



# INLAND WETLANDS COMMISSION TUESDAY, August 10, 2021 ZOOM Meeting

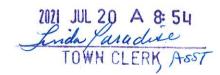
- A) Call to Order & Roll Call
- B) Appointment of Alternates

# Agenda Item C.a. Action on Minutes of Previous Meeting Minutes of July 13, 2021



## TOWN OF THOMPSON Inland Wetlands Commission

Tuesday, July 13, 2021 Via ZOOM Online Meeting Portal MINUTES



A. The call to order by Chair George O'Neil was at 7:01 PM
Present: George O'Neil (Chair), H. Charles Obert (Vice Chair), Diane Chapin (Treasurer),
Francesca Morano (Commissioner). Marla Butts (Wetlands Agent), Amy St. Onge (First Selectman),
several members of the public, Dotti Durst (Acting Recording Secretary)

- B. Appointment of Alternates: none
- C. The minutes of June 8, 2021were accepted as presented.
- D. Citizens' Comments on Agenda Items: none
- E. Applications:
  - a) Old Applications
  - 1. IWA21012, Strategic Commercial Realty, Inc /dba Rawson Materials, 0 East Thompson Rd (Assessor's map 154, block 5, lot 10), create 3.5 ± acre pond by the removal of about 120,000 cubic yards of sand & gravel and construct relocated driveway for proposed single family home, application withdrawn by letter dated June 23, 2021 from Attorney Harry Heller received via email on 6/24/21. No action required by the IWA.
  - 2. IWA21013, Paul M. Duquette, O Plum Rd (Assessor's map 83, block 56, lot 41D), construct driveway across wetlands and a new single-family home in the 100-foot upland review area, statutorily received 5/11/21. Additional information was requested at the previous meeting. P.E. Norm Thibeault, in attendance, provided details about the cross-culvert; his professional opinion is that, using a 10-year model, the culvert is adequately sized and there are no likely down-stream detrimental effects. Details were reviewed with the Commission and questions addressed. The Drainage Report was received, dated and sealed. Motion C. Obert seconded by D. Chapin to approve the application IWA21013 to construct a driveway across wetlands as well as a new single-family home in the 100-foot upland review area (Paul M. Duquette, 0 Plum Rd, Assessor's map 83, block 56, lot 41D) carried unanimously.
  - 3. WAA21014, Town of Thompson, Blain Rd at Riverside Drive (Assessor's map 63, block 95, no lot #), reconstruction of Blain Rd and Riverside Dr intersection in the 100-foot upland review area, stamped received 5/10/21, issued 6/24/21, legal notice published 7/2/21, end of appeal period 7/17/21. The application presented by Janet Blanchette includes a provision for leak-offs and includes stormwater management features. All being in order, IWA Agent M. Butts and issued the approval; no further action is required.
  - b) New Applications
  - 1. WAA21015, Carol Moser & Richard Colburn, 20 Island View Drive (Assessor's map 143, block 16, lot 21), construction of a 14' X 20' addition to an existing house in the 100- foot upland review area for Quaddick Reservoir, received 6/21/21, issued 6/24/21, legal notice published 7/2/21, end of appeal period 7/17/21. Detailed information was provided for this application which came before the Commission previously. After review, IWA Agent M. Butts issued the approval. No further action required.

- 2. WAA21016, D.H. Copeland Builders, 119 New Road (Assessor's map 154, block 3, lot 21), construction of a driveway in the 100-foot upland review area for a new single-family home, received 6/23/21, legal notice published 7/2/21, end of appeal period 7/17/21. After review of the site plan and other materials, IWA Agent M. Butts issued the approval for a new single-family home at 119 New Road, and construction of a driveway in the 100-foot upland review area (Assessor's map 154, block 3, lot 21) with conditions (ie: while construction is underway and until the contributing area is stabilized, sediment control both at inlet and outlet cross culverts are required to protect from siltation). No further action required.
- 3. DEC21017, Dale & Jean Harger, 1219 Thompson Rd (Assessor's map 116, block 24, lot 9), replace ornamental garden with 8'-10' trees for maintenance & enjoyment of residential home, received via email 6/28/2021. Mr. Harger, who is in attendance, plans to modify existing plantings along his property to serve as a screen. This is a use which is permitted as of right.

  Motion C. Obert seconded by D. Chapin to approve the DEC21017modification as presented, as a proposal permitted as of right for plantings at 1219
  Thompson Rd (Assessor's map 116, block 24, lot 9), carried unanimously.
- 4. IWA21018, Jason Lepino, 58 Wrightson Dr. (Assessor's reference 143/17/15), demolish existing wood retaining wall and replace with rip rap revetment along shore of Quaddick Reservoir, stamped received 7/2/21, to be statutorily received 7/13/21. The application and documents have been received, including drawings of the proposed work. Agent M. Butts also provided photos taken from several perspectives. Application accepted by the IWA.
- 5. WAA21020, Shaun Gray, O New Rd (Assessor's map 154, block 5, lot 10B), construct new single-family home with driveway, septic & well in 100-foot upland review area, stamped received 7/7/21, under review. Documents have been received; all activities are proposed for the Upland Review area, with none in the Wetlands. The Natural Diversity Database and NDDH approval are in process. It was confirmed that if the application is in compliance with the Natural Diversity Database, the application is considered accepted as of this date.
- c) Applications Received After Agenda was Published: none

## F. Permit Extensions / Changes

a) IWA14019, Patricia Rudzinski, O Labby Rd. (Assessor's map 95, block 27, lot 17), permit issued 10/14/14, request for additional 3-year extension of gravel removal permit to expire 10/14/24, received by Wetlands Office 3/3/2021 — see Public Acts 21-163 and 21-34, Extensions of Municipal Land Use Approvals. After 14 years of activity, the applicant requests the final 3-year extension permitted by statute. Agent M. Butts reviewed the recent Legislative changes to this provision (P.A. 21-34 and P.A. 21-163). There was a condition in the original approval in 2014 which may be a factor. The condition of the access bridge at Owen Adams Road may present a safety concern. Although a document about the question has been received, it is not signed/sealed by a Professional Engineer. M. Butts noted that this is a town-owned road; the First Selectman is aware of a possible liability as well as a possible threat to the watercourse and is working with the DOT on a bridges report, which will clarify the situation. Other aspects of the application need review.

