



## TOWN OF THOMPSON

### Inland Wetlands Commission

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### MEETING MINUTES: Tuesday, February 13, 2024, 7:00PM

*Via ZOOM Online Meeting Portal*

- A) The Meeting was called to order at 7:07 PM by Chairman George O'Neil who announced the protocols for conducting the online meeting.

Members and staff present: George O'Neil (Chairman), Charlie Obert (Vice Chairman), Diane Chapin (Treasurer), Fran Morano Commissioner, Commissioner Christopher Dustin, Dan Malo (IWC Agent)  
Members of the Public: Marla Butts, Tyra Penn-Gesek, Town Planner, Michelle G Giammarinaro, Human Resource, Norm Thibeault, Dan Mullins, Sep Sadhegi, Dave Citron, Valerie Clark and others.

- B) Appointment of Alternates - None

- C) Action on Minutes of Previous Meetings

1. Minutes of January 9th, 2024 – Regular Meeting  
The Minutes of January 9, 2024 were unanimously accepted as presented.
2. Minutes of January 25th, 2024 – Special Meeting  
The Minutes of January 25, 2024 Special Meeting were unanimously accepted as presented.
3. Minutes of January 30th, 2024 – Special Meeting  
The Minutes of January 30, 2024 Special Meeting were unanimously accepted as presented.
4. Minutes of February 10<sup>th</sup>, 2024 – Site walk Special Meeting  
The Minutes of February 10, 2024 Special Meeting were unanimously accepted as presented.

- D) Citizens Comments on Agenda Items - None

- E) Applications

- a. Old Applications

1. **SUB24001**, John & Cheryl Lowinski, 90 Thompson Rd (map 87, block 38, lot 16),  
Three (3)-Lot Subdivision containing wetlands. Stamped received 1/3/24. Statutorily received 1/9/24. Site walk scheduled for 2/10/24.

Dan Malo, IWC Agent, Chairman George O'Neil, Vice Chairman Charlie Obert, Commissioner Fran Morano and Norm Thibeault licensed Professional Engineer and partner with Killingly Building Associates represented Mr. Lowinski and his son conducted a site walk on February 10, 2024 at 90 Thompson Road. The meeting was called to order at 9:30 AM by Chairman O'Neil. Norm Thibeault gave an overview of the proposed subdivision with Lot 1, containing the existing house, 46.5 acres, Lot 2 - 1 acre, and Lot 3 - 5 acres. The site walk meeting adjourned at 9:45 AM. Norm Thibeault commented that there were no direct wetlands impact. The existing shared driveway is paved and 700' of the driveway will be improved to access Lot 3. He also stated that the initial plan in the Zoom document did not contain the spring on the property, however the spring is incorporated in the final plans. Several Commissioners commented they would like to see a final version of the subdivision plan that the IWC is being asked to approve and Norm Thibeault shared the final version from his computer and agreed to submit a final version to the IWC office. Discussion took place and,

Commissioner Obert made a motion to grant a conditional approval to SUB24001, John & Cheryl Lowinski, 90 Thompson Rd (map 87, block 38, lot 16), Three (3)-Lot Subdivision containing wetlands with the proviso that the IWC office receives the exact final plans, revision date 2/7/2024, both by email and hard copy, presented by Norm Thibeault's computer screen this evening. Commissioner Dustin seconded the motion. The motion was **APPROVED** by Commissioner O'Neil, Commissioner Obert, Commissioner Morano, and Commissioner Dustin. Commissioner Chapin voted not to approve.

b. New Applications

1. **WAA24004**, Robert & Paula Mooney, 66 Logee Rd (map 141, block 17, lot 184G), cottage demolition and construction of single-family home within upland review area. Stamped received 1/24/24. Wetlands Agent approval 2/1/24. Notice scheduled for 2/9/24.

Dan Malo issued a Wetlands Agent Approval for WAA24004 in the upland review area near Quaddick Lake. Approval received from NDDH. No action was required by the Commission.

2. **WAA24005**, Dan Mullins for Town of Thompson, 934 Riverside Dr (map 169, block 90, lot 1), Installation of permeable pavers. Stamped received 2/6/24. Under review.

Dan Mullins, Executive Director ECCD (Eastern Connecticut Conservation District) commented that they were doing a water quality improvement project at the Thompson Library. Two Site Plans were created by Paul Burgess in order to meet the grant deadlines. Option A-requires replacing the pavers along the back of the Library (preferred option) and Option B- to be used if Option A cannot be used because the Library is removing and installing a fuel storage tank at the same location as Option A. This is a Use Permitted as of Right. No action is required by the Commission.

c. Applications Received After Agenda was Published – None

F) Permit Extensions / Changes

1. **Modification of WAA16021**, Sep Sadhegi for Dave Citron, 0 Greene Island (map 143, block 16, lot 53), single-family home and septic within upland review area of Quaddick Reservoir. WAA16021 extended by state statute 07/12/21. Application stamped received 2/7/24.

