

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

Meeting Minutes

7:00 P.M.

February 16, 2012

LOCATION: MONTVILLE TOWN HALL, *Council Chambers*

- 1. Call to order: Chairman Brush called the meeting to order at 7:00 P.M.**
- 2. Roll call: A quorum was present. In attendance were Commissioners Brush, Taylor, O'Bday, Bartholomew and Riske. Commissioner Beauchene was absent. Staff present was Colleen Bezanson, Inland Wetland Agent/Planner II.**
- 3. Minutes**
 - a. **Motion** to approve minutes of December 15, 2011 meeting made **by Commissioner O'Bday, seconded by Commissioner Bartholomew.**

Voice vote 5-0, all in favor, motion carried. Minutes approved.

- 4. Public Hearings: None**
- 5. Show Cause Hearings: None**
- 6. Remarks from the public relating to items on the agenda:**

Ms. Sandy Gregory of 59 Jerome Rd, Uncasville addressed the Commission on agenda item 10 c. Possible violation on 60 Jerome Rd (Assessor's Map 69 Lot 38) dumping of leaf debris within a watercourse. Ms. Gregory stated she had seen a huge tarp on her neighbor at 60 Jerome road property filled with leaves. She stated she had seen two men dump the filled tarps onto his property and into a brook. The brook runs across multiple properties on Jerome. Ms. Gregory feared that the leaves may have clogged the brook and would cause flooding across Jerome Rd. She also stated that the stagnant water could possibly attract mosquitoes. She requested the Commission look into the issue.

Commissioner Brush asked if there were any additional remarks from the public 3 times. No additional remarks were made.

- 7. New Business:**
 - a. **Hull Forest Products/Chris Casadei:** An application for a timber harvest with crossing on the property located at 190 Pruett Place, Montville, Ct. as shown on Assessor's Map 1 Lot 2A and Map 111 Lot 9.

Ms. Bezanson stated that the crossing was the smallest she had seen. It was a small brook with a moderate flow. She stated the timber harvest should take a week.

Chris Casadei addressed the Commission on behalf of Hull Forest Products. Mr. Casadei stated that a temporary prefabricated timber bridge was going to be used to collect a small section of timber. The bridge would be removed with minimal disturbance. A discussion was held. It was agreed on by the Commission and Mr. Casadei that Ms. Bezanson would be notified once the crossing was in place. They also agreed that Mr. Casadei could begin work on the upland area of the property, but must wait the 15 day waiting period for public comments and appeals before placing the bridge on the property and completing the timber harvest.

Motion made by Commissioner Taylor and seconded by Commissioner Riske 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 212 IWC 1 **Hull Forest Products/Chris Casadei:** An application for a timber harvest with crossing on the property located at 190 Pruett Place, Montville, Ct. As shown on Assessor's Map 1 Lot 2A and Map 111 Lot 9 as depicted on the plan titled "Middell Timber Harvest 190 Pruett Place Oakdale M1L2A & M111L9 17.45 ac Prepared by C. Casadei January 2012 and the application and narrative dated 1/19/12.

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 fifteen-day waiting period and time for public comments and appeals. This is conditional upon the fact that no petition for a hearing is received within the fifteen-day 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, 5-0, all in favor. Motion carried.

- b. **Marriott Plaza, LLC:** An application for the construction of a 120 room Spring Hill Suites Hotel on the property located at 1360 Route 32, Montville, Ct. As shown on Assessor's Map 88 Lot 22.

Attorney Harry Heller with an office located at 736 Rte 32, Uncasville addressed the Commission representing Marriott Plaza, LLC concerning the property located at 1360 Route 32 in Montville. Attorney Heller stated the property is a 10 ½ acre parcel located on Mohegan Hill in Montville. No activity would be on wetlands. He stated this is a very tight site. The cut and fill materials would be taken from the Easterly side of the property to fill the Westerly portion of the property. There is a proposed retaining wall around the entire westerly area of the site about 26 feet in height. Attorney Heller requested a site walk be scheduled. A discussion was held.

Motion made by Commissioner Taylor and seconded by Commissioner O'Bday to schedule a site walk on the property for March 8, 2012 at 5:30 P.M for the Marriot Plaza Application.

Discussion, none, voice vote, 5-0, all in favor. Motion carried.

8. **Commissioner' Comments:** Commissioner Brush welcomed Commissioner McFee to the Town Council.

9. **Correspondence: Ms. Colleen Bezanson handed out the following correspondence:**

- **CT Wildlife**
- **CFI News**
- **Habitat Conservation of Wetlands**
- **CT Transportation Institute Technology Center On the Job Safety**
OSHA Regulations -Workshop dates in March
- **Eastern CT Observation News Letter**

10. **Other Business:**

- a. Determination if a permit is required for a truck washing facility for Osterman Propane on the property located at 3 Enterprise Ln, Montville, Ct. As shown on Assessor's Map 2 Lot 5E.

