://www.cheshirect.org)

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**I. CALL TO ORDER**

Chairman Kurtz called the meeting to order at 7:30 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, and Kerrie Dunne.

Member not present was Will McPhee and Thom Norback.

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 20, 2020**

Chairman Kurtz called for a motion for the approval of the minutes from the October 20, 2020 regular meeting.

Motion: To approve the minutes from the October 20, 2020 regular meeting with a correction on page 2 change “out” to “out to.”

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

**VI. COMMUNICATIONS**

Ms. Simone reviewed the following communications:

- 1. Request for Determination, Phillip Bowman/Jason Pinkus, dated 10/23/20 Re: Shed and Fence Installation in Upland Review Area, 5 Beechwood CT**
- 2. Restoration Plan for 720 Yalesville Road, Dated 10/28/20**
- 3. Soil Scientist Report, Dated 10/14/20  
Re: Garthwait Parcel, Orchard View Subdivision, Wiese, and Academy Roads**
- 4. Engineering Comments, Dated 10/28/20  
Re: Orchard View Subdivision, Wiese Roads and Academy Roads**
- 5. Soil Scientist Report, Dated 10/28/20  
Re: Ball & Socket Arts**
- 6. Ball and Socket Narrative, Dated 10/28/20**

**VII. INSPECTION REPORTS**

- 1. Written Inspections**

**There were no written inspections.**

- 2. Staff Inspections**

**Ms. Simone reported on a staff inspection on the property at Coleman Road; the Commission may remember there was a retaining wall that was approved on this property – and it was ordered that erosion control inspections were to be done weekly which have been abiding; there have been some issues with some of the storm events we had last week; the property owner has indicated they finalized the retaining wall so staff will be going out to inspect it.**

**VIII. ENFORCEMENT ACTIONS**

- 1. Notice of Violation/Cease and Desist Order SC 10/06/20  
Unauthorized Activities in the Wetland & Upland Review Area  
Mr. Heber Alvarenga  
720 Yalesville Road  
Map 59, Lot 76**

**Ms. Simone explained to the Commission they had ordered a plan for their restoration and to submit it to the Commission for their review – that plan has been submitted.**

**Ms. Jen Beno, Wetland Biologist/Biologist from Soil Scientist and Environmental Service was present and provided a report based on her inspection of the site and reviewed the plan for 720 Yalesville Road.**

**Ms. Beno explained on October 9, 2020 she went out and inspected the cleared areas – there's a very small portion of the wetland that's cleared and a large portion of the non-encroachment area has been disturbed by the owner – this is shown on figure 1 in her report.**

**Ms. Beno said she investigate the area to see what species she could select that were similar to what was there for the planting plan; she noted several invasive species on the property within the area that needs to be planted; there's Multiflora Rose, Bittersweet, Japanese Honeysuckle, Japanese Barberry, Locust, Privet, etc. and will need attention by property owner on an ongoing basis, at least until the plantings become established and they can outcompete the invasives.**

**Ms. Beno talked about the plan sheet and topographic survey map for the property; saying the property owner asked us to not show any plantings in two areas - they propose septic; the edge of clearing is shown and non-encroachment line were established previously; the wetland boundary is also shown; she reviewed page six of her report showing the overall plantings recommended, the septic area and a proposed driveway with grading within the non-encroachment area; the owner asked not to show plantings in those areas.**

**Ms. Beno reviewed what she proposed in the cleared wetland areas and non-encroachment area consisting of 15 trees and 136 shrubs of various species and sizes as detailed in her report; the soils in the wetland area have become vegetated and herbaceous vegetation is coming back and reestablishing in that area so she didn't think seed mixture would be needed in that area – but there will be a seed mixture in the non-encroachment area to stabilize the soils; she recommend seed mixture - either conservation wildlife mix or a New England wildflower mix.**

**Ms. Beno continued her review of her report noting recommendations for the plantings for the wetland and non-encroachment areas; she also recommended that the erosion sedimentation control measures should be maintained until the soils have all been stabilized on the site and that the owner install some sort of a physical demarcation so there's not accidental intrusion into this non-encroachment area in the future and that could include just rocks or it could be some sort of fence; she said she did notice that there are quite a few large rocks on the site so it could be a possibility.**

