



## TOWN OF MONROE INLAND WETLANDS COMMISSION

7 Fan Hill Road  
Monroe, CT 06468

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Town Engineer: Scott H. Schatzlein, P.E.  
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### MINUTES OF September 23, 2015 REGULAR MEETING

#### I. Call To Order:

The regular meeting of the Inland Wetlands Commission was called to order at 7:10 PM.

(A) Pledge of Allegiance

(B) Appointment/Election of replacement Chair and Vice Chair

Motion was made by Jason Grady to elect Michael Muttitt to the position of Chairman, 2<sup>nd</sup> by John Bath

Vote: 6-0 in favor, passed

Motion was made by Michael Muttitt to Vice Chairman, 2<sup>nd</sup> by Peter Oliva

Vote: 6-0 in favor, passed

Motion was made by Lois Spence to remain Secretary, 2<sup>nd</sup> by Peter Oliva

Vote: 6-0 in favor, passed

(C) Roll Call

Present: Michael Muttitt; Jason Grady; John Bath; Lois Spence; Meghan Hayden; Peter Oliva  
Donna Suszynski, Administrative Assistant, David McCollum, Clerk and Scott Schatzlein, Town Engineer / Inland Wetlands Agent

Absent:

(D) Minutes:

Motion to accept the minutes of August 26, 2015 as written by Jason Grady; 2<sup>nd</sup> by Lois Spence;  
Vote: 4-0-2 in favor, passed. Peter Oliva and Meghan Hayden abstained (not present at meeting).

Motion to accept the minutes of September 9, 2015 as written by John Bath; 2<sup>nd</sup> by Jason Grady;  
Vote: 3-0-3 in favor, Lois Spence, Peter Oliva, and Meghan Hayden abstained (not present at meeting).

(E) General Public Participation: (None)

## II. Application Hearing Determinations (determination of the type of hearing only):

- **IWC-2015-14** 224 Guinea Road, regulated activities associated with the removal of fill and installation of plantings within a wetland area to remediate previous disturbance, Ferreira

Scott Schatzlein explained that the applicant did not meet the deadline to notify Aquarion and the CT State Department of Health. Therefore the applicant withdrew their application number IWC-2015-09 and resubmitted the application using the previously submitted information. It was given a new number of IWC-2015-14 and will proceed as a new application.

A motion was made by Jason Grady to hold a public hearing for application IWC-2015-14 as it proposes a direct impact to the wetlands; 2<sup>nd</sup> by Lois Spence

Vote: 6-0 in favor, passed.

- **IWC-2015-15** 53 Whispering Pine Road, regulated activities associated with the proposed construction of a pole barn, greenhouse, chicken coop with associated gravel drive, Casas

Scott Schatzlein gave a brief review of the application, noting that the proposed work and the size of the proposed buildings are extensive and looked like they could be used for a Commercial business in a residential area; also a large garden was shown to be placed next to a wetland area. The Commission also had concerns that the proposed work may impact the neighbors.

A motion was made by Lois Spence to hold a public hearing for application IWC-2015-15 as it may be of public interest to surrounding properties; 2<sup>nd</sup> by John Bath

Vote: 6-0 in favor, passed.

- **IWC-2015-16** 28 Purdy Hill Road, regulated activities associated with the remediation of disturbance within a regulated area, Baghdady

Scott Schatzlein explained that this application started as a wetlands violation, it goes back in time to a previous approval for this property and a abutting property to excavate an area within both properties and preparing as use of a Landscaping or farming use. The property owners' father, got the Approval, but never met the conditions of the approval and apparently started the work but never finished the work. This application is to restore the property to a stable and acceptable condition.

A motion was made by Jason Grady to hold a public hearing for application IWC-2015-16 as it proposes direct impact to the wetlands; 2<sup>nd</sup> by Lois Spence

Vote: 6-0 in favor, passed.

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

## IV. Regulated Activities:

(A) Regulated Hearings / Meetings (No Public Input): (None)

(B) Public Hearings:

- **IWC-2015-05** 10 Pinnacle Drive, regulated activities associated with the construction of a commercial building for industrial use and related site improvements including drainage,

utilities & installation of septic system , T Smith & Associates, LLC, Trevor A. Smith, Member  
(adjourned on 7/22/15; scheduled to reconvene on 9/23/15 per applicant's request)

Commissioner Lois Spence noted for the record that she did listen to the recording of the previous public hearing for this application during the 7/22/15 meeting.

Nicholas Stanisci, of Shepro & Hawkins, came forward to introduce the professionals associated with the project, Trevor Smith, Alan Sheppard, and Jim McManus. An overview of the project was reviewed.

Scott Schatzlein reviewed his comments with the Commission and the applicant. It was noted that there was several items of information that were not clearly noted on the maps. A pictorial planting plan had not been submitted.

Michael Muttitt also noted that there were no drainage calculations to go with the current plans.

Lois Spence discussed with Jim McManus the variety of plants and asked if it would be possible to plant trees. The two also discussed the presence of a vernal pool, alternative proposals such as relocating the building, and additional buffers and protections to an existing vernal pool.