Motion C. Obert seconded by F. Morano to table IWA14019 Patricia Rudzinski, 0 Labby Rd. pending further information carried unanimously.

G. Violations & Pending Enforcement Actions

- a). Cease & Restore Order VIOL20003 Scott Josey, 637 East Thompson Road, (Assessor's map 154, block 5, lot 14): filling of wetlands and work within 100-foot upland review area, issued 3/5/2020, status of order release. The release was filed on the land records today, 07-13-2021, and is now recorded. The file will be closed.
- b) Notice of Violation VIOL21019, LIS Properties, L.L.C., 715 Riverside Dr. (Assessor's map 63, block 58, Lot 23), unauthorized structures diverting watercourse, flooding Thatcher Rd. & Riverside Dr., issued 7/7/21, request remove or response by 7/13/21. Agent M. Butts Water observed running down Thatcher Road noting that the intermittent watercourse under a shed had been diverted or disturbed.

Agent M. Butts sent a Notice of Violation to the owner of the apartment complex where the disturbance occurred, as did the CT DOT. The shed has now been removed. The area will be examined to determine if remediation will be required. No action is required at this time.

#### H. Other Business

- a). Road Closure Schedule for West Thompson Road / Wheaton Brook Culvert Replacement, Permit IWA20044. A Gant Chart was created depicting the scheduling of the work which will include 2 weeks of road closure in August.
- b). Review of Conditions at 1227 Thompson Rd (Rte 193), Marc Baer, Permit IWA20022. Photos of retaining walls being constructed very near RT 193 were exhibited; this area is technically outside the responsibility of the IWA but is the responsibility of the DOT. In addition, it was observed that the walls and a structure merit further review with the Building Official.
- c). ZOOM Meeting status update: the members of the IWA were polled, and as permitted by the Governor's Executive Orders, have determined it best to meet exclusively via Zoom through December.

## I. Reports

a). Budget & Expenditures: Treasurer D. Chapin- Over \$6,000 was transferred by the town to IWA for Agent responsibilities from the Conservation line item \* The ad line item is about \$465 overbudget with the total expenditures for fy 21 at 82.4% but factoring in the pending bills, about 90% will be utilized.

b). Wetlands Agent Report:

M. Butts - no change in the Appeals Court for the matter at Starr Road, River Junction Estates. \* The MSR4 Annual Report is under construction. \*Illicit Discharge and Connection Stormwater Ordinance draft has been reviewed by the town attorney and is ready for the BOS.

Status of applications:

\*WAA21008 East Thompson Rd: John Camilleo and the Robbins family (abutters) - the underground utilities have been installed as requested and on time but there is a question whether the submitted drawing is accurate. Any work on the timber bridge across the Five Mile River Rd will require a site plan by a Connecticut-licensed Professional Engineer certifying the structure to be capable of withstanding a 100-year return frequency storm without damage, then IWA approval.

\*21-09: 74 Watson Rd Complaint: report of a pile of concrete debris. The owner stated that the materials are temporarily situated awaiting disposal. No further action needed. \*LIS property- copy of the "no violation" letter was provided to members

Follow-up: no changes since last month.

- \*12 building permits were reviewed.
- \*The new electronic system is being merged with the traditional record-keeping Expenses: legal notices as expected
- J. Correspondence None
- K. Signing of Mylars
  - c) Mylars entitled "Adams Land Subdivision, 1321 Thompson Road, Thompson, Connecticut, Owner: Charles R. Adams, Applicant: Keith & Karolyn Champagne" prepared by J&D Civil Engineers, LLC dated February 8, 2021, revised April 7, 2021 (4 sheets) were signed by Chair O'Neil 7/8/21, plans approved by Permit IWA21004.
- L. Comments by Commissioners:

C. Obert \* Erosion under RT 200 along the Airline Trail is being caused by ATVs which are deteriorating the slope and causing run-off. \* Quaddick Town Farm Rd: Large cobbles have washed out of a driveway onto the road surface. \* All the ponds are filled and overflowing due to 11" of rainfall in 10 days; we need to be alert for possible dam failure. Agent M. Butts encourages all members to contact her when something is noticed.

M. Adjournment:

Motion F. Morano seconded by C. Obert to adjourn at 8:53 PM carried unanimously.

To see/hear the entire meeting via ZOOM, click here or copy/paste to your search bar <a href="https://us02web.zoom.us/rec/share/l-RP4YMIYrElAMdob1X74M8">https://us02web.zoom.us/rec/share/l-RP4YMIYrElAMdob1X74M8</a> kcf01lMEazBOfeGVt Pd29 P53XyXIC9WtxwZy9G.lojji9BYJKnUgJWN Passcode: 4y4&sabu

Respectfully Submitted, Dotti Durst, Acting Recording Secretary Dorothy Durst

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

# Agenda Item D. Citizens Comments on Agenda Items

## Agenda Item E.a) 1. Old Applications

IWA21018, Jason Lepino, 58 Wrightson Dr. (Assessor's reference 143/17/15), demolish existing wood retaining wall and replace with rip rap revetment along shore of Quaddick Reservoir, stamped received 7/2/21, to be statutorily received 7/13/21.

## Agenda Item E.a) 2.Old Applications

WAA21020, Shaun Gray, 0 New Rd (Assessor's map 154, block 5, lot 10B), construct new single family home with driveway, septic & well in 100-foot upland review area, stamped received 7/7/21, issued 7/26/21, legal notice to be published 8/13/21, end of appeal period 8/27/21.

Agenda Item E.b) 1. New Applications - None

# Agenda Item E.c) Application Received After Agenda was Published

WAA21021, Jodie Arpin, 0 New Rd. (subdivision lot 6, Assessor's map 154, block 3, lot 2G), construction of a driveway, underground utilities & footing drain in upland review area for new single family home

For Welland Agent: rev 01/11

APPLICATION #WAA 2002 |
DATE RECEIVED August 9, 2021

Application
for
Wetland Agent Approval
to conduct a regulated activity

## **Town of Thompson**

INLAND WETLANDS COMMISSION 815 RIVERSIDE DRIVE NORTH GROSVENORDALE, CT 06255

#### Instructions:

Two (2) copies of the completed application and two (2) copies of all the additional attached documents (site plan, etc.) must be submitted to the Agent.

