

NOTE: These Minutes are subject to Agency approval at next Regular Meeting.

**Chester Inland Wetlands & Watercourses Agency
Regular Meeting, February 6, 2017**

1. Call to Order

The Chester Inland Wetlands & Watercourses Agency held its regular meeting on Monday, February 6, 2017, at the Chester Town Hall, 203 Middlesex Avenue, Chester, Connecticut. In attendance were Sally Sanders, Christine Darnell, Eric Davison, Bob Blair, Kris Seifert and Kim Senay (arrived shortly after meeting began). Vice Chairman Sanders called the meeting to order at 7:00 PM.

2. Minutes – December 5, 2016 Minutes

Motion by Darnell, second by Davison, to approve December 5, 2016 Minutes as written. Unanimously Approved.

Motion by Davison, second by Darnell, to add the following item to agenda after item 5 – 46 Deep Hollow Road. Unanimously Approved.

3. Audience of Citizens – none.

4. Show Cause Hearing – Chester Airport, 61 Winthrop Road – unpermitted activity within review area

It is noted for the record Bob Blair recuses himself from this discussion as an employee of Whelen Engineering.

Present for the Show Cause Hearing were Attorney Matthew Ranelli from Shipman & Goodwin, Charlie Greeney from Whelen Engineering, and Roger Nemergut, Engineering Consultant.

Vice Chairman Sanders noted this hearing was called due to the fact the Agency was notified of dumping on the Airport property which was running off on to adjacent properties. Anna Sweeney and Christine Darnell visited the site with Charlie Greeney taking several photos.

Attorney Ranelli noted they received the Show Cause Hearing letter containing 4 items which have now been completed. He explained the area has been stabilized, the work has stopped and additional silt fence has been installed.

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Wetlands Compliance Officer Anna Sweeney distributed and reviewed photos taken at the site. She noted there is a large pile of ground up asphalt placed in an area where runoff is causing siltation. Vice Chairman Sanders noted the actual wetlands area needs to be determined before the Agency can truly establish how much damage is being done to the wetlands.

WCO Sweeney noted this was brought to the Agency's attention by a Deep River citizen and the Deep River Wetlands Officer. She also noted the Zoning Compliance Officer visited the site right after the complaint was received with Charlie Greeney. She advised Mr. Greeney to immediately install silt fence and hay bales.

Roger Nemergut noted the fill was placed along the southeast edge. He indicated the issue is a bleed out thru the fill slope during a heavy rain event which crosses over the service road. The shavings or millings then runs thru this and down to the intermittent watercourse.

Attorney Ranelli noted between now and the next meeting they will try to locate certain things. Roger Nemergut noted there is a wetlands on the western side that is not related to this activity. There is another wetlands area that is the problem. He further noted this is basically surface erosion resulting from seepage through the fill. It has taken on silt from the road and adjoining area and been deposited into the watercourse. Whelen Engineering has taken steps to temporarily stabilize and address the situation. Nemergut also felt to remove this amount of silt would create more damage. Ms. Sweeney agreed on this point.

Attorney Ranelli noted the area has been stabilized. They would like to come up with a proposal to confirm the opinion that to remove it would create more damage and to leave it there. They have used Jody Chase and Rich Snarski, Soil Scientists, in the past and would like to contact one of them in order to get a better handle on this matter.

Vice Chairman Sanders noted ideally deposition in a review area is not allowed. It should be determined whether removing this would be more damaging. Sanders

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asked if this project is now complete. Attorney Ranelli noted this is a sloped area and the goal is to stabilize it. Sanders asked how long this has been going on. Attorney Ranelli noted they need to evaluate what's been done and come back with a report. Sanders also suggested Agency members should do a site walk in order to have "eyes on the site" before moving forward. Christine Darnell noted the question is would removal do more damage.

