



TOWN OF MONROE INLAND WETLANDS COMMISSION

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Monroe, Connecticut, 06468

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Inland Wetlands Agent: Scott H. Schatzlein, P.E.

Minutes of October 28, 2015 Regular Meeting

I. Call to Order:

The Regular Meeting of the Inland Wetlands Commission ("Commission") was called to Order at 7:03 p.m.

(A) Pledge of Allegiance

(B) Roll Call

Present: Michael S. Muttitt, Chairman
Jason Grady, Vice-Chairman
Lois Spence, Secretary
Meghan Hayden, Treasurer
Peter Oliva, Commissioner

Absent: John Bath, Commissioner

Also Present: Scott Schatzlein, P.E, Town Engineer, Inland Wetlands Agent
Donna Suszynski, Land Use Office Coordinator
David McCollum, Inland Wetlands Inspector, Recording Secretary

Chairman Muttitt read the Inland Wetlands Commission Mission Statement aloud. He then asked Town Engineer Schatzlein if there were any changes to the Commission Meeting Agenda, to which he replied there were none.

(C) Appreciation Award

Chairman Muttitt stated that the Appreciation Award would be postponed to the next Inland Wetlands Commission Meeting on November 18, 2015.

(D) Inland Wetlands Commission Meeting Minutes

A motion was made by Vice-Chairman Grady to approve the minutes of September 23, 2015 as amended by Secretary Spence; seconded by Secretary Spence; motion passed 5-0-0.

(E) General Public Participation

Chairman Muttitt opened the Meeting to General Public Participation, of which there was none.

II. Application Hearing Determinations:

(None)

III. Subdivision Report / Recommendations to the Planning & Zoning Commission:

(None)

IV. Regulated Activities:

(A) Regular Hearings

- IWC-2015-12 54 Garder Road – Regulated activities associated with the construction of a single family dwelling and associated site improvements, *Palmer*
(Reconvened from 10//14/15)

Chairman Muttitt stated that this Hearing would be postponed. Town Engineer Schatzlein added that he had received an e-mail on the day of the Commission Meeting from the applicant, which requested that the hearing be postponed, to reconvene at the next Commission Meeting.

(B) Public Hearings

- 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*

Town Engineer Schatzlein commented that he had received an e-mail on the day of the Commission Meeting from Attorney Peter Olsen, the applicant's representative, requesting that the hearing be reconvened at the next Commission Meeting.

- 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*
(Hearing opening)

Mr. Kevin Solli, a licensed Professional Engineer in the State of Connecticut with Solli Engineering, LLC of Monroe, Connecticut, introduced himself to the Commission as a speaker on behalf of the application. He added that Mr. and Mrs. Leo Casas, the owners of the property associated with the application, were in attendance. An overview of the proposed project was reviewed, which included the following:

- the location of the property;
- the flagging and subsequent report of soils on the property by soil scientist Cynthia Rabinowitz;
- the existing state of water drainage, including Town of Monroe water drainage on the property;
- issues associated with a minor disturbance within a Regulated Area that was made by the property owners without appropriate permitting;
- the location and use of proposed structures, and the location of a proposed garden;
- including the retroactive permitting existing structures within Regulated Areas;
- comments and concerns of Monroe Land Use Office Staff;

- the location of proposed buffer plantings and a berm;
- proposed structural runoff and associated drainage;
- the limits of grading within 25 (twenty-five) feet of a property line.

Town Engineer Schatzlein clarified that he had previously discussed the Planning and Zoning Regulations with Monroe Planning and Zoning Administrator William Agresta regarding the proposed limits of grading.

Chairman Muttitt and Mr. Solli discussed the usage of a seed mix between the plants designated on the proposed planting plan. They also discussed Chairman Muttitt's concerns regarding invasive species and the proposed plant maintenance schedule plan.