The applicant is advised to read Sections 7 and 8 of the Regulations for further information regarding application requirements and procedures. THE APPLICANT IS FURTHER ADVISED THAT A BUFFER (SETBACK) OF 100 FEET FROM AN INLAND WETLAND OR WATERCOURSE IS REQUIRED, AND A BUFFER/SETBACK OF 200 FEET FROM THE TEN (10) ESPECIALLY NOTEWORTHY WETLANDS AND WATERCOURSES IDENTIFIED IN THE TOWN OF THOMPSON INLAND WETLAND INVENTORY PREPARED BY NORTHEASTERN CONNECTICUT REGIONAL PLANNING AGENCY 1980 PAGES 9, 14 AND 15 IS REQUIRED. See Section 6 of the Regulations for further information regarding regulated activities.

Please provide the following information:

- Directions to the property from the Thompson Town Hall
- Location of Utility Pole nearest your property

\*Pole Number \*Location of property in reference to Pole

#### NO APPROVAL SHALL BE TRANSFERRED WITHOUT PERMISSION OF THE AGENCY.

#### FEE SCHEDULE:

(Additional \$60,00 fee to State as per Public Act 09-03, Section 396)

If the Agent finds that greater than a minimal impact may occur to wetlands, then this proposal must undergo a full permit application. Fee will be applied to the permit application.

Please complete the following application information.
If you need assistance contact the Wetland Agent (office 860- 923-1852)
Fax 860-923-9897
www.thompsonct.org/wetlands

Received

AUG 0 9 2021

Dat	e 8/2/21
	Name of Applicant JODIE ARPIN
	Home Address
	Home Tele & Hrs 413-626-8938 9-7 Business Tele & Hrs
	Business Address NIA
2)	Applicant's interest in the Property:OwnerOther INLAND WETLANDS APPROVALS CAN BE GRANTED TO PROPERTY OWNER ONLY.
3)	Name of Property Owner (if not applicant) SAME
	Home Address
	Business Address
	Home Tele & HrsBusiness Tele & Hrs
4)	Geographical Location of the Property (site plan to include utility pole number nearest property or other identifying landmarks)  Pole # and Location SN ET 3355  Street or Road Location NEW POAD  Tax Assessor's Map # 154
	Block # 3
	Lot # that appears on site plan 2 G
	Deed Information: Volume # 99 2
	Page #_ 265
5	The property to be affected by the proposed activity contains:
	Soil Types ? - WETLANDS TAKEN FROM SUBDIVISION PLAN
	Wetland Soils (Swamp Marsh Bog Vernal Pool)
	Watercourses (Lake or Pond Stream or River Intermittent Stream)
	Floodplain - <u>Yes / No</u>
6	) Description of the Activity for which Approval is requested CONSTRUCTION OF
	DRIVEWAY UNDERGROUND UTILITIES + FOOTING
	DRAW IN UPLAND REVIEW AREA.

7) Sul includi	omit a Site Plan, drawn to scale, with the certification of the preparing Surveyor and/or Engineer ng:
	1-Locus map at approx. 1" = 1000'
M	2-Location of property, with boundaries defined and utility pole # near property and any other identifying landmarks.
NAO	3-I ocation of wetlands and /or watercourses. A wetland delineation in the field must be marked
	with numbered wetlands flags by a certified soil scientist and located on the map/site plan. Site plan shall bear the soil scientist's original signature. WETLANDS FROM SUB. MAP
NAO	4-Soil types on the property. PREVIOUS GRAVEL BANK
NIAD	5-Flood Hazard area classification and delineation.
M	6-(a)Location of the proposed activity (i.e. house, septic, well or other areas to be disturbed).
,	(b)) coation of perc tests and soil test holes.
	(c)Copy of NDDH approval to construct or repair subsurface sewage disposal system. $f \in ND(\lambda G)$
MAD	7-Nature and volume of the material to be placed, removed, or transferred.
X	8-Topographical contours, proposed and existing.
N/AO	9-Location and supporting data for proposed drainage.
×	
Z	11-Proposed limits of clearing/disturbance and location of stockpiles during construction.
×	12-Location of proposed Erosion and Sedimentation controls and other management practices and
	mitigation measures which may be considered as a condition of issuing a permit for the proposed
	regulated activity. The erosion and sedimentation control provisions on the site plan must comply with the most current CT DEP edition of the Connecticut Guidelines for Soil Erosion and Sedimentation
	Control and be so noted on the plans.
/	13 -Location of proposed Stormwater treatment design on the site plan must comply with the most
N/A	current CT DEP edition of the Connecticut Stormwater Quality Manual and be so noted on the plans. It
	is strongly recommended that low impact development techniques, stormwater management
	techniques that are designed to approximate the pre-development site hydrology, be utilized in the
	stormwater system design wherever practical and possible.
N/A C	14-Location of proposed mitigation or wetland enhancement measures which may be considered
	as a condition of issuing a permit for the proposed regulated activity.
D	15-Timing and description of phases of activities, installation of sediment and stormwater control
	measures and temporary and permanent stabilization methods. 2021 \$2022
7	be Wetland Agent will notify you if any additional information is needed in order to properly

The Wetland Agent will notify you if any additional information is needed in order to properly evaluate your proposal.

