

Town of Montville Inland Wetlands Commission
Regular Meeting Minutes
Thursday, April 21, 2011 – Town Hall
Council Chambers – 7:00 p.m.

1. Call to Order

Chairman Brush called the regular meeting of the Inland Wetlands Commission to order at 7:00 p.m.

2. Roll Call

Present were Commissioners Riske, Taylor, Brush, Bartholomew, O'Bday, Johnson and Beauchene. Also present was Ms. Colleen Bezanson, Inland Wetland Agent/Planner II.

3. Motion made by Commissioner Johnson, seconded by Bartholomew to approve the meeting minutes of the March 17, 2011 regular meeting. Discussion, none, voice vote, 7-0, all in favor, motion carried.

Motion made by Commissioner O'Bday, seconded by Commissioner Riske to approve the March 31, 2011 workshop meeting minutes. Discussion, none, voice vote, 5-0-2, Commissioners Beauchene and Johnson abstained from the vote as they were not present at the workshop meeting, motion carried.

4. Executive Session

Motion made by Commissioner Taylor, seconded by Commissioner Riske, to move agenda item #4 after agenda item #9 (a). Discussion, none, voice vote, 7-0, all in favor, motion carried.

5. Public Hearings – none.

6. Show Cause Hearings – none.

7. Remarks from the Public relating to items on the agenda

Chairman Brush asked three times if there was anyone from the public who would like to come forward to address the Commission regarding items on the agenda.

8. Old Business

a. Leonard and Kathleen Johnson; an application for the construction of a 24 x 36 foot garage within the review area on the property located at 87G Cottage Road, Montville, Connecticut as shown on Assessor's Map 63, Lot 3.

Ms. Colleen Bezanson, Inland Wetland Agent/Planner II stated the Johnson's have asked for an extension until the June 16th regularly scheduled meeting because they are not available to attend the April 21st or the May 19th meeting. In addition, a 22(a) – 19 Intervener petition has been submitted to the Commission. She encouraged the Commission to continue this matter to the June 16th meeting as requested by the applicant.

Motion made by Commissioner O'Bday, seconded by Commissioner Beauchene, to postpone the application of Leonard and Kathleen Johnson; an application for the construction of a 24 x 36 foot garage within the review area on the property located at 87G Cottage Road, Montville, Connecticut as shown on Assessor's Map 63, Lot 3 until the June 16, 2011 regularly scheduled meeting. Discussion, none, voice vote, 6-0-1, Commissioner Johnson abstained from the vote, motion carried.

9. New Business

a. Robert Sachs, an application for a thirty two lot subdivision on the property located at 316 Chapel Hill Road, Montville, Connecticut as shown on Assessor's Map 35, Lot 1.

Ms. Colleen Bezanson, Inland Wetland Agent/Planner II stated the applicants are proposing a thirty two lot cluster subdivision. Staff has conducted the preliminary review of the plans and there are eighteen comments that are attached to the staff report that need to be addressed to complete the submission. Some of the issues are basic subdivision information that is necessary to have on the plans and some are wetlands issues. One of the wetlands issues of concern to staff is the soil scientist report originally submitted in November of 2009 was revised but the date was not changed on the plan to reflect the revisions. Because the date on the plan was not revised she is unclear as to when it was revised and who revised the plan. The numbering of the wetlands flags and the map do not match the same numbers as in the soil scientist report. Wetland #h in the soil scientist report depicts four flags and on the plan it has five flags. Wetlands areas M and L depict a small portion of the wetlands with a different symbol on it, and the perk test should have been reviewed by the Uncas Health District when they were dug and there is no perk test data depicted on the plan. Ms. Bezanson recommends the Commission members schedule a site walk because there are a large amount of wetlands on the property and nineteen out of the thirty two lots have wetlands on them. The Commission reviewed the plan. Ms. Bezanson stated there are numerous streams and springs located on the property. Staff went out to this property and walked it with the Town Engineer and has concerns because of the extent of the wetlands. When the plans came into the office for the conceptual review for the Planning & Zoning Commission, many of the wetlands were not shown on the plan. The wetlands flags done by the soil scientist were placed during the winter and it indicates the ground was snow covered so there is not indication of vernal pools because the ground was covered. Ms. Bezanson stated the Commission has three options, they can continue this application until next month, they

