

Draft

Approved by the Commission on \_\_\_\_\_

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**TOWN OF MONTVILLE  
INLAND WETLANDS COMMISSION  
310 NORWICH NEW LONDON TPKE  
UNCASVILLE CT 06382  
PHONE (860) 848-8549 FAX (860) 848-2354**

*Kevin T. Torney*  
TOWN CLERK

### **MINUTES OF MEETING**

**August 20, 2009**

Location: Montville Town Hall, Council Chambers

1. **Call to order:** Chairman Brush called the meeting to order at 7:00pm.
2. **Roll Call:** A quorum was present. In attendance were Commissioner's Bartholomew, O'Bday, Johnson and Brush. Staff present was Colleen Bezanson, Wetland Agent/Planner II.
3. **Minutes:**
  - a. Approve minutes of Meeting July 16, 2009. **Motion to approve** by Commissioner Johnson, seconded by Commissioner Bartholomew. **4-0 favor, Motion Carried.**
4. **Public Hearings:** none.
5. **Show Cause Hearings:**

**Motion to move** item 5a to after 5b by Commissioner Johnson, seconded by Commissioner O'Bday. **4-0 favor, Motion Carried.**

  - a. **John Diamantini:** Violation of Permit 207 IWC 23 on the property located at 1399 Old Colchester Rd, Montville CT. As shown on Assessor's Map 44 Lot 4-3. Commissioner Brush reviewed the activity on the property and stated that he had spoken with the Town Attorney. Ms. Bezanson reviewed the staff report. Mr. Diamantini was not present and Ms. Bezanson stated that both letters that were sent certified were not picked up at the Post Office. Discussion was held.  
**Motion to take legal action** provided under Section 22a-44 of the Connecticut General Statutes against Mr. Diamantini as soon as possible for the property located at 1399 Old Colchester Rd, Montville CT. As shown on Assessor's Map 44 Lot 4-3 by Commissioner O'Bday, seconded by Commissioner Johnson. **4-0 favor, Motion Carried.**
  - b. **Richard Franklin Jr.:** Activity within a wetland area without a permit on the property located at 295 Old Colchester Rd, Uncasville CT. As shown on Assessor's Map 9 Lot 19B.  
Ms. Bezanson stated that at the last meeting, it was turned over to the Town Attorney. She stated the application was for what was done and not for any new activities. She stated that applicant would not be using property as an ATV track any longer. She also reviewed the map showing where the violations occurred.  
Mrs. Franklin stated the burm that was created previously is now covered in grass presently

Discussion was held.

Commissioner Johnson made **Motion**, 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 and to the evidence presented and to the Commission's knowledge of the property and to the area, I move that we grant license to Richard Franklin Jr to remediate the activities described in Application 209 IWC 14 which was, Activity within a wetland area without a permit on the property located 295 Old Colchester Rd, Uncasville CT As shown on Assessor's Map 9 Lot 19B, as shown on the sketch titled "Sketch of Disturbance Area". On the subdivision plan prepared for Richard Franklin Jr 295 Old Colchester Rd Uncasville CT dated 10-16-07 and the Application and narrative dated 08-17-09. This is a conditional approval. The sole purpose of this action is to approve remediation and restoration measures to address unpermitted conduct by the Applicant. Each and every condition is an intricate part of the Commission's decision. Should any of the conditions unappeal from this decision found be void or no legal effect then this conditional approval is likewise void. Should any of the conditions not be implemented by the applicant or its successor's within the specified time period then this conditional approval is void. And the conditions of approval are that no further activities are to take place within any wetlands area without coming before the Commission for further review and the applicant should remove the rocks blocking the original path of the stream. Seconded by Commissioner Bartholomew. **4-0 favor, Motion Carried.**

**Motion to lift Cease & Desist** by Commissioner Johnson, seconded by Commissioner O'Bday. **4-0 favor, Motion Carried.**

**Motion to move** item 5a to after item 6 by Commissioner Johnson, seconded by Commissioner Bartholomew. **4-0 favor, Motion Carried.**

**6. Remarks from the public relating to items on the agenda:**

Robert Almey spoke in regards to item 8a. He stated he was in favor of the application.

