



## TOWN OF MONROE INLAND WETLANDS COMMISSION

7 Fan Hill Road  
Monroe, Connecticut, 06468

Inland Wetlands Department: (203) 452-2809  
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Inland Wetlands Agent: Scott H. Schatzlein, P.E.

### Minutes of January 13, 2016 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:

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 Ms. Schatzlein if there were any changes to the Commission Meeting Agenda. Mr. Schatzlein read aloud and reviewed the Agenda Amendments, which the Commission unanimously accepted.

(C) Election of Officers

Motion to nominate Michael Muttitt as Chairman made by Jason Grady, 2<sup>nd</sup> by Peter Oliva  
Vote: 5-0-0 in favor, motion passed

Motion to nominate Jason Grady as Vice Chairman made by Lois Spence, 2<sup>nd</sup> by Mike Muttitt  
Vote: 5-0-0 in favor, motion passed

Motion to nominate Lois Spence as Secretary made by Jason Grady, 2<sup>nd</sup> by Meghan Hayden  
Vote: 5-0-0 in favor, motion passed

Motion to nominate Meghan Hayden as Treasurer made by Peter Oliva, 2<sup>nd</sup> by Lois Spence  
Vote: 5-0-0 in favor, motion passed

(D) Inland Wetland Commission Meeting Minutes

- December 9, 2015 Meeting Minutes

Motion to approve the December 9, 2015 minutes as written made by Lois Spence; 2<sup>nd</sup> by Meghan Hayden.

Vote: 4-0-1 (Jason Grady, abstained) in favor, motion passed

(E) General Public Participation

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

**II. Application Hearing Determinations:**

- IWC-2016-01      67/69 Turkey Roost Road, 67 Karen Drive, and 56 Lorraine Drive – Remediation of previously disturbed Regulated Area affecting 24 acres

Mr. Schatzlein stated that he had reviewed the application, and added that there were some concerns regarding the lots and their establishment that would need to be addressed. He added that the application was a response to a multi-lot Wetlands Violation, and an Application to the Commission to remediate Violation issues had been previously requested. He commented that the property owner had been issued a Citation and a subsequent Notice of Assessment, which prompted the submission of the Application. He stated that the overall project site was 24 acres, and that the specific area of wetlands on that site had not yet been determined. The Application proposed no direct activity within Regulated Wetland Areas, and that there would be 0.44 acres, or 19,200 square feet of impact within a Regulated Upland Review Area.

Mr. Schatzlein added that he would distribute his review comments to the Commission, and that the Commission could review the proposed plans as submitted. Mr. Schatzlein and the Commission discussed and reviewed the application. Motion to hold a public hearing as the project affects several properties and neighbors, made by Lois Spence; 2<sup>nd</sup> by Jason Grady.

Vote: 5-0-0 in favor, motion passed

- IWC-2016-02      178 Main Street – Proposed improvements to Monroe Car Wash

Mr. Schatzlein stated that this application was submitted for the refurbishment of an expansion of an existing car wash facility. He stated that the proposed activities would occur within the window of the original development. The project site property is 1.0 acre, with 0.092 acres of Regulated Wetland Area, and 0.514 acres of Regulated Upland Review Area. The proposed areas to be disturbed would occur over 0.0 acres of Regulated Wetland Areas and 0.41 acres of Regulated Upland Review Area, or 18,000 square feet. The proposed activities would include paving improvements with semi-impervious materials and building construction within a Regulated Upland

Review Area. He added that he had not completed his comments for the Commission's review. The Commission reviewed and discussed the application with Mr. Schatzlein. Mr. Schatzlein commented that a proposed rain garden with rip-raff spillway within a Regulated Wetlands Area would have a direct impact to the wetlands.

Motion to hold a public hearing as there is direct impact to wetlands with the proximity of the Pequonnock River to the project site, and may be of public interest, made by Lois Spence; 2<sup>nd</sup> by Peter Oliva.

Vote: 5-0-0 in favor, motion passed

- IWC-2016-03      35 Cambridge Drive – *Mondial Automotive*, Proposed Office/Warehouse facility

Mr. Schatzlein stated that this application was submitted for the development of a lot within Pepper Street Business Park, and that the Application indicated a proposed 27,613 square foot office warehouse facility with storm drainage, water quality treatment, sanitary retaining walls, pavement, and landscaping improvements. The overall project site was 3 acres, with 0.54 acres of Regulated Wetland Areas and 1.91 acres of Regulated Upland Review Area. The proposed project indicated no direct impact to the Regulated Wetlands Areas on site, and would impact 1.69 acres, or 73,616 square feet, of Regulated Upland Area on site. He reviewed the proposed site plans and Application with the Commission.

Motion to hold a public hearing as there is direct impact to a large part of the upland review area and may be of public interest, made by Lois Spence; 2<sup>nd</sup> by Jason Grady.

