

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

Special Meeting Minutes
7:00 p.m. - September 22, 2011
LOCATION: MONTVILLE TOWN HALL, Council Chambers

1. Call to order:

Chairman Brush called the special meeting of the Inland Wetlands Commission to order at 7:03 p.m. after establishing a quorum.

2. Roll call:

Present were Commissioners Bartholomew, Beauchene, Brush and O'Bday. Absent were Commissioners Taylor and Riske. Also present was Ms. Colleen Bezanson, Inland Wetland Agent/Planner II.

3. Minutes

a. Approve minutes of July 21, 2011 meeting.

Motion made by Commissioner Beauchene, seconded by Commissioner Bartholomew to approve the July 21, 2011 meeting minutes as submitted. Discussion, none, voice vote, 4-0, all in favor, motion carried.

4. Executive Session – none.

5. Public Hearings – none.

6. Show Cause Hearings:

Motion made by Commissioner O'Bday, seconded by Commissioner Beauchene to move agenda item 6 (d) to the top of the agenda and to move items 6 a, b, and c after Old Business. Discussion, none, voice vote, 4-0, all in favor, motion carried. Agenda amended.

d. 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. She presented pictures to the Commissioners from the Diamantini's and from staff and stated a Cease and Desist letter has been sent to the property owner by staff. Mr. Chester was present to discuss the incident. He stated his son, Mr. David

LaChapelle, brought over a dump truck full of sand to deposit on the beach but was told to take it away because he did not have a permit to dump it. 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.

Motion made by Commissioner O'Bday, seconded by Commissioner Beauchene to set a site walk of the property on Wednesday, September 28, 2011 at 6:00 p.m. and to continue this discussion until next month. Discussion, none, voice vote, 4-0, all in favor, motion carried.

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

Mr. Ray Chester, 35 Lena Road, Montville stated everyone at Oxoboxo Lake who dumps sand on the beach can not hurt the wetlands as much as the subdivision has done. The destruction to the wetlands at the subdivision is a sin.

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

Motion made by Commissioner O'Bday, seconded by Commissioner Beauchene to discuss New Business before Old Business. Discussion, none, voice vote, 4-0, all in favor, motion carried.

9. New Business:

- a. Scotland Hardwoods LLC/Rod Burgess: An application for a timber harvest with crossings on the property located at 1224 Route 32 Montville, Ct. As shown on Assessor's Map 88 Lot 21.

Ms. Bezanson reviewed the staff report and application, stating the property is owned by the VFW on Raymond Hill Road, but the official address is 1224 Route 32 in Montville. The proposal calls for the removal of approximately seventy five to one hundred board feet or three hundred and fifty trees, approximately seventy five percent of the trees on the property. The total acreage of the property is sixty acres and there is a total of three crossings proposed. She presented pictures to the Commission of the crossings and proposed work area.

Mr. Rod Burgess discussed the proposal and answered questions from the Commission. He discussed the portable bridges, stating they are four feet wide by twenty four feet long and he will not have to work in any of the wetlands. He plans to place a wood pole parallel to the stream and lay the bridge on top of the pole to keep equipment above the streams. He hopes to start the project late fall/early winter of this year. He stated he has had several logging projects in town in the past and has not had any problems with any of them. It was the consensus of the Commission a site walk is not required for this property.

Motion made by Commissioner O'Bday, seconded by Commissioner Bartholomew, 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 20 Scotland Hardwoods LLC/Rod Burgess: An application for a timber harvest with crossings on the property located at 1224 Route 32 Montville, Ct. As shown on Assessor's Map 88 Lot 21 as depicted on the plan titled "Exhibit B VFW Property" dated 7/20/2011 and the application and narrative dated 7/25/11 revised to 9/13/11 .

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, 4-0, all in favor, motion carried.

- b. Mohegan Fire Co/Chief Joseph Giangrasso: An application for the placement of a shed on the property located at 2029 Norwich New London Tpke, Montville, Ct. As shown on Assessor's Map 104 Lot 41.

