

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

Meeting Minutes
7:00 P.M.

December 15, 2011

LOCATION: MONTVILLE TOWN HALL, *Council Chambers*

1. **Call to order:** Chairman Brush called the meeting to order at 7:00pm.
2. **Roll call:** A quorum was present. In attendance were Commissioners Bartholomew, Beauchene, O'Bday, Brush, Taylor and Riske. Staff present was Colleen Bezanson, Inland Wetland Agent/Planner II.
3. **Minutes**
 - a. Spelling error of Commissioner O'Bday' name on Page 6 section 11 of the minutes from October 20, 2011 Inland Wetlands Commission meeting corrected.

Motion to approve October 20th, 2011 amended minutes by Commissioner Taylor, seconded by Commissioner Bartholomew.

Voice vote 6-0, all in favor, motion carried. Minutes approved.

4. **Executive Session: None**
5. **Public Hearings: None**
6. **Show Cause Hearings:**
 - a. **Paul & Marguerite Currie:** Work within a regulated area without a permit on the property located at 116 Oxoboxo Cross Rd, Montville, Ct. as shown on Assessor's Map 108 Lot 1.

Commissioner O'Bday recused himself from the meeting.

Ms. Bezanson refers to the cease and desist order discussed in the October 20, 2011 meeting which was issued because of a new of structure placed on the property without a permit. She stated a couple of commissioners went to the property located at 116 Oxoboxo Cross Rd, Montville CT. to view the new structure. Commissioners Taylor and Bartholomew agreed. The site walk was performed on October 27, 2011. Ms. Bezanson stated Mr. Currie indicated the bridge was placed there to access the other side. She was informed by Mr. Currie that in previous years the town was originally taking the siltation out of the area and had stopped about 15-20 years ago and the silt has been building since that time. In order for Mr. Currie to remove the silt he needed to build the culvert/bridge to access the area. Ms. Bezanson stated that Mr. Currie wished to bring back an estuary that was once in that area. She relayed that staff questioned whether the commission wanted to have a drainage report done for it or not and what the comments were from the site walk.

Commissioner Taylor who attended the October 27, 2011 site walk stated that it was functioning well; the water was flowing well with no ponding in the area. Commissioner Brush stated that Mr. Currie was in an unfortunate location. He stated that any sand or dirt would come down in the area mentioned. Commissioner Brush indicated that Mr. Currie was in a bind and did not think a drainage report was necessary. Ms. Bezanson asked whether there should be anything additional done or restrictions as to what were taken out. A discussion was held.

Motion Made by Commissioner Taylor 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 211 IWC 28 **Paul & Marguerite Currie:** Construction of a bridge/culvert on the property located at 116 Oxoboxo Cross Rd, Montville, Ct. As shown on Assessor's Map 108 Lot 1 as depicted on the plan titled "116 Oxoboxo Dam Rd Inland Wetlands Activity Plan" and the application and narrative dated 10/20/11.

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.

Discussion, None, voice vote, 5-1-0, all in favor, motioned carried.

Motion Made by Commissioner Taylor and seconded by Commissioner Bartholomew as follows, I also move to lift the Cease and Desist Order placed on the property located at 116 Oxoboxo Cross Rd, Montville, Ct. as shown on Assessor's Map 108 Lot 1 based on the fact that a permit has now been filed and approved by the Commission.

Discussion, None, voice vote, 5-1-0, all in favor, motioned carried.

Commissioner O'Bday returned and was seated at 7:06 pm.

- b. **Shawn & Katie Passero:** Work within a regulated area without a permit on the property located at 67 Lake Drive, Montville, Ct. as shown on Assessor's Map 108 Lot 91.

Ms. Bezanson stated the property in mention was located next to 65 Lake Drive, Montville, CT. A Cease and Desist was ordered due to walls. She stated that Cease and Desist letters were sent to Mr. and Mrs. Passero and were returned back to the Inland Wetland office. In the October 20, 2011 meeting the Commission indicated that since there was no response from Mr. Passero the Town Attorney should be contacted. Conversations were held between Ms. Bezanson, the Town attorney and Mr. Passero. Mr. Passero has now come before the commission and filed an application. She stated Mr. Passero took about 5 cubic yards of soil from Mrs. Green's property located at 65 lake Drive, Montville and was using it to re-grade his property. No work has been done recently. Ms. Bezanson state that the area needed to be stabilized.