Dan Malo explained that typically Wetland Agent Approvals have a five-year life span, however this application is a modification of WAA2016 and is still active because it was extended by State Statute as a Covid response. Sep Sadhegi who is in the process of doing a purchase and sale with the owner Dave Citron stated the modification would be to rotate the orientation of the house for a different view and add a deck. Dan Malo stated that the erosion sediment control is in the same place, same footprint of disturbance. Commissioner Chapin commented that the paperwork needs to be changed and if the current owner of record is willing to be the applicant, remove the buyer from the modifications, correct the square footage then she has no problem with approving a Wetlands Agent Approval. The other Commissioners agreed with Commissioner Chapin that the Commission needs to get the paperwork right. The owner agreed with the Commissioners and will stop by the IWC to file the correct paperwork.

G) Violations & Pending Enforcement Actions

1. **VIOL21036**, Permit IWA20022, Marc Baer, 1227 Thompson Rd (map 116, block 24, lot 10), grades not as authorized in modified plan approved by the Commission on 2/9/21.

Received voice mail communication from a neighbor regarding concerns and attempts to reach the neighbor have failed. Dan will try reaching out again before contacting Mr. Baer. No progress has been made to resolve this violation at this point. Will forward a timeline

summary which Dan and Marla have done.

2. **VIOL23013**, Wojciech Sudyka, 1574 Riverside Drive, (map 55, block 65, lot 14), grading work exceeded scope of work authorized by Permit IWA21028, issued 5/22/23.

Request by the Commission for a timeline summary, enforcement, problems with erosion and drainage onto Route 12, Perryville Dam, work that exceeded scope of the permit approval, and stockpiles as a result of blasting was completed. Dan drove by a few times and noticed stockpiles are within the upland review area because they encountered ledge and had to blast. Daniel Blanchette sent a preliminary site plan for work that would be permitted in the future. Dan will forward the summary he has to the Dudley Wetlands Consultant. No progress has been made.

3. **VIOL23035**, James Quaiel, 0 Hill Road, aka 6 Hill Rd, (map 109, block 34, lot 32), fill and earthmoving within upland review area without permit. Violation issued 11/1/23.

Dan visited the site and noted that an 8" culvert has been installed and was carrying water. He reached out to Daniel Blanchette who provided an updated site plan which incorporated the culvert. Daniel Blanchette recommended some upgrades and stated in an email that in his estimation this driveway is not responsible for the neighbors' flooding. Complaints about erosion, rocks, sand, and branches on Hill Road after the heavy rainstorm, according to Dan, were a town wide result and not caused by the driveway. Discussion on whether or not to close this violation took place. Commissioner Obert stated he would like to keep it open and Commissioner Morano and Commissioner Chapin stated that this violation should be closed because the driveway has been inspected by a professional engineer who stated in an email that the driveway didn't cause the flooding. Chairman O'Neil called for a vote and it was the consensus of the majority of Commissioners to close this violation and Commissioner Obert voted to keep it open. This violation is closed and the record will be kept in the Wetlands Office along with the written document from the professional engineer stating he inspected the driveway and said that the driveway didn't cause the flooding.

4. **VIOL23037**, St. Joseph's Church, 12-18 Main Street, (map 63, block 94, lot 3), fill along Reardon Road within upland review area and wetlands. Violation issued 12/15/23.

Dan deferred this violation to First Selectman Amy St. Onge who said she would reach out to the church and as of this meeting no update has been received from Amy St. Onge. Dan will reach out to her again this week. Dan said the next step is an additional notice of violation. Dan stated that the purpose was to expand the cemetery and Commissioner Morano commented that this is in the flood plain which is questionable. Commissioner O'Neil questioned if a Cease and Desist would be the next step and Dan replied that he would be willing to prepare one but would prefer to exhaust all other possibilities before doing so. Due to the long duration of this complaint with no response from the Church, Commissioner O'Neil told Dan to get guidance from Town Attorney as to what the next step should be. Dan agreed and will do so.