**Ms. Beno said the property owner will need to manage the invasive species within the planting areas until the native non-invasive plantings become established and can compete and finally we do recommend monitoring reports for five years and the monitoring reports should document the survival rate of the plantings and should document any erosion.**

Chairman Kurtz said he thought it was a good plan but the problem is this is a hearing for the restoration not a hearing for delineating the upland review area or the wetlands - we need restoration of the site as was originally approved; the permit has expired but that hasn't pertained to the plan that was approved that non-encroachment line as well as the wetlands line; he thought it was a little premature to discuss a new permit when we haven't solved the problem which was violation of the old permit and the hearing calls for a restoration plan – he said he don't know what the town attorney or the legal people would say about it but this is the way he looked at it.

Dr. Dimmick said he agreed it's a good plan but there's a questions about the proposed septic area – as far as he knew this was not part of the original permit which has expired; he said they could move to approve the proposed restoration plan with the cavate unless he goes though us to get a permit for the proposed septic the restoration must extend through the rest of that non-encroachment area also.

Chairman Kurtz said he agreed with that but what about moving the line for the non-encroachment area.

Ms. Simone explained the non-encroachment area was previously established so what is shown on the plan - that's what Ms. Beno presented - the established non-encroachment area – that has been cleared and that Ms. Beno was hired to look at only some of the area – that is what the property owner hired her to do and not the full complement of what was damaged; the silt fence was removed but should be re-installed along the limit of clearing before any planting takes place and before we get heavy rain again so that's her recommendation – a motion be made to require installation of the silt fence along that clearing and then with discussion and guidance from the Commission, she could come up with language to approve the restoration plan that would include those areas talked about - the non-encroachment area that was excluded from this restoration plan – that that would be part of the order.

Chairman Kurtz asked when this job would be done if approved.

Ms. Beno said work would not be able to take place until spring.

Dr. Dimmick asked if the cleared area should be stabilized for winter with a hay or straw covering.

Ms. Beno said she would think that would be a really good idea – whether it's something like wood chips or something that could be used to stabilize the area.



DeGennaro Development & Construction, LLC	DOR	10/20/20
Wiese and Academy Roads Resubdivision (Orchard View)	MAD	12/24/20

Ryan McEvoy, PE with Milone and MacBroom and Attorney Anthony Fazzino were present.

The plans were presented on the screen for review.

Attorney Fazzino addressed the Commission stating this was an application for a subdivision – the property runs from Weise Road over to Academy Road; there are several locations of wetlands and upland review areas that there’s activity in and Ryan would speak to it since he’s familiar with the wetland activity.

Mr. McEvoy explained the property exists of two lots currently both under the same ownership and will be referred to as one parcel even though it exists as two today. He said the property is about 34 acres in size – all in an R-zone; the parcel is most visible from Weise Road; this property has been historically agricultural in nature – only the hay field on the eastern half still exists; single family homes surround the property to the north and south; Cheshire Academy to the west and Norton Brothers Fruit Farm to the east.

Mr. McEvoy said the site includes a few different wetland areas notable Honey Pot Brook on the northern edge of the site with a dam, impoundment and pond primarily located on this property; the dam has associated wetlands on it; the plan reviewed showed the location of the dam, impoundment and pond and associated wetland areas; along the southeast of Weise Road there is a drainage swale classified as a field wetland that’s mowed and cleared as part of the historical agricultural use – that wetland is conveyed via a small pipe to drainage system in Weise Road; an isolated wetland area was shown on the plan and its associated upland review area – low drainage area with a catch basin to Academy Road.

Mr. McEvoy said the majority of the site – about half is wooded but was historically agricultural as is the eastern side which is hay fields; the topography is rolling in nature – the high point is located in the south central portion of the site draining down to Honey Pot Brook to the north.

Mr. McEvoy noted the wetlands were originally flagged in 2007 when an application was submitted to this Commission but ultimately withdraw (it was a similar residential development; Matt Sanford from his office reinvestigated the site and re-delineated the wetlands this year.

