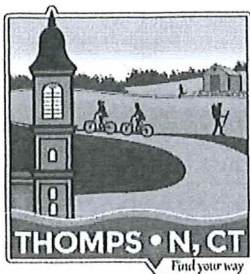


INLAND WETLANDS COMMISSION  
TUESDAY, April 12, 2022  
ZOOM Meeting

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

Agenda Item C.a.

Action on Minutes of Previous Regular Meeting  
Minutes of March 8, 2022



## TOWN OF THOMPSON

Inland  
Wetlands  
Commission

815 Riverside Drive  
P.O. Box 899  
North Grosvenordale, CT 06255  
Phone: 860-923-1852, Ext. 1  
E-MAIL: [wetlands@thompsonct.org](mailto:wetlands@thompsonct.org)  
[www.thompsonct.org](http://www.thompsonct.org)

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TOWN OF THOMPSON, CT.

2022 MAR 10 A 11:47

*Linda Paradise*  
TOWN CLERK, Asst

### MEETING MINUTES: Tuesday, March 8<sup>th</sup>, 2022 7:00PM

Via ZOOM Online Meeting Portal

A) The meeting was Called to Order at 7:07 PM by Vice Chairman Charlie Obert.

Members and staff present: Charlie Obert (Vice Chairman), Diane Chapin (Treasurer), Francesca Morano (Commissioner), Marla Butts (Wetlands Agent), Dan Malo (Recording Secretary), and Amy St. Onge (First Selectman).

Members of the public: Daniel Blanchette, Harry Heller, Andrew McCoy, Max Candidus, Jason Lavallee, Marc Baer, and others.

B) Appointment of Alternates – n/a

C) Minutes of Previous Meetings –

The February 8, 2022 Meeting Minutes were accepted with correction, regarding ECCD \$1,000 contributory support payment under Other Business. FY reference to the \$1,000 payment should have been FY21-22.

D) Citizens Comments on Agenda Items – none

Technical issues with the ZOOM platform persisted for a few moments.  
Vice Chairman Charlie Obert thanked everyone present for their patience.

E) Applications

a) Old Applications

1. **IWA21031**, Max Candidus, 0 Sunnyside Drive (Assessor's map 133, block 1, lot 3), construct a driveway and septic system for a new single-family home, portions of which are in wetlands and the 100-foot upland review area, stamped received 11/3/21, statutorily received 11/9/21. 30-day extension granted via email 2/11/22.

Daniel Blanchette of J&D Civil Engineers discussed revisions to the site plan: The driveway was relocated to hug the south property line; a rip-rap slope was added by the open water, reducing wetlands disturbance in half; a second pipe was added halfway up the driveway to capture ¼ of home and driveway runoff. The stone wall by the septic area will be repaired help prevent runoff to the pond. Vice Chairman Charlie Obert asked if any specific landscaping had been determined for the site—It was his wish to see the property maintained in a native state, noting that this type of area is rapidly disappearing and once gone, they are gone forever. Daniel Blanchette has not discussed a landscaping plan with his client. Max Candidus will be purchasing and merging with the adjacent Orchard Hill lot to prevent development. Wetlands Agent Marla Butts advised that a decision on the application must be rendered at this meeting. It was her opinion that absent of not building on the site, that the proposed site plan presented strong considerations of the Commissions concerns. Fran Morano made a motion to approve the application. Diane Chapin seconded. **The motion was unanimously APPROVED.**

2. **IWA22002**, Strategic Commercial Realty, Inc., 0 West Thompson Rd (Assessor's map 65, block 101, lot 9) earthmoving associated with the mining 1 Million cubic yards of earth materials, portions of which are in the 100-foot upland review area, stamped received 1/6/22, statutorily received 1/11/22. An extension of an additional 30 days was granted by the applicant.

Marla Butts discussed a depiction of critical habitat on Natural Diversity Database (NDDDB) mapping near the project site and provided explanation from Dawn McKay of the Department of Energy and Environmental Protection (DEEP) as to the definition of a 'critical habitat'. Marla noted that the area was mapped with remote sensing and may not be the actual disposition of the site. Harry Heller, attorney for the applicant, listed (3) questions which need resolution to determine next steps: 1) does the habitat, in fact, exist? 2) if it does, where is it located? 3) will the habitat be impacted by the project?

A full NDDDB application has been submitted to DEEP and is still pending; 2-3 weeks have passed without response. Rema Ecological Services has been retained by the applicant to evaluate the area. A representative will be present at the sitewalk tentatively planned for Saturday, March 12 at 9 am. An alternative date may be considered in case of heavy rain or snow. No action was taken on the application.

3. **DEC22003**, 1267 Thompson, LLC (Cheryl Popiak, Manager), 1267 Thompson Road (Assessor's map 116, block 24, lot 16A), to replace existing septic tank, construct two stone walls and associated grading for maintenance and enjoyment of a residential home, in addition to the work which was already approved under Wetlands Agent Approval WAA21032.

The applicant is still awaiting Health Department approval for the septic system. Marla Butts suggested tabling the matter until it can be provided. Matter tabled.

4. **WAA22004**, David Held, 0 New Road (Assessor's map 154, block 5, lot 14A), new single-family home, septic & well in 100-foot upland review area, stamped received 1/25/22, under review.