Vice Chairman Sanders noted a site walk should be scheduled before the next meeting and when there is no snow on the ground. The site walk was scheduled for Monday, February 27th at 3:30 PM. Attorney Ranelli noted that would give them time to talk to a Soil Scientist. Mr. Nemergut noted there should be a designated meeting point because there is controlled access to this site. It was noted the function of rainfall events changes the run off situation.

Vice Chairman Sanders asked if it would be reasonable to expect a proposal for the next meeting which is March 6th. She also asked if erosion controls are now in place. Mr. Nemergut replied yes.

Vice Chairman Sanders reviewed the 4 points in the Notice of Violation letter. It was agreed to leave the Notice of Violation in place except for changing the date of the next meeting to March 6th.

Roger Nemergut noted the next rainfall event should determine whether erosion control measures are sufficient or need further attention. Attorney Ranelli suggested getting a supply of hay bales on the site should they be needed. He also noted he would contact the Deep River Wetlands Officer.

WCO Sweeney noted Whelen responded immediately to the complaint and silt fences are properly installed. She suggested the pile of millings be removed as it is in the review area.

5. Chester Airport, 61 Winthrop Road – unpermitted activity within review area
No further discussion as this was continued until the next meeting.

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5a. 46 Deep Hollow Road

Andrew Drabkin, Brian Hughes and Anne Penniman (Landscape Architect) were present for a preliminary discussion regarding farm activity at 46 Deep Hollow Road. Ms. Penniman introduced herself noting she is working with Andrew and Brian on plans for developing their farm which is 53½ acres. They would like to have a sustainable, organic farm. Penniman noted this would be an agricultural use which is by right according to Municipal and State Statutes.

Ms. Penniman reviewed the overall plan for the farm which has an existing house, small barn and agricultural fields which will be extended to within about 10' of the property lines and further to the west along Deep Hollow. The site plan shows the entire site which will be agricultural use. She reviewed proposals for new farm buildings, a farm barn which would include 3 bays for equipment parking, farm stand and farm manager's apartment on the 2nd floor. There would also be greenhouses, wood storage and 3 stalls for farm stand customers.

Ms. Penniman noted Messrs. Drabkin and Hughes have been farming this property now for 4 years and been at the Chester Farm Market for 3 years. They are a well established presence in the area.

Ms. Penniman noted in addition to the farm barn, there will be another barn replacing the existing barn. There will also be a new septic system. Test holes have been done. They are proposing restoration of the pond area with very little digging, just management. Some cutting is also proposed along the edge of the brook to allow more sun on the field. They would remove selective invasives and take down the tallest trees. This activity is by right because of the agricultural use on the property. WCO Sweeney noted then this would not be clear cutting. Penniman confirmed they will not be clear cutting. This would basically be a riparian buffer area planted with natives.

Anne Penniman also noted Messrs. Drabkin and Hughes commissioned an NRCS report which is a forest management plan. She indicated there would also be a small shade structure in the east farm field as well as a tool shed. They will be re-establishing an existing brook crossing.

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A garden pavilion is being proposed at the top of the ledge which is about 100' away from the wetland edge. There would also be a proposed viewing platform adjacent to the pond. According to the NRCS, that would be permitted by Section 4.1 of the Wetland Regulations as a landscape feature for the enjoyment of the property.

Ms. Penniman noted the existing teardrop driveway will be abandoned. They will use the existing westerly driveway along the property line. They are also proposing selective cutting in that area as well to get more sun. She reviewed the area along the road. Over a period of time, 2 barns are proposed for livestock. There will also be additional agricultural fields as well in that area. There would be improvements to the watercourse crossing in that area. A free span bridge crossing is also proposed.

The existing logging road on the easterly ridge would be improved.

Ms. Penniman noted Andrew and Brian are working with George Penniman (Architects) on ideas for the farm barn.

Christine Darnell asked if the proposed parking area would be gravel. Ms. Penniman replied yes.

