

Regular Meeting Minutes

January 3, 2019

**CITY OF NORWICH
INLAND WETLANDS, WATERCOURSES AND CONSERVATION COMMISSION
Lower-level Conference Room
23 Union Street, Norwich, Connecticut**

A. **CALL TO ORDER:** Chairman Richard Morell called the meeting to order at 7:02 p.m.

B. **ROLL CALL and SEATING of ALTERNATES:**

Present: Richard Morell, Chairman
Douglas Lee, Vice Chairman
David Poore
Peter Chalecki
Brandon Hyde
Art Sharron
Robert McCoy, Alternate
Michael Lahan, Alternate

Absent: None

Also Present: Deanna Rhodes, IWWCC Agent and Katherine Rose, Recording Secretary

C. **APPROVAL OF MEETING MINUTES:**

Richard Morell asked that the spelling of his name be revised in the previous minutes and to show that the November meeting was adjourned by Douglas Lee, not himself. Douglas Lee put forth a motion to APPROVE the December 6, 2018 minutes as amended. Peter Chalecki seconded. The motion passed unanimously.

D. **COMMUNICATIONS:** None

E. **PUBLIC HEARINGS:** None

F. **OLD BUSINESS:**

1. IWWCC #18-13: 17-35 Falls Avenue. Proposal to remove an approx. 120 sq. ft. portion of the existing building and replace with a 213.73 sq. ft. addition closer to watercourse and within the Special Flood Hazard Area. Application and Property of Mary Anna Holdings, LLC. Assessor's Map 101, Block 4, Lot 62 – Waterfront Development Zone.

Keith Nielson, DOCKO Inc., P.O. Box 421, Mystic, CT introduced himself and explained the project at hand is a reconstruction of a small section of the existing building where there was once an alcove that contained a below-grade basement door. Mr. Nielson stated that the rebuild expanded the original footprint by approximately 8 ft. to the north and approximately 10 ft. in the opposite direction so an overall 100 sq. ft. increase. Mr. Nielson said concerns arose regarding the impact this expansion would have on the floodway and flow rates in the area but he spoke at length with a FEMA representative who looked over the application documents and flood profile where he concluded it would not create

any impact. Keith Neilson stated the building expansion is of minor consequence exteriorly however it was a matter of building efficiency and making the best use of the property. Mr. Neilson stated unfortunately the project was done without a permit, so currently he and the applicant are requesting approval from the Commission so that they may rectify the issue.

David Poore asked if the work is currently complete to which Keith Neilson responded it was.

Richard Morell asked if any changes should be expected to the original plans he presented to the Commission. Keith Neilson stated there would not be and in regards to the section of the building that is to be removed the initial demolition is done. However there is site grading, and overhead door and a ramp that needs to be completed.

Douglas Lee asked if there were proper erosion and sedimentation controls in place in regards to the remaining grading work to be done. Keith Neilson responded there is and explained what controls exist on site.

Deanna Rhodes stated she confirmed with the FEMA representative Keith Neilson's conclusion that the floodway would not need to be studied because it was tidally influenced and would not be impacted. Deanna Rhodes recommended a 2-year permit be put in place opposed to the traditional 5-year permit as the construction is nearly complete.

Ms. Rhodes read into the record conditions that she felt should be considered by the commission should they grant an approval.

Art Sharon made a motion that a public hearing was not necessary for Application IWWCC #18-13 finding that it is not in the public interest to hold one and that the proposal did not include significant activities. Douglas Lee seconded. The motion passed unanimously.

Brandon Hyde made a motion to APPROVE IWWCC #18-13 with the following conditions, as read by the Planner:

1. That the approval is valid for TWO YEARS and will expire on 01/09/2021.
2. That a soil and erosion control bond, in an amount acceptable to the City Engineer, be posted prior to the commencement of any land disturbance activities on the site relative to this application.
3. That all site activities shall be conducted in accordance with the approved final plan, specifications and other documents of record. Any deviation from the approved plan or construction sequence shall be cause for enforcement action by the Inland Wetlands, Watercourses and Conservation Commission.
4. That the permittee shall notify the Inland Wetlands Agent prior to the commencement of work and upon its completion.
5. That all work and all regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this approval. Any structures, excavation, fill, obstructions, encroachments or regulated activities not specifically identified and authorized herein shall constitute a violation of this approval and may result in its modification, suspension, or revocation. Upon initiation of the activities authorized herein, the permittee thereby accepts and agrees to comply with the terms and conditions of this approval.
6. That no equipment or materials including without limitation fill, construction materials, or debris, shall be deposited, placed, or stored in any wetland or watercourse on or off site unless specifically authorized by this approval.

7. That the General Provisions stated in Section 11.9 of the Inland Wetlands and Watercourse Regulations are applicable to this permit.
8. That the permit shall not be assigned or transferred to another entity without the written permission of the Commission.
9. That all erosion and sediment control measures shall be in accordance with the Connecticut Guidelines for Erosion and Sediment Control. Erosion and sediment control measures shall be installed and inspected prior to site disturbance. It is the permittee's responsibility to schedule the inspection with the Norwich Planning Department. Additional erosion and sediment control measures shall be installed if determined to be necessary by the Designated Agent. The permittee shall take such necessary steps consistent with the terms and conditions of the approval, to control stormwater discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.
10. That this permit will be strictly enforced. The Commission may suspend or revoke this permit, may direct the Commission's Agent to issue a cease and desist order or may require the applicant to modify, extend, or revise the site work or restore the area to its original condition if it finds that the applicant has not complied with the conditions set forth in this approval or if the applicant exceeds the scope of this approval as set forth herein or if the intended use or actual use of the general site is not as represented by the application or the plan of record.

