

TOWN OF MONTVILLE
INLAND WETLANDS COMMISSION
REGULAR MEETING MINUTES
THURSDAY, FEBRUARY 16, 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, and Howard V. Riske Jr. (7:21). **Absent:** Charles O’Bday III.

Attending: Zoning and Wetlands Enforcement Officer (ZWEO) Liz Burdick and Bob Russo (CLA engineer representing the Town)

3. Minutes: January 19, 2017 Regular Meeting

M/S/C (Berardy/Houk) to approve the January 19, 2017 Regular Meeting as presented.

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-Unauthorized Activities in a Regulated Area. (Tabled from 01/19/17 meeting)

D. Jacobowitz, property owner, informed the Commission he had no funds to pay the bond the town requested. He stated he has done everything the town has asked him to do, and the embankment was never touched. He stated he was willing to work with the Commission.

Chairman Brush stated the property owner needed to submit plans showing what has been done to the property to date.

Jacobowitz stated he had to cut trees for the line of site as required by the State DOT and will plant grass, trees and bushes to stabilize the area.

L. Burdick stated she discussed the property with her predecessor and was informed the site was stable but new work had been done making the site unstable and there was fill in the river. She stated that the wetlands need to be flagged and a remediation plan by a professional needed to be done. She informed the members they could extend the order until the April meeting when conditions improve for planting of grass. Burdick stated the property owner has been cooperative but he needs to submit a plan.

Chairman Brush stated Jacobowitz needed to submit a plan and an application for the work completed.

M/S/C (Houk/Berardy) The Commission upholds the Cease and Desist Order as modified on December 15, 2016 remain in place, including the submittal of a site stabilization bond in the amount of \$2,000.00. The remediation plan shall be submitted to the Planning Dept. no later than 4/12/17 (one week before meeting) for review and approval at April 20, 2017 meeting and, if not, pursue legal action by Town Attorney. 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 01/19/17 meeting).**

M/S/C (Riske/Greiner) To combine Old Business, item B with New Business, item A. Vote: Approved Unanimously

- C. 20 Connecticut Boulevard (Map 97, Lot 128)-Property Owner: Marion Stanavage-Request for Release of Site Stabilization Bond. (tabled from the 01/19/17)**

B. Russo stated the site was stabilized. L. Burdick recommended the bond be released.

M/S/C (Greiner/Houk) to release the bond for 20 Connecticut Boulevard (Map 97, Lot 128)-Property Owner: Marion Stanavage. Vote: Approved Unanimously

8. New Business

- A. 216IWC118-1530 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-Tabled from the 01/19/17 meeting)**

L. Burdick informed the Commission that a Public Hearing for the Planning Commission was set for March 13, 2017. She described the proposed project as: a permit for “Disturbance of 14,550+/- sf Upland Review Area for Construction/Improvements to an existing access driveway to the site to access a proposed Earth Materials Processing Facility. Driveway will utilize an existing curb cut on Route 85; Driveway has been routed to follow along and at least 10’ away from flagged limit of Inland Wetland. The subject wetlands is a man-made excavated depression that served as a sediment basin for the previous earth excavation use on this site. No filling of regulated wetlands is proposed. See Engineer Report for further description.”

Regarding environmental Impacts, the Applicant states, in its Site Engineer’s Report & Impact Statement (“Impact Statement”), dated January 21, 2017, “the major potential impacts on this regulated wetland area resulting from this proposed development would be anticipated from sediment run-off from open cut excavations and storm water

quality. The plan addresses both of these impacts as follows: A comprehensive SESC plan and sequence has been prepared and will be implemented to ensure the protection & stabilization of the wetland and adjacent southern slope. A new sediment basin will be constructed to intercept the majority of sediment laden run-off from the proposed processing facility area into the new sediment basin. Final grades are developed to shed the majority of the processing facility area to this new sediment basin. No other adverse impacts to the regulated area is anticipated due to this development.”

She stated the Commission has not yet found any “significant impact.”

