

Town of Montville Inland Wetlands Commission
Regular Meeting Minutes for May 19, 2022

1. **Call to order:** Chairman Douglas Brush called the meeting to order at 6:00 p.m.
2. **Roll call:** Present: Chairman Doug Brush, Vice-Chairman Charles O’Bday III, Commissioners, Sandra Berardy, Joseph Berardy, Raymond Occhialini, Jessica LeClair and Robert Roshto.
3. **Minutes:**
 - a. Approval of minutes of the April 21, 2022 regular meeting. **Motion** to approve as presented: (O’Bday/Occhialini) Six in favor, one abstentions (6-0-1), **APPROVED**.
 - b. Approval of the May 14, 2022 Site Walk-Special Meeting **Motion** to approve as presented: (O’Bday/S. Berardy) Five in favor, two abstentions (5-0-2), **APPROVED**.
4. **Public Hearing:** None.
5. **Show Cause Hearing:** None.
6. **Remarks from the Public *not* relating to items on the agenda:** None.
7. **Old Business:**
 - a. **22 IWC 7 – 631 Fire St (M/L/B 020-010-000), Oakdale, CT Owner/Applicant: Kyle C. Champagne for proposed regulated activities for remediation of wetlands and upland review areas. (Date of Receipt 4/21/22, DRD 6/25/22).**

Tiffany Williams, WEO read her staff report, Atty. Harry Heller spoke on behalf of the Applicant. Discussion was held.

Motion (Occhialini/O’Bday): After giving due consideration to all relevant factors of the Montville Inland Wetland Regulations and C.G.S. Section 22a-41, I move to approve the following application: 22 IWC 7 – Owner/Applicant: Kyle C. Champagne, for proposed regulated activities for remediation of wetlands and upland review areas at 631 Fire St (M/L/B 020-010-000), Oakdale, CT per the application and associated documents dated 4/6/2022 & as shown on a plan entitled “After the Fact Remediation Application of Kyle Champagne 631 Fire Street, Montville, Connecticut” Dated April 6, 2022. All in Favor (7-0-0) APPROVED.

- b. **22 IWC 8 – 64 Laurel Point Dr (M/L/B105-014-000), Oakdale, CT Owner/Applicant: Brendan Gigliotti for proposed regulated activities within the upland review area for proposed residential site improvements, including stairs, walkway, retaining wall and porch. (Date of Receipt 4/21/22, DRD 6/25/22).**

Tiffany Williams, WEO read her staff report. Owner, Brendan Gigliotti spoke. Discussion was held.

Motion (S. Berardy/Occhialini) After giving due consideration to all relevant factors of the Montville Inland Wetland Regulations and C.G.S. Section 22a-41, I move to approve the following application: 22 IWC 8 – Owner/Applicant: Brendan Gigliotti for proposed regulated activities within the upland review area for proposed residential site improvements, including stairs, walkway, retaining wall and porch at 64 Laurel Point Dr (M/B/L 105-014-000), Oakdale, CT per the application and associated documents

dated 4/12/2022 & as shown on a plan entitled “Improvement Location Survey, Property of 64 Laurel Pint Drive, LLC., for Property Located at 64 Laurel Point Drive, Town of Montville, County of New London, Connecticut” dated March 30, 2022, with the following conditions:

1. Final Plan shall be signed and dated by a Certified Soil Scientist.
2. Limits of clearing shall be flagged and soil erosion & sediment controls shall be installed and inspected by the Wetlands Enforcement Officer prior to the start of any work.
3. Any changes to the approved plan during construction shall be reviewed and approved by the Wetlands Enforcement Officer and/or Inland Wetlands Commissions, as needed.
4. Standard reasons for approval.

All in Favor (7-0-0) APPROVED with Conditions.

- c. 22 IWC 9 – Monahan Drive (M/B/L 023-003-000) from southerly terminus of Monahan Dr. & easterly side of Swanty Johnson Rd., Uncasville, CT - Owner/Applicant: Cornerstone Ventures LLC for regulated activities associated with proposed lot development of “Phase II – Gay Hill Rd Subdivision.” (*Date of Receipt 4/21/22, DRD 6/25/22*).

Tiffany Williams, WEO read her staff report.

Atty. Harry Heller spoke on behalf of the applicant and entered three documents into the record:

1. Letter dated August 19, 2009 in reference to 9R Burlake, LLC (Gay Hill Road Subdivision) Gay Hill Rd, Engineering Review #2 – Wetlands Submission NLJ # 0809-0146. Thomas Fenton, P.E., from Nathan L. Jacobson & Associates, Inc. address to Environmental Planner/Wetland Agent, Colleen Bezanson.

Attorney Heller read from this document, “The above referenced summited plans have generally addressed the comments of out July 15, 2009 wetland review letter. We note that subsequent plan submissions should include a detail showing configuration and dimensions of the outlet protection at the 15” diameter pipe crossing of Monahan Drive.”

2. Letter dated November 16, 2009 in reference to 9R Burlake, LLC (Gay Hill Road Subdivision) Gay Hill Rd, Planning and Zoning Submission, Engineering Review #4 – NLJ # 0809-0146, from Kati L. Mercier, P.E., Nathan L. Jacobson & Associates, Inc. address to Ms. Marcia Vlaun, AICP, Director of Planning.

