

Town of Montville Inland Wetlands Commission
Meeting Minutes of June 16, 2011
7:00 p.m. – Montville Town Hall – Town Council Chambers

1. Call to Order

Chairman Brush called the meeting to order at 7:00 p.m. after establishing a quorum.

2. Roll Call

Present were Commissioners Beauchene (7:25 p.m.), Bartholomew, Brush, Taylor, Riske and O'Bday. Also present was Ms. Colleen Bezanson, Inland Wetland Agent/Planner II.

3. Approval of the meeting minutes of the May 19, 2011 regular meeting.

Motion made by Commissioner Riske, seconded by Commissioner Bartholomew to approve the meeting minutes of May 19, 2011. 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 Regarding Items on the Agenda.

Mr. Ray Chester, inquired what is going on with the Diamantini case, he has minutes from previous meetings that indicate there were executive sessions regarding this issue. He explained the dispute began in 2007 and everything is still the same as it was then and he asked if the Commission would enlighten him to what is going on. Chairman Brush stated he can not as it is in litigation, and there is a court date coming up and the matter is working its way through the system. It takes time and that is all he can say on the matter per the advice of the attorney is that the matter is in litigation. Mr. Chester asked if there is any way to speed up the process, stating the Diamantini's were told to do what they were supposed to do three years ago and he didn't do anything that he was supposed to do. He stated what he did to the property was a shame and now he has not fixed what he was supposed to fix. He stated the Commission is here to protect the wetlands and by letting it go as far as it has and as long as it has is not protecting the wetlands, he stated it is upsetting to the people who live in the area and wishes there was something he could say or do to move the process along. Chairman Brush stated he sympathizes with Mr. Chester's position but there isn't anything he can do to help him at this time.

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 316 Chapel Hill Rd, Montville, Ct. As shown on Assessor's Map 35 Lot 1.

Motion made by Commissioner O'Bday, seconded by Commissioner Riske to move this item to after the completion of New Business. Discussion, none, voice vote, 5-0, all in favor.

b. Walter Lynick: Subdivision review with regulated activities on the property located at 97 Jerome Rd, Montville, Ct. As shown on Assessor's Map 10 Lot 4

Ms. Bezanson stated this is a two lot subdivision on Jerome Road. Commissioner's Brush and Taylor went out to visit the site. The formal presentation has not been made to the Commission as of yet, Mr. Robert Schuch is present to give a presentation tonight. The Commission needs to make a determination if the proposal is a significant activity based on the fact that they are filling in wetlands and they are filling in a watercourse for the crossing. Mr. Robert Schuch discussed the proposal, stating the property consists of fourteen and one half acre site located on Jerome Road. There is an existing house on the property and he has done an A-2 survey and delineated the wetlands. The project involves cutting off the existing house, the house is connected to both water and sewer, and creating a fourteen acre lot on the remainder piece, with a proposed driveway across the wetlands and the intermittent watercourse. The new house will be constructed in the buildable area on the slope. He discussed installing twin twenty four inch culverts six inches below the stream bed in accordance with the Army Corp of Engineers general permit conditions where you have to maintain the same natural sub straight within the pipe so the animals will not see it as a concrete pipe, they will have natural sub straight. The total square footage of the wetlands crossing to access the buildable area is about forty one hundred square feet or two hundred and fifty yards. He stated erosion control measures will be installed during construction. He stated the intermittent watercourse dries up during the late summer and fall. Commissioner Taylor stated it is critical to the project that the work gets done during the driest part of the year.

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.

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 2011-IWC-009, Walter Lynick: Subdivision review with regulated activities on the property located at 97 Jerome Rd, Montville, Ct. As shown on Assessor's Map 10 Lot 4 as depicted on the Map entitled "Subdivision Plan, Property Survey Prepared for Walter Lynick, 97 Jerome Road, Montville CT. prepared by Boundaries, LLC, 179 Pachaug River Drive, Griswold, CT dated April, 2011 and the application and narrative dated May 11, 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. The condition of approval is that all of the conditions mentioned by the Town Engineers letter dated June 14, 2011 be addressed.

