

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

**Tuesday, January 5, 2021 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)  
and available on Channel 14 and on demand at [www.cheshirect.org](http://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, and Kerrie Dunne.**

**Members not present were Will McPhee and Thom Norback.**

**Staff member present was Suzanne Simone.**

**IV. DETERMINATION OF QUORUM**

**There were enough members present for a quorum.**

**V. APPROVAL OF MINUTES – Regular Meeting – December 1, 2020**

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

**Motion: To approve the minutes from the December 1, 2020 regular meeting with a corrections: pg. 3 L16 delete “they”; pg. 4 L23 delete “we have”; pg. 11 L9 “commissioned” to “the Commission granted”; pg. 15 L12 delete “to go”.**

**Moved by Ms. Dunne. Seconded by Dave Brzozowski. Motion approved unanimously by Commission members present.**

**VI. ELECTION OF OFFICERS**

The Commission agreed to defer the election of officers to the next meeting when there can be a full complement of commission members present.

Mr. Rob Oris addressed the Commission; he mentioned that they are looking at bring a name of a potential seventh member before the council.

**VII. COMMUNICATIONS**

Ms. Simone reported there were no communications.

**VIII. INSPECTION REPORTS**

1. Written Inspections – none
2. Staff Inspections
  - a. There was a staff inspection of Whole Foods - their project is complete, and the conservation easement area has been permanently marked which was required during the approval.
  - b. Complaint on Jinny Hill Road – which was determined not be a wetlands complaint.

**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 reported that the Commission issued a corrective order for this address and there is a new application that is submitted and is on the agenda tonight under new business; so, this item under enforcement action is really just a placeholder so that the Commission has it in the forefront of their agenda that there is a corrective order which does have specific time frames for planting which will take place next spring.

Chairman Kurtz asked if everything has been planned and you've approved of what the people intend to do.

**Ms. Simone explained the silt fence has been installed and the site is more stable than it had been previously so yes it's moving in that direction so we can go forward with their application.**

- 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**

**Mr. Ryan McEvoy, PE (formerly of Milone and MacBroom, Inc.) of SLR Consulting was present on behalf of the applicant.**

**Mr. McEvoy said he was here on behalf of the property owner at 152 Talmadge Road and at their request and in discussions with Suzanne and for an initial step he did evaluate the placement of the construction debris in a couple of piles of brick and concrete adjacent to the pond on the property; and some concrete and stones placed along the banks of the pond; additionally, the fence was installed along the edge of the pond and nearest to Talmadge Road.**

**Mr. McEvoy said so those are the three items of activity that have gone on and are the source of the current actions by the Commission - it's his opinion reviewing the activities that have occurred don't interrupt or obstruct the normal flow of water through the pond - in particular the fence though it's obviously installed without a permit and the fence post that was put into the channel that pond outlets to the catch basin in Talmadge Road does not represent an obstruction of flow; the pond discharges into a relatively small diameter pipe into the street which represents really the restriction flow from the pond and not the channel itself.**

**Mr. McEvoy said in short he would say that the activities that have occurred do not at least for the moment restrict or obstruct the ability for the pond to function.**

**Mr. McEvoy said if the Commission were willing to entertain an application the applicant is willing to submit an application for activities that have occurred; what they ultimately want to do along the edge of the pond is what's going on and has already been done without a permit; they would respect the decision of the Commission if it were preferred that it be taken out, but it doesn't appear based on what they've done that there's any imminent drainage issues.**

**Chairman Kurtz said that's good news - no harm no foul; has he (the property owner) indicated a willingness to have you work out a plan for him so he can do the next step.**

**Mr. McEvoy explained that is part of the agreement that we have is to provide that the Commission with something so they could entertain then we would put together a plan and evaluate the wetlands, the impact and etc.**

**Dr. Dimmick commented to the Chairman that he thought we had a situation where he would like to see the proposal but he wondered if we could see it preliminarily before it's filed formally; so we could make some kind of decision whether we would want to entertain it as a solution or whether we want some kind of mitigation action before we entertain the application; because once it's filed formally we are fixed with time deadlines and everything else to act on it but if we could look at it - an informal proposal - it might give us a chance to give the applicant some guidance as to whether something like that might be acceptable and to modify it before making a formal application (we have done this in the past but it's been a long time since we've acted in that fashion).**

