

**Town of Montville Inland Wetlands Commission  
Meeting Minutes of Thursday, June 17, 2010  
Town Hall – Council Chambers – 7:00 p.m.  
Amended 7-15-10**

1. Call to Order

Commissioner Taylor called the regular meeting of the Inlands Wetlands Commission to order at 7:00 p.m.

2. Roll Call

Present were Commissioners Riske, Taylor, Johnson and O'Bday. Absent were Commissioners Beauchene, Bartholomew, Brush and Whittaker. Also present was Colleen Bezanson, Inland Wetland Agent/Planner II.

3. Approval of the Minutes

Motion made by Commissioner Johnson, seconded by Commissioner Riske to approve the meeting minutes of May 20, 2010. Discussion: none. Voice vote, 4-0, all in favor, motion carried.

4. Public Hearings – none.

5. Show Cause Hearings

a. David Nott: Depositing material and excavation within a regulated area for the construction of footing drains on the property located at 31 Cottonwood Lane, Uncasville, Connecticut as shown of Assessor's Map 30, lot 66.

Ms. Bezanson stated the applicant requested work within a regulated area for the instillation of footing drains with an upland disturbance area of 2,112 square feet. She indicated Commissioners Taylor, Johnson and Brush visited the site on May 24, 2010, and Commissioner Brush indicated that the area where the ground had been excavated presented a problem for future erosion and indicated that the hole should be filled in and that the Commission would proceed with the Cease and Desist Order and application that were filed. Staff informed the applicant and new pictures of the area have been taken. The applicant would like to conduct the following activities within the same disturbance area; placement of six cubic yards of topsoil in area because area is rocky and only sparse grass is growing. The topsoil would allow for a better base for the grass roots to take hold, placement of pavers along the backside of the house because the area has a tendency to be muddy and the pavers will make the area easier to walk on and placement of stones on top of the embankment to finish the area and to prevent erosion down into the intermittent stream area.

Motion made by Commissioner Johnson, seconded by Commissioner O'Bday 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, moves to approve application

210 IWC 13 David Nott: Depositing material and excavation within a regulated area for the construction of footing drains on the property located at 31 Cottonwood Lane, Uncasville, Ct. As shown on Assessor's Map 30 Lot 66 as depicted on the plan titled "Proposed Drainage Improvements 31 Cottonwood Lane Uncasville, Ct." and the application dated May 17, 2010 and narrative dated revised to June 16, 2010 .

The reasons for approval area as follows

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: Ms. Bezanson stated the pictures taken of the site indicated the mitigation has been done to the site as requested and all of the issues have been addressed. Voice vote: 4-0-0, voting in favor of approval were Commissioners Riske, Taylor, Johnson and O'Bday. Voting in opposition, none, motion carried.

Motion made by Commissioner Johnson, seconded by Commissioner Riske to lift the Cease and Desist order issued for 31 Cottonwood Lane. Discussion: Ms. Bezanson indicated the remediation plan has been approved by the Commission. Voice vote: 4-0-0, voting in favor were Commissioners Riske, Taylor, Johnson and O'Bday, voting in opposition, none, all in favor, motion carried, Cease and Desist order lifted.

6. Remarks from the Public Regarding Items on the Agenda

Raymond Chester, Oakdale, Connecticut stated his remarks do not pertain to anything on the agenda but would like the opportunity to speak regarding an issue he is having with disturbance of wetlands. He started a complaint against his neighbor on September 18, 2007 and the Commission told him he had to replace all of the shrubs and plant life he had taken out by the beach and as of today, there is no change and no mitigation to the area. The commission sent the issue to their attorney on September 17, 2009 and nine months later there is still no action has been taken. He inquired what steps he needs to take to expedite this matter. Ms. Bezanson stated Chairman Brush indicated at the prior meeting he would try to contact the attorney for answers. The Commission will consult the attorney again on this matter. Mr. Chester stated this has been ongoing for three years and asked why the wetlands commission is in place if they do not have the authority to solve problems such as this and enforce the action they take. The homeowner is doing what he wants to do and is not protecting the wetlands. He believes it is the responsibility of homeowners and the commission to protect the wetlands and the lake and to date nothing is being done and he is frustrated. Commissioner Johnson indicated the Commission gave the homeowner a list of items that needed to be mitigated and expected him to restore the area, when it was not the Commission sent the issue to the attorney hired by the town and that was done, the Commission is following protocol. Mr. Chester stated the wetlands officer does not have enough authority to enforce decisions, she can not do anything on her own without going through the Commission first and he does not think that is right, stating the enforcer can not enforce.

