

TOWN OF MONTVILLE
INLAND WETLANDS COMMISSION
310 NORWICH NEW LONDON TURNPIKE
UNCASVILLE, CONNECTICUT 06382
PHONE (860) 848-8549 - FAX (860) 848-2354

Meeting Minutes

May 17, 2012

1. Call to order: Chairman Brush called the May 17, 2012 meeting of the Montville Inland Wetlands Commission to order at 7:00 p.m. in the Town Council Chambers.

2. Roll call: In attendance were Commissioners Brush, Taylor, Bartholomew, O'Bday, Beauchene and Riske. Staff present was Colleen Bezanson, Inland Wetland Agent/Planner II.

3. Minutes

a. Approve minutes of April 19, 2012 meeting.

Motion made by Commissioner Taylor, seconded by Commissioner Bartholomew to approve minutes of the April 19th, 2012 meeting.

Discussion, None, voice vote, 6-0, all in favor, motioned carried.

b. Amend minutes from the March 15, 2012.

Discussion to amend the March 15, 2012 minutes and change the Section 7, page 3 written as, Motion made by Commissioner Taylor and seconded by Commissioner O'Bday to schedule an additional site walk on the proposed property on March 29, 2012 at 6:00 p.m. Discussion, none, voice vote, 6-1, all in favor, motion carried, to read **Discussion, none, voice vote, 6-0, all in favor, motion carried.**

Motion made by Commissioner O'Bday, seconded by Commissioner Riske to approve March 15, 2012 amended minutes.

Discussion, None, voice vote, 6-0, all in favor, motioned carried.

Motion made by Commissioner Riske, seconded by Commissioner O'Bday to add the May 3, 2012 minutes to the agenda.

Discussion, None, voice vote, 6-0, all in favor, motioned carried.

Motion made by Commissioner O'Bday, seconded by Commissioner Taylor to approve the May 3, 2012 minutes.

Discussion, None, voice vote, 5-1-0, all in favor, motioned carried. Commissioner Bartholomew abstained.

4. Public Hearings: None

5. Show Cause Hearings: None

6. Remarks from the public relating to items on the agenda:

Mr. Chester made comments on agenda item 11B, 1399 Old Colchester rd. Mr. Chester stated, for the past 5 years he has been arguing with the property owner, concerning putting things back to the way they were in the past, before the property owner removed the items. He stated that he would like the Commission to consider the Wetlands when making a decision.

Motion made by Commissioner Taylor, seconded by Commissioner Riske to move new business prior to old business.

Discussion, None, voice vote, 6-0, all in favor, motioned carried.

8. New Business:

a. **Timothy & Marguerite Furman:** An application for a pool and deck with associated landscaping on the property located at 16 Lochdale Dr, Montville, Ct. As shown on Assessor's Map 43 Lot 2-10.

Chairman Brush recused himself. Commissioner Taylor ran the Inland Wetlands meeting in Chairman Brush's absence.

Colleen Bezanson stated, the permit was needed for the property located at 16 Lochdale Dr, Montville Ct. for the installation of a pool deck and associated landscaping work in a regulated area. There will be approximately 1200 sq feet of disturbance. The pool will be 24 foot round pool, with a 12 X 12 deck, because of the area of the pool there will be some grading and in the future there may be some landscaping around the pool. The tree line is in approximate limit of the wetland area. There is no stream in the area. The existing deck is within the 50 feet regulated area..

Mrs. Marguerite Furman of 16 Lochdale De, Montville CT addressed the Commission. She stated in the future they would be building a small deck with stairs. A discussion was held.

Motion made by Commissioner O'Bday, seconded by Commissioner Riske as follows, After giving due consideration to all relevant factors including those in Section 10 and or Section 4 of the Montville Inland Wetland Regulation and Section 22a-41 of the Connecticut General Statutes, I move to approve application 212 IWC 6 **Timothy & Marguerite Furman:** An application for a pool and deck with associated landscaping on the property located at 16 Lochdale Dr, Montville, Ct. As shown on Assessor's Map 43 Lot 2-10 as depicted on the plan titled "Proposed Activities 16 Lochdale Dr dated May 2012 and the application and narrative dated 5/2/12.

