

**TOWN OF MONTVILLE  
INLAND WETLANDS COMMISSION  
REGULAR MEETING MINUTES  
THURSDAY, JUNE 18, 2020 – 7:00 P.M.  
LOCATION: Remotely utilizing GoToWebinar**

Due to the Corona 19 pandemic and per State of Connecticut, Governor Lamont Executive order 7B, the Town of Montville will be following the suspension of in-person open meeting requirements. The Montville Inlands Wetlands Commission conducted the June 18, 2020 meeting remotely utilizing GoToWebinar. The public and applicants could make comments at the appropriate time by registering with GoToWebinar.

**1. CALL TO ORDER**

Chairman Brush called the meeting to order at 7:04. Chairman Brush read the rules for the web based meeting.

**2. ROLL CALL**

**Present:** Chairman-Doug Brush, Vice-Chairman Charles O’Bday III Commissioners, Jessica LeClair, Matthew Emilyta and Anthony Tufares (7:15)

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

**Attending:** Bob Russo

**3. MINUTES: Approval of Minutes from the May 21, 2020 Regular Meeting.**

**MOTION (Brush/LeClair) to approve the minutes of the May 21, 2020 regular meeting as presented. Vote: Approved. In favor-Brush, O’Bday, LeClair. Opposed-none. Abstaining-Emilyta.**

**4. REMARKS FROM THE PUBLIC (not relating to items on the agenda)-none**

**5. NEW BUSINESS:**

**A. 220IWC5-Route 163, (Map 52, Lots 6 & 8) Applicant: Chris Casadei c/o Hull Forest Products, Inc. Owner: Leonard Lathrop, An application for Timber Harvest.**

C. Casadei gave a description of the property and the work to be done. There will be two crossings on intermittently wet areas that will covered with corduroy mats. The area was previously approved in 2014 in conjunction with another timber harvest application but the work was not completed. Because the application time has run out and no extension was asked for, a new application and permit must be applied for.

**MOTION: (Brush/LeClair) to table application 220IWC5-Route 163, (Map 52, Lots 6 & 8) Applicant: Chris Casadei c/o Hull Forest Products, Inc. Owner: Leonard Lathrop, An application for Timber Harvest until the July, 2020 meeting. Vote: Approved Unanimously.**

## **6. PUBLIC HEARING**

**A. 219IWC6-1499 & 1505 Hartford Pike (Rte.85), (Map 5, Lot 23A & 24A)  
Applicant: Deer Run Stable LLC, Owner: Asif Choudhry & Deer Run Stable LLC, an application for work within a regulated area in conjunction with the development of a gasoline station/convenience store.**

D. Brush opened the Public Hearing at 7:15 by reading the rules of the Public Hearing.  
D. Brush read the list of exhibits into the record:

### **Applicant Exhibit List**

1. Montville Inland/Wetlands Application dated November 18, 2019.
2. Inland Wetlands Application Checklist.
3. Erosion and Sediment Control Checklist.
4. List of Abutting Property Owners.
5. Narrative Description and Construction Sequence relative to the development of a commercial site on property located at 1499 and 1505 Hartford-New London Turnpike (Connecticut Route 85), Montville, Connecticut for a gasoline/convenience store facility.
6. Property owner authorization of Asif Choudhry.
7. Property owner authorization of Deer Run Stable, LLC.
8. Statewide Inland Wetlands & Watercourses Activity Reporting Form.
9. Notice to City of New London Department of Public Utilities dated November 20, 2019.
10. Notice to State of Connecticut Commissioner of Public Health dated November 20, 2019.
11. Report of Demian A. Sorrentino, Certified Planner and Soil Scientist dated November 19, 2019.
12. Project drainage analysis prepared by Angus McDonald/Gary Sharpe & Associates, Inc. dated October 1, 2019.

