

**TOWN OF MONTVILLE  
INLAND WETLANDS COMMISSION  
310 NORWICH-NEW LONDON TURNPIKE  
UNCASVILLE, CONNECTICUT 06382  
TELEPHONE: (860) 848-6779 – FAX: (860) 848-2354**

**MEETING MINUTES**

**Thursday, July 21, 2016 – 7:00 P.M.**

**MONTVILLE TOWN HALL, *Council Chambers***

**A. Call to order**

Chairman Douglas Brush called the meeting to order at 7:00 p.m.

**B. Roll call**

Present were Chairman Douglas Brush, Secretary Philip Houk, Commissioners Charles O’Bday III, and Howard V. Riske, Jr. Absent were Commissioners Sandra Berardy and Jeffrey Greiner. Also present was Wetlands Enforcement Officer (WEO) Liz Burdick.

**C. Minutes.** Approve the Minutes of the June 16, 2016 Regular Meeting.

Motion made by Commissioner Houk, seconded by Commissioner O’Bday. Discussion: None. Voice vote, 4-0, all in favor. Motion carried.

Approve the Special Meeting Minutes of the July 16, 2016 Regular Meeting.

Motion made by Commissioner O’Bday, seconded by Commissioner Houk. Discussion: None. Voice vote, 2-0-2. Voting in Favor: Commissioners Houk and O’Bday. Voting in Opposition: None. Voting in Abstention: Commissioners Brush and Riske. Motion carried.

**D. Public Hearings – *none***

**E. Show Cause Hearings – *none***

**F. Remarks from the public not relating to items on the agenda – *none***

**G. Old Business:**

1. 216IWC7 – 140 Derry Hill Road (Map 33, Lot 39), Uncasville, CT – Applicant: David Fowler, Public Works Dir., Property Owner: MTIC Acquisitions, LLC – Driveway Crossing Improvements (Tabled from 06-16-16 Meeting - Decision Required Date 08-19-2016).

Having taken a site walk of the property, it was agreed that improvements to the driveway crossing is necessary. It was stated that the length of the proposed rip-rap, which was designed by the Civil Engineer, factors in the velocity of the water and a side slope was added to the proposed rip-rap to provide additional stabilization and protection from any future erosion in the area. The Town’s Soil Scientist/

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Environmental Scientist Bob Russo, C.S.S., and Engineer Thomas Cummings, P.E., CLA Engineers, have reviewed the project and confirmed the proposed calculations for the length and size of the rip-rap based upon the estimated water velocity of the area.

Motion made by Commissioner Houk, seconded by Commissioner Riske, to, after giving due consideration to all relevant factors, including those in Section 10 of the Montville Inland Wetland Regulations and Section 22a-41 of the Connecticut General Statutes, approve the application of David Fowler & property owner, MTIC Acquisitions, LLC for a permit for driveway crossing improvements at 140 Derry Hill Road (M33 L39), Uncasville, CT including replacement of a failing existing corrugated metal pipe (CMP) with a 36" reinforced concrete pipe (RCP), brush clearing & installation of modified rip rap as described in the application and shown on a plan entitled "Driveway Culvert Replacement Plan at 140 Derry Hill Road, Uncasville, CT, Prepared for Mohegan Tribal Government, Prepared by Alliance Civil Engineering, Dated 11/25/13, Revised to 7/15/16." Standard reasons for approval apply. Voice vote, 4-0, all in favor. Motion carried.

2. 216IWC8 – 1399 Old Colchester Road (Map 44, Lot 4-3), Oakdale, CT – Applicant/Property Owner: John Diamantini – Maintenance of Existing Beach Area. (Tabled from 06-16-16 Meeting - Decision Required Date 08-19-2016).