Chairman Muttitt asked Town Engineer Schatzlein if a bond had been included with the application, to which Town Engineer Schatzlein replied that a bond had been submitted. Mr. Solli added that the bond estimate had been submitted per Town Engineer Schatzlein's recommendations.

Secretary Spence asked Mr. Solli if a "Details" sheet had been submitted with the application with regards to the proposed berm, which Mr. Solli confirmed. He then reviewed the berm's specifications.

Secretary Spence asked Mr. Solli if there were plans to house farm animals in the proposed pole barn. Mr. Solli replied that the applicants only planned to raise chickens in the proposed chicken coop.

Secretary Spence and Mr. Solli discussed the location and use of a proposed sediment basin related to the proposed limits of disturbance.

Chairman Muttitt and Mr. Solli discussed the amount of earthwork and the necessity to store soils on site to complete the project as proposed. They reviewed the property's existing grading.

Chairman Muttitt discussed his concerns with Mr. Solli regarding preserving and removing existing trees. Vice-Chairman Grady asked if any additional trees would be removed to accommodate the existing pool.

Mr. Leo Casas, the residing property owner of 53 Whispering Pine Road, introduced himself to the Commission as a speaker on behalf of the application. He stated that the no additional trees would be removed around the existing pool. Mr. Solli reviewed the areas on the property where work would be conducted in association with the application.

Chairman Muttitt and Mr. Solli reviewed specifications for the proposed slope stabilization.

Secretary Spence asked if there was a proposed location for a chicken manure pile. Mr. Casas replied that the manure would be composted and added within the proposed vegetable garden during Spring. Secretary Spence commented that the pile would need its own protection to prevent leaching into surrounding area soils and the watercourse. Mr. Solli said that he would discuss the location of the pile with Mr. Casas.

Secretary Spence and Mr. Solli addressed potential additions to the proposed planting plan. They also discussed the state of existing stone walls on the property, and whether or not they

would need to be relocated. Mr. Solli commented that any stones or boulders uncovered during construction would be placed along the existing stone walls.

Secretary Spence and Mr. Solli reviewed the proposed limit of disturbance and the existing limits of vegetation. Mr. Solli clarified the existence of a drainage swale, and its location. Town Engineer Schatzlein commented that the Soils Report should be reviewed, and how he believed the classified soils in the area were not analogous to those that would define a drainage ditch. Mr. Solli and Town Engineer Schatzlein reviewed the contents of the Soil Report.

Secretary Spence and Mr. Solli reviewed the contents and of the Plant List, and the associated descriptions within. They also discussed the submitted plant sketch.

Secretary Spence asked Mr. Solli if it would be prudent to continue the compost berm around the base of the hill. Mr. Solli replied that it could be continued, but that he was concerned about potentially creating a point discharge.

Coordinator Suszynski read the Exhibits 1-4.

Chairman Muttitt opened the hearing to public comment.

Coordinator Suszynski read comments from Sondra and Peter Del Mastro, of 170 Bagburn Hill Road.

Mr. Charlie Kus, of 18 Whispering Pine Road, asked what the dimensions of the proposed garden would be. He also asked what the purpose of the proposed garden would be, and if the proposed garden or chicken coop would have any commercial purpose. He added comment on the existing drainage of the area, and was concerned about the manure pile leaching into the Halfway River.

Mr. Solli replied that the proposed garden would be 100' (one-hundred feet) by 20' (twenty feet). Mr. Casas added that he only intended on raising six to eight chickens. Mr. Solli commented that the chickens and the proposed chicken coop would be in compliance with all Monroe Zoning Regulations. He added that the manure would be collected and composted in accordance with standard practice for these facilities, and that there would be no commercial purpose for the garden.

Secretary Spence and Mr. Solli discussed if lighting had been proposed within the plan, to which Mr. Solli replied there would only be lighting within the proposed barn itself. Chairman Muttitt recommended that Condition of Approval be made stating that any lighting affixed to the barn would not have negative impact to the surrounding Regulated Areas.

