



TOWN OF MONROE INLAND WETLANDS COMMISSION

7 Fan Hill Road
Monroe, CT 06468

Inland Wetlands Office (203) 452-2809
Town Engineer: Scott H. Schatzlein, P.E.
Fax: (203) 261-6197

AMENDED **MINUTES OF March 25, 2015** **REGULAR MEETING**

I. Call To Order:

The regular meeting of the Inland Wetlands Commission was called to order at 7:06 PM.

(A) Pledge of Allegiance

(B) Roll Call

Present: Lois Spence; Jeremy Hayden; Mike Beno; Michael Muttitt; Jason Grady; Tanya Bombero, Clerk and Scott Schatzlein, Town Engineer/Inland Wetlands Agent

Absent: John Bath

(C) Minutes:

A motion to approve the minutes of 3-11-15 was made by Mike Beno; 2nd by Lois Spence; passed 4-0 (Mike Muttitt abstained).

(D) General Public Participation: (None)

II. Application Hearing Determinations (determination of the type of hearing only): (None)

III. Subdivision Report/Recommendation to the Planning & Zoning Commission: (None)

IV. Regular Hearings for Permits to Conduct Regulated Activities (No Public Input): (None)

V. Public Hearings: (None)

VI. Violations:

- **IWV-2015-01** 207 Spring Hill Road

Mr. Schatzlein provided a brief administrative review for the Commission and indicated they directed him to issue a Notice of Violation to the property owner requesting their attendance at a meeting for an informal discussion. He also listed the previous wetlands and planning and zoning approvals associated with the property, noting that additional follow-up will be required to confirm the timeframes associated with said approvals. Robert Martino, Attorney, with the firm Updike, Kelly and Spellacy, P.C., introduced himself and indicated he represented the property owner, Quality Asset Management. Attorney Martino reviewed a history of the property since it was obtained by Quality Asset Management in February 2011. He indicated that there was correspondence between the Land Use office in September 2011 regarding a time extension associated with an approval, but no mention of any violations. Mr. Schatzlein indicated the time extension was granted in reference to the Planning and Zoning approval and at the time it was expected that there would be some development of the property. He stated that the violations would have been resolved through an application to the IWC, but that never happened. Attorney Martino explained that the property is under contract with a local purchaser whose attorney is present this evening. He indicated that the current property owner has disclosed the violations to any proposed buyers but has no intention of completing the remediation work as they are trying to sell the property as soon as possible.

Attorney Casey O'Donnell introduced himself and stated that he is representing the potential buyer for the property. He explained that the buyer would certainly be amenable to working with the appropriate Town departments to resolve the violations, but would ask for a reasonable amount of time to comply. Attorney O'Donnell also indicated there might be some issues with the Notice of Violation that was sent to the current property owner, which he thought should be rescinded. The Commission thanked both attorney's for their attendance and Chairman Hayden stated that the property owner would receive a letter regarding the Commission's determination on how to proceed. Mr. Schatzlein reiterated that the property owner is ultimately responsible for resolving the violations on the property.

- **IWV-2015-02** 28 Purdy Hill Road

Mr. Schatzlein provided a brief administrative review for the Commission and indicated they directed him to issue a Notice of Violation to the property owner requesting their attendance at a meeting for an informal discussion. He reviewed photos of the property and a map depicting the encroachment into the regulated areas. Mr. Schatzlein listed the regulated activities associated with the violation – log pole bridge over a stream crossing, tree cutting and excavation activities in the upland review area, and storage of material within an upland review area. He explained that the property owner contacted the office upon receipt of the Notice and it was discovered that the property owner's father received a Wetlands approval in 2000 for a nursery expansion, but never met the conditions of the approval. George Baghdady, Jr., property owner, was in attendance at the meeting and introduced himself. He stated that his dad had some financial issues and never finished the work that was associated with the approval. Mr. Baghdady explained that a few years ago he contacted the abutting property owner of 137 Elm Street, Otto Pernek, as he thought activities at that property were encroaching on to his property. However, at that time a survey indicated that the neighbor's activities were not on his property. Mr. Baghdady stated that it would seem reasonable for him to finish the plantings and remediate any disturbance caused by the beginning of his father's nursery expansion. Mr. Schatzlein noted that the approved plan for the nursery expansion encompasses a larger area than is actually disturbed at this time. The Commission discussed and determined they would like to do site inspections and discuss their findings at a future meeting.