Attorney Heller read from this document, “In addition to reviewing the above noted items, on November 4, 2009, we met with the applicant’s Engineer to review the submitted plans and discuss our engineering review comments from Engineering Review Letter #3. The revised plans, drainage report addendum, and calculations referenced above have been adequately addressed those comments.”

3. Letter dated September 25, 2007 in reference to Platoz Drive Special Permit Applications from Ronald F. Ochsner, Branse, Willis & Knapp, LLC. To Assistant Planner, Tom Sanders.

Attorney Heller read from this document, “The Supreme Court recognizing that there might exist circumstances could justify the reversal of a previous decision by board of Commission went on is Sipperly (140 CT 164) to carve out two specific exceptions to this basic rule. The Supreme Court additionally stated at Page 167 as follows:

Under [this rule], every administrative agency is ordinarily impotent to reverse itself unless (1) change of conditions has occurred since its prior decision or (2) other considerations materially affecting the merits of the subject matter have intervened and have no vested rights have arisen.

Planning Director, Liz Burdick addressed the Commission and agreed that there are no changes to the regulated activities or areas from the previous application and reported that the Applicant’s Soil Scientist Mr. Snarksy went to the site, delineated and verified the wetlands and has submitted a letter stating there are no changes to the wetlands from previous application. Ms. Burdick made note that the plans as submitted will be addressed at the zoning level and any substantive changes will come back to this Commission.

Discussion was held.

Motion (O’Bday/Occhialini) I make a MOTION to APPROVE Application #22IWC9 for a 29-lot resubdivision at Monahan Drive (M/B/L 023-003-000) in accordance with the Application, plans & supporting documentation. After giving due consideration to all relevant factors of the Montville Inland Wetland Regulations and C.G.S. Section 22a-41, Owner/Applicant: Cornerstone Ventures, LLC for regulated activities within the upland review area for proposed lot development of “Phase II – Gay Hill Rd Subdivision” at Monahan Dr. (M/B/L 023-003-000) from southerly terminus of Monahan Dr. & easterly side of Swanty Johnson Rd, Uncasville, CT per the application and associated documents, dated 4/18/2022 & as shown on a plan entitled “Gay Hill Road Resubdivision, Prepared for Cornerstone Ventures, LLC, #120 Gay Hill Road Montville, Connecticut dated 4/8/2022”, with the following conditions:

1. Plan set shall be revised to show correct address of the property as “Monahan Drive (M/B/L 023-003-000).”
2. Final Plan shall be signed/sealed by Certified Soil Scientist.
3. Limits of clearing shall be flagged and soil erosion & sediment controls shall be installed and inspected by the Wetlands Enforcement Officer prior to the start of any work.
4. Any substantial changes to the plan set that impact the approved regulated activities in this application, as determined by Planning Dept. Staff, shall be reviewed and approved by Staff and/or the Inland Wetlands Commission.
5. Standard reasons for approval.

All in Favor (7-0-0) APPROVED with Conditions.

8. New Business:

- a. **22 IWC 10 – Chapel Hill Rd (M/B/L 036-004-000 and M/B/L 028-006-000) Oakdale, CT – Applicant: Peter Marlowe, Peter Marlowe Forest Products Owner: Oakdale Farms at**

Chapel Hill, LLC, Lois J. Gordon L/U for As of Right Determination for Timber Harvest.

Tiffany Williams, WEO read her staff report. The Applicant and/or their representative were not in attendance to answer questions. Discussion was held.

Motion (O’Bday/Occhialini) to set a site for walk June 11, 2022 at 10:00 a.m. All in Favor (7-0-0) APPROVED, Motion (O’Bday/S. Berardy) to table until June 16, 2022 Meeting All in Favor (7-0-0) APPROVED.

- b. 22 IWC 11 – Ridge Hill Rd (M/L/B 006-015-000) Oakdale CT – Applicant: Lawrence J. Darling Jr. Owner: Lynne King for regulated activities within wetlands and upland review areas for a driveway crossing in association with a single-family residence.**

Tiffany Williams, WEO read her staff report. Susan Mattern, P.L.S. of DGT Associates, Inc. addressed the Commission on behalf of the applicant and reviewed the proposed residential site improvements, including a wetlands crossing that will access the rear portion of the lot. Discussion was held.

Motion (Occhialini/O’Bday) that the regulated activities proposed for Application # 22 IWC 11- Ridge Hill Rd (M/L/B 006-015-000) Oakdale CT for regulated activities within wetlands and upland review areas for a driveway crossing in association with a single-family residence are significant impact activities and per recommendation of Bob Russo in memo dated 5/19/2022 and set a Public Hearing for the application on June 16, 2022. All in Favor (7-0-0) – APPROVED.

Motion (Brush/Occhialini) to set a site walk at the property on June 11, 2022 at 10:45 a.m. All in Favor (7-0-0) - APPROVED.

Motion (O’Bday/S. Berardy) to table the application to the June 16, 2022 regular meeting. All in Favor (7-0-0) – APPROVED.

- 9. Correspondence:** None
- 10. Other Business:** None
- 11. Executive Session:** None
- 12. Adjourned:** 7:30 p.m.

Tiffany E Williams
Wetlands Officer