Secretary Spence asked Mr. Solli the likelihood of drainage ditch spillover entering the garden area. Mr. Solli replied that the drainage ditch would spill over closer to the brook, based on grade.

Secretary Spence and Mr. Solli discussed a watercourse that runs along the border of the property.

Chairman Muttitt stated that the hearing would be continued at the next available meeting.

- IWC-2015-16 28 Purdy Hill Road – Regulated activities associated with the remediation of a disturbance within a regulated area, Baghdady
(Hearing opening)

Mr. George Baghdady, residing property owner of 28 Purdy Hill Road, introduced himself to the Commission as a speaker on behalf of the application. An overview of the proposed project was reviewed, which included the following:

- the origins of the violations on the property, and how the violations on his property are also occurring on his neighbor's property, belonging to Mr. Otto Pernek of 137 Elm Street;
- access to the areas in violation for both properties, which could be attained by using a log-pole bridge on Mr. Pernek's property;
- the distribution of existing rock and dirt piles to create a slope;
- proposed plantings and their locations, based on a plan that had been previously approved;
- the proposed amount and distribution of topsoil and grass seed over the created slope;
- removal of the log-pole bridge, and granting a temporary easement to Mr. Pernek to access the areas in violation on his property at 137 Elm Street.

There were discussions with the Commission regarding the following:

- the slope of the proposed area to be graded;
- the location of disturbed and undisturbed areas;
- the grass seed mix to be distributed over the remediation area;
- the location of Regulated of Upland Review Area and Wetland Areas;
- the contents of a plan that had been previously approved by the Commission;
- the course of events on both properties following the aforementioned plan's approval;
- the selection of appropriate plantings; and
- the relocation of dirt and rocks to create a stabilized slope.

Town Engineer Schatzlein referred to his comments regarding the application to the Commission. He added that Mr. Baghdady had been cooperative and responsive towards remediating the site. Town Engineer Schatzlein stated that he need additional documentation to describe the project's objectives and methods, and that the documentation would provide reference for others to follow.

Chairman Muttitt asked Mr. Baghdady if he had any objections to keeping the hearing open, so that the Commission could review additional information. Mr. Baghdady agreed to keep the hearing open. Town Engineer Schatzlein added that the Commission should review his comments to better inform Mr. Baghdady of what the Commission would request of him. He reviewed his comments with the Commission.

Town Engineer Schatzlein advised the Commission that there would be no bond in association with the application, due to it being a violation remediation.

Chairman Muttitt reviewed the Commission's requests, based on Town Engineer Schatzlein's comments, with Mr. Baghdady.

Chairman Muttitt asked Mr. Baghdady the amount of time he would anticipate to complete the project as proposed. Mr. Baghdady replied that it could be completed over the course of one

year. Chairman Muttitt added that the Commission would look to give him the appropriate amount of time.

Coordinator Suszynski read the Exhibits 1-3.

Chairman Muttitt opened the hearing to public comment, of which there was none.

V. Violations:

– IWV-2015-11 78 Stanley Road

Chairman Muttitt called for the property owner or the property owner's representative to begin discussion. Receiving no response, Town Engineer Schatzlein commented that the Land Use Office Staff had made attempts to contact the property owner, which were unsuccessful. Town Engineer Schatzlein added that there had not been enough time to issue a letter to the property owners to request their attendance. He gave a brief overview of the course of events since the initial Administrative Review. The Commission discussed and requested that the property owners be issued a letter requesting the property owners attend the next Inland Wetlands Commission Meeting, which would also warn about the potential issuance of a Wetlands Citation.

VI. Other:

(None)

VII. Deliberations on Completed Hearings:

(None)

VIII. Bond Releases:

(None)

IX. Time Extensions:

(None)

X. Inland Wetlands Agent Activities / Reports:

General Permits (None)

Agent Approvals

– IAA-2015-25 111 Turkey Roost Road
(Legal Notice Appeal Period ends 11/13/15)

Town Engineer Schatzlein and Inspector McCollum discussed the submitted application with the Commission, recalling the discussion about the appropriate permitting at the previous Commission meeting.

