

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

Chester Inland Wetlands & Watercourses Agency

Regular Meeting, April 1, 2019

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1. Call to Order

The Chester Inland Wetlands & Watercourses Agency held its regular meeting on Monday, April 1, 2019, at the Chester Town Hall, 203 Middlesex Avenue, Chester, Connecticut. In attendance were Al Bisacky, Sally Sanders, Bob Blair, Eric Davison, Bill Bernhart and Ellie Wahlberg. Wetlands Compliance Officer Anna Sweeney was also present. Chairman Bisacky called the meeting to order at 7:04 PM.

2. Minutes – March 4, 2019

Motion by Sanders, second by Blair, to approve March 4, 2019 Minutes amended as follows –

- **Under 6. #19-01 Mingoello, 9 Water Street-Public Hearing, 17th paragraph, 6th sentence should read, “Sally Sanders noted we have an opportunity here to make this right and we should be making this less impermeable, not more.”**
- **Under 6. #19-01 Mingoello, 9 Water Street-Public Hearing, 22nd paragraph, 3rd sentence should read, “Mr. Davidson noted it will also be a concern for the property to the north and west and asked for data demonstrating that there will be no change to those properties.”**
- **Under 6. #19-01 Mingoello, 9 Water Street-Public Hearing, 38th paragraph, 2nd sentence should read, “Bisacky noted he would like to see if there is a negative or positive impact on the flooding in the area.”**
- **Under 6. #19-01 Mingoello, 9 Water Street-Public Hearing, 38th paragraph, 1st sentence should read, “Chairman Bisacky noted the way to accomplish this is to construct a water surface model, such as a Hec-Ras model, of the area so that...”**
- **Under 6. #19-01 Mingoello, 9 Water Street-Public Hearing, 39th paragraph, 1st sentence should read, “Dan Roscho, 12 Water Street, noted every time the water comes it’s a different scenario.”**

Unanimously Approved.

3. Audience of Citizens

Jon Joslow asked if the new Plan of Conservation & Development effective April 1, 2019 would impact this Commission. Chairman Bisacky noted its not part of our mandate to specifically include the POCD.

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

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5. Chester Airport, 61 Winthrop Road – unpermitted activity within review area
Agenda Items 4 and 5 were tabled.

6. #19-01, Mingoello, 9 Water Street – Mixed Use Development, Continued Public Hearing

7. #19-01, Mingoello, 9 Water Street – Mixed Use Development

WCO Sweeney noted a letter, dated April 1, 2019, was received requesting an extension until the Commission's next regularly scheduled meeting on May 6th. Agenda Items 6 & 7 were continued until the May 6, 2019 meeting.

8. #19-03, Aaron Manor, S. Wig Hill Road, Septic System – Public Hearing

Chairman Bisacky noted WCO Sweeney has indicated that notification to abutting property owners was not complete. WCO Sweeney explained there were two properties and not all the neighbors were notified. She noted the Assessor's records do not show the two properties merged. The abutters to Lot 13-58 did not receive notification. A letter was received from Mr. Zavatone. Chairman Bisacky reviewed Section 9 of the Regulations regarding the holding of and notification of public hearings to abutters.

Chairman Bisacky opened the public hearing for #19-03. WCO Sweeney read into the record a letter from Stephen Zavatone, Trustee of the property, indicating they did not receive notification of this application as abutters to Lot 13-58 where the activity is taking place. Bisacky noted it looks like notification of the abutters has not been fulfilled.

Attorney John Conway introduced himself and indicated he was filing a Notice of Intervention on behalf of Chapman Farm LLC which is an abutter at 153 West Main Street. His client had an issue with respect to whether the notification was timely.

Chairman Bisacky noted there are 3 things pending – no confirmation when notifications were mailed, one abutter claims he did not receive notification and another abutter claiming he did not receive timely notification. It was his opinion the Agency should not hear any testimony at this time. Bisacky referenced Section 9.3 regarding notification to abutters of the public hearing.

The applicant's representative requested the Agency do a site walk as long as the public hearing is open.

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Attorney Conway noted with the filing of the Notice of Intervention his client has the right to receive any communications that the applicant submits to the Board and has the right to be informed of the site walk. Eric Davison questioned if the Notice of Intervention had the proper wording for an Intervention. Attorney Conway noted the language was sufficient to grant the right of the Intervener. WCO Sweeney confirmed with Attorney Conway that it is incumbent upon the applicant to send documentation to the intervener.

Bettie Perreault raised the question of whether an extension was needed for the public hearing. Chairman Bisacky noted if the hearing is completed next month, an extension would not be needed.

Leo Zavatore asked what the process is now. His name is not on the application. Is a new application required. Chairman Bisacky noted the application can be amended for the next meeting on May 6th. WCO Sweeney noted anything that comes in regarding this application will be available in the Town Clerk's Office for review.

9. #19-03, Aaron Manor, S. Wig Hill Road - Septic System

Chairman Bisacky noted the public hearing was opened and extended to the next meeting on May 6th. A site walk has been requested. The applicant's representative reviewed what has been staked out on the property. A site walk was scheduled for Wednesday, April 24th, at 6:00 PM. Meeting area will be the front parking lot of Aaron Manor. Chairman Bisacky noted the public is not allowed at a site walk. It is not a public meeting. It's an opportunity for the applicant to describe the work proposed. The Agency does not ask questions or have discussion about the application.

10. #10-13 Robida, 20 Gilbert Hill – extension of permit (motion)

Motion by Sanders, second by Bernhart, to extend the time of the permit for 3 years to August 2022. Unanimously Approved.

11. #19-05, Heidi Samuelson, 191 West Main Street – driveway/right of way in review area

New maps were submitted. Gary Pipkin reviewed the existing right-of-way granted with the subdivision back in 1998. There were issues that made this not an ideal situation. The proposed right-of-way was reviewed. Mr. Pipkin noted there is a nuisance lawsuit from one of the neighbors, Netsch, that comes in from Baker Road. This doesn't change the scope of the work at all. Chairman Bisacky noted the Agency had a prior request

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similar to this and it was approved with a condition that the former right-of-way be extinguished. Eric Davison noted he had an issue with the berm at the edge of the driveway. **Motion by Sanders, second by Wahlberg, to approve the request as presented but without a berm on the north side of the driveway and to receive proof 2nd right-of-way has been extinguished, also submittal of new plan. Unanimously Approved.**

12. Regulations and Map Modifications – nothing new at this time.

13. Wetland Compliance Officer Report

WCO Sweeney reported on the following items –

- 39 Pleasant Street – they are installing a new septic system within 100 feet of the stream. A regular application will be required.
- 43 Main Street – effluent seeped out of a manhole cover of the sewer system at the back of this property and went into the Pattaconk Creek. This is being attended to by WPCA and the manager of the sewer system. The manhole has been pumped out and a regular system cleaning is upcoming.

14. Correspondence – none.

15. Receipt of Applications after Posting of Agenda – none.

16. Any Other Business – Cedar Lake Watershed Committee

Chairman Bisacky noted the Cedar Lake Watershed Committee is looking for a representative from the Wetlands Agency. Bill Bernhart voiced some interest and will look into it.

17. Adjournment

Motion by Wahlberg, second by Davison, to adjourn at 8 PM. Unanimously Approved.

Respectfully submitted,



Judith R. Brown, Recording Secretary