No new information has been provided. No action was taken by the Commission.

5. **WAA22007**, Connecticut Superior Stone, LLC, 0 New Rd (Assessor's map 154, block 3, lot 2A), removal of stone walls with potential access road improvements in 100-foot upland review area, stamped received 1/25/22, issued 2/15/22, legal notice published 2/25/22, appeal period ends 3/12/22.

Interior stone walls have begun to be removed. Cairns and stone walls defining the property boundaries will not be removed. No work will be conducted in wetlands.

b) New Applications – none

F) Applications Received After Agenda was Published – none

G) Permit Extensions / Changes – none



## H) Violations &amp; Pending Enforcement Actions

- a) **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. Violation is difficult to prove and enforce due to long-term degradation of channel. Marla Butts will send correspondence to the owner, instructing them not to perform work without Commission approval. The Violation is now closed.
- b) **Notice of Violation VIOL21023**, Jamie Piette, 0 & 73 Center Street (Assessor's map 16, block X, lots H & 2), unauthorized construction of retaining wall and associated backfill in or near Little Pond, issued 8/24/21. Marla presented letters from Normand Thibeault, PE and Greg Glaude, LS regarding the stability of the retaining wall and location of the property lines.

The retaining wall was assessed as structurally sound by Engineer Normand Thibeault. Surveyor Greg Glaude was unable to determine when changes to the shoreline occurred. He noted that the shore should be considered the property boundary, and that it is customary that the boundary line would follow any changes to the shoreline. Marla noted that not enough evidence is available to suggest the removal of the wall. Vice Chairman Charlie Obert asked if the lake association could be notified regarding the need for wetlands permits when conducting activities near wetlands. Marla noted that most of the lake residents are not in the association. Marla recommended that the property owner be asked to maintain the wall as constructed and to file an as-built with the Town. Commissioners concurred.

- c) **Notice of Permit Violation VIOL21036**, Permit IWA20022, Marc Baer, 1227 Thompson Rd (Assessor's map 116, block 24, lot 10), grades not as authorized in modified plan approved by the Commission on February 9, 2021. Daniel Blanchette of J&D Civil Engineers reviewed the 8-foot retaining wall, also known as a 'rockery'. He described the wall's compliance with federal design guidelines for rockeries. He noted that the wall is roughly 30 feet from the road and 30 feet from the house foundation and poses no threat to life or property. Property abutters submitted an additional list of concerns. Marc Baer asked if Marla could work with Daniel Blanchette to discuss and address those concerns, some of which relate to driveway runoff. No further action was taken.

## I) Other Business

- a) Draft Subdivision Regulations – Marla discussed her efforts to review changes to the proposed Subdivision Regulations. She noted that the Planning & Zoning Commission subcommittee is still debating some matters of policy, such as requirements of Homeowner's Associations, Net-buildable lots, and Private Roads vs. Shared Driveways.
- b) By-Laws Revisions – matter tabled due to absence of full Commission.
- c) Freedom of Information ZOOM training – Marla shared the meeting recording: <https://us02web.zoom.us/rec/share/hwMihvCKIR6liUBOEZjc0XeXKywaiY9hc4GR3WCuWoh2KJeXscCwrZsUDihhumYB.htezNnlMSqOaEm7y>; Access Passcode: 9pQ9^eYP

## J) Reports

- a) Budget & Expenditures – Diane Chapin reported that \$110 was encumbered for advertising; the Commission has spent 65.2% of its FY budget. Marla Butts noted that the Selectmen are still in the budget process, though they've accepted the Wetlands budget as presented.
- b) Wetlands Agent Report – Marla Butts noted that no progress has been made on MS4 as the Public Works Director recently resigned. No progress has been made on records disposal.

Eastern CT Conservation District has employed Engineer Paul Burgess on a part-time basis. Marla inquired if it was possible for him to conduct outside plan reviews. The question will be posed to ECCD Director Dan Mullins.

Eversource has provided additional information about their project near Teft Brook. There will be no changes to the structures; the brook will be matted where necessary to allow for the movement of a bucket truck.

Jason Lavallee has submitted a proposal for the subdivision of land off of Donovan Drive. The Commission is tentatively scheduled to walk the site on Saturday, March 12.

Numerous inconsistencies of between ordinances and code references have been discovered throughout the General Code revision process, which will need to be resolved.

K) Correspondence – none

L) Signing of Mylars – none

M) Comments by Commissioners – none

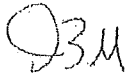
N) After completion of the agenda items, Fran Morano made a motion to adjourn the meeting. The motion was seconded by Diane Chapin and carried unanimously at 8:56 PM.

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To see/hear the entire meeting via ZOOM, click here to copy and paste into your search bar:  
[https://us02web.zoom.us/rec/share/4eBX6wfCQ1\\_aPz7E4hYjZtVFtDv3apZzLhDySZyo1MhfLlh3ql-Cctxxv-wArW4.fH8oAfHtg4Mxpo4H](https://us02web.zoom.us/rec/share/4eBX6wfCQ1_aPz7E4hYjZtVFtDv3apZzLhDySZyo1MhfLlh3ql-Cctxxv-wArW4.fH8oAfHtg4Mxpo4H)

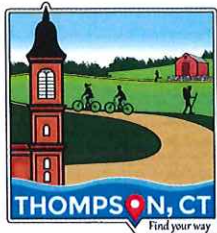
Access Passcode: 5xu\$9iXe

Respectfully submitted, Dan Malo, Recording Secretary



Agenda Item C.b.

