

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
REGULAR MEETING  
TUESDAY, OCTOBER 21, 2014  
TOWN HALL 84 SOUTH MAIN STREET  
COUNCIL CHAMBERS AT 7:30 P.M.  
Immediately Following the Public Hearing**

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**Members present: Robert de Jongh, Dave Brzozowski, Charles Dimmick, Kerrie Dunne, and Earl Kurtz.**

**Members Absent: Will McPhee and Thom Norback.**

**Staff: Suzanne Simone.**

**I. CALL TO ORDER**

**Chairman de Jongh called the regular meeting to order at 8:19 p.m.**

**II. PLEDGE OF ALLEGIANCE**

**The pledge of allegiance was recited at the public hearing.**

**III. ROLL CALL**

**The roll was called at the public hearing. Members in attendance at the public hearing were still in attendance for the regular meeting.**

**Members present: Robert de Jongh, Dave Brzozowski, Charles Dimmick, Kerrie Dunne, and Earl Kurtz.**

**IV. DETERMINATION OF QUORUM**

**Chairman de Jongh determined a quorum at the public hearing.**

**V. APPROVAL OF MINUTES**

**Public Hearing – September 2, 2014  
Regular Meeting – September 2, 2104  
Regular Meeting – September 16, 2014  
Public Hearing – October 7, 2014  
Regular Meeting – October 7, 2014**

**The approval of the minutes was deferred to the end of the meeting by consensus of Commission members present.**

At 8:27 pm:

**Motion: To approve the minutes of the public hearing and regular meeting of September 2, 2014 with corrections.**

**September 2, 2014 Public Hearing: pg.2 L30 “to” to “do”, L36 “renascent” to “remiss”; Pg. 4 L42 “are” to “area”; pg. 5 L11 “save” to “safe”, L29 “pair” to “spare”; pg. 6 L37 “was” to “did”; pg. 8 L32 “part” to “parked”; pg. 9 L37 “backing” to “baking”; pg. 10 L6 “was” to the”; pg. 10 L18 “say” to “se”.**

**September 2, 2014 Regular Meeting: Pg. 6 L43 “chronical” to “chronological”; pg. 11 L7 after “that’s” add “on”; pg. 14 L9 “instructed” to “installed”, L33 “either” to “neither”; pg. 15 L22 “70” to “seven feet”, L35 “waive” to “waived”; pg. 17 L29 “of a snap shoot” to “is a snapshot”; pg. 18 L21 “no” to “now”; pg. 21 L46 “go” to “got”; pg. 24 L13 “expect” to “except”; L39 “none” to “non”; pg. 25 L10 “feudal” to “futile”, L11 after “we” add “are”; pg. 26 L33 “try” to “dry”.**

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

**Motion: To approve the minutes of the regular meeting of September 16, 2014 with no corrections.**

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

**Motion: To approve the minutes of the public hearing and regular meeting of October 10, 2014 with corrections.**

**October 10, 2014 Public Hearing Pg. 2 L41 delete “that you apparently”.**

**October 10, 2014 Regular Meeting Pg. 2 L35 “access” to “assess”; pg. 3 L48 “sight” to “site”, “1420” to “1430”; pg. 8 L11 after “seen” add “the”, L14 “will” to “with”; pg. 12 L10 “interruption” to “interpretation”; pg. 12 L18 “interrupt” to “interpret”, L46 “fine” to “find”; pg. 15 L41-42 after “devoid of” then change “fishers or weakness plains” to “fissures or weakness planes”, L45-46 “this” to “to”, add “instead of rebuilding the channel” delete “at this instance the town going in”, “fit” to “fix”; pg. 16 L35 “saver” to “safer”; pg. 18 L34 “down” to “done”, L31 “as” to “and”, L32 “years” to “yards”, Pg. 19 L40 “the visible” to “divisible”; pg. 21 L14 “proper” to “property”; pg. 22 L24 “expect” to “except”.**

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

**VI. COMMUNICATIONS**

1. **Staff Communication Re: Application #2014-027, 64 Rita Avenue**

This communication was reviewed.

2. **Staff Communication with Attachments Re: Application #2014-028  
1430 Highland Avenue**

This communication was reviewed. This item was subject of a public hearing tonight.

3. **Notification from Chesprocott: 80 Suffield Court – Septic System Failure**

This communication was reviewed.

Ms. Simone reported that this property has failed septic system and they are in need of an emergency repair.

Ms. Simone explained she has been in contact with the homeowner and their engineer – they are in the process of replacing that system currently and they're also in the process of putting an application together to have it submitted for the next meeting.

Dr. Dimmick said he believed part of the problem is some of the regarding will be into the upland review area.

Ms. Simone stated correct.

4. **Chairman de Jongh Announcement Re: Dr. Charles Dimmick Years of Service.**

Chairman de Jongh stated at last Tuesday's meeting at town council Dr. Dimmick was recognized for 40 years of service. He said several of us were there – he said he appreciated Ms. Dunne and Ms. Simone, myself and Charles were there and it was very nice to have the town council read a proclamation in honor of Dr. Dimmick.

Chairman de Jongh stated Dr. Dimmick is certainly well deserving of the 40 years of recognition.

**VII. INSPECTION REPORTS**

1. Written Inspections

Ms. Simone stated there were no written inspections.

2. Staff Inspections

a. Sindall Road

Ms. Simone stated there was a staff inspection of erosion controls on Sindall Road for a house.

b. Cornerstone Church

Ms. Simone stated Cornerstone Church on Waterbury Road is in the process of the certificate of occupancy inspection.

