

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

REGULAR MEETING MINUTES

Thursday, September 15, 2016 – 7:00 P.M.

LOCATION: MONTVILLE TOWN HALL, Council Chambers

A. Call to order

Chairman Douglas Brush called the meeting to order at 7:05 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 and Wetlands Enforcement Officer (ZWEO) Liz Burdick.

C. Minutes. Approve the Minutes of the August 18, 2016 Regular Meeting and September 1, 2016 Special Meeting.

Motion made by Commissioner O'Bday, seconded by Commissioner Riske, to move the approval of the minutes to follow item I on the agenda. Discussion: None. Voice vote, 6-0, all in favor. Motion carried.

D. Public Hearings – *none*

E. Show Cause Hearings – *none*

F. Remarks from the public not relating to items on the agenda – *none*

G. Old 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. (Tabled from 08/28/16 Meeting - Decision Required Date 10-11-2016).
Application withdrawn.
2. 216IWC10 – 42 Pink Row (Map 74, Lot 38), Uncasville, CT – Applicant: Dakota Partners, Inc., Owner: Faria Beede Instruments, Inc. - Modification of Permit#213IWC18 for regulated activities in conjunction with adaptive reuse of mill buildings for multi-family residential. (Tabled from 09/01/16 Meeting - Decision Required Date 11/04/2016).

Inland Wetlands Commission Regular Meeting Minutes
September 15, 2016

No quorum was present at the September 10, 2016 Site Walk.

ZWEO Burdick provided an updated staff report. A copy of the construction details for the helical piles and silt curtain, which will be utilized to divert the water while the foundation of the existing building is reinforced, have been received. Following a review of the application and plans, the Town Engineer has made some revisions that do not affect the activities being proposed in any of the regulated areas. An e-mail received from Robert C. Russo, C.S.S., Soil Scientist/Environmental Scientist, stating his familiarity with the site and that, should the plan be properly executed, “will not negatively affect inland wetlands and watercourses” was read into the record.

Attorney Harry Heller, 736 Route 32, Uncasville, representing Dakota Partners, Inc., stated that the work being proposed by the Applicant would greatly improve the ecology of the upland review and riparian wetland areas along the brook and revitalize the property as well as address the existing flooding concerns. They are proposing a decrease in the area of disturbance in the actual wetlands from approximately 50,000 SF to 37,000 SF, but an increase in the amount of activity in the wetlands – that activity is primarily comprised of the remediation of the area by the removal and replacement of the existing invasive species with native species.

ZWEO reviewed and read into the record the criteria of a “significant activity” as outlined in the Montville IWWC Regulations, Section 2 – Definitions – Significant Impact Activity.

Motion made by Commissioner O’Day, seconded by Commissioner Greiner, that the proposed activity as presented by the Applicant in its application, plans and the presentation made to the Commission at its September 1, 2016 special meeting and at its September 15, 2016 regular meeting does not meet the criteria of a significant impact activity as outlined in Section 2 (Definitions – Significant Impact Activity) of the Town of Montville’s Inland Wetlands & Watercourses Regulations. Discussion: None. Voice vote, 6-0, all in favor. Motion carried.

It was clarified that the new information provided by the Applicant pertains to the process that will be conducted for the foundation support of the existing structure and confirmed that no machinery will be utilized during the procedure.

Motion made by Commissioner Berardy, seconded by Commissioner Riske, 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, to approve the application submitted by Applicant, Dakota Partners, Inc., Property Owner, Faria Beede Instruments, Inc. for Modification of Permit #213IWC18 for regulated activities in conjunction with adaptive reuse of mill buildings for multi-family residential as described in the application,

Inland Wetlands Commission Regular Meeting Minutes
September 15, 2016

supporting documentation, including Stormwater Management Report dated September 2016, Project Overview dated August 30, 2016, Wetlands Investigation dated August 23, 2016 and Foundation Support Adjacent Block & Silt Curtain Detail dated September 9, 2016 and the plans entitled “Oxoboxo Lofts, 42 Pink Row, Uncasville, CT, Prepared for Dakota Partners, Inc., Prepared by BSC Group, dated September 1, 2016, Sheets AC-1.0 Anticipated Conditions Plan, C-1.0 to C-1.1 Erosion and Sediment Control Plan, C-4.0 to C-4.1 Grading & Drainage Plan, C-5.0 Utility Plan and C-7.0 Regulated Area Disturbance. Voice vote, 6-0, all in favor. Motion carried.