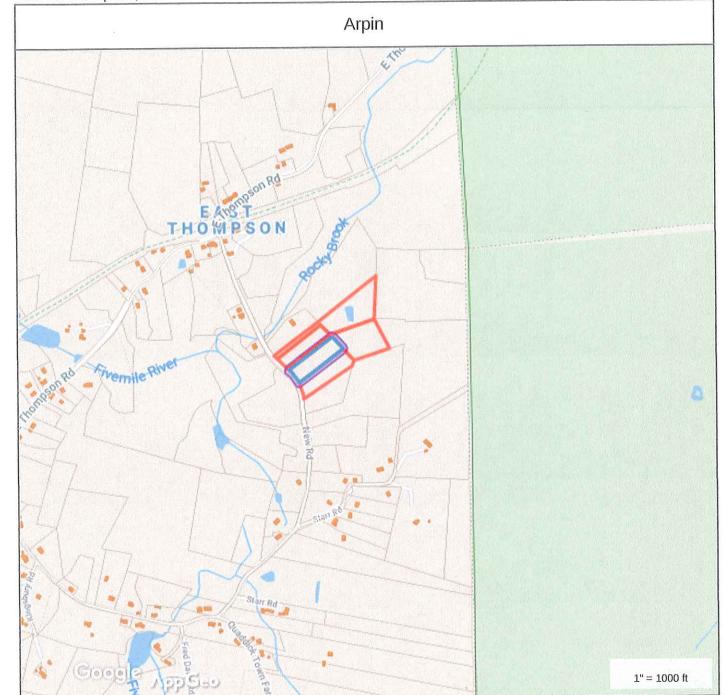
8) Is any portion of this property located within the watershed of a water company as defined in section 16-1 of the Connecticut General Statutes? No If yes, the Applicant is required to provide written notice of the application by certified mail, return receipt requested, to the water company on the same day of filing this permit application with the Thompson Inland Wetlands and Watercourses Commission. Documentation of such notice shall be provided to the Commission.

9) Does any portion of this property contain a Natural Diversity Data Base (NDDB) area of concern as defined on the map of Federal and State Listed Species and Significant Natural Communities, for Thompson, Connecticut, prepared by the Connecticut Department of Environmental Protection?N O If yes, the Applicant must contact the CT DEP for information regarding the State or Federal Listed Species of Concern.
10) Names and Addresses of Abutters:
11) Estimated start date FALL 2021
Estimated date of completion (all disturbed areas are stabilized) FALL 2022
12) The undersigned hereby consents to necessary and proper inspections of the above mentioned property by the Agents of the Town of Thompson Inland Wetlands Commission, at reasonable times, both before and after the approval in question has been granted by the Agent, including site walks by Commission members and staff for the purpose of understanding existing site conditions, which may be necessary in order to render a decision on this application.
The undersigned swears that the information supplied in this completed application is accurate to the best of her/his knowledge and belief.
ABSOLUTELY NO WORK IS TO BEGIN UNTIL ALL NECESSARY APPROVALS ARE OBTAINED.
Upon Approval the Applicant is responsible for publishing a notice of the approval, at the applicant's expense, in a newspaper having a general circulation in the Town of Thompson. The Agent will provide the necessary notice to the newspaper for public notice, and such notice must be published within ten (10) days of the date of approval.
8-2-21
Signature of Applicant Date
Consent of Landowner if other than applicant Date

Please attach a written consent by the owner if applicant is not the property owner.

Account Numbe	er Site Address	Owner Name	Owner Address	Owner City	Owner St: Owner Zir	
154  3  2 J	0 NEW RD	RIVER JUNCTION E	STA 204 MUNYAN RD	PUTNAM	CT	06260
154  3  2	0 NEW RD	O & G INDUSTRIES	INC 112 WALL ST	TORRINGTON	CT	06790
154  3  2 H	0 NEW RD	O & G INDUSTRIES	INC 112 WALL ST	TORRINGTON	CT	06790
154  3  2 F	0 NEW RD	O & G INDUSTRIES	INC 112 WALL ST	TORRINGTON	CT	06790

Sec



#### Property Information

Property ID 104205 Location 0 NEW RD

Owner

O & G INDUSTRIES INC



## MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT

Town of Thompson, CT makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated September 21, 2020 Data updated March 20, 2019 Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

LETTER OF TRANSMITTAL

Attention:

