

TOWN OF MONTVILLE
INLAND WETLANDS COMMISSION
310 NORWICH NEW LONDON TURNPIKE
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SPECIAL MEETING MINUTES
September 29, 2011

1. Call to Order:

Chairman Brush called the special meeting of the Inland Wetlands Commission to order at 7:45 p.m. in the Town Council Chambers.

2. Roll call:

Commission Members present: Bartholomew, Beauchene, Brush, O'Bday and Taylor. (5 Commission members) **Absent:** Commissioner Riske. (1 Commissioner) **Staff present:** Colleen Bezanson, Inland Wetland Agent/Planner II. Also present was Attorney Beth Critton.

3. New Business:

a.) **Troy Hatfield:** An application for the removal and replacement of a house within a review area on the property located at 145 Kitemaug Rd, Montville, Ct. As shown on Assessor's Map 80 Lot 29. Staff Report dated 9-28-11 was distributed to the Commission. Chairman Brush reported on the Site Walk that was held on the property. Discussion was held. A **MOTION** was made by **COMMISSIONER O'BDAY; SECONDED** by **COMMISSIONER BARTHOLOMEW** as follows:

After giving due consideration to all relevant factors including those in Section 10 and or Section 4 of the Montville Inland Wetland Regulation and Section 22a-41 of the Connecticut General Statutes, I move to approve application 211 IWC 25 **Troy Hatfield:** An application for a reconstruction of a house on the property located at 145 Kitemaug Road, Montville, Ct. As shown on Assessor's Map 80 Lot 29 as depicted on the plan titled "Site Development Plan Prepared for Troy Hatfield & Jessie A. Jellison Property located at 145 Kitemaug Rd Prepared by May Engineering, LLC 1297 Rt 163 Oakdale, Ct. dated September 15, 2011" and the application and narrative dated 9/22/11.

This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect then this conditional approval is likewise void. Should any of the conditions not be implemented by the applicant or his successors within the specified permit time period, then this conditional approval is void. Conditions of approval are: 1. condition that *no* petition for a Public Hearing is received within seven days. Voice vote. 4-0-1 with Commissioner Taylor abstaining. **MOTION CARRIED.**

4. Old Business:

a.) **Leonard & Kathleen Johnson:** To reopen and reconsider the application 211 IWC 11 for the construction of a 24 x 36 garage within the review area on the property located at

87G Cottage Rd, Montville, Ct. as shown on Assessor's Map 63 Lot 3. The Commission may take action on this application. A MOTION was made by **COMMISSIONER TAYLOR, SECONDED** by **COMMISSIONER BEAUCHENE** as follows; I'll move to **REOPEN AND RECONSIDER THE APPLICATION** 211 IWC 11 for the construction of a 24 x 36 garage within the review area on the property located at 87G Cottage Rd, Montville, Ct. as shown on Assessor's Map 63 Lot 3. The reason for the reopening and reconsideration of the application is because the Commission received a letter from the intervener requesting to be heard. Discussion was held. Voice vote. 5-0-0 All in favor. **MOTION CARRIED.**

Chairman Brush reminded the Commission of the information that they had received at the last meeting which included drainage information from May Engineering. Attorney Janet Brooks, representing the applicant asked if the documents received in at the last Commission meeting are still part of the record. Chairman Brush advised that it appears true. Attorney Harry Heller 736 Route 32, Uncasville, Ct representing the intervener Thomas Sanders addressed the Commission. Attorney Heller voiced concerns over matters including, but not limited to; the scheduling of the last meeting, the drainage report that was submitted by the Applicant's Engineer, the Town Engineer's review of the Drainage Report. Attorney Heller submitted into the record an evaluation of the Drainage Report that was done by Bob Schuch of Boundaries, LLC and explained the differences between the two. Attorney Heller continued his presentation to the Commission and voiced concerns over the garage not meeting Zoning Requirements. Discussion was held. Tim May, P.E. of 1297 Route 163, Oakdale, the applicant's Engineer rebutted. Discussion was held regarding the wetland area. Attorney Heller and Mr. May discussed the calculations. (Refer to the recording for further information) Attorney Brooks reminded the Commission that the Town Engineer had no further concerns. Discussion was held. A MOTION was made by **COMMISSIONER TAYLOR; SECONDED** by **COMMISSIONER O'BAY** as follows: This Commission has evaluated the environmental impact of the construction of a garage within the upland area on the property located at 87G Cottage Road on wetland and watercourses resources both on the property and those that are in proximity to the subject parcel. After evaluating such impacts, the Commission finds that the activities proposed in this application are not reasonably likely to unreasonably impair, pollute or destroy wetland and watercourse resources within the jurisdiction of this Commission. This decision is based on the following: that there are no impacts –that there are no significant impacts. Discussion was held. Voice vote. 5-0-0 All in favor. **MOTION CARRIED.** A MOTION was made by **COMMISSIONER TAYLOR; SECONDED** by **COMMISSIONER O'BAY** as follows: After giving due consideration to all relevant factors including those in Section 10 and or Section 4 of the Montville Inland Wetland Regulation and Section 22a-41 of the Connecticut General Statutes and the allegations in the intervention petition, I move to **APPROVE** Application 211 IWC 11 **Len & Kate Johnson:** An application for work within a regulated area in conjunction with the construction of a garage on the property located at 87G Cottage Rd, Montville, Ct. As shown on Assessor's Map 63 Lots 1&3 as depicted on the plan titled "General Location & Topographic Survey Depicting Proposed Garage Location Prepared for Len & Kate Johnson 87G Cottage Road, Montville, Ct Dated January 2011 Prepared by Mattern & Stefon Land Surveyors , LLC 148 Route 2 Preston, Ct revised to 4/6/11" and the application and narrative dated 6/7/11. No discussion. Voice vote. 5-0-0 All in favor. **MOTION CARRIED.** A MOTION was made by **COMMISSIONER TAYLOR; SECONDED** by **COMMISSIONER O'BAY** to **AMEND** the motion to include the Standard Reasons for approval (as follows). 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.

No discussion. In favor of the amendment: Voice vote. 5-0-0 All in favor. **MOTION CARRIED.**

A **MOTION** to **ADJOURN** was made by **COMMISSIONER OB'DAY; SECONDED** by **COMMISSIONER BARTHOLOMEW**. Meeting adjourned at 8:40 p.m.

Respectfully Submitted by:

Judy A. LaRose
Recording Secretary

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