

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

REGULAR MEETING MINUTES

Thursday, October 20, 2016 – 7:00 P.M.

LOCATION: MONTVILLE TOWN HALL, Council Chambers

A. Call to order

Chairman Douglas Brush called the meeting to order at 7:05 p.m.

B. Roll call

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

C. Minutes. Approve the Minutes of the September 15, 2016 Regular Meeting.

Motion made by Commissioner Houk, seconded by Commissioner O'Bday. Discussion: None. Voice vote, 5-0, all in favor. Motion carried.

D. Public Hearings – none

E. Show Cause Hearing(s).

1. 314 Route 163 (Map 82, Lot 62) – Donny Jacobowitz – Show Cause Hearing for Cease & Restore Order – Unauthorized Activities in Regulated Areas.

Commissioner Riske recused himself from the Hearing at 7:01 p.m.

ZWEO Burdick provided the Staff Report, stating that a Notice of Violation was issued and the Town's Soil Scientist reviewed and recommended the issuance of a Cease & Desist Order. Per the Regulations, a Show Cause Hearing is required within 10 days of the issuance of the Order during which the Applicant may argue their case. Copies of the Cease & Restore Order, the Soil Scientist Robert Russo, CLA Engineers, Inc., report, and citing of a 2015 violation for unpermitted activities were reviewed by the Commission. After the issue was brought to her attention, ZWEO Burdick contacted and met with the Agent conducting the work and the property owner. Upon her instruction, they have installed a silt fence and removed, by hand, the branches and leaf debris in the stream. The Commission reviewed photographs of the site showing evidence of grading and filling activities and the large felled trees located over the bank. Based on her observations and the recommendation of the Soil Scientist's report, she issued a Cease & Restore Order, with the following Required Corrective Actions:

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1. Install and maintain in good working order, erosion & sediment controls in the form of a silt fence backed with staked hay bales at the base of the fill slope. Said controls shall be installed by hand.
2. Immediately engage a professional engineer, land surveyor and soil scientist to prepare a plan to address remediation of the wetland and both interim and permanent stabilization of the site.
3. The remediation plan shall be submitted to the Montville Inland Wetlands & Watercourses Commission ("Commission") no later than thirty (30) days from receipt of this Order. The Commission will review the remediation plan for completeness at its following scheduled meeting date and notify the Applicant if the plan is approved to remediate the violation or if additional corrective measures are required to be included in the remediation plan.
4. Implement completely, to the full satisfaction of the Commission, all restoration and mitigation activities proposed and conditioned by the deadlines prescribed within such approved Corrective Action Remediation Plan.

She is requesting that the Commission uphold the Cease and Desist Order with the above-stated corrective actions.

On March 20, 2015, the Commission approved the issuance of a permit for remediation for work without a permit on the property with the following conditions:

1. To manage the runoff from Route 163 and prevent mud tracking on to that road, place a crushed stone driveway at the site entry and place crushed stone on the existing street level plateau
2. See any bare soil with a contractor's mix
3. Stabilize steep slope that goes down to the Oxoboxo Brook wetland by hay mulching any bare soil. Replace any uprooted shrubs on the slope with silky dogwood or high bush blueberry
4. Place a row of concrete blocks of the size acceptable to the size acceptable to the Town Engineer along the top of the bank to form a continuous barrier.
5. The Engineer is to re-inspect the stability of the slope in August and 12 months from the date of approval and make any recommended changes

While she is unable to confirm that the Town Engineer re-inspected the property, she is aware that, while the concrete blocks (condition 4) were never installed, the slope was stabilized with vegetation. The fill is not believed to have been expanded, as the back of the slope does not appear to be stable at this time.

Also of concern are very large trees that are located in the floodway, which would be problematic in the event of a large storm and cause extensive downstream damage. Both

she and the Soil Scientist recommended and the property owner has agreed to access a large machine with a claw and pull the trees out of the floodway prior to the issuance of the permit.

Chairman Brush requested the submission of a plan, generated by a certified Engineer, showing where the activity will be taking place as it appears that the activity on the property has significantly expanded since previously discussed. In addition, per the Soil Scientist's recommendation, the issuance of a permit for the removal of the debris and felled trees should be decided upon as it is located in the floodway and in an area where the floodwaters are stored. Furthermore, he suggested issuing a bond on the work so as to ensure that the project is completed.