This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect then this conditional approval is likewise void. Should any of the conditions not be implemented by the applicant or his successors within the specified permit time period, then this conditional approval is void.

Conditions of approval are: The applicant will wait 15 days prior to receiving the permit, allowing time for public comment.

Standard Reasons for Approval

1. The environmental impact of the proposed project does not have a significant effect on the inland wetland's and watercourse's capacity to support fish and wildlife, to prevent flooding, to supply and protect surface and groundwater, to control sediment, to facilitate drainage, to control pollution, to support recreational activities, and to promote public health and safety.
2. The Commission has determined that the relationship between the short-term uses of the environment and the maintenance and enhancement of long-term productivity will have no impact on the surrounding wetland system
3. The proposed activity will not have irreversible and irretrievable commitments of resources.
4. The proposed project will not change the character and or add degree of injury to, or interference with, safety, health, or the reasonable use of property, including abutting or downstream property.
5. The proposed activity use is suitable to the area.
6. The applicant has taken all feasible measures to mitigate the impact of any aspect of the proposed regulated activity.

Discussion, None, voice vote, 5-0, all in favor, motioned carried.

Chairman Brush returned at 7:17 p.m.

b. **Tracy Golas:** An application for work within regulated areas on the property located at 34 Laurel Point Dr, Montville, Ct. As shown on Assessor's Map 105 Lot 6.

Colleen Bezanson stated that some of the Commission members had been out to the property before. The previous owners had a violation when they put the stairs and dock in. The current application is for removal of material to reduce the slope down to the water, construct a 24 X 12 deck, a 3 X 18 floating dock and a 12 X 20 house boat, for a total of 3068 sq feet of disturbance. The previous owners had come in because they were in violation for the permits for the stairs down to the water, which was approved by the Commission. The property is located on Oxoboxo Lake. Ms. Bezanson stated, there are a total of 4 activities in this application, some of which may be phased out depending on time or budget. She stated staff believes the grading should be looked at by the town Engineer because of the steepness of the slope. The deck would come off of an existing sun porch. She confirmed that there are existing patio cement blocks which go down to where the boat is.

Mr. Tracy Golas of 34 Laurel Point Dr, Montville CT addressed the commission. The boat house will be to the right of the cement dock. Two support posts will be on cement footings and two would be on the land. A discussion was held.

Motion made by Commissioner Taylor, seconded by Commissioner O'Bday to set a site walk on the Laurel Point property for Wednesday, June 13,2012 at 6:00 p.m.

Discussion, None, voice vote, 6-0, all in favor, motioned carried.

Motion made by Commissioner O'Bday, seconded by Commissioner Bartholomew to move New Business item 8C, Robert Hatch until after Old Business.

Discussion, None, voice vote, 6-0, all in favor, motioned carried.

d. **James Contino:** An application for the construction of a pool deck on the property located at 6 Lena Dr, Montville, Ct. As shown on Assessor's Map 40 Lot 12.

Colleen Bezanson stated the Commission had already been out to the property concerning a permit for a pool back in 2005, which was approved. There was a modification to the original permit due to the fact that the building inspector had issues with the location of the pool, because he hit a little bit of ledge, so the pool was moved. The current application is for a 16 X 16 deck which will abut the pool. She stated, there will be a total of 6 hand dug footings. The excess material would be spread on top of the dug area and around the deck. There will be approximately 356 sq feet of disturbance. A discussion was held.

Motion made by Commissioner Taylor, seconded by Commissioner Riske as follows, After giving due consideration to all relevant factors including those in Section 10 and or Section 4 of the Montville Inland Wetland Regulation and Section 22a-41 of the Connecticut General Statutes, I move to approve application 212 IWC 9 **James Contino:** An application for the construction of a pool deck on the property located at 6 Lena Dr, Montville, Ct. As shown on Assessor's Map 40 Lot 12 as depicted on the plan titled "Wetlands Map for 6 Lena Dr New Deck on Existing Pool sheets 1 and 2 and the application and narrative dated 5-11-12.