Vote: 5-0-0 in favor, motion passed

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

#### **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)

Mr. 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 Application be withdrawn without prejudice, due to the absence of prepared information and adequate time for the Commission to review the application and receive testimony from the Applicant. Mr. Schatzlein referred to the outstanding Violations on the property, the issuance of a Notice of Citation, the Citation Hearing where the issuance was upheld, and the Notice of Assessment. He discussed the Applicant's intent to

submit an Application in the future, and the Commission's concerns with the fees for an Application submission. He commented that the Commission could motion to increase the fines levied to the property owner, which would encourage the property owner to submit another Application. The Commission requested that Mr. Schatzlein send correspondence to the Applicant summarizing their discussion.

- 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 submitted additional revised materials to the Commission, which was accepted as an additional exhibit. He also introduced James McManus, a Certified Professional Soil Scientist of JMM Wetlands Consulting Services in Newtown, Connecticut, as the Wetlands Scientist and additional speaker on behalf of the Application. Mr. Shepard and Mr. McManus reviewed the following items with the Commission and Mr. Schatzlein:

- an alternative proposal to the recommended buffer plantings, which included a mitigation removal plan for the invasive species, predominantly Japanese Barberry;
- the wetlands flagging performed by Cynthia Rabinowitz in 1999, and the existing wetlands flagging performed by Mr. McManus in 2012;
- the acquisition of a permit to perform a curb cut from the Connecticut Department of Transportation;
- the proposed storm galleries and drainage pipe;
- anticipated volume of recharge for a storm event and peak storm reduction, with regard to the peak discharge indicated for sizing of the proposed plunge pool;
- the certification of the delineation of the flagged wetlands on the proposed site plans;
- control strategies for Japanese Barberry removal as recommended by the Connecticut Agricultural Experimental Station and the University of Connecticut;

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

- the concerns for the removal of existing canopy within Regulated Upland Review and Wetland Areas;
- the issues with Japanese Barberry and other invasive species on abutting properties;
- the anticipated germination over disturbed soils after the removal of invasive species;
- the appropriate response to address an ineffective mitigation plan;
- the concerns associated with the potential sale of the property before conclusion of the 3-year mitigation report period;
- the initial pre-construction meeting to discuss the initiation of work before the acquisition of a Building Permit;
- the \$17,000 Bond as recommended by Mr. Schatzlein;

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

Ms. Suszynski read the Exhibits 10 – 16.

Chairman Muttitt asked the Applicants if they had any additional closing comments, to which they replied that they had none. Chairman Muttitt opened the Hearing to Public comment, of which there was none.

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

## **V. Violations:**

- IWV-2015-23      6 Clydesdale Court (*informal hearing*)

Chairman Muttitt requested the property owner and representative to introduce themselves to the Commission to begin dialogue for discussion with regard to the Violation.

Attorney Raymond Rizio, of Quatrella and Rizio, LLC in Fairfield, Connecticut, introduced himself as a representative on behalf of the property owner, Edward DiMaria, to the Commission.

Mr. Schatzlein gave an overview of the establishment of the Violation, the Administrative Review Process, and the informal hearing process with Attorney Rizio. Mr. Schatzlein and the Commission discussed the following items with Attorney Rizio:

- the documents reviewed during the Administrative Review Process;
- the "Potential Violations Map", a Violation Background, and photography of the site taken during a Building Permit Inspection;
- the installation of a concrete-block driveway without appropriate permitting;
- the absence of a direct disturbance to a Regulated Wetlands Area;
- the encroachment within a Conservation Easement;
- the existing and former topography of the site;
- the concerns regarding the modification of a Conservation Easement, and the process necessary to do so;
- the subsequent discussion following the hearing between Mr. Schatzlein and the Commission to determine the resolution process;
- the location of stakes remaining from a conducted As-Built survey;

Chairman Muttitt asked Mr. DiMaria if the Commission could perform a site inspection of the property, to which he replied that their access was granted.

VI. Other: (None)

## VII. Deliberations on Completed Hearings:

### Public Hearings:

- **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

Motion was made by Lois Spence; 2<sup>nd</sup> by Jason Grady to approve the proposed application with conditions.

Discussion/Conditions:

- 3 year follow up report regarding invasive plants and requirement that approval conditions be adhered to by subsequent property owners
- No heavy machinery
- Ability to start remediation work before the Building permit is issued
- Bond in the amount of \$17,000. 00
- And other requirements listed on the Town Engineers review

Chairman Muttitt stated that the required application data had been submitted, the subsequent hearing testimony and evidence provided to adequately document and verify the application proposal was in compliance with the Town of Monroe Inland Wetlands and Watercourses Regulations, and Inland Wetlands Watercourses Act.