WEO Burdick provided a detailed report of the Application. The Applicant is requesting a permit for the maintenance of an existing beach area, including the construction of a retaining wall, measuring approximately 18"H x 30'L, and the deposition of 360SF of sand in the existing 12' x 30' beach area along the shoreline. Related portions of Sections 4.1 and 4.2 of the Town's Inland Wetlands and Watercourses Regulations were stated. The area is located in a "Private Greenbelt Area" and a letter of approval for the project from the Oxiby Farms Homeowners Association, LLC, was submitted for the record. In addition, the Town Attorney confirmed that the owners of the property may apply for future wetlands permits, as indicated in a 2012 Stipulated Judgment. Town Soil Scientist Russo has also reviewed and confirmed, in writing, that "the proposed addition of beach sand and a low retaining wall at the existing beach at 1399 Colchester Avenue (Old Colchester Road) is consistent with the recreational use of the resource and will not have negative impacts." Furthermore, WEO Burdick contacted the State's DEEP (Department of Energy & Environmental Protection) for a Preliminary Site Assessment regarding the identification and existence of species, including the Eastern Box Turtle, residing in the vicinity. The DEEP determined that "1. 'According to our records there are known extant populations of the State Special Concern plant *Desmodium glabellum* (Dillenius' tick-trefoil) along Oxoboxo Dam Road in the vicinity of the project site;' and 2. 'We do not have any observations of record of any Eastern Box Turtles in this area.'"

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Soil Scientist Russo spoke with regards to the application and, having visited the site, confirmed that the additional placement of true sand particles would not have any negative impact or release/introduce any pollutants into the environment. He also noted that, typically, the types of turtles residing in the area are painted, possibly spotted, or snapping turtles, which lay their eggs along the sandy surfaces along the beach area and it would not surprise him if the property owners witness such activity. Box turtles typically lay their eggs well into the upland and the edges of fields, deciduous woods, or newly grown pastures. The existing conditions reflect sandy beaches and emergent and submerged aquatic vegetation off of the beach and there is no indication that it would be covered or blanketed in any way. As such, the habitat would be expected to remain the same. The sand will not be pushed into the water.

In response to Chairman Brush, Applicant Diamante stated that the proposed low block wall will be constructed with blocks filled with crushed stone and an attractive front face, similar to those already existing on other properties in the area. The wall would provide a separation between the lawn and sand. No footing will be placed and the existing shrubbery will remain untouched. It was determined that approximately 6.5 to 7 cubic yards of sand will be added to the area.

WEO Burdick stated that the neighbor residing across the way, who had expressed some concern in the past, was made aware of the proposed application and the 14-day period within which he/she may request a public hearing for the application has expired.

Motion made by Commissioner O'Bday, seconded by Commissioner Houk, to, after giving due consideration to all relevant factors, including those in Section 10 and/or Section 4 of the Montville Inland Wetland Regulations and Section 22a-41 of the Connecticut General Statutes, approve the application of John Diamantini for a permit for maintenance of an existing beach area at 1399 Old Colchester Road (M44 L4-3), Oakdale, CT, including the construction of a retaining wall approximately 18" high by 30' long and the deposition of 7 cubic yards of sand in the existing 12' x 30' beach area along the shoreline as shown on a plan entitled "Existing Conditions Plan, Prepared for John Diamantini, 1399 Old Colchester Road, Oakdale, CT, Prepared by May Engineering, Dated 08 Feb 2016, Revised to 5/16/2016" with the following conditions:

1. Silt fence shall be installed down grade during construction of the retaining wall.
2. The Wetlands Enforcement Officer shall be notified prior to the start of work and, upon completion, shall conduct a final inspection to determine compliance with the approved plan.

Voice vote, 4-0, all in favor. Motion carried.

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**H. New Business – *none***

**I. Correspondence.**

1. DEEP 2016 Municipal Inland Wetlands Agency Continuing Education Workshop Materials – Legal and Administrative Updates.

WEO Burdick reported that she and Commissioner Berardy attended the Workshop where they reviewed the Freedom of Information Act, Notice of Meetings, Expert Testimony and related Case Law, updates to the CT General Statutes, and Inland Wetlands Agency Regulation Amendments. The model regulations for Inland Wetlands Agencies is currently being reviewed and revised and, upon adoption, will be forwarded to the Town. Copies of the summaries and major points of past court cases, dating back to December 2015, was also provided for possible discussion at their next meeting.

**J. Other Business**

The Commission was made aware of a possible future time-sensitive application for the site plan approval of a re-development project. WEO Burdick requested the Commissioners contact her should they be unavailable to attend the Commission's August and September meetings.

**K. Executive Session – *none***

**L. Adjournment.**

Motion made by Commissioner O'Bday, seconded by Commissioner Riske, to adjourn the meeting at 7:47 p.m. Voice vote, 4-0, all in favor. Meeting adjourned.

Agnes Miyuki, Recording Secretary for the Town of Montville

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