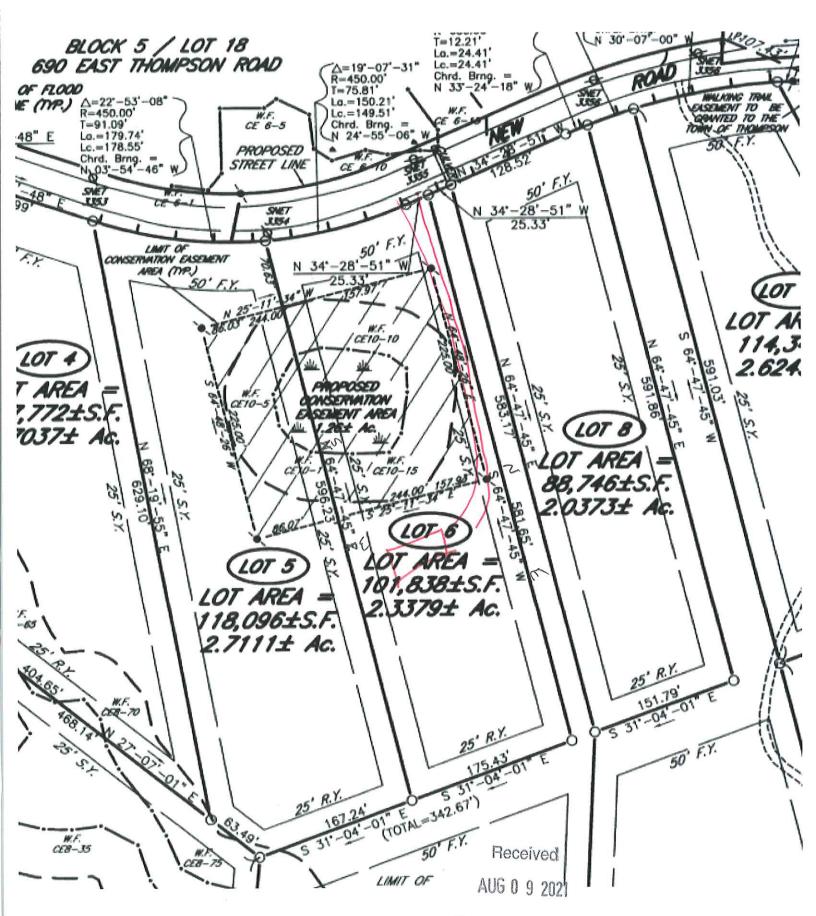
5/21 Job No. 21199

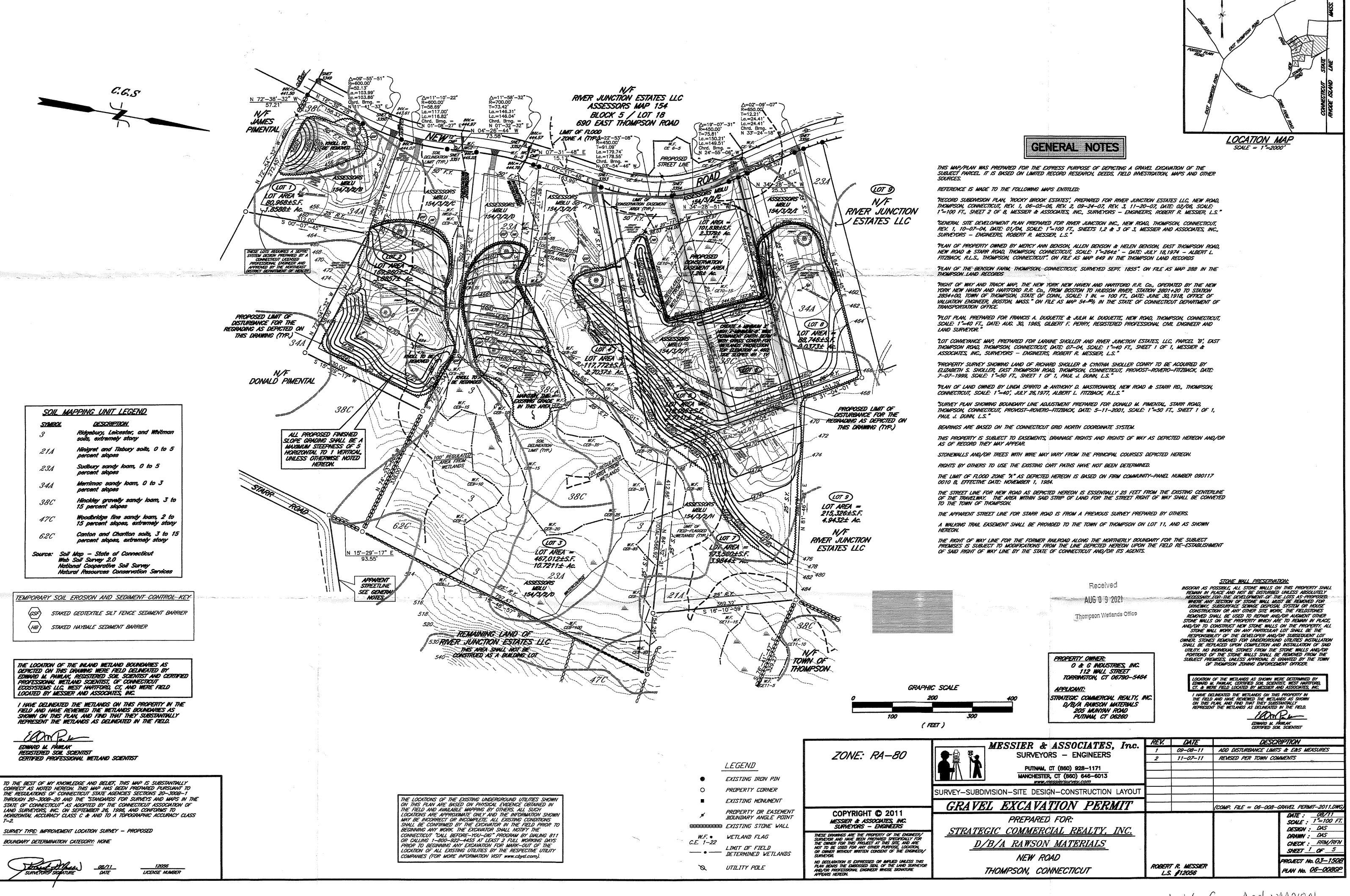
ANDS AGENT

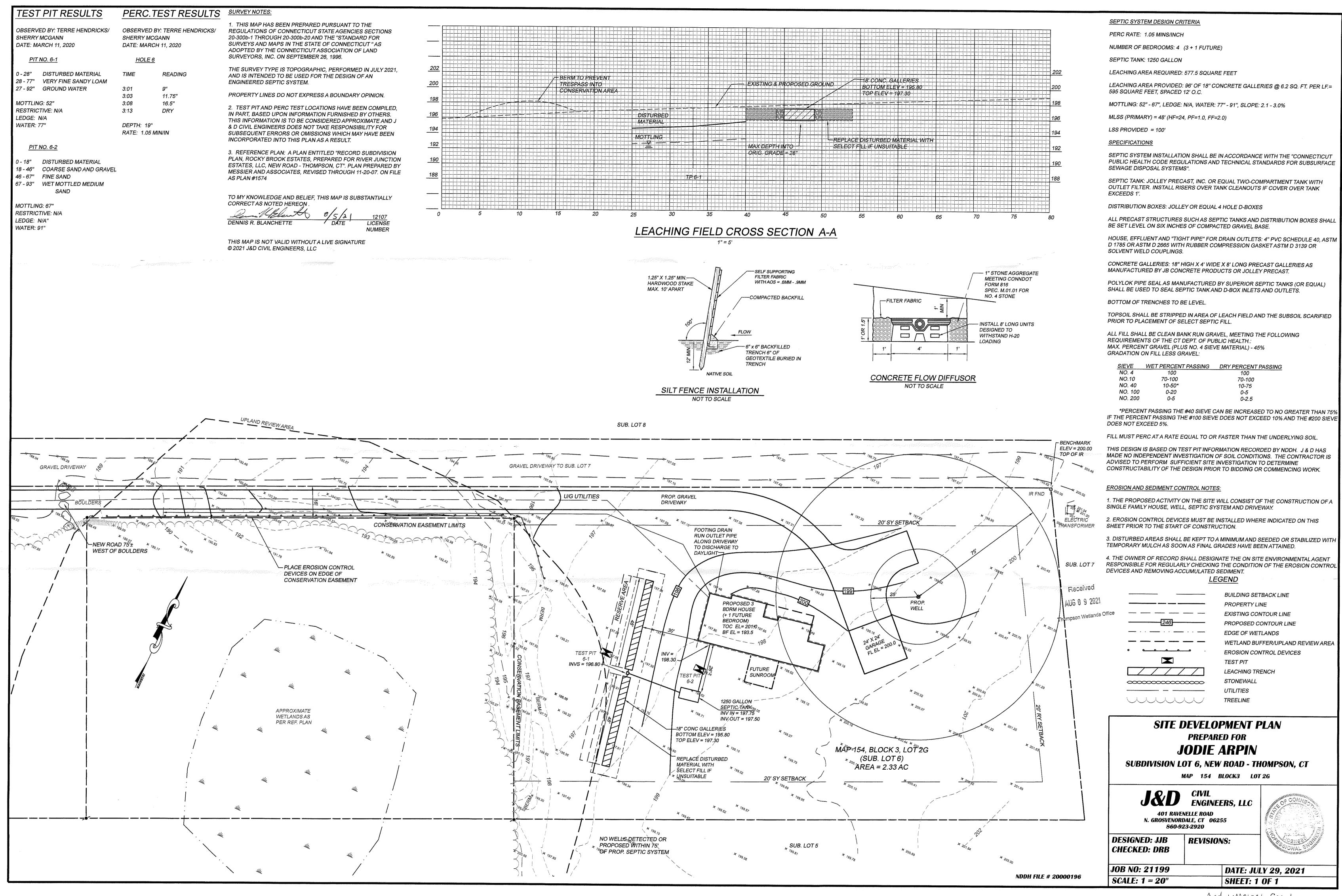
## J & D CIVIL ENGINEERS

401 Ravenelle Road North Grosvenordale, CT 06255 (860) 923-2920 Jdcivilengineers.com

Jdcivile	ngineers.con	n	MAP 154, BLOCKS, LOTZG
TO: <u>h</u>	UET LAND	S COA	
□ Shop	ending you: Drawings of Letter	□ Prints	ed 口 Under Separate Cover viathe following items
COPIES	DATE	NO.	DESCRIPTION
۲	7/29/21	10=1	SITE DEVELOPMENT PLAN
	11/7/11	1055	l
			EXCERPT FROM SUB MAP
			Received
			AUG 0 9 2021
□ For A  For y  □ As re □ For re	RE TRANSMIT pproval our use quested eview and cor		Thompson Wetlands Office necked below:  Approval as submitted
REMARK	1/1 C	00	NER IS MAILING IN THE RESTOR
17-15	APPLI	CANO	N MATERIALS.
		*	
CODY T	·O.		SIGNED: A







## F.a) Permit Extensions / Changes

IWA14019, Patricia Rudzinski, 0 Labby Rd. (Assessor's map 95, block 27, lot 17), permit issued 10/14/14, request for additional 3-year extension of gravel removal permit to expire 10/14/24, received by Wetlands Office 3/3/2021 – see Public Acts 21-163 and 21-34, Extensions of Municipal Land Use Approvals.

Your of Thompson-elaland Wetlands Commission attn: Marla Butts, Wetlands agent 815 Riverside Prive North Glosvenordale CT 06255

Dear Agent Butts,

Request for extension and modification of Permit IWA 14019

for O Laboy Rd.

On October 14, 2014 we received Inland Wetlands Permit

IWA 14019 for gravel removal within the 100 foot upland

neview area. The permit was valid for 5 years until

On July 11, 2019 the permit was extended for 2 more years until October 14, 2021. Please consider a request for an extension of 3 more years to October 14, 2024 to allow for the continuing of gravel removal. CT General Statutes 22 a - 42 a

Patricia Rudzinski 196 Labby Rd. M. Grosvenoidale, CT 06255

Received

MAR 0 3 2021

Thompson Wetlands Office



June 4, 2021

Honorable Amy St. Onge, First Selectperson Town of Thompson P.O. Box 899 815 Riverside Drive Thompson, CT 06255

Re: Owen Adam Road and Long Branch Brook culvert

Thank you very much for allowing me some time during the recent Board of Selectmen's Meeting to share some of the information I have resulting from my previous work with Mr. Norman Rudzinsky on Gravel Permit Application from 2014. The issue of the culvert has apparently reappeared on everyone's horizon as the Rudzinsky family has requested an extension of their Wetland Permit IWA14019.

