



TOWN OF MONROE INLAND WETLANDS COMMISSION

7 Fan Hill Road
Monroe, Connecticut, 06468

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

Minutes of December 9, 2015 Regular Meeting

I. Call to Order:

The Regular Meeting of the Inland Wetlands Commission ("Commission") was called to Order at 7:09 p.m.

(A) Pledge of Allegiance

(B) Roll Call

Present: Michael S. Muttitt, *Chairman*
Lois Spence, *Secretary*
Meghan Hayden, *Treasurer*
Peter Oliva, *Commissioner*

Absent: Jason Grady, *Vice-Chairman*

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

Chairman Muttitt then read the Inland Wetlands Commission Mission Statement. He asked Land Use Coordinator Suszynski if there were any changes to the Commission Meeting Agenda. Land Use Coordinator Suszynski replied that the 2016 Commission Meeting Schedule needed to be approved, as well as Minutes from November 18, 2015 Meeting.

Chairman Muttitt then moved accept the 2016 Meeting Schedule. A motion was made by Secretary Spence to accept the proposed 2016 Meeting Schedule, seconded by Commissioner Hayden; motion passed 4-0-0.

(C) Inland Wetland Commission Meeting Minutes

- November 18, 2015 Meeting Minutes

A motion was made by Commissioner Oliva, seconded by Secretary Spence to approve the Minutes of November 18, 2015 as amended by Secretary Spence; motion passed 4-0-0.

(E) General Public Participation

Chairman Muttitt polled those publicly attending for public participation, of which there was none.

II. Application Hearing Determinations:

(None)

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

Town Engineer Schatzlein stated that he had indicated at a previous hearing that the Application Public Hearing for 64 Cambridge Drive, IWC-2015-19, included a Subdivision Referral. The hearings, scheduled for continuation at the evening's meeting, would be held simultaneously.

IV. Regulated Activities:

(A) Regular Hearings

(NONE)

(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*
(Reconvened from 11/18/15 meeting, Close Hearing Date 11/18/15, extension given to keep hearing open to 12/9/15 meeting)

Town Engineer Schatzlein stated that he had received a letter from a representative for the applicants, Peter Olsen, Esq., an Attorney from the Land Use Corporation Counsel in Bethel, Connecticut. In the letter, Attorney Olsen requested that the Hearing be postponed and remain open, and that he would grant the use of application extension time to do so. Town Engineer Schatzlein relayed to the Commission that the Hearing would have to be opened and closed at the regularly scheduled Meeting on January 13, 2016.

- IWC-2015-16 28 Purdy Hill Road, regulated activities associated with the remediation of disturbance within a regulated area, *Baghdady*
(Reconvened from 10/28/15, Close Hearing Date 12/2/15, extension needed to keep hearing open to 12/9/15 meeting)

George Baghdady, property owner of 28 Purdy Hill Road, introduced himself to the Commission as the applicant, and stated that he was in attendance to address the shortcomings of his Application, as addressed by the Commission and Town Engineer Schatzlein at the October 28, 2015 Meeting. He reviewed an overview of the comments he received from the Commission, as well as the following items with the Commission and Town Engineer Schatzlein:

- Mr. Baghdady and Town Engineer Schatzlein's meeting to discuss the Application comments made by the Commission;
- the signature of the Original Application in Town Engineer Schatzlein's office;
- a Soils Report provided with revised submission;
- the re-flagging of the Regulated Wetlands Area by a contracted Soils Scientist;
- a description of the proposed filling activities;
- verification that the wetlands flagging had been field located;
- the non-requirement of Item 5 with the Commission's comments, since the Application is remediating a violation issue;
- the use of a previously approved site plan, which was being modified for the purposes of this Application;
- live certification, in the form of an embossed seal, on the modified proposed site plans;
- the inclusion of proposed contours on the proposed plans;
- a description for the location of the proposed contours relative to the site;
- a brief description of the submitted survey that would replace the original 8.5"x11" survey submitted by Mr. Baghdady;
- a proposed sequence of operations and methods of bridge removal submitted with the revised material;
- a description of the proposed location for rocks that would be placed as part of the work proposed within the Application;
- the proposed placement of soil material over the proposed rock locations to establish the proposed contours;
- a brief overview of a proposed landscape plan;
- the existing site conditions, with regard to areas on the property that had or had not been disturbed;
- the incompleteness of proposed work on the site with regards to a previously approved application;
- the inclusion of plantings on the proposed plans;
- the anticipation of the proposed plants, upon maturing, limiting access to the currently disturbed area after removing the existing bridge;
- the proposed installation of plants to demarcate the property line separating #28 Purdy Hill Road from #137 Elm Street;
- the proposed distribution of topsoil with disturbed areas on the site upon completion of the proposed plant installation;
- the timeframe required for the proposed project;
- granting a temporary easement to the owner of #137 Elm Street to grant them temporary access to the property;
- the proposed sedimentation and erosion controls;

