

TOWN OF MONTVILLE
INLAND WETLANDS COMMISSION
310 NORWICH NEW LONDON TURNPIKE
UNCASVILLE, CONNECTICUT 06382
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Meeting Minutes

7:00 p.m. July 19, 2012

LOCATION: MONTVILLE TOWN HALL, *Council Chambers*

1. Call to order: Chairman Brush called the July 19, 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 May 17, 2012 meeting.

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

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

4. Public Hearings: None

5. Show Cause Hearings: None

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

Mr. Ray Chester of 35 Lena's Rd addressed the Commission. He stated that in the May 17, 2012 meeting the Commission deemed the Diamantini's of 1399 Old Colchester Rd in contempt of Court. He inquired if that meant the judgment against him was still valid. Chairman Brush corrected Mr. Chester stating that they did not deem the Diamantini's in contempt of court, only a court had to do that. Chairman Brush stated that the judgment was still valid. A discussion was held.

Chairman Brush asked three times if there were any additional remarks from the public. There were none.

7. Old Business

a. **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.

Colleen Bezanson state that the application had been brought to the Commission in May and since the June meeting was cancelled the applicant had been granted an extension. Commissioner Taylor had gone back out to the property for a site walk. Plans had been revised since the Commission had last seen them. She stated that there were going to be a total of eight activities instead of the initial six that were planned. There were five comments from the town engineer concerning the application. Staff had sent in an additional list of concerns and only two things had not been met, the application itself, and the plans had indicated that there were survey sheets included, which were not currently present. A discussion was held.

John Whitcomb, representing Robert Sachs addressed the commission. A discussion was held concerning the drainage on the property. John Whitcomb explained that the survey was not provided by his company, but that there was no difference between the survey sheets and what was provided in the plans to the Commission. The only thing was missing was the survey stamp.

Commissioner Brush indicated that the Commission could possibly push the application through with indication that the title page was incorrect. Mr. Whitcomb stated that most of the changes that were made to the plans were in response to what the Engineer wanted. These changes included drainage along Chapel Hill Rd, which was to add a curve to the road which was added to ensure proper drainage for future home owners. Mr. Whitcomb addressed Commissioner Taylor's concerning the size of the level spreader at the bottom of the hill. In response to her comments they have added a secondary discharge structure to the system. Ninety percent of the water will go through the new structure. 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 the Application 212 IWC 5 **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. As depicted on the plan titled "Town of Montville Inland Wetlands and Watercourses Submission for Proposed Residential Subdivision, Chapel Hill Rd, Montville, Ct, Prepared for Robert Sachs, 51 Ciro Rd, North Branford, Ct. Prepared by BL Companies revised to July 12, 2012.

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.

Conditions of approval are:

1. All Town Engineer comments must be addressed as listed in the letter dated July 11, 2012.
2. Any changes to the plan within review areas will have to be reviewed by the Commission prior to construction.
3. Conservation easement to be removed at Lots 9/10 and 15/16.
4. Survey pages be inserted prior to issuance.

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.

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 asked if any Commissioners went out to the property. Commissioner Taylor and O'Bday went out to the property. Ms. Bezanson stated that because of the grading the town Engineer had made comment that there weren't any erosion controls included in the plan. The application was to reduce the slope, construction of a 24 X 12 deck, new 3 X 18 floating dock and a 12 X 20 boat house. Ms. Bezanson requested, Commissioner Taylor and O'Bday explain what they had seen. A discussion was held.

Chairman Brush inquired as to what type of plantings would be done on the property. Mr. Golas of 34 Laurel Point Dr addressed the Commission in response to Chairman Brush's question and additional Commission concerns. He stated that they would loam the area with grass and some shrubbery along the way. 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 7 **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 as depicted on the plan titled "Proposed Activities at 34 Laurel Point Dr dated May 2012 and the application and narrative dated 4/2/12.

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:

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.

8. New Business:

a. **Thomas Holmes and Stacey Reed:** Modification of permit 211 IWC 22 to include the installation of utilities on the property located at 61 Hunters Run Montville, Ct. As shown on Assessor's Map 36 Lot 6.

Colleen Bezanson stated that the initial plan was approved back in October. At the time of approval CL&P was going to use overhead wiring for their electricity. When the property owners coordinated with CL&P, they indicated overhead wires could not be used on the property and a crossing would be necessary. The proposed stone crossing would not be sufficient and the applicants now needed to put a 10 inch pipe in place to install the new electrical service. A discussion was held.