Action on Minutes of Special Meeting Site Walk  
Minutes of March 12, 2022



**TOWN OF  
THOMPSON**

**Inland Wetlands Commission**

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2022 MAR 15 P 12:38

*George O'Neil*  
TOWN CLERK

**SPECIAL MEETING MINUTES**

**SITE WALK**

**Saturday, March 12, 2022 @ 9:00 AM**

On Saturday, March 12, 2022 the Inland Wetlands Commission met to perform a site walk of 0 West Thompson Road (Assessor's map 65, block 101, lot 9) for Application IWA22002 submitted by Strategic Commercial Reality, Inc. The application involves proposed earthmoving work associated with the mining of 1 million cubic yards of earth materials, portions of which are in the 100-foot upland review area. After assembling near the weigh station located on 305 Reardon Road, the participants independently travelled by car into 305 Reardon Rd to an area near the equipment storage shed, where the meeting was called to order at 9:07 am by Inland Wetlands Commission Chair George O'Neil. In attendance were Chair George O'Neil, Commissioners H. Charles Obert, Diane Chapin and Fran Morano, myself, for the applicant Harry Heller, Andrew McCoy, David Held, George Logan, and Sigrund Gadwa and interested citizen Ted Lenky. At the time of the inspection, it was cloudy with a light drizzle. Snow cover was absent.

The group walked southwest within 305 Reardon Road over a large stockpile of material to an old travel way, following the travel way for a short distance to a 24" concrete cross culvert (plan reference "RCP"). Water was flowing through the RCP from north to south towards the French River. Several Commissioners inspected the cross culvert. The group continued southward along the old travel way crossing into 0 West Thompson Rd until the old travel way was crossed by a 12" plastic pipe (plan reference "PVC") with water flowing from west to east towards the French River. The group then travelled westward following the pink wetlands flagging up slope. When the wetlands delineation turned northward the group followed the flagging to the proximate property boundary for 305 Reardon Rd and 0 West Thompson near Wetlands Flag 37. The terminus of the wetlands that is located on 305 Reardon Rd property was viewed. The group then walked back eastward following the wetlands flags back to the PVC cross culvert at the old travel way. Flowing water was noted at several locations in these wetlands but several times the flow disappeared only to reappear further down slope.

The group resumed walking south on the travel way for a distance and then turned east towards the French River and walked to the eastern property boundary arriving at an open water area interspersed with marsh and shrub swamp vegetation. The group then walked northward following the eastern property boundary. Water fowl and numerous deer scats were observed. When the group reached a wetlands corridor in its path it travelled northwest and crossed the wetlands corridor at or about Wetlands Flags 55-56. Continuing in a northern direction the group reached the old travel way just west of the RCP. Members of the group walked back to the equipment storage shed where Chair O'Neil declared the meeting adjourned at 10:35 am. Commissioners left the Reardon Road property to reconvene at the

western boundary for subdivision Lot # 1, Donovan Drive.

At 10:55 am, Chair O'Neil reconvened the meeting. In attendance were Commissioners Morano and Chapin, Jason Lavallee of Lavallee Construction, LLC and myself. It was moderately raining. The group entered Donovan Drive subdivision Lot # 1 from its western boundary travelling east and then north to an area that overlooked a depression internal to the western portion of the lot, this depression contained a small amount of green colored water and an unidentified floating plant growing in the water. Commissioner Morano left the meeting and the remaining group walked westward upslope to view depressions on the neighboring lot. No standing water was seen. The group retraced its steps to Donovan Drive and Chair O'Neil closed the meeting at 11:05 am.

Respectfully submitted,



Marla Butts  
Wetlands Agent

Agenda Item D.  
Citizens Comments on Agenda Items

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

**IWA22002**, Strategic Commercial Realty, LLC, 0 West Thompson Rd (Assessor's map 65, block 101, lot 9) earthmoving associated with the mining 1 million cubic yards of earth materials, portions of which are in the 100-foot upland review area, stamped received 1/6/22, statutorily received 1/11/22, 35-day extension granted via emailed letter 3/3/22, application revised 3/2/22 to include work in upland review area on 307 Reardon Rd..



# **HELLER, HELLER & McCOY**

**Attorneys at Law**

**736 Norwich-New London Turnpike**

**Uncasville, Connecticut 06382**

Received

APR 11 2022

Thompson Wetlands Office

*Sidney F. Heller (1903-1986)*  
*Harry B. Heller (hheller@hellermccoy.com)*  
*William E. McCoy (bmccoy@hellermccoy.com)*

*Mary Gagne O'Donal (mgodonald@hellermccoy.com)*  
*Andrew J. McCoy (amccoy@hellermccoy.com)*

Telephone: (860) 848-1248  
Facsimile: (860) 848-4003

April 5, 2022

Town of Thompson  
Inland Wetlands and Watercourses Commission  
Attention: Ms. Marla Butts, Wetland Agent  
815 Riverside Drive  
North Grosvenordale, Connecticut 06255

Re: Application of Strategic Commercial Realty, Inc.- Proposed Earth Product Excavation and Rock Extraction, Waldron Property- West Thompson Road, Thompson, Connecticut with Access Through Adjacent Property of Strategic Commercial Realty, Inc.