#### H) Other Business

1. Invitation to the Director of Planning & Development and First Selectman, regarding Budget

Dan stated the big item was the combination of the IWC officer's salary and the Conservation officer's salary and the addition of a Land Use Clerk. He gave an overview of the IWC and the Conservation budgets including a 2.2% salary increase for the Recording Secretary as recommended by the Finance Department. The proposal included an 88% decrease in the Conservation budget and a 134% increase in the Wetlands budget which includes the salary of the Conservation officer. The proposed 2024-2025 budget is \$69,198 which is a 20% increase combining both Commissions.

- Commissioner Obert questioned how realistic it would be to find one person who will meet the requirements of both positions when the Conservation salary is being cut.
- Commissioner Morano stated she would like to hear from the chair/member of the Conservation Commission represented in this discussion.
- Commissioner Chapin stated that she agrees with Commissioner Morano and believes it should remain two separate budgets with two separate people. She also said this needs to be more structured with clearer delineation.
- Commissioner Dustin commented he needs to have a clearer understanding on the needs of both Commissions.
- Commissioner O'Neil stated there is a need to compensate the Wetlands Agent for the work being done, and hire someone who can perform it. He also suggested a salary increase to attract more experienced people due to the increased activity created by the revised regulations which is evident in the amount of workflow. He also questioned how much time would be allocated to each position.

The Town Planner spoke to the combined position and stated salary and structure of positions are determined by the Board of Selectmen and not by Commissions. She suggested that the salary line for a Conservation agent, Wetlands officer and shared secretarial position be moved into her department budget as this would control the balance of the tasks with a new well-constructed job description.

The Finance Director recommended moving the salary for the IWC and Conservation agent into one account.

Dan Malo stated the Conservation Commission will discuss their budget at their next meeting on the 20<sup>th</sup>. Dan will present both Commission budgets on February 22<sup>nd</sup>.

Commissioner O'Neil said there are two full time positions and with the amount of workload that has been created, suggested bolstering the salary to at least up to \$100,000 for both positions

Michelle Giammarinaro spoke to the hiring of a of a new Conservation and Wetlands officer and she is forming a job description for this newly combined position which will define hours allocated to each position and she hopes to post next week. She also stated that she is in favor of the Town Planner handling the clerical part, and having a shared secretary is a good idea as well as a part time Conservation agent.

Commissioner Chapin said she didn't feel shared help or shared secretary was necessary and some Commissioners thought it was necessary. She asked if the Town Planner wanted to take control of the IWC budget. The reply was just the payroll aspect. Commissioner Chapin asked for clarification that whatever money is allocated to the Wetlands budget be expended by the Commission.

Commissioner O'Neil addressed compensation, staffing, administrative support, skill levels, span of control, and responsibility and authority to direct the process.

2. Proposed Commission Budget  
Discussion on this agenda item is mingled with this the discussion in Item 1 above.
3. Review revisions to draft Inland Wetlands and Watercourse Regulations and revised application forms with Marla Butts  
Marla stated the revised application forms (1) incorporate the changes the Commission requested at the special meetings, (2) include the updated fees referenced based on the "fully loaded" unit cost in the revised fee structure analysis and (3) the recommended additional revisions for clarity. She provided the Commissioners a redlined version showing the changes

she made and a blackline version for easier reading.

The following areas required a decision at the 2/13/24 meeting:

- Decide if you want 3 or 4 dwellings referenced in the "Roadway construction" definition. Her recommendation for Roadway construction is as follows: Roadway construction involves installing asphalt, concrete or other materials to create a smooth surface for vehicles to provide access to any combination of 3 or more dwellings and/or commercial buildings or when such accessway meets the definition of town street, private street or shared driveway as found in the Subdivision Regulations of the town of Thompson, as amended. Following discussion, Commissioner Obert made a motion to accept the language for the proposed definition of roadway construction recommended by Marla Butts. Commissioner Chapin seconded the motion. The motion was unanimously **APPROVED**.
- Decide if the word "substantial" is to be kept in the definition of "Significant activity". Marla suggested deleting it. Following discussion, Commissioner Chapin made a motion to accept the proposed recommendation of Marla Butts to remove the word "substantial" from the definition of "Significant activity". Commissioner Dustin seconded the motion. The motion was unanimously **APPROVED**.
- Decide on the status of the last sentence in section 3.1. Marla's recommendation was to delete the last sentence altogether because since it is required to have the detailed soil scientist delineation in an application that it's not required for regulated areas, therefore delete that sentence altogether and leave it up to the evidence that gets presented in an enforcement action. Following discussion, Commissioner Chapin made a motion to delete the last sentence in section 3.1. There wasn't a second so the motion **FAILED**.

