

TOWN OF MONTVILLE
INLAND WETLANDS COMMISSION
REGULAR MEETING MINUTES
THURSDAY, JANUARY 19, 2017 – 7:00 P.M.
LOCATION: MONTVILLE TOWN HALL, Council Chamber
310 NORWICH-NEW LONDON TURNPIKE
UNCASVILLE, CONNECTICUT 06382
TELEPHONE: (860) 848-6779 – FAX: (860) 848-2354

1. Call to Order

Chairman Brush called the meeting to order at 7:00.

2. Roll Call

Present: Chairman Brush, Secretary Philip Houk, Commissioners Sandra Berardy, Jeffrey Greiner, Jessica LeClair, Charles O’Bday III, and Howard V. Riske Jr.(7:09). Also present, Zoning and Wetlands Enforcement Officer (ZWEO) Liz Burdick.

3. Minutes: December 15, 2016 Regular Meeting

M/S/C (Houk/O’Bday) to approve the December 15, 2016 Regular Meeting as amended.

Pg. 5 section 5. “ZWEO Burdick reported that she has not ~~has not~~ witnessed any apparent construction activities taking place on the site since the Commission’s November Meeting.”

Vote: Approved Unanimously

4. Public Hearings-none

5. Show Cause Hearing (s)-none

6. Remarks from the Public not relating to items on the agenda-none

7. Old Business:

A. 314 Route 163 (Map 82, Lot 62)-Donny Jacobowitz-Update ongoing enforcement action- Cease and Desist Order-Unauthorzied Activities in a Regulated Area. (Tabled from 12/15/16 meeting)

The applicant was not able to attend. L. Burdick reviewed the Cease and Desist Order with the Commission and provided the members with a written update. She spoke with Jacobowitz stating he does not have the means to provide the \$2000 bond requested by the Commission. Burdick stated the slope was covered with woodchips, providing some stabilization, but if a heavy rain occurs the woodchips will wash away. The silt fence on the site has become ineffective. The property owner informed the ZWEO he will have staked hay bales placed at the base of the slopes within the week. L. Burdick has been communicating with D. Jacobowitz regularly and has inspected the site since the last IWC meeting. She stated the property owner will be submitting a permit for the work performed at the site.

Chairman Brush stated if the permit and bond is not in place by the end of the month the Commission needs to consult an attorney.

M/S/C (Berardy/O’Bday) to table until the February Regular Meeting and maintain the Cease and Desist Order. Vote: Approved Unanimously

- B. 1530 Route 85 (Map 5, Lot 29)-Double Down, LLC/Mathew T. Kobyluck-Update ongoing enforcement action-Cease and Desist Order-Unauthorized Activities in Regulated Areas. (Table from the 12/15/16 meeting).**

L. Burdick reviewed the issues at 1530 Route 85 and submitted a written report to the Commission.

L. Burdick reported that concrete blocks have been placed at the wetlands limits. M. Kobyluck has submitted plans which were incomplete and sent back to him to be updated. They have not been resubmitted to date.

M/S/C (O’Bday/Riske) to uphold the cease and desist order for 1530 Route 85.

Vote: Approved Unanimously

8. New Business

- A. 216IWC18-1530 Route 85 (Map 5, Lot 29)-Double Down, LLC/Mathew T. Kobyluck. Regulated Activities for Site Improvements for Proposed Earth Materials Processing Facility. (Received at 12/15/16 meeting-DRD February 17, 2017)**

L. Burdick informed the Commission that the applicant has submitted a written request to the Commission to table the application until the next meeting.

M/S/C (O’Bday/Berardy) to table 2161WCI18 until the February Regular Meeting. Vote: Approved Unanimously

- B. 217IWC1-658 Old Colchester Road (Map 22, Lot 12)-Applicant/Owner: David Apanashk-As of Right Determination for Timber Harvest (DRD 03/24/17).** Applicant, Donald A. Dubois, Certified Forest Practitioner informed the Commission he will be removing trees with defect, deformity, dieback & disease to improve habitat. This will improve the growth of tulip poplar trees by removing mostly black oak firewood trees & saw timber in decline due to gypsy moth defoliation. He will also be creating a patch which will improve habitat for the New England Cottontail. The amount of forest products to be harvested is 28,138 Board feet & 134 Cords and trees have been marked with blue paint at eye level.