Mr. Baghdady granted the Commission permission to do their site inspections, but explained that this portion of his property needs to be accessed through Mr. Pernek's property. Mr. Schatzlein explained to the Commission that the disturbed portion of Mr. Baghdady's property would be entered by crossing the pole bridge on Mr. Pernek's property. Both Mr. Baghdady and the Staff will try to contact Mr. Pernek to ask permission to cross his property for inspections noting that his property has violations which need to be addressed as well. The Commission indicated that a letter would be sent to the property regarding the Commission's determination on how to proceed.

VII. Other: (None)

Deliberation Session

VIII. Deliberations on completed hearings: (None)

IX. Bond Releases and/or Reductions: (None)

X. Time Extensions: (None)

XI. IWC Agent Activities/Reports:

General Permits: (None)

Agent Approvals: (None)

Permitted Uses As of Right:

1. Department of Public Works – road repair, replacement and/or general maintenance (I/W Regulations Section 4.2 (C))

XII. Violations:

- Discussions on Completed Violation Hearings from this Agenda
 - **IWV-2015-01** 207 Spring Hill Road
The Commission reviewed their discussions with the property owner's attorney as well as the potential buyer's attorney and determined that an application for remediation needs to be submitted within 60 days. They also reiterated that the Notice of Violation will remain in place. Mr. Schatzlein stated that the potential buyers seem receptive to submitting an application and noted that he will discuss any possible issues regarding the Notice of Violation with the Town Attorney.
 - **IWV-2015-02** 28 Purdy Hill Road
The Commission discussed and determined they need to conduct site inspections prior to deciding on how to proceed with resolution of this violation. Mr. Schatzlein indicated he would contact Otto Pernek, property owner of 137 Elm Street, to see if he would grant permission for the Commission to cross his property to access 28 Purdy Hill Road. This matter has been tabled to a future meeting upon completion of site inspections.

- Administrative Review w/Enforcement Issues
 - 545 Pepper Street

Mr. Schatzlein provided an overview of the disturbance in the regulated areas of the property – encroaching beyond a previously approved limit of disturbance, clearing and filling within an upland review area and unpermitted storage structures in an upland review area. He indicated that said activities have extended onto the abutting property, 551 Pepper Street. He reviewed photos of the property and a map depicting the encroachment into the regulated areas. Mr. Schatzlein also referenced the previous zoning approvals associated with the site. The Commission discussed and determined that a Notice of Violation should be filed on the land records and sent to the property owner requesting their attendance at a future meeting.
 - 551 Pepper Street

Mr. Schatzlein provided an overview of the disturbance in the regulated areas of the property – unpermitted parking lot in an upland review area noting that the addition was not included in the previous wetlands or planning and zoning approvals. He reviewed photos of the property and a map depicting the encroachment into the regulated areas. Mr. Schatzlein indicated that this violation originates from the violation on the abutting property, 545 Pepper Street. The Commission discussed and determined that a Notice of Violation should be filed on the land records and sent to the property owner requesting their attendance at a future meeting.

XIII. General Discussion/Other: (None)

XIV. Correspondence: (None)

XV. Adjournment: Motion to adjourn by Mike Muttitt, 2nd by Mike Beno; passed 5-0.

Adjourned at 8:21 PM

NOTE:

- A recorded copy of this meeting is on file in the Inland Wetlands Office, Monroe Town Hall.
- These minutes are contingent upon the approval of the Inland Wetlands Commission.
- These minutes provide a general overview of topics discussed and are not meant to be a transcript of this meeting.
- All meeting minutes are posted on the Town Website www.monroect.org. Select Town Hall Departments/Inland Wetland. Choose meeting minutes from the left column.

Date of Approval: 4-8-15

PENDING:

The following items were listed with this meeting's Agenda as "Pending":

- **IWC-2015-03** 3 Sweetbrier Lane, regulated activities associated with remediation of disturbance of the wetland and upland review areas, Raimondi (Regular Hearing tentatively scheduled to begin 4/8/15)