

**CHESHIRE INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, AUGUST 2, 2016
TOWN HALL 84 SOUTH MAIN STREET
COUNCIL CHAMBERS AT 7:30 P.M.**

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

Members Absent: Thom Norback

Staff: Suzanne Simone.

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

All present recited the pledge of allegiance.

III. ROLL CALL

Ms. Dunne called the roll.

Members in attendance were Robert de Jongh, Charles Dimmick, Kerrie Dunne, Will McPhee, Dave Brzozowski and Earl Kurtz.

IV. DETERMINATION OF QUORUM

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

V. APPROVAL OF MINUTES Regular Meeting July 19, 2016

Motion: To approved the minutes of the regular meeting of July 19, 2016 with corrections.

Regular Meeting Pg. 8 L28 after "today" delete "is"; pg. 9 L 5 "compile" to "comply", L6 "submit" to "submit a", L45 "medication" to "modification", L46 "has" to "as"; pg. 15 L30 "are" to "our", L32 "erode" to "from eroding"; pg. 18 L18 "uniformed" to "uniform"; pg. 19 L 9 delete "get this done work done".

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

VI. COMMUNICATIONS

Ms. Simone reviewed the following communications:

1. **Public Works Notification Re: South Brooksvale Road, Pavement Project**

Ms. Simone stated that there were no impacts on this project; they (Public Works) just wanted to provide notification that they would be working in that area on existing pavement.

2. **Request for Determination Re: 140 Cook Hill Road, Elim Park Parking Expansion**

Ms. Simone stated this item is on the agenda under new business however the requester has asked this be tabled until the September meeting.

3. **Request for Determination Re: 71 Abrams Road, Pool**

Ms. Simone stated this item is on the agenda under new business.

VII. INSPECTION REPORTS

1. **Written Inspections**

Ms. Simone stated there were no written inspections.

2. **Staff Inspections**

- a. **Summit Road**

Ms. Simone reported there was a staff inspection of Summit Road, the subject property under enforcement action. She said she went by the property and did not see there was any further clearing or any purpose to then try to gain access on the property; she didn't see that it was in any different state of clearing then it was previously.

VII. ENFORCEMENT ACTIONS

- | | | |
|----|---------------------------------------|-------------|
| 1. | 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 said this has just remained on the agenda. He asked if there was any kind of deadline.

Ms. Simone stated no, he was put on notification that if he was to clear any further he was to get a soil scientist and map the area out and come to the Commission for at least a request for determination.

Ms. Simone explained there was no action pending on this it's just been on our horizon to monitor.

Ms. Simone stated she could take it off the agenda and just continue to monitor it as she checked areas out.

Chairman de Jongh asked what the Commission's pleasure was on this; he said this has been on the agenda for quite some time.

Dr. Dimmick said as long as staff is continuing to monitor this we don't need to have a report on it if there's no change on it. He said there's nothing that needs to be done on this at this point under the circumstances.

Dr. Dimmick recommended taking this item off the active agenda.

Chairman de Jongh said take it off the agenda but keep it on the radar.

Commission members agreed to have this item removed from the agenda.

Chairman de Jongh said we'll make that adjustment for the next meeting.

IX. UNFINISHED BUSINESS

- | | | |
|----|---------------------|---------------|
| 1. | Permit Modification | APP 2015-013B |
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Bryan Zerhusen & Lama Alloush 10 Prinz Court Site Plan Modification	DOR MAD	7/05/16 9/08/16
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Robert Green of Robert Green Associates was present on behalf of the applicant.

