

TOWN OF MONTVILLE
INLAND WETLANDS COMMISSION
310 NORWICH NEW LONDON TURNPIKE
UNCASVILLE, CONNECTICUT 06382
PHONE (860) 848-8549 - FAX (860) 848-2354
Meeting Minutes
March 17, 2011

1. Call to order:

Chairman Brush called the regular meeting of the Inland Wetlands Commission to order at 7:00 p.m. in the Town Council Chambers.

2. Roll call:

Present were Commissioners Bartholomew, Brush, Johnson, O’Bday, Riske and Taylor (6 members). Absent: Commissioner Beauchene (1 member). Staff present was Colleen Bezanson, Inland Wetland Agent/Planner II

3. Approval of the Meeting Minutes:

a) Approve minutes of February 17, 2011 meeting.

A **MOTION** was made by **COMMISSIONER JOHNSON; SECONDED** by **COMMISSIONER BARTHOLOMEW** to **APPROVE** the February 17, 2011 meeting minutes. Voice vote. 6-0-0 **MOTION CARRIED.**

4. Executive Session: Discussion was held regarding scheduling of Executive Sessions and the need to have it clearly detailed on the Commission’s posted agenda.

5. Public Hearings: none

6. Show Cause Hearings: none.

7. Remarks from the public relating to items on the agenda: none

8. Old Business:

a) **Town of Montville Public Safety Building Committee:** An application for the construction of the new Public Safety Building on the property located at 911 Route 32, Montville, Ct. As shown on Assessor’s Map 83 Lot 29. Commissioner Taylor informed the Commission that she, along with Commissioners Johnson & Riske walked the site. Discussion was held. Bob Schuch of Boundaries addressed the Commission’s concerns regarding the stone dam which will remain in place. A **MOTION** was 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, I move to approve application 211 IWC 4 **Town of Montville Public Safety Building Committee:** An application for the construction of the new Public Safety Building on the property located at 911 Route 32,

Montville, Ct. As shown on Assessor's Map 83 Lot 29 as depicted on the plan titled "Montville Public Safety 911 Norwich New London Turnpike Uncasville, Ct 06382 Submission Set Inland Wetlands and Watercourses Commission February 9,2011 Prepared by Kaestle Boos Associates, Inc. Architectural, Structural & Landscape, Boundaries LLC Civil Engineers, Diversified Technology Consultants Mechanical, Plumbing & Electrical Engineers" and the application and narrative dated 2/10/11.

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.

Voice vote. 6-0-0 **MOTION CARRIED.**

A **MOTION** was made by **COMMISSIONER BRUSH; SECONDED** by **COMMISSIONER RISKE** to move items Old Business items 8B and 8C to after 8D (Johnson). Voice vote. 6-0-0 **MOTION CARRIED.**

Commissioner Johnson recused herself from agenda item 8.d. Leonard & Kathleen Johnson.

- d.) Leonard & Kathleen Johnson:** A modification to application 208 IWC 10 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. Staff indicated that the Town Engineer had reviewed the project and had some comments. Mr. Johnson indicated that he received the comments and addressed them in a new plan that he then submitted to the Commission. The change to the plan was the location of a drain on the northern part of the property. Discussion was held regarding the elevation of the drain. Mr. Johnson indicated that it did not work very well and that he had indicated this when the violation of his neighbor was before the Commission and since it was outside of the review area it was not originally put on the plan. Commissioner Brush indicated that the drainage was not a wetland issue. Mr. Johnson questioned the fact that the plans were sent to the Town Engineer when plans submitted by his neighbor were not and the drainage was not addressed at that time. Staff indicated that there was concern that the new structure might flood because testimony from Mr. Johnson,