Recall that our discussion reviewed the current condition of the culvert, which is still deteriorating and will continue to do so until it ceases to exist; and the condition of the steel decking material provided by Mr. Rudzinsky to address concerns by the then First Selectman, Mr. Lenky and the Town Staff, during the initial application review. The steel decking was installed in 2015 to independently span over the questionable culvert and does not rely in any way on the integrity of the pipe to support the span. This installation was deemed satisfactory for use by any street legal vehicle (i.e. 80,000# GVW), an opinion that I also shared.

I visited the Site on May 28th and found that the condition is not substantially unchanged from my original report of May 29, 2015. The steel plate assemblies are sound and are bearing firmly on the compacted gravel road base on both sides of the culvert. Originally placed side by side with their surfaces flush, the frost or loss of base material has gapped them a small amount horizontally and the southerly one appears to have risen at the seam and possibly settled a bit at the outside edge. The culvert has deteriorated over the last few years and will eventually impact that integrity of the steel deck as the sidewalls continue to fail and base materials are lost to the stream. However, the 23' long deck assemblies have nearly 9' of each end that rests on the roadbed, and a substantial amount of material will need to be lost before it will impact the functional capacity of the crossing.

I believe that the overly long deck elements, fashioned from steel plate and steel I-beams, supported by the compacted roadbed and spanning a relatively narrow space, still provides that 80,000# capacity of the original installation. The headwall conditions, plate orientation and road bed integrity should be monitored periodically to catch any signs that these conditions are being impacted by the culvert's deterioration and warrant updating these findings.

Received

JUL 1 9 2021

Thompson Wetlands Office

vid A. Smith, CT PELS#14173

Principal Engineer for

**KWP Associates** 



### Substitute House Bill No. 6541

#### Public Act No. 21-163

## AN ACT CONCERNING AN EXTENSION OF TIME FOR THE EXPIRATION OF CERTAIN LAND USE APPROVALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:...

