

TOWN OF MONTVILLE
INLAND WETLANDS COMMISSION
310 NORWICH NEW LONDON TURNPIKE
UNCASVILLE, CONNECTICUT 06382
PHONE (860) 848-8549 - FAX (860) 848-2354

Meeting Minutes
AMENDED 12/15/11

7:00 P.M.

October 20, 2011

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 Commissioners Bartholomew, O'Bday, Brush, Taylor and Riske. Commissioner Beauchene arrived at 7:05 am. Staff present was Colleen Bezanson, Inland Wetland Agent/Planner II.
3. **Minutes**
 - a. Approve minutes of September 22, 2011 special meeting. **Motion to approve** by Commissioner O'Bday, seconded by Commissioner Bartholomew. Commissioners Taylor and Riske abstained. **Voice vote 3-0-2 favor, motion carried.**
 - b. Approve minutes of September 29, 2011 site walk. **Motion to Approve** by Commissioner Taylor, seconded by Commissioner O'Bday. Commissioner Riske abstained. **Voice Vote 4-0-1 favor, Motion carried.**
 - c. Approve minutes of September 29, 2011 special meeting. **Motion to Approve** by Commissioner O'Bday, seconded by Commissioner Taylor. Commissioner Riske abstained. **Voice Vote 4-0-1 favor, Motion carried.**
4. **Executive Session: None**
5. **Public Hearings: None**
6. **Show Cause Hearings:**

Ms. Bezanson asks for a Motion to amend the agenda by adding Old Business item 8(d) to Show Cause Hearing agenda item 6 (b).

Motion made by Commissioner Taylor, seconded by Commissioner Riske to add Old Business item 8(d) to Show Cause Hearing agenda item 6 (b) .Voice votes, **5-0, all in favor, motion carried.** Agenda amended.

Commissioner Beauchene arrived and was seated at 7:05 pm.

- a. **Susan Green:** Work within a regulated area without a permit on the property located at 63 Lake Drive, Montville, Ct. as shown on Assessor's Map 108 Lot 92.

Ms. Bezanson stated she asked for 8(d) to be added to 6(b) due to that fact that both items are pertaining to the same property and that one item will remedy the other. She explained that a Cease and Desist order had been issued on the property for construction without a permit. The Commission went out to the property and the retaining walls were now up. Ms. Bezanson explained part of the problem was in Ms. Green's original permit the side slope was to be sodded. Due to the steepness of the slope the sod would not hold. In a new application Ms. Green has proposed that the side slope be tiered and pea gravel used as a stabilizer. This will remedy the Cease and Desist. The new application also asks permission to remove a portion of foundation that has fallen into the lake in order to restore the area and have use of it, this was not included in the cease and desist. The fallen foundation has created a hazard and removal would remedy the hazard, make the area more aesthetically please and stabilize it.

Commissioner Taylor questioned as to whether machines will be used to smooth the area closest to the water or it will be done by hand.

Ms. Susan Green answered Commissioner Taylor's question. She explained that a machine will only be used to carry product and that anything closest to the water will be done by hand.

Motion Made by Commissioner Taylor and seconded by Commissioner Riske 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.

211 IWC 16 **Susan Green:** An application for work in relation to the placement of a retaining wall and patio with associated lawn maintenance and for removal of old concrete foundation and stabilization of the slope at 63 Lake Dr, Montville, Ct. As shown on Assessor's Map 108 Lot 92 as depicted on the plan titled "Susan Green Proposed Work on 63 Lake Dr dated 7/7/11" and the application and narrative dated 7/7/11 and also as depicted on the plan titled "Lake Dr Side Yard & Slope" dated 9/11/11.

This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect then this conditional approval is likewise void. Should any of the conditions not be implemented by the applicant or his successors within the specified permit time period, then this conditional approval is void.

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.

Discussion, None, voice vote, 6-0, all in favor, motioned carried.

Motion Made by Commissioner Taylor and seconded by Commissioner O'Bday as follows, To Lift the Cease and Desist Order placed on the property located at 63 Lake Dr, Montville, Ct. As shown on Assessor's Map 108 Lot 92 based on the fact that a permit has now been filed and approved by the Commission.

Discussion, None, voice vote, 6-0, all in favor. Motioned carried.

- b. **Raymond & Elizabeth Chester:** Work within a regulated area without a permit on the property located at 35& 35A Lena Rd Montville, Ct as shown on Assessor's Map 105 Lots 51 & 52.