Ray Chester spoke in regards to item 5a. He asked about the difference between Tidal Wetlands and lakes. Commissioner Brush stated that Tidal Wetlands were controlled by DEP.

**7. Old Business:**

- a. **9-R Burlake LLC:** An application for a cluster subdivision on the property located at 120 Gay Hill Rd, Uncasville CT. As shown on Assessor's Map 23 Lot 3.

Ms. Bezanson reviewed staff report.

Attorney Harry Heller spoke about the items requested at last meeting. He also spoke about any changes that were made to the plan.

Discussion was held.

Mike Schaeffer spoke with regards to the tree line shown on the plan. Commissioner Brush asked the Town Engineer if he had any problems with the plan. Town Engineer, Tom Fenton stated that he was satisfied with the plan. Discussion was held.

Commissioner O'Bday made **Motion**, 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 22-41 of the Connecticut General Statutes and to the evidence presented and the Commission's knowledge of the property and area, I move to approve Application 209 IWC 9, 9R Burlake LLC, an application for a cluster subdivision on the property located at 120 Gay Hill Rd Uncasville CT. As shown on Assessor's Map 23 Lot 3 as shown on the plan titled Gay Hill Rd Subdivision, prepared for 9R Burlake LLC 120 Gay Hill Rd Uncasville CT, the owner/applicant 9R Burlake LLC 567 Vauxhall St Ext, Waterford CT, Engineers and Surveyors Tarbell, Heinz & Associates Inc., Civil Engineers & Land Surveyors 127 Burnside Ave Suite 31 East Hartford CT, revised 8/7/09 and the application and narrative revised 7/17/09. This is a conditional approval. Each and every condition is an integral part of the Commission's decision. Should any of the conditions unappeal from this decision found to be void or no legal effect then this conditional approval is likewise void. Should any of the conditions not be implemented by the applicant or its successor's within the specified time period then this conditional approval is void. The conditions of approval are that paragraph 9 of the easement be amended to require a minimum of 2 markers per affected lot. And the standard conditions also apply. Seconded by Commissioner Bartholomew. **4-0 favor, Motion carried.**

**8. New Business:**

- a. **Town of Montville Public Works Department:** An application for drainage improvements on the property located at 115A Kitemaug Rd Uncasville CT. As shown on Assessor's Map 84 Lot 147. Ms. Bezanson reviewed staff report stating that the Town was applying for improvements to a drainage system. Tom Fenton, Town Engineer, spoke explaining the application and its intentions and reviewed map. Discussion was held. Commissioner Johnson made **Motion**, 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 22-41 of the Connecticut General Statutes and to the evidence presented and the Commission's knowledge of the property and area, I move to approve Application 209 IWC 13, Town of Montville Public Works Department, an application for drainage improvements on the property located at 115A Kitemaug Rd Uncasville CT. As shown on Assessor's Map 84 Lot 147 as shown on the plan titled Stome drainage improvements over 115A Kitemaug Rd Uncasville CT, prepared by Nathan Jacobson and Assoc, Inc., 86 Main St Chester CT dated 8/6/09 and the application narrative dated 8/7/09. This is a conditional approval. Each and every condition is an integral part of the Commission's decision. Should any of the conditions unappeal from this decision found to be void or no legal effect then this conditional approval is likewise void. Should any of the

conditions not be implemented by the applicant or its successor's within the specified time period then this conditional approval is void. The condition for approval is that the permit doesn't actually become active until it allows for 15 days for the public to make comment. Seconded by Commissioner O'Bday. **4-0 favor, Motion Carried.**

**9. Commissioner's Comments:**

Commissioner Brush stated the regulations regarding the 100 ft buffer needed to be discussed again in the fall. Commissioner O'Bday asked about the Mr. George lawsuit. Ms. Bezanson stated it was still in progress.

**10. Correspondence:** none.

**11. Other Business:**

Ms. Bezanson stated she received the latest DEP update on the campgrounds and that it was vague. Discussion was held.

**Motion to adjourn** at 9:00pm by Commissioner O'Bday, seconded by Commissioner Bartholomew. **4-0 favor, Motion Carried.**

*\*Refer to audio for complete record*

*Respectfully submitted*

*Pamela Church, recording secretary*