## **Excerpt from Page 3 of 7**

Sec. 4. Subsection (g) of section 22a-42a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to approvals made prior to July 1, 2011*):

(g) Notwithstanding the provisions of subdivision (2) of subsection (d) of this section, any permit issued under this section prior to July 1, 2011, that has not expired prior to [May 9, 2011] the effective date of this section, shall expire not less than [nine] fourteen years after the date of such approval. Any such permit shall be renewed upon request of the permit holder unless the agency finds that there has been a substantial change in circumstances that requires a new permit application or enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no such permit shall be valid for more than [fourteen] nineteen years.

7/27/2021

Reply

gravel mine)

**Forward** 

Re: Request for Advice on P.A. 21-34 & P.A. 163, Inland Wetland Permit Extensions (Permit IWA14019,

**Date:** 07/20/2021 (06:33:19 PM CDT)

From: Richard P. Roberts

To: wetlands@thompsonct.org

Cc: Amy St.Onge, 1st Selectman Cynthia Dunne, ZEO Tyra Penn-Gesek, Planning Director

**Delete** 

Text (4 KB)

Good evening -

Reading the language of the new public act, I think the answer is yes, the expiration date has automatically been extended to October 14, 2028. Please let me know if you have any other questions or concerns. Thanks very much.

Rich

[Hide Quoted Text]

On Jul 20, 2021, at 12:08 PM, wetlands@thompsonct.org wrote:

Good Morning Rich,

Thanks for your prompt reply. In reviewing your advice I reread PA 21-34 and found that Sec. 6 also modifies the language of section 22a-42a, CGS to include the same 14-year extension language found in Sec. 6 of PA 21-163 that you opined is automatic (i.e. "... any permit issued under this section on or after July 1, 2011, but prior to the effective date of this section, that did not expire prior to March 10, 2020, shall not expire less than fourteen years after the date of such approval..." Now I need confirmation of your advice based on the following facts:

- 1. Permit IWA14019 was issued on October 14, 2014 (copy attached).
- 2. That permit had been previously extended to October 14, 2021 and was valid as of March 10, 2020.

Question: Based upon the provisions of PA 21-34 and/or PA 21-163 is Permit IWA14019 automatically extended to October 14, 2028?

I await your reply. Again, thank you for your time. - Marla

Quoting "Richard P. Roberts" < ROBERTS@halloransage.com>:

Good morning -

Section 2 of PA 21-34 doesn't extend the expiration dates of existing permits. It only affects those approved after July 1, 2021. Even then, it appears to limit wetlands permit to ten years.

Section 4 of PA 21-163 applies to wetlands permits issued prior to July 1, 2011. It does give them an automatic extension to 14 years, with the possibility of up to 5 years of additional extensions. Also note that Section 6 of PA 21-163 applies to permits issued after July 1, 2011 and mirrors the language of Section 4. The way it is written, it seems that the "special circumstances" only apply to the possible extensions from 14 years to 19 years, rather than anything occurring during the first 14 years. However, if there are legitimate concerns about what is occurring that may be the basis for a reevaluation of the approval, you can certainly ask for whatever information you deem appropriate to demonstrate that they are in compliance with the permit and the regulations.

Section 7 of PA 21-163 only applies to cities and towns that have their zoning authority governed by a special act of the legislature, which is not the case in Thompson.

Please let me know if you have any other questions or concerns. Thanks very much and have a great day.

#### Rich

----Original Message----

From: wetlands@thompsonct.org <wetlands@thompsonct.org>

Sent: Monday, July 19, 2021 3:55 PM

To: Richard P. Roberts < ROBERTS@halloransage.com>

Cc: Amy St.Onge, 1st Selectman <firstselectman@thompsonct.org>; Cynthia Dunne, ZEO <zeo@thompsonct.org>;

Tyra Penn-Gesek,Planning Director <planner@thompsonct.org>

Subject: Request for Advice on P.A. 21-34 & P.A. 163, Inland Wetland Permit Extensions (Permit IWA14019, gravel mine)

Importance: High

Dear Attorney Roberts,

Please provide legal advice regarding the effect of Public Act 21-34, Sec. 2 and 21-163 Sec 4 & Sec. 7. Specifically, are valid inland wetlands and watercourses permits automatically extended to a maximum of 14 years or can such 14 year extension be limited by a finding of "substantial change in circumstances" as reference in P.A. 21-163 Sec. 4?

Currently the Thompson Inland Wetlands Commission has pending a request for an extension that may have a substantial change in circumstances. The current request is to extend the permit to the prior maximum of 14 years, but given deteriorating environmental and safety conditions such extension may be ill advised. Please feel free to contact me if you wish further detail. I look forward to your response. Thank you for your assistance. - Marla Butts, Thompson Wetlands Agent

Marla Butts Thompson Wetlands Agent 860-923-1852, Ext. 1 wetlands@thompsonct.org

Marla Butts Thompson Wetlands Agent 860-923-1852, Ext. 1 wetlands@thompsonct.org <Permit IWA14019 Rudzinski 0 Labby Rd.pdf>

## F.b) Permit Extensions / Changes

Permit 07-08-03, Peter Vanghel, 0 Buckley Hill Rd (Assessor's map 59, block 61, lot 62), permit issued 9/11/07, initial expiration date 9/11/12, extended to 9/11/2016 by Public Act 11-05, plan modification approved 8/20/13, permit extended to 9/11/21 on 8/15/15 in accordance with Public Act 11-05, request to extend permit to 9/11/2026 per Public Act 21-163 received by the Wetlands Office 7/13/20.

## Received

JUL 1 3 2021

Thompson Wetlands Office

July 13, 2021

To: The Thompson Inland Wetlands Commissione 815 Buerside Dieve Thompson CT 04277

From: Peter A. Vanghel 1378 Thompson Road Thompson CT 06277

Dear Hembers:

Dam requesting an extension of permit #07-08-03 (Buckley Hill Road, Thompson CT) thru September 11, 2026 per public act 21-163.

Thank you.