Ms. Bezanson stated Ms. Diamantini has filed a complaint against Mr. Chester stating he has deposited a dump truck load of sand on the beach without a permit. In the Inland Wetland Commission meeting dating September 22, 2011 Mr. Chester stated the dump truck was on the property but the sand was not dumped on the property and he presented a letter from his son to the Commission stating he did not dump the sand on the property, but instead

took the sand away after he was told he needed a permit to dump it. This letter is dated September 18, 2011. Ms. Bezanson stated that some of the Commissioners completed a site walk on Mr. and Mrs. Chester's property on September 28, 2011. A discussion was held.

Motion Made by Commissioner O'Bday and seconded by Commissioner Beauchene as follows, I make a motion that the Commission has determined that there was no sand deposited on the property located at 63 Lake Dr, Montville, Ct. As shown on Assessor's Map 108 Lot 92 and therefore lift the Cease and Desist Order . This determination is based on a sitewalk that was done on the 28th September, 2011 with other Commissioners on the walk.

Discussion, None, voice vote, 6-0, all in favor. Motioned carried.

- c. **Paul & Marguerite Currie:** Work within a regulated area without a permit on the property located at 116 Oxoboxo Cross Rd, Montville, Ct. As shown on Assessor's Map 108 Lot 1.

Commissioner O'Bday removed himself from the meeting due to conflict of interest.

Ms. Bezanson stated after driving by 116 Oxoboxo Cross Rd she noticed there was an addition to the property. Ms. Bezanson refers to a permit issued to Mr. Currie years ago, which did not include a work order. Mr. Currie provided two sets of information as well as additional photos. Mr. Currie indicated that the culvert/bridge was placed on his property to help remove sediment that had collected over the years. In the past the town had cleaned up the site, but hadn't in quite a few years. Ms. Bezanson stated that the only current with issue with the application was that Mr. Currie had not signed it.

Mr. Currie addressed the Commission. He stated he had placed a silt fence on his property when he purchased it 11 years ago. That silt fence contains all the sediment from the past years. Mr. Curry made a comment that at the moment the silt fence is $\frac{3}{4}$ buried. Mr. Currie referred to a picture of his property he provided.

A discussion was held. Mr. Currie signed the application.

Motion made by Commissioner Taylor, seconded by Commissioner Bartholomew to set a site walk on the property on Thursday, October 27 at 5:30pm.

Discussion, none, voice vote, 5-0, all in favor, motion carried.

Commissioner O'Bday resumes his position.

7. Remarks from the public relating to items on the agenda:

Kevin Conover, a neighbor of Mr. Chester located directly behind Mr. Chester's home on Oxoboxo Lake addressed the Commission. He stated that he has not witnessed Mr. Chester deposit sand on his property in the last 12-14 years. Mr. Conover stated that he does not own beach front property and raised his concern that he believes the homeowners on Oxoboxo Lake may not be aware that they need a permit to dump sand located on their property. He is concerned that the cost of the permit to dump the sand on their beach property is exorbitant. Mr. Conover suggested that the Commission consider remedying the cost of the permit so that people will be inclined to purchase the permits. He also addressed his concern of lack of communication with the Commission and the public. He suggested that communication of some sort is needed to make the public aware that they are required to have a permit to dump sand. A discussion was held.

Commissioner Brush asked three times if there were any other remarks from the public.

8. Old Business:

- a. **Timothy & Marguerite Furman:** An application for the construction of a pool within the buffer area on the property located at 16 Lochdale Dr, Montville, Ct. As shown on Assessor's Map 43 Lot 2-10.

Ms. Bezanson stated that staff asked that the Commission deny the application due to lack of information. A discussion was held.

Motion made by Commissioner O’Bday and seconded by Commissioner Taylor as follows, I make a motion to Approve application 211 IWC 21 Timothy & Marguerite Furman: An application for the construction of a pool within the buffer area on the property located at 16 Lochdale Dr, Montville, Ct. As shown on Assessor’s Map 43 Lot 2-10.

Discussion, none, voice vote, 4-2, Motion denied. Commissioner’s O’Bday and Bartholomew voted in favor. Commissioners Brush, Riske, Taylor & Beauchene opposed.

Permit denied based on lack of information.

- b. **Hull Forest Products/Chris Cassadei:** An application for a timber harvest with crossing on the property located at 4 Williams Rd Montville, Ct. As shown on Assessor’s Map 38 Lot 14 and 810 Route 163, Montville, Ct as shown on Assessor’s Map 38 Lot 11.

Ms. Bezanson stated the after speaking with Mr. Cassadei informed her that the timber harvest has already been completed.

