

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

**MEETING MINUTES**

**Thursday, August 20, 2015 7:00 p.m.**

**LOCATION: MONTVILLE TOWN HALL, *Council Chambers***

**1. Call to order:** Chairman Brush called the August 20<sup>th</sup> Inland Wetland meeting to order at 7:00 p.m.

**2. Roll call:** In attendance were Commissioners Brush, O’Bday, Houk, Berardy, Deranleau and Greiner. Staff present: Colleen Bezanson. Absent was Commissioner Riske.

**Motion** made by Commissioner Greiner and seconded by Commissioner Houk as follows; Motion to add to new business item 8 g. Doreen Mrowka: An application for the construction of a 3 bay automotive repair facility and associated parking on the property located at 96 Rte 1633, Uncasville, CT as shown on Assessor’s map 73 lot 55A.

Voice Vote 6-0. MOTION CARRIED.

**3. Minutes**

a. Approve the minutes of the July 16<sup>th</sup> meeting

**Motion** made by Commissioner O’Bday and seconded by Commissioner Greiner to approve the July 16<sup>th</sup> meeting.

Voice Vote 6-0. MOTION CARRIED.

b. Approve the minutes of the July 30<sup>th</sup> special meeting

**Motion** made by Commissioner Berardy and seconded by Commissioner O’Bday to approve the two sections of the July 30<sup>th</sup> Special meeting.

Voice Vote 6-0. 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 remarks from the public relating to items on the agenda. There were none.

**7. Old Business:**

a. **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.

Colleen Bezanson state that the reason the permit was denied was because time ran out. A cease and desist had been issue because the applicant did not have a permit for the activities on the property. Plans had been submitted. The application, plan and narrative had been revised. Staff had visited the site. A discussion was held regarding if the Town Engineer had to review the plans again. Matt Kobyluck, LVK LLC addressed the Commission. He stated if the Town Engineer were to review the application, it would delay his application for planning and zoning. He gave an explanation of the

plan similarity. A discussion was held. Commission agreed that the plan was the same that was shown to them at the last meeting.

**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 6 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 as depicted on the plan titled “Proposed Aggregate Processing Operation Leffingwell Rd and Montville Rd Prepared for JVK, LLC Prepared by Provost & Rivera, Inc. revised to 8/18/15” and the application and narrative revised to 8/11/15.

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. In addition to the Town of Montville Inland Wetlands Permit fee of \$133.00, the applicant shall also pay as per Section 20.6 of the Town of Montville Inland Wetland Regulations an additional fee of \$5,395.00. With the Total owed to the Town being \$ 5,528.00.

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 6-0. MOTION CARRIED.

**Motion** made by Commissioner Houk and seconded by Commissioner Greiner as follows; To lift the Cease and Desist order on the property located at 127 Leffingwell Rd, Uncasville, Ct. As shown on Assessor’s Map 62 Lot 16 with the applicant/owner being LVK LLC/Seymour Adelman. Reason being that the applicant addressed all comments from the Commission and was granted a permit.

Voice Vote 6-0. MOTION CARRIED.

b. **Joseph Lavin/LBC Holdings:** An application for the expansion of a parking area on the property located at 1127 Old Colchester Rd, Oakdale, CT. As shown on Assessor's Map 37 Lot 4-84.

Colleen Bezanson went out to the site with the applicant. There were 5 proposed activities. Expand the existing parking area to add an additional 4 parking spaces, Build a play area on the side of the building, Front yard activities, including, Removal of underbrush to increase site visibility, Placement of stone to keep the water flow within the existing channel, Placement of a new sign with post holes and planting around bottom of the sign and removal of low hanging branches top open up the site. Removal of underbrush to increase site visibility Placement of stone to keep the water flow within the existing channel, Placement of a new sign with post holes and planting around bottom of the sign and Removal of low hanging branches top open up the site Staff does not see any problems. A discussion was held.

**Motion** made by Commissioner Greiner and seconded by 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 16 Joseph Lavin/LBC Holdings: An application for the expansion of a parking area on the property located at 1127 Old Colchester Rd, Oakdale, Ct. As shown on Assessor's Map 37 Lot 4-84. as depicted on the hand drawn modification of the plan titled "Data Accumulation Plan Plot Plan Lot 84 Pine Ridge Estates 1127 Old Colchester Rd revised to 7/25/15" and the application and narrative dated 7/25/15.

#### 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 6-0. MOTION CARRIED.

#### 8. New Business:

a. **Merle & Jill Johnson:** An application for driveway construction on the property located at 1620 Route 163, Oakdale, CT. As shown on Assessor's Map 63 Lot 30-8.

Colleen Bezanson stated that this was part of the Juniper Farms subdivision approved back in 1999. The permit had been renewed too many times, therefore required a new permit. There would be work in 1000 sq ft of upland review area. The permit was last approved in 2010. A discussion was held.

**Motion** made by Commissioner Greiner and seconded by Commissioner O’Bday to continue until the next meeting.

Voice Vote 6-0. MOTION CARRIED.

b. **Rosalie Hann:** An application for the construction of a pool within the review area on the property located at 162 Lake Drive East, Oakdale, CT. As shown on Assessor’s Map 108 Lot 22.

Ms. Bezanson stated four Commissioners had driven by the site. Staff provided pictures. She stated that the applicant disagreed that they may be wetlands on the property. Ms. Bezanson stated that Zoning and the Health department needs to sign off on the installation of the pool. The health department would have to sign off on the permit first. She stated that the location of the pool may change. A discussion was held.