can set a site walk or if they think the application is incomplete they can deny based on the fact that it is incomplete. The Commission expressed concern regarding the impact the project could have on the wetlands. Ms. Bezanson stated the wetlands report indicates some of the areas are man made wetlands, but the report does not give a significance level or what type of wetlands they are. The report does not go into detail and staff is concerned the report was done under snow cover. Ms. Bezanson stated it would be helpful if there was a subsequent letter stating someone had gone out and verified the information in the report after the snow melted.

Motion made by Commissioner Taylor, seconded by Commissioner Beauchene, to set a site walk for Saturday, April 30, 2011 at 10:00 a.m. with a secondary date of Saturday, May 14, 2011 at 10:00 a.m. to walk 316 Chapel Hill Road, Montville, Connecticut as shown on Assessor's map 35, lot #1. Discussion, none, voice vote, 7-0, all in favor, motion carried.

4. Executive Session

Motion made by Commissioner Taylor, seconded by Commissioner Riske to enter into Executive Session for the purpose of discussion regarding pending litigation and claims regarding the Town of Montville Inland Wetlands Commission vs. Diamantini, John, et al Docket \$KNL-CV-10-6005467-S. Discussions to include members of the Inland Wetlands Commission and Ms. Colleen Bezanson. Discussion, none, voice vote, 7-0, all in favor, motion carried and invited parties went into executive session at 7:20 p.m., returning at 7:30 p.m. Chairman Brush resumed the meeting and stated no formal votes were taken during the executive session.

10. Commissioners Comments

Chairman Brush thanked Commissioner Johnson for all her thirty four years of service and stated he appreciates it and is sorry she is resigning from the Commission.

Commissioner Johnson stated this will be her last meeting, she stated she has enjoyed her service to the Inland Wetlands Commission and will miss everyone.

11. Correspondence

Chairman Brush stated the Commission is in a legal issue with Mr. George on Old Colchester and Black Ash Roads, he is challenging the decision of the Commission and legal briefs have been filed and the Town has filed a responding brief and there is a court date of July 12, 2011. The briefs are available and can be emailed to the Commissioners if they wish to read them.

Ms. Bezanson stated the applicants from Oxoboxo Dam Road who were fixing the dam in their pond and had applied to DEP for a permit to do so and it was denied due to lack

of information. He does not have permits from the State so if any activity is seen in the pond and dam area she will issue a cease and desist order.

Ms. Bezanson discussed 1190 Old Colchester Road, stating the homeowner is requesting extending the deck out with no footings required for the addition of the deck. The homeowner is requesting an 8 x 13 ft patio brick patio off the end of the stairway with no digging expected, she would like to place the patio blocks on top of the existing grass. The Commission does not have an issue with the patio as long as there is no heavy equipment used to place the patio blocks. Ms. Bezanson will send a letter to the homeowner stating the Commission does not have a problem with the 8 x 13 foot deck as long as it can be installed without the assistance of a machine.

12. Other Business

a. Revision to Inland Wetlands Regulations

Ms. Bezanson suggested the Commission forward the changes to her and she will amend them and make the changes and distribute the revised regulations to the Commission for comments. The Commission reviewed the proposed changes.

13. Adjournment

Motion made by Commissioner Riske, seconded by Commissioner Johnson to adjourn the meeting at 7:45 p.m. Discussion, none, voice vote, 7-0, all in favor, motion carried.

Respectfully Submitted by:

Audrey Ulmer, Recording Secretary for the Town of Montville.