Ms. Cheryl Peterson of Heritage Design Group addressed the Commission on behalf of Osterman Propane. Ms. Peterson explained the infrastructure of the proposed truck wash. She stated that upon approval a truck wash facility was to be constructed on the existing paved area. The wash will abut the existing building. She stated that no additional area will be disturbed. The structure will be roofed with two ends open so trucks can drive through. A 2 sided modified cape berm will be placed around the perimeter of the wash and all waste water will run into a catch basin. The waste will be transported to MDC wasteland in Hartford, CT.

Ms. Colleen Bezanson stated that from a staff point of view no permit was needed. A discussion was held. It was agreed between the Commission and Ms. Peterson that the plans for the truck was would be altered so the erosion control barriers will be constructed outside the 50 foot barrier and onto the asphalt.

Motion made by Commissioner Taylor, seconded by Commissioner Bartholomew as follows, After review of all relevant material and testimony the Commission finds that the proposed work on the property located at 3 Enterprise Lane, Montville , Ct. as shown on Assessor's Map 2 Lot 5E does not require a permit from this Commission. The work will not have an impact on the surround wetland area.

Discussion, none, voice vote, 5-0, all in favor. Motion carried.

- b. Dubois Forestry- 57 Cook Rd (Assessor's Map 40 Lot 13) Timber harvest without crossings

Ms. Bezanson stated that this item had been referred to the Commission so they could see it, but there is no evidence that there had been any event there.

- c. Possible violation on 60 Jerome Rd (Assessor's Map 69 Lot 38) dumping of leaf debris within a watercourse.

Colleen Bezanson stated a certified letter had been sent home to the property owner on February 6, 2012 and they were waiting for a response from him. A discussion was held. The Commission will continue to look into the matter at 60 Jerome Rd.

- d. 316 Chapel Hill Rd (Assessor's Map 35 Lot 1) update

Ms. Bezanson stated that a Cease and Desist order had been sent by Planning and Zoning. She stated because of possible wetland concerns she had received and Erosion and Sediment Control Plan Act from them. She stated staff was trying to schedule a meeting with the property owners.

In Addition Ms. Bezanson remarked on BW paving. She stated there were multiple trucks parked on the property and equipment causing area disturbance. She stated from a staff point of view this party was in violation of their Mediation plan and had violated it multiple times. Commissioner Taylor agreed. A discussion was held. The Commission stated that a letter was to be sent stating the party must move into compliance with their mediation plan by May 1, 2012 and all trucks must be removed immediately.

- e. Revisions to Inland Wetlands Regulations

A Public Hearing will be held on May 3, 2012 for revisions to the Inland Wetland regulations. The date will be checked on and confirmed by Ms. Bezanson.

11. Executive Session

- a. For discussion of pending litigation & claims (Town of Montville Inland Wetlands Commission v. Diamantini, John et al Docket #KNL –CV-10-6005467-S)

Motion made by Commissioner Taylor and seconded by Commissioner O'Bday to move into Executive session as follows, For discussion of pending litigation & claims (Town of Montville Inland Wetlands Commission v. Diamantini, John et al Docket #KNL –CV-10-6005467-S).

Discussion, none, voice vote, 5-0, all in favor. Motion Carried.

Commissioners Brush, Taylor, O'Bday, Bartholomew and Riske and Ms. Colleen Bezanson moved into Executive Session at 7:52 P.M.

Commissioners and Ms. Bezanson reconvened at 8:20 P.M.

12. Old Business

- a. Town of Montville Inland Wetlands Commission v. Diamantini, John et al Docket #KNL –CV-10-6005467-S potential settlement

Motion made by Commissioner Taylor, seconded by Commissioner Bartholomew as follows, To authorize a settlement with John and Kimberly Diamantini of DOCKET NO. KNL-CV-10-6005467-S pending in the Judicial District of New London regarding past violations of their wetland permit for property located at 1399 Old Colchester Rd substantially in accordance with the proposed draft stipulation dated February 2012 with Schedule A being the map that was approved by the Commission at its August 21, 2008 meeting revised to October 10, 2008 to include wetland conditions of approval and Schedule B being the map that shows the location of newly proposed trees.

Discussion, none, roll call vote, 5-0, all in favor. Motion Carried.

Motion made by Commissioner Bartholomew and seconded by Commissioner O'Bday to adjourn the meeting at 8:23 P.M.

Discussion, none, voice vote, 5-0, all in favor. Meeting adjourned.

Respectfully submitted by: Heidi-Lee Jacobs, Minutes Clerk for the Town of Montville.