

**TOWN OF MONTVILLE
INLAND WETLANDS COMMISSION
SPECIAL MEETING MINUTES
THURSDAY DECEMBER 22, 2020 – 7:00 P.M.
MONTVILLE TOWN HALL
MONTVILLE, CT**

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 December 22, 2020 in person and by 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 7:02.

2. ROLL CALL

Present: Chairman-Doug Brush, Commissioners, Vice-Chairman Charles O’Bday III,, Sandra Berardy, Joseph Berardy, Alt.

Absent: Jessica LeClair, Anthony Tufares, Matthew Emilyta, Alt. Vacancy

Attending: T. Williams, WEO

3. OLD BUSINESS

A. 220 IWC-55C Laurel Point Drive (105-021-000) Owner/Applicant Barry T. Kelley, an application for acidity in upland review area in conjunction with construction of new retaining wall, repair of old retaining wall and floating dock, and minor pruning of trees and bushes.

T. Williams described the location and work being proposed;

Wetland Disturbance Area	0 sq ft
Upland Review Disturbance Area	440 sq ft
Watercourse/ Waterbody Disturbance Area	0

This project is located at 55C Laurel Point Dr. has .42 acres and is in a R-80 zone. The property abuts Oxoboxo Lake.

History of Property

- a. In 2000 an application for a deck with hand dug footings was approved (3/16/2000)
- b. Oxoboxo Lake has been drawn down for repairs to the dam.

Proposed activities have been changed by the applicant. Activities b. and c. as described below will remain the same. Proposed work as formally described in a. has been changed to the following:

Create/construct a lower wall similar to that already approved for my neighbors at 55B and 55A Laurel Point. The same contractor, construction method and backhoe/equipment will do the work, during the Lake Oxoboxo drawdown.

The lower wall (located in the regulated area) will be pinned and extend from existing wall at the north end. Then angled out to align with front edge of existing dock, continuing approximately 7.5' off existing wall. It will be approximately 55' in length and height will be approximately level to the top of the footing on the existing wall. There will be two laterals/braces pinned into existing wall.

The trench will be approx. 42" x 24" x 55'. The material removed to dig out for the footing and wall will be placed close to the trench as practical and then used for backfill between two walls acting as support and create a lower level tier/landing/wave break. Approximately 10 yards of clean gravel and sand will be added between the two walls. As with 55A & 55B a silt fence will be constructed.

(See GIS image & subsequent sketch.)

Settlement cracks on existing wall will be repaired. This project will prevent any further undermining and damage to the current wall, resulting from wave/wake activity.

- a. Construct a retaining wall similar to the ones at 55 A & 55 B Laurel Point Dr. The applicant will be using the same contractor. The new wall will be seven (7) feet, Five (5) inches from existing wall and approximately fifty-five (55) feet long and no higher than the footing on existing wall. The trench will be approximately 42" x 24" x 55'. Material removed from the trench will be used to back fill in the area along with gravel/sand if needed. Settlement cracks in existing wall will be repaired. Sediment fence will be placed around the activity.
- b. The applicant would like to repair or replace two existing floating docks. Each section is ten (10) feet in length. The following will be replaced: existing blue foam billets will be replaced with environment friendly black plastic floats, hardware and the pole, and dock boards as needed. If repairs become too costly then new docks may be put in place.
- c. Minor pruning and trimming of trees and bushes around stairs leading to stationary dock.

T. Williams visited the site and observed 6 cement tubes placed without a permit, and the staff is unsure if the applicant owns the property he is proposing work on. According to Uncasville, LLC (West Rock) they own the bottom of the lake and no activity is allowed, although when T. Williams discussed the application with the representative she was not opposed to the proposed work.

B. Kelly, applicant stated he is creating the same wall as his neighbors on lots A and B which were recently approved by the Commission. The wall will be approximately 55 feet long and the material taken out of the trench for the new wall will be use to back fill in between the old wall and the new wall. There will be approximately 10 yards of sand to supplement the fill.

D. Brush was concerned that the area the applicant wants to build the wall may not belong to him and if he proceeds and someone claims to own that piece of property he would be responsible. The applicant was confident he was the owner of the property.

MOTION: (S. Berardy/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 the application 220 IWC 16 Barry T. Kelley: An application for the construction of a new retaining wall, repair of old retaining wall and pruning of trees and bushes within the review area on the property located at 55 C Laurel Point Drive, Oakdale, CT. As shown on Assessor's Map 105 Lot 21 as depicted in the application and narrative dated 11/9/2020. Narrative and Sketch revised 12/12/2020.

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.

Conditions of approval are:

**The narrative and the sketch has to be changed to show correct dimensions of proposed new retaining wall
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.

Vote: approved unanimously

4. ADJOURNMENT

MOTION: (O'Bday/S. Berardy) to adjourn at 7:19.

Respectfully Submitted
Sue Spang
Recording Secretary

2021 Meeting Dates:

January 21, 2021, February 18, 2021, March 18 2021, April 15, 2021, May 20, 2021, June 17, 2020, July 15, 2021, August 19, 2021, September 16 2021, October 14, 2021, November 18, 2021 & December 16, 2021