

**TOWN OF MONTVILLE  
INLAND WETLANDS COMMISSION  
REGULAR MEETING MINUTES  
THURSDAY JULY 16, 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 July 16, 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 7:01. Chairman Brush read the rules for the web based meeting.

**2. ROLL CALL**

**Present:** Chairman-Doug Brush, Vice-Chairman Charles O’Bday III Commissioners, Sandra Berardy Jessica LeClair, Matthew Emilyyta and Anthony Tufares

**Absent:**, Alt. Vacancy, Alt. Vacancy

**Attending:** Bob Russo

**3. MINUTES: Approval of Minutes from the June 18, 2020 Regular Meeting.**

Add Commissioner Berardy as attending the meeting.

**MOTION (Brush/O’Bday) to approve the minutes of the June 18, 2020 regular meeting as amended. Vote: Approved Unanimously**

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

**5. NEW BUSINESS:**

**a. 220IWC6 – 5 Glen Craig Place, (Map 32 Lot 6-18) – Applicant/Owner: Nicholas Fort, an application for work in regulated area to install inground pool and deck.**

N. Forte informed the members that the pool is an above ground pool and will discharge into the yard. The pool is placed in the regulated area to avoid the septic system.

**MOTION: (Brush/Berardy) to continue the application until the August meeting and conduct a scheduled site walk on August 13, 2020, at 4:00. Roll Call Vote: Motion Approved Unanimously.**

**b. 220IWC7 – 157 #D Doyle Rd (Map 57 Lot 10-D) – Applicant: Donald Raitz, Owner: Betty K. Raitz (Trustee), An application for work within regulated area in conjunction with sanitary repair.**

Applicant D. Raitz introduced Steve Marion, land Surveyor. S. Marion informed the Commission that the current septic system (cess pool) is failing and in need of repair.

It is on the east side of Gardner Lake; the high water mark is the limit of the inland wetlands. The lot is .23 acres and there is little room for repairs. The proposed septic repair has been designed by an engineer and placed in the only available location on the lot. The septic will be 25' from the lake. They cannot maintain the 75' distance from the well, so will need to get waivers from the state to decrease the distance between the well and proposed septic. They have conditional approval from the health district pending various approvals.

There will be significant grading with the appropriate E&S controls. An A2 survey and soil scientist report is included with the application. Due to a number of large trees that need to come down as well as the difficult construction conditions, the applicant is asking that the decision be expedited.

The applicant is pumping the septic approximately every two weeks to avoid effluent going into the lake. D. Raitz would like to get the approval in time to do the work and stabilize the site before winter. The residence is a seasonal cottage and the water gets turned off in October making it difficult to test any repairs.

The commission did not think the approval was an emergency but is willing to schedule a special meeting after the 14-day waiting period.

**MOTION: (O'Bday/LeClair) to table 220IWC7 until a special meeting on July 30, 2020 at 6:00 at 157 #D Doyle Rd (Map 57 Lot 10-D. Roll Call Vote: Motion Approved Unanimously.**

- c. **220IWC8 – 8-10 Daisy Hill Rd (Map 11 Lots 2-3, 2-4) – Owner/Applicant: PPM, LLC/Frank Crandall, An application for work within wetlands to construct two (2) crossings.**

F. Crandall informed the members that the site had previously been approved in 2007. There were houses proposed on both lots but the applicant would like to build a house on 10 Daisy Hill Rd only. They would need cross the regulated area to construct a driveway and install utilities. He stated the areas to be crossed are dry now and a good time for installation. There is a discrepancy in the application as to the amount of disturbed area vs. the actual amount, possibly square feet as opposed to linear ft.

**MOTION: (LeClair/O'Bday) to table application 220IWC8 – 8-10 Daisy Hill Rd (Map 11 Lots 2-3, 2-4) – Owner/Applicant: PPM, LLC/Frank Crandall, An application for work within wetlands to construct two (2) crossings until the August meeting. Roll Call Vote: Motion 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 continued the Public Hearing at 7:51. D. Brush read the list of exhibits into the record:

**Staff Exhibits:**

1. Copy of legal ad published on the Town Website on March 4, 2020
2. Application with maps for Deer Run Stable, LLC for the property located at 1499 and 1505 Route 85 revised to 3/11/2020
3. Comments from the following agencies on revised 3/11/2020 plan
  - a. Town Engineer
  - b. Fire Marshal
  - c. Building Department
  - d. Uncas Health
4. Copy of Letter sent to Applicant regarding Public Hearing on May 26, 2020
5. Extension Letters from Attorney Heller to Commission dated
  - a. 1-14-2020
  - b. 2-18-2020
  - c. 3-17-2020
6. Copy of the Legal Ad for original Public Hearing Date published on March 6, 2020 and March 13, 2020 in the Day paper
7. Copy of Letter sent to Applicant regarding Public Hearing on Feb 27, 2020
8. Cancellation notice of March 19, 2020 meeting
9. Executive order 7B Section 1- Virtual Meetings
10. Executive order 7I Section 19- Application timeline extension
11. Staff Report dated December 5, 2019
12. Extension Letter from Attorney Heller to Commission dated 6-23-2020
13. Letter from Sandra Berardy that she has listened to the meeting of June 18, 2020

