

DRAFT

approved by the Commission on _____

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

REGULAR MEETING MINUTES

Amended April 16, 2009

March 19, 2009

LOCATION: MONTVILLE TOWN HALL, *Council Chambers*

1. **Call to order:** Chairman Brush called the meeting to order at 7:07pm.
2. **Roll call:** A quorum was present. Present were Commissioners Beauchene, O'Bday, Johnson, and Brush. Absent were Commissioners Riske, Taylor, and Bartholomew. Staff present was Colleen Bezanson Inland Wetland Agent/Planner II.

* Former Commissioner O'Donnell was presented with a plaque for recognition & appreciation for the 34 years served on Commission.

3. Minutes:

- a. Approve minutes of Meeting February 19, 2009. **Motion** to approve by Commissioner Johnson, seconded by Commissioner Beauchene. **4-0 favor, motion carried.**
- b. Approve minutes of Special Meeting Site walk March 12, 2009. **Motion** to approve by Commissioner Johnson, seconded by Commissioner O'Bday. **4-0 favor, motion carried.**
- c. Approve minutes of Special Meeting Workshop March 12, 2009. **Motion** to approve by Commissioner Johnson, seconded by Commissioner Beauchene. **4-0 favor, motion carried.**

4. Public Hearings: none.

5. Show Cause Hearings:

- a. **Thomas Sanders:** Application for work within a regulated area on the property located at 87E Cottage Rd, Montville, CT. As shown on Assessor's Map 63 Lot 5.
Chairman Brush delayed hearing this item until an additional Commission member arrived. (See after item 5b)

- b. **May Realty:** An application for repairs completed on the property located at 711 Route 163, Montville, CT. As shown on Assessor's Map 38 Lot 53.

Discussion was held. Chairman Brush expressed concern about possible fill and smaller rocks being added to original large rocks placed on property. Was concerned about smaller rocks being washed downstream in case of rain.

Ms. Bezanson stated the Town Engineer and Richard Snarski (soil scientist) were going to be submitting recommendations for the next meeting and that the plan would have to go to DEP for review and comment.

Commissioner Johnson expressed concern with regards to if item waited until next months meeting that with upcoming rains that wash away would happen in the meantime.

David Yoselevsky stated that additional work was done since the last time this item was before Commission.

Commissioner O'Bday questioned if the trees shown in the December photo needed to be cut down.

Discussion was held.

David Yoselevsky submitted a letter stating that any previous work done without a permit was done by his deceased grandfather and that he had not done any of that work. Also stated that he had called Tom Sanders requesting help before doing any of the work.

Motion to continue to next month and/or until information by Town Engineer is submitted by Commissioner O'Bday, seconded by Commissioner Johnson. **4-0 favor, motion carried.**

Attorney William McCoy submitted an extension letter to continue item 5a on the agenda, **Thomas Sanders**, to next months meeting due to lack of quorum. Commissioner Johnson would have needed to excuse herself from the application, therefore there would not be a quorum to hear the application. **Motion** to continue by Commissioner Beuchene, seconded by Commissioner O'Bday. **3-0-1 favor, motion carried.** Commissioner Johnson abstained.

- c. **Andrew Petrowski:** Work within a regulated area without a permit on the property located at 37 Cove Road, Uncasville, CT. As shown on Assessor's Map 75 Lot 7.

Ms. Bezanson explained that the original plan that was submitted for the construction of the house was more than 80 ft away from the wetland area. When the building inspector inspected the location of the foundation it was noticed that the house was in the wrong location. It was later found out that the plan was wrong and would need to be redesigned. The house would not be within a floodzone and possible Tidal Wetlands. DEP was

contacted and staff is awaiting their comments to determine jurisdiction in the area. Discussion was held.

Motion to continue was made by Commissioner Johnson, seconded by Commissioner Beuchene. **4-0 favor, motion carried.**

6. Remarks from the public relating to items on the agenda: none.

7. Old Business:

- a. **Chel & Company LLC:** An application for a re-subdivision review on the property located at 5 Richard Brown Drive, Montville, CT. As shown on Assessor's Map 55 lot 33A.