Permitted Use as-of Right:

- Department of Public Works: Road repair, replacement, and / or general maintenance (Inland Wetland Regulations Section 4.2(C)) – None
- 207 Elm Street / 6 Far Mill Road: Cleaning of Inlet / Outlet Maintenance

Town Engineer Schatzlein reviewed the activities with the Commission.

XI. Violations:

- Violation Inspection Report
 - IWV-2014-06 5 Independence Drive, Inspection Report

Town Engineer Schatzlein reviewed the course of events preceding the evening's discussion with regard to the site. He added that Mr. Kevin Solli was in attendance to review the conditions of the site, in addition to 7 Independence Drive and 124 Enterprise Drive.

Mr. Kevin Solli, a licensed Professional Engineer in the State of Connecticut with Solli Engineering, LLC of Monroe, Connecticut, introduced himself to the Commission as a representative on behalf of the property owners. An overview of the existing conditions was reviewed, which included the following:

- a comparison of the existing limits of disturbance with respect to the previously approved limits of disturbance;
- the stockpiling of imported construction material and the need to remove the stockpiles;
- the location of an existing stone wall;
- the nature of the ongoing operations on the site;
- the location and preservation of existing silt fencing;
- the nonexistence of direct disturbance with Regulated Wetlands Areas;
- the need to establish appropriate drainage measures before remediation work began;

There were discussions with the Commission regarding the following:

- the location of Regulated Wetlands Area on and around the site;
- a survey that had been previously conducted by a Soil Scientist;
- verifying and establishing the Wetlands flagging on site;
- the slope of the site and the location of a sedimentation basin;
- the previously approved plan's level of buffer planting;
- the inclusion of a bond with the previously approved Inland Wetlands Application;
- the unapproved use of the site with respect to the previously approved Planning and Zoning Application;
- the nonexistence of the previously approved building, or of the construction thereof;
- the request to provide additional buffer protection to the surrounding Regulated Wetlands Areas;
- the appropriate routing of site drainage;

- the storage of machinery and equipment on site;
- IWV-2014-07 7 Independence Drive, Inspection Report

Mr. Kevin Solli, a licensed Professional Engineer in the State of Connecticut with Solli Engineering, LLC of Monroe, Connecticut, introduced himself to the Commission as a representative on behalf of the property owners. An overview of the existing conditions was reviewed, which included the following:

- a comparison of the existing limits of disturbance with respect to the previously approved limits of disturbance;
- the current use of the site compared to the previously approved use of the site per the Planning and Zoning Application;
- the stockpiling of processed firewood and soil material and the need to organize and / or remove the material;
- the location of an existing stone wall;
- the location and preservation of existing silt fencing;

There were discussions with the Commission regarding the following:

- the location of Regulated Wetlands Area on and around the site;
 - the removal of the stockpiled material with respect to the potential impact to the site;
 - the unapproved use of the site with respect to the previously approved Planning and Zoning Application;
 - the nonexistence of the previously approved building, or of the construction thereof;
- IWV-2014-08 124 Enterprise Drive, Inspection Report

Mr. Kevin Solli, a licensed Professional Engineer in the State of Connecticut with Solli Engineering, LLC of Monroe, Connecticut, introduced himself to the Commission as a representative on behalf of the property owners. An overview of the existing conditions was reviewed, which included the following:

- a comparison of the existing limits of disturbance with respect to the previously approved limits of disturbance;
- filling activity, the construction of a retaining wall, and the activity's limits with respect to the limits of surrounding Regulated Wetlands Areas;
- the need to establish the edge of the existing retaining wall;
- of stockpiling of imported construction material and the need to remove the stockpiles;
- the nature of the ongoing operations on the site;
- the location and preservation of existing silt fencing;

There were discussions with the Commission regarding the following:

- the slope of the site and the location of a sedimentation basin;
- the inclusion of a bond with the previously approved Inland Wetlands Application;
- the unapproved use of the site with respect to the previously approved Planning and Zoning Application;
- the time period necessary to complete the items as addressed; and
- preventative measures, including sedimentation and erosion controls.