Condition of approval is:

That all of the conditions mentioned by the Town Engineer letter dated 6/14/11 be addressed

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.

Motion seconded by Commissioner Bartholomew, discussion, none, voice vote, 5-0, all in favor, motion carried.

9. New Business:

- a. Leonard & Kathleen Johnson: An application for the construction of a 24 x 36 garage within the review area on the property located at 87G Cottage Rd, Montville, Ct. as shown on Assessor's Map 63 Lot 3.

Ms. Bezanson requested a continuance for this application until the July meeting based on the fact there is an intervener status for the new application and neither attorney could be present tonight and both would like to be present and are available for the July meeting.

Motion made by Commissioner O'Bday, seconded by Commissioner Taylor to continue the application of Leonard & Kathleen Johnson: An application for the construction of a 24 x 36 garage within the review area on the property located at 87G Cottage Rd, Montville, Ct. as shown on Assessor's Map 63 Lot 3 until the July, 2011 regularly scheduled meeting. Discussion, none, voice vote, 5-0, all in favor, motion carried.

b. Montville Fire Department: An application for the construction of dry hydrants and removal of brush on the property located at 78 Oxoboxo Dam Rd, Montville, Ct. as shown on Assessor's Map 45 Lot 1.

Ms. Bezanson stated this matter was brought to the Commission's attention last month and a couple of the Commission members walked the site, she distributed pictures for the Commission to review. She stated the Montville Fire Department would like to conduct training exercises on this site and are requesting the installation of dry hydrants into the pond, there will be two hydrants with a total of four hundred and eighty square feet of disturbance. The hydrants are approximately sixty feet apart with the use of eight inch PVC pipe installed in the ground so when the fire truck comes down to the water it can hook up to the hydrant to get water if needed. The proposal is good for the area because this will give extra water to the fire trucks if it is needed. The location is the old town beach area.

(Commissioner Beauchene joined the meeting)

Ms. Bezanson stated the beach area has become overgrown over the years and in order for the fire department to use the area they will need to remove some of the shrubbery, this is a basic activity and the area will be used for fire suppression purposes making the activity a benefit to this area. Commissioners Brush and Taylor visited the site and the activity did not appear to be extensive and the trees and brush are dead or dying and the remaining trees are scrub brush trees that are small in nature. Ms. Bezanson stated there will be no sand added and in addition, the Parks & Recreation Commission has walking trails in this area and it will help to clear the area, serving many purposes. Commissioner Taylor stated the availability of having water available for fire suppression in this area is important.

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-12 Montville Fire Department: An application for the construction of dry hydrants and removal of brush on the property located at 78 Oxoboxo Dam Rd, Montville, Ct. As shown on Assessor's Map 45 Lot 1 as depicted on the map entitled "Proposed Activity in Town Beach Area Oxoboxo Dam Rd " and the application and narrative dated 6/8/11.

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.

Condition of approval is that no the Commission receives no petition for a Public Hearing within the next fifteen days.

Commissioner Riske seconded the motion, discussion, none, voice vote, 6-0, all in favor, motion carried.

c. Pa's Pizza LLC: An application for the placement of stone on the property located at 712 Route 163, Montville, Ct. as shown on Assessor's Map 38 Lot 3.

Ms. Bezanson stated the restaurant opened in the old Yanni's building across from the post office on the corner of Route 163. The business has taken off and there is a lot of business at lunch time and the owners would like to provide a picnic area where customers can sit outside to eat if they choose to. The area next to the building where they propose to put the picnic tables used to be the old driveway and there was asphalt on the site in the past. The business owners built a barrier and put down stone to hold the material in. The area is next to a stream down the embankment and is far enough away that staff does not feel the proposal will have an impact to the wetlands. The proposed area is twenty by twenty feet. The materials are in the upland review area. The Commission reviewed the photographs of the area provided by Ms. Bezanson.