H. New Business:

1. 216IWC11 – 35 Lenas Road (Map 105, Lot 52), Oakdale, CT – Applicant/Property Owner: Raymond Chester - Maintenance of Existing Beach Area (Decision Required Date 11-18-2016).

ZWEO Burdick presented the staff report, stating that the Applicant is requesting a permit for the maintenance of the existing beach area, including the repair/replacement of an existing wood rail retaining wall and the deposition of sand in the existing beach area, as necessary, over the next five (5) years. All work will be performed when the lake is low and the area is dry. In addition, no equipment will be used, no concrete will be poured, and all work will be performed by the homeowner. The relevant parts of Sections 4.1 and 4.2 of the Regulations were cited and photographs of the area where the work will be conducted were presented.

In response to Chairman Brush, Raymond Chester, 35 Lenas Road, Oakdale, stated that, over the past 35 years, he has utilized a small 4-6 yard dump truck or pick-up truck with a dump that is backed up to the edge of the wall where clean sand is dumped on to the existing beach area. The sand is, then, shoveled/raked. The wall was installed approximately 19 years ago and the owner is hoping to replace the wall with either 6 x 6 or blocks. No concrete will be used. The fence ranges from approximately 2’ to 4’ in height. The Commission agreed that a site walk would not be necessary.

Motion made by Commissioner O’Bday, seconded by Commissioner Riske, to table application #216IWC11 – 35 Lenas Road, Oakdale, CT, to the October 20, Regular Meeting. Discussion: None. Voice vote, 6-0, all in favor. Motion carried.

2. 216IWC12 – 63 Lake Drive (Map 108, Lot 92), Oakdale, CT – Applicant/Property Owner: Susan C. Green - Retaining Wall & Boat Shed Repair/Replacement (Decision Required Date 11-18-2016).

ZWEO Burdick presented a staff report for an application to replace the top 4’ of an existing 7’ retaining wall, replicating the wall repair as was permitted by the IWC in

Inland Wetlands Commission Regular Meeting Minutes
September 15, 2016

2011, and repair/rebuild an existing 9' x 11' Boat Shed. No new structures are being proposed. Photographs were presented to the Commission as part of the Application.

In response to Chairman Brush, Michael Green, 63 Lake Drive, Oakdale, stated that he plans to utilize a small excavator and bobcat. Similar to the project approved in 2011, a silt fence will be installed approximately 1' to 2' from the wall to protect any debris from depositing into the shoreline. The cinderblock wall of the shed facing the water, flooring, roof, and front entry door will be replaced and the remaining walls and stairs will be repaired. The Commission agreed that a site walk would not be necessary. Chairman Brush confirmed that a silt fence will be installed and all work will be conducted when the lake is low and the area is dry.

Motion made by Commissioner Greiner, seconded by Commissioner O'Bday, to table application #216IWC12 – 63 Lake Drive, Oakdale, CT, to the October 20, Regular Meeting. Discussion: None. Voice vote, 6-0, all in favor. Motion carried.

3. 216IWC13 – 230 Butlertown Road (Map 1, Lot 14), Oakdale, CT – Applicant: John C. Ellis for Woodsman Land Trust, Inc., Owner: Manuel J. Misarski & Robert T. Misarski, Regulated Activities for 3-Lot Subdivision/Trail Relocation & Clearing (Decision Required Date 11-18-2016).

ZWEO Burdick presented the staff report for an application for:

- a. the subdivision of a 30.77-acre property that includes wetlands area(s), as required by Statute – The Applicant is proposing the subdivision of the existing lot into three lots ranging from 2.16 to 12.15 acres. Two of the proposed lots contain single-family residences and accessory structures and one of the existing single-family residences will be converted into offices for The Woodsman Land Trust, Inc., a non-profit organization, and Elk, LLC.
- b. an “As of Right” determination of a 12.15-acre lot (Proposed Lot 14-5) in which the wetlands area is located – The Applicant is seeking to reroute an existing trail in accordance with IWWC Regulations Section 4.2.b (Non-regulated Uses – Outdoor Recreation). The trail would be rerouted such that it is kept on the Applicant’s property and will provide access for vehicles, equipment and pedestrians to/from the discontinued Pember Road, Waterford, to the office building. No activity will be conducted in the wetlands area. Rather, a wooden guardrail/posts will be installed to direct vehicles and pedestrians away from the wetlands. In addition, one tree stump will be removed and some minor brush clearing will take place.