**Applicant Exhibits:**

37. Report of Demian A. Sorrentino, Certified Planner and Soil Scientist dated June 5, 2020

38. Site Development Plan Drainage Report (6-16-20)- Developed Conditions
39. Site Development Plan add Monitor Well Rev 7/7/2020
40. Proposed Conditions of Approval

**Public Exhibits:**

17. Letter from George W. Stanley dated July 9, 2020
18. Letter from Captain Peter Dargel dated July 9, 2020

Attorney Harry Heller, 736 RT. 32, Uncasville, Stuart Fairbank P.E. and Mark Smith, Civil Engineer for the storage and pumping system are present to represent the applicant. H. Heller addressed the request from the City of New London regarding a vault around the underground tanks. They reviewed the request and did not see any additional benefit to adding a vault to an engineered system.

A monitoring well has been included on the updated plans and the protocol for testing as suggested by B. Russo. As a condition of approval the results will be given to the City of New London and the Commission. R. Russo reviewed the plans and believes the testing and sampling are properly addressed. There will be a baseline test before the tank installations.

Brian Estep, City of New London, appreciates the installation of the monitoring well but would like to see testing done more frequently.

H. Heller informed the commission that the storm water is not an issue for the City of New London because it has been documented that the storm water discharge does not go into the City of New London watershed.

D. Brush called for public comment three (3) times; there were no public comments.

**MOTION: (Berardy/LeClair) to close the Public Hearing for, 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. Vote: Approved Unanimously. Public Hearing closed at 8:22 pm**

- b. Discussion and Decision: 219IWC6 – 1499 & 1505 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.**

Discussion on the frequency of cleaning the storm water basins was held, it was decided they would be cleaned three (3) times a year.

**MOTION: (Brush/Berardy) After giving due consideration to all relevant factors including those in Section 6 and/or Section 10, of the Montville Inland Wetland Regulations and Section 22a-41 of the Connecticut General Statutes, I move to APPROVE application: 219IWC6 – 1499 & 1505 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 as depicted on the plans titled “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 Sheets 1-11”**

**With additional 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 sheets 1-3”**

**“Developed Conditions Drainage Area Map Property of Deer Run Stable, LLC 1499 & 1505 Hartford New London Tpk Oakdale/Montville, Ct. Dated October 31, 2018 and revised to 4-27-2020**

**and “Proposed Monitoring Well” on a plan entitled “Site Development Plan Prepared For Deer Run Stable, LLC 1499 & 1505 Hartford New London Turnpike Oakdale/Montville, Connecticut Date: July 10, 2019 Revisions 1: 1/13/20 Revised Per Comments 1/24/20 Drive, Grading & Wells 2-20-20 Updated 2-27-20 Per Town Planner, 3-11-20, 7-7-20 Add Monitor Well Sheet 3 of 11 Job No. 186333 Angus McDonald Gary Sharpe & Associates, Inc. P.O. Box 608 233 Boston Post Road Old Saybrook, Connecticut 06475 Tel. (860) 388-4671 Fax (860) 388-3962”,.**

**STANDARD CONDITIONS OF APPROVAL APPLY AS FOLLOWS:**

- 1. Authorized representatives of the Town may enter the premises at reasonable times to conduct on-site inspections or routine maintenance.**
- 2. The permittee shall notify the Wetlands Enforcement Officer prior to the commencement of work and upon completion of all site development.**
- 3. If the authorized activity is not completed on or before the expiration date of the permit, all activity shall cease, and if not previously revoked, extended or renewed, this permit shall be null and void. IT IS THE APPLICANT’S RESPONSIBILITY TO APPLY FOR A RENEWAL AT LEAST SIXTY-FIVE (65) DAYS PRIOR TO THE AFOREMENTIONED EXPIRATION DATE.**
- 4. All work and regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this permit. Any structures, excavation, fill, obstructions, encroachments, or regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension or revocation. Upon initiation of the activities authorized**

herein, the permittee accepts and agrees to comply with the terms and conditions of this permit.