Motion made by Commissioner O'Bday, seconded by Commissioner Taylor 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

211 IWC 22 **Thomas Holmes and Stacey Reed:** An application for the construction of a driveway and farm crossing on the property located at 61 Hunters Run Montville, Ct. As shown on Assessor's Map 36 Lot 6 as depicted on the plan titled "Proposed Area for Utility Installation" and the application and narrative dated 6/3/12.

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:

1. A 15 day waiting period allowing for public comment.
2. Staff will be contacted prior to construction.

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.

b. **Hendel's Inc, c/o John Hendel:** An application for a building addition and pump island modification on the properties located at 2210 & 2200 Route 32, Montville, Ct. As shown on Assessor's Map 103 Lots 30 & 31.

Colleen Bezanson stated the said property was Henny Penny located on Route 32 and they wanted to expand, add a new pump with a canopy and create a drive through for Dunkin Donuts that was currently on the property. The original permit was issued in 1996, which included a retaining wall and drain structures. That rear portion of the property would not be disturbed. Ms. Bezanson asked the applicant to remove some of the debris, so the commission can get back out and view the location.

Paul Biscuti addressed the Commission giving a breakdown of the property. He stated that there was an area where the Commission would be able to see the wetland at the bottom of the adjacent property and parcel. Due to the fact that the applicant has a sales agreement in place the Commission would be able to go onto the adjacent property. A discussion was held.

Motion to set sitewalk on August 9 at 5:30 p.m. made by Commissioner Taylor, seconded by Commissioner Bartholomew.

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

c. **Hull Forest Products, c/o Chris Cassadei:** An application for a timber harvest with crossing on the property located adjacent to Exit 79 on Route 163, Montville, Ct. As shown on Assessor's Map 24 Lot 10.

Colleen Bezanson stated that the property was behind Mrowka's Garage and between the garage and the Fire House on Route 163. Ms. Bezanson stated that 23,480 feet would be removed, with only one crossing. This was an old lot with a selection harvest used for income. The access road was off of route 163.

Mr. Chris Cassadei, forester addressed the Commission and stated that this was an existing crossing that was currently bone dry. The wetland was also currently dry. He stated the CL&P also used it for brush maintenance. He stated that he would be using the road which was already in place. Mr. Cassadei stated that there would not be any activity on the slopes on the property. 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 13 **Hull Forest Products, c/o Chris Cassadei:** An application for a timber harvest with crossing on the property located adjacent to Exit 79 on Route 163, Montville, Ct. As shown on Assessor's Map 24 Lot 10 as depicted on the plan titled "Property of P&H Construction Timber Harvest Map Route 163 Uncasville Map 24 Lot 10 Prepared by C. Casadei dated July 2012 and the application and narrative dated 7/10/12.

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:

1. 15 day waiting period 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.

d. **Hull Forest Products, c/o Chris Cassadei:** An application for a timber harvest with crossing on the property located at 234 Simpson Ln, Montville, Ct. As shown on Assessor's Map 38 Lot 49.

Colleen Bezanson stated that the latest work on this property was in 2006. Mr. Cassadei stated that this would be a light harvest. Mr. Cassadei stated that the last harvest was 60,000 feet and this one would be 17,000 feet. He stated that this was also a dry property and that the wetland

was pretty much dry as well as the intermittent drainage was dry. A discussion was held.

Motion made by Commissioner O’Day, seconded by Commissioner 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 approve application

212 IWC 12 Hull Forest Products, c/o Chris Cassadei: An application for a timber harvest with crossing on the property located at 234 Simpson Ln, Montville, Ct. As shown on Assessor’s Map 38 Lot 49 as depicted on the plan titled “Harvest Map Property of Charles and Jeannette Pieniadz West of Simpson Lane Oakdale Ct 30 Acres Prepared by Eric Johnson and the application and narrative dated 7/10/12.

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:

1. 15 day waiting period 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.

9. Commissioner’s Comments:

Chairman Brush stated that there was a complaint made from the applicant for the night club pertaining to the Commission not approving the 8 ½ X 11 plan.

10. Correspondence:

1. CT Wildlife
2. CT Environmental Review Team

11. Other Business:

a. 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.

