

**MINUTES OF THE REGULAR IWWC MEETING via ZOOM
JANUARY 5, 2021**

Present: Chairman Samantha Marone, Dwayne Xenelis, Mike Engels, Karl Gellotte, IWW Enforcement Officer Heidi Wallace and Commission Attorney John Casey.

1. CALL TO ORDER:

The meeting was called to order at 7:00 p.m. by Chairman Samantha Marone.

2. PUBLIC COMMENT PERIOD: None.

3. OLD BUSINESS: None.

4. NEW BUSINESS:

1. Notice of Violation – Bassett Charters, LLC – 177 Boston Post Road, Assessor ID 187/001 – excavation and deposition of material in upland review area and inland wetland:

Paul Zable of Bassett Charters LLC was present. The Notice of Violation was read for the record. Mr. Zable acknowledged that he did receive the notice. Mr. Zable stated that the silt fence was placed where it was supposed to be and there has been nothing done past the silt fence. He further stated that he has been taking out trees that had fallen in recent storms and cleaning out all the debris. He is just trying to do what he first started, but couldn't until now due to finances. The debris that he has taken out has been tires, metal, concrete metal beams and trash. He had previously cleaned out the east side of the property and corrected the water problem in this area, which was affecting the neighbor's septic system. The west side of the property is very wet and the stored boats in that area were tipping and leaning so he had to shore up the area to protect the boats. Mr. Zable stated that he thinks he did a great job of cleaning up the property and feels he hasn't affected any area that is in question. Heidi Wallace stated that she had delivered the Cease and Desist Notice and told the person running the equipment to cease all work immediately. The work continued for days, right up until yesterday. They were still removing vegetation on the west side of the property, which is a wetland. Mr. Zable stated that he doesn't believe that anyone was working on the property yesterday and that all work stopped as soon as the order was received. Ms. Wallace stated that she disagreed with Mr. Zable. She stated that after hand delivering the order she received a phone call from a neighbor who stated that 15 minutes after she left, they started the work again. She went to the property at 5:30 and they were still working. Ms. Wallace further stated that she took pictures. Mr. Zable stated that he has not touched Mr. White's property and that he is trying to run a business in town in order to survive. He further stated that the Town Hall was closed so he couldn't talk to anyone or get a permit. Ms. Wallace stated that the Town Hall has been back open to the public since June. Prior to that the staff was available via phone or email. Chairman Marone stated that this area is a wetland and there should not be any work being done in it. Ms. Marone read the minutes from 2018 when the application was discussed. It stated in the minutes that the applicant stated "there will be no changes to the current property". Ms. Marone stated that the commission needs to determine the next steps to take. The permit only approved change of use from car to boat repair and storage. There should have been no changes to the property at all. Dwayne Xenelis asked if the property owner was, in fact, working outside the approval of the permit. Ms. Wallace stated that fill was placed beyond the approved

area. Mr. Zable stated that the silt fence was where it was supposed to be and that nothing was done beyond it. Ms. Wallace stated that the silt fence was placed in the wetland and she asked them to move it out of the wetland and to where it was supposed to be. Dwayne Xenelis stated that a silt fence does not define the limits of work, fill or activity. Mr. Xenelis asked Ms. Wallace what she observed of the work that was being done that was beyond what the permit allowed. Ms. Wallace stated that even up to yesterday, trees were being cleared from the west side of the property. Pictures of the work were emailed to all Commission Members prior to the meeting. Ms. Wallace stated that south of this property there are historic flooding issues. All the neighbors are aware that bringing any fill into the area will make the flooding worse. This is why some of the neighbors have been so upset when they saw fill being brought in. Dwayne Xenelis asked about the pipe on Mr. White's property being buried. Attorney Ed Cassella, who represents Mr. White stated that there is a drainage easement that runs across Mr. White's property that comes from Riverview Road towards the very large wetland system. Ultimately it goes to Grove Beach Road South and into Clinton. Mr. Cassella stated that this issue has been resolved. The main concern is loss of vegetation, possible loss of pervious surface and installation of new fill changing the grading dynamics and drainage dynamics of the area. Mr. Casella pointed out again, that the applicant stated, in the minutes from 2018, that there will be no grade change to the property. Mr. Cassella stated that from the pictures, you can see substantial grade change, loss of the vegetation buffer that was in place and possible loss of wetlands, which will greatly negatively impact the drainage characteristics of adjoining properties.

