

Town of Montville Inland Wetlands Commission
Meeting Minutes of Thursday, May 19, 2011
Town Council Chambers – 7:00 p.m.

1. Call to Order

Chairman Brush called the regular meeting of the Inland Wetlands Commission to order at 7:00 p.m.

2. Roll Call

Present were Commissioners Brush, Taylor (7:02 p.m.), Riske, Beauchene and Bartholomew. Absent was Commissioner O’Bday. Also present was Ms. Colleen Bezanson, Inland Wetland Agent/Planner II.

3. Approval of the Meeting Minutes

Motion made by Commissioner Riske, seconded by Commissioner Bartholomew to approve the April 21, 2011 meeting minutes as submitted. Discussion, none, voice vote, 5-0, all in favor, motion carried.

4. Executive Session – none.

5. Public Hearings – none.

6. Show Cause Hearings – none.

7. Remarks from the Public Relating to Matters on the Agenda

Chairman Brush asked three times if there was anyone from the public who would like to come forward to address the Commission.

8. Old Business

a. Robert Sachs: an application for a 32 lot subdivision on the property located at 316 Chapel Hill Road, Montville, Connecticut, as shown on Assessor’s Map 35, Lot #1.

Ms. Bezanson stated this application was presented to the Commission at its last meeting, it is a thirty two lot subdivision located on Chapel Hill. Of the thirty two lots, nineteen of them contain wetlands. A site walk was conducted and attended by Commissioners Brush, Taylor, and O’Bday. The Town Engineer is still reviewing the plans, the Fire Marshall has submitted comments requesting a fire pond on the site, Uncas Health stated they are in the process of reviewing the perc test data. There are comments attached to the Staff Report of items that need to be addressed, there have been no new plans submitted to the office and the Commission must make a determination if the proposed

subdivision will have significant activity. There are seven questions included in the Staff Report she will ask the Commission after the presentation by the representatives working on the project and if the Commission answers yes to any of the questions and the Commission determines there is significant activity on the site a public hearing must be held. After preliminary review of the plans the Commission may want to consider combining some of the lots, specifically lots #17 and #18 and #13 and #14. The soil scientist report was done during the winter months and as of the last meeting there have been no follow up reports regarding vernal pools. The applicants engineer and soil scientist are present to review the proposal with the Commission.

Mr. John Wittcomb, Professional Engineer and Mr. Jeff Shamus, Soil Scientist and Certified Archeologist were present to discuss the subdivision plan with the Commission.

Mr. Shamus indicated he flagged the property for wetlands on the original plans. Mr. Shamus indicated the majority of the wetlands on the site are forested, and typical of compact till areas, there is discharge of groundwater on the surface during the wet season. Some areas are stony and there is a combination of invasive species typical of previously disturbed areas. The wetlands on lots #7 and #8, #9 and #10 are marginal wetlands, they are poorly drained and the soils are flagged.

Mr. Wittcomb stated the property is a large parcel consisting of one hundred and forty five acres of land and it is zoned for six acre lots and backs up to the Water Company property. He stated the property has been farmed in the past and described the property condition. He discussed the proposed roads on the site, discharge, detention basins, the homes will be supported by wells and septic systems and test pits have been done and they all met the requirements and the soils are capable of supporting this project. He discussed the flag lots, #18, #17 and #24, stating they are one and one half times the area of the zoning requirements for a lot. He discussed open space and options for the significant land area, stating it would be difficult to develop this area. The maximum number of developable lots for this site is forty five by cluster subdivision regulations, but he feels thirty two lots are reasonable. He stated activity will be outside of the wetland review area, and proposed basins will not cut off the supply of water to the wetland and are designed to withstand a one hundred year storm.

Ms. Bezanson stated significant activity means any activity but not limited to the following activities which may have a major effect or impact on the area for which the application has been filed or in other part of an inland wetland watercourse system. She asked the Commission the seven questions that are used to determine if the proposed subdivision will have a significant impact;

1. Any activity involving a deposition or removal of material which will or may have a major effect or significant impact on the regulated area or on adjacent part of an inland wetland or watercourse system? The Commission members were asked individually for a yes or no answer to this question and they all answered no.

