

TOWN OF MONTVILLE
INLAND WETLANDS COMMISSION
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SPECIAL MEETING MINUTES
Thursday, May 14, 2015 7:00 p.m.

LOCATION: MONTVILLE TOWN HALL, *Council Chambers*

1. Call to order: Chairman Brush called the May 14, 2015 Special Meeting to order at 7:01 pm.

2. Roll call: In attendance were Commissioners Brush, O'Bday, Riske, Houk, Berardy, Deranleau and Greiner. Staff present: Colleen Bezanson.

3. Minutes a. Approve the minutes of the April 16th, 24th and 30th meetings

Commissioner O'Bday stated that he would like it noted on the April 16th meeting minutes that Chairman Brush was absent.

A MOTION was made by Commissioner O'Bday and seconded by Commissioner Houk to approve the April 16th minutes as amended.

Voice Vote 6-1-0. MOTION CARRIED. Commissioner Brush abstained.

Commissioner O'Bday stated that he would like it noted that he was in attendant at the April 24th meeting. Commissioner Houk also noted that his name was misspelled in the minutes.

A MOTION was made by Commissioner Berardy and seconded by Commissioner Houk to approve the April 24th minutes as amended.

Voice Vote 6-1-0. MOTION CARRIED. Commissioner Greiner abstained.

A MOTION was made by Commissioner O'Bday and seconded by Commissioner Houk to approve the April 30th meeting minutes.

Voice Vote 4-3-0. MOTION CARRIED. Commissioners Greiner, Berardy and Deranleau abstained.

4. Public Hearings: None

5. Show Cause Hearings: a. **LVK, LLC/Seymour Adelman:** A Cease and Desist Order for work without a permit in on the property located at 127 Leffingwell Road, Uncasville, Ct. As shown on Assessor's Map 62 Lot 16.

Ms. Bezanson stated Bob Russo had made a site inspection and was in attendance at the meeting.

Bob Russo for CLA Engineers addressed the Commission. He stated he had re-inspected the property on Friday, May 8th, which was a week from the time of the Commission meeting. This time had been specified by the Commission. He stated some of the tasks had been completed and some had not. Mr. Russo gave a breakdown of specific tasks which had been completed and those still needed to be

done. Mr. Russo voiced his concerns about the bleed through. Commissioner Brush inquired as to whether heavy rain would cause issues. Mr. Russo indicated there could be a discharge in the heavy rain. A discussion was held.

Attorney Willis, Attorney for the Town of Montville addressed the Commission and discussed:

- What can be done to enforce the completion of work needed to be completed
- A court order to cease the unpermitted work being done
- A possible remedy to the Cease & Desist order

Ms. Bezanson stated that although the permit had been submitted before the work began; the work conducted was above and beyond what was submitted on the plan. She stated the plan could not be voted on until the cease and desist order was lifted. She stated the operation has been ongoing since March. A discussion was held.

There was a consensus to move the item to have the item moved to court.

A MOTION was made by Commissioner O’Bday and seconded by Commissioner Riske to close the Show Cause hearing.

Voice Vote 6-1-0. **MOTION CARRIED.** Commissioner Greiner abstained.

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

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

7. Old Business: a. **Montville Power LLC:** An application for placement of a fence within a regulated area on the property located at 74 Lathrop Rd, Uncasville, Ct. As shown on Assessor’s Map 123 Lot 1.

Ms. Bezanson stated the applicant had provided pictures of the areas that would be affected. A new fence is needed in unsecured areas in the regulated area. She stated a post hole digger would be used and the material that was removed would be graded around the holes. Ms. Bezanson stated the applicant was working with Deep. She stated the proposed fence was needed for safety. A discussion was held.

Andrea Stille, a representative for the applicant addressed the Commission. She stated that the wetlands were at the base of the berm. She confirmed that all work would be done in the buffer area and not the watercourse. A discussion was held.

A MOTION made by Commissioner Houk and 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 215 IWC 7 **Montville Power LLC:** An application for placement of a fence within a regulated area on the property located at 74 Lathrop Rd, Uncasville, Ct. As shown on Assessor’s Map 123 Lot 1 as depicted on the plan titled “Figure 2 and Figure 3A Site Plan Montville Generation Station Montville & Waterford, Ct. and the application and narrative dated 3/24/15.

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 7-0 MOTION CARRIED

b. **LVK LLC/Seymour Adelman:** An application for a processing operation on the property located at 127 Leffingwell Rd, Uncasville, Ct. As shown on Assessor's Map 62 Lot 16.

A MOTION made by Commissioner O'Bday and seconded by Commissioner Riske to continue the this item until the next Inland Wetlands meeting.