Dear Marla:

Enclosed herewith please find the following relative to the proposed earth product excavation and rock extraction operations listed above. The Application and Narrative have been further revised to reflect the fact that there is 7,200 square feet of upland review area activity proposed on the property located at 307 Reardon Road, Thompson, Connecticut, in order to regrade the periphery of the existing excavation operation on the Strategic property to transition into the haul road which will access the Waldron Property.

I therefore submit herewith for the record in this proceeding:

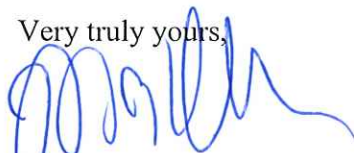
1. Five (5) copies of the completed and executed "Town of Thompson Inland Wetlands Commission Permit Application to Conduct a Regulated Activity" with the List of Abutting Owners attached thereto, revised as of April 5, 2022.
2. Five (5) copies of the Application Narrative entitled "Application of Strategic Commercial Realty, Inc. d/b/a Rawson Materials to Thompson Inland Wetlands and Watercourses Commission Narrative Description of Construction Sequencing and Erosion and Sediment Control Plan Relative to an Aggregate Removal Operation on Property at 0 West Thompson Road, With Access Through Property at 307 Reardon Road, Thompson, Connecticut" dated January 5, 2022, revised January 12, 2022, revised March 21, 2022 and further revised as of April 5, 2022.

Town of Thompson  
Inland Wetlands and Watercourses Commission  
Attention: Ms. Marla Butts, Wetland Agent  
April 5, 2022  
Page 2 of 2

3. Revised State of Connecticut Department of Energy and Environmental Protection Reporting Form.

Should you have any questions or need anything further, please feel free to contact the undersigned.

Very truly yours,



Harry B. Heller

HBH/smr  
Enclosures  
cc: Mr. David Held (via email)  
cc: Mr. Jeffrey Rawson (via email)  
cc: Madilyn Smith, Esq. (via email)  
cc: Mr. George Logan (via email)

Received

APR 11 2022

Thompson Wetlands Office

APPLICATION OF STRATEGIC COMMERCIAL REALTY, INC. D/B/A RAWSON  
MATERIALS  
TO  
THOMPSON INLAND WETLANDS AND WATERCOURSES COMMISSION

NARRATIVE DESCRIPTION OF CONSTRUCTION SEQUENCING AND EROSION  
AND SEDIMENTATION CONTROL PLAN RELATIVE TO AN AGGREGATE  
REMOVAL OPERATION ON PROPERTY AT 0 WEST THOMPSON ROAD, WITH  
ACCESS THROUGH PROPERTY AT 307 REARDON ROAD, THOMPSON,  
CONNECTICUT

DATE: JANUARY 5, 2022

REVISED: JANUARY 12, 2022 – TECHNICAL CORRECTIONS AND EDITS

REVISED: MARCH 21, 2022 – ADD PROPERTY AT 307 REARDON ROAD

REVISED: APRIL 5, 2022 – DESCRIPTION OF ACTIVITIES ON  
307 REARDON ROAD

**OVERVIEW:**

The instant application is an application for a permit to conduct regulated activities in conjunction with a proposed rock removal operation on real property owned of record by Cristine M. Waldron, Eric N. Waldron and Warren E. Waldron known as 0 West Thompson Road, Thompson, Connecticut and depicted as Lot 9 in Block 101 on Thompson Assessor's Map 65 with access provided by virtue of an existing driveway/haul road over adjacent real property of Strategic Commercial Realty, Inc. d/b/a Rawson Materials known as 307 Reardon Road, Thompson, Connecticut and depicted as Lot 6 in Block 101 of Thompson Assessor's Map 65. The application parcels (hereinafter the "Property") are located in the BDD Zoning District and contain, in the aggregate, 115 acres of land, more or less, although proposed earth product/rock removal operations are only proposed on the above referenced Waldron property which contains 31.4 acres of land, more or less. The proposed rock removal operation is contemplated on 17 acres, more or less, of the Waldron property with activities to be conducted in four (4) phases; i.e. Phase 1 which will result in aggregate being removed from 4 acres, more or less, with the removal of approximately 121,000 cubic yards of earth product and aggregate material; Phase 2, containing 4.2 acres, more or less, with earth product and aggregate removal of 318,000 cubic yards, more or less; Phase 3, containing 4.2 acres, more or less, with the removal of 119,000 cubic yards of earth product and aggregate material; and Phase 4, involving 4.2 acres, more or less, with the removal of 448,000 cubic yards of earth product and aggregate material. It is anticipated that the Phase 1 extraction will require 1 year to complete, the Phase 2 extraction will require 2.5 years to complete, the Phase 3 extraction will require 1 year to complete and the Phase 4 extraction will require 3 years to complete.