7. Old Business

a. The Past, LLC, an application for the construction of a retail/museum building on the property located on the southwesterly side of Route 85, Oakdale, Connecticut as shown on Assessor's Map 5, lot 35.

Ms. Bezanson stated that those Commission members that went to the site were not present and did not provide staff with any comments. The Town Engineer comments are included in the packet as well as comments from the Health District.

Attorney Heller spoke for the applicants, and reviewed the site plan depicting the area of disturbance for the Commission. He stated the vast majority of the runoff from the parking lot is not going to be picked up in a culvert system but is going to sheet flow into an infiltration recharge trench that is going to be constructed southwesterly of Route 85 and that will have capacity to handle most storms, however if the capacity of that infiltration system is exceeded in a more significant storm it will overtop that area, enter into a catch basin and then will be piped to a water quality basin that the applicants are proposing in the upland review area. That would be the most significant activity from a square footage perspective. He stated a small portion of the drainage in the northwesterly corner is going to be picked up in a basin system and that is going to be piped down and

eventually discharged to the water quality wetland that the applicant created in Phase II. The rooftop water which is considered clean water by DEP will be discharged through the leader system to Raptor Bay and the applicant has asked for a permit for that. The final activities are in an area that is already approved in conjunction with this project they are proposing an activity area which will occur to the south west of where proposed Building #2 will be located. This is an area that has already been regarded, it is grassed and is located on the easterly side of the walking path, but a portion of it is within the fifty foot upland review area and this does require a permit because work will be done in this area, regarding and changing its characteristics. There are no direct wetland impacts proposed in conjunction with the application, they are all upland review area activities. Commissioners on the site walk did not express concern regarding anything that is proposed. There are comments from the Town Engineer in the file, he wants some calculations and some other small detail and they do not have impact on wetland activities. The water system for Building #1 will serve more than twenty five people and will be considered a public water supply and it is regulated by the State Department of Health and the applicants are going through the process to get site approval for the well. The applicants have no intention of placing the well in an upland review area. If anything is to change that affects Inland Wetlands the applicants will have to come back to this Commission but he does not anticipate this happening. Commissioner Johnson discussed the comments from the Town Engineer that have not been addressed. Attorney Heller stated these items do not affect wetlands. The drainage report addresses water quality aspects but does not address the pre and post development flows which would be increases and decreases and peak run off, but his will be addressed by Bob Schuch to his satisfaction. Because of the permeability of the soils out there they are not proposing any detention, that is the reason why the applicants chose to use the design for the infiltration trench, it is environmentally better to recharge the ground water with the runoff from the parking lot rather than creating point discharges and discharging eventually to Latimer Brook. This will not involve any further wetland activities. The second request from the Town Engineer is a request of a double grate, rather than a single grate top be incorporated into one of the catch basins that has been clogging, he wants a cross section detail to the infiltration trench and he wants the plan to be clear that the storm water improvements are included in Phase I, which they are. Ms. Bezanson stated the proposal must go through Planning & Zoning and if the comments are not addressed they will not get approval for the proposal. A discussion was held regarding placing a time limit of sixty days on the approval.

Motion made by Commissioner Johnson, seconded by Commissioner O'Bday 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.

210 IWC 12 The Past, LLC: An application for the construction of retail/museum buildings of the property located on the southwesterly side of Route 85, Oakdale, Connecticut, as shown on Assessor's Map 5 Lot 35 as depicted on the plans titled "Site Development Plan "Technology Museum" Prepared for The Past, LLC Hartford New

London Turnpike (Connecticut Route # 85) Montville, Connecticut. Prepared by Boundaries LLC P.O. Box 184 179 Pachaug River Dr Griswold, Connecticut dated March 2010 and the application and narrative dated May 4, 2010

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 as follows:

1. The Town Engineer's letter dated June 14, 2010 shall be addressed within sixty days
2. If any changes are made to the plans by the Uncas Health District that may affect wetland areas the application must be sent back to the Commission for further review

The standard reasons for approval apply as follows:

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, 4-0-0, all in favor, motion carried.

8. New Business

a. Christian F.M. Case, an application for subdivision review with no regulated activities on the property located at 41 Cook Road, Uncasville, Connecticut, as shown on Assessor's Map 99, lot 11.

