

CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING

Tuesday, December 1, 2020 at 7:30 p.m.

Via Video Teleconference

Public access on YouTube at

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

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

I. CALL TO ORDER

Chairman Kurtz called the regular 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, Will McPhee, Thom Norback, and Kerrie Dunne.

Member not present:

Staff member present was Suzanne Simone.

IV. DETERMINATION OF QUORUM

There were enough members present for a quorum.

Chairman Kurtz said before we get to the minutes a couple of housekeeping details - one is that something happened at a meeting last week and somebody got cut off - and if that happens again try to get back on.

Ms. Simone agreed - the strategy is if something happens try to get back into the meeting.

V. APPROVAL OF MINUTES – Public Hearing – November 17, 2020
Regular Meeting – November 17,

Chairman Kurtz called for a motion for the approval of the minutes from the November 17, 2020 public hearing and regular meeting.

Motion: To approve the minutes from the November 17, 2020 public hearing and regular meeting with corrections: Public hearing – pg. 2 L6 “going” to “going to give”, L16 delete “said” after “Mr. Hart”, L21 delete “a”; pg. 4 L27 delete the first “that”; pg. 5 L41 “leech” to “leach” fields, L48 delete “owned by”; pg. 8 L5 add “review area” delete “wetland”, L6 delete “it’s”; change “pfo” to “it is”. Regular Meeting: pg. 2 L27 “there” to “their”; pg. 7 L46 delete “they must:”; pg. 8 L47 add “he thought.”

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

VI. APPROVAL OF 2021 MEETING DATES

Chairman Kurtz called for a motion to approve the 2021 meeting dates.

Motion: To approve the 2021 meeting dates as proposed (the 1st and 3rd Tuesday of each month, unless otherwise noted).

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

VII. COMMUNICATIONS

There were no communications.

VIII. INSPECTION REPORTS

1. Written Inspections – N/A
2. Staff Inspections
 - a. Yalesville Road

Ms. Simone said there was a staff inspection of 720 Yalesville Road which will be addressed under the enforcement action items.

- b. Copper Valley Court

Ms. Simone said we received a complaint regarding Copper Valley Court inquiring whether the silt fence was to be installed and in fact there was silt fence that needed to be installed and the developer is currently working on that project to correctly install it.

- c. Monarch Place

Ms. Simone said she received a complaint regarding Monarch Place having to do with soil that was leaving the site; the developer has worked to correct that and has installed a significant linear footage

of silt fence to protect the area so there's no further immediate concerns with that.

Chairman Kurtz asked if the soil was leaving the site.

Ms. Simone replied yes – after a rain event there was soil that washed down – and eroded into a water course that was carried off site.

d. FIP Project

Ms. Simone reported that the FIP project they continue to supply their inspection reports as required.

IX. 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 said the Commission may remember that at the last meeting the restoration plan was approved for this site; and also, there was an order to immediately install silt fence - that is a project that continues; they are still installing silt fence they have installed a decent amount of silt fence and they continue to install silt fence, so they have worked on repairing that issue and it seems as though making very good progress.

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

Chairman Kurtz said this notice of violation is regarding 152 Talmadge Road - at our last meeting we decided we wanted to hear from the engineer by today.

Ms. Simone said at the last meeting the Commission had granted a 60-day extension for the property owner to hire an engineer to evaluate what was done to the pond as well as the installation of the fence relative to the outflow of that pond as it feeds into a larger water body.

Ms. Simone explained the Commission had indicated that they wanted something in writing from an engineer indicating that they were hired as of today and that they were working on the project; and we have not received that.

Ms. Simone said she did speak with the property owner's son and he indicated that they are in communication with Milone and MacBroom – and that they had gone out to the site today - both an engineer and soil scientist to take a look at the site they but they are not yet hired - they're working on a project scope that they will be supplying to the property owner - so while they did not get anything in writing from an engineer – she did confirm all of this with the engineer at Milone and MacBroom - that it does seem as though they're working in that direction.

Ms. Simone said that Ryan McEvoy from Milone and MacBroom was present on the call.

Mr. McEvoy said - yes we are we have we did meet with him (the property owner) so he could confirm everything Suzanne said was correct; and that he is working towards a contract with the property owner.

Chairman Kurtz said then we do have a positive report.

Ms. Simone replied yes – she believed so and they are moving in that direction.

Commission members agreed it sounded like the property owner was moving in the right direction.

Chairman Kurtz suggested if and when Ryan contacts Suzanne that they've been hired and they're going to go to work maybe he could let you (Suzanne) know, and she could email to the Commission members.

