

TOWN OF MONTVILLE
INLAND WETLANDS COMMISSION
REGULAR MEETING MINUTES
THURSDAY, MAY 18, 2017 – 7:00 P.M.
LOCATION: MONTVILLE TOWN HALL, Council Chamber
310 NORWICH-NEW LONDON TURNPIKE
UNCASVILLE, CONNECTICUT 06382
TELEPHONE: (860) 848-6779 – FAX: (860) 848-2354

1. CALL TO ORDER

Chairman Brush called the meeting to order at 7:02.

2. ROLL CALL

Present: Chairman Brush, Secretary Philip Houk, Commissioners Jessica LeClair, Charles O’Bday III, and Anthony Tufares.

Absent: Commissioners Sandra Berardy and Howard V. Riske Jr.

Attending: Zoning and Wetlands Enforcement Officer (ZWEO) Liz Burdick

3. MINUTES: Approval of April 20, 2017 Regular Meeting

M/S/C (LeClair/ Houk) to approve the March 16, 2017 Regular Meeting as amended.

Remove the extra comma in 2. Roll Call, after Jessica LeClair

Vote: Approved Unanimously

4. PUBLIC HEARINGS-none

5. SHOW CAUSE HEARING (s)-none

6. REMARKS FROM THE PUBLIC (not relating to items on the agenda)-none

7. OLD BUSINESS:

A. 314 Route 163 (Map 82, Lot 62)-Donny Jacobowitz-Update ongoing enforcement action- Cease and Desist Order-Unauthorized Activities in a Regulated Area. (Tabled from 04/20/17 meeting)

L. Burdick updated the Commission. She stated the property owner submitted an existing condition and remediation plan for April’s meeting. L. Burdick stated the remediation plan includes loam and seeding of slopes and concrete blocks have been added to edges of flat area. The Commission’s request for a town engineer to determine if the slopes are stable was denied due to budget constraints and it is believed the slopes were stabilized in 2014. L. Burdick read a memo from Colleen Bezanson, the previous WEO which stated she had visited the site on two separate occasions with L. Burdick and found the site slopes were stable and no additional material had been pushed over the edge.

L. Burdick stated the applicant has permission from Castle Realty to do any work necessary on their property, but the applicant has not received permission from Rand Whitney.

D. Jacobowitz stated he does not think Rand Whitney would give him permission but acknowledged he had not asked them.

L. Burdick stated that she could try to contact Rand Whitney about the work needed on their property otherwise the Commission would need to cite Rand Whitney.

M/S/C (Tufares/LeClair) I make a Motion that 1. The Applicant/Property Owner commence remediation work, in accordance with the plan entitled “Existing Conditions & Remediation Plan, Prepared for Donny Jacobowitz, #314 Route 163, Montville, CT, Prepared by Advanced Surveys, Dated 3/18/17”, except for the portion of land owned by Rand Whitney; 2. That soil erosion & sediment controls be installed and inspected by the Wetlands Officer prior to the start of work; 3. In lieu of the Applicant/Owner’s inability to post the \$2000.00 site stabilization bond directed by the IWC on 12/15/2016, the Cease & Restore Order shall remain in place until such time as all work is completed and the site is permanently stabilized with vegetative cover.

Vote: Approved Unanimously

B. 2171WC5-152 Route 163 (Map 72, Lot 54-A)-Applicant/Owner: DW Holdings, LLC-Regulated Activities for Construction of an electric substation. (Tabled from the 04/20/2017 Meeting-DRD 6/13/17).

L. Burdick stated the area is already disturbed by existing development and the work is in an industrial zoned area. There will be approximately 35 l.f. of new conduit installed to an existing manhole located easterly of the Oxoboxo Brook. Excavations from trenching will be stored outside of the URA (stockpile area shown on plan). The estimated limit of disturbance within the URA is approximately 350SF. The slopes within the limit of the URA are less than 1% and, therefore, sedimentation can be maintained by temporary sediment fence during construction (shown on plan). The proposed trench in the URA is located in an existing gravel area, which area will be restored to its pre-existing condition. The project is expected to be completed within one week, with excavation work within the URA expected to be completed in one day.

M/S/C (Houk/O’Bday) 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, I move to approve the application of DW Holdings, LLC for regulated activities for construction of an electric substation at 152 Route 163 (Map 72, Lot 54-A), Uncasville, CT, as more fully described in the application and on the plan entitled “Property of DW Holdings LLC, #152 Connecticut Route 163, Montville, CT, Prepared for D.W. Holdings, LLC, Prepared by BSC Group, Dated April 4, 2017.”

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.