Kim Senay asked about the location of the septic. Ms. Penniman explained it is in that area because of the perc testing. Agency members felt this location should be looked at further as the septic is probably 65 to 75% in the review area. Written approval would also be required from the Sanitarian.

Eric Davison asked if an application would be submitted for these activities. Ms. Penniman noted all the proposed activities are permitted as of right under Section 4.1 of the regulations. Mr. Davison noted it is the Agency that makes the determination, not the applicant. Generally speaking, roads, buildings, viewing platforms, crossings would not be exempt. Mr. Davison suggested an application be submitted stating which activities they think are as of right and exempt. The Agency would then get an opinion from legal counsel. He further noted the NRCS

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reports are advisory, not regulatory. He indicated certainly there are some things that are clearly exempt.

Christine Darnell asked if there was another location for the septic. Mr. Drabkin noted there are areas where soils aren't good, water table is high, location of well, etc.

Ms. Sweeney noted the cutting can be done as its not a regulated activity.

Vice Chairman Sanders noted the plan should be written up and an application submitted. The Agency will review it, determine what is exempt and then look at the other things to see what is regulated.

6. #17-01 – David Miller, 105 Cedar Lake Road – addition to residential dwelling David Miller was present. Vice Chairman Sanders explained the application process. Mr. Miller noted this was one of the A-Frames on Cedar Lake Road. He has owned this property for over 20 years, but actually lives on Hazen Street. He would like to move back here. This would be a whole new structure keeping the look of the 2 buildings. It would be 46' from one side property line and 53' from the front which meets Zoning. There would be a garage underneath.

Mr. Miller noted the issue is the stream. The dam broke 8 to 10 years ago, there is currently no ponding. He reviewed the old plan of the stream. He indicated the septic may have to be redesigned. The driveway will not change. The elevation from front to back is about 1'. He noted in the last 20 years, the stream has never gone over the bank.

Vice Chairman Sanders asked about excess run off from the roof. Miller noted he wasn't going to gutter it or do curtain drains because there is no place to put it. The front driveway is currently gravel and will stay that way. He could put a strip of gravel in the back to pick up run off from the peak. He noted he has never had a problem with run off.

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There will be 2 bedrooms on one side of the house and 1 bedroom on the other side.

Vice Chairman Sanders noted the Agency would have to know what is going on in terms of the septic before approving the application. She asked how close this was to the stream. Mr. Miller responded the closest point was 37' to the stream. Sanders noted they would like to see some sort of riparian buffer to protect the stream from heavy rain. Miller indicated he was willing to do so if they would suggest some sort of plantings.

Mr. Miller noted the neighbors were notified within 200'. He agreed to stake the property so members could ride by to look. Vice Chairman Sanders reiterated the Agency will need a letter from the Sanitarian showing approval of an engineered septic system. In addition, the following should be shown on the plan – gravel for run off, no change to A Frame 1 and 2, stockpile area for small amount of excavation, riparian planting, when would the project start. Mr. Miller noted he will get the staking done within the next week or two and show those items on the plan for the next meeting.

7. Regulations and Map Modifications – nothing further to report.

8. Wetland Compliance Officer's Report

Ms. Sweeney reported on the following items –

1. Inquiry from house painter wanting to know if a permit was required for erecting staging in the Pattaconk Brook at 1 West Main Street. Agency members noted this project should be monitored to be sure nothing falls into the water. There should also be no power washing and all debris and paint should be caught to not fall into the water.

2. Cell phone tower property off Wig Hill Road – complaint was received there was erosion along the access road. Ms. Sweeney contacted the Siting Council which oversees cell phone towers. They said they would take care of it right away. Have not heard back from complainant.

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3. Nothing new has been heard from Aaron Manor.

9. Correspondence – none.

10. Receipt of Applications After Posting of Agenda – no new applications.

11. Any Other Business – none.

12. Adjournment
Motion by Davison, second by Senay, to adjourn at 8:30 PM. Unanimously Approved.

Respectfully submitted,

Judith R. Brown, Recording Secretary