

**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 21, 2017 – 7:00 P.M.**

**LOCATION: MONTVILLE TOWN HALL, *Council Chambers***

**1. Call to order**

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

**2. Roll call**

Present were Chairman Douglas Brush, Vice Chairman Charles O'Bday III, Secretary Philip Houk, Commissioners Sandra Berardy, Jessica LeClair, Howard V. Riske, Jr. (7:06 p.m.), and Anthony Tufares. Also present was Zoning and Wetlands Officer (ZWO) Liz Burdick.

**3. Minutes.** Approve the Minutes of the August 17, 2017 Regular Meeting

Motion made by Commissioner Houk, seconded by Commissioner LeClair. Discussion: None. Voice vote, 6-0-1, all in favor. Voting in Favor: Commissioners Berardy, Brush, Houk, LeClair, Riske, and Tufares. Voting in Opposition: None. Voting in Abstention: Commissioner O'Bday. Motion carried.

**4. Public Hearings – *none***

**5. Show Cause Hearing(s) – *none***

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

*Commissioner Riske arrived to the meeting at 7:06 p.m.*

**7. Old Business:**

- A. 314 Route 163 (Map 82, Lot 62), Uncasville – Donny Jacobowitz – Update ongoing enforcement action – Cease and Restore Order – Unauthorized Activities in Regulated Areas. (*Tabled from the 7/20/17 Meeting*)**

ZWO Burdick stated that the property was inspected this morning and throughout the summer and confirmed that there has been no activity taking place at the site. Nature has taken its course and the area appears to be substantially stable at this time and plants are growing through the wood chips that have been placed in the other areas. In response to Commissioner LeClair, the adjacent properties, which are located near the stream, have been vegetated while gravel has been laid down in the flat unvegetated area. Permission was provided to the owner by the former ZWO allowing him to park an RV and vehicles. Chairman Brush added that the owner is allowed to conduct activities that are incidental to the use and enjoyment of the property and does not present an immediate threat to the

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environment. ZWO Burdick provided a brief background of the Order, adding that, as the result of the enforcement action, the Town is now in possession of the plan with the delineation of the existing wetlands. The Staff is recommending that the Cease and Restore Order be lifted with a condition that any future work in the regulated areas of the property be approved by the Inland Wetlands Commission.

**Motion made by Commissioner Berardy, seconded by Commissioner LeClair, to lift the Cease and Restore Order, originally upheld by the IWC on 10/20/16 and modified on 6/15/17, due to the fact that the site has been stabilized with vegetative cover, with the condition that no future work in regulated areas be commenced without a permit from the Inland Wetlands Commission. Discussion: None. Voice vote, 6-0-1. Voting in Favor: Commissioners Berardy, Brush, Houk, LeClair, O'Bday, and Tufares. Voting in Opposition: None. Voting in Abstention: Commissioner Riske. Motion carried.**

- B. 217IWC11 – 21 & 23 Pequot Road (Map 72, Lots 42 & 41), 17 Pequot Rd & Rte. 163 (Map 74, Lot 54B), and 33 Pequot Road (Map 72, Lot 37A), Uncasville –**  
Applicant/Owner: DW Holdings LLC – Regulated Activities for Construction of Stormwater Quality Control Management System from Industrial Operation located at 33 Pequot Road. (*Tabled from the 8/18/17 Meeting – DRD 9/22/17*)).

ZWO Burdick stated that Survey Manager Michael Healey previously presented the plan to the Commission and the demolition of the existing homes, located at 21 and 23 Pequot Road, was approved. The two properties and the scrapyard, located at 33 Pequot Road, will be combined into one lot in the near future. After addressing the comments provided by the Town Engineer and Soil Scientist, the Applicant has submitted a revised plan and the revised plan has been reviewed by the Town Engineer and Soil Scientist and two non-wetlands outstanding issues regarding the flood hazard area and guardrail type remain. As requested, photographs of the site were distributed and reviewed. The houses have not yet been demolished as they are awaiting the receipt of the permit to do so. While some abatement has taken place, the Applicant is awaiting a final report from Mystic Environmental regarding any necessary additional abatement. Significant improvements will be made to the stormwater runoff into the Brook and provide dust control for the Applicant's activities.