in the past, had indicated that the area floods and was unusable. Mr. Johnson also said that it would be easier to just fill in the area and put in underground drainage and bring it back to how it had been in the past. Mr. Johnson indicated that the area did not flood like this prior to the neighbor installing the new drive. Staff indicated that the Health District had asked to see the plans. Discussion was held. Commissioner Brush indicated that the wetland in the area had no value. Commissioner Brush indicated that there was an error on the agenda and it should not indicate that the application is a modification. Commissioner Bartholomew indicated that he thought the wetland was small and it did not make a difference. Discussion was held. A **MOTION** was made by **COMMISSIONER RISKE; SECONDED** by **COMMISSIONER O'BDAY**. Attorney Heller indicated that he would like to say something to the Commission regarding the application because he represents an abutter. Mr. Johnson strongly objected to Attorney Heller speaking indicating that he was not an intervener and there was no public hearing on the application. Attorney Heller indicated that he represents an abutter and he previously was allowed to speak when representing an interested party before this Commission. Discussion was held regarding the right to speak on an application before the Commission. The **MOTION** and the **SECOND** were **WITHDRAWN**. A **MOTION** was made by **COMMISSIONER RISKE; SECONDED** by **COMMISSIONER O'BDAY** to **CONTINUE** to next month. Discussion was held. Voice vote. 5-0-0 (Commissioner Johnson still out) **MOTION CARRIED**. Commissioner Brush indicated that since he did not know the answer to the question regarding the right to speak on an application that he would ask the Town Attorney for an opinion.

Commissioner Johnson returned.

- b) **Michael Dykas:** An application for the installation of a septic system on the property located at 1784 Route 85, Montville, Ct. As shown on Assessor's Map 11 Lot 3A. Commissioner Johnson indicated that she had visited the site. Staff presented pictures of the septic area in relation to Latimer Brook to the Commission. Discussion was held. A **MOTION** was made by **COMMISSIONER TAYLOR; 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 210 IWC 28 **Michael Dykas:** An application for the installation of a septic system on the property located at 1784 Route 85, Montville, Ct. As shown on Assessor's Map 11 Lot 3A as depicted on the plan titled "Mike Dykas Installer Salem Ct Lic #3619 1784 Route 85 Montville, Ct and the application and narrative revised to 2/16/2011. 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. No drains will be allowed to discharge into the wetland area without review from the Commission. 2. Any further revisions from the Uncas Health District will require Commission approval.

Voice vote. 6-0-0 **MOTION CARRIED.**

- c) **GHD, INC:** An application for the installation of a booster pump station on the property located at 80 Maple Avenue, Montville, Ct. As shown on Assessor's Map 17 Lot 15-A1. A representative from GHD, INC was available for questions. Staff indicated that Commissioners Johnson, Taylor and Riske visited the site. Commissioner Taylor indicated that the area of disturbance was clearly marked out. It is in close proximity to the wetland area but she had no concerns. Staff reminded the Commission that this was a previous permit that they had approved but it had expired and this action is mandated by the State. Discussion was held. A **MOTION** was made by **COMMISSIONER TAYLOR; 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 2
- GHD, INC:** An application for the installation of a booster pump station on the property located at 80 Maple Avenue, Montville, Ct. As shown on Assessor's Map 17 Lot 15-A1 as depicted on the plan titled "Town of Montville, Connecticut Palmertown Booster Pump Station Site, Grading, Erosion and Sedimentation Control Plan Prepared by GHD Stearns & Wheeler Trumbull Ct dated 9/2010 and the application and narrative dated 1/25/11. 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. Signature of soil scientist and surveyor be provided on a set of plans
- 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.
- Voice vote. 6-0-0 **MOTION CARRIED.**

9. New Business:

- a) **Robert Sachs:** An application for a 32 lot subdivision on the property located 316 Chapel Hill Rd, Montville, Ct. As shown on Assessor's Map 35 Lot 1. Staff advised that the application had been **WITHDRAWN.**

10. Commissioner' Comments: Discussion was held regarding allowing neighbors or interested parties to speak during application presentations. Commissioner Brush indicated that it was best to get the opinion of the Attorney in matters like this.

Chairman Brush informed the Commission that he went to a seminar called Connecticut Land Use Law for Municipal Land Use Agencies, Boards, and Commissions. Discussion was held.

11. Correspondence

Ms. Bezanson discussed various correspondences with the Commission, including The Habitat and Ct State of the Birds 2011. In addition she also indicated that the office had received a notice from Michael Matera of an application that was being submitted to the DEP for dam repair on Oxoboxo Dam Rd.

12. Other Business

- a) Revisions to Inland Wetlands Regulations. Discussion was held. The Commission set a date for a workshop meeting regarding the regulations to be held on March 31, 2011 at 7:00 p.m.

13. Adjournment

A **MOTION** was made by **COMMISSIONER O'BDAY, SECONDED BY COMMISSIONER BARTHOLOMEW** to adjourn. Voice vote. 6-0-0 All in favor. **MOTION CARRIED.** The meeting adjourned at 8:03 p.m.

Respectfully Submitted:

Judy A. LaRose
Recording Secretary