

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

MINUTES OF MEETING

7:00 P.M.

October 21, 2010

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, Beauchene, Johnson, Brush, Taylor and Riske. Staff present was Colleen Bezanson Inland Wetland Agent/Planner II. Absent was Commissioner O'Bday
3. **Minutes**
 - a. Approve minutes of September 16, 2010 meeting. **Motion to approve** by Commissioner Johnson, seconded by Commissioner Riske. **4-0-2 favor, Motion carried.** Commissioners Bartholomew and Taylor abstained.
4. **Executive Session: Motion to move into executive session** at 7:10pm for discussion of pending litigation & claims (Town of Montville Inland Wetlands Commission v. Diamantini, John et al Docket #KNL –CV-10-6005467-S) and for discussion of pending litigation & claims (Richard J. George v. Town of Montville Inland Wetlands Commission Docket # KNL-CV-09-4009292-S) by Commissioner Johnson, seconded by Commissioner Taylor. **6-0 favor, Motion carried.**

Commissioners exited executive session and returned at 7:56 pm. Motion by Commissioner Taylor, seconded by Commissioner Riske. **6-0 favor, Motion carried.**

5. **Public Hearings:** none.
6. **Show Cause Hearings:**
 - a. **Joseph & Charlotte Patterson:** Conducting regulated activities on the property located at 1510 Route 163 as shown on Assessor's Map 58 Lot 8C. Ms. Bezanson stated that a zoning officer went to look at a complaint, and brought pictures to the office, which Ms. Bezanson handed out to commission. He indicated an area that had been cleared which may be wetlands. Ms. Bezanson contacted Mr. Patterson and issued a Cease & Desist Order. Mr. Patterson provided a letter from a soil scientist, included in staff report, stating that none of the activities were done in the wetlands. Discussion was held. Joseph Patterson spoke in regards to the pictures in staff report explaining locations of stockpiles. Discussion was held and some Commission members will visit the site on October 26th at 5:30 pm. **Motion that a permit needs to be applied for** by Commissioner Johnson, seconded by Commissioner Riske. **6-0 favor, Motion carried. Motion to continue** by Commissioner Taylor, seconded by Commissioner Beauchene. **6-0 favor, Motion carried.**

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

Ray Chester spoke asking why the court date of September 20 for Mr. Diamantini was cancelled. Commissioner Brush stated was unsure if they were permitted to discuss, and stated himself or Colleen would call the attorney to find out if they could.

8. Old Business: none.

9. New Business:

- a. **Scotland Hardwoods, LLC /Rod Burgess:** An application for a timber harvest on the property located at 441 Old Colchester Rd, Montville, Ct. As shown on Assessor's Map 16 Lot 28. Rod Burgess spoke in regards to the application. He read material, which had been submitted, describing the plans for the property. Discussion was held. **Motion to approve,** After giving due consideration to all relevant factors including those in Section 1- and or Section 4 of the Montville Inland Wetland Regulation and Section 22a-41 of the Connecticut General Statutes, I make a motion to approve 210 IWC 22 **Scotland Hardwoods, LLC/Rod Burgess:** An application for a timber harvest on the property located at 441 Old Colchester Rd, Montville CT. As shown on Assessor's Map 16 Lot 28 and the application dated 10/1/10. 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) The Wetlands Enforcement Officer will inspect the bridges and approve them prior to the start of logging, 2) No request for a public hearing comes to the Inland Wetland Commission within the next 2 weeks by Commissioner Taylor, seconded by Commissioner Beuchene. **6-0 favor, Motion carried.**
- b. **Michael Matera:** Renewal of application for work related to dam restoration and expansion of existing pond on the property located at 137 Oxoboxo Dam Rd, Montville, Ct. As shown on Assessor's Map 45 Lot 8A. Ms. Bezanson stated the applicant wasn't able to do the work on the previous application within the 5 years. Commissioner Brush asked if it was the same application as what was approved last time. Rick Hanivan spoke explaining the original application and stated the extension was the same as original with the exception of a few additions of plantings suggested by DEP. Discussion was held. **Motion to approve,** 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 make a motion to approve the following application 210 IWC 23 **Michael Matera:** The renewal of application 205 IWC 31 for the restoration of Dam No. 8624 and the expansion of existing pond on property located at 137 Oxoboxo Dam Rd, Oakdale CT. As shown on Assessor's Map 45 Lot 8A. As depicted on the plans titled "Pond Improvement Plan Prepared for Michael J Matera 137 Oxoboxo Dam Rd Prepared by CME Associates Inc, 110 Broadway, Norwich CT" dated 10/5/2005 and the renewal application and narrative dated 10/17/10 by Commissioner Taylor, seconded by Commissioner Johnson, **6-0 favor, Motion carried.**
- c. **Hull Forest Products:** An application for a timber harvest on the property located at 220 & 260 Chesterfield Road, Montville, Ct. As shown on Assessor's Map 29 Lots 84 & 127. Chris Casadei representing Hull Forest Products spoke explaining the plans for the timber harvest and showed Commission a topographical map of area. Discussion was held. **Motion to approve,** 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 make a motion to approve 210 IWC 25 **Hull Forest Products:** An application for a timber harvest

on the property located at 220 & 260 Chesterfield Rd, Montville CT. As shown on Assessor's Map 29 Lots 84 & 127 and the application dated 10/15/10. 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) The Wetlands Enforcement Officer will inspect the bridges and approve them prior to the start of logging, and 2) No request for a public hearing comes to the Inland Wetland Commission within the next 2 weeks, by Commissioner Beauchene, seconded by Commissioner Riske. **6-0 favor, Motion carried.**

- 10. Commissioner' Comments:** Ms. Bezanson stated the Mayor contacted staff and indicated the Correctional Center was cutting down trees on the property within 50 ft of the watercourse and asked for a letter of inquiry to be sent out.

Motion to move item 12a before 11 by Commissioner Johnson, seconded by Commissioner Taylor. **6-0 favor, Motion carried.**

11. Correspondence:

- a. Municipal Inland Wetland Commissioner Training
- b. CACIWC registration

12. Other Business:

- a. Thomas Labounty – Determination if a permit is needed for work on the property located at 1299 Route 163 as shown Assessor's Map 52 Lot 12. Ms. Bezanson stated she received a call from a town employee that there was activity on the back portion of 1299 Route 163. Staff went out to property and took pictures. Ms. Bezanson stated that whatever work that was being done was complete and that the area should be allowed to stabilize itself instead of trying to remediate the area. Discussion was held. **Motion determination permit not needed,** 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, the Commission has determined that the activity does not require a remediation permit and that the area be allowed to restabilize itself. Ms. Bezanson will send a letter to Mr. Labounty stating that any further work in that area will require a permit by Commissioner Riske, seconded by Commissioner Beauchene. **6-0 favor, Motion carried.**
- b. Revisions to Inland Wetlands Regulations. Commissioner Brush suggested to change revisions from 100 ft buffer to a 50 ft buffer, and send the revised Regulations out for approval. Discussion was held regarding the amount for fines imposed.

Motion to adjourn at 9:15 by Commissioner Johnson, seconded by Commissioner Taylor. **6-0 favor, Motion carried.**

For complete record, refer to audio recording

*Respectfully submitted,
Pamela Church, recording secretary*