C. **217IWC6 – 416 Old Colchester Road & Old Colchester Road (Laurel Heights) (Map 16, Lot 3 & Map 16, Lot 29) – Applicant/Owner: Jensen’s Inc. – Regulated Activities in Upland Review Areas in Conjunction with Age Restricted Manufactured Home Park Project. (DRD 6/13/17). (Tabled from the 04/20/2017 meeting-DRD 6/13/17)**

L. Burdick gave the Commission background information:

Applicant/owner Jensens’s Inc.

Engineering info: James McNally, LS/David McKay, PE/Demian Sorrentino, CSS

Attorney: Harry B. Heller, Esq., Heller, Heller & McCoy

Address:416 Old Colchester Road & Old Colchester Road (Map 16, Lot 3 & Map 16, Lot 29), Uncasville, CT

Application is for a permit for Regulated Activities in conjunction with construction of an Age-Restricted Manufactured Home Park Project for 46 house sites and associated site improvements including private roadways and drainage structures.

The unimproved tract of land is located at 416 Old Colchester Road on 26.75 acres in the R-120 zoning district with about 618 feet of frontage on Old Colchester Road with about 2.04 acres of on-site wetlands. The project includes drainage work associated with the project at land across the Town Road located at Map 16, Lot 29 Old Colchester Road owned by the Applicant, including 0.12 acres of wetlands (system of impact).

Attorney Heller addressed the Commission. He stated the project was similar to the Hillcrest project the Commission approved in the early 1990’s. The site will be accessed by a single access point which will be private and maintained by the owner. He stated there are five wetlands activities associated with the property. All

of the homes will be developed easterly of wetlands system 3. This system bisects the property from the northwest to southeast.

Attorney Heller explained two wetlands system that were not apparent when the original application was submitted and only became noticeable with the last significant rainfall.

1. "Wetland Area 1" is located on the southwesterly boundary of the property and is a wet meadow area containing 780SF delineated by Wetlands Flags 1B-11B. Located on the southerly area of the property. This area is a low-lying area, which becomes saturated in the spring season as a result of an outflow from a surface spring.
2. "Regulated Area 2" is a 70LF (500SF) intermittent watercourse located southwesterly of Old Colchester Road delineated by Wetlands Flags 1A-17A. This system contains hydric soils only at its upper reaches where it obtains its hydrology during the spring season as a result of outflow from a spring. There is a minimally defined channel which meets the criteria of an intermittent watercourse. At the southerly limit the topography flattens out and the water spreads out losing its channel characteristics. The soils are permeable and the water infiltrates into the ground and does not provide hydrology to a downgrade system.

The other system is located across the street at the Laurel Heights property. There is an intermittent watercourse that flows across the street from the development parcel. There are no direct impacts to this system but the applicant is proposing a storm water catch basin in the upland review area adjacent to that system. In order to render the site suitable for development they will need to disturb approximately 25,000 c.y. of material. The Applicant proposes to develop the northeasterly portion of the site. No disturbance is proposed to Regulated Area 3 or to the portion of the site located westerly of it.

The development of the site requires re-grading of the entire portion of the site being developed and, moving about 25,000 CY of material from cut areas to fill low areas in order to obtain acceptable grades for road construction and residential development that will accommodate older residents. These activities require the filling of Wetland Area 1 and the intermittent watercourse in Regulated Area 2. However, the springs, which provide seasonal outflow to these resources will be preserved in the re-grading and development of the project and site grading will accommodate any future outfall for the springs, which provide hydrology for Wetland Area 1 and Regulated Area 2. The spring will be preserved and will be redirected to a grass channel between lots 39 & 40 in a southwesterly direction and picked up in a catch basin. There are minimal wetlands functions associated with these two systems. System 3 provides groundwater discharge, recharge, storm water attenuation and esthetic value. On the southerly side there will be a disturbance to the top 1/3 of the area.

The impacts to wetlands system 1 are indirect impacts that are a result of construction. There are E&S controls proposed for the area. All of the storm water will be directed to three storm water basins. Each basin has an infiltration system and are designed with plantings with wetland habitat in mind. There will be organic material in the bottom of the basins and they will be planted with a New England conservation mix and shrubs will be planted around the top edges of the basin.

The project will use municipal water and sewer. The applicant is preserving the more valuable system and will only be impacting the less functioning systems. The best part of the site with good soils will not be disturbed so to protect the important water system. H. Heller stated the water from the site already goes across the street eventually to a pipe at Moxley Road, which he acknowledged is undersized, but by redirecting the water and holding it on site longer in the basins it might improve the flow during heavy rain events.