**Chairman Kurtz said he wouldn't have any problem with that – but what he keeps going back to is the significance of the engineer's involvement and that would be good for him as well as us and the applicant if they did it – he just wants the applicant to understand why we're doing things that way - it's basically to help him - and all we want him to do is follow the rules.**

**Ms. Simone asked if the applicant on the call.**

**Mr. McEvoy replied he didn't see them on the call. But if that's the desire (of the Commission) we at least could put together a preliminary site plan that outlines their intentions at least on paper – and we can certainly go down that path and then provide that to you and have an informal discussion.**

**Dr. Dimmick commented that he thought that would be better for both the applicant and the Commission; and not to make a commitment until we see some idea of where the applicant wants to go, rather than waiting for a formal application.**

**Ms. Simone explained that because we are under the enforcement action section of the agenda it may be advisable to have a motion to**

that effect asking the property owner to come up with this plan for the Commission to evaluate before moving forward so then that way it's documented and clear so that it's not just an open-ended type of request.

**Motion: That the Commission has requested that the property owner to come up with a plan for the Commission to evaluate before moving forward so it's documented and clear - there is no open-ended type of request in place.**

Chairman Kurtz asked if we were removing the cease and desist part of the order.

Ms. Simone replied that would remain in place until the Commission was satisfied either with issuing a permit or a corrective order; so, this that will remain in effect until this matter is wrapped up.

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

**X. UNFINISHED BUSINESS**

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

Darin Overton, PE (formerly of Milone and MacBroom, Inc.) of SLR Consulting was present and reported to the Commission.

Wetlands were flagged on the property.

Mr. Overton addressed the Commission and explained this property is located at 944 South Main Street - it's the former location of the China Buffet Restaurant; that prior structure has been demolished and the existing infrastructure still remains; the lot itself is 2,500 square feet – so just over a half an acre; located in a C3 zone - north of the Rite Aid and existing commercial retail plaza; Eversource a power substation south of this property; on the east side is the Mill River and west is Route 10.

Ms. Simone said did we have another application for this site that was for Chase Bank back in 2018; the project did not move forward; but the restaurant was demolished which was allowed under that

permit they just did not go to the second phase of the permit which was to construct.

Chairman Kurtz said comments were received but that he didn't see any damaging comments from the town.

Ms. Dunne asked about the report submitted by Mr. Sanford.

Mr. Overton explained there are wetlands that were flagged on the eastern side of the property that are associated with the Mill River; they're essentially determined by the top of bank of the Mill River so they're basically it's a coincident line between what would be state and federally regulated; there was prior mapping that was done as part of the Chase Bank application and our delineation basically confirmed the delineation that was shown previously on that so the wetland boundaries are pretty well defined as the top of bank along the river.

Dr. Dimmick asked about a storm drain that comes in there and thought there was some drainage from Route 10 - and wasn't sure if some of that drainage coming all the way from the swamp on the other side.

Mr. Overton said that he was not sure about – they didn't go that far with looking at the watershed – there's a 36" pipe that comes off of that part of the state drainage discharge associated with Route 10.

Dr. Dimmick talked about drainage coming off the swamp and going under the shopping center and then heading in that general direction – he said he wouldn't be surprised that that's going to be combined the Route 10 drainage.

Mr. Overton said the new development basically works within the previous developed area - we aren't going any further out towards the river with the edge of pavement as part of the drive-through going around the back of the building; we do utilize a little bit of upland area for the dumpster pads and back and then our drainage discharge is proposed right next to the state discharge which is basically identical to the way it was handled as part of the Chase Bank application.

Mr. Overton explained that they did show some direct impact the state drainage system has a small riprap plunge pool that has some sediment in it; we're proposing to basically remove the riprap clean

out the sediment and then reform that plunge pool and replace the riprap which will cover both the state discharge and our discharge point.

Ms. Dunne said just going back to the report about the wetlands – she asked about the detail about only federal wetlands were delineated on the property – asking if Mr. Overton could address that.