It was noted that the Public Hearing would need to close due to statutory requirements, however if the applicant so chooses they could withdraw without prejudice and re-apply.

Trevor Smith stated that he wanted to withdraw the application without prejudice.

- **IWC-2015-09** 224 Guinea Road, regulated activities associated with the removal of fill and installation of plantings within a wetland area to remediate previous disturbance, Ferreira

The office received a letter from Attorney Peter S. Olson of Chestnut Law LLC, dated September 22, 2015 withdrawing the application due to not meeting statutory requirements. Additionally they are asking to waive the application fee for the resubmission.

- **IWC-2015-11** 64 Cambridge Drive, subdivision referral for re-subdivision of property and regulated activities associated with the construction of additional roadway, driveway, with associated grading, utilities and drainage, New England Materials, by Kimball Group, LLC

Before the applicant began their presentation for the hearing, Town Engineer Schatzlein provided advisory comments to the new members of the Inland Wetlands Commission, explaining their role within the subdivision process.

Kevin Solli, Licensed Professional Engineer in the State of Connecticut, of Solli Engineering, submitted copies of the abutters list to the Commission.

Town Engineer Schatzlein asked Mr. Solli if he had received Town Engineer Schatzlein's comments. Mr. Solli replied that he had not. Mr. Solli addressed the Commission with his presentation. An overview of the project was reviewed.

Commissioner Bath asked if there was going to be any additional subdivision associated with proposal. Mr. Solli replied that the proposal is for modifying the Town Road by creating a formal cul-de-sac.

Chairman Muttitt, Town Engineer Schatzlein, and Mr. Solli discussed issues involving abutting properties, Town right-of-way, paper roads, warranty deeds, maintenance bonds, and property lines.

Mr. Solli and Town Engineer Schatzlein discussed additional technical aspects in regards to the proposal, and Mr. Solli added that he looked to address comments provided by Town Engineering Schatzlein.

Secretary Spence commented that she did not see correlation between Mr. Solli's presentation and the proposed plans. Mr. Solli clarified the differences between the initial application and the information that had been updated since.

James Cowen, Senior Wetland Scientist with Environmental Planning Services, introduced himself to the Commission, and gave the Commission an overview of the environmental aspects of the application. He also presented his review of the environmental impacts associated with the application.

Secretary Spence discussed maps of the enhancement area, plant lists, and the current Upland Review Areas with Mr. Cowen and Mr. Solli.

Chairman Muttitt asked Mr. Solli and Mr. Cowen about the wetlands crossing. Mr. Solli explained that a designed sediment trap had been installed. Chairman Muttitt and the applicants had further discussion on the need for a cross connection, groundwater discharge, and depth of excavation.

Secretary Spence and Mr. Cowen discussed groundwater discharge, and the proposal's intent to have minimal environmental impact.

Chairman Muttitt and Mr. Solli discussed the proposed alignment of the roadway, the removal of established roadway material, the creation of a storm berm, and the creation of a stormwater area. Mr. Cowen commented that there is intent to preserve the existing treeline, and that amphibians like stone walls for habitat.

Secretary Spence asked Mr. Solli if a turnaround was necessary, and when it would be completed. Mr. Solli referred to the current subdivision regulations, which require roads to have a turnaround. He added that the application's intent is to implement this right away to establish its permanence. There was further discussion to minimal roadway width requirements. Mr. Solli commented that there are no plans to extend the road in the future

Chairman Muttitt asked Mr. Solli if lighting had been proposed for the driveway. Mr. Solli answered that lighting was not proposed.

Chairman Muttitt and Mr. Solli discussed the location of the proposed cul-de-sac.

Mr. Cowen provided further comment on his submitted Planting Plan.

Chairman Muttitt and Mr. Solli briefly discussed proposed erosion control measures.

Administrative Assistant Suszynski read exhibits 1 through 9.

Secretary Spence asked Mr. Solli how long he anticipated the current mining operations on the site to continue. Mr. Solli replied that he anticipated three to four more years of excavation. There was discussion regarding protecting the existing vegetation.

Secretary Spence and Mr. Solli discussed shoulder and minimal extension of roadway width and the minimal extension of the roadway width.

Chairman Muttitt asked Town Engineer Schatzlein if he had any additional comments. Town Engineer Schatzlein replied that the hearing would remain open to allow the applicant to address issues.

Chairman Muttitt then opened the presentation for public comment.

Cynthia Ambrose, of 464 Hammertown Road, asked if the meeting would be open to public comment at the next meeting. Chairman Muttitt replied that the application would be open to public comment at that time.

Secretary Spence and Mr. Solli discussed coordination of a site visit.

**V. Violations:** (None)

**VI. Other:** (None)

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### **Deliberation Session**

**VII. Deliberations on Completed Hearings:** (None)

**VIII. Bond Releases, Reductions or Reports:**

- I13-04, File #776 57 Jockey Hollow Road – Planting Monitoring Report

Town Engineer Schatzlein addressed the Report the Commissioners had received during the Meeting, and asked the Commission if they had any questions for him to answer. He was under the understanding that another report was due.