The Waldron property is situated adjacent southerly to the real property of Strategic Commercial Realty, Inc. d/b/a Rawson Materials (Assessor's Map 65, Block 101, Lot 6) which is currently in active permitted use for earth product and aggregate excavation and processing. The instant application will not require direct access to West Thompson Road. Earth product and rock removed from the proposed extraction area will be removed, by truck, over an existing haul road to the processing plant of the Applicant located on adjacent real property to the north. The access haul road is currently in place, but will require regrading in order to transition from areas disturbed

as a result of the permitted earth product excavation operation on the property located at 307 Reardon Road to the Waldron property located at 0 West Thompson Road. Other than this minor regrading, the haul road is currently in place and the renewed utilization of the same will only require the disturbance of 7,200 square feet of upland review area on the property located at 307 Reardon Road and very minor trimming of brush to avoid contact with trucks utilizing the haul road on both properties.

Site testing conducted on the Property evidences the fact that the proposed rock removal area is overlaid with a thin layer of surficial material (as is more particularly described in the Soil Characteristics section of this Narrative) and underlaid with high quality rock which is an essential component of structural material for the construction industry.

Aggregate is the foundation of the national economy. The aggregate industry provides more than 120,000 jobs nationwide. Aggregate is used in highways, paints, plastics, medicines, glass, driveways, concrete sidewalks, bridges, wallboard, vinyl, brick, stone, buildings, homes, concrete blocks, roofing tile, asphalt shingles and minerals for agriculture. Every year more than 2.4 billion tons of aggregate are utilized in the United States, which is approximately 8 tons of aggregate for every American. An average of 120 tons of aggregate is used in the construction of a new house. About 20,000 tons of aggregate are used for the construction of one mile of four-lane highway. Marketable aggregate products are becoming an increasingly scarce commodity in Connecticut. Aggregate is a natural resource which is needed to sustain the everyday economy of the Town of Thompson, the northeast region of the State of Connecticut and the State itself. Mining of aggregate is an essential activity. Due to the nature of the activity itself, proper design controls and cultural controls must be utilized in order to insure that the mining of structural rock is conducted in an environmentally and ecologically appropriate manner. The plan for this proposed mining operation, prepared by Provost & Rovero, Inc., and this Narrative, specify, in detail, the manner in which this proposed rock removal operation will be conducted in accordance with applicable Thompson Inland Wetland and Watercourse Regulations and in a manner which will either (i) prevent any adverse impact to wetland and watercourse resources or (ii) provide for compensatory mitigation in the event that an adverse impact occurs to the hydrology of the wetland system located northerly of Phases 1 and 2 of the proposed structural rock removal operation.

A review of the Natural Diversity Database map for the Town of Thompson, Connecticut, maintained by the State of Connecticut Department of Energy and Environmental Protection evidences the fact that a critical habitat area abuts the Waldron property to the east in a backwater area of the French River. In conjunction with this permit application, the Applicant has been requested to investigate potential impacts to the critical habitat area. For this purpose, a request has been submitted by the project engineer, David Held, to the Natural Diversity Database for an analysis of the critical habitat area. In addition, the Applicant has retained the services of REMA Ecological Services, LLC to characterize the habitat which is present and to evaluate whether or not the proposed earth product excavation and removal operation will have any adverse impacts thereon. The investigative report of REMA Ecological Services, LLC will be submitted separately.

In conjunction with the proposed extraction operation, the Applicant anticipates no disturbance to or direct impact of inland wetlands and watercourses. The extraction operation will involve the disturbance of 7,200 square feet of upland review area on the 307 Reardon Road property and the disturbance of 66,405 square feet of upland review area located both southerly of the side hill wooded swamp located in the northerly portion of the Waldron Property and westerly

of the riparian wetlands associated with the secondary channel and backwater area of the French River adjacent to the Waldron Property.

## **SOIL CHARACTERISTICS ON THE PROPERTY**

The Property contains a mix of both regulated inland wetland soils as well as upland soils. The inland wetland soils are located generally in the northerly and northeasterly section of the Property and at the easterly limits of the Property. The northerly and northeasterly wetland is a wooded swamp and drainage way which transports water downgradient in a southeasterly and easterly direction eventually flowing to the riparian wetlands associated with the secondary channel of the French River. The easterly wetland is a large riparian wetland associated with the flood plain of the secondary channel of the French River. Soil characteristics are as follows:

### **WETLAND SOILS**

***Ridgebury-Leicester-Whitman Soils (3).*** These poorly drained and very poorly drained soils are found in drainageways and depressions on glacial till, upland hills, ridges, plains and drumloidal landforms. Stones and boulders cover 8-25% of the surface. Slopes range from 0-30%. The mapped acreage of this undifferentiated group is about 35% Ridgebury soil, 30% Leicester soil, 20% Whitman soil and 15% other soils. Some mapped areas consist of one of these soils, and other areas consist of two or three. These soils were mapped together because there are no major differences in use and management.

The soil stratification for the Ridgebury soil is as follows:

0" – 1"	Partly decomposed leaves.
0" – 4"	Black, fine sandy loam; weak medium granular structure; friable; common fine roots; 5% rock fragments; strongly acid; clear wavy boundary.
4" – 13"	Gray fine sandy loam; common medium distinct strong brown mottles and common, medium faint yellowish brown mottles; massive; friable; 5% rock fragments; strongly acid; gradual wavy boundary.
13" – 20"	Brown fine sandy loam; many medium distinct yellowish brown mottles and few fine faint grayish brown mottles; massive; friable; firm in place; 10% rock fragments; slightly acid; clear wavy boundary.
20" – 60"	Grayish brown sandy loam; few fine faint yellowish brown mottles; massive; very firm, brittle; 5% rock fragment; slightly acid.

