

Regular Meeting Minutes November 4, 2021

CITY OF NORWICH INLAND WETLANDS, WATERCOURSES AND CONSERVATION COMMISSION

VIRTUAL/REMOTE MEETING

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, Robert McCoy, Brandon Hyde and Peter Chalecki.

Absent: Vice Chairman Douglas Lee, Michael Lahan, and Swarnjit Singh Bhatia.

Also Present: Dan Daniska, Assistant City Planner/Wetlands Agent

C. APPROVAL OF MEETING MINUTES:

Peter Chalecki put forth a motion to APPROVE the October 7, 2021 Regular Meeting minutes as presented. Richard Morell seconded. Peter Chalecki, Brandon Hyde, Robert McCoy and Richard Morrell voted in favor. The motion passed unanimously.

D. COMMUNICATIONS: None.

E. PUBLIC HEARINGS: None.

F. OLD BUSINESS: None.

G. NEW BUSINESS:

1. SHOW CAUSE HEARING: Cease and Correct Order – 2 Sabrinas Court Norwich, CT 06360

Dan Daniska reported that unauthorized activity had occurred at 2 Sabrinas Court and that Bonnie and Richard Gaboury, owners of the property, were on the call along with their engineer, Chuck Mandel. Mr. Daniska noted that on September 28, he was informed by that there were multiple deficiencies and violations that had occurred on the property. Mr. Daniska stated the issues that were cataloged in his letter to the property owners:

1. Two retaining walls were constructed without proper approvals or permits, the wall on the northwest corner of the house extends into the City's Conservation Easement by approximately 8 feet.
2. The Silt fence was improperly installed, and it has large rocks piled on it in multiple locations. Additionally, sediment has breached the silt fence in multiple locations.
3. Silt fence did not appear to be installed in the location as shown on the approved site plan.
4. Large rocks were pushed over the bank behind the silt fence.
5. Site grading does not appear to coincide with the approved plan.

6. Stock pile of material was observed in the rear of the house without any E&S control. The approved location was the North East Corner of the property as shown on the approved plan.
7. No construction entrance was observed. The previously existing anti-tracking pad needs maintenance or reconstruction until such time a permanent apron and driveway are installed.

Mr. Daniska reminded the Commission that their charge was to make a decision to affirm, amend, or withdraw the Cease and Correct Order that he had issued to the property owners. Mr. Daniska noted that he has spoken to the property owners multiple times and a number of the issues have seen positive progress.

Rich Morell asked if the property owners would like to address the order and the issues at hand. Chuck Mandel introduced himself as the representative for the Gabourys. Mr. Mandel walked the Commission through the updated site plan that shows the current state of the property. He stated that the homeowners were unaware as to the magnitude of the encroachments that took place, and efforts have been made to correct some of them already. Mr. Mandel inquired as to stabilization options this late in the growing season. Mr. Mandel asked the Commission to release the Cease and Correct order, and would like to correct the issues moving forward either through a new site plan and working with staff to stabilize what is out there now. Rich Morell inquired about plans to remove the concrete wall in the Conservation Easement. Chuck Mandel responded that would be up to the owners and what the Commission decides. Mr. Mandel said he understood that it was a violation of the easement when it was installed, but questioned whether or not it would be more of a disturbance to remove it. Mr. Mandel offered the option of plantings around the wall and leaving it in place. Brandon Hyde inquired about the wall in relation to the conservation easement. Dan Daniska responded that staff is willing to be flexible and work with the property owners regarding the violations, but the wall would have to be removed from the Conservation Easement. Mr. Daniska noted that it would cause issues with the subdivision approval, the City Council's acceptance of the Conservation Easement, and other legal issues. Brandon Hyde asked how difficult it would be to remove the wall and if it would require a return for stabilization. Chuck Mandel responded that it would not need a return, the wall could be saw cut and removed. Brandon Hyde asked if the Conservation Easement could be expanded somewhere else on the property to compensate for the encroachment. Dan Daniska responded that the process would be more complicated than just removing the portion of the wall that is in violation. Brandon Hyde noted that at this point in the year, an annual rye contractors mix with a straw matting on top would be the best for stabilization once the wall is removed. Dan Daniska agreed with Mr. Hyde regarding the stabilization. Rich Morell summarized the cease and correct order and the discussion to that point. Brandon Hyde asked a question as to the purpose of the stockpile to the rear of the house, to which Chuck Mandel replied that it was a smaller dirt pile that would be graded as part of the stabilization of the rear and side yards. Brandon Hyde noted that the verbiage of the order should be amended to reflect the change. Dan Daniska responded that he will change the wording in the follow up letter that will be sent to the property owners.

Brandon Hyde made a motion to affirm the Cease and Correct Order with the modifications discussed regarding the rear stockpile and removal of the typo from the letter. Peter Chalecki seconded. All voted in favor, the motion passed unanimously.

2. Receipt of Applications: IWWCC #21-12 – 555 Norwich Avenue – Ponemah South Mill

Dan Daniska mentioned that the Commission may wish to receive the application, table it, and schedule a site walk as the application is rather large and includes elements along the Shetucket River. The site walk would be held instead of the December IWWCC meeting, and a decision could be held at the January meeting. Brandon Hyde asked if the application was large enough to warrant a site walk, to which Dan Daniska replied that he had given the applicant notice that the Commission may want to schedule a site walk at some point previously to making a decision. Mr. Daniska stated that he would work with the applicant and the Commission to schedule a daytime site walk at some point in December, to which the Commission was agreeable.

Brandon Hyde made a motion to accept and table IWWCC #21-12, with the intention of scheduling a site walk in lieu of the December IWWCC meeting. Peter Chalecki seconded. All voted in favor, the motion passed unanimously.

H. OTHER BUSINESS: None.

I. VIOLATIONS: None.

J. ADJOURNMENT: Peter Chalecki made a motion to adjourn the meeting at 7:20 PM. Brandon Hyde seconded. All voted in favor. The motion passed unanimously.

Respectfully submitted, Dan Daniska, Assistant City Planner/Inland Wetland Agent