H. Heller informed the Commission that the applicant had asked for an extension so as to give the town time to review the plans and that it submitted a letter to the file granting the IWC an additional 35 days to make the decision on the application.

M/S/C (LeClair/O’Bday) The IWC table the application to its June 15, 2017 meeting due to pending comments from CLA Engineers on the revised application, supporting documents and plans and to accept the applicant’s granting of a 35-day extension of time. Vote: Approved Unanimously.

D. 217IWC7 – 1607 Route 85 (Map 5, Lot 15B) – Applicant/Owner: Alanson Cummings – Regulated Activities in Upland Review Areas in Conjunction with Proposed New Commercial Building and Associated Site Improvements. (Tabled from the 04/20/17 meeting, DRD 6/13/17).

L. Burdick stated the applicant will be going to the Planning and Zoning Commission. Robert Russo and the engineer for the town have been to the site and have submitted reports; both agree all their comments have been adequately addressed.

D. Cooley, P.E. gave an update to the Commission. He stated there has been a rain garden added to handle runoff from the site and proposed building roof. There will be loam and seed applied to the disturbed areas. He stated the rain garden is designed to be low maintenance. It is basically a depression area for the retained flow, if it overflows the water will go towards the wetlands. Plantings have been chosen for their ability to withstand water as well as dry conditions.

The Commission had concerns about truck maintenance being conducted on the site. It was determined the applicant’s main activity was dumpsters. L. Burdick reminded the Commission the property is located in a C2 zone. She stated it was her understanding there is no water planned for the proposed building.

M/S/C (O’Bday/LeClair) 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, I move to approve Application# 217IWC7 of Alanson Cummings for Regulated Activities in Upland Review Areas in Conjunction with Proposed New Commercial Building and Associated Site Improvements at 1607 Route 85 (M5 L15B), Oakdale, CT, as more fully described in the application, supporting documents and on a plan entitled “Property Survey/Site Plan, Property Belonging to Alanson Cummings, 1607 Route 85, Montville, Connecticut, Prepared by David L. Cooley, P.E., Brian D. Florek, L.S. & Brian Golembiewski, CPSS, Dated February 5, 2017, Revised to May 14,

2017,” with the condition that a note be added to the plan that a maintenance plan for the rain garden as approved by the town engineer.

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.

E. 217IWC8 – Old Colchester Road from #859 to #875 – Applicant/Owner: Town of Montville - Regulated Activities for Culvert Improvements. (Tabled from the 04/20/17 meeting DRD 6/13/17)

L. Burdick read a letter from Robert Russo P.A. regarding the project. Bob Barneshi from WMC Consulting Engineers which has been hired by the Town of Montville for the road upgrade project presented the project to the Commission. He stated the project has been designated as a spot improvement by CONNDOT and is funded by the federal government (80%), the state (10%) and the town (10%) for a total of approximately 1,000,000. The goal is to replace two culverts which do not function properly and are in poor condition and to reduce periodic flooding of the road. The road will be closed for approximately three months during the summer of 2018 for construction. The upgrade to the culverts will increase the capacity from a five-year flood event to a thirty-year flood event. The project will need a number of approvals including ACOE, DEEP (fisheries), NDDDB, and CONNDOT. Tree cutting is limited to spring out of concern for the bats nesting habitat. Trees will be cut to ground level but the stumps will not be removed. The work zones will be completely contained by coffer dams and sandbags. Barneshi expects minimal changes once submitted to ACOE.

M/S/C (Houk/O’Bday) 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, I move to approve Application# 217IWC8 of The Town of Montville for Regulated Activities for Culvert Improvements at Old Colchester Road from #859 to #875, Oakdale, CT, as more fully described in the application, supporting documents and on a plan entitled "Town of Montville, Connecticut, Plan for Culvert Replacements on Old Colchester Road Over Fox Brook, Federal Aid No. 1085 (001), State Project #85-144, Bridge #N/A, Roadway Reconstruction, Station 6+25.00 to Station 7+00.00, Station 8+25.00 to Station 9+00.00, To Be Maintained By The Town of Montville, 70% Submittal, Prepared by WMC Consulting Engineers, Dated 03/31/17," with the condition that the final plan be submitted to the Inland Wetlands Commission before construction.

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.
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8. **CORRESPONDENCE**-Eversource letter date, May 9, 2017 regarding breach of a beaver dam
 9. **OTHER BUSINESS**-none
 10. **EXECUTIVE SESSION**-None
 11. **ADJOURNMENT**
M/S/C (Houk/O'Bday) to adjourn the meeting at 9:00

Respectfully Submitted, Sue Spang, Recording Secretary