Mr. Passero addressed the Commission. He stated that he was not aware he needed a permit to complete the work on his property. He stated when he was told to Cease and Desist all work was stopped. He informed the Commission

his house was now in foreclosure and he does not plan on doing any more work on his house. He stated the work needed to be done on the actual foundation is on Mrs. Green's property.

Ms. Bezanson stated that once the application was filed the Cease and Desist did not go on the land record and there would be no court proceedings, unless Mr. Passero was asked questions and refuses to respond.

Mr. Passero stated that depending on the how the foreclosure proceeding go he would like to do additional work on his property this coming spring, which he would then file for the necessary permits. A discussion was held.

Motion made by Commissioner O'Bday and seconded by Commissioner Beauchene 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 27 **Shawn and Katie Passero:** Work within a regulated area located at 67 Lake Dr, Montville, Ct. as shown on Assessor's Map 108 Lot 91 as depicted on the plan titled "67 Lake Dr Wetlands Plan" and the application and narrative dated 12/8/11.

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: A fifteen-day waiting period and time for public comments and appeals. This is conditional upon the fact that no petition for a hearing is received within the fifteen-day waiting 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, 6-0, all in favor. Motioned carried.

Motion made by Commissioner O'Bday and seconded by Commissioner Riske as follows, To Lift the Cease and Desist Order placed on the property located at 67 Lake Dr, Montville, Ct. as shown on Assessor's Map 108 Lot 91 based on the fact that a permit has now been filed and approved by the Commission.

Discussion, None, voice vote, 6-0, all in favor. Motioned carried.

7. **Remarks from the public relating to items on the agenda:** No public present.
8. **Old Business:** Ms. Bezanson stated that Commissioner O’Bday had called her about the subdivision end of Chapel Hill Road. A site walk had been completed on the site and a permit was denied due to lack of information. Ms. Bezanson stated that they had been in contact with the land owner. He stated there has recently been activity on the site on the septic systems and additional surveying. A letter is coming from the Planning and Zoning office indication that there has been no erosion or sediment control plan filed. Ms. Bezanson had walked the site on December 15, 2011 and did not see any areas clearly marked with wetland flags. She stated that a because the work was on over half an acre of land a letter would be sent to the property owner indicating that they must file an erosion and sediment plan.
9. **New Business:** Ms. Bezanson brought to the Commissions attention that a Truck Wash station for Osterman Propane will be created in the first Industrial subdivision area of off Route 85, Enterprise and Lakewood Drive. A map of the area was given. She stated approval had already been given by the State and Health district. She inquired as to whether a permit was needed or not. A discussion was held. It was agreed that the appropriate property owner would come into the office for a determination.
10. **Commissioner’ Comments:** Commissioner Brush thanked the Commission members for committing themselves for another year on the Commission.
11. **Correspondence:**
- The Habitat
 - CT Wildlife
 - Ms. Bezanson read a letter to the Commission from Bar Incorporated requesting further reports pertaining to the wall on route 163, Montville to show that no activity would be done within a wetland area.
12. **Other Business:**
- a. Election of Officers

Motion made by Commissioner Riske and seconded by Commissioner Taylor to nominate Commissioner Brush for Chairman.

Discussion, None, voice vote, 6-0, all in favor. Motioned carried.

Motion made by Commissioner Brush and seconded by Commissioner O’Bday to nominate Commissioner Taylor for Vice-Chairman.

Discussion, None, voice vote, 6-0, all in favor. Motioned carried.

Motion made by Commissioner Taylor and seconded by Commissioner Beauchene to nominate Commissioner O’Bday as secretary.

Discussion, None, voice vote, 6-0, all in favor. Motioned carried.

- b. 711 Route 163 reports

Ms. Bezanson read a quarterly report into record. The report indicated that there was no evidence that work had ever been done. The letter stated that through extreme weather conditions the site has remained unchanged. The letter requested that because the site has remained unchanged any further reports should be discontinued and the issue closed. A discussion was held.

The commission agreed unanimously that 711 route 163 reports should continue.

c. 2013 Budget

Ms. Bezanson explained the 2013 budget. A discussion was held.

Motion made by Commissioner O’Bday and seconded by Commissioner Bartholomew to approve the 2013 budget.

Discussion, None, voice vote, 6-0, all in favor. Motioned carried.

d. Revisions to Inland Wetlands Regulations

Ms. Bezanson requested that Revisions to the Inland Wetlands Regulations be put off until the New Year. The Commission agreed.

13. Adjournment

Motion made by Commissioner O’Bday, seconded by Commissioner Riske to adjourn the meeting at 7:45 p.m. Discussion, none, voice vote, 6-0, all in favor, motion carried.

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