Dubois stated he may be working with an abutter (Bonner) to the property and will be submitting a plan in the future. If the abutting property owner agrees to submit a permit, it will eliminate the need for WC #2 and then they will do Patch 3 for the New England Cottontail. Dubois stated after researching deeds they have discovered the current client has a right of way which will eliminate the need for WC#1 located on the current plan or he will utilize an area where there is a historical stone culvert and put corduroy or temporary bridge above the stone culvert. L. Burdick stated she has concerns regarding accessing the site by the ROW shown on the drawing because the GIS does not show it and

she will have to research it. Applicant stated he has done an exhaustive search on the right of way and sent letters to the two abutters. Dubois stated the right of way has a paved apron and it is unclear who owns the right of way.

The Commission clarified the crossings with Dubois. He stated if the Bonner application is not submitted, IW#3 will not be used and "Patch 3" will not be cleared for the New England Cottontail habitat. There is no timeframe for the applicant to do the harvest. The Applicant will put an anti-track pad on the road and will call the ZWEO prior to the start of work and when it is completed.

M/S/C (Berardy/O'Bday) After giving due consideration to all relevant factors, including those in Section 4 of the Montville Inland Wetland Regulations and Section 22a-40 of the Connecticut General Statutes, I move that Application# 217IWC1, submitted by Certified Forest Practitioner, Donald A. Dubois on behalf of property owner, David Apanashk for a Timber Harvest and more fully described in the Application, Dated 12-29-2016 and Notification of Timber Harvest, dated 12-15-16 with associated Timber Harvest Map, dated 12-27-16 is a Permitted Use As of Right and, therefore, no permit is required.

Vote: Approved. In favor- Brush, Houk, Berardy, Greiner, O'Bday III, Riske Jr. Opposed-none. Abstaining- LeClair.

- C. 2171IWC2-230 Butlertown Road (Map 22, Lot 12)-Applicant/Owner: Robert Misarski & Manuel J. Misarski-3 lot subdivision in Light Industrial Zone-no regulated activities. (DRD 03/24/17).**

The applicant is requesting a favorable report to the Montville Planning & Zoning Commission (PZC) in accordance with Montville Subdivision Regulations Section 3.5 (Wetlands Agency Referral) and CT General Statutes Chapter 440 (Wetlands and Watercourses) for a 3-Lot Resubdivision of land containing regulated inland wetlands and watercourses, but no proposed regulated activities at this time.

The property to be subdivided is the "Remaining Land" from the "E.L.K. 3-Lot Subdivision" approved by the PZC on 10/11/2016 after a favorable report to it by the IWC on 9/15/2016.

J. Wren, engineer for the applicant presented an overview for the Commission. He stated a conceptual plan for buildings, wells, and septic has been submitted and approved by the Uncas Health District.

M/S/C (O'Bday/Riske) After giving due consideration to all relevant factors, including those in the Montville Inland Wetland Regulations and Chapter 440 of the Connecticut General Statutes, I move that the Commission forward a favorable report to the Montville Planning & Zoning Commission for Application #217IWC2, submitted by the Applicants/Property Owners, Manuel J. Misarski & Robert T. Misarski for a 3-Lot Resubdivision of Remaining Land at 230 Butlertown Road as more fully described in the application & supporting documents, dated 01-11-17 and a plan entitled "Record Resubdivision Map, Land of Robert T. & Manuel J. Misarski, Tax Map 1, Lot 14, Butlertown Road,

Montville, CT, Prepared by Annino Survey, LLC, Dated September 19, 2016, Revised to 12/30/16" and a map entitled "Overall Site Development Plan, Prepared for Robert T. & Manuel J. Misarski, Butlertown Road, Map 1, Lot14, Montville, CT, Prepared by Indigo Land Design, LLC, Dated January 9, 2017" due to no regulated activities with the condition that the final plans shall be signed and sealed by the Certified Soil Scientist, Licensed Land Surveyor and Professional Engineer.