Dwayne Xenelis stated that, in his opinion, it appears that work has been done outside the original permit approval, so a new permit would have to be applied for and he feels we should go look at the property to see what we are dealing with. Mike Engels stated that he agrees with this. Karl Gellotte asked if there was an option of having the property returned to what it was before the work was done as opposed to issuing a new permit for the changes already made to the site without a permit. Ms. Wallace stated that yes, this was an option. It would be a request to put the property back to its natural state or remediation. Chairman Marone stated that a site walk would help in making the final decision. Mr. Gellotte also agreed that a site walk should be done. Commission Attorney John Casey stated that if an application is received for an after the fact permit, whether required or not, but if received, it must be reviewed as if the work has not been done yet and must meet all the standards and regulations. Mr. Casey further stated that any required changes to the property should be done in a timely manner. A site walk was set for Thursday, January 7, 2021 at 12:15 p.m. and all COVID protocols will be in place. All attendees will wear a mask and social distance. Attorney Casey stated that the Commission might want to consider holding a special meeting to keep on top of the matter and not wait another month. Ms. Wallace stated that she will check with the town's IT person to see when a special meeting could be held. Mr. Zable asked if he could attend the site-walk via cell phone since he is out of town. It's important for him to see what the Commission is seeing. It was stated that it would make sense for the applicant to have a consultant or Soil Scientist attend the site walk. Attorney Cassella stated that he and Mr. White would also attend the site walk. Ms. Wallace stated that she will bring the approved site plans with her on the site walk. She will also check for Zoning permits/plans that were approved. Mr. Zable stated that they are good people and were not trying to hurt anything or do anything wrong, they are just trying to run a business in The Town of Westbrook. They have been in the boat business for 76 years and have been

in Westbrook for years. He further stated that they are not trying to do anything wrong, so he will do whatever he needs to do, because he thought he was doing what he was told he could do. They have cleaned up a lot of trash and there is still a lot back there.

At this time, Attorney Casey left the meeting.

REGULAR BUSINESS:

A. Minutes of the Previous Meetings: Special Meeting 11/4/2020 (1):

Upon a motion by Mike Engels, seconded by Karl Gellotte, it was:

VOTED: To approve the minutes of the 11/4/2020(1), as amended. Dwayne Xenelis abstained from the vote.

Minutes of the Previous Meetings: Special Meeting 11/4/2020 (2):

Upon a motion by Mike Engels, seconded by Karl Gellotte, it was:

VOTED: To approve the minutes of the 11/4/2020(1), as amended. Dwayne Xenelis abstained from the vote.

B. Chairman's Comments:

Chairman Marone wished everyone a Happy New Year.

C. Correspondence:

None.

D. Staff Report: (October, November and December)

Distributed and discussed.

E. Commission Member Reports:

- There was discussion regarding the status of the old Turnpike Auto Wreckers on Pond Meadow Road/Willard Avenue. There has been nothing proposed for the site at this time, but they were just approved for a Zone Change to an Industrial Zone.
- Karl Gellotte stated that he feels that the Zoom Meetings have been very effected and hopes that they will continue after the Covid restrictions are lifted for those who prefer not to meet in person. It will help with those who travel or whatever other reasons that someone can't attend in person. Ms. Wallace stated that she will bring this matter to the attention of the First Selectman and agreed this was something to think about going forward.

F. Bills:

Upon a motion by Mike Engels, seconded by Dwayne Xenelis, it was:

VOTED: Unanimously to approve payment of the following bills:

Hartford Courant - \$43.48 and \$36.85

Robinson & Cole: \$210.00

Lynda.com - \$239.88

Katie Kelemen - \$69.58

G. Adjournment

Upon a motion by Mike Engels, seconded by Dwayne Xenelis, it was:

VOTED: Unanimously to adjourn at 8:01 p.m.

Respectfully submitted:

Kathleen H. Kelemen, Secretary

As transcribed from a recording of the meeting.