2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system? The Commission members were asked individually for a yes or no answer to this question and they all answered no.
3. Any activity which substantially diminishes the natural capacity of an inland wetlands or watercourse to support desirable fisheries, wildlife or other biological life, prevent flooding, supply water, simulate waste, facilitate drainage, provide recreation or open space or other functions? The Commission members were asked individually for a yes or no answer to this question and they all answered no.
4. Any activity which causes substantial turbidity, siltation or sedimentation in a wetlands or watercourse? The Commission members were asked individually for a yes or no answer to this question and they all answered no.
5. Any activity which causes substantial diminution of flow of a natural watercourse or groundwater levels of a regulated area? The Commission members were asked individually for a yes or no answer to this question and they all answered no.
6. Any activity which causes or has a potential to cause pollution of a wetlands or watercourse? The Commission members were asked individually for a yes or no answer to this question and they all answered no.
7. Any activity which destroys unique wetlands or watercourse areas having demonstrable scientific or educational value? The Commission members were asked individually for a yes or no answer to this question and they all answered no.

Based on the seven questions the Commission has made a determination this project does not have significant activity and does not require a public hearing. Commissioner Brush asked if the Commission thinks the proposed subdivision would have significant public interest requiring a public hearing. Ms. Bezanson indicated she did not receive a petition and the applicant has been told he must notify New London DPUC. The proposed activity is not within five hundred feet of Salem, Ct. Chairman Brush read from the regulations that states "any portion of the property affected by a decision that is located within five hundred feet of the boundary of an adjoining municipality must be notified of the proposed activity". Chairman Brush stated he does not believe there will be significant public interest in the proposed subdivision. It was the consensus of the Commission the subdivision proposal will not require a public hearing. Ms. Bezanson stated she is waiting on comments from the Town Engineer and asked the applicant to address the fire pond suggested by the Fire Marshal. There is a need for a suppression system in this area due to a lack of fire hydrants in the area. Mr. Wittcomb stated the Fire Marshal is requesting a fire pond or a ten thousand gallon storage tank. He stated the lot is large enough to accommodate a ten thousand gallon tank and discussed the benefits of a fire pond vs. a storage tank. A discussion was held regarding the possibility of combining lots to minimize wetland impacts. Chairman Brush discussed the walk of the property, and stated the proposal does not have a major impact on the wetlands on the property as they are not viable in the proposed construction area. Commissioner Taylor

expressed concern regarding safety in and around the detention basin and would like time to review staff recommendations.

Motion made by Commissioner Beauchene, seconded by Commissioner Riske to continue this application to the next regularly scheduled meeting to allow the applicant time to address comments brought up by Commission and staff. Voice vote, 5-0, all in favor, motion carried.

9. New Business

Motion made by Commissioner Bartholomew, seconded by Commissioner Beauchene to move items 9 (b) and 9 (d) up on the agenda before agenda items 9 (a) and (c) to accommodate applicants present at the meeting. Voice vote, 5-0, all in favor, motion carried.

b. Scott Cowan: An application for the replacement of beach area on the property located at 24 Daisy Hill Road, Montville, CT as shown on Assessor's Map 11 lot 2A22.

Ms. Bezanson discussed the proposal, stating the applicant is proposing to construct a 10 x 12 shed approximately twenty four feet out of the wetland area. The area of disturbance on the ground consists of leveling off the area to accommodate the shed. The area has been used as a play area prior to this proposal so the area is already cleared. The total disturbance area is 16 x 16. The pictures in the staff report depict the area that was previously disturbed with the installation of a playscape area, there is no significant activity in the area and no heavy equipment proposed on the site. The wetland in question is a drainage wetland and Staff does not see a problem with the location of the shed.

Motion made by Commissioner Taylor 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 8 Scott Cowan: An application for the construction of a shed on the property located at 24 Daisy Hill Dr, Montville, Ct. As shown on Assessor's Map 11 Lot 2A22 as depicted on the plan titled "Plot Plan Lot 2A-22 Daisy Hill Subdivision as marked by hand and the application and narrative dated 5/10/2011.

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: The permit will not be issued until 15 days after approval; motion seconded by Commissioner Riske. Voice vote, 5-0, all in favor, motion carried. Ms. Bezanson addressed the applicant, stating a notice will go out to the applicant in the mail requesting the fee for activity and once the fee is paid the proposal will be published in the newspaper and if there is no public comment the applicant can begin construction as requested.

d. Sandra Chalifoux: An application for replacement of failed septic system on the property located at 89 Lake Drive, Montville, CT as shown on Assessor's Map 108, lot 81.

