

TOWN OF MONTVILLE
INLAND WETLANDS COMMISSION
310 NORWICH NEW LONDON TURNPIKE
UNCASVILLE, CONNECTICUT 06382
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MEETING MINUTES
7:00 p.m. August 15, 2013
LOCATION: MONTVILLE TOWN HALL, *Council Chambers*

1. Call to order: Chairman Brush called the August 15, 2013 Inland Wetland Commission to order at 7:00 p.m.

2. Roll call: In Attendance were Commissioners Brush, Riske, Bartholomew, Houk and White seated for (O'Bday). Staff present was Colleen Bezanson Inland Wetland Agent/Planner II.

3. Minutes

a. Approve minutes of July 18th meeting.

Motion made by Commissioner Riske and seconded by Commissioner White to approve the July 18, 2013 meeting minutes.

Discussion, none, voice vote, 4-1-0, motion carried. Chairman Brush abstained. Minutes approved.

b. Approve minutes of August 6th site walk

Motion made by Commissioner Houk and seconded by Commissioner Bartholomew to approve the July 18, 2013 meeting minutes.

Discussion, none, voice vote, 4-1-0, motion carried. Chairman Brush abstained. Minutes approved.

4. Public Hearings: None

5. Show Cause Hearings: a. **Lorraine Utz:** Work within a regulated area without a permit on the property located at 735 Fire St, Montville, Ct. As shown on Assessor's Map 20 Lot 7.

Colleen Bezanson read the following portion of the Staff report; A call was received in the office from by an anonymous caller regarding activity within a wetland area at 735 Fire St. An Initial Inquiry letter was sent to the property owner on June 25th. The property owner responded and an inspection was made on July 3rd. The property owner, Ms. Utz, indicated that she was removing stone walls from her property and did not realize that she was working in any wetland area. An inspection of the property was made once her contractor arrived and the attached pictures were taken by Staff.

The Commission scheduled a site walk on the property on August 6th.

Colleen Bezanson inquired as to if the temporary remediation is acceptable and what type of long term remediation was needed. Ms Bezanson Stated there was 850 sq feet of upland review disturbance area. She stated that a Cease and Desist order had been filed. Mrs. Utz was only allowed to access the property from another entrance. Ms. Bezanson questioned as to whether the dam on the property falls under DEEP dams. She questioned whether temporary remediation was acceptable and what the long term remediation would be. She continued with a breakdown and description of the property and photographs that which had been provided to the Commission.

Commission White described the photos he had taken on the August 6th site walk. He stated that there were concrete blocks present in the area. Commissioner White's opinion was that there was sediment at the dam site, one side which blocked the roadway and the other the pond. Commissioner's Bartholomew and Houk concurred that the culvert was made and blocked the waster from going anywhere and it was hard to see the original intent. A discussion was held.

Ms. Bezanson inquired as to what the Commissioner perceived to be the best type of remediation would be needed to stabilize the area and allow Mrs. Utz to access the property. Ms. Bezanson suggested crushed stone be place on the access road.

Mrs. Lorraine Utz of 735 Fire St., Montville, CT addressed the Commission. She stated the she was unaware that she needed permission from the Commission to use that access on her property. She indicated that she wanted to access the stone on the property got monetary reasons. She stated that she had never had an issue with water until this past June. She stated that that access had been used as a roadway forever.

Colleen Bezanson stated that the area needs to be stable. She stated that a Bob Cat will be continuously used on the access on the property. She inquired about the possibility of crushed stone. A discussion was held.

Motion made by Commissioner White and seconded by Commissioner Riske 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 213 IWC 7 **Lorraine Utz**: An application for the remediation of work done without a permit within a regulated area on the property located 735 Fire St, Oakdale ,Ct. As shown on Assessor's Map 20 Lot 7 as described in the narrative revised to 8/15/13 and application dated 7/5/13.

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:

- Staff is contacted prior to the placement of stone.

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.

Discussion, none, voice vote, 5-0, motion carried. Motion carried.

Motion made by Commissioner Riske and seconded by Commissioner Bartholomew as follows: I make a motion to lift the Cease and Desist Order on the property located at 735 Fire Street as shown on Assessor's Map 20 Lot 7. The property has been granted a remediation permit by the Commission.

Discussion, none, voice vote, 5-0, motion carried. Motion carried.

b. **Marion Stanavage:** Work within a regulated area without a permit on the property located at 20 Connecticut Blvd/Maynard Rd, Montville, Ct. As shown on Assessor's Map 97 Lot128.

Colleen Bezanson read the Staff report into record as follows; Mayor received a call that work was being done on the property located at 20 Ct. Blvd and called our office to see if any permits had been applied for. Staff was out of the office on August 5th but the message was left with the Zoning Officer. Once staff returned an inspection of the property was made on August 7, 2013.