Mr. Solli advised that an application would be submitted to the Planning and Zoning Commission the week following the Inland Wetlands Commission Meeting.

- Discussion on Completed Violation Hearings from this Agenda

– IWV-2015-11 78 Stanley Road

Chairman Muttitt affirmed the Commission's request that the property owners be issued a letter requesting the property owners attend the next Inland Wetlands Commission Meeting, which would also warn about the potential issuance of a Wetlands Citation.

- Administrative Review / Enforcement Issues

– IWV-2015-17 / IWV-2015-18

Town Engineer Schatzlein reviewed potential violation issues on the property to the Commission. He referred to the discussion regarding these potential violations on these properties at a previous meeting. He informed the Commission that Land Use Office Staff had previously met with the property owner to discuss the future submission of applications to the Inland Wetlands Commission and the Planning and Zoning Commission. He advised that the application to be submitted to the Commission would include a stabilization and restoration plan to address the violations on the rear of the properties. Town Engineer Schatzlein stated that he would issue a Notice of Violation to the property owners per the Commission request. He asked the Commission to select an appropriate timeframe for the application to be submitted. Chairman Muttitt and Vice-Chairman recommended that a period of 90 (ninety) days be provided for the property owners to submit an application.

– IWV-2015-19

Town Engineer Schatzlein reviewed potential violation issues on the property to the Commission, and also reviewed the site's existing conditions on a "Potential Violations" Map. He added that he had met with the potential buyer's representing attorney on a previous occasion to discuss potential violation issues. Chairman Muttitt recommended that a Notice of Violation be issued to the Commission. Chairman Muttitt also recommended that the property owner be provided a period of ninety (90) days to submit an appropriate application.

- Pending Determination

– IWV-2014-08

Town Engineer Schatzlein reviewed the Commission's requests for stabilization and restoration measures, and confirmed that they would be included in a "Notice of Determination" that would be issued to the property owner.

– IWV-2015-12 104 Stanley Road

Town Engineer Schatzlein reviewed the informal hearing held at the previous Commission Meeting. The Commission requested that they be given more time to conduct their site visits.

– IWV-2015-13 38 Webb Circle

Town Engineer Schatzlein referred to the Commission's previous request that the property owners be issued a letter requesting they submit a report addressing the species of bamboo from an appropriate professional to be discussed at the next Inland Wetlands Commission meeting. The Commission requested that they be given more time to conduct their site visits.

XII. General Discussion / Other:

The Commission and Coordinator Suszynski discussed the logistics associated with the Public Hearing for the Inland Wetlands Regulations Amendments.

XIII. Correspondence: (None)

XIV. Adjournment:

Motion to adjourn made by Vice-Chairman Grady; seconded by Secretary Spence; passed 5-0-0. The Meeting was adjourned 9:21 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. 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":
 - IWC-2015-17 1427 Monroe Turnpike – regulated activities associated with the construction of a single family dwelling, including storm drainage plan, onsite septic system, and driveway, *Mallozzi*
(Public Hearing to open on 11/18/15)
 - IWC-2015-18 46 Cutlers Farm Road – regulated activities associated with the construction of a single family dwelling, *Connole*
(Regular Hearing to be held on 11/18/15)
 - IWC-2015-19 64 Cambridge Drive – subdivision referral for resubdivision 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*
(Public Hearing to open on 11/18/15)
- Inland Wetlands Regulation Amendments – mailed to DEEP and Town Attorney on 10/28/15
(Public Hearing to be rescheduled)