The soil stratification of the Leicester soil is as follows:

0" – 2"	Decomposed leaves.
---------	--------------------

- |           |   |
|-----------|---|
| 2" – 6"   | Very dark gray fine sandy loam; weak fine granular structure; very friable; few fine and medium roots; 5% rock fragments; very strongly acid; abrupt smooth boundary.   |
| 6" – 12"  | Dark grayish brown, fine sandy loam; few fine faint yellowish-brown mottles and many medium distinct light brownish gray mottles; weak medium subangular blocky structure; very friable; few medium roots; 5% rock fragments; strongly acid; clear wavy boundary. |
| 12" – 24" | Grayish brown, fine sandy loam; few medium distinct yellowish-brown and dark grayish brown mottles; weak medium subangular blocky structure; friable; 10% rock fragments; strongly acid; gradual wavy boundary.   |
| 24" – 32" | Pale olive fine sandy loam; many coarse distinct yellowish brown mottles; weak medium subangular blocky structure; friable; 15% rock fragments; strongly acid; gradual wavy boundary.   |
| 32" – 60" | Light olive gray gravelly fine sandy loam; many medium distinct yellowish-brown mottles; massive; friable; 25% rock fragment; strongly acid.  |

The soil stratification of the Whitman soil is as follows:

- |           |   |
|-----------|---|
| 0" – 1"   | Decomposed leaf litter.   |
| 1" – 9"   | Black fine sandy loam; weak medium granular structure; friable; common fine and medium roots; strongly acid; abrupt wavy boundary.  |
| 9" – 16"  | Dark grayish brown fine sandy loam; few fine faint yellowish brown mottles; weak medium subangular blocky structure; friable; few fine roots; 5% rock fragments; medium acid; clear wavy boundary.                                    |
| 16" – 22" | Grayish brown, fine sandy loam; common medium distinct strong brown mottles and few medium light brownish gray mottles; moderate medium platy structure; very firm, brittle; 5% rock fragments; slightly acid; gradual wavy boundary. |
| 22" – 60" | Grayish brown fine sandy loam; common medium distinct strong brown mottles and few medium faint light brownish gray mottles; massive; firm, brittle; 5% rock fragments; slightly acid.  |

Included with these soils in mapping are small areas of moderately well drained Rainbow, Sutton and Woodbridge soils and very poorly drained Adrian and Palms soils. The Ridgebury soil has a seasonal high water table at a depth of about 6". Permeability is moderate or moderately rapid in the surface layer and subsoil and slow or very slow in the substratum. The Leicester soil has a seasonal high water table at a depth of about 6". Permeability is moderate or moderately rapid. The Whitman soil has a high water table at or near the surface for most of the year.

Permeability is moderate or moderately rapid in the surface layer and subsoil and slow or very slow in the substratum.

**Scarboro Soil (15).** The Scarboro soils consist of very poorly drained soils that formed in water-sorted sand and gravel. Scarboro soils are found on outwash plains and stream terraces. Slopes range from 0-3%. The Scarboro soils are found near excessively drained Hinckley and Windsor soils, somewhat excessively drained Merrimac soils, well-drained Haven and Agawam soils, moderately well-drained Sudbury soils, poorly drained Walpole and Raypol soils and very poorly drained Adrian and Palms soils. Scarboro soils formed in a thinner layer of organic material than Adrian and Palms soils.

The soil stratification for the Scarboro soil is as follows:

0" – 5"	Black muck; less than 5% fiber unrubbed and rubbed; massive; very friable; many fine roots; medium acid; clear wavy boundary.
5" – 36"	Gray loamy sand; common medium prominent yellowish-red mottles and common medium distinct strong brown mottles; massive; friable; medium acid; clear wavy boundary.
36" – 60"	Grayish-brown sand; common medium prominent strong brown mottles; massive; friable; medium acid.

Coarse fragments make up 0-10% of the A Horizon, 0-20% of the C Horizon to a depth of 30" and 0-50% of the C Horizon below a depth of 30". Scarboro soils are very strongly acid through medium acid.

The wooded swamp wetland located northerly of the proposed aggregate removal area is comprised of the Ridgebury-Leicester-Whitman soils as described above, and the riparian wetland associated with the secondary branch of the French River flood plain is comprised of the Scarboro soils as described above.

## UPLAND SOILS

**Sudbury Soil (23A).** The Sudbury soil consists of moderately well-drained soils that formed in water-sorted sand and gravel. Sudbury soils are found on outwash plains and stream terraces. Slopes range from 0-5%. The Sudbury soil is found in the drainage sequence on the landscape with somewhat excessively drained Merrimac soils and poorly drained Walpole soils. They are found near excessively drained Hinckley and Windsor soils, well drained Agawam soils, moderately well drained Ninigret soils and very poorly drained Scarboro soils. Sudbury soils have more sand in the solum than Ninigret soils.