Vote: 5-0-0 in favor, motion passed

## VIII. Bond Releases, Reductions, Reports:

- **I09-09, File #658:** 11 Millbrook Terrace, Criscione; Request for Bond Release

Mr. Schatzlein stated that the work had been completed, and that the Easement issues had been resolved. Motion made by Lois Spence, 2<sup>nd</sup> by Peter Oliva to release the full amount (\$7,000.00) of the Bond.

Vote 5-0-0 in favor, motion passed

- **IWC-2015-06, File #933:** 176 Hammertown Road, Bokor; Request for Bond Reduction

Mr. Schatzlein stated that the work on the pond within the property was complete, and that that the follow-up reporting needed to be completed over the remaining two years. Motion made by Jason Grady, 2<sup>nd</sup> by Lois Spence to reduce the Bond from \$10,000 to \$2,000 dollars.

Vote 5-0-0 in favor, motion passed

## IX. Time Extensions:

- **IWC-2014-11, File #891:** 462, 464, 466, 470 Main Street; 90 Day extension request

Mr. Schatzlein stated that this was the second extension request beyond the approved time allotment. He reviewed the verbiage of the original Approval compared the Connecticut General Statutes. He added that the Applicant was working with Land Use Office Staff through the Review of Approval Process, and that the Approval needed to be filed on the Town of Monroe Land Records.

Motion to grant a 90 day extension made by Lois Spence, 2<sup>nd</sup> by Jason Grady

Vote 5-0-0 in favor, motion passed.

## X. 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)) – (None)

Mr. Schatzlein advised the Commission that the General Permit for the Public Works Department remained in good standing for five years, and that the permit did not have to be renewed at this time.

## XI. Violations:

- Violation Inspection Report: (None)
- Discussion on completed Violation Hearings from this Agenda:
  - IWW-2015-23 6 Clydesdale Court (*informal hearing*)

The Commission, Mr. McCollum, and Mr. Schatzlein reviewed the testimony provided and subsequent discussion results from the Informal Hearing. Secretary Spence commented on her concerns with bringing the review of Conservation Easements before Town Council.

- Administrative Review/Enforcement Issues:

- IWV-2016-01

Mr. Schatzlein, Mr. McCollum, and the Commission conducted an Administrative Review of the property at #87 Webb Circle. During the Administrative Review, they discussed the following:

- the observance of potential violations following discussion with Tom Ellbogen, Webb Mountain Discovery Zone coordinator, and the submission of a proposed site plan for an outdoor pavilion;
- the locations and description of potential violations, including the establishment of an outdoor amphitheatre and a boardwalk bridge within a Regulated Upland Review Area;
- the existing developed conditions compared to the existing natural surroundings;
- a "Potential Violations" Map detailing the 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;
- a site inspection performed on January 12, 2016;
- the topography of the site;
- the use of an Administrative Agent Approval to retro-actively permit the activities and development;

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.

- IWV-2016-02

Mr. Schatzlein, Mr. 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 Zoning Shed Application Inspection;
- the locations and description of potential violations, including potential shed relocation and grading activity within a Regulated Wetlands Area;
- the existing developed and natural conditions;
- a "Potential Violations" Map detailing the Limits of Disturbance, Wetlands and Regulated Areas, activities within Regulated Areas, and developed/established areas on site;
- permits and approvals related to activities for development on site;
- photography taken during the Zoning Shed Application Inspection;
- the information available regarding the delineation of Wetland soil types;
- the topography of the site;

The Commission requested that a letter be issued to the property owners indicating the potential location of wetlands soils, while requesting that there be no additional encroachment beyond the current limits of disturbance.

- Pending:

- IWV-2015-12

Mr. Schatzlein stated that he had discussed the delineation and establishment of the Conservation Easement with Jason Spath, an engineer with Spath-Bjorklund Associates, with respect to the established stone wall.

The Commission reviewed the discussions during the previous Informal Hearing, and requested that the property owner be issued a letter requesting an Inland Wetlands Application be submitted within 60 (sixty) days of letter receipt.

- IWV-2015-13

Mr. Schatzlein stated that the property owner submitted a letter to the Commission requesting the submission of the report requested by the Commission be postponed to February. The Commission accepted the postponement.

**XII. General Discussion/Other:**

- IWC-2015-18      46 Cutlers Farm Road – Foundation Expansion, *Connole*

Mr. Schatzlein stated that he had previously approved a Building Permit with an associated Inland Wetlands Application, and that the Applicant requested that a deck bump-out be accepted as a modification to the approved plans. The Commission approved the modification.

**XIII. Correspondence:**      (None)

**XIV. Adjournment:**

A motion to adjourn was made by Commissioner Oliva; seconded by Commissioner Hayden; passed 5-0-0. The Meeting was adjourned 9:33 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: \_\_\_\_\_

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**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 01/27/16)