

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, December 15, 2016 – 7:00 P.M.

LOCATION: MONTVILLE TOWN HALL, *Council Chambers*

A. Call to order

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

B. Roll call

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

Chairman Brush welcomed their newest member Jessica LeClair to the Commission.

C. Minutes. Approve the Minutes of the November 17, 2016 Regular Meeting.

Motion made by Commissioner Greiner, seconded by Commissioner O’Bday. Discussion: None. Voice vote, 5-0-1. Voting in Favor: Commissioners Berardy, Brush, Houk, Greiner, and O’Bday. Voting in Opposition: None. Voting in Abstention: Commissioner LeClair. Motion carried.

D. Public Hearings – *none*

E. Show Cause Hearing(s) – *none*

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

G. Old 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. (*Tabled from the 11/17/2016 Meeting - Decision Required Date 02-26-2017 – 65 Day Ext. Granted*).

ZWEO Burdick provided a brief update and the Commission reviewed the revised plan, which addresses her and the Applicant’s Soil Scientist Richard Snarski’s recommendations, including the planting of a dense stand of native trees and shrubs providing a buffer between the residence and the wetlands and reducing any potential impact on the wetlands. The wetland is considered a high value wetland system and is a wildlife corridor, providing a habitat for wetland-dependent species. A letter of approval for the septic system, received

by the Uncas Health District, was read into the record. Should the Commission approve the application, the Applicant will present their application to the Zoning Board of Appeals to obtain variances to construct the house at the proposed location.

In response to Chairman Brush, the retaining walls will be installed in the back, at the limits of the driveway, and measures approximately 192' to 199' at its lowest and highest points.

Chairman Brush stated his opinion, based on a recent site walk of the property, that, though there exists a larger area of uplands on the property, the proposed location is the most feasible area due to the existing slope and the location of the road of that upland area.

Motion made by Commissioner O'Bday, seconded by 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 Mark Desrosiers and Alexandra Cortes for construction of a single-family residence and associated site improvements at 441 Fire Street (M44 L6), Oakdale, CT, as shown on a plan entitled "Site Plan, Property Survey and Site Plan, Property of Mark Desrosier & Alexandra Cortes, 441 Fire Street, Montville, CT, Prepared by Star Surveying, LLC, Dated September 5, 2016, Revised to 12-9-16", with the following conditions:

- 1. Any changes to the approved plan in regulated areas requires further review and approval by the Montville Inland Wetlands and Watercourses Commission.**
- 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.**

Standard Reasons of Approval apply. Discussion: None. Voice vote, 5-0-1. Voting in Favor: Commissioners Berardy, Brush, Houk, Greiner, and O'Bday. Voting in Opposition: None. Voting in Abstention: Commissioner LeClair. Motion carried.

- 2. 216IWC15 – 669 Route 163** (Map 286, Lot 384), Montville, CT – Applicant/Property Owner, Town of Montville – Phase I: Reconstruct the upper transfer station area to provide improved entrance and exit to provide better sightlines and more vehicle stacking and to provide improved drainage system and water quality treatment. (*Decision Required Date January 20, 2017*).

Ellen Bartlett, P.E., CPSWQ, and Soil/Environmental Scientist Robert Russo, C.S.S., of CLA Engineers, Inc. provided a brief review of the application. The Transfer Station Improvement Project is divided into two phases, both of which will be funded through the STEAP (Small Town Economic Assistance Program) Grant. The current application is for Phase I of the Project, which involves improvements to the upper portion of the Transfer

Station and includes changes to the entrance and exit so as to provide better sight lines and additional vehicle stacking and to improve the existing drainage system and water quality treatment. Currently, the runoff from the landfill and transfer station travels into a swale and through a pipe that outlets directly into the wetlands. The outlet will be completely eliminated and catch basins, collecting all of the storm water, and a stormwater basin will be constructed. The latter basin will act as a sedimentation basin during construction and as a stormwater treatment basin following the completion of Phase I of the Project. During Phase II of the Project, the basin will, again, serve as a temporary sedimentation basin and a secondary basin will be constructed such that, at the completion of Phase II, the property will have a forebay and stormwater pond.

In response to questions posed by the Commissioners, the basins will be twice the size required by the CT DEEP (Connecticut Department of Energy & Environmental Protection) Water Quality Manual and has the capacity to hold a two-year storm, without any flow exiting from the basin. In a hundred year storm, the flow will be reduced. The forebay has been sized to completely treat the sediment and, during construction, sediment should not be exiting from the basin. Once construction is completed, the basin will be cleaned out and vegetation will be growing, treating the water before it flows over land towards a swale and into the stream. No oil/water separators will be installed. Rather, the entire area will be paved and the waste oil containment area, providing 100% containment, is located as far from the wetlands as possible. In addition, several catch basins will be installed to capture any potential leaks. The central area indicated in gray on the plan will be a concrete area. It is hoped that all of approvals will be received and construction can begin during Spring 2017. While the STEAP Grant for Phase II of the Project has been approved, the funds have not yet been released. It is hoped that the funds will be released during Spring 2017 and the remainder of the Project can go out to bid by the end of the 2017.

