

**Regular Meeting Minutes September 1, 2022**

**CITY OF NORWICH INLAND WETLANDS, WATERCOURSES AND CONSERVATION  
COMMISSION  
HYBRID MEETING / PUBLIC HEARING  
100 BROADWAY, ROOM 319, NORWICH, CT**

**A. CALL TO ORDER:** Chairman Richard Morell called the meeting to order at 7:00 PM.

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

Present: Chairman Richard Morell, Vice Chairman Douglas Lee (ZOOM), Peter Chalecki (ZOOM), Michael Lahan (ZOOM) and Brandon Hyde (ZOOM).

Absent: None.

Also Present: David McKay, Boundaries Inc (ZOOM); Bill Eyberse, Yantic Fire Department (ZOOM); Pam Keggles, Three Rivers Retrievers; Tommy Balderacchi, Three Rivers Retrievers; Dan Daniska, Assistant City Planner (ZOOM); and Katherine Rose, Recording Secretary.

**C. APPROVAL OF MEETING MINUTES:**

Douglas Lee put forth a motion to APPROVE the June 16, 2022 special meeting minutes. Peter Chalecki seconded. Peter Chalecki, Douglas Lee, Brandon Hyde and Richard Morrell voted in favor. Michael Lahan abstained. The motion passed.

**D. COMMUNICATIONS:** Assistant City Planner Dan Daniska reported that UConn and DEEP would be holding a Forested Wetland Soils Workshop on multiple dates and various locations. Dan Daniska stated that three dates were scheduled for September for any interested members to contact him. Dan Daniska reported that the pond at 289 New London Turnpike was treated on June 8th, July 7th, August 4th and would be again on or around September 8th.

**E. OLD BUSINESS:**

- 1. IWWCC #22-11:** 143 Yantic Road Removal of 4,720 sq. ft. of existing pavement and a direct stormwater discharge into the Yantic River and replacement with grass, repaving of 2,155 sq. ft. of an existing parking area. Construction of a new 8,340 sq. ft. parking area, of which 3,375 sq. ft. is pervious pavement. Creation of a 2,840 sq. ft. landscaped and vegetated buffer between the proposed parking area and the Yantic River, construction of a new 3,000 square foot garage, and placement of 675 sq. ft. of rip rap on an existing slope immediately behind the stone wall that forms the westerly bank of the Yantic River. Upland Review Area disturbance estimated at approximately 22,365 sq. ft. Assessor's Map 49, Block 1, Lot 42-44. Zone NC

David McKay from Boundaries, Inc presented on behalf of the applicant Yantic Fire Department; from which Chief Bill Eyberse was also in attendance. David McKay showcased a satellite map of the property, which was displayed on-screen for all participants to view, and defined where the existing parking lot and garage were located. David McKay showed a photo of the existing conditions of the gravel lot which included remnants of pavement and concrete from a commercial building that was demolished years prior. David McKay showed a view from the edge of the existing gravel and described the topography of the area. David McKay described how the brush on the right

