

THESE MINUTES ARE SUBJECT TO APPROVAL AT THE NEXT INLAND WETLANDS & WATERCOURSES  
MEETING

TOWN OF CHESTER, CONNECTICUT  
INLAND WETLAND & WATERCOURSES AGENCY  
SPECIAL MEETING  
Tuesday, June 14, 2022  
Chester Town Hall  
Community Room  
Chester, Connecticut

CALL TO ORDER

Chairman Bisacky called the meeting to order at 7:00 p.m. In attendance included: Chairman Bisacky, Bob Blair, Kim Senay, Eric Davison, Mike Bellesiles and First Selectwoman Janecek.

SHOW CAUSE HEARING – 213 Middlesex Avenue – Unpermitted Activity in Wetlands and Watercourses and Upland Review Area

Al Bisacky reported that while this is a Public Meeting, there is no opportunity for the Public to comment on the Cease & Desist order. Any contributions must be made in writing and sent to the First Selectman's Office for distribution to the Agency.

At the 6/6 Agency meeting, the Chairman reported that he received information from the First Selectman's Office and the ZEO regarding activity in a wetland at 213 Middlesex Ave. Chairman Bisacky investigated via a common driveway on the property. He observed the construction of a new driveway through wetlands, including a stream under the driveway (pipe/culvert installed). Trees had been cleared, grading completed and crushed stone was set in place. Photos were distributed to Agency members. The work stops short of the tree line on Middlesex Ave. Chairman Bisacky issued the following C&D Order, sent via Certified and First-Class Mail.

June 8, 2022

Guglielmo Valerie Living Trust  
Guglielmo Valerie Trustee  
213 Middlesex Avenue  
Chester, CT 06412

RE: Cease & Desist Order

Dear Ms. Guglielmo,

It has come to the attention of the Chester Inland Wetlands and Watercourses Agency (the Agency) that you are conducting activities in a regulated area on your property at 213 Middlesex Avenue, Chester, Connecticut in violation of Inland Wetland and Watercourses Agency Regulations for the Town of Chester. Your activities include construction of a driveway through a mapped inland wetland area and across a stream. Such activities constitute regulated activities pursuant to Section 6 of the Town of Chester Inland Wetlands and Watercourses Agency and Connecticut General Statutes Sections 22a-36

through 22a-45, which require that a permit be obtained prior to conducting regulated activities affecting inland wetlands and watercourses. A review of our files indicates that no permit was issued for the work described above. Accordingly, such work has been conducted in violation of the law.

By this order, you are directed to:

1. Cease all construction activities within 100 ft. of wetlands areas.
2. Remove all culverts, soil and stone material placed in and within 100 ft. of the wetland area.
3. Restore vegetation cover on all disturbed areas, such vegetation must be suitable for wetland areas.
4. Removal of all fill materials and installation of all vegetation must be supervised full-time by a Soil Scientist certified by the State of Connecticut. Prior to beginning any activities in wetland areas, you must submit the resume of the Soil Scientist who will supervise the work to the Agency for review and acceptance. At the completion of the removal of fill material the supervising Soil Scientist must prepare a report certifying that all fill materials have been removed, original ground grades have been restored and the wetland areas are prepared and ready to receive vegetation plantings, and provide that report to the Agency.
5. Appear at all meetings of the Agency regarding the violation and to report on progress made on restoring the wetlands and stream to pre-violation activity until such time that the restoration work is complete, and all disturbed areas and soils have been stabilized.
6. Appear at a Show Cause meeting to be held by the Agency at 7 p.m. on Tuesday, June 14, 2022 at the Chester Town Hall located at 203 Middlesex Ave.

The issuance of this Notice of Violation shall not delay or bar any action pursuant to Section 22a-44(b) of the General Statutes.

If you have any questions, please call Al Bisacky, Inland Wetlands Chairman (860) 266-0266. Your prompt cooperation is appreciated.

Sincerely,

Al Bisacky  
Chairman  
Inland Wetlands and Watercourses Agency

Cc: Ken Slater, Halloran Sage

The purpose of this evening's Show Cause Hearing is to provide an opportunity for the party to discuss the matter with the Agency. As of 7:14 p.m., no individual representing 213 Middlesex Avenue was in attendance. In addition, the Town has not received any communications from the property owner relative to the matter.

Al commented that as the photos indicate, the work is substantially complete. A permit from the State is necessary to connect the driveway to Middlesex Avenue.

The ZEO has visited the site and the Building Official has met with the property owner because he received complaints that construction equipment was operating on the property. The Building Official did not provide a written report.

Agency members discussed the C&D Order.

Agency members expressed concern that unless a written plan is submitted, there is a risk that more damage may be inflicted that would negatively impact properties located downstream.

The following will be added to the C&D letter:

- Provide a written plan with a map drawn to scale which shows the removal and restoration work required by the Order. Such plan must be prepared by a Soil Scientist certified by the State of Connecticut. Submit this plan to the Agency prior to the next Agency meeting which is scheduled for July 11, 2022.
- All removal and restoration work must be completed by October 1, 2022.

Eric Davison made a motion to keep the C&D Order in place as amended. Bob Blair seconded the motion. The motion passed unanimously.

Eric Davison made a motion to forward the C&D Order to the Town Clerk to be entered upon the Land Records for 213 Middlesex Avenue and further moved to forward a copy of the C&D Order to the DOT Right of Way Division. Bob Blair seconded the motion. The motion passed unanimously.

Note that as of 7:27 p.m., no representative from 213 Middlesex Avenue was present at the meeting.

Al reported that there is an existing legal driveway located at the property. The Agency Regulations and State Statutes have “teeth”. The Town may pursue the matter via the courts and if a judgement is issued against the property owner, the Town’s legal fees would be the responsibility of the property owner. The Town also has the authority to levy fines.

The C&D letter will be modified and forwarded to the property owner and all Agency members.

OTHER BUSINESS – None.

ADJOURNMENT

Bob Blair made a motion to adjourn the meeting at 7:30 p.m. Kim Senay seconded the motion. The motion passed unanimously.

Respectfully Submitted,

Suzanne Helchowski  
Clerk