Motion made by Commissioner Houk, seconded by Commissioner O'Bday, to uphold the Cease & Restore Order for unauthorized activity in wetlands/watercourses for 314 Route 163 (Map 82, Lot 62), Uncasville, CT. Discussion: None. Voice vote, 4-0, all in favor. Motion carried.

Discussion ensued regarding the time frame within which a remediation plan can be generated due to the felled trees and lack of access to the grades.

In response to Applicant Don Jacobowitz, who questioned whether he would be able to continue to park vehicles on the property following the completion of the corrective actions, Chairman Brush stated that that would be a possibility. Mr. Jacobowitz stated that he is agreeable to the conditions and has begun the process and is confident that he will be able to meet their demands. He is open to replying to and/or addressing any additional questions the Commission might have at any time.

Motion made by Commissioner Houk, seconded by Commissioner O'Bday, to amend the motion to uphold the Cease & Restore Order for unauthorized activity in wetlands/watercourses for 314 Route 163 (Map 82, Lot 62), Uncasville, CT, on the condition that the felled trees are removed from the floodway no later than November 15, 2016 and the remediation plan be submitted to the Commission no later than December 31, 2016. Discussion: It was agreed that a site walk is unnecessary at this time. Voice vote, 4-0, all in favor. Motion carried.

Motion made by Commissioner O'Bday, seconded by Commissioner Greiner, to continue the Show Cause Hearing for the unauthorized activity in wetlands/watercourses for 314 Route 163 (Map 82, Lot 62), Uncasville, CT to the Commission's November Meeting. Voice vote, 4-0, all in favor. Motion carried.

Commissioner Riske returned to the meeting at 7:27 p.m.

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

G. Old Business:

1. **216IWC11 – 35 Lenas Road** (Map 105, Lot 52), Oakdale, CT – Applicant/Property Owner: Raymond Chester - Maintenance of Existing Beach Area (Decision Required Date 11-18-2016).

ZWEO Burdick reviewed the Staff Report, stating that the application was continued from the Commission's September meeting to allow for the 14-day petition period for a Public Hearing. No petition has been received to date and, as such, she recommended the issuance of the permit, with conditions.

Motion made by Commissioner O'Bday, seconded by Commissioner Greiner, 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 Raymond Chester for a permit for the maintenance of an existing beach area at 35 Lenas Road (M105 L52), Oakdale, CT, including the reconstruction of a retaining wall approximately 72' long and the deposition of sand in the existing 25' x 30' beach area along the shoreline as shown on a plan entitled "Plan for Proposed Maintenance of Existing Beach Area – Reconstruction of 72' of the existing Retaining Wall & Add Sand to Ex. 25' x 30' Beach Area, 35 Lenas Road, (M105,L52), Oakdale. CT – Owner: Raymond Chester, Dated Sep 6 2016" with the following conditions:

1. Silt fence shall be installed down grade during construction of the retaining wall.
2. All work will be conducted when the lake is low and the area is dry.
3. 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.

The Standard Reasons for Approval apply. Discussion: None. Voice vote, 5-0, all in favor. Motion carried.

2. **216IWC12 – 63 Lake Drive** (Map 108, Lot 92), Oakdale, CT – Applicant/Property Owner: Susan C. Green - Retaining Wall & Boat Shed Repair/Replacement (Decision Required Date 11-18-2016).

ZWEO Burdick reviewed the application to replace the top portion of an existing retaining wall and repair/rebuild an existing Boat Shed as presented at the Commission's previous meeting. The matter was continued from the Commission's September meeting to allow for the 14-day petition period for a Public Hearing. No petition has been received to date and, as such and with no additional questions for the applicants who were unable to attend the meeting, she recommended the issuance of the permit, with conditions.

Motion made by Commissioner Greiner, 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 Susan C. Green for retaining wall & boat shed repair and/or replacement at 63 Lake Drive (M108 L92), Oakdale, CT, including the replacement of the top 4' of an existing 7' high, 48' long retaining wall using the Versa-Lok retaining wall system and the rebuilding of an existing 9' x 11' Boat Shed as more fully described in the application and on a plan entitled "Property Survey, Land Now or Formerly of Susan C. Green, #63 Lake Drive, Oxoboxo Lake, Village of Oakdale, Montville, CT, Prepared by Robert R. Weaver, L.S., Dated Aug. 20, 2014, Received 9/6/16", with the following conditions:

- 1. Silt fence shall be installed down grade during construction of the retaining wall.**
- 2. All work shall be conducted when the lake is low and the area is dry.**
- 3. 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.**

The Standard Reasons for Approval apply. Discussion: None. Voice vote, 5-0, all in favor. Motion carried.

