

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION  
REGULAR MEETING  
TUESDAY, SEPTEMBER 15, 2015  
TOWN HALL 84 SOUTH MAIN STREET  
COUNCIL CHAMBERS AT 7:31 P.M.**

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

Members Absent: Will McPhee.

**I. CALL TO ORDER**

Chairman de Jongh called the meeting to order at 7:31 pm.

**II. PLEDGE OF ALLEGIANCE**

All presented recited the pledge of allegiance.

**III. ROLL CALL**

Ms. Dunne called the roll.

**IV. DETERMINATION OF QUORUM**

Chairman de Jongh determined there were enough members present for a quorum.

Members present were Robert de Jongh, Dave Brzozowski, Charles Dimmick, Kerrie Dunne, Earl Kurtz and Thom Norback.

**V. APPROVAL OF MINUTES**      Public Hearing – September 1, 2015  
Regular Meeting – September 1, 2015

Motion: To approve the minutes of the September 1, 2015 public hearing with no corrections.

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

Motion: To approve the minutes of the September 1, 2015 regular meeting with corrections.

Pg. 11 L7 “form” to “farm”; pg. 13 L14 “main” to “maintain”, L16 delete “over”, L24 “as” to “as of right”, L35 “floe” to “flow”; pg. 15 L14 the

**motion number 3 - delete “either” and “or remove it to allow for better drainage”; item 3 of the motion should read “(3) to repair the inlet pipe is as of right permitted agricultural use.”**

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

#### **IV. COMMUNICATIONS**

**Ms. Simone reviewed the following communications:**

- 1. Letter to David Flanagin  
Re: Tree Clearing on Summit Road, Map 32, Lot 50**

**This item was reviewed.**

- 2. Notice of Violation & Cease and Desist Order Notification  
Re: Summit Road, Tree Clearing**

**This item was reviewed.**

#### **VII. INSPECTION REPORTS**

- 1. Written Inspections**

**Ms. Simone stated there were no written inspections besides what was mentioned in communications.**

- 2. Staff Inspections**

**Ms. Simone stated there was a staff inspection of the ongoing stabilization of the subdivision on Jarvis Street. She said the erosion controls are still in functioning order and there are no issues there.**

#### **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 remains on the agenda for continued monitoring.**

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

Chairman de Jongh stated this item remains on the agenda for continued monitoring.

3. SHOW CAUSE HEARING  
Notice of Violation SC 09/15/15  
Mr. David Flanagin  
Unauthorized Activities in an Inland Wetland and Upland Review  
Area  
Summit Road  
Assessor's Map 32, Lot 50

Ms. Simone informed the Commission that they received a communication from a neighbor on Summit Road that was inquiring about clear cutting on a property which is known as map 32 Lot 5, it is a wooded lot on Summit Road, it is mostly wetlands; there are some areas of non-wetlands directly next to Summit Road. She said driving by the property she could not see where any clearing had occurred.

Ms. Simone stated the neighbor had indicated they would send photographs which she has not received as of yet.

Ms. Simone stated she has been in communication with the property owner - he did indicate he has been cutting trees on the property but through email has not been able to effectively communicate with her how much or where the area is located so she has asked him to come into the office so they can sit down and take a look at the map and get a better idea of what's going on, on the property.

Ms. Simone said he (Mr. Flanagin) did receive and cease and desist order to cease all cutting until things can get squared away and we know exactly what he's doing. She said he did comment in an email that he does plan on using the property for agricultural purposes and he believes that's his matter of right.

Ms. Simone said she did inform him that's something that has to come before the Commission to determine that.

Ms. Simone stated there are three streams on the property – according to the official soils map it contains the muck soils which are very thick and hard to get any use.

Ms. Simone said she is hopeful to arrange a meeting between now and the next wetlands meeting so that she'll have more information and know exactly what's taken place on the property to get a better understanding of where he's at.

Dr. Dimmick said based on his observations about 25 years ago on that property in relation to another application adjacent to the property and while most of the wetlands are Adrian Mucks which are relatively deep organic soils – at the edge of the Adrian Muck if he remembered are some mineral wetland soils – they were the wetland soils that were not the muck and some of them are in poorly drained – certain times of year they are wet and other times they aren't wet.

Dr. Dimmick said it's possible – and he didn't know without seeing it that what he (Mr. Flanagin) was clearing was in the area of the somewhat poorly drained mineral soils and what he might have thought well the wetlands are where the mucks are which are quite obvious wetlands.

Dr. Dimmick said it's quite possible it's a confusion and it would really take someone with knowledge to know what's going on to determine where the wetland line is actually on the property. He said the wetland line shown is all labeled Adrian Muck – but when they mapped the wetlands they got a fringe of some other kind of wetland soils.

Chairman de Jongh said from what he could understand there's a little bit of confusion on the part of the land owner as what he's able to do and where the line of demarcation is and all that staff has asked him to do is come in to take a look at the maps, talk about it. If it appears he's outside the area fine. He said one of the things this Commission has the right to do is basically do is say okay you have the right to do it and we give our good housekeeping seal of approval sort of thing.