This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect then this conditional approval is likewise void. Should any of the conditions not be implemented by the applicant or his successors within the specified permit time period, then this conditional approval is void.

Conditions of approval are: The applicant will wait 15 days prior to receiving the permit, allowing time for public comment.

Standard Reasons for Approval

1. The environmental impact of the proposed project does not have a significant effect on the inland wetland's and watercourse's capacity to support fish and wildlife, to prevent flooding, to supply and protect surface and groundwater, to control sediment, to facilitate

drainage, to control pollution, to support recreational activities, and to promote public health and safety.

2. The Commission has determined that the relationship between the short-term uses of the environment and the maintenance and enhancement of long-term productivity will have no impact on the surrounding wetland system
3. The proposed activity will not have irreversible and irretrievable commitments of resources.
4. The proposed project will not change the character and or add degree of injury to, or interference with, safety, health, or the reasonable use of property, including abutting or downstream property.
5. The proposed activity use is suitable to the area.
6. The applicant has taken all feasible measures to mitigate the impact of any aspect of the proposed regulated activity.

Discussion, None, voice vote, 6-0, all in favor, motioned carried.

7. Old Business

Motion made by Commissioner Taylor, seconded by Commissioner Beauchene to move items 7A and 7B to the end of Old Business.

Discussion, None, voice vote, 6-0, all in favor, motioned carried.

c. **Joseph Theroux:** An application for a timber harvest with numerous crossing in the property located at 63 Velgouse Rd, Montville, Ct. As shown on Assessor's Map 47 Lot 1.

Commissioner Taylor believes that the timber harvest was being handled properly. Commissioner Brush stated that the timber harvest would cause minimal impact if done as described. Colleen Bezanson stated the Mr. Theroux had done business for the town before and there hadn't been any issues. A discussion was held.

Motion made by Commissioner Taylor, seconded by Commissioner O'Bday as follows, After giving due consideration to all relevant factors including those in Section 10 and or Section 4 of the Montville Inland Wetland Regulation and Section 22a-41 of the Connecticut General Statutes, I move to approve application 212 IWC 4 Joseph Theroux: An application for a timber harvest with numerous crossing in the property located at 63 Velgouse Rd, Montville, CT. As shown on Assessor's Map 47 Lot 1 as depicted on the plan titled "Property of John J. Wood 63 Velgouse Rd, Montville, CT prepared bby Forester J Theroux dated 4/14/09 and revised to 4/6/12 and the application and narrative dated 4/4/12.

This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect then this conditional approval is likewise void. Should any of the conditions not be implemented by the applicant or his successors within the specified permit time period, then this conditional approval is void.

Conditions of approval are:

Standard Reasons for Approval

1. The environmental impact of the proposed project does not have a significant effect on the inland wetland's and watercourse's capacity to support fish and wildlife, to prevent flooding, to supply and protect surface and groundwater, to control sediment, to facilitate drainage, to control pollution, to support recreational activities, and to promote public health and safety.
2. The Commission has determined that the relationship between the short-term uses of the environment and the maintenance and enhancement of long-term productivity will have no impact on the surrounding wetland system
3. The proposed activity will not have irreversible and irretrievable commitments of resources.
4. The proposed project will not change the character and or add degree of injury to, or interference with, safety, health, or the reasonable use of property, including abutting or downstream property.
5. The proposed activity use is suitable to the area.
6. The applicant has taken all feasible measures to mitigate the impact of any aspect of the proposed regulated activity.

Discussion, None, voice vote, 6-0, all in favor, motioned

d. **Robert Sachs:** An application for a 32 lot subdivision with regulated activities on the property located at 316 Chapel Hill Rd, Montville, Ct. As shown on Assessor's Map 5 Lot 2.

Ms. Colleen Bezanson stated that the application had come before the Commission before and was denied do to too many comments from various agencies. The Staff's letter and Town Engineer comments were attached. The Commission completed a site walk after giving the engineers time to reflag the wetland areas. There is a total of 6 proposed activities, with 12,778 Sq feet of disturbance.