ZWEO Burdick stated that the application and originally submitted plans were referred to and reviewed by Town Engineer Thomas Cummings. The plans have since been revised, based upon his comments, and a letter, dated December 9, 2016, from Town Engineer Cummings has been submitted approving the revised Plans.

Motion made by Commissioner Houk, seconded by Commissioner Berardy, 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 the Town of Montville for Phase I Improvements to reconstruct the upper transfer station area to provide improved entrance and exit to provide better sightlines and more vehicle stacking and to provide improved drainage system and water quality treatment at 669 Route 163 (Map 38, Lots 56 & 57 & Map 30, Lot 11), Uncasville, CT, as more fully described in the application,

Drainage Report Dated October 2016 and on a plan entitled “Montville Transfer Station Improvements Phase 1, Drawings 1 to 11, Prepared by CLA Engineers, Inc., Dated June 2016, Revised to November 30, 2016.” Standard Reasons of Approval apply. Discussion: It was clarified that Phase II of the Project will require a separate permit. Voice vote, 5-0-1. Voting in Favor: Commissioners Berardy, Brush, Houk, Greiner, and O’Bday. Voting in Opposition: None. Voting in Abstention: Commissioner LeClair. Motion carried.

3. **216IWC17 – 1650 Route 85** (Map 11, Lot 2A), Oakdale, CT – Applicants/Property Owners, Roger & Linda Phillips – Regulated Activities for Construction of Mini Golf Course. (*Decision Required Date January 20, 2017*).

ZWEO Burdick reviewed the application, which was presented by Certified Soil Scientist Demien Sorrentino, Boundaries, LLC, at the Commission’s November Regular Meeting. A conceptual design of the miniature golf course was submitted by Roger & Linda Phillips. In addition, Environmental Sanitarian Dave Coughlin, R.S., Uncas Health District has reviewed and signed off on the plan with regards to the septic system. Should the Commission approve the application, the application will be sent to the Planning & Zoning Commission for approval of the Project as an accessory use for site plan modification. No additional parking will be necessary. The Town Engineer has also reviewed the Plans and has had no comments.

In response to Chairman Brush, Mr. Roger Phillips stated that no pesticides/herbicides would be used on the area. The putting greens will be surrounded by river stone and landscaping, including bushes that will require little watering, will be planted. There will be very little grassy areas.

Motion made by Commissioner Berardy, seconded by Commissioner Houk, 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 Roger & Linda Phillips to conduct proposed grading and associated construction activities adjacent to regulated inland wetland resources for a mini-golf course at 1650 Route 85 (M11 L2A), Oakdale, CT, as more fully described in the application, Conceptual Layout Plan, Dated Dec. 7, 2016 and on a plan entitled “Topography Survey “Grading Plan”, Prepared for Roger Phillips, CT Route 85, Montville, CT, Prepared by Boundaries, LLC, Dated 11/8/2016.”

Discussion: It was clarified that Phase II of the Project will require a separate permit. Voice vote, 5-0-1. Voting in Favor: Commissioners Berardy, Brush, Houk, Greiner, and O’Bday. Voting in Opposition: None. Voting in Abstention: Commissioner LeClair. Motion carried.

4. **314 Route 163** (Map 82, Lot 62) – Donny Jacobowitz – Update ongoing enforcement action - Cease and Desist Order – Unauthorized Activities in Regulated Areas (*Tabled from the 11/17/2016 Meeting*).

ZWEO Burdick reported that the property owner has successfully removed the large felled trees from the site and there is no disturbed soil or serious erosion in the stream. The area is fairly stable and the original erosion and sediment controls remain. The staff was subsequently advised that a soil scientist has flagged the wetlands and the owner is in the process of hiring a land surveyor and professional engineer to prepare the required remediation plan. The staff recommended the following:

1. The Cease & Desist Order remain in place.
2. Required Corrective Action #3 of the Order shall be revised for the remediation plan to be submitted to the Montville Inland Wetlands & Watercourse Commission on or before January 30, 2017.
3. That proper erosion & sediment controls be installed and maintained in good working order until the site is permanently stabilized and that the controls be monitored by the property owner or a qualified professional hired by the owner on a weekly basis and after storm events to insure same.
4. The property owner or his representative provide the Commission with a monthly status report until such time as corrective actions have been completed.
5. That a passbook bond for site stabilization in the amount of \$2,000.00 be posted with the Town of Montville on or before December 16, 2016.