Ms. Bezanson reviewed the proposal and application with the Commission. She stated there is an existing driveway/parking area at the rear of the lot. Due to the limited space at the fire house there is a need for additional storage for equipment. There is a proposal for a 40 x 80 garage on an already disturbed area. The ZBA approved the request for an appeal and the Town Engineer has reviewed the site and submitted a comment letter for review. SCWA has reviewed the proposal and does not have

issues or concerns. She stated there will be no new disturbance on the site but there will be better filtration with the help of the installation of separators. The water coming off of the site will be of better quality than it is currently. She discussed a time constraint the fire house has to get a foundation in place before the first frost. If this can not be done it will be costly to put off. She asked the Commission to consider approval of this proposal to avoid a costly delay in construction. The applicant's engineer and the Chief of the firehouse were present to answer questions and review the project with the Commission. Engineer, Tim May discussed the plunge pool proposed on the site to slow down the water flow to help to reduce the finites into the wetlands. There is also a sand and grit oil separator that will take water out and help to clarify the water before it ends up in the stream.

Motion made by Commissioner Beauchene, seconded by Commissioner Bartholomew 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 19 Mohegan Fire Co/Chief Joseph Giangrasso: An application for the placement of a shed on the property located at 2029 Norwich New London Tpke, Montville, Ct. As shown on Assessor's Map 104 Lot 41 as depicted on the plan titled "Proposed Building Site Plan Prepared for Mohegan Fire Company, Inc Property located at 2029 Norwich New London Turnpike (Route 32) Uncasville, Ct Prepared by May Engineering LLC Civil Engineering and Site Planning 1297 Rt 163 Oakdale, Ct. dated May 31, 2011 and the application and narrative dated 8/7/11.

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 no petition for a public hearing is received within two weeks of approval.

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, 4-0, all in favor, motion carried.

Chief Giangrosso requested a waiver of fees for this application.

Motion made by Commissioner O'Bday, seconded by Commissioner O'Bday to waive the fees associated with the application for the Mohegan Fire Company. Discussion, none, voice vote, 4-0, all in favor, motion carried.

- c. Scotland Hardwoods LLC/Rod Burgess: An application for a timber harvest with crossings on the property located at 334 Old Colchester Rd, Montville, Ct. as shown on Assessor's Map 9 Lots 17 & 17A and Map 8 Lot 11.

Ms. Bezanson reviewed the staff report and stated property is fifty one acres with an existing culvert. It is using existing crossings and no new crossings will be needed. Mr. Burgess was present to discuss the proposal with the Commission. Motion made by Commissioner Beauchene, seconded by Commissioner O'Bday that application is Permitted as of Right. Discussion, none, voice vote, 4-0, all in favor, motion carried.

- d. 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 asked the Commission to continue the application until next month because the application incomplete.

Motion made by Commissioner O'Bday, seconded by Commissioner Bartholomew, discussion, none, voice vote, 4-0, all in favor, motion carried.

- e. 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 applicant was unable to attend the meeting and she reviewed the staff report and stated there are existing wood road trails on the site with an existing trail over one of the watercourses. There is ten acres of property with a proposed eight acres of harvest. The applicant is requesting the removal of one hundred and seventy six trees and logging has already started on the site. The Commission can not deny a timber harvest but can deny a wetlands crossing. Chairman Brush stated the Commission can postpone the application until next month to allow a site walk. There are approximately one hundred and seventy six trees slated for removal. Ms. Bezanson presented pictures taken by staff and reviewed them with the Commission. Chairman Brush requested Ms. Bezanson to visit the site and if there is a need there can be a show cause hearing or a Cease and Desist issued on the property.

Motion made by Commissioner O'Bday, seconded by Commissioner Beauchene to continue the application until next month, discussion, none, voice vote, 4-0, all in favor, motion carried.

f. 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 distributed copies of the plan and reviewed the staff report with the Commission. There was a former application approved for a condominium development on this site. The current application consists of a log cabin home and a barn. There is fifty feet of existing wetland on the site and there is a small crossing over an intermittent watercourse proposed. The property will be used for farming of animals and vegetables. The applicants are asking for one designated wetland crossing to access the property.