Mr. McEvoy said what’s proposed for the property is a 21 lot single family residential subdivision that conforms to the underlying R-40 zoning criteria; all lots will gain access from a through road that

comes from Weise Road from Academy Road or off of a short cul-de-sac; the total lineal footage of the roadway is about 2600 LF with 2200 LF of road from Weise to Academy and the cul-de-sac is about 340 LF; all lots are a minimum of 40,000 SF in size and will be served by septic systems and public water that will be brought in off of Weise Road from Academy; the roadway itself is a standard town roadway with sidewalks on both sides with a conventional catch basin and pipe drainage system which will convey storm water to a series of either water quality basins or more significant storm water basins that serve as detention facilities.

Mr. McEvoy talked about the large stormwater basin on Lot 4 and how it conveys the majority of the storm water system; and its location down gradient of the lots; partially in the upland review area and partially out of the upland review area and down gradient of the spill way and dam associated with the pond; that basin represents the bulk of the upland review area regulated activities which is approximately .3 acres in size there is another small storm water quality basin which will collect the end of the proposed road before it gets to Weise Road where it will discharge into a water quality basin to allow storm waters to reduce velocities before it goes into the wetlands – it's a relatively small watershed that contributes to that small water quality basin and that is the - that is what we call regulated activity number one but the second he's discussing – its upland review activity of 0.11 acres.

Mr. McEvoy said lastly the most significant activity within the upland is further to the south along Academy Road; he explained the grade from Academy Road and runoff from the roadways system through a couple of catch basins through a relatively small storm water management system to the east that is not located in the upland review area however portions of the road and associated grading are located in the upland review area and that is for the specific reason relating the intersection at Academy Road because there is a fairly abrupt high point along Academy Road – they are placing the road as close to the high point as they can so they can ensure they can see over the high point for sight line distance to the west towards the center of town, as close to the high point as they can without proposing activity in the wetlands itself so what we have in order to provide a safe intersection is minor activity within the upland review area associated with the road – its .07 acres of disturbance.

Mr. McEvoy stated the total activity is just about a half acres in total between the three separate areas; in terms of the lots themselves we only need a very small area of upland disturbance on lots 1 and 3 – for the purpose of grading for septic systems - it's about 5' or so feet within the upland review area; remainder of lots mostly have no uplands or review areas on them; lots 1, 2,3, 4, 5 and 9 and lot 20 do have wetlands or upland review areas on them but we will not be required to do any grading or site work on them or disturbance within the upland review areas.

Mr. McEvoy said one item that they don't show on the plans is how they could theoretically provide recreational access to the pond for three of the lots – lots 1, 2 and 3; they have significant parts of their lots to the north that include the pond and as they don't require significant upland review area activity – they upland review area is quite overgrown with Multiflora rose and pedestrian access to the pond is not really feasible at the moment on those lots.

Mr. McEvoy said he was sure some of you recall there was some issue with the properties to the north where clearing was done perhaps beyond your expectations with the original Pemberley Estate's approval so before we propose anything in that area he wanted to see if we could get an understanding from the Commission as to what sort of recreational activity might be permissible or possible within that area to gain access to the pond so that's certainly something we'd be willing to accept suggestions on.

Mr. McEvoy said in terms of other application materials we did receive a comment letter from Anchor Engineering consultant engineer reviewing the plans - there's a number of comments that they have many of which are he'd say are associated with the perhaps the planning and zoning application which is also pending they do have some comments regarding our stormwater basins how they're constructed and we are working to address those comments; we do not have a response yet but we expect to have that either hopefully as early as tomorrow or perhaps early next week.

Mr. McEvoy explained that one of their comments he did want to bring up is in regards to lot 20 - the wetland in the lower right hand corner of lot 20 drains or discharges to a 12 inch pipe that drains the wetland and goes into the drainage system within the road – he believed it was one of the suggestions of the consultant engineer that this might be considered for removal of that pipe then creation of wetlands and then allowing the drainage to continue down closer Weise Road where some sort of a new storm drain inlet could be installed to convey it to the road; what exists on the site today and the fact that this is all part of the original hayfield or the existing hayfield.

Mr. McEvoy said he spoke with Matt Sanford about what potential that may have and it's our thought and his thought and mine that there'd be very limited value in doing that because the wetland that's there is essentially mowed hayfield and the removal of portions of the pipe would not result in significant wetland creation and right now we have a drainage system that seems to function without causing issue in Weise Road and the preference that we have would be to keep that in place rather than try to come up with a plan that may not be as effective as it is currently so that is going to be our response to that suggestion and something we can talk about this evening or we can wait for our formal response to that comment.