Vote: Approved Unanimously

- D. **2171IWC3-70 Velgouse Road (Map46, Lot49)-Applicant/Owner: David P. & Joan T. Jetmore-2 Lot Residential Resubdivision-no regulated activities. (DRD 03/24/17).**

L. Burdick presented her report and informed the Commission of the application. Applicant is requesting a favorable report to the Montville Planning & Zoning Commission for a 2-Lot Resubdivision of land containing regulated inland wetlands and watercourses, but no proposed regulated activities at this time.

The site is located on 28.27 acres (1,231,441SF) in the R-80 residential zone and contains about 3.5 acres of delineated wetlands areas and is developed with an existing single-family residence. Two new lots "3" & "4" range in size from 8.35 to 12.13 acres, respectively and show future conceptual single-family house, driveway, septic, well, and clearing limits locations. Proposed Lot "3" contains no wetlands, proposed Lot "4" contains about 3.5 acres of inland wetlands, but no activities are proposed within regulated areas. Proposed "Lot 2" is 7.79 acres and contains the existing house and there are no wetlands on site. Site plans are required for future individual development of proposed Lots "3" & "4".

Chairman Brush asked the applicant about the grading of the lots. L. Burdick stated that when the individual lots come in they will have to show grading. The applicant, John MacNeil stated they will use a shared driveway and it will be cut and filled to eliminate steep slopes.

M/S/C (Grenier/O'Bday) After giving due consideration to all relevant factors, including those in the Montville Inland Wetland Regulations and Chapter 440 of the Connecticut General Statutes, I move that the Commission forward a favorable report to the Montville Planning & Zoning Commission for Application #217IWC3, submitted by the Applicant, John MacNeil for Property Owner, David Jetmore, for a 2-Lot Resubdivision to create two new building lots at 70 Velgouse Road (Map46, Lot 49), Oakdale, CT as more fully described in the application & supporting documents, dated 01-12-17 and a plan entitled " Resubdivision Plan Prepared for David Jetmore, Boundary, Lot Layout & Soil & Erosion Control Plan, 70 Velgouse Road, Montville, CT, Prepared by Rob Hellstrom Land Surveying, LLC, Dated January 11, 2017" due to no regulated activities with the condition that the final plans shall be signed and sealed by the Certified Soil Scientist, Licensed Land Surveyor and Professional Engineer.

Vote: Approved Unanimously

E. 20 Connecticut Boulevard (Map 97, Lot 128)-Property Owner: Marion Stanavage-Request for Release of Site Stabilization Bond.

L. Burdick stated she has visited the site and the grass is growing back well and the site is stable. She recommends releasing the bond.

Chairman Brush stated he would like the members to go look at the site before agreeing to release the bond.

L. Burdick stated that she and the town engineer have visited the site on two occasions to make sure the site was stabilized. She will contact Stanavage and let her know members will be looking at the site and the matter will be tabled until the next meeting.

M/S/C (O'Bday/Riske) to table 20 Connecticut Boulevard (Map 97, Lot 128)-Property Owner: Marion Stanavage-Request for Release of Site Stabilization Bond until the February 16 Regular Meeting. Vote: Approved Unanimously.

9. Correspondence

L. Burdick informed the members of the CT Bar Association for Land Use Seminar at Wesleyan University in Middletown. She stated it was a very good seminar covering many aspects of land use, not just wetlands and to let her know if any Commissioners wanted to attend.

10. Other Business-None

11. Executive Session-None

12. Adjournment

M/S/C (O'Bday/Riske) to adjourn the meeting at 8:12. Vote: Approved Unanimously

Respectfully Submitted
Sue Spang, Recording Secretary