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 grading the lawn area in between wetland flags #25 and #26, and the adjustment of the wetland boundary in the area of wetland flag #27 and south to wetland flag #30, near Yalesville Road.
2. That no direct or indirect wetland impacts are proposed.
3. That the inland wetland boundaries were field located by Tom Pietras on May 20, 2016, as indicated in his May 25, 2016 inland wetland soil report.
4. That the proposed 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 #2015-013B, the permit application of BRYAN ZERHUSEN AND LAMA ZERHUSEN for site plan approval as presented and shown on the plans entitled:

**“Zoning Location Survey
Site Plan for House, Assessor’s Lot 75
Owned by Bryan Zerhusen and Lama Alloush Zerhusen
10 Prinz Court, Cheshire, CT
Dated June 24, 2016, Scale equals 1”=20’
Prepared by Robert Green Associates, Terryville, 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. The location of the permanent non-encroachment markers identifying the upland review area in the vicinity of wetland flags #103 – 106, as field located by Tom Pietras, shall be agreed upon by the applicant and Commission Staff and be installed prior to the clearing/grubbing of trees. The applicant shall notify Commission Staff upon completion of the permanent marker installation. Staff may also insist on additional markings if field conditions warrant them.
4. The silt fence shall be installed in the area of the newly established upland review area in the vicinity of wetland flags #103 – 106, prior to the clearing and/or grubbing of trees.
5. Per Section 12 of the Cheshire Inland Wetlands and Watercourses Regulations, a bond covering the costs of the erosion and sedimentation controls shall be filed with the Town Planner's Department prior to the commencement of tree clearing and grading. The amount of the bond shall be determined by the Cheshire Planning Department.
6. An inspection of the condition, integrity, and adequacy of the sedimentation and erosion controls shall be made by a qualified party on a regular basis, either weekly or after every significant rainfall of 1/2" or greater, whichever is sooner, until all disturbed areas are stabilized. Said party shall be independent of the contractor. All reports shall be submitted to the contractor and Commission Staff either within three days of inspection, or prior to the next storm event, whichever

is sooner. All breaches or deficiencies shall be forwarded to a contact individual, as defined below, immediately after inspection. The costs of said inspections shall be borne by the applicant.

7. 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' 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.

8. This permit grant shall expire on August 2, 2021.

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

2.	Permit Application	APP	2016-024
	Trilacon Development Corp.	DOR	7/05/16
	Lake Percival Way		
	Site Plan	MAD	9/08/16

John Wagenblatt, a principal of the LRC Group, 160 West Street, suite E, Cromwell, CT and George LaCava, the owner and developer of the project were present in the audience.

Ms. Simone noted they did receive a site plan that eliminates one of the two garages and shows the larger three-bay garage.

Mr. Wagenblatt provided signed copies of revised plans for the record.

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 construction of 3 housing units on a 10.5 acre parcel.
2. That no direct or indirect wetland impacts are proposed.
3. That the inland wetland boundaries were field located by Martin Brogie, as indicated in his July 5, 2016 inland wetland soil report.
4. That the proposed 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 #2016-024, the permit application of TRILACON DEVELOPMENT CORP for site plan approval as presented and shown on the plans entitled:

“Percival Estates, Lake Percival Way, Cheshire, CT
Wetlands Submission
Site Plan
5 Sheets, Scale Varies
Dated June 29, 2016, Revised July 20, 2016
Prepared by LRC Group, Cromwell, 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. Per Section 12 of the Cheshire Inland Wetlands and Watercourses Regulations, a bond covering the costs of the erosion and sedimentation controls shall be filed with the Town Planner's Department prior to the commencement of tree clearing and grading. The amount of the bond shall be determined by the Cheshire Planning Department.**
- 4. An inspection of the condition, integrity, and adequacy of the sedimentation and erosion controls shall be made by a qualified party on a regular basis, either weekly or after every significant rainfall of 1/2" or greater, whichever is sooner, until all disturbed areas are stabilized. Said party shall be independent of the contractor. All reports shall be submitted to the contractor and Commission Staff either within three days of inspection, or prior to the next storm event, whichever is sooner. All breaches or deficiencies shall be forwarded to a contact individual, as defined below, immediately after inspection. The costs of said inspections shall be borne by the applicant.**
- 5. 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' 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.**