Jeff Shamus, Certified Soil Scientist, Scientist and Ecologist addressed the Commission. He stated, the majority of the proposed regulated activities are along Chapel Hill Rd. The whole frontage is areas of previously farmed agricultural uses. Mr. Shamus gave a description of the 145 acres property with approximately 22 acres which are wetland areas. He described the types of Wetlands on the property and where they are located. Mr. Shamus stated that the majority of higher quality Wetlands in the forested area are located on the steeper slopes of the drumlin.

Mr. John Whitcomb, Professional Engineer for BL Companies representing the applicant addressed the Commission. He stated that the plans are for a Cluster development, which will disturbed less than 50% of the site. The Planning and Zoning would allow a cluster development that would reduce the lot size by 50%. Although Planning and Zoning would allow 39 units on the lot, there would only be 32. Mr. Whitcomb gave a rundown of the plans.

Commissioner Brush questioned Lot 17 on the plans, drawing of the slopes and where the septic is. Mr. Whitcomb addressed his concerns. A discussion was held.

Motion made by Commissioner O'Bday, seconded by Commissioner Bartholomew to set a site walk for June 7, 2012 at 6:00 p.m.

Discussion, None, voice vote, 6-0, all in favor, motioned carried.

a. **Marriott Plaza, LLC:** An application for the construction of a 120 room hotel on the property located at 1360 Route 32, Montville, Ct. As shown on Assessor's Map 88 Lot 22.

Colleen Bezanson stated she had received a letter from Attorneys Heller, Heller and McCoy. She read it into record, the letter requested to withdraw the application dated 2/3/12 effective immediately.

b. **Jay Haverson:** An application for the construction of a night club and a restaurant on the property located at 2268-2284 Route 32, Montville, Ct. As shown on Assessor's Map 106 Lots 34, 35 & 36 in addition with drainage work in a regulated area on the property located at 16-18 Gallivan Ln, Montville, Ct. As shown on Assessor's Map 103 Lot 34.

Commissioner Taylor stated that a quorum was present at the site walk. Present were Commissioners Taylor, Riske, Bartholomew and Beauchene. Absent were Commissioners O'Bday and Brush.

Ms Bezanson stated that the plans submitted were not up to the Commissions standards and did not meet requirements. She added that the plans submitted were for a previous application for a pharmacy and restaurant and not for the current application for a night club and a restaurant. Ms. Bezanson stated that the plans do not meet the requirements. A letter was given to the applicant by staff dated April 12, 2012 with basic information that needed to be done. The applicant had failed to comply with the requirements. The town had given the applicant ample time, but had yet to comply with the requirements and provide information to the Town. Commissioner Taylor added that there were no wetland flags. A discussion was held.

Motion made by Commissioner Taylor, seconded by Bartholomew as follows, After giving due consideration to all relevant factors including those in Section 10 and or Section 4 of the Montville Inland Wetland Regulation and Section 22a-41 of the Connecticut General Statutes, I move to **deny application** 212 IWC 3 **Jay Haverson:** An application for the construction of a night club and a restaurant on the property located at 2268-2284 Route 32, Montville, Ct. As shown on Assessor's Map 106 Lots 34, 35 & 36 in addition with drainage work in a regulated area on the property located at 16-18 Gallivan Ln, Montville, Ct. As shown on Assessor's Map 103 Lot 34.

The Commission has determined that the applicant has not provided a legible plan to make an informed decision and the Wetland on this site were not flagged.

Discussion, None, voice vote, 6-0, all in favor, motioned carried.

Application Denied.

New Business:

8. c. **Roger Hatch:** Renewal of permit 206 IWC 6 for a subdivision that included properties located at 29 & 37 Fielding Drive, Montville, Ct. As shown on Assessor's Maps 85 Lot 43, 43-1 and 43-2.

Colleen Bezanson referred to and read into record section **Sec. 22a-42a. Establishment of boundaries by regulation. Adoption of regulations. Permits. Filing fee**

(g) Notwithstanding the provisions of subdivision (2) of subsection (d) of this section, any permit issued under this section prior to July 1, 2011, that has not expired prior to May 9, 2011, shall expire not less than nine years after the date of such approval. Any such permit shall be renewed upon request of the permit holder unless the agency finds that there has been a substantial change in circumstances that requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no such permit shall be valid for more than fourteen years.

