

Town of Montville
Inlands Wetlands Commission
Regular Meeting Minutes – March 16, 2017 – 7:00 P.M.
Town Hall – Town Council Chambers

1. Call to Order.

Chairman Brush opened the regular meeting of the Inlands Wetlands Commission at 7:00p.m.

2. Roll Call.

Present were Commission members were Sandra Berardy, Phil Houk, Jessica LeClair, Vice-Chair Charles Obday, III, and Chairman Douglas Brush. Also present were Zoning and Wetlands Officer (“ZWO”) Liz Burdick and Bob Russo, C.S.S., Soil Scientist /Environmental Scientist of CLA Engineers, Inc. and consultant for the Town of Montville. Commission member Howard Riske was absent due to a death in his family. A quorum was present.

3. Minutes: Approve the Minutes of the February 16, 2017 Meeting.

Motion by Commissioner Berardy; seconded by Commissioner Houk; to approve the Minutes of February 17, 2017, as written. Discussion, none. **Voice vote, 4-0-1. All in favor: Commissioners Berardy, Brush, Houk, and LeClair. Opposed: None. Abstained: Commissioner Obday. Motion carried.**

4. Public Hearings. None

5. Show Cause Hearings. – None

6. Remarks from the public not relating to items on the agenda. None

Motion by Commissioner Berardy; seconded by Commissioner Obday, to move up Agenda Item 7.c prior to Item 7.a. Discussion, none. **Voice vote, 5-0, all in favor. Motion carried.**

7. Old Business:

- A. #314 Route 163 (Map 82, Lot 52) – Donny Jacobowitz – Update ongoing enforcement action – Cease and Desist Order – Unauthorized Activities in Regulated areas. (Tabled from the 02/16/2017 Meeting.)**

Chairman Brush stated that the applicant was told at the February Commission meeting to come back to the Commission to submit a remediation plan and application for the work completed on or before its April regular meeting. ZWO Burdick reported that the applicant had hired Rick Deschamps, L.S. of Advanced Surveys and anticipated the application should be submitted by the required date.

Motion by Berardy; seconded by Commissioner Obday, to uphold the Cease and Desist Order for #314 Route 163 (Map 82, Lot 52), and table the matter until the

April 20, 2017, meeting. Discussion, none. Voice Vote, 5-0, all in favor. Motion carried.

B. 1530 Route 85 (Map 5, Lot 29) – Double Down, LLC/Matthew T. Kobyluck – Update ongoing enforcement action – Cease and Desist Order – Unauthorized Activities in Regulated Areas. (Tabled from the 02/16/2017 Meeting.)

ZWO Burdick provided the Commission an update on the application for regulated activities and requested the Cease and Desist Order remain in place until all approvals are in place.

Motion by Commissioner Obday, seconded by Commissioner Houk, that the Cease and Desist Order on 1530 Route 85 (Map 5, Lot 29) is upheld and tabled the matter until the April 20, 2017, Commission meeting. Discussion, none. Voice Vote, 5-0, all in favor. Motion approved.

C. 217IWC4 – Black Ash Road & Old Colchester Road – Applicant/Owner: Town of Montville – Regulated Activities for Intersection Improvements. (Tabled from the 02/16/2017 Meeting DRD 04/11/2017.)

[This item was moved up on the agenda prior to Agenda Item 7.a.]

For the record, ZWO Burdick stated the maps and the staff report were present before the Commission. She also noted for the record that B. Russo was present and available to the Commission to provide a refresher of his presentation from the February Commission meeting.

Mr. Russo introduced himself for the record and spoke regarding an intersection improvement project that was presented at the February Commission meeting. He stated that 90-100 trees from the acreage at the intersection would be cleared. Mr. Russo added that the intersection was a bad one as it brings Black Ash at close angles with Old Colchester Road effecting drivers on both roadways. Further, he said that improvement to the intersection would bring it closer to a 90-degree angle and would provide for the convenience of storm water drainage. Mr. Russo addressed Commission questions regarding (1) the replanting of trees (Brush) that would adhere to the esthetic of the street; (2) the effect on wildlife (LeClair) that would be unaffected as the area surrounding the intersection is a low impact development (LID); and (3) repositioning of the pole lights (Obday) that would remain in their current position. He also responded to Commissioner LeClair's question concerning sensitivity to bats stating that white fungus syndrome is a special concern for species in Connecticut, but the DEEP requires that they limit the time period for tree clearing due to bat habitation which has been included in the plans. Mr. Russo stated if bats habit the area that tree clearing will not occur during the time.

ZWO Burdick recommended the Commission make a finding regarding significant impact, but Chairman Brush stated that making a motion regarding significant activity is

not standard to this Commission and was therefore not necessary. ZWO Burdick spoke to a prior housing issue concerning significant activity whereby a motion for the same was requested by the attorney for that matter.

Motion by Commissioner LeClair; seconded by Commissioner Obday, to approve 2171WC4 – Black Ash Road & Old Colchester Road -- Applicant/Owner: Town of Montville – Regulated Activities for Intersection Improvements -- read into the record by Chairman Brush as follows: With due regard for the matters enumerated in Section 22a-41 of the Connecticut General Statutes and in accordance with Section 10 of the Regulations for the Protection and Preservation of Inland Wetlands and Watercourses of the Town of Montville, CT, I move to approve the application submitted by Applicant, Ronald K. McDaniel, Mayor on behalf of the Property Owner, Town of Montville for Permit #2171WC4 for regulated activities in conjunction with Black Ash Road & Old Colchester Road Intersection Improvements as described in the application & project narrative dated 2/6/17; supporting documentation, including Wetland Investigation Report Prepared by Robert C. Russo, Soil Scientist Dated August 23, 2016; and the plan set entitled “Old Colchester Road & Black Ash Road Intersection Improvements, Project #0865-000, Town of Montville, Department of Public Works, Drawing No. 1-6, Prepared by CLA Engineers, Inc., Dated February 2017”.

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. **Discussion, none. Voice Vote: 5-0, all in favor.**

Motion approved.

- D. 216IWC18 – 1530 Route 85 (Map 5, Lot 29) -- Applicant/Owner: Double Down, LLC Kobyluck – Regulated Activities for Site Improvements for Proposed Earth Materials Processing Facility. (Tabled from the 02/16/2017 Meeting – Received at 12/15/16 Meeting/DRD February 17, 2017 – 35-Day Ext. of Time to 03/24/2017.)**

Motion by Commissioner Obday; seconded by Commissioner LeClair, to approve the request for a 30-day extension for 216IWC18 – 1530 Route 85 (Map 5, Lot 29) per the letter from Agent for Owner dated March 10, 2017. Discussion, none. Voice Vote, 5-0, all in favor. Motion approved.

8. **New Business.** -- None

9. **Correspondence.**

ZWO Burdick reported on the *ECCD Outlook* for the Commission's review and a letter of resignation from Commissioner Greiner due to relocation.

8 **Other Business.**

Chairman Brush asked whether it was too late to sign up for the CBA Seminar, a day-long event. ZWO Burdick replied that the deadline for registration is Monday, March 20 as the event will take place on Saturday, March 25th.

9. **Adjournment**

Motion made by Commissioner Obday; seconded by Commissioner Houk, to adjourn the meeting at 7:27 p.m. Discussion, none. **Voice vote, 5-0; all in favor. Motion carried.**

Respectfully submitted by:

Gloria J. Gathers
Recording Secretary, Town of Montville

**AN AUDIO RECORD OF THE MEETING IS AVAILABLE ON THE
TOWN WEBSITE.**