The Commission and Town Engineer Schatzlein discussed the following items with Mr. Baghdady:

- the gradient of the proposed embankments;
- the proposed installation of Regulated Area Markers;
- a description of the proposed plantings to be used on site, with respect to their proposed locations and density;
- the appropriate monitoring report to track the progress of restoration.

Mr. Baghdady gave a closing statement, requesting that the Commission approve his application.

Land Use Coordinator Suszynski read Exhibits 1 – 9.

Chairman Muttitt opened the Hearing to Public Comment, of which there was none.

Polling the Commission hearing no objections, Chairman Muttitt closed the Hearing.

- 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*
(Open Public Hearing, Close Hearing Date 12/23/15)

Alan Shepard, a licensed Professional Engineer in the State of Connecticut with Nowakowski, O'Bymachow, Kane & Associates in Shelton, Connecticut, introduced himself to the Commission as a speaker on behalf of the Application. He provided a submission of Certified Mail Receipts to Land Use Coordinator Suszynski, and reviewed the following items with the Commission and Town Engineer Schatzlein:

- the submission of a Soil Scientist Report, provided by James McManus, a Registered Soil Scientist with JMM Wetland Consulting Services, LLC in Newtown Connecticut, for the Commission's review;
- an overview of the site location;
- a description of the wetland and upland soils, as provided in the Soil Scientist Report;
- the locations of invasive species on the site, and the proposed activities to regulate and limit further growth;
- proposed drainage activities, and the location of a proposed splash pad, and boulder wall;
- approvals from the Connecticut Department of Transportation relating to existing storm-drainage structures and right-of-way for State Route 111;
- the soil test performed by the Monroe Health Department, and their approval for the location of the proposed septic system;
- the location of a proposed single family dwelling, and the proposed access driveway;
- a proposed storm gallery and water retention/recharge system;
- the standard protocol and procedure used to determine the methods and materials in the proposed scope of work;
- comments received from Land Use Office Staff;
- the contractor that would be performing the proposed work.

The Commission and Town Engineer Schatzlein discussed the following items with Mr. Shepard:

- the angling of the proposed catch basin;
- the existing flow patterns on the site;
- maintenance and upkeep for the proposed storm galleries, catch basin, and plunge pool structures;
- the installation and location of proposed Regulated Area Markers;

- the proposed discharge of stormwater runoff from State Route 111 to a wetlands area on the site;
- the proposed location of hay bales, and other sedimentation and erosion controls;
- the location of proposed boulders;
- the Health Department's Review regarding the proposed site work;
- the amount of water to be drained via the proposed catch basins;
- the abutting properties to the site for the proposed work, and the groundwater issues relative to the abutting properties versus the site for the proposed work;
- concerns for bleed-off stemming from the proposed driveway;
- the clogging of the proposed pipe and drainage work with sand and other sediments, and preventative measures to minimize potential clogging;
- concerns of the proposed project with regards to future maintenance needs;
- the calculations regarding the peak discharge of the proposed storm drainage system;
- the timeframe relative to the deadline of closing for the Application Hearing;
- the proposed temporary and permanent sedimentation and erosion control measures;
- the low points established upon the completion of the proposed work;
- the proposed grading of the driveway and potential issues regarding ice accumulation;
- issues that could potentially arise due to the lack of proper maintenance of the proposed drainage structures;
- the order of operations regarding the proposed site development process.

Chairman Muttitt clarified that the Hearing would continue at the next Commission Meeting, and requested the Exhibits be read into the Public Record.

Land Use Coordinator Suszynski read the Exhibits 1 – 12.

Chairman Muttitt asked Town Engineer Schatzlein if he had any additional comments he would request the Applicant to address at the continued Hearing, to which Town Engineer Schatzlein replied that he had none.