Motion made by Commissioner Taylor and seconded by Commissioner O’Bday 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

211 IWC 23 **Hull Forest Products/Chris Cassadei:** An application for a timber harvest with crossing on the property located at 4 Williams Rd Montville, Ct. As shown on Assessor’s Map 38 Lot 14 and 810 Route 163, Montville, Ct as shown on Assessor’s Map 38 Lot 11 as depicted on the plan titled “Talar Timber Harvest” dated 8/23/2011 and the application and narrative dated 9/6/11.

This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect then this conditional approval is likewise void. Should any of the conditions not be implemented by the applicant or his successors within the specified permit time period, then this conditional approval is void.

Conditions of approval are: Staff will inspect the property to confirm that everything has been cleaned up the are no apparent problems.

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.

Discussion, None, voice vote, 6-0, all in favor. Motioned carried.

- c. **Thomas Holmes and Stacey Reed:** An application for the construction of a driveway and farm crossing on the property located at 61 Hunters Run Montville, Ct. As shown on Assessor’s Map 36 Lot 6.

Ms. Bezanson stated that they have already received approval from Southeastern Connecticut Water Authority, WPCA and the Health district. They have received waivers from SCWA, WPCA and they are ok. A discussion was held.

Motion made by Commissioner Taylor and seconded by Commissioner Riske 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.

211 IWC 22 Thomas Holmes and Stacey Reed: An application for the construction of a driveway and farm crossing on the property located at 61 Hunters Run Montville, Ct. As shown on Assessor's Map 36 Lot 6 as depicted on the plan titled "Hunters Run Montville, Ct. Property of Thomas Holmes & Stacey Reed Existing Conditions, Zoning & General Notes" dated July 2011 and the application and narrative dated 9/3/11.

This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect then this conditional approval is likewise void. Should any of the conditions not be implemented by the applicant or his successors within the specified permit time period, then this conditional approval is void.

Conditions of approval are:

1. If any changes are made to the plan then the plan must be resubmitted back to the Commission for review.

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.

Commissioner Brush stated that this cannot become a habit.

Discussion, None, voice vote, 6-0, all in favor. Motioned carried.

9. New Business:

- a. **Luisito Nopal:** An application for the placement of a shed within a regulated area on the property located at 38 Hunter's Run, Montville, CT. As shown on Assessor's Map 36 Lot 6-22.

Ms. Bezanson stated that the original application was for a shed that would have been outside the 50 foot regulated area. Upon further review the applicant noticed the road drainage drained in the area he wanted to put the shed, so he could not place the shed in that area. The only other option would be to put the shed in the review area.

Motion Made by Commissioner Riske and seconded by Commissioner O'Bday as follow, 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.

211 IWC 26 Luisito Nopal: An application for the placement of a shed within a regulated area on the property located at 38 Hunter's Run, Montville, Ct. As shown on Assessor's Map 36 Lot 6-22 as depicted on the plan titled "Proposed Shed Location 38 Hunters Run" and the application and narrative dated 8/20/11.

This is a conditional approval. Each and every condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect then this conditional approval is likewise void. Should any of the conditions not be implemented by the applicant or his successors within the specified permit time period, then this conditional approval is void.

Conditions of approval are: a two week waiting period and conditional upon the fact that no petition for a hearing is received within the two week waiting period.

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.

Discussion, None, voice vote, 6-0, all in favor. Motioned carried.

10. Commissioner' Comments: Commissioner Brush welcomes Commissioner Riske back.

11. Correspondence: Connecticut Wildlife

Motion made by Commissioner O'Bday and seconded Riske to add the Inland Wetland 2012 meeting schedule to the addenda under other business.

Discussion, None, voice vote, 6-0, all in favor. Motioned carried.

12. Other Business:

- a. 2012 meeting schedule.

Discussion to change meeting scheduled December 20, 2012 to December 13, 2012.

Motion made by Commissioner O'Bday and seconded by Commissioner Riske to approve the amended meeting schedule.

Discussion, None, voice vote, 6-0, all in favor. Motioned carried.

- b. Revisions to Inland Wetlands Regulation.

Discussion commenced decision was made to continue the discussion on Revisions to Inland Wetland Regulation until next month.

13. Adjournment

Motion made by Commissioner O'Bday, seconded by Commissioner Bartholomew to adjourn the meeting at 8:00 p.m.
Discussion, none, voice vote, 6-0, all in favor, motion carried.

Respectfully Submitted by:

Heidi-Lee Jacobs, Minutes Clerk for the Town of Montville.