Colleen Bezanson gave a quick summary of the letter provided to the Commission. The Commission looked at the pictures provided in the May 19, 2012 Inland Wetland Commission meeting. The Commission called the Town Attorney and advised staff to go out to the property and take pictures. The subject was supposed to be discussed at the June meeting which was cancelled. The discussion was moved to the July meeting. Sales receipts for plants and trees were submitted, as well as new photos with plants that were numbered by staff. A discussion was held. Chairman Brush indicated that the Diamantini's appeared to currently be in compliance with their agreement.

Motion made by Commissioner Riske, seconded by Commissioner O'Bday as follows, based on evidence submitted to the Commissioner today, it appears that the Diamantini's are currently in compliance with the stipulated agreement.

The Commission will check up on them in 6 months.

Discussion, None, voice vote, 5-1-0, motioned carried. Commissioner Beauchene voted against.

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

Colleen Bezanson stated that they had asked the property owners to clear out the back section. The Town Attorney had sent out a letter stating that the property owners needed to submit a soil scientist report. The property owner only removed the machinery. Ms. Bezanson stated that a report was supposed to be submitted to the Commission by July 19, 2012, but wasn't. She stated that the property owner was not in compliance with their permit. A discussion was held.

Motion made by Commissioner O'Bday, seconded by Commissioner Taylor to allow Chairman Brush to contact the Town Attorney concerning the property located at 305 Butlertown Rd.

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

c. Discussion regarding temporary structures within regulated areas and permit requirements- 35 & 35A Lenas Rd complaint

After receiving concerns from Ms. Diamantini about temporary structures on 35 & 35A Lena's Rd, Colleen Bezanson brought the concerns to property owner, Ms. Chester. Ms. Chester stated that the temporary carport was put there for a party and would be removed immediately following the party. Ms. Bezanson requested that Ms. Diamantini fill out a complaint form, but Ms. Diamantini refused. Ms. Bezanson read a letter pertaining to Mr. Chester's complaints from Ms. Diamantini. Ms. Diamantini accused Mr. Chester of dredging the lake among other things. Commission stated that dredging was not an allowed use, however they would need evidence to review and make a determination. Ms. Bezanson asked the Commissioner about temporary structures/cars within regulated areas. Ms. Diamantini submitted photos of Mr. Chester raking, temporary structures that were placed on his property and the launching his boat in the water off his property. A discussion was held.

Motion made by Commissioner Taylor, Seconded by Commissioner O’Bday as follows, the complaint with reference to the temporary structure and port-a-potty appear to fall under section 4.1-d uses incidental to enjoyment and maintenance to residential property.

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

A discussion was held concerning vehicles loading boats into the water.

Mr. Chester of 35 Lena’s Dr, addressed the Commission. He stated that he did not know he was causing any harm to the wetlands by launching his boat in the water. He stated that he would stop immediately if the Commission had is issue with the launch of the boat. A discussion was held.

Motion made by Commissioner O’Bday, seconded by Commissioner Bartholomew to table the discussion to the next meeting.

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

d. Discussion regarding truck washing with discharge out to Oxoboxo Lake at 67 Lake Drive

Coleen Bezanson stated that there was a complaint concerning Oxoboxo Lake at 67 Lake Drive. Staff received an email from DEEP that they had received a complaint about a truck washing on 67 Lake Drive. The Public Works Department had informed Ms. Bezanson that they had received a call from the Mayor concerning this issue. Ms. Bezanson stated that after talking to friends located near the property she learned that this had been going on for approximately 3 months. Neighbors had made complaints to the police department. Ms. Bezanson went with the Public Works Director and Health District and met with the neighbor who made the complaint to find out what was going on. The following day Staff went out to the property with DEEP, Mr. Shuler stated that he would contact the property owner as well as the owner of the trucks concerning the issue. A discussion was held.

It was agreed by Staff and the Commission that a letter would be sent to the property owner pertaining to the truck washing activity that has potential to cause pollution to Oxoboxo lake. Staff will submit the letter to the Commission for approval before sending the letter.

e. An act concerning the time in which a regulated activity must be conducted under a permit issued by an Inland Wetlands Commission.

Colleen Bezanson gave a summary of the new regulation pertaining to permit expiration. A discussion was held.

12. Executive Session: None

13. Adjourn

Motion made by Commissioner O’Bday, seconded by Commissioner Bartholomew to adjourn the meeting at 9:28 p.m.

Meeting Adjourned at 9:28 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.