Motion made by Commissioner O'Bday, seconded by Commissioner Beauchene to schedule a site walk of the property for Thursday, September 29, 2011 at 5:30 p.m. Discussion, none, voice vote, 4-0, all in favor, motion carried.

Motion made by Commissioner Bartholomew, Commissioner Beauchene seconded the motion to discuss both applications for Ms. Susan Green back to back. Discussion, none, voice vote, 4-0, all in favor, motion carried. Agenda amended.

6 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.

9. g. Susan Green: An application for the removal of old concrete foundation and the stabilization of a slope on the property located at 63 Lake Drive, Montville, CT as shown on Assessor's map 108, Lot 92.

Ms. Bezanson discussed the Cease and Desist Order and the staff report with the Commission. She stated each item is separate and must be voted on separately by the Commission.

Mr. Green was present and discussed the proposal with the Commission and reviewed the scope of work he is proposing.

Motion made by Commissioner Beauchene, seconded by Commissioner Bartholomew to continue both agenda items 6 (a) and 9 (g) until next month and to schedule a site walk for Thursday, September 29, 2011 at 6:15 p.m. Discussion, none, voice vote, 4-0, all in favor, motion carried.

6. c. DW Transport: Work within a regulated area without a permit on the property located at 38 Pequot Rd, Montville, Ct. As shown on Assessor's Map 72 Lot 35.

Mr. Mike Heally, representing DW Transport, was present to discuss the disturbance, stating the scale is a temporary structure and can be moved from site to site. DW Transport has applied for electric permits from the Town for the construction and a process was followed and the scale was constructed on an impervious surface. Chairman Brush stated he is concerned regarding the excavation next to the watercourse and there have been materials deposited into the wetlands. The scale was installed in the month of May and the applicant has applied for an application for the scale. It was the consensus of the Commission a permit is required due to the excavation and ongoing work next to the scale.

Motion made by Commissioner Beauchene, 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

210 IWC 17 D. W Transport & Leasing: An application for work in relation to the placement of a scale within a regulated area on the property located at 38 Pequot Rd, Montville, Ct. As shown on Assessor's Map 72 Lot 35 as depicted on the plan titled "Composite Plan Showing Recent Improvements (Scale and Scale House) D. W Transport & Leasing #38 Pequot Rd Prepared by Healy & Associates P.O. Box 557 Mansfield, Ct dated Jul5 5, 2011 and the application and narrative dated 7/13/11.

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 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, 4-0, all in favor, motion carried.

Motion made by Commissioner O'Bday, seconded by Commissioner Bartholomey to Lift the Cease and Desist Order placed on the property located at 38 Pequot Rd, Montville, Ct. As shown on Assessor's Map 72 Lot 35 based on the fact that a permit has been filed and approved by the Commission.

Standard Reasons for Approval are as follows;

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, 4-0, all in favor, motion carried.

Motion made by Commissioner O'Bday, seconded by Commissioner Beauchene to discuss item 8 b. under Old Business. Discussion, none, voice vote, 4-0, all in favor, motion carried.

8 b. 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 gave the Commission a summary of events to date, and submitted the engineers report to the Commission to review as requested at the previous meeting. Discussion was held between Commissioner Brush and the applicant's engineer.

Motion made by Commissioner Beauchene, seconded by Commissioner Bartholomew as follows;

22a-19

- (1) This Commission has evaluated the environmental impact of the construction of a garage within the upland area on the property located at 87G Cottage Road on wetland and watercourses resources both on the property and those that are in proximity to the subject parcel. After evaluating such impacts, the Commission finds that the activities proposed in this application are not reasonably likely to unreasonably impair, pollute or destroy wetland and watercourse resources within the jurisdiction of this Commission.

Discussion, none, voice vote, 4-0, all in favor, motion carried.