6. This permit grant shall expire on August 2, 2021.

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

3.	Permit Application	APP	2016-019
	Peter L. Grant	DOR	7/19/16
	30 Judson Court		
	Stream Restoration	MAD	9/22/16

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 current application is for the restoration and regrading within the boundary of an intermittent watercourse.
2. That the current site conditions have led to soil erosion and stream bank instability.
3. 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 #2016-019, the permit application of PETER GRANT for site plan approval as presented and shown on the plans entitled:

“Site Grading and Restoration Plan
30 Judson Court, Cheshire, CT
Scales as Noted on 2 Pages
Prepared by Harry E. Cole & Son, Plantsville, 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 permitted activities, the applicant shall accurately stake and flag clearing limits and properly install erosion controls. The permit holder shall contact Commission Staff when this work is completed, after which an inspection will be conducted. Staff may insist on additional erosion controls as warranted by site conditions. Work shall not commence until Staff has been notified, has inspected the site and authorized work to begin.**
- 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. The site work is limited to take place during dry soil conditions, when no rain events are forecasted for 2 days prior and 2 days after the proposed start date, not including the planting of vegetation.**
- 6. This permit grant shall expire on August 2, 2021.**

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

X. NEW BUSINESS

1. Request for Determination RFD 2016-026
LRC Group (Elim Park)
140 Cook Hill Road
Parking Expansion

Chairman de Jongh stated that as staff mentioned under communications the applicant requested to postpone this item until the September meeting.

2. Request for Determination RFD 2016-027
Christian & Danyel Couture
71 Abrams Road
Pool

Christian Couture was present.

Mr. Couture addressed the Commission. He stated they recently moved to 71 Abrams Road and they want to install an inground pool.

Mr. Couture said it (the proposed pool) is approximately 22' from the wetlands line and it's his understanding that if it's within 50' they bring it to your attention - request your approval.

Mr. Couture said he submitted a letter and a site map and a plan where it will (the pool) be installed.

Mr. Couture said he didn't know if they had any questions or needed any further information than that.

Motion: That the Commission has determined that a formal permit is required for the installation of a pool.

Dr. Dimmick said he looked at the plan and there is a relatively steep slope going down to the bottom of that gully where they are going to have the pool.

Dr. Dimmick said some of the soils in that area are subject to erosion so there are a number of things that possible could go wrong.

Dr. Dimmick said they (the Commission) would be very interested in seeing proper erosion controls go in – he said that gets to the request for determination – if we have no permit we have no erosion controls – we are very interested in making sure proper erosion controls are in place and the only way he knew to do that is to have an actual application in which we would specify erosion controls so there would be some enforcement for it.

Mr. Couture said he have had some discussion with the pool company and they are planning on doing installation of erosion controls and talked about the use of a silt fence. He said they have talked through that – he said he didn't know if they needed some specifics as to where that would be; he said they could certainly provide that information.

Chairman de Jongh said as Dr. Dimmick was referring to it's a matter of keeping the record straight – the installation of the pool may not by itself be a problem it just a question of wetlands because you are so close so they only way the record can show where those are going to be is to actually go through a formal application process.

Chairman de Jongh said to work with the pool installer and let staff know and supply them with a map maybe with some topography somehow – and give us some more detail idea of where the sedimentation and erosion control is going to be set up and see if there's anything else that needs to be taken into consideration.

Motion: That the Commission has determined that a formal permit will be required for this particular installation.

Moved by Dr. Dimmick. Seconded by Ms. Dunne.

Ms. Dunne asked if there were putting in a new road to get back there.

Mr. Couture said they road is essentially so the trucks can get back there – so it's a temporary road – yes.

Motion approved unanimously by Commission members present.

Chairman de Jongh stated that Mr. Couture should work with staff so she could explain what the process and procedures were.

Chairman de Jongh said this would be scheduled for the first meeting in September.

Chairman de Jongh said to work with staff on preparing an applicant, and map and showing topography; and something showing the sedimentation and erosion controls; staff would provide additional information of what might be needed.

XI. 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**