A brief discussion regarding the institution of the site stabilization bond ensued.

Motion made by Commissioner O’Bday, seconded by Commissioner Greiner, to table 314 Route 163 (Map 82, Lot 62), Uncasville, CT to the next Regularly Scheduled Meeting, recommend a \$2,000.00 site stabilization bond, and continue to monitor the site. Discussion: None. Voice vote, 5-0-1. Voting in Favor: Commissioners Berardy, Brush, Houk, Greiner, and O’Bday. Voting in Opposition: None. Voting in Abstention: Commissioner LeClair. Motion carried.

5. **Route 85 (Map 5, Lot 29)** – Double Down, LLC/Matthew T. Kobyluck – Show Cause Hearing for Cease & Desist Order - Unauthorized Activities in Regulated Areas. (*Tabled from the 11/17/2016 Meeting*).

Chairman Brush reported that Commissioner Berardy and himself recently visited the site and witnessed two individuals working on the site. ZWEO Burdick reported that she has not witnessed any apparent construction activities taking place on the site since the Commission’s November Meeting. The Property Owner has not yet installed any erosion and sediment controls, per the Cease & Desist Order. In addition, an application for a permit

for regulated activities was received by the office today and will be added to the Agenda for receipt by the Commission this evening. Should the Commission approve the application at their next regularly scheduled meeting, it will be sent to the Planning & Zoning Commission for review and approval. The Staff recommends that:

1. The Cease & Desist Order remain in place.
2. The property owner shall immediately comply with the portion of Required Corrective Action #2 to install and maintain in good working order, erosion & sediment controls in the form of silt fence backed with staked hay bales at the limits of the delineated wetlands area.

In lieu of the placement of the silt fence and hay bales to delineate and protect the wetlands areas and to be located within the limits of the buffer zone, the Property Owner proposed the placement of concrete mafia blocks, to which the ZWEO is agreeable. She is also agreeable with the wood chip berm along the eastern side of the property as long as it is maintained and in good working order.

Property Owner Matt Kobyluck disagreed that there are no sediment/erosion controls in place, stating that wood chip berms have been installed around the western and eastern sides of the property. Mr. Kobyluck stated that he can begin installing the mafia blocks the beginning of next week and extra wood chips are available on site should there be a need for additional reinforcement. Following the installation, he will contact the ZWEO for an inspection of the property.

In response to Commissioner Berardy, Mr. Kobyluck stated that the drainage pipe located at the entrance that appears caved in is an open-top DOT (Department of Transportation) catch basin with a jersey barrier. He aims to protect the area so that no vehicles will drive into the area. Any proposed changes to widen the driveway in the State Right-of-Way will require an Encroachment Permit and State DOT District 2 approval.

Motion made by Commissioner O’Bday, seconded by Commissioner Greiner, to uphold the Cease & Desist Order and place mafia blocks around the perimeter of the wetlands area. Discussion: None. Voice vote, 6-0, all in favor. Motion carried.

H. New Business – none

Motion made by Commissioner O’Bday, seconded by Commissioner Greiner, to add the following item to the Agenda and to receive and table the item to the Commission’s January 2017 Meeting:

H(1) 216IWC18 – Route 85 (Map 5, Lot 29), Montville, CT – Regulated Activities relative to a proposed earth materials processing facilities site plan.

Discussion: The Applicant has submitted an Application, Drainage Report, and Plans for Regulated Activities. Voice vote, 6-0, all in favor. Motion carried.

I. Correspondence:

- 1. 2 Turner Road (Map 6, Lot 19) & Ridge Hill Road (Map 6, Lot 18) – Audubon Society, Inc. ST of CT Chapter, Morgan R. Chaney Preserve - Notice of DEEP Nonregulated Use - New England Cottontail Habitat Enhancement Plan.**

ZWEO Burdick informed the Commission that she received a call from the CT DEEP Wildlife Division regarding a timber harvest that will be conducted to create habitat for cottontail rabbits as part of the New England Cottontail Habitat Enhancement Plan at the Connecticut Audubon Morgan Chaney Preserve located at Turner and Ridge Hill Roads in Montville, CT. Should the Commissioners have any questions regarding the Project, he/she may contact the CT DEEP Inland Water Resources Division.

J. Other Business – none

K. Executive Session – none

L. Adjournment.

Motion made by Commissioner O'Bday, seconded by Commissioner Berardy, to adjourn the meeting at 8:01 p.m. Voice vote, 6-0, 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**