Survey Manager Healey, PLS, BSC Group, provided and ZWO Burdick received a revised plan of the project. He reviewed the existing conditions of and the industrial activities taking place on the property. Wishing to improve the stormwater quality on the property, the Applicant proposed the demolition of the two buildings located on the adjacent properties and insert a doghouse manhole in which a baffle would be installed allowing the water to be diverted southwards towards an initial sediment forebay. Any water overflow will flow through a small weir notch and into a second chamber of the forebay while low level flows will be filtered into two 3,000 gallon holding tanks equipped with submersible pumps and the water will be reused on site for dust control. Any water overflows within the tanks will flow through the forebay and into the sediment basin. A series of underdrains are

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installed throughout the property to control the groundwater which is piped and discharged into the Oxoboxo Brook located at the south of the property. At the bottom of the detention basin is a flush drain that intercepts and filters the water through the soil and stone before being discharged into the Oxoboxo Brook. Check valves are located in both lines to ensure that the water does not flow back into the system. For any emergency overflows, water would discharge toward and directly into the Oxoboxo Brook. In response to Commissioner LeClair, Survey Manager Healey stated that, based upon the detailed Flood Study that was completed and confirmed, there are no concerns that the water from the Oxoboxo Brook would be diverted into the system during a high flood situation, i.e. 100- or 500-year storm. In addition, while the flood elevation will control the flow, the water will, hydraulically, push through the system during extreme levels of flooding and should not pose any problems to the adjacent properties due to their elevation. In response to Chairman Brush, the catch basin is designed to hold a 1- or 2-year flood. In response to Commissioner Tufares, rip-rap will be installed on the banks and at the high level overflow to stabilize the vegetation in that area and prevent any erosion from occurring due to the new outlet drain. Survey Manager Healey added that the oil-water separator and catch basins are and will be cleaned on a quarterly basis and any invasive species will be removed. The revisions to the original plan included the addition of the FEMA line, benchmark elevations of the oil-water separator, guardrail detail, and additional anti-buoyancy calculations. With regards to the demolition, he stated that such elements as the windows, which have already been removed, and roof shingles will be removed prior to the demolition. The homes will, then, be pulled away from the Brook with the use of heavy equipment, to reduce the impact to the Brook.

**Motion made by Commissioner Houk, seconded by Commissioner O'Bday, to, after due giving due consideration to all relevant factors, including those in Section 10 of the Montville Inland Wetland Regulations and Section 22a-41 of the Connecticut General Statutes, approve Application #217IWC11 – 21 & 23 Pequot Road (Map 72, Lots 42 & 41), 17 Pequot Road & Route 163 (Map 74, Lot 54B) and 33 Pequot Road (Map 72, Lot 37A), Uncasville – Applicant/Owner: DW Holdings, LLC – Regulated Activities for Construction of Stormwater Quality Control Management System from Industrial Operation located at 33 Pequot Road, as more fully described in the application, supporting documents and on a plan entitled “Existing Conditions Survey Plan (Sheet 1 of 5), Site Demolition Plan (Sheet C-1.0), Erosion & Sedimentation Details (Sheet C-2.0), Proposed Site Plan (Sheet C-3.0), Details (Sheet C-4.0), 23 Pequot Road, Montville, CT, Prepared for DW Holdings, Prepared by BSC Group, Dated June 15, 2017, Revised to 9/21/17.” The Standard Reasons for Approval apply. Discussion: None. Voice vote, 7-0, all in favor. Motion carried.**

**8. New Business**

- A. 217IWC13 – Montville Inland Wetlands Commission** for Proposed Amendments to the Montville Inland Wetlands and Watercourses Regulations Section 20.7 regarding fees.  
**RECEIVE & SET FOR PUBLIC HEARING FOR 10/19/17.**

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**Motion made by Commissioner O'Bday, seconded by Commissioner Riske, to receive and set the date of October 19, 2017 at 7:00 p.m. at Montville Town Hall, Town Council Chambers for a Public Hearing regarding an amendment to the Montville Inland Wetlands and Watercourses Regulations, Section 20.7, regarding fees.**

**Discussion: The proposed Regulation Amendment is as follows:**

**Delete Section 20.7 in its entirety and replace with the following:**

**Fees in accordance with the Town of Montville Ordinance No. 2007-002 (An Ordinance Regarding land Use Application Fees) Section 214.030.A (Fee Schedule – Fixed Application Fees – Inland Wetlands and Watercourses Commission) as amended.**

**STATE FEE (Applied to All Applications) \$60.00  
(Or as amended by the State of Connecticut per CGS Sec. 22a-27).**

**Voice vote, 7-0, all in favor. Motion carried.**

- B. 217IWC14 – 45 Oakland Drive (Map 51, Lot 11), Oakdale, CT – Applicant/Owner:**  
Shawn Meaike for Four (4) Lot Subdivision. (*DRD 11/25/17*)

ZWO Burdick provided a brief staff report regarding the 4-lot subdivision located within the R-80 residential zone. The development of new single-family homes is being proposed for three of the four lots. The remaining lot contains the existing single-family residence, which is located close to the water. Because there are wetlands on the property, the Application requires either a favorable or unfavorable report to the Planning & Zoning Commission (PZC) prior to the subdivision application being acted upon by the PZC. There are no regulated activities relative to the application at this time.