Rosalie Hann addressed the Commission. A discussion was held.

**Motion** was made by Commissioner O’Bday and seconded by Berardy to grant Colleen the authority to grant a permit pertaining to the swimming pool on 162 Lake Drive East, Oakdale CT.

Voice Vote 6-0. MOTION CARRIED.

Commissioner Greiner recused himself at 7:55 p.m.

c. **John Mihok:** An application for removal and replacement of existing house on the property located at 87E Cottage Road, Oakdale, CT. As shown on Assessor’s Map 63 Lot 5.

Colleen Bezanson stated that the Commission had approved the application in June, to demolish and re-angle the house. The new owner would like to keep the existing footprint of the house. The applicant was the new owner and not the original applicant.

**Motion** made by Commissioner O’Bday and seconded by Commissioner Houk to transfer to permit to Mr. Mihok.

Voice Vote 5-1-0. MOTION CARRIED.

**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 18 John Mihok: An application for removal and replacement of existing house on the property located at 87E Cottage Road, Oakdale, CT. As shown on Assessor’s Map 63 Lot 5 as depicted on the plan titled “Improvements Location Survey Prepared for John Mihok 87E Cottage Rd Montville , Ct. Prepared by Mattern & Stefon dated August 2015” and the application and narrative dated 8/7/15

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 5-1-0. MOTION CARRIED.

Commissioner Greiner returned at 8:02 p.m.

d. **Buster Land Management, LLC:** An application for a timber harvest on the property located on Old Colchester Road, Oakdale, Ct. As shown on Assessor's Map 36 Lot 5.

Colleen Bezanson stated that the Commission had approved this application as, Use as of right. The permit had been approved in May. The crossing now has more flow and would require a portable bridge. A discussion was held.

Blain Keller for Buster Land Management addressed the Commission. He gave a breakdown of the changes in the plan. A discussion was held.

**Motion** made by Commissioner Houk and seconded by Commissioner O'Bday to modify the permit to allow the use of a portable bridge for Crossing 2.

Voice Vote 6-0. MOTION CARRIED.

e. **Carl Jensen:** An application for activity within a regulated area on the property located at 1391 Old Colchester Road, Oakdale, Ct. As shown on Assessor's Map 44 Lot 4-5.

Ms. Bezanson stated that the applicant had purchased the property and was concerned existing trees may fall on the house. The applicant removed the trees in the buffer area. It was done to avoid damage to the house. The applicant wants to put in a garden and revegetate the area. A discussion was held.

**Motion** made by Commissioner O'Bday and seconded by Commissioner Greiner to set a sitewalk for Wednesday, September 9<sup>th</sup> at 6:00 pm.

Voice Vote 6-0. MOTION CARRIED.

f. **Advanced Associates, LLC:** An application for the construction of a 10,000sf building on the property located at 410 and 412 Maple Avenue, Uncasville, CT. As shown on Assessor's Map 31 Lots 2 & 2A.

Property had been granted permit for water crossing. There was an existing paved driveway. Staff stated that the new building would be close to the wetland area and indicated that there would be a stonewall placed at the limits of the wetland area.

A representative for the applicant addressed the Commission. He stated that the space was designed to be industrial flex space, with high based storage. He gave a breakdown of the application. A discussion was held. The Commission stated they would be driving by the property.

**Motion** made by Commissioner Greiner and seconded by Commissioner O’Bday to continue this item until the next meeting.

Voice Vote 6-0. MOTION CARRIED.

g. **Doreen Mrowka:** An application for the construction of a 3 bay automotive repair facility and associated parking on the property located at 96 Rte 1633, Uncasville, CT as shown on Assessor’s map 73 lot 55A.

Ms. Bezanson stated the work had been done on the adjacent property that was not owned by B&D Auto and that the Commission had denied this permit in the past. The applicant has now purchased the property. Discussion was held.

**Motion** made by Commissioner O’Bday and seconded by Commissioner Greiner to continue this item.

Voice Vote 6-0. MOTION CARRIED.

**9. Correspondence:** Habitat

**10. Other Business:** None

**11. Executive Session:** None

**12. Adjourn**

**Motion** made by Commissioner O’Bday and seconded by Commissioner Greiner to adjourn the meeting.

Voice Vote 6-0. MOTION CARRIED.

*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.

Conflict of Interest  
Disclosure Form

In accordance with Section C903 of the Town's Charter, I, Jeff Greiner  
a member of the IWWC (Board/Commission) at the meeting  
dated 8/20/2015 have disclosed that I have a conflict of interest regarding  
item 8c. on the agenda and would recuse myself from discussion/debate and  
voting. Below is the basis of the conflict of interest.

John Mihok is a client of Mattern & Stefan Land  
Surveyors. I am an employee of Mattern & Stefan  
Land Surveyors. Even though I personally have no  
involvement with Mr. Mihok's project as a land surveyor,  
our company is receiving consideration for services rendered.  
It would therefore not be appropriate to participate in  
the meeting at IWWC as a commission member for his  
hearing.

Signature

Jeffrey S Greiner

Date

8/20/2015

This form shall be incorporated in the minutes of the particular board, commission, or  
office and a full copy of such minutes shall be filed in the office of the Town Clerk.