Joe Wren, P.E., representing the Applicants, reviewed their proposal for the re-routing of the existing trail that travels through the neighboring, private land located in the southern boundary line. The Application proposes to relocate approximately 52 linear

Inland Wetlands Commission Regular Meeting Minutes
September 15, 2016

feet of the existing trail such that it will no longer travel through the existing private neighboring land and exit on to Pember Road, Waterford. The Applicant currently owns and manages over 400 acres of land, 84 acres of which are under conservation easements, in the towns of Waterford and East Lyme. The Woodsman Land Trust, Inc., is a 501(c)(3) organization with a ten-year Forest Management Plan through the U.S. Department of Agriculture's Natural Resource Conservation Services (USDA/NRCS). The proposed re-routing of the trail will provide the Organization with the ability to access and maintain the property.

John Ellis, Co-Owner, Elk, LLC and The Woodsmen Land Trust, Inc., stated that timber harvesting will take place on the property. All of the Organization's properties are maintained under the guidelines of the USDA/NRCS and have a Forest Management Plan, Technical Service Plans, and are an approved U.S. Tree Farm. The goal of their harvesting practices is to produce forest that will produce red, white, and black oaks. Chairman Brush confirmed that the re-routing of the trail is essential to the Organization to conduct their farming operation – a permitted use by the State of Connecticut.

P.E. Wren stated that the forest management area is formally registered as a tree farm with the State of CT and confirmed that the application does qualify as an "As of Right" Determination and is essential to the Organization's farming operation. In addition, no development is being proposed in the remaining lots and no activity will take place in the wetlands area. A timber rail will be installed to guide vehicles and pedestrians away from the wetlands area as well as a timber rail to guide people away from the neighboring private property where the existing trail leads. He noted that the NRCS wetlands soil type is located far from the delineated wetlands as flagged by Rick Snarski and Bob Russo.

In response to Commissioner Greiner, P.E. Wren stated that Mr. Snarski's signature is digitized as he is not very mobile, while Mr. Russo's signature is original. In addition, as noted on the plan, the flags located in the northern area were placed by Mr. Snarski, while those placed in the area in question were placed by Mr. Russo. He also confirmed that a signed copy of the plan by the Land Surveyor has been submitted.

The town of Waterford has not been notified regarding the application and will be notified regarding the subdivision application submitted to the Planning & Zoning Commission.

Motion made by Commissioner O'Bday, seconded by Commissioner Riske, determining that the activity being proposed in Application #216IWC13 is considered an "As of Right" activity. Discussion: None. Voice vote, 6-0, all in favor. Motion carried.

Inland Wetlands Commission Regular Meeting Minutes
September 15, 2016

Motion made by Commissioner O’Bday, seconded by Commissioner Houk, to send a favorable report to the Planning & Zoning Commission regarding the subdivision of the property located at 230 Butlertown Road. Discussion: The current plan does not indicate that any activity will be conducted in the wetlands areas. Voice vote, 6-0, all in favor. Motion carried.

I. Correspondence.

- a. A copy of the Summer 2016 Edition of *ECCD Outlook*, published by the Eastern Connecticut Conservation District, Inc.
- b. A copy of the Summer 2016 Newsletter of *The Habitat*, published by the Connecticut Association of Conservation & Inland Wetlands Commission, Inc.
- c. A copy of May/June 2016 issue of *Connecticut Wildlife*, published by the CT Department of Energy and Environmental Protection Bureau of Natural Resources

J. Minutes. Approve the Minutes of the August 18, 2016 Regular Meeting and September 1, 2016 Special Meeting.

Motion made by Commissioner O’Bday, seconded by Commissioner Houk, to approve the Regular Meeting Minutes of August 18, 2016. Discussion: Chairman Brush stated that the complaints received by Mr. Adam McNiece during the meeting were reviewed and all of the activities in question were permitted and no violations were found. Voice vote, 6-0, all in favor. Motion carried.

Motion made by Commissioner Greiner, seconded by Commissioner O’Bday, to approve the Special Meeting Minutes of September 1, 2016. Discussion: None. Voice vote, 5-0-1. Voting in Favor: Commissioners Berardy, Brush, Greiner, O’Bday, and Riske. Voting in Opposition: None. Voting in Abstention: Commissioner Houk. Motion carried.

K. Other Business – none

L. Executive Session – none

M. Adjournment.

Motion made by Commissioner O’Bday, seconded by Commissioner Berardy, to adjourn the meeting at 8:11 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