hand side of that area was located on a steep slope which ran down to a stone retaining wall that formed the bank of the river. David McKay showed the location of an existing paved leak-off within the paved parking area that drains into the Yantic River. David McKay showed images of the leakoff from various viewpoints. David McKay showcased the existing condition survey which showed the limit of the gravel on the southerly property and the brushline which steeped down toward the Yantic River. David McKay noted again the location of the paved leakoff that would be removed. David McKay explained the project was split in two parts, the first being construction of a new paved area where the existing gravel surface is located, consisting of approximately 3,300 square feet of pervious pavement to allow storm water to run off and flow through the surface. David McKay stated below the surface would be a thick layer of different gradations of crushed stone which would hold the water and allow it to be filtered. David McKay stated this system would be used to reduce runoff from the site and capture the first inch of water from the existing and proposed impervious areas. David McKay stated that between the edge of the paved area and river bank would be a crushed stone strip to run the edge of the parking lot for extreme storm situations. David McKay explained when the stone reservoir fills run-off would flow to a non-mode vegetated buffer, with landscape plantings, to a narrow lip of rip raff on the slope above the stone wall. David McKay stated the second part of the project was the construction of a new 3,000 square foot three-bay garage to provide parking for fire engine equipment. David McKay stated all existing pavement behind the building would be removed, as well as the paved leak off. David McKay stated that all of the runoff from the roof and existing paved area will flow into the new paved area and get captured by the pervious pavement. David McKay discussed the utilities and drainage plan that was displayed on-screen for all participants to view. David McKay stated the project proposes to have a high level connection to the existing city drainage discharge that runs through the property out to the Yantic River. David McKay stated a manhole would be installed in the area where there had been a recent drainage repair. David McKay stated the underdrainings would be connected to the manhole and would only collect high levels of runoff exceeding one inch water quality volumes. David McKay stated for erosion and sediment controls the project called for a strong waddle to be placed along the entire perimeter of the proposed disturbance before any clearing or rubbing would occur. David McKay noted the entire property was located within the FEMA designated flood plain. David McKay stated the proposed garage would be dry flood proofed and the new parking area would be graded to provide compensatory storage for the volume displaced by the building. David McKay showed the plan details for the other control methods, which was displayed on-screen for all participants to view, including the waddles, catch basin, inland protection and diaphragm. David McKay stated the plan includes a proposed landscape paver island consistent with the existing granite and pavement islands that are on the property. David McKay stated that any lighting installed would match what is on the bridge down the road from the property and would be in kind with the neighborhood. David McKay showed a detail for a guardrail along the proposed training area, the drainage manhole, underdrain system, the water service and directional signage. David McKay stated the total area of activity within the Yantic River upland review area was about half an acre and an additional quarter acre of disturbance for the parking lot work.

Richard Morrell asked for clarification on what occurs during a major storm with more than an inch of rain. David McKay reviewed the underdraining system that held a layer of crushed stone underneath the piping which was sized to hold more than the first inch of run-off to provide peak flow rate attenuation. David McKay stated the storm water report, which was reviewed by the city engineer, demonstrated that with the infiltration of the stone course and the control provided by the six-inch outlet pipe that peak flow rates will not exceed existing condition peak flow rates. David McKay further described the flow of

water during an extreme storm situation, which was fairly consistent with the current conditions aside from that in the proposed plan all run-off would be treated by the storage in the stone course and other courses. David McKay stated in a 100-year event there would be potential for a condition where that area is completely submerged, being in the 100-year flood plain, in which case the run-off would flow across as it would with a normal paved area into the stone filter course at the edge of the pavement for treatment.

Brandon Hyde stated he was familiar with the site and felt the old school splash way that is existing did nothing for filtering. Brandon Hyde stated he believes the plan will be overall site improvement.

Brandon Hyde made a motion that the application was not a significant activity and did not require a public hearing, due to the overall site improvements. Douglas Lee seconded. Douglas Lee, Peter Chalecki, Brandon Hyde, Michael Lahan and Richard Morrell voted in favor. The motion passed unanimously.

Assistant City Planner Dan Daniska reviewed his memo with a list of conditions to be included in the motion and requested a waiver of reading the conditions list.

Douglas Lee made a motion to waive the reading of staff conditions as it is displayed on-screen for all to view. Michael Lahan seconded. Douglas Lee, Peter Chalecki, Brandon Hyde, Michael Lahan and Richard Morrell voted in favor. The motion passed unanimously. The motion passed unanimously.

Brandon Hyde made a motion to APPROVE IWWCC APPLICATION #22-11 with the following conditions:

- That the approval is valid for FIVE YEARS and will expire on 09/01/2027.
- That a bond, in the amount of \$7,388.48, that has been deemed satisfactory to the City Engineer, be submitted for Erosion and Sediment Control and Site Restoration.
- That the Review Comments from the City Engineer in an email dated 08/02/2022 be addressed before the final revised plans be submitted and reviewed by City Staff.
- That the City's letter of approval be placed on the final revised plan set (cover page preferred), and that all plan sheets include the stamped seal and signature of the licensed professional.
- That all site activities shall be conducted in accordance with the plans, specifications and documents of record.
- Any deviation from the approved plans or construction sequence shall be cause for enforcement action by the Inland Wetlands, Watercourses and Conservation Commission.
- That the permittee shall notify the Inland Wetlands Agent prior to the commencement of work and upon its completion.
- 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.
- 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.
- That the General Provisions stated in Section 11.9 of the Inland Wetlands and

Watercourse Regulations are applicable to this permit.