Ms. Bezanson explained that under this regulation Roger Hatch's permit is good for another 4 years and would not expire until December 2015.

9. Commissioner's Comments: Commission Taylor confirmed site walk times and dates which were decided on, during the May 17, 2012 meeting.

10. Correspondence: None

11. Other Business:

a. **Mary Fischer:** Determination if a permit is required to remove a beaver dam on DOT property adjacent to 128 Moxley Rd (Assessors Map 10 Lot 8)

Colleen Bezanson referred to the provided map showing the DOT property and Mrs. Fischer's property. She stated that the water from the Coal Ash property was running onto Mrs. Fischer's property. Ms. Bezanson stated Mrs. Fischer's was concerned with water contamination on her property. Ms. Bezanson stated that Mrs. Fischer had requested her wells be tested. She referred to the provided photos showing the trees were turning brown in color due to the water from the Coal Ash plant. From a staff's standpoint Ms. Bezanson stated that she did not feel there would be as much of Wetlands disturbance as the last similar issue which came before the Commission.

Mary Fischer addressed the Commission. She provided the Commission on specific details as to where the Braver Dam is located and stated that the water is backing up into her pond. She stated that the water was now a foot and a half above the dam. She was given permission to trap the beaver during off season by the DOT. The DEP was requesting the Commission sign the application endorsing the trapping of beaver out of season. A discussion was held.

Motion made by Commission O'Bday, seconded by Commissioner Riske to authorize Commissioner Brush to sign the DEP statement.

Discussion, None, voice vote, 6-0, all in favor, motioned carried.

Motion made by Commissioner O'Bday, seconded by Commissioner Taylor as follows, the Commission feels that no permit is required for the removal of the beaver dam by hand, providing that the DOT grants permission.

Conditions of Approval Mrs. Fischer must provide staff with a letter stating she has permission to remove the beaver dam by hand on DOT.

Discussion, None, voice vote, 6-0, all in favor, motioned carried.

b. Update on status of stipulated agreement between the Town of Montville Inland Wetlands Commission and John Diamantini et al for the property located at 1399 Old Colchester Rd.

Commissioner Brush stated that this had now been filed with the courts. Colleen Bezanson distributed pictures from the period when the initial permit was , October 2008, to date, as well as the stipulated agreement. Ms. Bezanson described the agreement between the Commission and Mr. Diamantini verses the actual plantings. The Diamantini's have failed to plant the approved 100 bushes and have only planted 2 out of the 5 agreed trees on the property in mention. Colleen Bezanson read into record a letter from Mr. Diamantini's attorney to the former Town Attorney, Matthew Ranelli requesting a two-week extension until 5/31/2012. A discussion was held.

Motion made by Commissioner O'Bday, seconded by Commissioner Riske as follows, It **does not** appear to the Commission that the Diamantini's are in compliance with the stipulated agreement and that we refer this to our attorney for action.

Discussion, None, voice vote, 6-0, all in favor, motioned carried.

Colleen Bezanson stated that her understanding is that this will be referred to the town attorney right away without waiting for the May 31, 2012 date. The Commission agreed.

b. Update on status of activities on the property located at 305 Butlertown Rd

Ms. Bezanson stated items such as tires and pipe was still on the property and had not been moved. She stated this was the third violation. A discussion was held.

Motion made by Commissioner Beauchene, seconded by Commissioner Riske as follows, Butlertown Rd non- compliance will be referred to the attorney.

Discussion, None, voice vote, 6-0, all in favor, motioned carried.

12. Executive Session: None

13. Adjourn

Motion made by Commissioner Beauchene, seconded by Commissioner Bartholomew to adjourn the meeting at 9:08 p.m.

Meeting Adjourned at 9:08 p.m.

Respectfully submitted by, Heidi-Lee Jacobs, Minutes Clerk for the Town of Montville.

AN AUDIO RECORD OF THIS MEETING IS ON FILE IN THE MONTVILLE TOWN CLERK'S OFFICE.