

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, AUGUST 4, 2015
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:59 P.M.
Immediately following the public hearing**

Members present: Robert de Jongh, Dave Brzozowski, Charles Dimmick, Earl Kurtz and Will McPhee.

Members Absent: Kerrie Dunne and Thom Norback.

Staff: Suzanne Simone.

Mr. Kurtz served as secretary pro-tem in Ms. Dunne's absence.

I. CALL TO ORDER

Chairman de Jongh called the regular meeting to order at 7:59 pm.

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 at the public hearing were still in attendance at the regular meeting.

Members present were Robert de Jongh, Dave Brzozowski, Charles Dimmick, Earl Kurtz and Will McPhee.

IV. DETERMINATION OF QUORUM

Chairman de Jongh determined at the public hearing that there were enough members present for a quorum

V. APPROVAL OF MINUTES Regular Meeting of July 21, 2015

Motion: To accept the minutes from the July 21, 2015 regular meeting with corrections; Pg. 7 L27 "had c" to "had a"; pg. 13 L20 "does" to "does not"

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

VI. COMMUNICATIONS

Ms. Simone reviewed the following communications:

- 1. Engineering Comments RE: CK McCausland Court, LLC
335 McCausland Court, Application 2015-025**

This communication was reviewed. There is an application under unfinished business tonight.

- 2. Permit Transfer To: Napolitano Cook Hill, LLC
Cook Hill Road Subdivision, 2014-021**

This communication was reviewed. There is an application under new business tonight.

- 3. Permit Transfer To: Apex Developers Cedar Crest, LLC
Jarvis Street Resubdivision, 2015-001**

This communication was reviewed. There is an application under new business tonight.

- 4. Staff Communication with Attachments Re: Request for
Determination
CK McCausland Court Cheshire, LLC – Greenhouse**

This communication was reviewed. There is an application under new business tonight.

- 5. Permit Transfer To: Bryan Zerhusen & Lama Alloush Zerhusen
10 Prinz Court, House, 2015-013**

This communication was reviewed. There is an application under new business tonight.

- 6. Communication from City of Meriden Re: Coleman Farms
Subdivision**

This communication was reviewed.

- 7. MMI Response to Engineering Comments of 5/29/15
Re: Coleman Farm Subdivision**

This communication was reviewed.

VII. INSPECTION REPORTS

1. Written Inspections

Ms. Simone stated there were no written inspections.

2. Staff Inspections

a. Linear Trail

Ms. Simone stated a staff inspection was conducted of the Linear Trail for the West Main to Jarvis Street section. She said they received a phone call from the onsite inspector – the permit required for the removal of a certain amount of material to be taken away from the existing rail bed and when they did remove the amount of fill that was required by the state and approved by this Commission they found wetland soils underneath and they had decided to stop digging at that point and they are looking to get confirmation from the state DOT that they are able to just put material back on top to help stabilize it so they don't disturb that area.

Ms. Simone stated the erosion controls are functioning on that length of the trail as well.

b. Jarvis Street Subdivision

Ms. Simone said though a Commission member she heard a concern about a potential for erosion control failure at the subdivision that was approved recently by this Commission on Jarvis Street – she did go out to the property today and did a silt fence and erosion control inspection and found that everything was installed properly in the locations according to plan and everything was back filled and in some areas they had double silt fence in addition to hay bales so the site was secure.

VIII. ENFORCEMENT ACTIONS

- 1. Notice of Violation** **SC 1/07/14**
Mr. Nathaniel Florian **Permit #2013-015 compliance date:**
12/31/15
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 continues to be on the agenda for monitoring purposes.

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|----|---------------------|-------------|
| 2. | Notice of Violation | SC 05/19/15 |
| | Mr. Charles Kurtz | SC 06/02/15 |
| | | SC 06/16/15 |
| | | SC 07/07/15 |

Unauthorized Activities in an Inland Wetland and Upland Review
Area
East Johnson Avenue
Assessor's Map 12, Lot 2

Ms. Simone stated this item is on the agenda until they submit the application.

IX. UNFINISHED BUSINESS

- | | | | |
|----|--------------------|-----|----------|
| 1. | Permit Application | APP | 2015-021 |
| | Apex Developers | DOR | 07/07/15 |
| | Coleman Road | SW | 07/14/15 |
| | Subdivision | PH | 08/04/15 |
| | | MAD | 09/08/15 |

Chairman de Jongh stated this item was subject of a public hearing tonight which was continued to September 1, 2015.

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|----|-----------------------------------|-----|----------|
| 2. | Permit Application | APP | 2015-025 |
| | CK McCausland Court Cheshire, LLC | DOR | 07/21/15 |
| | 335 McCausland Court | | |
| | Agricultural Use – Drainage | MAD | 09/24/15 |

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 applicant is seeking a permit to improve and relocate drainage on McCausland Court by relocating a pipe discharge.
2. That the proposed activity will impact 1,000 square feet in the upland review area.

- 3. That the activities will likely 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 #2015-025, the permit application of CK MCCAUSLAND COURT CHESHIRE, LLC for site plan approval as presented and shown on the plans entitled:

**“Map Showing Relocation of Drainage Pipe
CK McCausland Court Cheshire LLC
#335 Mc Causland Court
Dated: June 25, 2015
Scale: 1”=60’
Prepared By: Kratzert and Jones Associates, Inc.,
Milldale, CT.”**

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. Prior to any clearing, earthmoving and/or construction activities, the applicant shall accurately stake and flag clearing limits and properly install erosion controls.**
- 4. Throughout the course of conducting construction 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' 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.