- That the permit shall not be assigned or transferred to another entity without the written permission of the Commission.
- 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.
- 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.

REASON: The proposed erosion and sediment controls are sufficient to protect the Yantic River located adjacent to the project.

Douglas Lee seconded. All voted in favor. The motion passed unanimously.

## **2. IWWCC #22-09: 3 Sabrinas Court WITHDRAWN**

### **G. NEW BUSINESS:**

**1. SHOW CAUSE HEARING:** Unauthorized Land Disturbance in a Regulated Area – 300 Canterbury Turnpike, Norwich, CT. Assessor's Map 30, Block 1, Lot 16. Zone R-80.

Assistant City Planner Dan Daniska reported the show cause hearing was for unauthorized work that occurred at 300 Canterbury Turnpike in May and June of 2022. Dan Daniska stated he received multiple complaints regarding work in the pond area and that copies of the cease and correct orders were provided to the IWWCC in the interim between the last regular meeting. Dan Daniska stated the main points of the order were for the property owners to immediately install ENS controls and silk fencing along the disturbed area surrounding the pond; and to appear before the commission and provide evidence regarding the agricultural use of the property. Dan Daniska stated he spoke with one of the group members who provided a general term of their plans for the property which included a stone wall removal, hay the existing fields for the short term, and clean up around the pond for watering use purposes. Dan Daniska stated he contacted DEEP due to the nature of the pond work, who has the authority to go on the site, and displayed pictures on-screen for all to view taken by DEEP of the grading and clearing that occurred around the pond. Dan Daniska stated based on aerial imaging it appeared the pond had increased in size from its previous state.

Pam Keggles and Tommy Balderacchi were in attendance as two of the three members of Three Rivers Retrievers, who own the property at 300 Canterbury Turnpike. Pam Keggles explained that the three members train hunting retrievers on the property and had been doing so for the past year. Pam Keggles explained at the time of purchase a farmer was growing corn on the property which would not be safe for the dogs to run through so they allowed the farmers to keep the crop for harvest when it was ready. Pam Keggles stated the property at

the time of purchase was in a PA-490 Forestry Program. Pam Keggles stated the group had instructed farmers to plant radishes, rye and clover to preserve the property's soil until it could be determined what to do with the farmland. Pam Keggles stated the property had gone into disuse decades prior and had been used as an improper dumping ground. Pam Keggles stated dogs were badly cut on various sharp objects littered in the area so the group began a large clean up project. Pam Keggles stated the group also learned the PA-490 Forest Program did not apply to new ownership so the group applied themselves and were approved. Pam Keggles stated at the time of approval it was still unknown how to proceed with the crop so the focus was put on clean up which incurred more expenses than expected and put a hold on further plantings. Pam Keggles stated the water structure was critical to the training of the dogs. Pam Keggles explained that the pond was a man made structure littered with various trash in addition to overgrown vegetation. Pam Keggles discussed their dogs and the history of their program and training. Pam Keggles stated the group believed it was in a non-regulated area due to their use of the property and thought they were doing the correct thing by cleaning up the area. Pam Keggles stated the group's desire for the property is to have a safe and beautiful property for the training of the dogs. Pam Keggles stated the property owners would like to request permission to prepare the property for planting grass, anticipating the upcoming rain.

