

Draft

Approved by Commission on _____

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

MINUTES OF MEETING
7:00PM
MAY 21, 2009

LOCATION: MONTVILLE TOWN HALL, *Council Chambers*

1. **Call to order:** Commissioner Brush called meeting to order at 7:00pm.
2. **Roll call:** A quorum was present. In attendance were Commissioner's Bartholomew, Beauchene, O'Bday, Johnson, Brush, and Riske. Commissioners Absent: Taylor and Whittaker. Staff present was Colleen Bezanson, Wetland Agent/Planner II.
3. **Minutes:**
 - a. Approve minutes of Meeting April 16, 2009. **Motion to Approve** by Commissioner O'Bday, seconded Commissioner Bartholomew. **5-0-1 favor** Commissioner Beauchene abstained, **Motion Carried.**
 - b. Approve minutes of Special Meeting Site Walk May 13, 2009. **Motion to Approve** by Commissioner Johnson, seconded Commissioner O'Bday **4-0-0 favor**, Commissioner's Beauchene and Riske abstained, **Motion carried.**
4. **Public Hearings:** none.
5. **Show Cause Hearings:**
 - a. **May Realty:** An application for repairs completed on the property located at 711 Route 163, Montville, CT. As shown on Assessor's Map 38 Lot 53. Ms. Bezanson read letter from Mr. Yoselevsky to Commissioner Brush regarding commissioner reclusion and the application for emergency repairs at 711 Route 163. Letter was requesting Commissioner Taylor be removed from Commission due to conflict of interest. Ms. Bezanson stated that she had spoke with Commissioner Taylor and that Commissioner Taylor stated that she was hired by an asbestos company to do work at a different location. Commissioner Brush stated that there was no conflict of interest as she was hired by a separate company for a separate piece of property and with no financial gain. Commissioner Johnson asked Mr. Yoselevsky if Commissioner Taylor had been paid directly by him and he stated that she had not. Commissioner Brush stated that the plan submitted was not detailed enough. Discussion was held and pictures were reviewed that were taken by Ms. Bezanson on the day of meeting.

Commission decided that they did not have enough expertise to decide proper corrective action.

Motion made by Commissioner Johnson regarding May Realty, 711 Rout 163, property located by the Oakdale Post Office, that after attempting to resolve this matter at local level, the Commission has determined that it would be best if referred to the DEP because, we feel that we do not have the necessary expertise at this level to make a decision on this, therefore the Commission will submit all materials regarding this to the State for further action. Seconded by Commissioner O'Bday. **6-0 favor, Motion Carried.**

- b. **Andrew Petrowski:** Work within a regulated area without a permit on the property located at 37 Cove Rd, Uncasville, CT. As shown on Assessor's Map 75 Lot 7.

Commissioner Brush stated that this work was not within Inland Wetland Commission's jurisdiction, that it was Title Wetlands.

Motion by Commissioner Johnson to lift Cease & Desist against Andrew Petrowski, 37 Cove Rd, As shown on Assessors Map 75 lot 7. The order is lifted based on the information provided in a letter from D. Lambert of the DEP, dated 5/11/09, stating that the DEP has jurisdiction on the activities in the area. Seconded by Commissioner Riske. **6-0 favor, motion carried.**

*Ms. Bezanson asked to move item 5c until applicant arrives or until after item 7c.

Motion to move item 5c to after 7c by Commissioner Johnson, Seconded by Commissioner Beauchene. **6-0 favor, motion carried.**

6. Remarks from the public relating to items on the agenda: none.

7. Old Business:

- a. **John Diamantini:** An application for the construction of a dock on the property located at 1399 Old Colchester Rd, Montville CT. Assessor's Map 44 Lot 4-3. Commissioner Brush read the following letters written in favor of the applicant into record:

A letter from Michael Schaefer, professional soil scientist, dated 4/8/09, which was previously entered into record.

A letter dated 5/19/09 from Chris Newell, a member of the Conservation Commission.

A letter dated 5/16/09 from Curtis Tripp, an Environmental Science Major and the University of Notre Dame.

A letter dated 5/19/09 from May Engineering.

A letter from Karlson, Kasper & Parasco, Attorney's at Law.

A letter from Synodi & Videll, from New London CT.

Mr. Diamantini stated he spoke with DEP and had also done a test to find water to be very clear. He also spoke with Ted Jones, a resident of Montville and on the Conservation Committee back in 2000 and he agreed with the letters. He stated that he also looked on the internet to find about effects on boat turbulence on the

lake, and also stated that the cove is, by law, a no wake zone. He also said that he spoke with Trout Unlimited and they said that a dock keeps boats away from the shore as opposed to driving the boat up on shore.