13. Application submittal letter to Montville Inland Wetlands and Watercourses Commission from Heller, Heller & McCoy dated November 20, 2019.
14. Site Development Plan prepared for Deer Run Stable, LLC 1499 & 1505 Hartford New London Turnpike Oakdale/Montville, Connecticut Date: January 10, 2019 Revisions: 1-23-20 Updated, 2-20-20 Updated, 2-27-20 Per Town Planner, 3-11-20.
15. Plans entitled “Underground Storage Tanks Installation Proposed Filling Station 1499 & 1505 Hartford New London Turnpike Oakdale, CT 06370” dated 12/17/2019 prepared by CMG Environmental Services Engineering Services.
16. Review letter of CLA Engineers, Inc. dated December 11, 2019.
17. E-mail from Mark Smith to Harry Heller dated December 18, 2019 listing the leak detection safety, monitoring and redundancy features contained in the design of the petroleum storage, transmission and dispensing system.
18. Staff Report dated December 5, 2019.
19. Letter from Heller, Heller & McCoy to Montville Inland Wetlands and Watercourses Commission dated January 14, 2020.
20. Comments from Uncas Health District dated February 11, 2020.
21. Letter from Heller, Heller & McCoy to Montville Inland Wetlands and Watercourses Commission dated February 18, 2020.
22. Review comment correspondence from CLA Engineers, Inc. dated February 17, 2020.
23. Notice of Public Hearing to be held on March 19, 2020 which was published in The Day on March 6, 2020 and March 13, 2020.
24. Correspondence from Montville Inland Wetlands and Watercourses Commission to Attorney Harry B. Heller dated February 27, 2020.
25. Notice of Public Hearing submitted by Heller, Heller & McCoy to the City of New London Department of Public Utilities dated March 2, 2020 with return receipt.
26. Notice of Public Hearing submitted by Heller, Heller & McCoy to the State of Connecticut Commissioner of Public Health dated March 2, 2020 with return receipt.

27. Letter from Heller, Heller & McCoy to Montville Inland Wetlands and Watercourses Commission dated March 17, 2020.
28. Review comments of CLA Engineers, Inc. dated March 20, 2020.
29. Notice of Public Hearing letter to State of Connecticut Commissioner of Public Health dated June 2, 2020 with return receipt.
30. Notice of Public Hearing letter to City of New London Department of Public Utilities dated June 2, 2020 with return receipt.
31. Notice of Public Hearing to be held on June 18, 2020 posted on the Montville website on June 4, 2020.
32. All agendas.
33. Minutes of all meetings at which the application was discussed.
34. Review comments of Uncas Health District dated April 10, 2020.
35. Building Department review comments revised February 27, 2020 and approved April 4, 2020.
36. Fire Marshal review comments dated April 30, 2020.

Attorney Harry Heller, 736 RT. 32, Uncasville, Stuart Fairbank P.E. and Mark Smith, Civil Engineer for the storage and pumping system and Damien Sorrentino, S.S., are present to represent the applicant. H. Heller gave background and description of the two properties, (1499 & 1505 Hartford Tpke.) which will be combined for the project. The application is submitted for a permit to conduct activities in the Upland Review Area (UPA). The project consists of a convenience store, 12 gas pumps and 3 diesel pumps. The proposed project is located in a C1 zone of the Montville Zoning Regulations. A proposed retaining wall and silt fence will be utilized for Erosion and Sedimentation controls (E&S).

H. Heller describe the closed drainage system which exceeds Connecticut's DEEP 2004 water quality manual. The closed drainage system includes catch basins around the perimeter of the project with sumps to trap sedimentation. The runoff is captured by two oil water separators; the maintenance is included in the application.

H. Heller responded to the letter from Conway, Londregan, Sheehan and Monaco, P.C., addressing the concerns of the City of New London and the City of New London Water and Water Pollution Authority (WWPCA) which opposes the application submitted by Deer Run Stable, LLC. H. Heller informed the members that the water flows to the north and not to the public drinking supply reservoir for the City of New London. He

did not agree that the proposed underground storage tanks are located in a prohibited watershed area as indicated by the Montville Zoning bylaws.