H. New Business:

- 1. 216IWC14 – 441 Fire Street** (Map 44, Lot 6), Oakdale, CT – Applicants/Owners: Mark Desrosiers & Alexandra Cortes – Construction of New Single-Family Residence & Associated Site Improvements. (Decision Required Date 12-23-2016).

ZWEO Burdick reviewed the application, proposed site plan, and Soil Scientist's report for the new single-family residence and associated site improvements on a 7.05 acre property, approximately 5 of which are wetlands. A portion of the property and the majority of the development is also located in a Zone "A" Special Flood Hazard Area. All work being proposed is located in the regulated upland areas and soil erosion and sediment controls are being proposed. Because the proposed construction does not meet the front and rear yard setbacks, a variance will be required from the Montville Zoning Board of Appeals. Compliance with the Zoning Regulations Section 16.4 – Special Flood Hazard Area Requirements will also be required. ZWEO Burdick recommended that the Commission request a revised plan reflecting the following elements:

1. Due to high value wetland system, a revised plan showing the relocation of house and septic system a minimum distance of 50-feet from Deep Hollow Brook.

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2. Per soil scientist recommendation, a revised plan showing planting plan for dense stand of native shrubs and trees as close to the relocated house location and revise proposed clearing limits to reduce lawn area.
3. date of wetlands & watercourse delineation by certified soil scientist
4. proposed retaining wall construction detail (zoning issue)
5. driveway surface and detail (zoning issue)
6. sight line from proposed driveway location (zoning issue)
7. riprap splash pad at footing drain outlet (zoning issue)
8. distances of proposed dwelling unit to side boundary lines (zoning issue)
9. Submit building plans for proposed single-family dwelling to ensure that, being in the flood hazard zone, it is being properly sited and is in full compliance with their Flood Hazard requirements.

Considered a high-valued wetland area, of which there are not many in the Town of Montville, and located adjacent to the City of New London's public water supply, ZWEO Burdick stated that she would, personally, like to see the proposed home placed further back. No work will be conducted in the watercourse or wetlands area.

Mark Desrosiers, 428 Fire Street, explained the reasoning behind the location of the proposed home, citing the safety of existing sight lines and the suitability of the soil for the septic system.

Motion made by Commissioner Riske, seconded by Commissioner O'Bday, to schedule a site walk for the property located at 441 Fire Street on Saturday, November 12, 2016 at 10:00 a.m. Voice vote, 5-0, all in favor. Motion carried.

Motion made by Commissioner O'Bday, seconded by Commissioner Greiner, to table application #216IWC14 – 441 Fire Street, Oakdale, CT, to the November 16, 2016 Regular Meeting. Discussion: None. Voice vote, 5-0, all in favor. Motion carried.

Commissioner Houk noted that he resides on Fire Street and may need to recuse himself from future discussions regarding the Application.

I. Correspondence.

Approval of the 2017 meeting schedule will take place at the Commission's next meeting.

J. Other Business:

1. **260 Cherry Lane** (Map 53, Lot1A), Oakdale, CT – Update on 10/01/2016 NDPU Diesel Fuel Spill and Remediation.

ZWEO Burdick updated the Commission regarding the recent diesel fuel spill, which took place while the generators were being changed over, at the Norwich Water Treatment Plant in Montville. The generator malfunctioned and the fuel leaked onto the parking lot into the tension pond, the wetlands, and the stream. She described the cleanup process of the property that was handled as an emergency spill remediation by the Department of Energy and Environmental Protection (DEEP). She reported that most of the fuel went into the ground next to the building and, as the result of the swift handling of the situation, did not reach Stony Brook. The soil has been remediated and is currently testing within acceptable limits. An estimated 600 gallons of the 1,000-gallon tank is estimated to have spilled. The Plant is currently planning to plant the area with a wetlands conservation mix.

K. Executive Session – *none*

L. Adjournment.

Motion made by Commissioner Riske, seconded by Commissioner Houk, to adjourn the meeting at 8:02 p.m. Voice vote, 5-0, all in favor. Meeting adjourned.

Respectfully Submitted by:

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