Discussion was held with regards to the greenbelt and the original intentions of the subdivision.

Motion to approve by Commissioner Johnson, After giving due consideration to all relevant factors, including those in Section 10 and or section 4 of the Montville Inland Wetlands, Section 22a-41 of the Connecticut General Statutes and the evidence presented and to the Commission's knowledge of the property and to the area, I move to approve Application 209IWC2 An application for a floating dock on the property located at 1399 Old Colchester Road, Montville CT Assessor's Map 44 Lot 4-3 as depicted on the plan proposed dock and dock sketch and the application narrative dated 2/9/09, Standard reasons for approval would apply. Seconded by Commissioner O'Bday, **4-2 favor, Motion Carried.**

Commissioner's Beauchene and Johnson opposed.

*Commissioner Johnson stated that she made the motion to get it on the table but does not support the motion.

- b. **Gabriel & Nancy De La Cruz Jr.:** An application for the construction of a deck, pool and addition on the property located at 21 Sharp Hill Rd, Montville CT. As shown on Assessor's Map 23 Lot 67.

Ms. Bezanson read letter from Mike Schaefer, soil scientist dated 5/5/09.

Commissioner Brush stated the Commission had walked the site.

Discussion was held, Commission expressed concerns about the sediment control.

Mr. Marien showed Commission maps and further explained the plan.

Discussion was held.

Motion by Commissioner O'Bday, After giving due consideration to all relevant factors, including those in Section 10 and or Section 4 of the Montville Inland Wetland Regulations and Section 221-41 of the Connecticut General Statutes and the evidence presented to Commission, knowledge of the property and area, I move to approve application 209IWC5 An application for the construction of a deck, pool and addition on the property located at 21 Sharp Hill Rd, Montville CT, As shown on Assessor's Map 23 Lot 67 as depicted on the plan titled property survey and site plan shows proposed house of Gabriel & Nancy De La Cruz Jr, 21 Sharp Hill Rd, Uncasville CT prepared by Star Survey LLC, 74 Canterbury Pond Rd, Norwich CT, dated 4/7/09 and the application and narrative dated 4/7/09. Conditions for approval are that the silt fence will be backed by large bails of hay from the house to the brook. Seconded by Commissioner Beauchene, **4-0-2 favor, Motion carried.** Commissioner's Riske and Beauchene abstained.

- c. **Town of Montville:** An application for the construction of a beach volleyball court on the property located at Camp Oakdale, 75 Oxoboxo Dam Rd, Montville CT, As shown on Assessor's Map 46 Lot 1.

Ms. Bezanson stated the only concern that the Commission had was some type of fence be placed beyond courts, and also stated that it was included in part of the plan.

Motion by Commissioner Riske, After giving due consideration to all relevant factors including those in Section 10 and or Section 4 of the Montville Inland Wetland Commission Regulations and section 22a-41 of the Connecticut General Statutes and to the evidence presented to and to the Commissions knowledge of the property and the area, I move to approve application 209IWC7, Town of Montville An application for the construction of a beach volleyball court on the property located at Camp Oakdale, 75 Oxoboxo Dam Rd, Montville CT As shown on Assessor's Map 46 Lot 1 as depicted on plan titled volleyball court Town of Montville CT Camp Oakdale, layout plan prepared by Nathan L Jacobson and Assoc. Inc. 86 Main St Box 37 Norwich CT dated 4/8/09 and the application and narrative dated 4/15/09. Standard conditions do apply. Seconded by Commissioner Beuchene. **6-0 favor, motion carried.**

5c. Richard Franklin Jr.: Activity within a wetland area without a permit on the property located at 295 Old Colchester Road, Uncasville CT. As shown on Assessor's Map 9 Lot 19B.

Ms. Bezanson stated no one representing applicant was present and nothing was submitted.

Discussion was held.

Commissioner Brush stated that the applicant needs to respond to the commission with a plan showing his intentions and how he is going to be crossing the brook. A letter will be sent to applicant.

8. New Business: none

9. Commissioner Comments: Commissioner Brush commented on previous decisions made by Commission that come back before them.

10. Correspondence: none.

11. Other Business:

a. Workshop dates: Workshop scheduled following the meeting on 6/18/09 if time allows.

Motion to adjourn by Commissioner Riske at 8:50pm, Seconded by Commissioner Bartholomew, **6-0 favor, motion carried.**

***Refer to Audio for complete record**

Respectfully submitted,
Pamela Church, recording secretary