

TOWN OF CHESHIRE

PLANNING & DEVELOPMENT DEPT.
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To: Cheshire Inland Wetlands and Watercourses Commission

From: Commission Staff

Re: Staff Communication: RFD #2021-002
Academy Road
Request for Determination: Agricultural As of Right, Greenhouse for Biodynamic Garden

Date: December 30, 2020

Attachment: Section 4.1 of the CIWWC Regulations

Request for Determination

The requestor seeks determination for the construction of a greenhouse for agricultural purposes.

Application/Permit/ History

2019 RFD for the creation of a greenhouse and biodynamic garden

2016 RFD for the creation of a farm road thru a wetland, requiring fill.

November 2013 the IWWC issued a permit for the construction of a single family house

Staff Analysis

The proposed greenhouse is located within the upland review area. Section 4.1.A.1 of the CIWWC regulates identifies that agricultural uses are allowed as a matter of right provided that the plans do not require the construction of a road, filling or redirecting wetlands and/or watercourses, clear cutting of timber or excavation of material for sale.

The plan locates silt fence to be used during greenhouse construction.

This request is identical to the 2019 submission. The one year validity date for the determination has expired and the work was not initiated/completed within this time period, necessitating a new request for determination.

DEC 30 2020

Planning Dept.

APPENDIX A

PERMITTED/NON-REGULATED USE DETERMINATION FORM

A. Describe the planned activity in detail below: We are requesting reapproval of our request for agricultural determination. We are requesting permission to put a greenhouse within the 50 foot encroachment area on the left side of our property (left side if you are facing our home at 500 Academy Road). The proposed greenhouse will be 60 feet long and 60 feet wide.

B. (1) Is the planned activity essential to a farming operation? yes If yes, please explain why. The purpose of the greenhouse is to raise koi and tilapia fish and to grow a hydroponic vegetable garden. The two are mutually beneficial as they support each other's nutritional health and growth. It is a closed system whereby the waste from the fish creates nutrients for the garden, and the vegetables consume the nitrates in the water which allows clean water for the fish. The greenhouse is essential for year round growing.

SECTION 4 -- USES PERMITTED AS OF RIGHT AND NONREGULATED USES

4.1 As Of Right And Nonregulated Uses.

- A. As Of Right Uses. Subject to Section 4.2 of these Regulations, the following operations and uses shall be permitted in inland wetlands and watercourses as of right:
1. Grazing, farming, fish farming, nurseries, gardening, harvesting of crops, farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this Subsection shall not be construed to include road construction or the erection of buildings not directly related to the farming operation; relocation of watercourses with continual flow; filling or reclamation of wetlands or watercourses with continual flow; clear-cutting of timber, except for the expansion of agricultural crop land; or the mining of top soil, peat, sand, gravel, or similar material from wetlands or watercourses for the purposes of sale;
 2. A residential home for which a building permit has been issued or which is on a subdivision lot; provided, the building permit has been issued by the Town, or the subdivision has been approved by the Cheshire Planning and Zoning Commission, as of June 27, 1974, and further provided, no residential home shall be permitted as of right pursuant to this Section 4 unless the building permit was obtained on or before July 1, 1987. The individual claiming a use of wetlands permitted as a right under this Subsection shall document the validity of said right by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, septic system, driveway, approval dates, or other necessary information to document his entitlement;
 3. Boat anchorage or mooring, not to include dredging, dock construction, or boat launches;
 4. Uses incidental to the enjoyment and maintenance of residential property. Such property is defined as equal to or smaller than 80,000 square feet, i.e., the largest minimum residential lot permitted anywhere within the Town and which contains a residence. Such incidental uses shall include maintenance of existing structures and landscaping but shall not include removal or deposition of significant amounts of material from or into a wetland or watercourse or diversion or alteration of a watercourse;