Motion made by Commissioner Beauchene, 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 11 Len & Kate Johnson: An application for work within a regulated area in conjunction with the construction of a garage on the property located at 87G Cottage Rd, Montville, Ct. As shown on Assessor's Map 63 Lots 1&3 as depicted on the plan titled "General Location & Topographic Survey Depicting Proposed Garage Location Prepared for Len & Kate Johnson 87G Cottage Road, Montville, Ct Dated January 2011 Prepared by Mattern & Stefon Land Surveyors , LLC 148 Route 2 Preston, Ct revised to 4/6/11" and the application and narrative dated 6/7/11

Standard Reasons for Approval are as follows;

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, 4-0, all in favor, motion carried..

6. b. Shawn & Katie Passero: Work within a regulated area without a permit on the property located at 67 Lake Drive, Montville, Ct. as shown on Assessor's Map 108 Lot 91

Ms. Bezanson stated staff has sent three notices certified as well as notices by the US Postal Service and staff has not had any response or correspondence from the property owner to date.

Motion made by Commissioner O'Bday, seconded by Commissioner Bartholomew to refer this application to the town attorney. Discussion, none, voice vote, 4-0.

8. 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 stated the applicant has failed to address any of the comments from the Town Engineer or the Uncas Health District and the time is up for this application.

Motion made by Commissioner Beauchene, seconded by Commissioner O'Bday, to 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 6 Robert Sachs: An application for work in regulated areas in conjunction with the creation of a subdivision on the property located at 316 Chapel Hill Rd, Montville, Ct. As shown on Assessor's Map 35 Lot 1 as depicted on the plan titled "Town of Montville Inland Wetlands and Watercourses Submission for Proposed Residential Subdivision Chapel Hill Rd Montville, Ct. Prepared for Robert Sachs 51 Ciro Rd North Branford, Ct. Prepared by BL Companies 355 Research Pkwy Meriden, Ct dated 7/15/11" and the application and narrative dated 4/14/11.

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 and Standard Reasons for approval apply.

Voice vote, 1-3, Commissioner Bartholomew voted in favor of the motion, Commissioners O'Bday, Beauchene and Brush voted against the motion. Motion failed to pass.

10. Commissioner' Comments:

11. Correspondence:

Ms. Bezanson distributed copies of the Connecticut Department of Energy & Environmental Protection dated September 8, 2011 and addressed to the Connecticut' Municipal Inland Wetlands Agencies regarding Legislation and Regulations Advisory.

Ms. Bezanson stated that on October 17, 2011 at 7:00 p.m. in Town Council Chambers there is a Freedom of Information seminar and is free to attend and she suggested everyone who is available attend the seminar.

Ms. Bezanson discussed repairs to the wall on Rt. 32, stating it is a mandatory State project and the State has jurisdiction over the project but they are accepting comments from the Town.

12. Other Business:

b. Ms. Bezanson stated there is a proposal of Mr. Hatfield, the homeowner of #145 Kitemaug Road, to demolished and rebuild the existing house on the property. The property owners plan to use the existing footprint for the proposed house. Due to excavation of the foundation and the wetlands on the site the Commission is requesting the homeowner submit an application for the construction. Engineer Tim May was present to discuss the proposal with the Commission and stated he will revise the plans to make them more wetlands applicable for submission with the application for a permit.

Motion made by Commissioner O'Bday, seconded by Commissioner Bartholomew, to schedule a special meeting for Wednesday, September 28, 2011 at 5:00 p.m. at 145 Kitemaug Road. Discussion, none, voice vote, 4-0, all in favor, motion carried.

a. Revisions to Inland Wetlands Regulations

13. Adjournment

Motion made by Commissioner O'Bday, seconded by Commissioner Bartholomew to adjourn the meeting at 9:15 p.m. Discussion, none, voice vote, 4-0, all in favor, motion carried.

Respectfully Submitted by:

Audrey Ulmer, Recording Secretary for the Town of Montville.