Ms. Bezanson stated the property does not have wetlands on the property, but this application is before the Commission because the applicant is required to come before the Wetlands Commission for approval. The property is located off of Route 32 across from PTA Lane by Montville Commons. The applicants are requesting a re-subdivision. The nearest wetlands are at the end of the street, but the wetlands map indicates there are no wetlands present on this parcel. There is an existing house on this property. It was the consensus of the Commission this is a standard request.

Motion made by Commissioner Johnson, seconded by Commissioner O'Bday 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, the Commission moves to send favorable comment to the Planning and Zoning Commission on the below noted re-subdivision plan

210 IWC 14 Christian F.M. Case: An application for subdivision review with no regulated activities on the property located at 41 Cook Road, Uncasville, Ct. As shown on Assessor's Map 99 Lot 11 as depicted on the plan titled "2 Lot Re-Subdivision Prepared for Christian F.M. & Hope M. Case 41 Cook Road Montville Connecticut Prepared by Dutch & Associates Civil Engineers & Land Surveyors 392 South Main St, Colchester, Ct, dated June 7 2010. The reason for this decision is there are no are no regulated wetlands on the property located at 41 Cook Road, Montville, Connecticut.

Voice vote: 4-0-0, all in favor, motion carried.

b. Sophie Dvorak: an application for removal of a beaver dam on the property located at 98 Williams Road, Oakdale, Connecticut as shown on Assessor's Map 82, lot 75.

Ms. Bezanson stated the homeowner is requesting the removal of a beaver dam on the property located at 98 Williams Road. The property consists of a trailer park that has a wetland area that divides the property. There is a stream that runs through the wetland area with small pockets of standing water. A family of beavers has moved back into this area after being trapped earlier this year and they have created a twenty foot wide dam that has backed up the water in the stream area creating a large pond. The backup has created issues with the dug well on the property and the tenants of the trailers are using bottled water because of concerns there could be contamination to the well from the beaver feces. One of the concerns is the water could back up to the trailers if there is a rain storm. The homeowner is asking to remove the dam to reduce the amount of water hat has already accumulated in the area and bring the water levels down to the original level. Mrs. Dvorak's neighbor came into the office and wanted to help her with the process of removing the beaver dam. Ms. Bezanson stated she thought this issue involved the DEP, so a call was made and the DEP officer indicated that the removal of

the beavers fell under DEP while the removal of the Dam would require a permit from the local Inland Wetlands Commission. Staff has visited the site and taken pictures of the area and it was determined the major concern is the flooding of the dug well in the area and the tenants of the trailers on the site are complaining of discolored water. Uncas Health District is working with staff to see if the DEP can remove the beavers and the removal of the dam will have an initial increase of water flow into the Oxoboxo Brook. The water will flow through the culvert under Williams Rd into Paris Pond which then flows into Oxoboxo Brook. The amount of retained water is not that great that it will create a huge surge into the Brook and the water should dissipate as it enters Paris Pond and then have a minimal flow increase to Oxoboxo Brook. She indicated she has been working with the applicant we have developed a construction sequence for the removal of the dam which would control the amount of water that will be released as the dam is removed to prevent any impacts to downstream areas. Because the extent of the dam construction is not known, the applicant will remove material by hand until such time as the density of the dam is too much for hand tools. A backhoe will then have to be used to remove any remaining portions of the dam, but the backhoe will not be placed within the stream area. Staff has also contacted a representative of the Boy Scouts to see if they can help with removal and construction of a deterrent device for the beavers. Staff has also contacted another Wildlife specialist to see if there are other options once the dam is removed.

The Commission reviewed the construction sequence to determine acceptable wording for the process of removal of the dam and revisions were made.

Motion made by Commissioner Johnson, seconded by Commissioner O'Bday 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 and waive the inland wetlands fee for application #210 IWC 16 Sophie Dvorak: An application for removal of a Beaver Dam on the property located at 98 Williams Road, Oakdale, Ct. As shown on Assessor's Map 44 Lot 14 as depicted on the pictures titled "Location of Beaver dam to be removed at 98 Williams Road" and the application and narrative dated 6/9/10.

Discussion: none. Voice vote, 4-0-0, all in favor, motion carried.

c. Conrad Marker, an application for work within a regulated area in conjunction with the construction of a retaining wall and driveway regarding on the property located at 274 Route 163, Uncasville, Connecticut as shown on Assessor's Map 82, lot 75.

