

TOWN OF MONTVILLE
INLAND WETLANDS COMMISSION
310 NORWICH NEW LONDON TURNPIKE
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AMENDED MEETING MINUTES
Thursday, March 19, 2015 7:00 p.m.
LOCATION: MONTVILLE TOWN HALL, *Council Chambers*

- 1. Call to order: Chairman Brush called the March 19th Inland Wetlands Commission meeting to order at 7:00 pm.**
- 2. Roll call:** In attendance were Commissioners Brush, O’Bday, Riske, Houk, Berardy and Greiner. Staff present: Colleen Bezanson.
- 3. Minutes**

- a. Approve the minutes of the February 19th special meeting

A MOTION was made by COMMISSIONER O’Bday seconded by COMMISSIONER Riske to approve the minutes from the February 19th special meeting.

Voice Vote 4-1-0. Commissioner Greiner abstained. MOTION CARRIED

- b. Approve the minutes of the February 19th meeting

A MOTION was made by COMMISSIONER O’Bday seconded by COMMISSIONER Riske to approve the minutes from the February 19th meeting.

Voice Vote 4-1-0. Commissioner Greiner abstained. MOTION CARRIED

- 4. Public Hearings:** None
- 5. Show Cause Hearings:** None
- 6. Remarks from the public relating to items on the agenda:**

Chairman Brush asked three times if there were any items relating to items on the agenda. There were none.

- 7. Old Business:**

- a. **Doreen Mrowka:** An application for the construction of a 1,856 sq. ft. automotive repair facility with parking on the property located at 96 Route 163, Uncasville, Ct. As shown on Assessor’s Map 73 Lot 55A.

Colleen Bezanson presented a withdrawal letter from the applicant. The application was withdrawn.

A MOTION was made by COMMISSIONER Berardy and seconded by COMMISSIONER O’Bday to move item 7 d before item 7 b on the agenda.

Voice Vote 5-0 MOTION CARRIED

COMMISSIONER Houk arrived at 7:05 pm.

d. John LoMonte: An application for the installation of a small retaining wall on the property located at 4 Birch Point Trail, Oakdale, Ct. As shown on Assessor's Map 50 Lot 49

Ms. Bezanson explained Applicant has come before the Commission before for the construction of the main retaining wall. The new proposed wall is 2 ft. tall made of railroad ties and will be in front of the existing wall to fix erosion problems. Commissioner Brush and Greiner walked the site.

Mr. LoMonte addressed the Commission and explained that there would not be an extension. The retaining wall would be to avoid erosion. A discussion was held.

A MOTION was made by COMMISSIONER O'Bday seconded by COMMISSIONER Houk 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 215 IWC 3 **John LoMonte:** An application for the installation of a small retaining wall on the property located at 4 Birch Point Trail, Oakdale, Ct. As shown on Assessor's Map 50 Lot 49 as depicted on the plan titled "Boundary Stake Out Survey of Property for John & Teresa LoMonte 4 Birch Point Tr Proposed 96 ft. x 2 ft. railroad tie wall along beach" and the application and narrative dated 2/1/05.

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.

Voice Vote 5-1-0. Commissioner Greiner abstained. MOTION CARRIED

a. Donny Jacobowitz: An application for remediation for work without a permit on the property located at 314 Route 163, Uncasville, Ct. As shown on Assessor's Map 82 Lot 62.

COMMISSIONER Riske recused himself at 7:08 pm.

Ms. Bezanson stated that the commission asked that the plan be reviewed by the Engineer/ Soil Scientist and his comments are to manage the runoff from Route 163 and prevent mud tracking on to that road, place a crushed stone driveway at the site entry and place crushed stone on the existing street level plateau, seed any bare soil with a contractor's mix. As well as to stabilize steep slope that goes down to the Oxoboxo Brook wetland by hay mulching any bare soil and to replace any uprooted shrubs on the slope with silky dog wood or high bush blueberry. The

applicant should also place a row of concrete blocks along the top of the bank to form a continuous barrier. A discussion was held.

A MOTION was made by COMMISSIONER Houk 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 214 IWC 22 **Donny Jacobowitz**: An application for remediation for work without a permit on the property located at 314 Route 163, Uncasville, Ct. As shown on Assessor's Map 82 Lot 62 as depicted on the plan titled "314 Route 163 Wetlands Map dated December 2,2014 and the application and narrative dated 12/8/14.

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. To manage the runoff from Route 163 and prevent mud tracking on to that road, place a crushed stone driveway at the site entry and place crushed stone on the existing street level plateau
2. See any bare soil with a contractor's mix
3. Stabilize steep slope that goes down to the Oxoboxo Brook wetland by hay mulching any bare soil. Replace any uprooted shrubs on the slope with silky dog wood or high bush blueberry
4. Place a row of concrete blocks of the size acceptable to the size acceptable to the Town Engineer along the top of the bank to form a continuous barrier.
5. The Engineer is to re-inspect the stability of the slope in August and 12 months from the date of approval and make any recommended changes

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.

Voice Vote 4-1-0. Commissioner Greiner abstained. MOTION CARRIED.

COMMISSIONER Riske returned at 7:25 p.m.

- b. **Kevin Gallagher:** An application for a driveway crossing on the property located at 1075 East Lake Road, Oakdale, Ct. As shown on Assessor's Map 7 Lot 38A.

Ms. Bezanson stated that the applicant wishes to install (2) 18" pipes top create a 12' driveway crossing to the rear portion of the property. The location of the crossing is at the narrowest portion of the wetland. A discussion was held.

A MOTION was made by COMMISSIONER O'Bday and seconded by COMMISSIONER Houk 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 215 IWC 1 **Kevin Gallagher:** An application for a driveway crossing on the property located at 1075 East Lake Road, Oakdale, Ct. As shown on Assessor's Map 7 Lot 38A as depicted on the plan titled "Improvement Location Survey Property of Kevin P. Gallagher and Maria M. Gallagher For the Property located at 1075 East Lake Rd Montville, Ct. Prepared by James Bernardo Land Surveying LLC Waterford, Ct and the application and narrative dated 12/18/14.

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. Plan must be signed by the Soil Scientist
2. All work will be done during low flow conditions

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.

Voice Vote 5-1-0. Commissioner Greiner abstained. MOTION CARRIED.

8. New Business:

- a. **Hendel's Inc:** A modification to permit 212 IWC 11 for discharge into a wetland system on the property located at 2210 Route 32, Uncasville, Ct. As shown on Assessor's Map 103 Lot 31.

COMMISSIONER Greiner recused himself at 7:35 pm.

Ms. Bezanson stated the application was for a modification of the expansion for a Dunkin Donuts drive at the Henny Penny on Route 32. The applicant had made an oversight on the dewatering when the existing pumps were to be removed and replaced. Ms. Bezanson gave a breakdown of the plan. A discussion was held.

A representative for the applicant addressed the Commission and addressed the Commission's questions. He explained that the dewatering was usually a consistent flow. Shoring would be placed around the holes. A discussion was held.

A MOTION was made by COMMISSIONER O'Bday and seconded by COMMISSIONER Riske to continue this item to the next meeting.

Voice Vote 5-0. MOTION CARRIED.

COMMISSIONER Greiner returned at 7:40 p.m.

9. Correspondence:

- Eastern Connecticut Conservation district.
- Letter from the DEEP about approval of Algonquin application

10. Other Business:

- Commissioner Brush welcomed Commissioner Greiner

11. Executive Session: None

12. Adjourn

A MOTION by COMMISSIONER O'Bday to adjourn at 7:46 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.