

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, JANUARY 19, 2016
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

Members present: Robert de Jongh, Charles Dimmick, Kerrie Dunne, Thom Norback and Will McPhee.

Members Absent: Dave Brzozowski and Earl Kurtz.

Staff: Suzanne Simone.

I. CALL TO ORDER

Chairman de Jongh called the regular meeting to order at 7:30 pm.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited by those present.

III. ROLL CALL

Ms. Dunne called the roll.

Members present: Robert de Jongh, Charles Dimmick, Kerrie Dunne, Thom Norback and Will McPhee.

IV. DETERMINATION OF QUORUM

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

V. APPROVAL OF MINUTES: Public Hearing of January 5, 2016 and Regular Meeting of January 5, 2016

Motion: To approve the minutes of the Public Hearing of January 5, 2016 and Regular Meeting of January 5, 2016 with corrections:

Public hearing: pg. 3 L9 add "property of", L24 "brining" to "bringing", L36 "or" to "of", L45 "barrow" to "borrow". Regular Meeting: pg. 6 L10 add "did not"; pg. 7 L7 "but" to "put", L19 delete "the services of"; pg. 9 L18 "about" to "able"; pg. 10 L12 "boarded" to "bordered"; pg. 12 L9 "comes" to "becomes"; pg. 15 L35 "going on" to "on-going".

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

VI. COMMUNICATIONS

Ms. Simone reviewed the following communications:

1. Conflict of Interest Ordinance

This communication was reviewed.

2. Request for Agricultural Determination, 325 Talmadge Road, Storage Building

This communication was reviewed. This item is under new business on the agenda.

3. Clearview Farm Preserve, 947 Cornwall Avenue: Inland Wetland report and Subdivision Plan

This communication was reviewed. This item is under new business on the agenda.

Ms. Simone noted there will be no presentation given at tonight's meeting on this item.

4. Regional Water Authority Comments, East Johnson Bridge Replacement

This communication was reviewed. This item is under unfinished business on the agenda.

VII. INSPECTION REPORTS

1. Written Inspections

Ms. Simone stated there were no written communications.

2. Staff Inspections

Ms. Simone stated there were no staff inspections.

X. 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

Ms. Simone reported that the town attorney was contacted regarding this matter. The town attorney was forwarded the email from Attorney Diamond (discussed at the last meeting).

2. **Notice of Violation** **SC 09/15/15**
Mr. David Flanagin **SC 10/20/15**
Unauthorized Activities in an **SC 11/05/15**
Inland Wetland and Upland Review Area **SC 11/17/15**
Summit Road
Assessor's Map 32, Lot 50

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

3. **SHOW CAUSE HEARING**
Michael Van Haaften **SC 12/01/15**
Unauthorized Activities in an **SC 01/05/16**
Inland Wetland and Upland Review Area
134 North Brooksvale Road
Assessor's Map 78, Lot 73

Ms. Simone stated this item is also under unfinished business on tonight's agenda. She said they are still waiting for the application fee from the applicant.

Mr. Norback commented that the work on this site has been done.

Commission members including Mr. McPhee and Dr. Dimmick discussed the application fee.

There was discussion regarding the detail about the owner's representative not informing the building department there were wetlands on the property; that is why this didn't come before the Wetland Commission in the first place.

After the discussion, the Commission agreed the fee was required.

Ms. Simone stated she would reach out to Mr. Van Haaften about the outstanding fee requirement.

X. UNFINISHED BUSINESS

1.	Permit Application	APP	2015-034
	Jason Bartlett	DOR	11/05/15
	358 Cornwall Avenue		
	Partial Filling of Pond	MAD	3/14/16

Ms. Simone reported she was still waiting for additional information for this application.

Chairman de Jongh asked staff to contact the applicant.

Ms. Simone agreed she would.

2.	Permit Application	APP	2015-035
	Town of Cheshire Engineering Dept.	DOR	11/17/15
	East Johnson	PH	1/05/16
	Bridge Replacement	MAD	2/09/16

Ms. Simone informed Commission member's that details were added to the first draft of the motion under number 4 regarding the Natural Diversity Database findings.

The draft motion before the Commission was the final draft motion to consider.

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 reconstruct the East Johnson Avenue Bridge over the Quinnipiac River.