Motion made by Commissioner Riske, seconded 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

21- IWC-13 Pa's Pizza LLC: An application for the placement of stone on the property located at 712 Route 163, Montville, Ct. As shown on Assessor's Map 38 Lot 3 as depicted on the map entitled "PA's Pizza and General Store proposed work within review area" and the application and narrative dated 6/6/11.

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.

Condition of approval is the Commission does not receive a petition for a Public Hearing within the next fifteen days.

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.

Voice vote, 6-0, all in favor, motion carried.

d. Elizabeth Rummel: An application for the installation of a temporary pool on the property located at 1024 Grassy Hill Road, Montville, Ct. as shown on Assessors Map 4 Lot 10.

Chairman Brush stated the homeowner came in last year for a temporary pool and the Commission asked they return this year for approval. He suggested the Commission go out to look at the site to determine if there is any damage to the site and if there isn't to approve the request to allow the homeowner use and enjoyment of the property and to determine the homeowners do not have to return to the Commission every year for a permit for a temporary pool.

Motion made by Commissioner Riske, seconded by Commissioner Beauchene to set a site walk for Elizabeth Rummel: An application for the installation of a temporary pool on the property located at 1024 Grassy Hill Road, Montville, Ct. as shown on Assessors Map 4 Lot 10 on Wednesday, June 22, 2011 at 6:00 p.m. Discussion, none, voice vote, 6-0, all in favor, motion carried. Ms. Bezanson indicated she will post the meeting as a special meeting.

e. Perry Catania & Debra Tucker: An application for the construction of additions on the property located at 1 Saltbox Ln, Montville, Ct. as shown on Assessor's Map 15 Lot 7C.

Ms. Bezanson stated the proposed activity is on Saltbox Lane off of Old Colchester Road. She stated the applicants are requesting a front porch and an addition in the back to include the removal of dirt from approximately fourteen piers, there will be fourteen holes and nothing else. The areas have already been disturbed because of the front lawn and back yard and an existing deck on the back of the house. The wetlands area is to the right of the house where the majority of the activity will be to the left of the house in the rear portion. There is a driveway that separates the front porch from the wetland area and it is not a significant wetland, it is considered a drainage wetland.

Motion made by Commissioner Taylor, 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-15 Sherry Catania & Debra Tucker: An application for the construction of additions on the property located at 1 Saltbox Ln, Montville, Ct. As shown on Assessor's Map 15 Lot 7C as depicted on the map entitled "Additions to 1 Saltbox Ln " and the application and narrative dated 6/6/11.

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 the Commission will wait fifteen days in order to ensure there is no request for a Public Hearing.

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.

Voice vote, 6-0, all in favor, motion carried.

8. Old Business

- a. Robert Sachs: An application for a 32 lot subdivision on the property located 316 Chapel Hill Rd, Montville, Ct. As shown on Assessor's Map 35 Lot 1.

Ms. Bezanson asked if the Commission members had a chance to look at the comments from the Town Engineer, there were fifty nine comments as well as Uncas Health comments that determine some of the lots are not suitable at this time for development. The applicant is not present and she asked for a continuance to allow the applicant to address the comments. It was the consensus of the Commission to continue the application until next month.

10. Commissioner' Comments:

Chairman Brush stated the Fire Chief was present earlier in the meeting but he did not ask the Commission to waive the fees. Ms. Bezanson stated she is not going to charge the fire department because it is town property.

11. Correspondence – none.

12. Other Business:

a. Revisions to Inland Wetlands Regulations

Ms. Bezanson stated she made the changes at the request of the Commission regarding the extra fees. She asked the Commission members to review the amended copy of the regulations. A discussion was held regarding protocol for dropping off plans on the night of the meeting. Ms. Bezanson asked the Commission to review the revised regulations and report back to her with any additional changes or corrections.

13. Adjournment

Motion made by Commissioner O’Bday, seconded by Commissioner Beauchene to adjourn the meeting at 7:54 p.m. Discussion, none, voice vote, 6-0, all in favor, motion carried.

Respectfully Submitted by:

Audrey Ulmer, Recording Secretary for the Town of Montville