Mr. Overton explained Suzanne did bring that to our attention today and he did talk with Matt Sanford, our soil scientist, and the wording was meant to say that the state and federal line are coincident but the language that was used was not written very well - Matt has clarified that and he issued a revised report with a clarification a modification of that last sentence to clarify.

Dr. Dimmick commented that it's a state regulated water course the wetland soils are not easily classified (in this area).

Mr. Overton stated its mostly alluvial soils.

Mr. Overton said he would like to bring up is this is in the public water supply watershed for Regional Water Authority so we did notify the Regional Water Authority as well as DPH as part of the notification of Regional Water Authority we did get some review comments and we have drafted some responses and he did talk to Ron Walters at Regional Water Authority and they are looking to implement some green infrastructure - even though this plan the storm water management was designed with catch basins with sumps and a hydrodynamic separator very similar to what was proposed and approved for Chase Bank - they would like to see some green infrastructure and while there isn't much room on this property we did identify an area in the southwest corner where there's some disturbed upland area now and we're going to look the sheet flow some surface runoff through a small rain garden in that southeast corner; the rendering on the screen shows some landscaping back there - down in the southeast corner the lower right hand corner of the page - between the wetland line and the proposed edge of pavement there there's upland green space - we're going to put a shallow rain garden in there - we're going to open up the curb have a slotted curb and allow the pavement to sheet flow into there and then just have a riprap overflow into the river so that way we're going to have some filtering and some opportunity for infiltration from about half of the paved surface on the site.

**Dr. Dimmick asked if there's no underground fuel tanks in this project are there.**

**Mr. Overton stated no - the building will be served by natural gas; there won't even be a buried grease trap - it's going to utilizing an internal grease trap.**

**Dr. Dimmick said his questions were answered and if everyone else is agreeable we pass it on to staff to draft a favorable motion for approval for the next meeting.**

**All members were in agreement.**

**The Commission deferred this to staff for her to draft a motion for the next meeting.**

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

**Items 2 and 3 would be discussed together.**

**Mr. Oris was present.**

**Darin Overton, PE (formerly of Milone and MacBroom, Inc.) of SLR Consulting was present on behalf of the applicant.**

**Mr. Overton said what they have submitted is basically we're looking for a reinstatement of the prior permit the plans that we have submitted are the same as what were approved before as part of the subdivision of the property; it's been broken up into two permits because the subdivision map has been filed so they are two separate lots but the site development plan as proposed is identical to what was approved previously.**

**Chairman Kurtz said as far as he knew the town wanted to look at it and we wanted the town to look at it because we wanted to see if there's any changes over the last few years that might have required some sort of change to the application and the engineer found nothing; there was some indication that some of us may have wanted to go out on the lot – he didn't but asked if anyone did and if so did they want to make a anybody a comment.**

**Ms. Simone noted that the reply date on the letter to the town engineer (comments) was January 5, 2021 - Mr. Overton did respond to these comments today - in summary the first comment is that it's recommended that a traffic rail be included on the bridge and adjacent retaining wall and just to clarify the January 5th comments are from Darin; the letter that was from the town engineer was dated December 15, 2020.**

**Mr. Overton was one comment was noted about a rail along the culvert crossing so he went back and looked at the details on our plans and we do show a 4 foot chain-link fence on top of the head wall and end wall on either end of that cross culvert the lot and on the upper in the upper right hand corner of the plan so we believe that meets the building code requirements for fall safety and then there's a 4' shoulder and also the head wall and end wall will be elevated a little bit above grade and will basically act like a curb off of the driveway so we believe what we show there is consistent with the building code and meets the safety requirements for fall restraint with the fence on top there.**

**Mr. Overton said there was also a comment regarding an existing curved catch basin out on a Reservoir Road and the southern driveway - the driveways are separate - there's swale between them but they basically mimic each other so it's two separate driveways but they're right next to each other - the southern one actually comes right into the back of that basins as proposed so it would have to be converted to a curbless top - they've explained to us as a preference to leave it as a curb top so we've suggested that the subtle driveway could be moved about 10 feet to the south in order to maintain that curbed basin in between the two driveways.**

**Mr. Overton said those were the two comments that we received, and we have provided written responses for those comments.**

