

**TOWN OF MONTVILLE
INLAND WETLANDS COMMISSION
310 NORWICH-NEW LONDON TURNPIKE
UNCASVILLE, CONNECTICUT 06382
TELEPHONE: (860) 848-6779 – FAX: (860) 848-2354**

MEETING MINUTES

**Thursday, August 18, 2016 – 7:00 P.M.
MONTVILLE TOWN HALL, *Council Chambers***

A. Call to order

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

B. Roll call

Present were Chairman Douglas Brush, Secretary Philip Houk, Commissioners Sandra Berardy, Jeffrey Greiner, Charles O'Bday III, and Howard V. Riske, Jr. Also present was Zoning & Wetlands Officer (ZWO) Liz Burdick.

C. Minutes. Approve the Minutes of the July 21, 2016 Regular Meeting.

Motion made by Commissioner O'Bday, seconded by Commissioner Riske. Discussion: None. Voice vote, 4-0-2. Voting in Favor: Commissioners Berardy, Brush, Greiner, O'Bday, and Riske. Voting in Opposition: None. Voting in Abstention: Commissioners Berardy and Greiner. Motion carried.

D. Public Hearings – *none*

E. Show Cause Hearings – *none*

F. Remarks from the public not relating to items on the agenda

Adam McNiece, 1446 Route 85, Oakdale, thanked the Commission for their time and service and spoke with regards to the ongoing violations of Lombardi Business Park, the most important being the omission of the wetlands area located on Lot 2, as indicated on the 2004 map, from the revised 2014 map. Both of the maps were generated by CLA Engineers. As the result of the omission, a large drainage ditch has been installed in the area without coming before the Commission for approval. The drainage ditch is located within 20 feet of a shallow well, which had an abundance of water, with an year-round bubbling spring, and grove of trees. He has written a letter to the Mayor listing this and other violations and has received over 1,000 signatures for a petition on change.org. In addition, the 2014 map indicates a dry hydrant for which a permit was not issued as required by the regulations for wetland areas. Furthermore, he presented photographs showing a water truck drawing water out of the wetlands to provide dust control on the property. He is seeking for an imposition of fines, the

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remediation of the wetlands, an immediate injunction of the draining of the wetlands, and an independent survey of the property.

A Point of Order was made by ZWO Burdick, who made the Commission aware that the issue is currently under litigation and cautioned the Commission against engaging in any conversation regarding the matter.

Mr. McNiece added that he has submitted a report generated by Soil Scientist Steven Danzer verifying his allegations to the Mayor. He also clarified that, though the Town of Montville was named in the original litigation, an amended complaint releasing the Town was subsequently filed. Nevertheless he continues to struggle with the Town. He thanked them for their time.

Chairman Douglas Brush stated he will review his complaint and the supporting documents.

G. Old Business – none

H. New Business

1. 216IWC9 – 1190 Old Colchester Road (Map 36, Lot 6-4), Oakdale, CT –

Applicant/Property Owner: Robert P. & Mary Hagerman – Construction of deck, landing & stairs. (Decision Required Date 10-11-2016).

ZEO Burdick presented a review of her report regarding the application and a copy of the site plan showing the conservation easement area on the property. The Applicant is requesting a permit to remove an existing 7' x 5' deck & stairs and an existing at-grade, pervious block patio and construct a 12'x12' wood deck and 4' x 4' landing & stairs within an upland review area. The disturbance will be limited to the digging and pouring of the deck footings (3) and the construction of an at-grade, pervious block pad at the base of the stairs. No clearing is proposed as part of the proposal as the location of the proposed deck is in an existing lawn area. The area where the at-grade patio is being removed will be loamed and seeded. The distance between the residence and the edge of the conservation easement is approximately 25-30 feet.

Chairman Brush recalled that the residence is placed on an originally subdivided property and an additional lot was requested by the developer. It was felt, at the time, that, due to the lack of adequate distance between the residence and the conservation easement, a deck would not fit adequately in the area and a deed restriction was placed on the property. It was also recalled that a cease and desist order for a patio was issued for the property due to the lack of adequate distance from the wetlands. ZEO Burdick stated that, to the best of her knowledge, there is no deed restriction for a deck and subsequent permits were issued for a patio.

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Chairman Brush suggested the Commission take a site walk of the area and the Commission will be provided with copies of the past permits and meeting minutes associated with the property. ZEO Burdick will confirm that there is no deed restriction.

Motion made by Commissioner O'Bday, seconded by Commissioner Greiner, to schedule a site walk for Saturday, September 10, 2016 at 10:00 a.m. Discussion: None. Voice vote, 6-0, all in favor. Motion carried.

Motion made by Commissioner Greiner, seconded by Commissioner Houk, to table the application until the Commission's next meeting on Thursday, September 15, 2016. Discussion: None. Voice vote, 6-0, all in favor. Motion carried.