Mark Smith, P.E., 67 Hall Rd. Sturbridge MA. CMG described the underground piping and tanks (Exhibit 15). All underground components are non corrodible and the the storage tanks are double walled. There are monitors and alarms that continuously monitor for any breeches of petroleum products. In response to the letter from the City of New London's letter suggesting a concrete vault, he informed the members that the double walled tanks are pre-engineered and the addition of a concrete vault would not add to the safety of the project where potential leaks are concerned. M. Smith discussed the monitoring of the tanks and that the tanks are usually removed when the warranty runs out, approximately 30 years.

The Commission asked M. Smith if he had any personnel experience with the proposed design of the underground tanks leaking. He replied that he did not.

The Commission asked if there would be any ground water monitoring and how would they know if there was a leak. M. Smith informed the members that there are alarms and the tanks could be visually monitored and a log is kept as part of the warranty process.

H. Heller cited sheet 3 of 11 in the site development plan where the proposed activity in the URA is construction of the retaining wall, some paving and maneuvering lanes as well as the storm water discharge near wetlands flag 5.

H. Heller went through the Town of Montville regulation permitting requirements and suggested the proposed project meets the requirements.

The Commission questioned the stability of the retaining wall. Stuart Fairbank described the wall as a commonly constructed wall and the design is typically used by the CT DOT. The height of the wall is approximately 8-9 feet high at its highest point. H. Heller discussed the approval of the Dept. of Public Health and the Public Utility Control Committee. There is a well proposed on the site which needs approval because it will be a public water supply; the applicant has not received approval yet and if the well has to be moved the applicant will have to come back to the Commission.

#### **Public Comment**

D. Brush read the Public Comments (See Attached) into the record and called for comments from the public.

#### **Public Exhibits:**

1. Letter from Offices of Conway, Londregan, Sheehan & Monaco, PC representing the City of New London and City of New London Water dated 6/16/2020
2. Letter from Michelle and Andrew Giroux dated 6/15/2020
3. Letter from Richard and Michelle Madore dated June 10, 2020

Attorney Brian Estep, for the City of New London and WWPCA spoke in opposition to the application. He believes the activity is in the public watershed area and recommends the applicant be required to fully map the watershed area if the application is approved.

D. Brush called for other Public Comments.

The Commission asked if there was a possibility of putting test wells on the other side of the retaining wall. H. Heller suggested that the applicant is amenable to making reasonable adjustments to the monitoring program and that if the commission thinks it is necessary then the applicant would be willing to do it. The location around wetlands flag 3 was discussed for a possible site of the well.

Bob Russo, speaking for Montville suggested the well be installed by a professional, have a screened interval so the silt cannot get in and be monitored by a trained person. The well should be between the potential source and the water source to be protected. He requested the applicant's engineer supply detail plans for a 2" monitoring well as part of the revised plans.

**MOTION: (Brush/O'Bday) to continue the public hearing until the July, 2020 meeting of the Montville Inland Wetlands Commission. Vote: Approved Unanimously. (9:15)**

**B. Discussion and Decision: 219IWC6-1499 & 1505 Hartford Pike (Rte.85), (Map 5, Lot 23A & 24A) Applicant: Deer Run Stable LLC, Owner: Asif Choudhry & Deer Run Stable LLC, an application for work within a regulated area in conjunction with the development of a gasoline station/convenience store.**

No action taken

**7. SHOW CAUSE HEARING-none**

**8. OLD BUSINESS-none**

**9. CORRESPONDENCE:**

A letter from Adam McNiece concerning Lombardi Gravel Co., letter from Joseph Theroux, S.S. addressing his observations of Lombardi Gravel Co. at the request of the Town of Montville. A reply letter from Lombardi Gravel Co. was read.

**10. OTHER BUSINESS -none**

**11. EXECUTIVE SESSION-none**

**12. ADJOURNMENT**

**MOTION: (Brush/LeClair) to adjourn at 9:21. Vote: Approved Unanimously**

Respectfully Submitted

Sue Spang

Recording Secretary