**Dr. Dimmick said in the draft motion – erosion control measure would be included but he particularly concerned with that larger crossing in terms of the security of these banks while they're doing their work – he was sure it could be handled but just want to make sure that somebody's on top of it in case anything goes wrong.**

**Ms. Simone said okay and that they would include the standard language for the inspections once a week or after every storm event.**

**Chairman Kurtz said unless there was anything else, staff could draft a motion for the next meeting.**

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

**Discussed under item 2.**

**XI. NEW BUSINESS**

- |           |                            |            |                 |
|-----------|----------------------------|------------|-----------------|
| <b>1.</b> | <b>Permit Application</b>  | <b>APP</b> | <b>2021-001</b> |
|           | <b>Heber Alvarenga</b>     | <b>DOR</b> | <b>1/05/20</b>  |
|           | <b>720 Yalesville Road</b> |            |                 |
|           | <b>Site Plan</b>           | <b>MAD</b> | <b>3/11/21</b>  |

**Heber Alvarenga was present. He said the septic system was approved by Chesprocott.**

**Dr. Dimmick said they still have concerns about the placement of the septic system.**

**Ms. Simone explained she did get communication from his engineer today, Steve Judas and he indicated that he has a conflict so he's not able to attend tonight and give a presentation.**

**Dr. Dimmick said he had questions about the proposed septic systems that really should be answered by the engineer; there are still have some wetlands concerns with it particularly since it's a design system which it has to be because of the restrictive nature of the soils where that septic system is proposed and where a proposed reserve system you have to have a reserve system which is on the map and where you go if the first one doesn't work - the proposed reserve system is placed even closer to the wetlands and since there are restrictive conditions where the regular system is going which was approved by Chesprocott - if you ever have to use the reserve system you're going into soils which are even worse than the ones where it's proposed that's - that's why he wanted to be able to ask the engineer about that set of conditions; Chesprocott only worries about whether the system is going to function - we worry about if it doesn't function what happens to the adjacent wetlands - that's why he has some concerns.**

Heber Alvarenga said he'd wait until the next meeting (on January 19, 2021) for more discussion (when the engineer could be present).

2. Request for Determination RFD 2021-002  
Shawn Stanziale  
500 Academy Road  
Agricultural as of Right Request: Greenhouse

Mr. Stanziale said he's requesting a reapproval of a project he was looking to start and had approval from July of 2019 – the project just didn't get started and he's now requesting a reapproval.

Ms. Simone confirmed the approvals expired for the request for determination and those requests are only valid for one year.

Motion: That the Commission moved to determine that the proposed activities do not need a permit under their regulations for agricultural use.

Chairman Kurtz said his understanding is that meets the qualifications for exemption – he didn't see anything in there that would violate those standards.

Dr. Dimmick said there's no filling of wetlands which is the problem we had with a proposal some four years ago so this one is agricultural use of regulated lands and normally those would be permitted.

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

3. Request for Determination RFD 2021-003  
Ball & Socket Arts, Inc.  
493 West Main Street  
Modification of a Permit

On tonight's agenda for acknowledgement of being received tonight, January 5, 2021.

4. Permit Application APP 2021-003  
Ball & Socket Arts, Inc. DOR 12/30/20  
493 West Main Street/Willow Street  
Modification of a Permit

**On tonight's agenda for acknowledgement of being received tonight,  
January 5, 2021.**

- 5. Request for Determination RFD 2021-004  
PABCO, Inc.  
Marion Road  
Resubdivision**

**On tonight's agenda for acknowledgement of being received tonight,  
January 5, 2021.**

- 6. Permit Application APP 2021-004  
PABCO, Inc. DOR 12/30/20  
Marion Road  
Resubdivision**

**On tonight's agenda for acknowledgement of being received tonight,  
January 5, 2021.**

- 7. Development on the North End Project**

**This item was not on tonight's agenda but has been added for  
acknowledgement of being received tonight, January 5, 2021; and  
will be in the agenda under new business at the January 19, 2021  
meeting.**

**XII. ADJOURNMENT**

**The meeting was adjourned at 8:06 pm by consensus of Commission  
members present.**

**Respectfully submitted:**

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

