

**DRAFT**

approved by the Commission on \_\_\_\_\_

**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.**

February 19, 2009

MONTVILLE TOWN HALL, *Council Chambers*

**1. Call to order.**

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

**2. Roll call.**

Present: Commissioners Brush, Taylor, Riske, Johnson, Bartholomew, and Beauchene (6 regular members). Staff: Colleen Bezanson, Wetland Agent/Planner II.

Absent: Commissioner O'Bday and Alternate Commissioner Whittaker (1 regular and 1 alternate member). Chairman Brush advised that Commissioner O'Bday had another meeting which conflicted with this meeting.

**3. Minutes**

- a. Approve minutes of Special Meeting January 29, 2009. A **MOTION** was made by **COMMISSIONER JOHNSON; SECONDED** by **COMMISSIONER BARTHOLOMEW** to **APPROVE** the January 29, 2009 minutes. Voice vote. 5-0-1 with Commissioner Beauchene abstaining. **MOTION CARRIED.**
- b. Approve minutes of Special Meeting February 14, 2009. Discussion was held. A **MOTION** was made by **COMMISSIONER JOHNSON; SECONDED** by **COMMISSIONER RISKE** to **APPROVE** the minutes. Voice vote. 5-0-1 with Commissioner Beauchene abstaining. **MOTION CARRIED.**

**4. Public Hearings: none**

**5. Show Cause Hearings:**

- a. **Thomas Sanders:** Work within a regulated area without a permit on the property located at 87E Cottage Rd, Montville, Ct. As shown on Assessor's Map 63 Lot 5. Commissioner Johnson excused herself and left the meeting room. **Staff:** Staff provided the Commission with a brief overview of what had occurred during the past month or two. **Applicant:** William McCoy, Attorney for the applicant, submitted the following Applicant's Exhibits into the record:

Exhibit 1. Excerpts of testimony 7/11/07(Groton IWC) by George Logan regarding similar types of soil.

Ex. 2. Staff Report dated 10/16/08.

Ex. 3. Staff report dated 11/20/08

Ex. 4. Staff Report from 5/15/08 meeting.

Ex. 5. Report – Concrete Technical explaining composition of the material.

Ex. 6. Letter to Colleen Bezanson and to the Planning & Zoning Commission dated 4/17/08 from May Engineering regarding the Johnson's application and fill.

Ex. 7. Comp Eval Design by S. Hammond 8/3/06, rev. 11/06 regarding the aggregated used in the driveway.

Ex. 8. Report dated 5/16/07 by Richard Snarski relative to the Johnson property - wetland filling and specific finding low value wetland.

Ex. 9. Permit re: Johnson's application 208-IWC-10 with Commission's findings.

Ex. 10. Site Plan for a garage and wetland crossing by May Engineering for the Johnson's property dated 4/8/08.

Attorney McCoy made a presentation to the Commission which included, but was not limited to, use as of right, maintenance of the drive area, the Johnson's Inland Wetlands Permit and their applications for the same, no effect of erosion showing in the photos. Discussion was held.

**Intervener:** Len Johnson addressed the Commission with his concerns which included, but were not limited to the following; why would a Town of Groton proceeding have any bearing on a Town of Montville issue (refer to Applicant's Ex. 1), the Commission's jurisdiction, the previous removal of a french drain, the lack of drainage and flooding that is occurring on their property, the alteration of a watercourse, and the addition of fill in the area. Discussion was held. Mrs. Johnson also addressed the Commission with her concerns. Discussion was held.

**Applicant:** Attorney McCoy advised the Commission that he would grant an extension to the Commission with the understanding that no further testimony would be accepted. Discussion was held. Chairman Brush advised that he would be asking the Town Attorney to provide an opinion letter to the Commission regarding issues that were raised. A **MOTION to CONTINUE** was made by **COMMISSIONER TAYLOR; SECONDED** by **COMMISSIONER RISKE**. Voice vote. 5-0. **MOTION CARRIED**.

\*Commissioner Johnson returned to the meeting room.

- b. **May Realty:** An application for repairs completed on the property located at 711 Route 163, Montville, Ct. As shown on Assessor's Map 38 Lot 53. Staff read the Staff Report into the record and gave the Commission an overview of the issues involving the issuance of the Cease & Desist Order, along with pictures of the area. Discussion was held. The Commission advised Mr. Yoselevsky that a more detailed site plan is needed in order for the application to be complete. A site walk was scheduled for 3/12/09 at 6:00 p.m. on site. A **MOTION** was made by **COMMISSIONER TAYLOR; SECONDED** by **COMMISSIONER RISKE** to **CONTINUE** to the 3/19/09 meeting. Voice vote. All in favor 6-0 **MOTION CARRIED**.

**6. Remarks from the public relating to items on the agenda:** Staff advised that she had received two items relative to agenda item 8b. The first was a letter from Beverly Conover and the second was an email from the Chester's.