Chairman de Jongh said that's really where the issue is – to clarify the misunderstanding and understand what he's trying to do and give him permission if he's doing it areas that are permitted – we just have to her back from the property owner.

Chairman de Jongh said they'd need to keep the show cause hearing open – let's allow staff to reach out to him (Mr. Flanagin) and see if we can encourage him to come to our next meeting.

**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
	PH	09/01/15
	MAD	10/06/15

Ms. Simone stated there was a revised draft motion send out today (to Commission members) where findings 6 and 9 have been edited but all of the stipulations remain the same.

Dr. Dimmick said he had one question going through the original and revised about lots 4 and 5 regarding the drainage controls language.

Mr. Norback asked if Dr. Dimmick was talking about drainage controls and not erosion controls - was he talking about directing the flow.

Ms. Simone said there's a structure on lot 6. She said the basin is shown on lot 6. Lots 4 and lots 5 have wetlands on them – lot 5 has a portion of a detention basin on it.

Dr. Dimmick proposed that the wording be revised to read that prior to construction of houses and septic systems that individual site plan approval is required.

**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 subdivision of a 19 acre lot, into a seven building lot subdivision, including the existing house (678 Coleman Road).

2. The subject property contains approximately 3.3 acres of inland wetlands and watercourses.
3. That the property contains several feeder streams to the Broad Brook Reservoir.
4. That the Meriden Water Company submitted a letter detailing concerns of potential impact the public water supply.
5. That lots #4 and #5 contain watercourses and upland review areas.
6. That the Commission determined the application to be significant, under the context of the regulations and conducted public hearings on August 4, 2015 and September 1, 2015.
7. That the proposed roadway is located in an area of previously permitted fill.
8. That the applicant proposes to install a 6 inch perforated drain under the current roadway, to be improved to town standards, to facilitate the continued natural flow of water to the feeder stream heading north off the subject property.
9. That on the basis of the record, the Commission found no feasible and prudent alternative exists.
10. 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 #2015-021, the permit application of APEX DEVELOPERS, LLC as presented on the plans entitled:

“Coleman Farm Subdivision  
678 Coleman Road, Cheshire, CT  
Dated: June 24, 2015; Revised: July 30, 2015  
12 Sheets, Scale Varies  
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 construction of houses and septic systems on Lot #4 and Lot #5, individual site plan reviews and approvals from the Cheshire Inland Wetlands and Watercourses Commission are required.
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. That prior to request for road acceptance, the applicant's engineer shall provide the Town Engineer with written verification that the roadway underdrain is installed according to the above reference plans, to the satisfaction of the Town Engineer.
6. 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.

7. This permit grant shall expire on September 15, 2020.

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

2.	Permit Application	APP	2015-029
	Cheshire Public Schools	DOR	09/01/15
	Atwater Place		
	Remove Concrete Basketball Court	MAD	11/05/15

**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 current application is for the removal of an existing basketball court, located within the upland review area.
2. That the southwestern area of the upland review area will be marked by orange fencing, to prevent heavy equipment from trespassing during removal of the basketball court.
3. That the below referenced site plans contain notes regarding the stated work boundaries.
4. That the area will be seeded and maintained as lawn.
5. 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 #2015-029, the permit application of Cheshire Public Schools for site plan approval as presented and shown on the plans entitled:

**“Site Plan-Existing Conditions  
Dodd Middle School  
Basketball Court Removal  
100 Park Place, Cheshire, CT 06410  
Dated August 25, 2015**



**One Sheet  
Prepared by Milone & MacBroom, Inc.”**

**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 work 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’ 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.**
- 5. This permit grant shall expire on September 15, 2020.**

**Moved by Mr. Kurtz. Seconded by Dr. Dimmick.**

**Ms. Dunne asked if revised plans were submitted showing the orange construction fence and all that we asked them to do.**

Ms. Simone stated yes – they show it on the plans and they also have notes.

Motion approved unanimously by Commission members present.

3.	Permit Application	APP	2015-030
	Sunshine Properties of Cheshire, LLC	DOR	09/01/15
	South Meriden Road		
	Develop Gravel Parking Area	MAD	11/05/15

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 current application is for the construction of a gravel parking lot, located within the upland review area.
2. That the parking lot will occupy approximately 0.043 acres of the upland review area.
3. That the parking lot will not be paved, gravel will be used instead.
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 #2015-030, the permit application of SUNSHINE PROPERTIES OF CHESHIRE, LLC for site plan approval as presented and shown on the plans entitled:

“Site Plan  
Bishop’s Farms  
Parking Lot Expansion  
500 South Meriden Road, Cheshire, CT 06410  
Dated August 18, 2015  
One Sheet  
Prepared by Milone & MacBroom, Inc.”

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 work 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’ 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.
5. This permit grant shall expire on September 15, 2020.

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

**X. NEW BUSINESS**

There was no new business.

**XI. ADJOURNMENT**

**The regular meeting was adjourned at 7:44 pm by consensus of Commission members present.**

**Respectfully submitted:**

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