**Mr. McEvoy continued by saying the plan includes a sediment erosion control plan and narrative that is designed in accordance with the 2002 guideline for sediment erosion control which includes temporary sediment traps, silt fence and hay bales down gradient of any activity near the wetlands.**

**Mr. McEvoy said that summarizes his brief presentation of the application proposed – and that he’s be happy to answer any questions that you might have.**

**Dr. Dimmick said there were a lot of test pits done – he said he didn’t get any data on the actual test its just there location but not the actual data – and if he remembered these are Yalesville soils for the most part and if you dig down you find remnant chunks of sand stone in there that rotted away forming Yalesville soils.**

**Mr. McEvoy said the test pit results are found in the last two or three sheets of the plans; there are 100 or so test pits on the site and a lot of data. He explained the way Chesprocott identifies the soils of that nature as a-typical ledge oftentimes it doesn't resemble bedrock.**

**Dr. Dimmick commented on the soil types encounter on the site.**

**Mr. McEvoy agreed that some lots had some challenging soils with regard to restrictive layers, but they did just receive from Chesprocott that all the lots had suitable soils for septic.**

**Dr. Dimmick agreed he would like to see full set of plans; and that he thought they’d need a public hearing for this proposal.**

**Motion: That the Commission has determined that the need for a public hearing based on public interest, consideration of prudent alternatives to the proposed layout and that potential adverse impacts to the stream and dam area be investigated pursuant to section 10.2 a, b and (public interest).**

**Moved by Dr. Dimmick. Seconded by Ms. Dunne.**

**Ms. Simone said the public hearing could be held on November 17, 2020 or at the December meeting.**

**Ms. Dunne asked if they should do a site walk.**

**Dr. Dimmick said they could do an individual site walk.**

**Attorney Fazzone said the property owner gave permission for individual site walks on the property.**

Chairman Kurtz said discussion about the pathway would be made part of the public hearing.

Motion approved unanimously by Commission members present.

A public hearing was set for November 17, 2020.

**X. NEW BUSINESS**

1. Request for Determination RFD 2020-029  
Phillip Bowman/Jason Pinkus  
5 Beechwood Court  
Shed and Fence Installation in Upland Review Area

Jason Pinkus was present. He explained that he was in the process of purchasing the property at 5 Beechwood Court by the end of the year and submitted a letter of determination for a shed partially in the upland review area and a portion of privacy fencing in the upland review area; nothing is going to be physically in the upland review area.

Ms. Simone shared the information that Mr. Pinkus had supplied – it identifies the location of the property – the existing house – the wetland area – the marked non-encroachment line as identified in the plan is shows the location for the shed and the fence.

Ms. Simone said in speaking with Mr. Pinkus a majority of the shed is proposed to be outside of the non-encroachment area and a third of the shed to be within the non-encroachment area and it was discussed in the narrative there's to be no clearing needed for this; the fence is going from the house towards the rear of the property – they propose to install some posts within that upland review area and Mr. Pinkus indicated there's no vegetation that was proposed to be cut and that the panels are actually going to be up much higher off the ground with the purpose to be level with the house and with the topography there will be space underneath the fence – the purpose of the fence is privacy not so much to keep anything out.

Pictures and details of the site were reviewed.

Mr. Pinkus explained he found the post on the site and he put up a string connecting the posts and the area for this fence in the upland review area is no more than 10' in the upland review area; he said they are looking at one to one and half panels of fencing and two to three hand dug fence posts.

Ms. Simone asked about the vegetation they see – its maybe 2' to 2.5' tall – is that something that will remain or are they proposing to excavate that area out.