Ms. Bezanson stated the applicant is requesting construction of a retaining wall and work within the existing driveway area. Mr. Marker has indicated he would like to continue a portion of the sidewalk in front of the house to make it a little nicer. The upland review disturbance area is two hundred and fifty two feet with no impact to the wetland disturbance area or watercourse/water body disturbance area. The application was granted in 2005 for the construction of a deck on the rear portion of the property. The rear of this property abuts Oxoboxo Brook. The applicant would like to construct a

retaining wall and re-grade the driveway because the area is hard to maneuver in the winter months and a new wall will act as additional buffer to the brook area. She inquired if the Commission would like to go out to look at the site. It was the consensus of the Commission not to schedule a site walk but instead to drive by to take a look at the site.

Mr. Marker answered questions from the Commission and gave them an overview of the proposed construction. He invited the Commission to go visit the site. The Commission requested Mr. Marker notify his tenants to the fact the Commission will be stopping by to take a look at the property.

Motion made by Commissioner O'Bday, seconded by Commissioner Johnson to continue this application until the regularly scheduled July Inland Wetlands meeting to give the Commission time to go out and visit the site of the proposed construction. Voice vote, 4-0-0, all in favor, motion carried.

9. Commissioner Comments – none.

10. Correspondence

a. DEP, an application for Kyle Champagne for a dock at 23 Massapeag Point Road, Uncasville, Connecticut as shown on Assessor's Map 34, lot 66.

Ms. Bezanson stated Mr. Champagne has applied to the State for a dock permit at 23 Massapeag Point Road, he is not doing any work on top of the embankment. The Commission did not foresee the need for their involvement in this application at this time.

11. Other Business

a. B & W Paving, failure to complete remediation by June 1, 2010 on the property located at 305 Butlertown Road, Oakdale, Connecticut as shown on Assessor's Map 5, lot 27-15.

Ms. Bezanson indicated this is a violation of a violation. The homeowner was ordered by the Commission to remove the stock piled topsoil by June 1, 2010 and did not do so. She spoke with the representative from B & W Paving and he indicated he would get someone to the site on Wednesday to start removing the pile. Ms. Bezanson offered options to the Commission for solution to this problem, they can recommend ordering a Cease and Desist Order, send the matter to the Town Attorney, or set a new date for completion. The C/O has not been issued on the property and will not be until this is rectified.

James Ray stated the landscaping will have to be done after the topsoil is removed, there are some trees to be planted. He stated it will take about three days to remove the top soil and a day or two to plant.

Ms. Bezanson stated Bob Russo must go out to the site to determine if there are any other impacts to the wetland area and that report must be sent to the Commission as well.

The Commission had a discussion regarding a reasonable amount of time to get the work completed. It was the consensus of the Commission to extend the remediation plan for this site to be completed prior to the July 15, 2010 Inlands Wetlands meeting. In addition, there is a stone swale located alongside the paved area that was to be used for any runoff that came off of the driveway that is covered with equipment. The equipment needs to be removed from the stone swale. It is not an extension of the parking lot, it is used as a filter for the water coming off of the paved parking area.

Mr. Ray stated the equipment has been removed, he did not realize he could not use this area for storage. He has removed the silt fence as instructed by Planning & Zoning.

Motion made by Commissioner Johnson, seconded by Commissioner Riske to extend the completion time of the remediation work by B & W Paving at 305 Butlertown Road in Oakdale, Connecticut as shown on Assessor's Map 5, lot 27-15 until July 15, 2010. Discussion: none. Voice vote, 4-0-0, all in favor, motion carried.

Ms. Bezanson discussed a property located at 69 Route 82. The homeowner is removing trees from his property to get more sunlight to the pool area. There is a drainage swale alongside the property. The forester is concerned portions of the embankment may come out once the tree growing in the embankment is removed. She indicated there are no wetlands on this property, there is intermittent drainage only and there was no water seen on the site today. It was the consensus of the Commission the removal of one tree located at 69 Route 82 should not be a problem and does not require a hearing.

711 Route 163 has been completed and suggested the Commission drive by the site to take a look at it. He has thirty days to put up his monitoring stakes. In thirty days the monitoring stakes will go in and the Commission will get the monitoring reports as per the narrative.

## 12. Adjournment

Motion made by Commissioner O'Bday, seconded by Commissioner Johnson to adjourn the meeting at 9:15 p.m. Discussion: none. Voice vote, 4-0, all in favor, motion carried.

Respectfully Submitted by:

Audrey Ulmer, Recording Secretary for the Town of Montville