The typical soil stratification for the Sudbury soil is as follows:

0"	Decomposed and partially decomposed hardwood leaf litter.
0" – 4"	Very dark brown sandy loam; weak medium granular structure; friable; 5% coarse fragments; strongly acid; clear wavy boundary.



4" – 16"	Dark yellowish brown sandy loam; weak medium sub-angular blocky structure; friable; common fine medium roots; 15% coarse fragments; strongly acid; gradual wavy boundary.
16" – 24"	Yellowish brown sandy loam; common medium distinct strong brown and light brownish-gray mottles; weak medium sub-angular blocky structure; friable; few fine and medium roots; 5% coarse fragments; strongly acid; clear wavy boundary.
24" – 60"	Dark yellowish brown sand; common medium distinct strong brown mottles; single grain; loose; 15% coarse fragments; strongly acid.

Coarse fragments make up 0-15% of the solum and 15-50% of the C Horizon. Sudbury soils are strongly acid or medium acid.

**Hinckley Soil (38C).** The Hinckley soil consists of excessively drained soils that formed in glacial outwash. Hinckley soils are found on outwash plains, stream terraces, kames and eskers. Slopes range from 0 – 15%. The Hinckley soils are found near excessively drained Windsor soils, somewhat excessively drained Merrimac soils, well-drained Agawam and Haven soils, moderately well-drained Sudbury soils, poorly drained Walpole soils and very poorly drained Scarborough soils. Hinckley soils have a greater content of gravel than Merrimac, Agawam, Haven and Windsor soils.

The soil stratification of the Hinckley soil is as follows:

0" – 7"	Dark brown gravelly sandy loam; weak fine granular structure; very friable; many fine roots; 20% coarse fragments; medium acid; abrupt wavy boundary.
7" – 14"	Yellowish brown gravelly loamy sand; single grain; loose; few fine roots; 40% coarse fragments; strongly acid; clear wavy boundary.
22" – 60"	Brownish yellow very gravelly coarse sand; single grain; loose; 60% coarse fragments; medium acid.

The solum is 18-30" thick. Coarse fragments make up 10-40% of the solum and 35-60% of the C Horizon. Hinckley soils are strongly acid or medium acid.

**Gloucester Soil (58B).** The Gloucester soils consist of excessively drained soils that formed in glacial outwash. Gloucester soils are found on outwash plains, stream terraces, kames and eskers. Slopes range from 0-35%. Gloucester soils are found near excessively drained Hinckley soils that formed in stratified glacial outwash, well-drained Canton, Charlton and Paxton soils and poorly drained Leicester soils.

The soil stratification of the Gloucester soil is as follows:

0" – 4"	Gravelly sandy loam.
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4" – 12"	Gravelly sandy loam.
12" – 25"	Very gravelly loamy sand.
25" – 35"	Very gravelly loamy coarse sand.
35" – 60"	Very gravelly loamy coarse sand.

Permeability in the Gloucester soil is rapid or very rapid. The Gloucester soil is extremely acid to moderately acid. Depth to groundwater is typically greater than 6 feet.

***Charlton-Chatfield Complex; 0-15% Slopes, Very Rocky (73C).*** The Charlton-Chatfield soils are found on gently sloping to strongly sloping areas on the landscape in areas which are controlled by bedrock hills and bedrock controlled uplands. 0-3% of the surface area is covered by stones. Areas of the Charlton-Chatfield Complex generally range from 3-500 acres. The complex is typically comprised of 45% Charlton soils, 30% Chatfield soils and 25% other soils.

The typical soil stratification of the Charlton soils is as follows:

0" – 4"	Fine sandy loam.
4" – 7"	Fine sandy loam.
7 – 19"	Fine sandy loam.
19" – 27"	Gravelly fine sandy loam.
27" – 65"	Gravelly fine sandy loam.

The typical soil stratification of the Chatfield soil is as follows:

0" – 1"	Highly decomposed plant material.
1" – 6"	Gravelly fine sandy loam.
6" – 15"	Gravelly fine sandy loam.
15" – 29"	Gravelly fine sandy loam.
29" – 80"	Unweathered bedrock.

***Charlton – Chatfield Complex; 15-45% Slopes, Very Rocky (73E).*** These Charlton-Chatfield soils are found on gently sloping to strongly sloping areas on the landscape in areas which are controlled by bedrock hills and bedrock controlled uplands. 0-3% of the surface area is covered by stones. Areas of the Charlton-Chatfield Complex generally range from 3-500 acres. The complex is typically comprised of 45% Charlton soils, 30% Chatfield soils and 25% other soils.

The typical soil stratification of the Charlton soil is as follows:

0" – 4"	Fine sandy loam.
4" – 7"	Fine sandy loam.
7 – 19"	Fine sandy loam.
19" – 27"	Gravelly fine sandy loam.
27" – 65"	Gravelly fine sandy loam.

The typical soil stratification of the Chatfield soil is as follows:

0" – 1"	Highly decomposed plant material.
1" – 6"	Gravelly fine sandy loam.
6" – 15"	Gravelly fine sandy loam.
15" – 29"	Gravelly fine sandy loam.
29" – 80"	Unweathered bedrock.