William F Kent explained where a driveway would be placed, but there were no plans for any work on the property at this time. Discussion was held.

Motion was made by Commissioner Johnson:

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 send favorable comments to the Planning and Zoning Commission on the following Re-subdivision application. 209 IWC 1 **Chel & Company LLC:** An application for a re-subdivision review on the property located at 5 Richard Brown Drive, Montville, CT. As shown on Assessor's Map 55 Lot 33A as depicted on the plan titled "Landsdowne Estates Re-subdivision Boundary Survey Property Belonging to HillCrest Montville, LLC. 5 Richard Brown Drive Montville, CT. Total Area 35.21 Acres Scale 1"=80' prepared by William Kent dated November 24, 2008" and the application and narrative dated January 6, 2009. Reason for approval: 1) The Commission noticed no regulated activities proposed at this time. 2) The applicant states that there is sufficient access to the property east of the drainage right of way on Richard Brown Road. Seconded by Commissioner Beuchene. **4-0 favor, motion carried.**

- b. **John Diamantini:** An application for the construction of a dock on the property located at 1399 Old Colchester Road, Montville CT. Assessor's Map 44 Lot 4-3.

Ms. Bezanson read staff report.

Mr. Diamantini submitted the following letters:

- Letter from Kimberly Diamantini dated 3/19/09
- Letter from Oxiby Farms Approval Authority dated 3/16/09
- Letter from Karlson, Kasper & Parasco LLC dated 3/17/09
- Wetlands report & resume from Michael Shaeffer, Professional Soil Scientist dated 3/17/09

Ms. Bezanson read the letters into record. She then read a opinion letter from Attorney Smith from Shipman & Goodman dated March 19, 2009.

Discussion was held. Commission expressed concern about boat activity affecting the bottom of the water.

Commission requested a drawing and details of the dock with regards to size and how it is to be anchored and more information from the soil scientist regarding the effect of boat propellers on the bottom of the lake.

Mr. Diamantini stated the dock would just be resting on the shore

Discussion was held.

Motion to continue by Commissioner O'Bday, seconded by Commissioner Beuchene. **4-0 favor, motion carried.**

- c. **Advanced Associates, LLC:** An application for a crossing on the property located at 410 Maple Avenue, Montville CT. As shown on Assessor's Map 31 Lots 2A & 3-3.

Ms. Bezanson read staff report. Commissioner O'Bday stated he saw site and didn't see that there would be any negative impact.

Attorney McCoy stated a 24ft. pipe would be placed below crossing and that any fill would not affect water running beneath.

Discussion was held.

Motion to approve was made by Commissioner O'Bday,

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, and to the evidence presented and to the Commission's knowledge of the property and area, I move to approve application.

209 IWC 4 **Advanced Associates, LLC:** An application for a crossing on the property located at 410 Maple Avenue, Montville CT. As shown on Assessor's Map 31 Lots 2A & 3-3 as depicted on the plans titled "Advanced Associates, LLC Site Development Plan Proposed Improvements – Existing Wetland Crossing Zoning District I 410 Maple Avenue – Montville CT Grading – Drainage-Utilities, Prepared by CLA Engineers 317 Main Street Norwich, CT." dated 1/8/09 and the application and narrative dated 2/10/09.

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.

Seconded by Commissioner Johnson. **4-0 favor, motion carried.**

8. New Business: none.

9. Commissioner's Comments: Commissioner Johnson commented on the presence of former Commissioner O'Donnell's presence and reflected on the years of his service.

10. Correspondence:

Ms. Bezanson handed out the following:

- ECCD outlook pamphlets on bulb sales
- New edition of Habitat
- 1 ticket to 2009 Municipal Inland Wetland DEP Training

11. Other Business:

a. **Workshop dates:** none scheduled.

Motion to Adjourn meeting at 8:40 by Commissioner O'Bday, seconded by Commissioner Beuchene. **4-0 favor, motion carried.**

Respectfully submitted,

Pamela Church, Recording Secretary

AN AUDIO RECORD OF THE MEETING IS ON FILE IN THE MONTVILLE TOWN CLERK'S OFFICE.

