

January 5, 2017 Regular Meeting Minutes

**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 7:00 p.m.

B. ROLL CALL and SEATING of ALTERNATES:

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

Absent:

Also Present: Deanna Rhodes, IWWCC Agent and Linda Lee Smith, Administrative Secretary

C. APPROVAL OF MEETING MINUTES:

A motion was made by Michael Lahan to **APPROVE** the minutes of the December 1, 2016 regular meeting. Seconded by Art Sharon. Motion carried unanimously.

D. COMMUNICATIONS: Deanna Rhodes handed information to the Chairman about membership opportunities with the Land Conservation Council.

E. PUBLIC HEARINGS: None

A motion was made by Brandon Hyde to suspend the rules to move the agenda out of order and to proceed first with IWWCC #16-09. Seconded by Douglas Lee. Motion carried unanimously

F. OLD BUSINESS:

1. **IWWCC Application #16-09:** 126 Golden Street. Application for the construction of a two-family dwelling and site improvements within the Upland Review Area. Application of Habitat for Humanity Eastern CT represented by James Bernardo Land Surveying, LLC

Jim Bernardo, Land Surveyor, 102 Spithead Road, Waterford, CT introduced himself and represented of the property owner. The subject property is located at 126 Golden Street and the proposal is to build a two family on the property. He explained there is a small pocket of wetlands in the rear of the property which has been flagged. It is in the vicinity of a catch basin that he's unsure about where it goes. Mr. Bernardo stated it would be a 2-family home joined together in the middle, with 4 parking spaces in the front, storm water and sediment silt fence to stabilize the site with hay bales around the catch basin. Jim Bernardo explained that in 1904 there was a combined sewer and drainage pipe that connected from the house next door across back of the property and tied into it. Norwich

Department of Public Utilities informed him that they do not want the new dwelling to tie into the combined sewer, which wasn't their intention. However, the connection as proposed must be revised because the utilities don't extend where it is shown in the street on the site plan. Mr. Bernardo stated there would be no activity directly within the wetlands; but the house, driveway, utilities, grading and fill are all within the regulated area.

David Poore asked whether the combined sewer in the back was going to change the approach to grading. Jim Bernardo stated it appears to be just to the east side of the catch basin and all grading is to the other side of it. Jim Bernardo stated it appears to be 40' behind the building. David Poore asked if he made provisions for roof leaders. Jim Bernardo stated he hadn't. Jim Bernardo asked whether the Commission would prefer infiltration or discharge into the catch basin in the back. David Poore said he wouldn't like it to be discharged into the catch basin because it is his understanding that many combined sewers will be removed and changed within the next 3-4 years. Mr. Bernardo stated they could provide plastic infiltrators on site in an area in front of the 2-family to mitigate some of the runoff. Both Brandon Hyde and David Poore preferred this recommendation as they didn't want it point sourced into the wetlands through piping.

Deanna Rhodes then asked the board whether the applicant had addressed their drainage concerns sufficiently with the proposal to install an infiltration system. Brandon Hyde and Douglas Lee responded yes. Deanna Rhodes then noted a few items for the Commission's consideration. These included the following: There is trash and debris that must be removed from the wetlands, Uncas Health District had no comments regarding the proposal; a 5 year expiration is suggested for the permit; Pat McLaughlin's outstanding issues had been addressed; and a formal easement between the owner and neighboring property owner must be prepared by an attorney to address the parking space encroachment. She briefly went over the standard IWWCC conditions and asked that they be included in an approval, should one be granted.

A motion was then made by Art Sharron to APPROVE application IWWCC #16-09 based on the testimony presented with the following conditions:

1. That the debris and trash in the wetlands be removed prior to the start of any land disturbance activities.
2. That the applicant address drainage from roof leaders with installation of an infiltration system.
3. That the applicant work with Norwich Public Utilities to relocate the proposed sewer line to address concerns in an email dated 01/05/17 from NPU to the Wetlands Agent.
4. That this approval is valid for FIVE YEARS and will expire on 01/05/2022. If the proposed activity is not started on or before the expiration date the approval is null and void.
5. That a bond, in an amount to be determined by the City Engineer, be submitted for Erosion and Sediment Control and Site Restoration.
6. 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.
7. That the permittee shall notify the Inland Wetlands Agent prior to the commencement of work and upon its completion.

8. 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.

9. 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.