Ms. Simone said okay so by the first meeting in January to expect to have something from the engineer just indicating that they're hired.

Chairman Kurtz said well let's hope that we have it way before as a then.

Commission members were comfortable with the plan.

X. UNFINISHED BUSINESS

- | | | | |
|-----------|--|------------|-----------------|
| 1. | Permit Application | APP | 2020-028 |
| | DeGennaro Development & Construction, LLC | DOR | 10/20/20 |
| | Wiese and Academy Roads | PH | 11/17/20 |
| | Resubdivision (Orchard View) | MAD | 12/22/20 |

Ms. Simone said the draft motion addresses the recommendations made by the Commission at the last meeting which include stipulation number three identifying that lots one through five lot nine and lot twenty all require individual site plan review and approval before any clearing and it also further goes on to indicate that the pathway that was discussed for lots one and two the pathway going down to Honeypot Brook - that is something that can be addressed under the site plan and that there's no specific approval at this point in the resubdivision permit should it be granted to allow for that clearing at this stage.

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, public hearing testimony, and after review of written information provided by the applicant on this application, finds the following:

- 1. That the current application is for the resubdivision of a 37.7-acre lot, into 21 lots and a new road exiting out to Academy Road.**
- 2. That inland wetlands and watercourse were field located by a soil scientist.**
- 3. That the proposed plan does not contain any direct wetland impacts.**
- 4. That the proposed plan contains impacts to the upland area for the installation of stormwater basins.**
- 5. That the Commission determined the application to be significant, under the context of the regulations and conducted a public hearing on November 17, 2020.**
- 6. That the Commission heard testimony on an upland review area impact which locates the primary stormwater basin on a dedicated lot with grading and the outflow structure within the upland review area.**

7. That the Commission discussed the potential for clearing for access to Honeypot Brook on lots 1 and 2, and the concept was deemed reasonable and may be further discussed during the individual site plan applications for these lots.
8. That the proposal will not have a significant adverse effect on adjacent wetlands and watercourses.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2020-028, the permit application of APEX DEVELOPERS, LLC as presented on the plans entitled:

**“Orchard View Subdivision Residential Subdivision
Academy Road & Wiese Road, Cheshire, CT
Dated: October 14, 2020; Revised: November 12, 2020
17 Sheets, Scale Varies
One Sheet, (BA) Basin Alternative Location Dated: November
10, 2020
Prepared by Milone and MacBroom, Inc.”.**

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. Prior to any clearing, earthmoving and/or construction activities on Lots 1, 2, 3, 4, 5, 9 and 20 these lots require individual site plan review and approval from the Cheshire Inland Wetlands and Watercourses Commission. The potential for a cleared path to Honeypot Brook for lots 1 and 2 may be detailed and discussed during the site plan applications for these lots. No permission is granted for clearing in this area under this resubdivision permit.

4. Prior to any clearing, grading, or other activities on the site, associated with this permit, the applicant shall accurately stake and/or flag all clearing limits, and install erosion controls. The applicant shall notify Commission Staff so that Staff may inspect the site to verify these conditions are complete to the satisfaction of the Town.

Staff may also insist on additional erosion controls if field conditions warrant them.

5. 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' 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 construction activities are temporarily hayed and seeded until the site is permanently stabilized.

6. This permit grant shall expire on December 1, 2025.

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

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

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 renovation of a 3.29-acre parcel into an arts center and retail spaces.**
- 2. That the inland wetland and upland impacts include improvements to the existing stormwater management system, which exits into the Farmington Canal.**
- 3. That the project calls for approximately 18,550 square feet (.43 acres) of upland area impacts for the construction of the driveway, sidewalk, utility installation, parking area, sight line and grading. Approximately 100 square feet (.002 acres) of direct wetland impacts are proposed for the installation of the storm drain end walls in two locations.**
- 4. 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 #2020-030, the permit application of BALL AND SOCKET ARTS, INC. as presented on the plans entitled:

**“Ball & Socket Arts-Phase I
493 West Main Street, Cheshire, CT
Regulatory Submission, May 19, 2014, Revised July 14, 2014
6 Sheets-Scale Varies
Prepared by Milone and MacBroom, Inc., 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. Prior to the commencement of activities covered by this permit grant, the applicant shall have the following items both completed by a qualified party and verified as complete by Commission Staff:

a) Prior to any clearing or earthmoving activities, the accurate staking and/or flagging of all clearing limits shall be completed.

b) Per Section 12 of the Cheshire Inland Wetlands and Watercourses Regulations, a bond covering the costs of the erosion and sedimentation controls shall be filed with the Town Planner's Department prior to the commencement of activities. The amount of the bond shall be determined by the Cheshire Planning Department.