Ms. Bezanson stated the property is located on Lake Drive, the existing septic system is failing and the homeowners need to replace the system. The activity proposed is thirty four feet of the water. The Health District approved the proposal and their letter is attached. The homeowners are adding an addition outside of the fifty foot buffer and will not cause a wetland impact. There is approximately twelve hundred square feet of disturbance area for the installation of the septic system. The narrative is included in the staff report for review. A discussion was held regarding additional erosion and sediment controls such as silt fencing and/or hay bales to minimize disturbance to the wetland and it was the consensus of the Commission there was not a need to do so.

Motion made by Commissioner Taylor 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 10 Sandra Chalifoux: An application for replacement of failed septic system on the property located at 89 Lake Drive, Montville, Ct. As shown on Assessor's Map 108 Lot 81 as depicted on the plan titled "Plot Plan Prepared for Robert & Sandra Chalifoux #89 Lake Dr Montville, Ct Prepared by Advanced Surveys LLC 25 Apple Lane Colchester, Ct dated 4/20/11 and the application and narrative dated 5/17/11.

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: wait fifteen days to determine if there is any public comment on the proposed activity.

Seconded by Commissioner Beauchene, discussion, none, voice vote, 5-0, all in favor, motion carried.

a. John LoMonte: An application for the replacement of beach area on the property located at 4 Birch Point Trail, Montville, CT as shown on Assessor's Map 50 lot 49.

Ms. Bezanson indicated the applicant could not attend the meeting and she presented the application to the Commission. She stated the Commission granted the applicant permission to construct a beach area and a retaining wall in 2007 and he would now like to repair the beach area by adding sand due to erosion over the years. The proposal calls for replacement of sand on the existing beach only, he is not going to make the area any larger or wider and replace the sand he lost over the years. The area in question is a little over nine hundred square feet, the sand will be taken to the beach area in a wheelbarrow and spread out by hand, no machinery will be used on the beach area.

Motion made by Commissioner Beauchene 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 7 John LoMonte: An application for the replacement of beach area on the property located at 4 Birch Point Trail, Montville, Ct. As shown on Assessor's Map 50 Lot 49 as depicted on the plan titled "Wall location map 4 Birch Point Trial dated 5/3/2011 and the application and narrative dated 5/3/2011.

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: The permit will not be issued until 15 days after approval.

Seconded by Commissioner Taylor, discussion, none, voice vote, 5-0, all in favor, motion carried.

c. Walter Lynick: Subdivision review with regulated activities on the property located at 97 Jerome Road, Montville, CT as shown on Assessor's Map 108, lot 81.

The proposal is a two lot subdivision on Jerome Road that requires a crossing and filling of wetlands and watercourse. The engineers are not present to discuss the proposal due to other commitments and Ms. Bezanson suggested the Commission go out to inspect the site; it will have a total disturbance area of four thousand one hundred square feet of wetlands, four thousand four hundred fifty five feet of review area and fifty seven linear feet of a watercourse.

Motion made by Commissioner Taylor, seconded by Commissioner Bartholomew to set up a site walk for 97 Jerome Road, Montville CT as shown on Assessor's Map 108, lot

81 on Thursday, June 2, 2011 at 6:00 p.m. Discussion, none, voice vote, 5-0, all in favor, motion carried.

10. Commissioners Comments – none.

11. Correspondence

- a. Letter of withdrawal regarding 87G Cottage Road they will be re-submitting their application in June;
- b. Quarterly update 711 Route 163 stating nothing has changed;
- c. A copy of Habitat magazine;
- d. A copy of Connecticut Wildlife magazine and;
- e. A thank you note from former Commissioner Johnson for the flowers sent by the Commission.

12. Other Business

Ms. Bezanson discussed a proposal from the Montville Fire Companies regarding a training facility in the Schofield Pond area and they are requesting permission to remove six brush trees and to install a dry hydrant. It was the consensus of the Commission to request an application for a permit to work in the wetland area. The Commission does not have any concerns but wants the proper paperwork in place.

13. Adjournment

Motion made by Commissioner Taylor, seconded by Commissioner Bartholomew to adjourn the meeting at 8:45 p.m. Discussion, none, voice vote, 5-0, all in favor, motion carried.

Respectfully Submitted by:

Audrey Ulmer, Recording Secretary for the Town of Montville