Chairman Muttitt opened the Hearing to Public comment, of which there was none. He then stated that the Hearing would be continued at the next Commission Meeting.

- IWC-2015-19 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*
(Open Public Hearing, Close Hearing Date 12/23/15)

Chairman Muttitt stated that the hearing would also be considered as a subdivision referral.

Kevin Solli, a licensed Professional Engineer with Solli Engineering, LLC of Monroe, Connecticut, introduced himself to the Commission as a representative on behalf of the application. He added that James Cowen, a Registered Soil Scientist and Professional Wetlands Scientist with Environmental Planning Services of North Stonington, Connecticut, would also be speaking to the Commission on behalf of the application. He referred to a previous hearing on November 18, 2015, and gave a brief overview of the material presented at that hearing, which was being continued at the evening's meeting.

Mr. Solli and Mr. Cowen reviewed an overview of the following items with the Commission:

- the modifications made to the proposed work to be conducted on the site, including the expansion of a biofiltration basin, improved sheet flow for stormwater runoff, additional planting details, and added specificity to the proposed plans;
- verification of the Wetland Area flagging;
- a detailed investigation and report of the Wetlands Areas on site with regards to former and existing delineation and the established Limit of Disturbance;
- modifications within the proposed stormwater basin with respect to the proposed mitigation plantings;
- the strategic proposed placement of plantings to prevent the establishment of invasive species;
- we have shrunk and concentrated the area based on IWC comments. Existing basin is sediment that is part of the permit;
- previously acquired permits from the State Department of Energy and Environmental Protection (DEEP) regarding stormwater and construction discharges;
- the existing flora with regards to trees, shrubs, and invasive species present in environmentally sensitive areas;
- the intent to restore the canopy within the areas of proposed upland review area enhancement;

The Commission and Town Engineer Schatzlein discussed the following items with Mr. Solli and Mr. Cowen:

- issues regarding the use of leaf litter;
- the potential for debris and stone dust from a nearby construction area filling in with the open soil within the proposed mitigation area;
- concerns regarding airborne dust and other airborne materials;
- the survivability of the proposed plantings and the existing plantings to be preserved, with respect to the ongoing site activities and proposed site development;
- the installation of an outlet control structure;
- the appropriateness of the proposed seed mix within the proposed biofiltration basin;
- the proposed selective eradication and/or removal of invasive species, and a detailing of the proposed methods;
- concerns regarding the protection of the proposed plantings to be installed during the winter season, when the proposed plantings could be impacted by snow piles due to their location within a cul-de-sac;
- a description of the wetland topography, and the findings of a 2014 study compared to the findings made in 2009;
- discussions regarding the recommended and mutually agreed performance bond estimate. Town Engineer Schatzlein and Mr. Solli discussed the differences between bonds for the Inland Wetlands Commission and the Planning and Zoning Commission;
- the former activities regarding the site within the subdivision of Pepper Street Business Park;
- the ongoing excavation activities on the site, and the intent of the Applicant to submit a Site Plan Application and Excavation Permit to the Planning and Zoning Commission;

- the developments associated with roadway construction within Pepper Street Business Park;
- potential impacts to wetland areas on the site resulting from the proposed subdivision;
- the amount of frontage with regard to the proposed lot configuration.

Town Engineer Schatzlein read Exhibits 1 – 7.

Town Engineer Schatzlein then reviewed his comments to Mr. Solli and Mr. Cowen with the Commission and the Applicants, which included the following:

- the establishment and extension of an appropriate anti-tracking arrangement, and its location and length;
- the requirements for the proposed sedimentation basin as mandated from DEEP, and additional requests made by the Commission;

Chairman Muttitt opened the Hearing to Public comment, of which there was none.

Mr. Solli gave a closing statement requesting the Commission approve the Application. He stated that the Application was in conformance with the Plan of Conservation and Development, and that plans had been submitted in conformance with the guidelines as established in the Stormwater Quality Control Manual.

Polling the Commission hearing no objection, Chairman Muttitt closed the Public Hearing.