I. Correspondence – none

J. Other Business

ZWO Burdick stated the Dakota Group is interested in purchasing the Faria property and repurposing the building to house residential dwelling apartments. Faria has outgrown the building and has submitted an application to change the zoning to R-20-M, which includes a density bonus for disabled veterans housing. She clarified that the area will not be a Housing Opportunity Zone for affordable housing, but a multi-family zoning district. The Staff is recommending the zoning change be approved by the Planning & Zoning Commission and expect the Commission to act on the change next week. The subsequent site plan application will have wetlands impact with work in the upland review area, including a riparian repair, removal of invasive species, clean up of existing debris, and plantings. Due to the Company's timeline, the office is working to expedite their application and would like to request that the Commission schedule a special meeting for a public hearing next Thursday. The re-routing of the existing drainage on the property has been approved. The remediation of the area is being overseen by the DEEP (Department of Energy & Environmental Protection).

The Commission agreed to schedule a special meeting on Thursday, August 25, 2016 at 7:00 p.m.

K. Executive Session – none

L. Adjournment.

Motion made by Commissioner O'Bday, seconded by Commissioner Riske, to adjourn the meeting at 7:35 p.m. Voice vote, 6-0, all in favor. Meeting adjourned.

Respectfully Submitted by: Agnes Miyuki, Recording Secretary for the Town of Montville

AN AUDIO RECORD OF THE MEETING IS ON FILE IN THE MONTVILLE TOWN CLERK'S OFFICE

August 15, 2016

To: Mayor Ronald K. McDaniel
Montville Town Hall
2nd Floor
310 Norwich-New London Turnpike
Uncasville, CT 06382

From: Adam P. McNiece
10 Orchard St.
Niantic, CT 06357
(860)460-9636

Subject: Violations of Connecticut Environmental Law; CGS 22a-36 through 22a-45, through fraud and / or negligence by CLA Engineers / Greensite Design at Lombardi Industrial Park, Oakdale. Notice of intent to pursue just cause of action under CGS 22a-16.

Dear Mayor McDaniel, and Inland Wetlands Commission members,

Environmental damage to Connecticut regulated / protected inland-wetland areas and aquifer sensitive tributaries has occurred and is ongoing at Lombardi Industrial Park in Oakdale Connecticut.

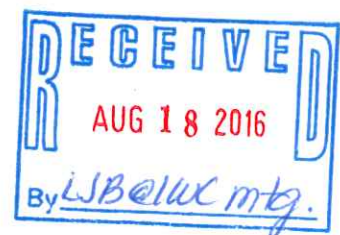
Evidence of fraud and / or negligence is available on Town maps of the area in 2004, and 2014. Both maps were drawn by an individual with the initials E.A.B of CLA Engineers / Greensite Design.

Large wetlands were identified in the 2004 map, and were later omitted in the 2014 version without permit, and destroyed.

The tree clearing line on the 2014 version failed to account for neighboring wetlands, and buffer areas on, and adjacent to Lot 1 resulting in destruction of the protected habitat of flora and fauna, and hydrological resources.

The 2004 map states that proper demarcation of wetlands and buffer areas would occur with flags every 50ft., and the pre-existing structure would be removed upon sale of the property. This has not occurred.

Damage to other wetlands is ongoing on other lots in Lombardi Industrial Park through commercial crossings, changes in grade, deforestation, improper flagging, and habitat destruction.



On the 2014 map, my well is clearly identified yet, an individual with the initials E.A.B of CLA Engineers / Greensite Design, placed a large drain line within 20ft. of said well in violation of the public health code resulting in the desiccation of the well / spring, and wetlands on adjacent property using Bernoulli's Principle of Education.

Parking lot waste (heavy metals and other carcinogens) now flow with force to a storm water basin which often overflows to the Konomac Reservoir. I have evidence in the form of photographs of the silting of the pond and it's trail to the reservoir, which was witnessed by employees of Veolia North America, the utility stewards of the New London County water source.

The landscaping plan of the 2014 map was never completed, a number of trees were never planted, and the temporary rip rap was never removed and re-matted.

Had the CT Environmental Law been followed this project would have been moved uphill protecting Oakdale's natural resources, water, forests, and wildlife.

Through willful misconduct of an individual with the initials E.A.B of CLA Engineers / Greensite Design, the people of Montville were misled through misinformation, and missed the opportunity to mitigate said damage for future generations.

An environmental remediation is required at Lot 1 in view of the documented violations of Connecticut General Statutes.

As taxpayers we expect our Town workers to protect our resources through constant vigilance and enforcement of written statutes and regulations, including imposing fines for destruction by malfeasance.

In view of that public trust, any reasonable person of conscience would expect a independent audit and flagging of statutory regulated / protected areas according to the 2004 survey and soil map, as well as a quantification of damage to the remaining lots by un-permitted commercial crossings, changes in grade, and deforestation. This independent audit should specify a remediation plan, which is open to public comment, and recorded to identify the proper process to improve the land without the extreme damage that occurred in Lombardi Industrial Park in Oakdale, through fraudulent and or negligent actions of the Town's consulting environmental engineer (initials) E.A.B. of CLA Engineers / Greensite Design, whom were both the regulator and applicant in this case with catastrophic results.

Sincerely,



Adam P. McNiece