**Mr. Pinkus said the are not (going to excavate out) and the goal was the follow the grade of the fence carrying off of the house the post extending beneath it.**

**Chairman Kurtz said it doesn't seem to pose any danger to the wetland – its just a matter of letting him change the line.**

**Motion: That the Commission declared the proposed activity was de minimis and did not required a permit.**

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

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|-----------|---|------------|-----------------|
| <b>2.</b> | <b>Permit Application</b>                             | <b>APP</b> | <b>2020-030</b> |
|           | <b>Ball &amp; Socket Arts, Inc. c/o Ilona Somogyi</b> | <b>DOR</b> | <b>11/05/20</b> |
|           | <b>493 West Main Street/Willow Street</b>             |            |                 |
|           | <b>Site Plan</b>                                      | <b>MAD</b> | <b>1/09/21</b>  |

**Ryan McEvoy, PE with Milone and MacBroom and Attorney Anthony Fazzone were present.**

**Attorney Fazzone addressed the Commission with respect to the Ball and Socket property on West Main Street; he explained a number of years ago we received approval to create an adaptive reuse zone there since that time there's been a significant amount of environmental remediation to the property and ongoing fundraising to be able to do the renovations that that they'd like to do and that were approved by Planning and Zoning - that permit the Planning and Zoning permit has also expired and we have filed an application to Planning and Zoning for a new approval your permit expired in June of 2019.**

**Attorney Fazzone said there is a provision under the P&Z that there's a provision for extensions of one year but at the time period that that expired there was no real activity to come before you about and it was just decided that it would be best to get a new approval of the same plan; the plan and I've asked in my cover letter that to the extent we haven't presented some of the old plans for the Commission members to refresh their memories we've asked that the prior application and the record of the prior application be made a part of the record in this application.**

**Attorney Fazzone said Ryan would talk about the wetland activities that were an approved previously.**

Mr. McEvoy addressed the Commission explaining that the application before you is identical to what was approved by this Commission roughly six or seven years ago; and for those of you who weren't part of the Commission at the time - this was an exciting project to renovate and a piece of land - along west main street um it's the old Ball and Socket Factory on Willow Street at West Main Street to the and the canal; much of the site almost all of it is historically disturbed as part of industrial uses and what the applicant seeks to do is to renovate the building for a whole assortment of potential uses all part of their arts program; much of the site work as part of this application is centered are focused on the south side of the building as you go along Willow Street.

Mr. McEvoy reviewed with members the plan sheets showing the south of the building - there are essentially paved access ways storage areas and some old dilapidated buildings in the south part of the site - essentially just laydown areas and we're looking to demolish some of the buildings in that area, rehab some of the buildings and create to the extent as possible add parking in that part of the site and also plaza space and entry statements to the south side of the building.

Mr. McEvoy explained there is very little change in impervious surface as a result of this in the south side - namely in the southwest there are some areas that were historically disturbed - so we are proposing some minor stormwater management improvements in the southwest corner of the site and the additional improvements in that area will include underground stormwater storage water, quality enhancements and point discharge along the canal.

Mr. McEvoy said in the northern part of the site there is some rehabilitation or some new parking as well some of which is within the upland review area - all that area along the canal is on the front side of the building again - is historically disturbed so what we're looking to do is essentially create parking in that area; total upland activities are roughly 0.16 acres in the northern side near West Main Street and 0.27 acres in the southwest side south just south of the building and what we're proposing right now are two stormwater outfalls that will go directly into the canal rather than the sort of unconventional or sheet flow that kind of uncontrolled manner it comes off the site today - so those two outfalls that we referred to as direct weather impact a and b.

**Mr. McEvoy said the sheet plan shows our stormwater outfall in the southwest most corner of the site and its direct wetland impact where we'll install an end wall for the storm drain outfall - right adjacent to the canal and that is a total of 50 square feet of impact to the wetlands and there's an end wall that is just into the wetland area and that's chosen because of the available elevation on the site to discharge the stormwater and then the next direct wetland impact is just to the, north and to the left of what we call existing building number five; there is also a storm water discharge that will end wall right adjacent to the canal itself.**

**Mr. McEvoy said those are the two direct wetland impacts that were approved as part of this and the upland activities associated with parking in the north and south of the parcel - again identical to what was approved before.**

**Mr. McEvoy asked if there were any questions; none were asked at this time.**

**Ms. Simone said the engineering consultant is reviewing this and it's expected that they will get comments back to the Commission next week in time for the next meeting.**

**Chairman Kurtz said that will give time for the applicant to take a look at it too.**

**Ms. Simone replied hopefully yes.**

**Chairman Kurtz said they've gone as far as we can this evening; this item would be taken up at the next meeting.**

## **XI. ADJOURNMENT**

**The regular meeting was adjourned at 8:32 pm by consensus of Commission members present.**

**Respectfully submitted:**

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