V. Violations:

- IWV-2015-11 78 Stanley Road

Chairman Muttitt requested the property owners come forth to continue the discussions from the informal hearing at the previous Commission Meeting. The property owners were not in attendance. Town Engineer Schatzlein reviewed the request made by the Commission for the property owner to supply additional photographic information. He added that the Commission had requested that Land Use Office staff review historic aerial imagery of the property. Wetlands Inspector McCollum then gave a presentation to the Commission, which included the following:

- historic aerial imagery of the site, which included images of the site before and after development had been completed;
- the associated impacts within Regulated Upland Review Areas, including site development and use beyond the approved Limit of Disturbance as indicated in the approved Site Plans;
- a review of the site photography and the "Potential Violations" Map as presented during the Administrative Review and the informal hearing.

Chairman Muttitt asked if the Commission sought to give the property owner another meeting to continue discussion, or if enough information had been presented for the Commission to make a determination. He and Town Engineer Schatzlein discussed the need to permit the existing structures and the established use of the site beyond the approved Limit of Disturbance. Chairman Muttitt stated that since the established Limit of Disturbance had been expanded, an Inland

Wetlands Application should be submitted, to which the Commission agreed. He added that the Application would be retro-active, and would permit the current uses occurring on the site. Secretary Spence asked Wetlands Inspector McCollum to define the boundaries of the area of established lawn. The Commission reviewed existing understory as shown in Wetland Inspector McCollum's photography. Secretary Spence commented that the Application should include the installation of Regulated Area Markers. Town Engineer Schatzlein added that he would ask Mr. Pruszko to remove the existing debris along the established edge of lawn/disturbance. The Commission requested that a Notice of Determination letter be sent to the property owners, which would request them to submit an Inland Wetlands Application to the Commission.

- IWV-2015-21 36 Garder Road (*informal hearing*)

Chairman Muttitt thanked the property owners for attending the meeting, and briefly overviewed the processes associated with an informal hearing. Town Engineer reviewed the Administrative Review process with the Commission and the property owners.

Jose and Maria Pires, property owners of 36 Garder Road, introduced themselves to the Commission.

Town Engineer Schatzlein gave an overview of the Administrative Review Process with Mr. and Mrs. Pires, and explained how the Violations had become apparent to Land Use Office Staff and the Commission. Town Engineer Schatzlein, Wetlands Inspector McCollum, and the Commission discussed the following items with Mr. and Mrs. Pires:

- the Notice of Violation issued to the property owners;
- the current and existing conditions of the site;
- the development of the site leading to the Commission;
- the establishment of the Inland Wetlands Regulations;
- the property owner's apparent inheritance of a non-compliant site;
- the need for the property owner's to work with the Commission and achieve site compliance;
- the encroachment of established lawn into Town of Monroe Open Space;
- a review of the "Potential Violations" Map and Aerial Pictometry as presented to the Commission during their Administrative Review;
- the construction of the house in 1994;
- the absence of an Inland Wetlands Approval for the existing site development;
- the establishment of a Limit of Disturbance, and the absence of an approved Limit of Disturbance;
- the need to demarcate and establish a boundary preventing further access to the Town of Monroe Open Space;
- the Commission's request to allow the disturbed area within the Monroe Open Space to return to a natural, undisturbed state;
- the use of an Agent Approval Application to permit and restore the areas disturbed, and return the property to compliance with Wetlands Regulations;

Chairman Muttitt stated that the property owners would have a 60 day time period to submit an Agent Approval Application. Secretary Spence and Town Engineer Schatzlein discussed additional

floodplain information, with regards to the West Branch of the Pequonock River, to which Town Engineer Schatzlein indicated would have no bearing on a submitted Agent Approval Application.

- IWV-2015-12 65 Scenic Hill Lane (*informal hearing*)

Chairman Muttitt requested the property owner in attendance to begin discussion with the Commission regarding the Violation.

Michael Infante, Jr., property owner of 65 Scenic Hill Lane, introduced himself to the Commission.

Town Engineer reviewed the Administrative Review process with the Commission and the property owner, and gave an overview of the information previously presented to the Commission. He detailed the existing site conditions, the Regulated Areas on the site, and the Conservation Easement placed on a portion of the site.

