

**TOWN OF MONTVILLE
INLAND WETLANDS COMMISSION
REGULAR MEETING MINUTES
THURSDAY, SEPTEMBER 19, 2019 – 7:00 P.M.
LOCATION: MONTVILLE TOWN HALL, Council Chamber
310 NORWICH-NEW LONDON TURNPIKE
UNCASVILLE, CONNECTICUT 06382**

1. CALL TO ORDER

Chairman Brush called the meeting to order at 7:00.

2. ROLL CALL

Present: Chairman-Doug Brush, Vice-Chairman Charles O’Bday III, Commissioner, Jessica LeClair, Matthew Emilyta, Anthony Tufares

Absent: Commissioner Sandra Berardy, Alt. Vacancy, Alt. Vacancy

Attending: Nancy Woodlock WEO.

3. MINUTES: Approval of Minutes from the August 15, 2019 Regular Meeting

MOTION: (Emilyta/O’Bday) to approve the August 15, 2019 Regular Meeting

Minutes as presented. Vote: Approved. In favor-Brush, O’Bday, LeClair, Emilyta.

Opposed-none. Abstaining-Tufares

4. PUBLIC HEARING: None

5. SHOW CAUSE HEARING:

A. Mr. Richard A. Ryan-442 Fire Street, M14L3-A: Cease and Desist Order for the possible clearing/filling of a buffer and inland wetland area.

R. Ryan stated there has been no new developments concerning the order. He still needs to figure out where the buffer is. He stated he was trying to make the property more useable.

The commission informed R. Ryan he would have to get a professional soil scientist to delineate the wetlands and upland review. There is a vernal pool on the property and the original permit had a condition of approval that the vernal pool be left as is and protected.

R. Ryan will contact a soil scientist and come back to the commission with plans for his property.

MOTION: (O’Bday/LeClair) to continue the cease and desist order against Mr. Richard Ryan-442 Fire Street, M14L3-A: Cease and Desist Order for the possible clearing/filling of a buffer and inland wetland area.

B. Mr. Brian L. James & Ms. Myle N. James-240 Gay Hill, M23L11-C: Cease and Desist Order for the possible clearing brush/cutting trees in the buffer and /or inland wetlands.

N. Woodlock gave an over view of the property and the work that has been done by the owner.

- After receiving a complaint on August 13, 2019 about a possible wetlands violation at 240 Gay Hill Rd., the property was viewed from a neighboring property on August 15, 2019 to try and determine if any wetland violation had in fact occurred. Using a reference map

created from a previous survey and reference points from accessory buildings, it appeared some of the recent cutting down of dead trees and removal of brush on the property at 240 Gay Hill Road may have occurred in the wetland buffer area and/or the wetland area.

- A notice of possible violation was mailed out on August 19, 2019, in regards to the above. The property owner called the office on August 22, 2019 and a site walk was set up.
- On August 28, 2019, Nancy Woodlock met with the property owner of 240 Gay Hill Rd., Mr. Brian L. James, later joined by his wife Myle N. James. Based on the findings of the site walk with the map referenced below and the Towns GIS mapping it was determined that some of the brush clearing, dead tree removal and removal of metal and concrete found on the property may have occurred within the 50ft. upland review area and possibly a portion of the wetland
- Mr. James stated he and his wife enjoy the wetland area and were just trying to clean up the property and remove some of the invasive species, add some benches and plantings to the area.
- Following the site walk a Cease and Desist was mailed out on September 6, 2019, explaining the Show Cause Hearing that would be held on September 19, 2019.

Brian James concurred with the assessment of N. Woodlock and stated he was still clearing garbage out of the area. He has hauled steel, concrete and copper out of the upland review. He has also cleared invasive species and dead trees that present a hazard. He stated that while he and N. Woodlock were inspecting the area a large tree fell down. B. James stated he was removing everything by hand and is not using heavy equipment. He has not used any pesticides. He stated he and his wife enjoy the wildlife and wetlands activity but he is making it better by removing the garbage and invasive species.

N. Woodlock stated that the only work done was in a small corner of the upland review. There was no work done in the wetlands or watercourse.

J. LeClair thought the work done on the property could be an, "as of right" and should be considered incidental to the enjoyment and maintenance of a residential property. D. Brush stated the clearing of a couple of trees did not constitute a violation.

MOTION: to lift the cease and desist order from Mr. Brian L. James & Ms. Myle N. James-240 Gay Hill, M23L11-C. Vote: Approve Unanimously

6. REMARKS FROM THE PUBLIC (not relating to items on the agenda)-None

7. OLD BUSINESS: None

8. NEW BUSINESS: None

9. CORRESPONDANCE: A WPCA general permit was issued

10. OTHER BUSINESS: None

11. EXECUTIVE SESSION-None

12. ADJOURNMENT:

MOTION: (O'Bday/LeClair) to adjourn at 7:40. Vote: Approved Unanimously

Respectfully Submitted
Sue Spang, Recording Secretary