**7. Old Business:**

- a. **Stonehenge Pillars, LLC:** Review of as-built with work within a regulated area on the property located at 8 Fawns Meadow Road, Montville, Ct. As shown on Assessor's Map 31 Lot 28-2C. The Commission had concerns about the slope of the yard. Discussion was held. Attorney McCoy, representing the applicant advised the Commission that the relocation of the house occurred due to a directive from Uncas Health District. Discussion was held. A **MOTION** was made by **COMMISSIONER JOHNSON; 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 208 IWC 30 **Stonehenge Pillars, LLC**: Work within a regulated on the property located at 8 Fawns Meadow Road, Montville, Ct. As shown on Assessor's Map 31 Lot 28-2C. As shown on the plan titled "Improvement Location and Topographic Survey "As-Built Plan" Prepared for Stonehenge Pillars, LLC Fawn's Meadow Road (Lot 3) Montville, Ct. Revised 10/31/08" and the application and narrative dated November 5, 2008. Voice vote 5-0-1 with Commissioner Beauchene abstaining. **MOTION CARRIED.** A **MOTION** was made by **COMMISSIONER RISKE**; **SECONDED** by **COMMISSIONER BATHOLOMEW** to **RELEASE** the bond (monies) for potential remediation on Stonehenge Pillars. Voice vote 5-0-1 with Commissioner Beauchene abstaining. **MOTION CARRIED.**

A **MOTION** was made to **MOVE** agenda Items 8b and 8c before 8a by **COMMISSIONER TAYLOR**; **SECONDED** by **COMMISSIONER RISKE**. Voice vote. All in favor. 6-0 **MOTION CARRIED.**

#### 8. New Business:

**B. John Diamantini:** An application for the construction of a dock on the property located at 1399 Old Colchester Road, Montville, Ct. Assessor's Map 44 Lot 4-3. Staff Report was read. Discussion was held. Staff report was read and the following were entered into the record: 1. Mike Schaefer report of 2/18/09. 2. Letter from Jack Acquilina, V.P. Of Oxiby Farms dated 2/18/09. 3. Letter from Al Regina, owner of 1397 Old Colchester Road dated 2/17/09. 4. Letter from Steven Johnson owner of 1392 Old Colchester Road dated 2/17/09. The Commission had concerns with the Restrictive Covenants for the Oxiby Subdivision and the conditions under which the subdivision permits were originally issued by the Commission. Mr. Diamantini informed the Commission that he had spoken to Lou Armstrong and Jim Sorenson from Stone Container and they had no issue with the dock since it is floating one. Discussion was held. A **MOTION** was made to **CONTINUE** to next month by **COMMISSIONER TAYLOR**; **SECONDED** by **COMMISSIONER BARTHOLOMEW**. Voice vote. 6-0 All in favor. **MOTION CARRIED.**

**C. Advanced Associates, LLC:** An application for a crossing on the property located at 410 Maple Avenue, Montville, Ct. As shown on Assessor's Map 31 Los 2A & 3-3. Staff Report was read. Attorney William McCoy, representing the applicant, made a presentation to the Commission. William Pieniadz of Advanced Associates, LLC gave a history of the property to the Commission. Discussion was held. A site walk was scheduled for 3/12/09 at 6:00 p.m. subsequent to the Post Office site walk at 5:45 p.m. A **MOTION** was made to **CONTINUE** Advanced Associates to the March meeting by **COMMISSIONER TAYLOR**; **SECONDED** by **COMMISSIONER BARTHOLOMEW**. Voice vote. 6-0 All in favor. **MOTION CARRIED.**

**A. Chel & Company LLC:** An application for a re-subdivision review on the property located at 5 Richard Brown Drive, Montville, Ct. As shown on Assessor's Map 55 Lot 33A. Staff report was read. Discussion was held. The Commission had concerns with the access point for the lot and the D.R.O.W. as shown on the plan. Discussion was held. A **MOTION** was made to **CONTINUE** to the March meeting by **COMMISSIONER TAYLOR**; **SECONDED** by **COMMISSIONER RISKE**. Voice vote. 5-1-0 with Commissioner Johnson voting no. Discussion was held relative to the need of motions for continuance of agenda items. **MOTION CARRIED.**

**9. Commissioner' Comments:**

**10. Correspondence:** Chairman Brush inquired if a letter was ever received announcing Commissioner O'Bday's appointment by the Town Council. Staff advised that no letter was received, but that she did verify the same in the Town Council minutes. Staff informed the Commission that she had received the following: Connecticut Wildlife Magazine, Ct. Wetlands notice of Annual Meeting and informed the Commission that former Commission member, Harry O'Donnell, will be at their next meeting. The Inland Wetlands Commission was represented by Chairman Brush at a recent career day at Oakdale School.

**11. Other Business:**

- a. Workshop dates. Discussion was held. The Commission decided to revisit revising their Regulations. Workshops will be set up on a month to month basis. A workshop was scheduled for March 12, 2009 at 7:00 p.m. at Town Hall.
- b. Septic System Update- Campgrounds. Staff advised that DEP, rather than Uncas Health is charged with regulating the septic systems at the Campground and that she has filed a complaint with them. DEP acknowledged a violation there, and informed her that the Campground has no permit with them and no inspections would occur until after Memorial Day. Discussion was held. A complaint letter will be sent by Staff, after Memorial Day, to DEP regarding the lack of a valid permit at the Campground.

**12. Adjourn.** A **MOTION** was made to **ADJOURN** at 9:25 p.m. by **COMMISSIONER TAYLOR;** **SECONDED** by **COMMISSIONER RISKE.** Voice vote. All in favor. **MOTION CARRIED.**

Respectfully submitted,

Judy LaRose, Recording Secretary

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