Upon pulling into the drive, staff noticed large piles of timber that had been recently cut. Staff talked to the owner of Tree Connection, Inc.- Nick Gebbie regarding the activity on the property. He indicated that the property owner Dan Stanavage had asked him to remove all the trees on the property that were a hazard. I asked to see the plan of the location of the trees to be removed and he indicated that there was not one. His company just took down all the trees that he felt were hazardous. Staff asked if he was aware of the wetlands on the property he said he did not other than the stream he crossed. He was unaware that a permit was required for the activity. Staff took pictures of the area and

determined that some of the work had been done within a wetland area and also within the buffer area. Mr. Gebbie called Mr. Stanavage and an appointment was scheduled for Mr. Stanavage to come into the office to discuss the matter. Mr. Stanavage provided pictures.

Mr. Stanavage explained that his mother is the owner of the property and that they need to sell it. He indicated that they had an insurance company look at the property and it was indicated to him that the trees would have to be removed because they were a liability. In addition there had been numerous people trespassing on the property, some of which had even removed and or damaged some of the trees. His hope for clearing of the trees was to remove all trees that had the potential to fall on anyone on the property as well as making the property more open so that people would be more easily be seen if trespassing. Staff reaffirmed that he was aware that there were wetlands on the property and he indicated that he did know but was unaware that he needed a permit to remove the trees. He also indicated that the area had been recently flagged because he was working on a plan with an engineer for modification of the drainage on the property which would aid in the marketing of the property.

Staff issued a Cease and Desist Order. Ms Bezanson stated that in Staff's opinion this is not a permitted use as of right because;

1. A licensed forester is to Staff's knowledge not overseeing the project
2. Both Mr. Stanavage and Mr. Gebbie indicated that the timber was not being sold that it was for Mr. Stanavage personal use
3. The removal was not for sustainable tree growth
4. The activity has disturbed the natural and indigenous character of the wetland or watercourse by removal or deposition of material, and has the potential to alter or obstruct water flow or pollute of the wetland or watercourses.

Ms. Bezanson gave a description of the photo. She explained that the property abuts a gas station. She stated that Staff recommended a site walk. She reiterated that there had been 120 Trees removed. A discussion was held.

Marion's Stanavage son; Mr. Stanavage addressed the Commission he stated that the property had been inherited by his mother. He stated that the Montville Manor Condos' drainage system, as well as water from their parking lot drained water on to the property which dams everything up. He also stated that there were children playing on the property which was a hazard. A discussion was held.

Motion made by Commissioner White and seconded by Commissioner Riske as follows: I make a motion to set a site walk for Thursday, September 12, 2013 at 6:00 p.m.

Discussion, none, voice vote, 5-0, motion carried. Motion carried.

6. Remarks from the public relating to items on the agenda:

Chairman Brush asked three times if there were remarks from the public relating to items on the agenda. There were none.

7. Old Business:

- 8. New Business:** a. **Town of Montville:** Replacement of the Derry Hill Rd Bridge between 238 & 249

Colleen Bezanson read the Staff report into record as follows;

- Bridge collapsed at the end of last month
- The bridge had been a concrete span on stone and mortar abutments
- The span itself does not appear to be damaged but the stone and mortar underneath have crumbled resulting in the collapse of the bridge
- There is a well-defined stream channel that runs under the structure. This is approximately 8-12 feet wide and about a foot deep
- The embankment of the stream is stabilized
- The wetland system has the following functions:
 - Groundwater Recharge/Discharge
 - Fish and Shellfish Habitat
 - Sediment/Shoreline Stabilization
 - Wildlife Habitat
 - Recreation
 - Endangered Species Habitat
- CLA, which is the Twon Engineers contacted DEEP regarding the Endangered Species Habitat and a letter was provided that indicated that the project will have no effect on the endangered species
- Trees and the existing bridge will be removed within the stockpile areas being within the roadway
- Once the deck is removed dewatering will begin. This will consist of placing coffer dams and pumping the water up into a 20 x 10 dewatering basin
- The footings and abutments will be cast in place and allowed to set. This was chosen over box culverts because of time limits.
- Area will be backfilled with material that was previously taken from the area and stockpiled. At this time the streambed will be restored
- The construction of the new bridge will fill less than 100 square feet of wetland, which is in an area that has been previously disturbed by the roadway
- Once the new bridge is in the dewatering basin will be removed and the road will be paved. The new guide rails will be installed at this time
- New rip rap slopes will be installed along with plantings

Colleen Bezanson stated that there would be 870 sq ft of wetland disturbance, 2510 sq ft of upland review disturbance as well as 60 linear ft of watercourse/water body disturbance. Ms. Bezanson gave a description of the photos provided by CLA Engineering. Bob Russo, Soil Scientist and Brian Long, Town Engineer addressed the Commission. They gave a brief breakdown of the plans. Brian Long stated that the Contractor was almost ready to go immediately. Bob Russo stated that this is the best time of year to be working in the area. Mayor McDaniel, 39 Riverview Rd. addressed the Commission and reiterated that they were eager to start the project. A discussion was held.