- 2. That the affected private property owners have signed the applications.**
- 3. That the proposed replacement bridge will consist of a 104 foot single span integral abutment made of prestressed concrete.**
- 4. That the January 10, 2016 CT DEEP Bureau of Natural Resources Wildlife Division review has identified two species of concern and has recommended protection measures for these species and tree cutting restrictions for the protection of the Northern Long-Eared Bat, which the applicant has stated they will strictly adhere to.**
- 5. That the Cheshire Inland Wetlands and Watercourses Commission held a public hearing on this application on January 5, 2016.**
- 6. 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 #2015-035, the permit application of Town of Cheshire Department of Public Works for site plan approval as presented and shown on the plans entitled:

**“Town of Cheshire, Connecticut
Permit Review Plans for the Replacement of Bridge
no.04836
East Johnson Avenue over the Quinnipiac River
State Project No. 25-143
Dated: November 5, 2015
18 Sheets: Scale Varies
Prepared By: Cardinal Engineering, 3 Colony Street,
Meriden, 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. All recommendations from the Connecticut Department of Energy and Environmental Protection regarding protective measure for Natural Diversity Database turtle species, including the January 10, 2016 report and the Notice to Contractor shall be stringently adhered to. The Contractor shall, through the project engineer, at least 10 days prior to the commencement of any construction activities, arrange for a CT DOT Environmental Inspector from the Office of Environmental Planning or their authorized delegate to be available to meet and discuss proper protocol for maintaining environmental commitments made to the protection of this species and habitat.**
- 5. The State of Connecticut Tree Cutting Restrictions restricting tree clearing between April 15 and August 31 for the protection of Northern Long-Eared Bats shall be stringently adhered to.**
- 6. All recommendations from the Regional Water Authority outlined and attached to the January 7, 2016 comments shall be stringently adhered to.**
- 7. 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.

8. This permit grant shall expire on January 19, 2021.

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

3.	Permit Application	APP	2015-036
	Michael Van Haaften	DOR	12/01/15
	134 North Brooksvale Road		
	Garage	MAD	2/04/16

Ms. Simone agreed to send out a reminder to Mr. Van Haaften regarding the application fee.

4.	Permit Application	APP	2016-003
	Town of Cheshire PW/Engineering	DOR	1/05/15
	Cook Hill Road		
	Sanitary Pump Station Upgrade	MAD	3/10/16

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 construct a 95 square foot electrical room addition on the east side of the Cook Hill Road pump station.
2. That there no species of concern in the area, as identified on the current CT DEEP Natural Diversity Database.
3. That the activities will likely not have a significant adverse effect on adjacent wetlands or watercourses, the proposed

work is located in the paved parking area to the east of the nearest inland wetland.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2016-003, the permit application of Town of Cheshire Department of Public Works for site plan approval as presented and shown on the plans entitled:

**"Town of Cheshire, Connecticut
Contract Drawings for Cook Hill Road
Sanitary Pump Station Upgrade
Electrical Room Addition
Dated: October 2015
11 Sheets, Scale Varies
Prepared By: Wright-Pierce, Offices Throughout New
England."**

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 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 January 19, 2021.

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

XI. NEW BUSINESS

- 1. **Agricultural Request for Determination** RFD 2016-004
James A. Fazzone
235 Talmadge Road
Storage Barn

Mr. McPhee informed the Commission that he was a neighbor of Mr. Fazzone's and wanted to make sure no one had a conflict with that.

There was no objection to Mr. McPhee being present for discussion of this item.

James Fazzone of 402 Highland Avenue was present.

Mr. Fazzone informed the Commission that he wanted to build a storage barn on his property located at 235 Talmadge Road where he operates a Christmas tree and Alpaca farm.

Mr. Fazzone explained he was seeking determination that a wetland permit was not necessary for to build a 20' by 24' farm equipment storage barn.

A sketch was provided for Commission members review.

Mr. Fazzone explained the corner of the barn is located in the upland review area (as shown on the map and drawings submitted); the area where the barn will be built is level and clear; no trees will be

removed. The barn will be used for farm implementations and is for agricultural use.

Dr. Dimmick said so the barn is going to be used for machinery for farming and not in a wetland and there was not going to be filling.

Mr. Fazzone said yes.

Dr. Dimmick said in his opinion this meets the agricultural exemption standards and that the activity is an as of right exemption.

Chairman de Jongh asked if any fuel would be stored in the barn.

Mr. Fazzone stated no.

Motion: That the Commission declares the proposed activities entirely in the scope of a farming exemption and does not require a permit.

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

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|----|------------------------------|--------------|
| 2. | Permit Application | APP 2016-005 |
| | Clearview Farm Preserve, LLC | DOR 1/19/16 |
| | Cornwall Avenue | |
| | Subdivision | MAD 3/24/16 |

Ms. Simone stated the application on this item was just received and that there would not be a presentation given this evening.

A staff report and presentation would be given at the next meeting.

XII. ADJOURNMENT

The meeting was adjourned at 7:41 pm by consensus of Commission members present.

Respectfully submitted:

Carla Mills
Recording Secretary
Cheshire Inland Wetland and
Watercourse Commission