c) Prior to the commencement of construction activities, a professional engineer shall certify, in writing to the Commission, that all required erosion and sedimentation controls are in place and functioning as represented by applicant to ensure the prevention of erosion and sedimentation into adjacent wetlands and watercourses. The cost of the professional engineer shall be borne by the applicant. The applicant shall also notify Commission Staff so that Staff may inspect the site to verify that all required controls are in place. Staff may also insist on additional controls if field conditions warrant them.

d) Prior to the commencement of activities covered under this permit grant, the name of a contact individual together with a 24-hour phone number shall be submitted to the Planning Department and designated with responsibility and authority to receive notices of any breaches or deficiencies of sedimentation and erosion controls on-site, and to effectuate repair of any such breaches or deficiencies within 6 (six) hours of such notice from the sediment and erosion control inspector, as identified above, or the Town of Cheshire.

4. An inspection of the condition, integrity, and adequacy of the sedimentation and erosion controls shall be made by a qualified party either weekly or after every significant rainfall of 1/2" or greater, whichever is sooner, until all disturbed areas are stabilized. Said party shall be independent of the contractor. All reports shall be submitted to the contractor and

Commission Staff either within three days of inspection, or prior to the next storm event, whichever is sooner. All breeches or deficiencies shall be forwarded to a contact individual, as defined above, immediately after inspection. The costs of said inspections to be borne by the applicant.

5. Throughout the course of conducting construction activities covered by this permit grant, 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' 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 construction activities are temporarily hayed and seeded until the site is permanently stabilized.

6. This permit grant shall expire on December 1, 2025.

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

XI. NEW BUSINESS

1.	Permit Application	APP	2020-031
	Nosal Properties of South Main Street, LLC	DOR	12/01/20
	944 South Main Street		
	Site Plan – Commercial Building	MAD	2/04/21

Ms. Simone said this application is for 944 South Main Street - the applicant has submitted the application form appendix b - we have not yet received the site plan - they're still working on finalizing the draft of those plans; this is on the agenda tonight for the Commission to acknowledge that tonight is the date of receipt which then will get the mandatory date clock ticking for this application so there's no action for the Commission to take it's just to acknowledge that the application has been received and most likely there will be a

presentation available from the engineer and a staff report available for the next meeting.

It was noted that this is the location of the old dragon buffet place; and there was a permit that commissioned a few years ago for a bank to go into this location.

2. Permit Application	APP	2020-032
Robert J. Oris, Jr.	DOR	12/01/20
Reservoir Road (52/156)		
Site Plan	MAD	2/01/21

Items 1 & 2 were discussed together.

Darin Overton, PE from Milone and MacBroom was present on behalf of the applicant. Mr. Rob Oris on call.

The site plan was viewed on the screen.

Ms. Simone explained she wanted to apprise the Commission of what these applications are considering that the staff information was sent out via email for this meeting – she just wanted to summarize for Commission members that haven't had a chance to review this yet this property.

Ms. Simone explained these two lots were created when the address at 650 Reservoir Road was subdivided in 2014; at that time for the re-subdivision approval it was stipulated that prior to any development on those two lots that a site plan approval was needed for each of those lots; the resubdivision permit also allowed for the two water crossings to be installed on the larger of the two lots which is a 4.1 acre lot - that work has not been completed so those water crossings have not been installed so those water crossings are now part of this new application; so you have two applications before you for individual site plan approvals - one of which has in addition to the house is also a proposal for the two water crossings which are the same water crossings that the Commission had approved back in 2014; it's just that the work has not been yet completed in the field so that's why it necessitated getting a new permit.

Mr. Norback asked if those water crossings would be executed as they were described in the prior (permit).

Ms. Simone said the information that's been submitted is the same information regarding the water crossings from the 2014 permit to the submissions currently.

Darin Overton, PE from Milone and MacBroom was present on the call; he is the applicant's engineer and would be providing testimony and give a description to the Commission in further detail.

Chairman Kurtz said just to make myself clear before Darin takes over - this is a permit that has already expired in 2014.

Ms. Simone said yes - and that permit was for re-subdivision and for the construction of the two water crossings - the re-subdivision is now finalized and each of these lots now stand on their own - they have been taxed separately as individual lots over these years so that's why it's not coming before the Commission right now as a resubdivision because these lots are established but the water crossings are coming back before the Commission because while it was approved in 2014 that work was not completed as of yet so they need to get a brand new permit to do that work because it has now expired.

Dr. Dimmick commented that one of those water crossings was more difficult than the other - it's kind of a steep cut where it was going to cross.