10. That the General Provisions stated in Section 11.9 of the Inland Wetlands and Watercourse Regulations are applicable to this permit.

11. 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 storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.

12. 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.

Second by Brandon Hyde. The motion passed unanimously.

2. **IWWCC Application #16-08:** 774 West Thames Street. Application for tree removal within a regulated Upland Review Area. Application of Joseph Quirk of Interstate Forestry Services LLC representing Scranton Chevrolet of Norwich.

Matt Scranton, General Manager, Scranton Chevrolet, 774 West Thames St. and Joseph Quirk of Interstate Forestry Services LLC, 332 Craigue Hill Rd., Springfield, VT introduced themselves. Mr. Scranton apologized that he didn't realize what the process involved for removal of the trees. He stated that he wasn't prepared and should've attended last month instead of sending a representative. Mr. Scranton stated Joe Quirk pointed out what he deemed as errors in the minutes of the previous month. He clarified that they were not taking down trees directly along the Thames, but up near the parking area. He felt that the way the minutes were written, their proposal was most likely misconstrued and the reason why the Commission had received a letter regarding their proposal. Mr. Scranton stated that the trees they want to cut are 100% lean and concerned some of them will come down in the parking area. He stated that some big branches have already fallen from the wind, and he's trying to stop any further damage to his inventory.

Douglas Lee stated he had walked the site. He noted the discussion last month regarding the roosting area for eagles and concern about significant habitat loss. He stated that this

is probably not a real concern, as the entire area is forested and these trees are on the edge of the forested boundary. Brandon Hyde stated he had also visited the site and agreed with Mr. Lee. Mr. Scranton stated that they followed up with the State about roosting bald eagles and they had received a letter from the State which indicated that they didn't think cutting down those trees would have any impact.

Deanna Rhodes stated that David Poore had brought to her attention that the property falls within 500' of another town. Ms. Rhodes stated a decision couldn't be made this evening as the City is required to notify Montville of this application to give them an opportunity to comment. A discussion then ensued.

Art Sharron was concerned because there was a letter requesting a public hearing. Mr. Scranton stated he felt that the person who wrote the email is reacting to incorrect minutes which indicated they would be cutting within a 10'-15' wide strip along the Thames River instead of at the top of the slope near the parking lot. Mr. Scranton clarified that they are not on the Thames River, but on Trading Cove. Deanna Rhodes then asked the applicant to specify whether they intend to stump the trees. Mr. Scranton stated they want to leave the stumps and roots to stabilize the hillside.

Based on discussion, Deanna Rhodes then asked the board members if they would allow her to do an administrative agent approval after the appropriate notification to Montville. The Commission directed her to issue an administrative approval. Ms. Rhodes stated it's normal to wait 15 days to receive their comment, but would contact their wetlands agent to inquire whether it could be reviewed quicker. She also noted the waiting period after the applicant puts the legal notice of approval into the newspaper.

Mr. Scranton asked if it was okay to trim limbs on trees that are hanging over the cars. Brandon Hyde and Douglas Lee stated there would be no issue. Mr. Lee stated trimming is allowed in the Upland Review Area.

Motion was made by Brandon Hyde approve IWWCC 16-08 to give staff the authority to do an administrative approval. Douglas Lee seconded the motion. Motion carried unanimously.

G. NEW BUSINESS: Applications submitted to 01/04/17 - None

H. OTHER BUSINESS:

1. Staff Report:

a. IWWCC Permits Issued by Agent for Disturbance within the Upland Review Area: None

b. Complaints Received and Being Investigated:

1. 128 Hamilton Avenue Little League Field – Deanna Rhodes stated she had been out to the property with football team staff and the City's recreation director. She will be helping them to find a location on site for the container to remove the violation. This will be accomplished by relocating it outside the wetlands regulated area and the special flood hazard area.

2. Deanna Rhodes stated she had received an email from an engineer working on the Ponemah Mill project relative to installing drainage in an area that differs from what was approved by the Commission. A discussion then ensued where they discussed the new proposed drainage outfall location, recent tee clearing that had occurred on the north side of the building near the river, and whether or not the approvals had expired for the site work.

c. Other: None

J. VIOLATIONS: None

I. ADJOURNMENT: A motion was made by Douglas Lee to adjourn the meeting at 7:29 p.m. Seconded by Art Sharron. Motion carried unanimously.

Respectfully submitted,

Linda Lee Smith

Linda Lee Smith
Administrative Secretary