Motion made by Commissioner Riske and seconded by Commissioner Bartholomew to schedule a Special Cease and Desist hearing for Thursday, August 22, 2013 at 7:00 p.m.

Discussion, none, voice vote, 5-0, motion carried. Motion carried.

- b. **Federation Forest Products/Lorraine Utz:** An application for a timber harvest with a crossing on the property located at 735 Fire St, Montville, Ct. As shown on Assessor's Map 20 Lot 7.

Ms. Bezanson stated that this application was for a different crossing then mentioned before. She stated that Mrs. Utz wanted to conduct a Timber Harvest after the removal of the stone was completed. Colleen Bezanson gave a description of the property. Ms. Bezanson read the following Staff report into record;

- Timber Harvest will consist of the removal of 96,000 board feet removed
- Existing trails and landing area will be used
- One crossing is required and corduroy will be used at the entrance and exit to help clean machinery tires as it goes over the watercourse
- Will be end of September and will be done in December because these are better ground and working conditions
- Total area of harvest will be 7 acres

She stated that two posts would be taken down and suggested that a tracking pad be put in place. A discussion was held.

Motion made by Commissioner White and seconded by Commissioner Bartholomew as follows; After giving due consideration to all relevant factors including those in Section 10 and or Section 4 of Montville Inland Wetland Regulation and Section 22a-41 of the Connecticut General Statutes, I move to approve application 213 IWC **Federation Forest products/Lorraine Utz:** An application for a timber harvest with a crossing on the property located at 735 Fire St, Montville, CT. As shown on Assessor's Map 20 Lot 7 as depicted on the plan titled "Timber Harvest Map 735 Fire St" and the narrative dated 8/6/13.

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 successor within the specified permit time period, then this conditional approval is void.

Conditions of approval are:

- A tracking pad is put down at the staging area.
- No work will begin within 15 days prior to the publication to allow for the appeal period.

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.

Discussion, none, voice vote, 5-0, motion carried. Motion carried.

- c. **Town of Montville Board of Education/Steve Carroll:** An application for work within a regulated area for the placement of electrical lines within a regulated area on the property located at 162 Chesterfield Rd, Montville, Ct. As shown on Assessor's Map 30 Lot 2 (Bus Garage).

Ms. Bezanson stated that there would be 160 feet of Wetland disturbance and 160 sq ft of Upland Review area disturbance.

Colleen Bezanson read the following Staff Comments into record;

- There was a miscommunication of the activity proposed for the upgrade to the electrical service to the Bus Garage. Staff thought that the line was going in at a different area so a upgrade electrical permit was signed for the Building Official
- The Fire Marshal notified staff of the work being done within the regulated area on Chesterfield Rd
- Staff inspected the area and stopped the work because the activity was within 50 feet of a drainage/intermittent watercourse swale that abuts Chesterfield Rd
- The work being done is for the upgrade to the electrical system to be able to plug the busses in and the current system will not be able to handle it
- The trench that was dug is 110 ft long, a foot wide and 2 ft. deep
- The trench will be lined with sand and then the conduit put on top and then backfilled with the soil that was removed
- Staff asks that the Commission make a decision as soon as possible because there is an open trench that has the potential to be a greater impact on the area and also a safety hazard because school will be starting soon.

Ms. Bezanson gave a breakdown of photos provided by Staff. A discussion was held.

Motion made by Commissioner Houk and seconded by Commissioner White 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 213 IWC 10 **Town of Montville Board of Education/Steve Carroll:** An application for work within a regulated area for the placement of electrical lines within a regulated area on the property located at 162 Chesterfield Rd, Montville, Ct. As shown on Assessor's Map 30 Lot 2 (Bus Garage) as depicted on the plan titled "Electrical Upgrade Location Plan and the application and narrative dated 8/6/13.

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:

- A 15 day waiting period to allow time for appeal.

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.

Discussion, none, voice vote, 5-0, motion carried. Motion carried.

9. Commissioner's Comments: None

10. Correspondence: None

11. Other Business: None

12. Executive Session: None

13. Adjourn

Motion made by Commissioner Riske and seconded by Commissioner White to Adjourn the August 15, 2013 meeting at 8:35 p.m.

Discussion, none, voice vote, 5-0, motion carried. Meeting adjourned.

Respectfully submitted by, Heidi-Lee Jacobs, Minutes Clerk for the Town of Montville.

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