

NOTE: These Minutes are subject to Agency approval at next regular meeting.

Chester Inland Wetlands & Watercourses Agency

Regular Meeting, July 11, 2016

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1. Call to Order

The Chester Inland Wetlands & Watercourses Agency held its regular meeting on Monday, July 11, 2016, at the Chester Town Hall, 203 Middlesex Avenue, Chester, Connecticut. In attendance were Al Bisacky, Sally Sanders, Eric Davison, Kim Senay, Christine Darnell and Bob Blair. Chairman Bisacky called the meeting to order at 7:00 PM.

2. Minutes – June 6, 2016

Motion by Sanders, second by Senay, to approve June 6, 2016 Minutes amended as follows -

- **Under 4. #16-06 Chester Liberty Trust, 5th paragraph, 2nd sentence should read, “Sally Sanders asked if this was the same house that was denied the last time an application came in.”**

Approved with Davison abstaining.

3. Audience of Citizens – no one spoke at this time.

4. #16-06 Chester Liberty Trust – application for 29 Liberty Street

Chairman Bisacky noted this application was submitted last month. Members discussed and decided this was not to be deemed a significant activity. Since last month's meeting a petition with 28 signatures was received requesting the Agency hold a public hearing. Bisacky pointed out the regulations don't say the signatures have to be verified. He also noted there were 3 reasons to hold a public hearing – significant impact on wetlands or watercourses, receipt of petition containing 25 or more signatures or if in the public interest. There was discussion as to whether a public hearing would be in order.

Chris Komondy submitted a document entitled Opposition to the Petition Titled Petition for Public Hearing and read same into the record. Chairman Bisacky noted the Agency can decide and hold a public hearing even if a petition is not valid. Mr. Komondy noted at the last meeting both Al Bisacky and Sally Sanders indicated this was not significant. Chairman Bisacky noted there was discussion but no vote was taken as it was not an agenda item.

Eric Davison asked whether the Agency has to specify the reason for holding a public hearing. Chairman Bisacky read Section 9 Public Hearing of the regulations having to do with the holding of a public hearing and submission of a petition. Mr. Davison asked

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when the petition was received. Bisacky noted he received it by email on Tuesday, June 21st, 15 days from the last meeting of June 6th. Sally Sanders noted this would be a moot point if the Agency finds a public hearing would be in the public interest. She further noted she felt there was public interest and regardless of whether or not the petition is valid doesn't matter.

Chairman Bisacky explained the difference between an application that does not require a public hearing and one that does. With an application that does not require a public hearing, the public has to communicate in writing through the Wetlands Compliance Officer. One that does have a public hearing allows for public input directly. Any information submitted must be relevant to the application. Also, the Agency can only make a decision on information submitted with the application and received through the public hearing or after the public hearing closes from the WCO at the Agency's request. Any information used in making a decision must come in through the public hearing process.

Kim Senay noted with a public hearing the advantage is someone might have information that he/she wouldn't realize until someone else speaks.

Eric Davison noted he never liked the part of the regulations that say "subject to public interest" as this could be abused. He noted he personally had that experience. Clearly the signatures on this petition are abutters or nearby. He further noted he was comfortable with this as this clearly shows significant public interest.

Christine Darnell agreed with Mr. Davison. Obviously there are citizens that want a public hearing.

It was noted at a minimum (time wise) a public hearing would add 3 weeks to the process.

Bob Blair noted he agreed with other Agency members in that the public would like to be heard.

Chairman Bisacky noted he also felt a public hearing would be in the public interest.

Motion by Sanders, second by Davison, to schedule a public hearing for Application #16-06, Chester Liberty Trust. Unanimously Approved.

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Chairman Bisacky noted there were a number of items discussed at the last meeting (as noted in the minutes from that meeting) and urged the applicant to address those points. The hearing was scheduled for August 1st with the public hearing first and then the regular meeting following. Chairman Bisacky reviewed the application time line.

5. Goodspeed-at-Chester – paving of regulated area

Chairman Bisacky noted WCO Sweeney called him noting that paving had been done at Goodspeed. She had had a phone conversation with Sullivan Paving who assured her that no paving would take place. In fact, the area has been paved. Bisacky noted this would have been a regulated activity requiring an application and permit. They put down processed stone to level the area and then paved it. The drive area on both sides is processed aggregate, very dense and virtually impervious. Bisacky further noted there is processed aggregate running into the stream and the drainage way is being interrupted by the pavement. Active erosion is occurring in this area which needs to be addressed. The loose process aggregate also needs to be addressed. A Cease and Desist should be issued with instructions for them to come to the next meeting.

Kim Senay asked if the area should be stabilized with hay between now and August 1st. Eric Davison noted it is stable but maybe a little shoulder between the rip rap and pavement of 3” stone would probably do it. He didn't think vegetation would do anything in this shaded area. Chairman Bisacky noted it should be clean crushed stone.

There was discussion regarding a storm drain off the roof.

Eric Davison noted if there is going to be a fine for this activity the WCO should provide more information as to who she talked to, when, etc. so the Agency members have all the information. Christine Darnell agreed as she felt this was flagrant and egregious. If they had come in with an application, there could have been a discussion as to how this should be done correctly.

It was agreed to issue a Cease and Desist. **Motion by Sanders, second by Davison, to issue a Cease & Desist to the Goodspeed and recommend installing a stone berm between the edge of the pavement and the top of the rip rap 25 to 30 feet long centered on the actively eroding area. The berm should consist of clean crushed stone 3 to 6 inches in size and it should be approximately 6 to 9 inches deep. They should also appear at the next regularly scheduled meeting.**

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Unanimously Approved.

6. Continued Show Cause Hearing – 46 Deep Hollow LLC, 46 Deep Hollow Road – unpermitted regulated activity

No discussion at this time.

7. Regulations and Map Modifications – nothing further at this time.

8. Wetland Compliance Officer's Report (read by Chairman Bisacky in the WCO absence) North Main Street, Goodspeed at Chester – was already discussed above.

165 West Main Street, Cobb – WCO Sweeney contacted property owner who indicated he has stopped all clearing and stumping activities. Some agency members have driven by and looked at the property. Christine Darnell noted the area has been clear cut. What's to say he won't do this again. Chairman Bisacky recommended all members take a look. Bob Blair noted it looks like he is taking trees down and pulling out the stumps. Bisacky noted he will talk with the WCO and try to get more information as to whether this is a violation.

North Main Street Stream below North Main Street Bridge – someone made a small dam with stones from along the side of the stream. First Selectwoman Gister is attempting to have the stones replaced along the side of the stream.

9. Correspondence – none.

10. Receipt of Applications After Posting of Agenda – none.

11. Any Other Business – none.

12. Adjournment

Motion by Davison, second by Senay, to adjourn at 8:00 PM. Unanimously Approved.

Respectfully submitted,



Judith R. Brown, Recording Secretary