Town Engineer Schatzlein, Wetlands Inspector McCollum, and the Commission discussed the following items with Mr. Infante:

- the Notice of Violation issued to the property owners;
- the current and existing conditions of the site;
- previous permits and activities that had been issued and conducted on the site;
- the use of an Agent Approval Application to bring the site into compliance with the Wetlands Regulations;
- the contents of the application to be submitted, including the installation of Regulated Area Markers, the establishment of a barrier to protect Regulated Upland Review and Wetlands Areas, the installation of plantings to supplement the natural restoration of the site, and the relocation of an existing shed currently within the limits of Conservation Easement;
- measures to prevent the establishment of invasive plant species, including the installation of trees and a no-mow meadow mix;
- the incorporation of a proposed generator in an Agent Approval Application to be submitted;
- the relocation of the crushed stone used as the base for the existing shed.

Chairman Muttitt stated that the property owners would have a period of 60 days to submit an Agent Approval Application.

VI. Other:

(None)

VII. Deliberations on Completed Hearings:

Application Determinations: NONE

Regular Hearings:

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

A Motion was made by Lois Spence to approve with conditions the proposed application, 2nd by Peter Oliva.

Discussion:

- Monitoring Report for two growing seasons
- Remove the bridge
- Two years for neighbor to remediate issues
- Two large Trees
- Seed with “no mow” mix or wetland mix
- Rocks on property line

Vote: 4-0-0 in favor, passed

- **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*

A motion was made by Lois Spence to approve the proposed application, 2nd by Peter Oliva.

Discussion/Conditions:

- Anti tracking pad
- Engineer comments to be addressed
- Bond \$22,000.00 as agreed
- Three (3) year monitoring
- Moving plants out of Town right-of-way
- Drainage calculation

Vote: 4-0-0 in favor, passed

VIII. Bond Releases, Reductions, Reports:

(NONE)

IX. Time Extensions:

(NONE)

X. IWC Agent Activities/Reports:

- General Permits: (None)

- Agent Approvals: IAA-2015-26, 49 Nickel Place, *Parin*

Wetlands Inspector McCollum gave a brief overview and background to the Application.

- Permitted Uses As of Right: 1. Department of Public Works – road repair, replacement and/or general maintenance (I/W Regulations Section 4.2 (C)) – (None)

Town Engineer Schatzlein advised the Commission that the Public Works Department work continue working through the Winter season, if the weather permitted. He added that the permit needed to be renewed at the beginning of next year. Secretary Spence recommended the item be placed on the next Meeting Agenda.

XI. Violations:

- Violation Inspection Report: (None)
- Discussion on completed Violation Hearings from this Agenda:

Chairman Muttitt and Wetlands Inspector McCollum briefly discussed the results from the Hearings held during the evening's Meeting, as well as the Hearings from the November 18, 2015 Meeting.

- Administrative Review/Enforcement Issues:

- IWV-2015-23

Town Engineer Schatzlein, Inland Wetlands Inspector McCollum, and the Commission conducted an Administrative Review of the property at Clydesdale Court. During the Administrative Review, they discussed the following:

- the observance of potential violations during a Building Permit Inspection;
- the locations and description of potential violations, including a potential encroachment into a Conservation Easement on the property with fill and an established concrete pad driveway;
- the existing developed and natural conditions;
- a "Potential Violations" Map detailing permitted Limits of Disturbance, Wetlands and Regulated Areas, unpermitted activities within Regulated Areas, and developed/established areas on site;
- permits and approvals related to activities for development on site;
- observing the site via a roadside inspection;
- the topography of the site;

The Commission requested that a Notice of Violation be issued to the property owners, and that the property owners discuss the findings during the Administrative Review with the Commission during an informal hearing.

- Pending:

- IWV-2015-13

Chairman Muttitt stated that this item would be tabled to the next Commission meeting.

- IWV-2015-12

Town Engineer Schatzlein stated that he had discussed the delineation and establishment of the Conservation Easement with Jason Spath, with respect to the established stone wall.

Wetlands Inspector McCollum Secretary Spence commented that the Commission had discussed requesting a site plan from the property owner following the informal hearing. The Commission agreed to formally request the property owners to supply a site plan.

XII. General Discussion/Other:

XIII. Correspondence:

(NONE)

XIV. Adjournment:

A motion to adjourn was made by Commissioner Oliva; seconded by Commissioner Hayden; passed 4-0-0. The Meeting was adjourned 10:52 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: 1-13-2016

PENDING: (These items are pending but are not on this agenda.)

- Inland Wetland Regulation Amendments – Mailed to DEEP & Town Attorney on (Public Hearing tentatively scheduled for 01/07/16)