Peter Chalecki seconded. The motion passed unanimously.

G. NEW BUSINESS:

1. SHOW CAUSE HEARING: Unauthorized Land Disturbance in Regulated Area, Route 82 – Salem Turnpike in Vicinity of Goldmine Brook (East of 346 Salem Turnpike), Norwich, CT

David Poore recused himself.

Deanna Rhodes provided background of the situation of how a complaint was brought to her attention from a Bozrah Wetlands Committee member regarding utility work being done on Salem Turnpike/Route 82 across the Goldmine Brook for a senior living facility in Bozrah. She shared her conversation with DEEP about permitting and clarified the manner to best handle the situation. She reported that at this time, the work in the right-of-way was no longer proceeding. Deanna noted that NPU is working in the capacity of a contractor and the permitting of the project is the responsibility of the Town of Bozrah who will be taking over the utilities, and/or the project developer.

Christian Boysen introduced himself on behalf of the project and stated he understands the order and is in agreement with the conditions. He stated that he is meeting with the Bozrah wetlands commission next week to address permitting of the work on Salem Turnpike in that community.

Barry Ellison, construction manager for Norwich Public Utilities, explained that the utility installation ran out of time before the DOT's winter shut down. Barry Ellison stated that the temporary fix to provide natural gas to the site is to attach a 6 inch carrying pipe to the concrete bridge, above ground, and about 15 ft. from the wing walls they will go underground about 18 inches and then return out into the road.

Mr. Ellison said if things go as planned all of the temporary structures will be removed and the area will be restored to its original state by an April/May time frame if they are able to begin jacking in early spring.

Ryan Gueleher introduced himself as the site contractor for the property owners. He explained that once they are able to begin jacking the road area they will need to remove the temporary gas lines which ideally will line up with the spring timeline as they will be able to shut off heat in the building.

Christian Boysen went into detail regarding how they will restore the disturbed vegetation and the proposed crushed stone that will cover the piping once complete.

Deanna Rhodes asked for clarification whether Anchor Engineering, who drew the construction plans for the utility installation, is also the Bozrah town engineer. Christian Boysen responded that they are the town's consulting engineer. Deanna then asked Ryan Gueleher, the contractor, if he was aware that there were not permits in place for the work being conducted in Norwich and Bozrah. Mr. Gueleher responded that being from out-of-state he was unaware in addition to DOT approval that local permits were required as the construction area is located in the DOT Right-of-Way. Ms. Rhodes read the language from his DOT permit that places the responsibility on him to get all the required local, state and Federal permits necessary.

Christian Boysen asked the Commission about how quickly a decision on an application can be made on the application after it is submitted. He was hoping for March so they are not delayed for the permanent utility install and removal of the temporary gas connection.

Richard Morell stated their application is required to be submitted so that it will be received at the February meeting for discussion at the March meeting. He furthered that permanent construction should occur in May or June as April is prone to flooding. Ryan Gueleher responded that while their goal is April, he is aware of the potential issues.

Deanne Rhodes then read the three corrective actions that should be addressed immediately.

Art Sharron put forth a motion to SUSTAIN the cease and correct order with the following required corrective actions that will remain in place, as read by the planner:

1. Immediately install and maintain in good working order, erosion & sediment controls in the form of silt fence backed with stacked hay bales at limits of the disturbance.
2. Coordinate with Norwich Public Utilities to install a temporary gas line in accordance with the site plan entitled "Goldmine Brook Temporary Gas Line Crossing", prepared by CLA Engineers, Inc. dated 12/19/18, revised to 12/20/18. Submit a City of Norwich IWWCC application with an associated site plan(s) depicting the unpermitted land disturbance activities that have occurred to date and for any/all remaining work to complete utility connections or for any/all other work that is proposed to occur in the future within the regulated area.
3. This application must be submitted no later than thirty (30) days from receipt of this Order. The Commission will review the application and plan(s) for completeness at its next regularly scheduled meeting date.

Douglas Lee seconded. The motion passed unanimously.

2. Receipt of New Applications: IWWCC #19-01: 685 New London Tpke. Proposal to construct a pond and water conveyance system for irrigation at the Norwich Golf Course. Application of the Norwich Golf Course Authority. Property owned by City of Norwich. Assessor's Map 128, Block 1, Lot 1 – Recreational Open Space Zone.

Art Sharon made a motion to table the application until the following meeting. David Poore seconded. The motion passed unanimously.

H. **OTHER BUSINESS:**

1. **Staff Report: Update on Plan of Conservation and Development Implementation Committee**

Deanna Rhodes reported the Plan of Conservation and Development Implementation Committee meeting scheduled for January 9, 2019 has been canceled so that interested people can attend the SCCOG Bike/Ped meeting being held at the Otis Library. The next POCD PIC will be in March.

2. **Upland Review Permits Issued.** There were no agent approvals granted since last month.
3. **Miscellaneous:** Deanna Rhodes reported a job offer has been made to a person to fill the Planner position which will also be the Staff person to the IWWCC and be the IWWCC Agent. She stated that the applicant accepted the employment offer and is now going through the required Human Resources hiring process.

- I. **ADJOURNMENT:** A motion was made by Richard Morrell to adjourn the meeting at 7:548 p.m. Seconded by Peter Chalecki. Motion carried unanimously.

Respectfully submitted,
Katherine Rose, Recording Secretary