- 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.

5. This permit grant shall expire on August 4, 2020.

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

X. NEW BUSINESS

1.	Permit Transfer	APP	2014-021A
	To Napolitano Cook Hill, LLC	DOR	08/04/15
	Cook Hill Road	MAD	10/08/15

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 request for permit transfer finds the following:

1. That a previous CIWWC permit, CIWWC Permit #2014-021, was granted, with stipulations, to A.M. Napolitano, LLC for subdivision on July 15, 2014.
2. That the inland wetland regulations allow permit holders to request to the Commission a transfer of permit ownership to another party.
3. That the current property owner, A.M. Napolitano, LLC, has submitted in writing a request to transfer the permit to Napolitano Cook Hill, LLC.

Therefore, the Commission grants the permit transfer request of A.M. Napolitano, LLC to transfer CIWWC Permit #2014-021 to Napolitano Cook Hill, LLC, said transfer permit to hereafter be referred to as CIWWC Permit #2014-021A, with the following stipulations:

1. Any changes or modifications to the plans as presented will require subsequent Cheshire Inland Wetlands and Watercourses Commission review and approval.
2. That all conditions and stipulations of CIWWC Permit #2014-021 granted, with stipulations are incorporated by reference as though fully set forth herein to the extent they are not in conflict with the present permit transfer grant.

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

2.	Permit Transfer	APP	2015-001B
	To Apex Developers Cedar Crest, LLC	DOR	08/04/15
	Jarvis Street	MAD	10/08/15

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 request for permit transfer finds the following:

1. That a previous CIWWC permit, CIWWC Permit #2015-001, was granted, with stipulations, to Apex Developers, LLC for subdivision on April 21, 2015.
2. That the inland wetland regulations allow permit holders to request to the Commission a transfer of permit ownership to another party.
3. That the current property owner, Apex Developers, LLC, has submitted in writing a request to transfer the permit to Apex Developers Cedar Crest, LLC.

Therefore, the Commission grants the permit transfer request of Apex Developers, LLC to transfer CIWWC Permit #2015-001 to Apex Developers Cedar Crest, LLC, said transfer permit to hereafter be referred to as CIWWC Permit #2015-001B, with the following stipulations:

1. Any changes or modifications to the plans as presented will require subsequent Cheshire Inland Wetlands and Watercourses Commission review and approval.
2. That all conditions and stipulations of CIWWC Permit #2015-001 granted, with stipulations are incorporated by reference as though fully set forth herein to the extent they are not in conflict with the present permit transfer grant.

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

3. Request for Determination RFD 2015-026
CK McCausland Court, LLC
335 McCausland Court
Construct Greenhouse

Attorney Anthony Fazzone was present on behalf of the applicant for determination.

Attorney Fazzone said there was a previous file on this a few years ago where the application came in under River Valley Farm or Pasqualoni – there was a condition to selling the property to CK Greenhouses and a determination was made at that time that no wetland application was needed for the location of the greenhouse.

Attorney Fazzone said the proposed area of the greenhouse in this current determination is totally within the area that the Commission previously determined did not require an application.

Attorney Fazzone said its (the activity) all out of the wetland area in fact this proposal – the greenhouse in question here is totally out of the upland review area – it's in addition to the existing greenhouse and if you look at the plan where he highlighted– it goes up to the area where CK is going to move the storm water drainage pipe.

Attorney Fazzone said ultimately once that's accomplished he'll (CK Greenhouses) come back for a further addition to the greenhouse but right now he just wants to get started on the portion that's shown on the plans.

Ms. Simone stated that highlighted copy is attached to the staff report. She said additional in the staff report it does identify that in 2009 the Commission did review this same use in the same area and had determined that a permit was not needed – under the regulations section 4.3 its specifies that determinations are valid for one year so

that's why the requester had come back to the Commission because it's been longer than a year.

Attorney Fazzone said he had a copy of the prior approval in case they hadn't seen that.

The Commission reviewed the file documents including the plan of the proposed activity.

Motion: That the Commission determined the proposal is de minimis (no permit is needed).

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

4.	Permit Transfer	APP	2015-013A
	To Bryan Zerhusen & Lama Alloush Zerhusen	DOR	08/04/15
	10 Prinz Court	MAD	10/08/15

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 request for permit transfer finds the following:

1. That a previous CIWWC permit, CIWWC Permit #2015-013, was granted, with stipulations, to Joseph M. Green for site plan on July 7, 2015.
2. That the inland wetland regulations allow permit holders to request to the Commission a transfer of permit ownership to another party.
3. That the current property owner, Joseph M. Green, has submitted in writing a request to transfer the permit to Bryan Zerhusen and Lama Alloush Zerhusen.

Therefore, the Commission grants the permit transfer request of Joseph M. Green to transfer CIWWC Permit #2015-013 to Bryan Zerhusen and Lama Alloush Zerhusen, said transfer permit to hereafter be referred to as CIWWC Permit #2015-013A, with the following stipulations:

- 1. Any changes or modifications to the plans as presented will require subsequent Cheshire Inland Wetlands and Watercourses Commission review and approval.**
- 2. That all conditions and stipulations of CIWWC Permit #2015-013A granted, with stipulations are incorporated by reference as though fully set forth herein to the extent they are not in conflict with the present permit transfer grant.**

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

XI. ADJOURNMENT

The meeting was adjourned at 8:11 p.m. by the consensus of Commission members present.

Respectfully submitted:

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