Chairman Muttitt asked if they were requesting a bond reduction. Town Engineer Schatzlein advised the Commission to not entertain a bond reduction. He added that the appropriate professional may recommend that some invasive plants be left undisturbed, and that the Commission may respond with different, additional requests.

Chairman Muttitt and Secretary Spence had additional discussion about the Monitoring Report with Town Engineer Schatzlein.

**IX. Time Extensions:**

- IWC-2014-11, File #891 462, 464, 466, 470 Main Street – Request for 90 (ninety) day extension to complete the Conditions of Approval, JV 464 Main Street, LLC (owner)

Town Engineer Schatzlein explained the approval and extension periods with the Commission, and addressed the applicant's request for additional extension time. He then discussed the contents of the applicant's request letter with the Commission.

Chairman Muttitt asked if the property had any current violations, to which Town Engineer Schatzlein replied that there were none.

Secretary Spence asked at what point could the Commission could no longer grant an extension for this particular application. Town Engineer Schatzlein replied that deadlines had been established to address initial issues. He explained that applicants would frequently come in at the last minute to attempt their development. He added that the regulations had been changed, and referred to his previous discussion

with the Commission on extension periods. Chairman Muttitt added that he believe the Commission should encourage applicants to meet the deadline in place.

Secretary Spence asked if the extension request should be re-addressed at the last October meeting. Town Engineer Schatzlein asked if the Commission would like the extension request to be added to a Meeting Agenda before November 7<sup>th</sup>, 2015. The Commission discussed the conditions of the extension with Town Engineer Schatzlein. Commissioner Bath asked if Commission could use language only allowing for a final extension. Town Engineer Schatzlein replied that stronger language could be used in the Extension Approval letter.

Secretary Spence recommended that the Commission grant the extension request, and use stronger language in the letter. A consensus was reached among the Commission, and Town Engineer Schatzlein confirmed the Commission's decision.

A motion was made by Lois Spence to grant the (90) ninety day extension; 2<sup>nd</sup> by John Bath; Vote: 6-0 in favor, passed.

#### **X. IWC Agent Activities/Reports:**

##### General Permits:

1. IGP-2015-08, File #918 75 Blake Road – Deck Installation, Thornton (owner)

Town Engineer Schatzlein briefly explained the General Permit process to the Commission.

##### 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) )

Chairman Muttitt discussed the Garder Road Drainage Project with Town Engineer Schatzlein.

2. IPU-2015-03, File #967 12 Cardinal Lane – Removal of two dead trees

#### **XI. Violations:**

- Discussions on Completed Violation Hearings from this Agenda – None
- Administrative Review / Enforcement Issues
  1. IWV-2015-17
  2. IWV-2015-18

Town Engineer Schatzlein agreed with the Commission's request to table these presentations to the next Commission Meeting.

- Pending
  1. IWV-2014-08 - 88 Elm Street

Town Engineer Schatzlein addressed the need to familiarize the new Commission Members with the Violation. Chairman Muttitt discussed the Commission's accessibility to visit the site, and his observations of the site with the Commission.

The Commission request that correspondence be drafted to request the removal of machinery on the site.

**XII. General Discussion / Other:**

- 207 Spring Hill Road – Request to release Notice of Violation from the Land Records.

Town Engineer Schatzlein informed the Commission that he had been advised of conversation between Town Attorney Fracassini and an attorney representing a potential buyer for the property in violation. He added that Town Attorney has arranged an agreement with the potential buyer's attorney to withdraw the appeal of the Notice of Violation in return for the Notice of Violation being released from the Land Records. He advised that the potential buyer's attorney will attend the next meeting to discuss the schedule of submitting a remediation application, and that the potential buyer's attorney is requesting more time to address the issues. Town Engineer Schatzlein explained his opinion that the property's violation issues have existed for a long time. He asked the Commission if they would agree to release the Notice of Violation from the Land Records.

Commissioner Hayden asked for further explanation in regards to the recorded Notice of Violation. Town Engineer Schatzlein explained the Commission's intention for recording on the Land Records. Secretary Spence added that an additional reason was to address concerns regarding potential buyers purchasing properties without having knowledge of existing violations.

A motion was made by Lois Spence to file a release of Notice of Violation for 207 Spring Hill Road, with proposed conditions; 2<sup>nd</sup> by John Bath; Vote: 6-0 in favor, passed.

- Inland Wetlands Regulation Amendments – Review Packet

Chairman Muttitt and Secretary Spence discussed the status of the Amendments, and scheduling their presentation on a future Meeting Agenda.

**XIII. Correspondence: None**

**XV. Adjournment: Motion to adjourn by Peter Oliva, 2<sup>nd</sup> by Jack Bath; passed 4-0.**

**Adjourned** at 11:10 P.M.

**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](http://www.monroect.org). Select Town Hall Departments/Inland Wetland. Choose meeting minutes from the left column.

Date of Approval: \_\_\_\_\_

**PENDING:** The following items were listed with this meeting's Agenda as "Pending": (None)