Sincerely, Peter A. Vafar Peter A. Vanghel



815 Riverside Drive N. Grosvenordale, CT 06255 860-923-1852 Office 860-923-9897 Fax



### INLAND WETLAND PERMIT #07-08-03

Name:

Peter Vanghel

Address:

1378 Thompson Road

Thompson, CT 06277

Effective Date: September 11, 2007

Expiration Date: September 11, 2012

Location of Permitted Activity: Buckley Hill Road & Riverside Drive, Map 59, Block 61, Lot 62

Permitted Activity: To conduct regulated activities associated with the construction of a two 30 ft x 40 ft houses.

The Thompson Inland Wetlands Commission, according to Section Eleven (11) of the Inland Wetland & Watercourses Regulations of the Town of Thompson, Connecticut, hereby grants to the above named a permit to conduct regulated activities as described above.

Your permit will be valid for five (5) years. You are expected to notify the Commission of your starting date and to complete your activities within 2 years of beginning your site work. If you expect to take longer, you must request an extension to the active time of your permit. A written request for an extension must be directed to the Thompson Inland Wetlands & Watercourses Commission prior to the expiration of this permit. Failure to comply will require a new application and an immediate cessation of work.

If the activity authorized by this wetland permit also needs Zoning or Subdivision approval, Variance or Special Exception, et cetera, NO WORK PURSUANT TO THE WETLANDS PERMIT IS AUTHORIZED UNTIL SUCH APPROVAL IS ISSUED.

#### **Permit Conditions:**

- 1. The Commission must be notified prior to the beginning of any earth disturbing activities.
- 2. Erosion control shall be installed to the satisfaction of the Enforcement Officer before any earth disturbing activities.

Dated:



## Town of Thompson **Inland Wetlands Commission**

815 Riverside Drive North Grosvenordale, CT 06255 860-923-1852 (Office) 860-923-9897 (Fax)

## Approval of Permit Modification

Date:

August 20, 2013

Permit/Approval:

07-08-03

Site Location:

Buckley Hill Road & Riverside Drive

Assessor's Map 59, Block 61, Lot 62

Permittee Name &:

Peter Vanghel

Mailing Address

1378 Thompson Road

Thompson, CT 06277

At its August 13, 2013 meeting, the Inland Wetlands Commission (copy of minutes enclosed) conditionally approved your request to modify Permit 07-08-03 to allow for minor modifications involving a reduction in the total pavement area. Such changes are shown on plan sheet entitled "Zoning Permit Application Plans prepared for Peter A. Vanghel, Buckley Hill Road, Thompson, Connecticut, Site Development Plan, STP-1" prepared by CME Associates, Inc dated revised 7/11/2013.

All conditions of the permit remain in force including that required by the previous permit modification approval of December 11, 2012 (i.e. "For the turf reinforced parking area the permittee shall install the proposed geogrid, Stabibigrid HD2.0, in accordance with the manufacture's requirements."). Please note that in accordance with Public Act 11-2 this permit will expire on September 11, 2016 unless otherwise granted an extension in accordance with current law and statute.

If you have any questions regarding your permit extension, please contact the Wetlands Officer at 860-923-1852.

Sincerely,

CC:

Francesca Morano

Inland Wetlands Commission Chair
Permit 07-08-03 Second Modification Approval

Thompson Planning & Zoning Commission

Thompson Building Official





## Town of Thompson Inland Wetlands Commission

815 Riverside Drive North Grosvenordale, CT 06255 860-923-1852 (Office) email: wetlands@thompsonct.org

January 31, 2020

Peter Vanghel 1378 Thompson Road Thompson, CT 06277

RE:

Request for Permit Extensions Denied - Statutory Limits Reached

Permit 05-11-01, Rawson Ave, Assessor Reference 61/58/46

Permit 07-08-03, Buckley Hill Rd & Riverside Dr., Assessor's Reference 59/61/62

Dear Mr. Vanghel,

This is to officially notify you that your request to extend the above referenced permits was received by the Thompson Town Clerk on November 18, 2019 and considered at the Inland Wetlands Commission meeting of December 10, 2019. The Commission denied both requests for extension were denied because the existing expiration dates are at the statutoty limit of 14 years. As you are aware Permit 05-11-01 expired on January 20, 2020 and you have submitted a new application for that work (Application # IWA20002). Permit 07-08-03 will expire on September 11, 2021.

Please feel free to contact me with any questions you may have regarding these matters.

Sincerely

Marla Butts
Wetlands Agent

File: Vanghel Request for Permit Extensions.docx

cc: Thompson Zoning Enforcement Officer

Thompson Bulding Office Thompson Selectman's Office





### Substitute House Bill No. 6541

#### Public Act No. 21-163

## AN ACT CONCERNING AN EXTENSION OF TIME FOR THE EXPIRATION OF CERTAIN LAND USE APPROVALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:...

## **Excerpt from Page 3 of 7**

Sec. 4. Subsection (g) of section 22a-42a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage and applicable to approvals made prior to July 1, 2011*):

(g) Notwithstanding the provisions of subdivision (2) of subsection (d) of this section, any permit issued under this section prior to July 1, 2011, that has not expired prior to [May 9, 2011] the effective date of this section, shall expire not less than [nine] fourteen years after the date of such approval. Any such permit shall be renewed upon request of the permit holder unless the agency finds that there has been a substantial change in circumstances that requires a new permit application or enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no such permit shall be valid for more than [fourteen] nineteen years.

## Agenda Item G.a) Violations & Pending Enforcement Actions

Notice of Violation VIOL21019, LIS Properties, L.L.C., 715 Riverside Dr. (Assessor's map 63, block 58, Lot 23), unauthorized structures diverting watercourse, flooding Thatcher Rd. & Riverside Dr., issued 7/7/21, request remove or response by 7/13/21 - status.









## Agenda Item H Other Business

a) Road Closure Schedule for West Thompson Road / Wheaton Brook Culvert Replacement, Permit IWA20044.

## Agenda Item I Reports

- 1 Budget & Expenditures
- 2 Wetlands Agent Report

Agenda Item J, Correspondence - None

Agenda Item K, Signing of Mylars - None

Agenda Item L, Comments by Commissioners

Agenda Item M, Adjournment