

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 13, 2012
LOCATION: MONTVILLE TOWN HALL, *Council Chambers*

1. **Call to order: Chairman Brush called the Inlands Wetlands Commission meeting to order at 7:00 p.m.**
2. **Roll call:** In Attendance were Commissioners Brush, Taylor, Riske & Bartholomew. Commissioner Beauchene arrived at 7:02 p.m. Commissioner O'Bday was absent. Staff present was Colleen Bezanson, Inland Wetlands Agent/Planner II.

3. **Minutes**

- a. Approve minutes of November 8, 2012 special meeting.

Commissioner stated that the word "must", should be changed on page two, first paragraph of the November 8, 2012 Special meeting minutes. The sentence should read, "He requested an extension to the December meeting, stating if all issues had not been resolved by then the application would be withdrawn."

Motion made by Commissioner Taylor, seconded by Commissioner Bartholomew to approve the minutes of the November 8,2012 Special Meeting as amended.

Voice Vote 4-0, all in favor, motion carried. Amended minutes approved.

4. **Public Hearings: None**
5. **Show Cause Hearings: None**
6. **Remarks from the public relating to items on the agenda:**

Commissioner Brush asked three times if there were any remarks from the public related to items on the agenda. There were none.

Commissioner Beauchene arrived at 7:02 p.m.

7. **Old Business**

- a. **Marriot Plaza, LLC:** An application for a mixed use development consisting of first floor retail with 36 apartments above having work within a review area on the property located at 1360 Route 32, Montville, C t. As shown on Assessor's Map 88 Lot 22.

Colleen Bezanson gave description of the plans. Ms. Bezanson stated the applicant initially proposed to use the property for a hotel; it was then changed to mixed use. The original application had been withdrawn. The property would have 36 apartments on top with the retail below. The applicant had worked hard with the Soil Scientist to ensure the least amount of impact on the wetland area. The plans had been revised. The applicant had taken into account some of the recommendations that the Soil Scientist had. Ms. Bezanson stated that there were now three small areas of activity in uplands review area and most that was for the construction of catch basins and drainage discharges.

Attorney Harry Heller addressed the Commission representing the applicant. He stated that as Colleen Bezanson had stated there was an original application which had been withdrawn and in conjunction with that application there had been two site walks completed. He stated that the development proposed in this application was in the same general location of the original application. Instead of a hotel the current application was to be in the center of the property. A discussion was held.

Motion 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

212 IWC 16 **Marriott Plaza, LLC**: An application for a mixed use development consisting of first floor retail with 36 apartments above having work within a review area on the property located at 1360 Route 32, Montville, C t. As shown on Assessor's Map 88 Lot 22 as depicted on the plans titled "Mohegan Hill Park Proposed Mix Use Development Owner: Marriot Plaza LLC for the property located at 1360 Route 32 Town of Montville New London County, Ct. Land Surveyor /Agent James Bernardo Land Surveying, LLC Waterford Ct. Engineer The Winthrop Group Ledyard, Ct. revised to November 6, 2012 and the application and narrative also revised to November 6, 2012.

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. All comments of the Town Engineer's letter dated December 6, 2012 must be addressed.
2. If any changes are made to the plan based on the comments of the Town Engineer and/or Ct DOT that will affect any regulated areas then the application will have to be resubmitted back to the Commission for their review.

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, 5-0, all in favor, motion carried.

- b. **Nikki LaBella (Spectra Energy Transmission):** An application for the repair of anomalies in the existing pipeline within regulated areas along the Algonquin Gas ROW in the vicinity of Route 163 and Raymond Hill Rd

Commissioner Brush clarified that there were 26 anomalies, but they were contained in 2-3 locations of the site.

A representative for the applicant addressed the Commission and confirmed that although there were a total of 26 anomalies, they were clustered in the same area, with a total of seven dig sites, three of which were under the Commission's jurisdiction; only one of those would directly affect a wetland area. In addition there would be some crossings.

Commissioner Brush brought up an emergency repair done over Thanksgiving holiday. The representative stated that the repair was not under the current application, but it was an emergency to repair a gas leak. It was brought to Algonquin's attention by a resident of the area. Commissioner Brush stated that he understood the repair was an emergency, but indicated that some type of paperwork needed to be filed.

The Commission, Representative and Colleen discussed whether a general maintenance permit should be applied for. One that covered specific work that needed to be done and would be good for five years. Tom stated that he had submitted the notification to the Town about the emergency work was completed. A discussion was held.

Motion 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

212 IWC 20 **Nikki LaBella (Spectra Energy Transmission):** An application for the repair of anomalies in the existing pipeline within regulated areas along the Algonquin Gas ROW in the vicinity of Route 163 and Raymond Hill Rd as depicted in the application package titled "Inland Wetlands and Watercourses Permit Application Filing Under the Inland Wetlands and Watercourse Regulations of the Town of Montville Connecticut Algonquin Gas Transmission, LLC E-1-6 Natural Gas Pipeline System Anomaly Investigations Montville, Ct. October 2012 Submitted to the Town of Montville Inland Wetlands Commission Prepared by Spectra Energy Transmission and Prepared for TRC Environmental Corporation"

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.

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, 5-0, all in favor, motion carried.

8. New Business:

Town of East Lyme: An application for the water main interconnection project with regulated activities on the property located at 375 Butlertown Rd, as shown on Assessor's Map 5 Lot 27-5 and within the roadways of Route 161, Route 85, Sachatello Industrial Dr and Butlertown Rd.

Colleen Bezanson stated that East Lyme was having water issues, but with no upland disturbance, however there was going to be 41,000 sq ft of upland review disturbance. The water main would cross two perennial watercourses. The construction would include the construction of two peers. She stated that is was a crossing, but not one they were used to. A discussion was held. Colleen Bezanson asked if the Commission felt that it was a significant activity and whether they would like to schedule a Public Hearing, based on the plans they had in front of them and if it would be a significant activity or a Site walk. She stated that staff suggested a site walk.

Motion made by Commissioner Taylor, seconded by Commissioner Bartholomew to schedule a site walk on January 13, 2013 at 1:00 p.m.

Voice vote, 5-0, all in favor, motion carried.

9. Commissioner's Comments: None

10. Correspondence:

- Gas company letter related to the leak being fixed by Spectra Energy Transmission.
- Letter from May Realty indicating that there was no visible evidence that there was activity on the site behind the Post Office.

11. Other Business:

a. **Budget**

Due to the increase in fees to \$60.00 for regulated courses, the Inland Wetland Commission would ask for an increase in budget to, \$210.00.

Motion made by Commissioner Riske and seconded by Commissioner Taylor to request an increase the budget to \$210.00 due to the fact that fees and training have gone up.

Voice Vote, 5-0, all in Favor, motion Carried.

12. Executive Session: None

13. Adjourn

Motion made by Commissioner Taylor, seconded by Commissioner Bartholomew to adjourn the meeting at 8:05 p.m.

Voice Vote, 5-0, all in Favor, motion Carried.

Meeting adjourned at 8:05 p.m.

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.