VIII. ENFORCEMENT ACTIONS

1. Notice of Violation SC 1/07/14  
Mr. Nathaniel Florian  
Woodruff Associates  
Unauthorized Activities in the Upland Review Area/Inland Wetlands  
108 Blacks Road  
Assessor's Map 19, Lots 43 & 44

Chairman de Jongh stated this item is still on the agenda for future monitoring.

Ms. Simone said yes they received their approval at the last meeting and one of the stipulations was that the notice of violation and cease and desist order would repair in place until they resolved some of the issues on the site.

Ms. Simone stated covered under that permit and their engineer would contact this Commission identifying that the work was done.

Chairman de Jongh asked what the time limit was on having the work done.

Ms. Simone stated they have until June 1, 2015.

2. Notice of Violation SC 05/06/14  
Ms. Suzy Lynn Antunes Ribeiro SC 06/03/14  
SC 06/17/14  
Unauthorized Activities in the Upland Review Area/Inland Wetlands

64 Rita Avenue  
Assessor's Map 14, Lot 43

Chairman de Jongh stated this is also part of unfinished business and continues to be monitored.

3. Notice of Violation SC 08/05/14  
Terrence and Deanna McIntosh SC 09/02/14  
Unauthorized Activities in the Upland Review Area/Inland Wetlands  
20 Smith Place  
Assessor's Map 30, Lot 146

Ms. Simone stated Mr. McIntosh was issued a corrective order from this Commission and that prescribed that November 1, 2014 that the work would need to be conducted.

Ms. Simone explained she did hear from someone that was potentially going to do the work – the removal of the stock piled material on their property and she did not believe they ended up hiring those people or that business so she would be in touch with Mr. McIntosh very soon and find out for the Commission if he will comply with the November 1 date or what his plans are long term.

#### IX. UNFINISHED BUSINESS

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|-----------------------|-----|----------|
| 1. Permit Application | APP | 2014-027 |
| Suzy Ribeiro          | DOR | 8/05/14  |
| 64 Rita Avenue        |     |          |
| Fill Removal          | MAD | 12/13/14 |

Chairman de Jongh said we are still waiting for information from the applicant.

Ms. Simone said yes at the last meeting the applicant was supplied with the site plan that Dr. Dimmick had created as a result of his field investigation with Thom Norback.

Ms. Simone said the applicants had asked for time to review it and that they would then submit something to the Commission which specifies how much material they plan on removing and how they plan on removing it and what their time frame is.

Ms. Simone stated she has not heard from them but she would be in communication with them.

Ms. Simone stated they (the applicants) do have a mandatory action date of December 13 and that is the absolute last date that the Commission can act and actually it will be before that date because it will be the first meeting in December that the Commission will have to act.

Ms. Simone stated she will send an email to Ms. Ribeiro outlining all of this and look for their action on it.

Dr. Dimmick said may be ask staff in her opinion what action we should follow if they fail to follow through on this.

Ms. Simone said she believed that a corrective order would be the next logical step and there's still a notice of violation and cease and desist on this property.

Ms. Simone explained the Commission has really not been able to really review an application because material has not been submitted – the Commission could deny that and then order a corrective order.

Dr. Dimmick said and then the corrective order could order all the material to be removed.

Ms. Simone stated correct – it would then be to the discretion of the Commission of how much material is to be removed and then that would likely involved the town attorney.

Ms. Simone stated Ms. Ribeiro was had aware that going before the Commission and working with the Commission to come up with a plan of how much they'd like to remove and working with the Commission was the easier route to go and less expensive in the long run.

Chairman de Jongh said he would recommend that we repeat the communication of a similar nature to them and let them know that the clock is ticking in the background as are the patience of this Commission and we've already evidenced the fact that we are willing to work with them, had Dr. Dimmick and Thom Norback go out and assist them and try to take a look at the property and decide where the issues might be but he would let them know that if they go past and do nothing by December 13 its out of our hands and if could be significantly more costly to them.

2.	Permit Application	APP	2014-028
	Fifteen North Plains Industrial Road, LLC	DOR	9/02/14
	1430 Highland Avenue	SW	9/06/14

Site Plan	SW	9/10/14
	PH	10/07/14
	PH	10/21/14
	MAD	11/25/14

Chairman de Jongh stated this item was subject of a public hearing this evening which was continued to our next meeting.

3. Permit Modification Town of Cheshire Public Works 103 Farview Drive Stream Channel Stabilization	APP	2014-011A
	DOR	10/07/14
	MAD	12/11/14

**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 the current application is for the modification to the stream stabilization permit #2014-011 issued on April 15, 2014.
2. That the two private property owners abutting the brook have signed the applications.
3. That at the August 5, 2014 regular meeting the Commission discussed the August 1, 2014 Public Works notification regarding the site conditions revealed during excavation; the presence of amphibolite prohibited the ability to install the permitted gabion baskets on both the east and west banks of the stream. The plans were modified to pipe the brook in the area of the amphibolite vein.
4. That the activities will 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 #2014-011A, the permit application of Town of Cheshire Department of Public Works for site plan approval as presented and shown on the plans entitled:

**“Site Plan  
Proposed Stream Bank Stabilization  
103 Farview Drive, Assessor’s Map 24, Parcel 28,  
Cheshire, CT  
Prepared for The Town of Cheshire  
Prepared by the Town of Cheshire, Public Works  
Dated January 20, 2014, Revised September 28, 2014  
Sheet 1: Scale 1”=10; Sheet 2: Scale As Noted.”**

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. This permit (#2014-011A) shall modify permit #2014-011 and all stipulations granted in the #2014-011 permit apply to permit #2014-011A.

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

**X. NEW BUSINESS**

There were no new business items.

At 8:27 pm the Commission returned to the approval of the minutes.

**XI. ADJOURNMENT**

The meeting was adjourned at 8:29 p.m. by the consensus of Commission members present.



**Respectfully submitted:**

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