Voice Vote 7-0 MOTION CARRIED

c. **Thomas E. Sanders:** An application for work within a regulated area on the property located at 87E Cottage Rd, Oakdale, Ct. As shown on Assessor's Map 63 Lot 5.

Ms. Bezanson stated the Commission did not want to go out and see the site. She stated the property abut Gardner Lake.

Attorney Heller addressed the Commission on behalf of the applicant. He stated the work was in a regulated area. He stated the current house was in a state of disrepair. The new house would be placed in the same footprint as the old one. Attorney Heller gave a breakdown of the plans. A discussion was held.

A MOTION made by Commissioner Deranleau and 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 215 IWC 7 **Thomas E. Sanders:** An application for

work within a regulated area on the property located at 87E Cottage Rd, Oakdale, Ct. As shown on Assessor's Map 63 Lot 5. as depicted on the plan titled "Improvement Location Survey Prepared for Thomas E. Sanders 87E Cottage Rd Montville, Ct Prepared by Camp Surveyors, LLC dated November 2010 and the application and narrative dated April , 2015.

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 7-0 MOTION CARRIED

d. **P&H Construction, LLC/WPCA:** An application for replacement of a reuse/water line in Maple Avenue in the West Bound Travel lane from St. John's Church to House Number 52.

Ms. Bezanson stated that the line is used by Rand Whitney for their re-use water. The water is used to make the paper/cardboard at the facility. She stated that the line is owned and maintained by the Town of Montville WPCA. Ms. Bezanson stated that the existing pipeline has eroded. She stated this was a multi phase project. The project will require that the line within Maple Avenue be shut down while work is done. She stated this was a time sensitive matter because water can be taken from Rockland Pond by Rand Whitney per DEEP but only for a small window of time. A discussion was held.

A representative addressed the Commission on behalf of the applicant. He stated erosion control was already in place. A discussion was held.

A MOTION 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 9 **P&H Construction, LLC/WPCA:** An

application for replacement of a reuse/water line in Maple Avenue in the West Bound Travel lane from St. John's Church to House Number 52 as depicted on the plan titled "Hand colored drawing on the Town of Montville Water Pollution Control Authority Rand-Whitney Re-Use system STA 33+00 to STA 45+50 and STA 45+50 to STA 57+50 AS BUILT SET map pages" and the application and narrative dated 4/21/15.

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 6-1-0. MOTION CARRIED. Commissioner Greiner abstained.

8. New Business: a. Buster Land Management/100 Waterfall LLC: An application for a timber harvest on the property located on Old Colchester Rd, Oakdale, Ct. As shown on Assessor's Map 36 Lot 5

Colleen Bezanson explained the location of the property. She stated the over 40 acre location was approved for elderly housing, but had not been completed yet. Ms. Bezanson explained the crossing will be over an existing rock ford and no new roads or other crossings will be required. A discussion was held.

Blaine Keller for Buster Land Management addressed the Commission. He explained that a skidder would be pulling the trees not a truck. Corduroy bridges would be used as needed. Mr. Keller explained portable bridges would be used if needed. A discussion was held.

A MOTION was made by Commissioner Riske and 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 as a Permitted Use As Of Right 215 IWC 10 **Buster Land Management/100 Waterfall LLC:** An application for a timber harvest on the

property located on Old Colchester Rd, Oakdale, Ct. As shown on Assessor's Map 36 Lot 5 as depicted on the plan titled "Property of 100 Waterfall, LLC Old Colchester Rd , Montville, Ct. Prepared by Mel Harder dated 4/8/15" and the application and narrative dated 4/20/15.

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 7-0 MOTION CARRIED

b. **Town of Montville:** An application for drainage improvements in the area of Blais Road and Fitch Hill Road (#351-400).

Ms. Bezanson gave a breakdown of the plans.

Bob Russo for CLA Engineers addressed the Commission. He explained the location. He explained that the existing culvert needs repair. Mr. Russo stated that the stone box culvert would be replaced with a pipe. A discussion was held.

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

Voice Vote 7-0 MOTION CARRIED

c. **Tim May:** An application for construction of a pool within a regulated area on the property located at 1297 Route 163, Oakdale, Ct. As shown on Assessor's Map 52 Lot 13.

Ms. Bezanson explained that the driveway on the property had already been approved. This application was for a 15X30 above ground pool grading. There would be 30 sq ft of disturbance. Ms. Bezanson gave a breakdown of the plans. A discussion was held.

A **MOTION** was made by Commissioner O’Bday and seconded by Commissioner Greiner to set a sitewalk for Saturday, June 13th at 10:00 a.m.

Voice Vote 7-0 MOTION CARRIED

9. Correspondence: Habitat

10. Other Business: None

11. Executive Session: None

12. Adjourn

A **MOTION** made by Commissioner Houk and seconded by Commissioner O’Bday to adjourn the meeting at 8:15 pm.

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.