Mr. Norback said we were on a field trip (to the site).

Mr. Overton addressed the Commission saying that Suzanne gave an excellent summary; he asked that the site plan be placed on the screen.

Mr. Overton explained this goes back to 2014 when this was owned by the Welch's; we submitted a subdivision application at that time; after it was approved and subdivided it was sold to the Hansons who we then transferred the permits to; the subdivision map was filed creating the lots and they were sold and then it subsequently sold - sometime around 2018 or somewhere around then to Robert Oris who owns it now.

Mr. Overton said the current owner is interested in developing the lots similar to the way they were approved previously; there are two crossings and as Thom had mentioned this was subject of a field walk previously.

Mr. Overton said what we're proposing here is the same plan that was submitted as part of that 2014 application; and yes the activities were not completed as part of that, so the permit expired he believed on July 1, 2019.

Mr. Overton said the plan shows the overall parcel; the two lots it's in an R-80 zone; the two lots add up to about seven and a half acres and there was the original house out in front that's closer to Reservoir Road with these two lots laid out behind it; so each lot - one is a little over three acres the other one is a little over four acres; the farther lot on the upper right hand part of the page the access there requires two watercourse crossings - the first of which on the bottom of the page is really just an intermittent water course so we had a pipe crossing proposed there because there was really no wetland impact it was a linear impact but then as you see the northern crossing - there were wetlands associated with that that's a little bit larger watercourse it's fed by the pond that exists on the other side of Reservoir Road.

Mr. Overton said they went through an alternative analysis at that time with the Commission; and the Commission had some concerns about the amount of impact and crossing there; and we ended up going to an open bottom arch type of culvert that minimized the impact and that's how it was approved.

Mr. Overton said we're back in today to basically to renew the permit but because they are separate lots to basically renew the permits for the individual lots as it was required in the original permit so that the owner can proceed with doing some land clearing and proceed with potential construction of the homes on the lots.

Mr. Norback said so it not only has not been completed it hasn't been commenced.

Mr. Norback said it's been stated a couple times that the work on those crossings or has not been completed - has it been started during this last six years.

Mr. Overton replied no (it has not been started).

Dr. Dimmick asked if it was the plan to get both these crossings completed and stabilized before you go in and start developing that second lot.

Mr. Overton replied - it's probably the only way to access that lot with construction equipment.

Dr. Dimmick said that's why he was asking - to make sure.

Mr. Overton said he would expect that these would go in before you know substantial work is done; he would think they could do a temporary crossing to do some land clearing there but for construction of the home he would think these would be completed first.

Mr. Overton said that was it (his presentation); and if the Commission had any further questions he'd be happy to try and address them.

Dr. Dimmick asked if there a detail on that second crossing, and a construction sequence.

Dr. Overton confirmed there are details included on the plan sheets that were submitted; and a sequence of construction; on sheet six it shows a detail of the arch culvert - there are construction notes and there's a construction sequence.

Ms. Simone said she'd send all that information out to Commission members after the meeting in preparation for the next meeting.

Chairman Kurtz asked if our engineering department going to be looking at this as well.

Ms. Simone said yes; all of the land-based applications go through the engineering department; so yes the town engineer consultant will be reviewing this as well.

Chairman Kurtz said okay so we'll have all the input from them and from us for the next meeting so then we could talk about it.

Ms. Simone reviewed the time frame to review the plans; she expected they will be able to complete their review in time (for the next meeting); and that she could work in communication with Chairman Kurtz as information comes in; and in time for the next meeting.

Mr. Norback said wanted to look at the site before they start crafting motions.

Chairman Kurtz said he wanted to make sure this is handled the proper way; and to not draft a motion before the next meeting before the information is reviewed.

Dr. Dimmick asked if do we have permission to go from the property owner to go look at that second crossing if we want to refresh our memories.

Ms. Simone explained as part of signing off on the application - when an applicant signs off on appendix b that they are authorizing that there would be inspection of the property; the property owner is on the call tonight so perhaps Mr. Oris can answer that directly - if the Commission members have permission to go out to the property and take a look.

Mr. Oris addressed the Commission – he stated of course you have permission to enter onto the property.

There were no other questions or comments; Commission members could go out to the site individually; and talk more at the next meeting.

3.	Permit Application	APP	2020-033
	Robert J. Oris, Jr.	DOR	12/01/20
	Reservoir Road (52/157)		
	Site Plan	MAD	2/01/20

This item was covered under item #1.

XII. ADJOURNMENT

The regular meeting was adjourned at 7:55 pm by consensus of Commission members present.

Respectfully submitted:

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