Ed Wenke III, PE., gave the Commission some background on the existing conditions. He stated it was partly excavated in the 80’s and a sedimentation basin was constructed and is now a regulated area. He stated they will continue to use the RT 85 entrance but it will run parallel to the existing sedimentation basin. There is a new sedimentation basin proposed and the water level will be 208’. Concrete blocks will be placed around the perimeter of the work area.

Joe Theroux, Soil Scientist stated there will be a 6-foot-high earthen berm around the perimeter of the property. The sheet flow would naturally flow to the corner of the property into a culvert which would discharge across the street and into Latimer Brook Watershed. Theroux is waiting to hear from CT DOT on any outlet protection for the culvert. The area will be seeded to prevent sedimentation runoff. The sedimentation basin would be cleaned out as needed, approximately every six months.

Theroux stated the wetlands were flagged in July of 2016.

Theroux informed the Commission there were no fish in the existing basin, no nutrients for habitat and has no wetlands value. Any sediment from the new basin would be sold as fill.

Wenke stated there will be an interim sedimentation control plan as processing will start as soon as approvals are granted. They are not planning to use the existing sedimentation basin, if they do need it they will come back to the Commission.

B. Russo stated that he has reviewed the application and most of the comments he has are the inclusion of additional notes on the plan. He stated the wetlands assessment was properly done and he agrees with the conclusions.

L. Burdick stated that all town staff have provided comments on the application. She stated she would like to see changes on the plan before

it was signed off. She informed the Commission that they would have to act at tonight's meeting or ask the applicant to file an extension.

M. Kobyluck-applicant stated he is trying to get all the comments including the Planning Commission so the revisions can be done once. He was hoping for a conditional approval.

L. Burdick reminded the Commission that the Planning Commission would not close their Public Hearing until Wetlands Commission has given approval.

Chairman Brush stated he was not comfortable giving a conditional approval without a construction sequence.

M/S/C (Riske/LeClair) to table 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 until the March 16, 2017 Wetlands Commission Regular Meeting. Vote: Approved Unanimously.

(M. Kobyluck submitted an extension request)

B. 2171WC4-Black Ash Rd & Old Colchester Rd. Applicant/Owner: Town of Montville-Regulated Activities for Intersection Improvements (DRD 04/11/2017)

B. Russo, engineer for the Town of Montville stated he and the Public Works Director looked at swinging Black Ash Rd. out at a 90° angle for safety considerations. He stated there was a stone, box culvert which outlets on the downhill side and discharges to swamp. In order to realign the road, wetlands impacts are required. He stated there was not a lot of wetlands value in this area.

Russo informed the Commission that the Town had received a LoCIP grant for safety improvements to this specific site. There is a "protected species bubble" in this area. DEEP was consulted and gave the town the go ahead for this particular area. There is a time frame for when trees larger than a certain diameter can be cut due to the protection of bat habitat.

The project will not require much grading, and the work will not take long to complete. They will move the discharge point and the old culvert will be taken out. There was concern about a conservation easement and Russo stated he will consult with the Conservation Commission.

M/S/C (Riske/LeClair) to table 2171WC4-Black Ash Rd & Old Colchester Rd until the March 16, 2017 Regular Meeting. Vote: Approved Unanimously

- A2. 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 01/19/17 meeting).
M/S/C (Riske/LeClair) The Cease & Desist Order remain in place until all approvals are in place and a zoning permit has been issued to start work. Vote: Approved Unanimously**

9. Correspondence

L. Burdick will email the members information about the the CT Bar Association for Land Use Seminar at Wesleyan University in Middletown.

- 10. Other Business**-Commissioner Jeffrey Greiner informed the Commission that he would be resigning due to a move out of state.

- 11. Executive Session**-None

12. Adjournment

M/S/C (Houk/Berardy) to adjourn the meeting at 8:30. Vote: Approved Unanimously

Respectfully Submitted
Sue Spang, Recording Secretary