Marla Butts made a second recommendation stating the last sentence in section 3.1 should read "the final determination as to the boundary of inland wetlands will be made by a qualified soil scientist." Commissioner Obert made a motion to accept the recommendation of Marla Butts that the final determination as to the boundary of inland wetlands will be made by a qualified soil scientist. Commissioner Dustin seconded the motion. The motion was unanimously **APPROVED**.

- Decide what fee, if any, should be charged for a declaratory ruling. Marla Butts stated the revised fee structure is \$30 due to minor administrative cost to process a jurisdictional ruling for use permitted as of right or non-regulated use. Following discussion, Commissioner Obert made a motion to charge \$30. Commissioner Dustin seconded the motion. The motion to charge \$30 was **APPROVED** 4-1.

Marla asked the Commission for a motion to be made and approved to authorize the forwarding of the final language of the draft regulations, the application forms, and the inland and watercourses new map to the town's attorney and DEEP for their review and comment. Commissioner Obert made a motion to authorize Marla to send the final language of the draft regulations, the application forms, and the inland and watercourses new map to the town's attorney and DEEP for their review and comment. Commissioner Morano seconded the motion. The motion was unanimously **APPROVED**.

#### 4. Operational Procedures

Dan Malo commented that there was some communication between Human Resources and the Town Planner earlier in tonight's meeting addressing this issue.

## 5. Resignation of Wetlands Agent, effective 2/28/24

Dan Malo, Wetlands Agent, announced he accepted a full-time position with the Town of Woodstock, CT., which will require a different set of roles. He said his departure is bittersweet in leaving the town of Thompson and was grateful for an opportunity to serve the town. The effective date of his departure is March 1, 2024. The Commissioners congratulated Dan and thanked him for his work in the Wetlands Office.

## I) Citizen's Comments

- Valerie Clark questioned the removal of pavers by Eastern Connecticut Conservation District at the library and asked for guidance on who to contact to discuss this issue. Dan Malo will forward her the paperwork on this project and he advised her to also speak with the library staff.

## J) Reports

## a. Budget &amp; Expenditures

Commissioner Chapin reported available budget from July 1, 2023 to February 15, 2024 has an available balance of \$19,452.28 and has expended 40.7% of the budget.

## b. Wetlands Agent Report

- Eastern Connecticut Conservation District submitted their annual contribution request and annual report to the selectman's office and that was forwarded to the IWC.
- North Grosvenordale Pond Dam – Dan reached out to Dan Lesniewski and he reached out to GZA about the status of scheduling a pre-application meeting and as soon as a meeting date is available, he will notify the Commissioners to make sure the IWC has representation at that meeting. Dan Malo also took videos and pictures of the dam after the heavy rains.
- Dan has written an activity summary for Wojciech Sudyka, and will also do the same for Marc Baer property to help the next Inland Wetlands agent acclimate to the position.
- Inquiries in the office continue to come in, as well as building permits.

## c. Correspondence

- Eastern Connecticut Conservation District (ECCD) request for \$1,000 contribution was received. This money is appropriated in the budget but there was no approval to pay this request. It is in the Conservation budget. Commissioner Obert voiced his support of this invoice and Commissioner Chapin stated that she wanted to see results for the money spent.
- Various emails focused on Conservation

## K) Signing of Mylars – None

## L) Comments by Commissioners

- Commissioner Obert questioned URLs in the Zoom Documents and Dan explained that the Zoom documents are scans of what is recorded in the Town Clerk's office.
- Commissioner O'Neil wished Dan good luck in his future endeavors and thanked him for his hard work with the Commission.

## M) Adjournment

Commissioner Morano made a motion to adjourn. Commissioner Chapin seconded the motion. The motion was unanimously **APPROVED** and the meeting adjourned at 10:14 PM.

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To see/hear the entire meeting via ZOOM, copy and paste the following link into your search bar:

[https://us02web.zoom.us/rec/share/ZCN30jbZeW2l5AIGMe2AY3bUkThfUbnr9LRavOkR3NVp09t5uxvf8G4yM59P8be\\_.GaHR7jNBXGE\\_u\\_Tb](https://us02web.zoom.us/rec/share/ZCN30jbZeW2l5AIGMe2AY3bUkThfUbnr9LRavOkR3NVp09t5uxvf8G4yM59P8be_.GaHR7jNBXGE_u_Tb)

Passcode: 53GaP2d@

Disclaimer: These minutes have not yet been approved by the Inland Wetlands Commission. Please refer to the next meeting's minutes for approval of, and/or amendments to these minutes.

Respectfully submitted, Gloria Harvey, Recording Secretary,

*Gloria Harvey*