Richard Morrell asked how much the pond was enlarged. Tommy Balderacchi responded the pond appeared enlarged because of the brush removal and dragging of debris but the pond had not been dug any larger and had been refilled by rain water. Tommy Balderacchi discussed the training process for the dogs. Richard Morrell asked if the property had any agricultural use and Tommy Balderacchi responded it did not at that time. Assistant City Planner Dan Daniska stated there was extensive disturbance and if the pond was a farm pond three acres or less of disturbance are allowed if deemed essential for the farming operation, but it did not seem to be the case in that situation. Dan Daniska noted the expansion of the pond was well under three acres but regardless the pond was not being used for farming operations. Dan Daniska stated the main point is that the work that occurred around the pond should have been brought before the IWWCC prior to being done. Douglas Lee agreed that a full application including a site plan, erosion controls, etcetera, should have been submitted prior to beginning work. Brandon Hyde asked if any large trees were removed or just scrub brush. Tommy Balderacchi responded that only small trees, scrub brush and a lot of heavy vines were removed. Assistant City Planner Dan Daniska stated there had been extensive vine brush overgrowth when he visited the site in 2021. Dan Daniska stated he had not been to the property that summer as there was not permission to go onto the property without an application. Dan Daniska stated that DEEP went to the site for a water diversion investigation and the disturbance was deemed not significant enough to require their involvement. Brandon Hyde and Dan Daniska discussed the size of the pond over the last few years based on Google satellite images, as it is displayed on-screen for all to view. Dan Daniska stated the pond seemed to have been the same relative size for quite a while but did not believe the increase to it was significant. Brandon Hyde noted the most important thing to be done to protect the resource would be to take advantage of the upcoming season to do what's possible to get the area restored, seeded and stabilized. Dan Daniska stated the opinion of the city on the agricultural use of the pond would be whatever determination is made by the board. Dan Daniska noted there were significant wetlands on the property and when the previous owner received their forestry permit a forest application had been brought before the IWWCC. Brandon Hyde asked if the larger forestry plan that was approved encompassed the lot affected. Dan Daniska responded he believed it was all part of one lot. Brandon Hyde asked the applicant what was currently in the field to which Tommy Balderacchi responded there was rye and clover planted currently and the group had been mowing through the area currently to make space for training purposes. Tommy Balderacchi stated the group may allow someone to bail the area for hay in the future but there were no

current plans in place. Peter Chalecki asked if DEEP noticed any sediment downstream when they visited the site. Tommy Balderacchi responded the pond water could only overflow and run into the woods if it seeped underground or overflowed the very large dike that is installed in the pond. Daniska showed the response email from DEEP displayed on-screen for all to view. Douglas Lee stated the movement occurred within the 100 year upland review area so any activities that occur there need to be permitted and reviewed by the IWWCC. Brandon Hyde suggested having the application be submitted by the trust clerk to get the area stabilized for the fall until an entire site plan can be submitted. Brandon Hyde stated there should be a two week timeline to submit a plan of stabilization.

Brandon Hyde made a motion to revise the Cease and Correct Order with the following instructions: Work with City of Norwich staff to ensure that the area is properly seeded and stabilized by October 1, 2022, with a plan developed by September 15, 2022. Douglas Lee seconded. Brandon Hyde, Douglas Lee, Peter Chalecki, Michael Lahan and Richard Morrell voted in favor. The motion passed unanimously.

**2. Receipt of Applications - IWWCC #22-14: Uncas Leap Heritage Park**

Assistant City Planner Dan Daniska stated the application came in before the deadline. Douglas Lee made a motion to table application IWWCC #22-14 until the next regularly scheduled meeting. Michael Lahan seconded. Brandon Hyde, Douglas Lee, Peter Chalecki, Michael Lahan and Richard Morrell voted in favor. The motion passed unanimously.

**H. OTHER BUSINESS: 2023 Meeting Schedule**

Brandon Hyde made a motion to approve the proposed 2023 meeting schedule. Peter Chalecki seconded. Brandon Hyde, Douglas Lee, Peter Chalecki, Michael Lahan and Richard Morrell voted in favor. The motion passed unanimously.

**I. VIOLATIONS:**

**J. ADJOURNMENT:** Michael Lahan made a motion to adjourn the meeting at 8:00 PM. Peter Chalecki seconded. Brandon Hyde, Douglas Lee, Peter Chalecki, Michael Lahan and Richard Morrell voted in favor. The motion passed unanimously.

Respectfully submitted, Katherine Rose, Recording Secretary