5. This authorization is not transferrable unless written consent of the Inland Wetlands Commission is obtained.
6. In evaluating this application, the Inland Wetlands Commission has relied on information provided by the applicant; if such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, this permit may be revoked.
7. The permittee shall employ best management practices, consistent with the terms and conditions of this permit, to control stormwater discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands or watercourses. For information and technical assistance contact the Wetlands Enforcement Officer, in the Planning Department. The permittee shall immediately inform the Planning Department of any problems involving wetlands or watercourses which have developed in the course of, or which are caused by, the authorized work.
8. No equipment or material, including without limitation, fill, construction materials, or debris, shall be deposited, placed or stored within any upland review area on or off-site unless specifically authorized by this permit.
9. This permit is subject to and does not derogate any present or future property rights or other rights or powers of the Town of Montville, and conveys no property rights in real estate, nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the property or the activity effected hereby.
10. All sediment and erosion control measures shall remain in place and be maintained until all disturbed areas are fully stabilized. **TIMELY IMPLEMENTATION AND MAINTENANCE OF SEDIMENT AND EROSION CONTROL MEASURES IS A CONDITION OF THIS PERMIT.**

**SPECIFIC CONDITIONS OF APPROVAL APPLY AS FOLLOWS:**

- A. The applicant shall install, and permanently maintain, a groundwater monitoring well in the location delineated as “Proposed Monitoring Well” on a plan entitled “Site Development Plan Prepared For Deer Run Stable, LLC 1499 & 1505 Hartford New London Turnpike Oakdale/Montville, Connecticut Date: July 10, 2019 Revisions 1: 1/13/20 Revised Per Comments 1/24/20 Drive, Grading & Wells 2-20-20 Updated 2-27-20 Per Town Planner, 3-11-20, 7-7-20 Add Monitor Well Sheet 3 of 11 Job No. 186333 Angus McDonald Gary Sharpe & Associates, Inc. P.O. Box 608 233 Boston Post Road Old Saybrook, Connecticut 06475 Tel. (860) 388-4671 Fax (860) 388-3962”, which monitoring well shall be installed in accordance with the “Groundwater Monitoring Well Detail” as delineated on said plan.

- B. Commencing on a date prior to the commencement of commercial operations of the gasoline/convenience store facility, the applicant shall cause water withdrawn from the monitoring well to be tested by a certified testing laboratory for semi-volatile and volatile organic compounds. Subsequent to the initial testing of water from the monitoring well, the monitoring well shall be tested on a quarterly basis for the duration of the operation of the gasoline/convenience store facility.**
- C. Monitoring well test results shall be provided, within fifteen (15) days subsequent to the date of receipt of such test results, to the Town of Montville Land Use Department and the City of New London Department of Public Utilities.**
- D. This approval is based on the July 7, 2020 revision of the Site Development Plan. If the Site Development Plan is modified for any reason, including, but not limited to, permitting proceedings before other boards, commissions, agencies or authorities, which result in any additional regulated activities being conducted, the Applicant shall be required to submit a revised application to the Inland Wetlands Commission for consideration as a condition precedent to the commencement of any construction on the project site.**
- E. Applicant shall post behind the register the phone numbers of the following entities in case of a spill: CT DEEP, City of New London WWPCA, Town of Montville Dispatch, Tank Company and monitoring company if different then tank company.**
- F. Under the Permanent Maintenance Schedule the following should be revised to say:
  - #2 All Catch basin sumps should be inspected 3 times annually and cleaned when the level of sediment reaches 1' below the invert of the discharge pipe of the catch basin. Any removed sediment shall be treated as regulated waste and disposed of in accordance with law by a duly authorized regulated waste hauler.**
  - #3 Each oil water separator shall be inspected 3 times annually and cleaned as necessary. Any material removed from the oil water separators shall be disposed of in accordance with law. The oil water separators shall be cleaned b a licensed environmental waste management company.****
- G. Under the Permanent Maintenance Schedule the following should be added
  - Condition #5 to state that all inspection reports shall be submitted to the Commission as well as The City of New London WWPCA****

**Standard Reasons for Approval Also Apply**

**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.

**Roll Call Vote: Motion Approved Unanimously.**

**7. SHOW CAUSE HEARING-none**

**8. OLD 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**

**MOTION: (Brush/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, I move to approve application 220 IWC 5 Chris Casadei c/o Hull Forest: Timber Harvest on the Properties located at Assessors Map 52 Lots 6 & 8 as depicted on the plan titled “Timber Harvest Map Property of L. Lathrop Raymond Hill Rd Oakdale Ct 47 acres Prepared by C. Casadei Hull Forest Products dated May 2020”**

**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.**

**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.**

**Roll Call Vote: Motion Approved Unanimously.**

**9. CORRESPONDENCE:**

D. Brush informed the members that he had checked on the 442 Fire St. property and they are generally in compliance.

**10. OTHER BUSINESS –none**

**11. EXECUTIVE SESSION-none**

**12. ADJOURNMENT**

**MOTION: (O’Bday/LeClair) to adjourn at 8:44. Vote: Approved Unanimously**

Respectfully Submitted  
Sue Spang  
Recording Secretary