Attorney Harry Heller, 736 Route 32, Uncasville, representing the Applicant, Shawn Meaike, presented the statutory review as required for the subdivision of property containing a wetland(s) or watercourse(s). This particular property consists of three wetland areas: a brook, Oxoboxo Lake, and a pond. There is no proposed activity on Lot 1, which has already been improved and on which the existing dwelling resides. Delineations of the location for the proposed residences, septic, well, driveway, the limits of clearing, and the proposed grading are indicated on the Lot Development Plan for Lots 2 to 4. There is a 50' upland review area from a wetland or watercourse and all of the proposed activity is in excess of 150' feet from the shore of Oxoboxo Lake. It is also over 100' from the regulated area on and down gradient from Lot 4. There is no regulated activity being proposed and there should not be any activity resulting in an adverse impact on the wetland or watercourse due to the separating distance. The site is currently wooded.

In response to Chairman Brush, should the owner of the property located along the Oxoboxo Lake shoreline wish to clear an area to the shoreline, they will be required to present their application before the Commission for approval. ZWO Burdick added that a Zoning Review of the application was conducted and a note block indicating that any future activity(ies) in regulated areas will require permit(s) from the Inland Wetlands Commission

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will be added to the Plan by Boundaries, LLC. As each individual lot is developed, a site plan will be submitted prior to the issuance of a zoning permit and any regulated activity being proposed in the wetland or watercourse area will be presented to the Commission for review and approval. Atty. Heller explained that the subdivision plan shows that there is at least one way in which the lot may be developed and meet all of the requirements. Should the owner wish to develop the lot, as proposed on the plan, they would not be required to return to the Commission. ZWO Burdick reviewed the process, stating that, should the Commission provide a favorable report of the proposed subdivision, the application would be referred to the Planning & Zoning Commission and, if approved, the plans will be filed with the land records and the lots may be sold. Once the lots are sold, the new owner(s) is ready to construct a residence, he/she must submit a Zoning Permit Application and, if there is any work being conducted in any of the regulated areas, the application will be sent to the Commission for review and approval. If there is no activity being proposed in the regulated area, the Zoning Permit will be approved with the condition that any future activity(ies) in the regulated area must be reviewed and approved by the Commission. As previously stated, a note will be placed on the subdivision plan such that any future ZWO will do the same.

**Motion made by Commissioner LeClair, seconded by Commissioner O'Bday, to, after giving due consideration to all relevant factors, including those in the Montville Inland Wetland Regulations and Chapter 440 of the Connecticut General Statutes, provide a favorable report to the Montville Planning & Zoning Commission for Application #217IWC14, submitted by Applicant/Property Owner, Shawn Meaike, for a 4-Lot Subdivision of Land at 45 Oakland Drive (Map 51, Lot 11), Oakdale, CT, as more fully described in the application & supporting documents, dated 09/07/2017 and a plan entitled "Subdivision Plan, Lakeview Estates at Oakland Drive", Prepared for Shawn Meaike, 45 Oakland Drive, Montville, Connecticut, Sheets 1 to 4 (Cover Sheet, Record Subdivision Plan, Conceptual Development Plan, Notes & Details), Prepared by Boundaries, LLC, Dated September 2017." Discussion: None. Voice vote, 7-0, all in favor. Motion carried.**

**9. Correspondence:** *none*

**10. Other Business**

In response to Chairman Brush, ZWO Burdick stated that the property owners, Bill Pieniadz and John Heller, in conjunction with the Thomas G. Faria Corporation, are in the process of applying for the removal of the dam located at Routes 163 and 32. The removal of the dam is a function of the DEEP (Department of Energy and Environmental Protection) and any questions or concerns are being directed to the property owners. Chairman Brush expressed concern regarding any issues that might occur due to the silt and debris, which currently resides in the previously existing lake. ZWO Burdick stated that she is in the process of obtaining additional information regarding the project and is unable to answer any questions at this time.

**11. Executive Session – none**

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**12. Adjournment**

Motion made by Commissioner Riske, seconded by Commissioner Houk, to adjourn the meeting at 8:13 p.m. Voice vote, 7-0, all in favor. Meeting adjourned.

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

**AN AUDIO RECORD OF THE MEETING CAN BE FOUND ON THE TOWN'S WEBSITE  
LOCATED UNDER RESOURCES – FORM REPOSITORY – MEETING RECORDINGS**