## GENERAL PROCEDURES

1. Prior to the initiation of construction activities on the project site, the applicant shall meet with the Zoning Enforcement Officer and Wetlands Enforcement Officer of the Town of Thompson to agree upon the methodology for the installation, maintenance and repair of erosion and sediment control measures as delineated on a plan entitled "Proposed Earth Product Excavation West Thompson Road Thompson, Connecticut Applicant Strategic Commercial Realty, Inc. d/b/a Rawson Materials 58 Pomfret Street, Suite 4101, Putnam, CT 06260 Owner Christine M. Waldron, et al. 20 Wiltshire Drive Worcester, MA 01609 October 21, 2021 Sheets 1 of 8 to 8 of 8 Job No: 213021 Dwg No: Client File Provost & Rovero, Inc. Civil Engineering – Surveying – Site Planning Structural – Mechanical – Architectural Engineering 57 East Main Street, P.O. Box 191 Plainfield, Connecticut 06374 (860) 230-0856 – Fax: (860) 230-0860 [info@prorovinc.com](mailto:info@prorovinc.com) [www.prorovinc.com](http://www.prorovinc.com)" (hereinafter the "Plan"). In no event shall actual excavation and rock extraction operations commence until such time as erosion and sediment control measures have been installed and inspected and approved by the Town of Thompson Zoning Enforcement Officer and Thompson Wetlands Enforcement Officer.
2. The Applicant's engineer shall delineate in the field the limits within which the access road improvements and the Phase 1 excavation and extraction operations shall occur and will further designate the location for the installation of the proposed 10 foot high vegetated berm as delineated on the Plan, which vegetated berm shall extend along the easterly periphery of the proposed extraction area from the northerly limit of Phase 1 to the southerly limit of Phase 3 as depicted on the Plan.

3. All operations approved under the permit issued by the Town of Thompson Inland Wetlands and Watercourses Commission shall be conducted by the Applicant in accordance with the approved Plan and this Narrative. This Narrative and the approved Plan delineated herein shall be incorporated into any permit to conduct regulated activities approved by the Town of Thompson Planning and Zoning Commission.
4. All erosion and sediment control measures shall be inspected at least weekly while activities are ongoing and after every storm event resulting in a discharge and repaired and maintained as necessary.
5. During the stabilization period (after construction has been completed in each phase of the extraction, but prior to certification of approval by the Zoning Enforcement Officer of the Town of Thompson and the Wetlands Enforcement Officer of the Town of Thompson, the structural integrity of silt fence and the vegetated berm shall be maintained. Jeffrey Rawson, President of Strategic Commercial Realty, Inc. d/b/a Rawson Materials, or his designee, shall be responsible for compliance with all erosion and sediment control measures in conjunction with the extraction operation. The address of Jeffrey Rawson is 58 Pomfret Street, Suite 4101, Putnam, Connecticut 06260. The telephone number for Jeffrey Rawson is (860) 963-6584 and the facsimile number for Jeffrey Rawson is (860) 963-7063. The e-mail address for Jeffrey Rawson is [jeff.rawson@rawsonmaterials.com](mailto:jeff.rawson@rawsonmaterials.com). All erosion and sediment control measures shall be inspected, maintained and/or repaired, as necessary, on a weekly basis during the stabilization period and after each storm occurrence resulting in a discharge. Jeffrey Rawson shall be the designated representative for the implementation of all of the terms and conditions of the erosion and sedimentation control plan with respect to the excavation, extraction and removal of earth product and/or rock material which is the subject of this permit application.
6. During the stabilization period, any erosion which occurs shall be immediately repaired by the Applicant, reseeded with the seeding mixes set forth in the Construction Sequencing section of this Narrative and restabilized.
7. Once stabilization has been completed and certification thereof obtained in writing from the Zoning Enforcement Officer of the Town of Thompson and the Wetlands Enforcement Officer of the Town of Thompson, the vegetated berm and silt fence shall be removed by the Applicant and the area of the berm stabilized as described in the Construction Sequencing section of this Narrative.
8. The extraction contemplated by this application will render the Property in a condition suitable for future utilization for uses permitted pursuant to the Zoning Regulations of the Town of Thompson in the BDD Zoning District. Until such uses have been implemented, the area of the extraction shall be stabilized in accordance with the procedures delineated in the Construction Sequencing section of this Narrative.

## CONSTRUCTION SEQUENCING

1. The Applicant shall, prior to the commencement of operations on the Property, secure all necessary local, state and federal permits and file all applicable stormwater registrations as required by applicable law.
2. The Applicant shall engage in the pre-construction meeting with the Town of Thompson staff as required by Paragraph 1 of the General Procedures section of this Narrative.
3. The Applicant shall clear and grub that portion of the Phase 1 excavation area and the Phase 3 excavation area required for the installation of silt fence and the vegetated berm in order to ready the site for the installation of erosion and sediment control measures proposed. In no event shall clearing and grubbing extend beyond the limits of the area in which silt fence will be installed on the day of clearing and grubbing.
4. The Applicant shall install a single row of silt fence immediately down gradient from (i) the area of the regrading of the access road on the property at 307 Reardon Road and (ii) the location for the installation of the vegetated berm in accordance with the "Silt Fence" detail delineated on Sheet 8 of 8 of the Plan.
5. Immediately upon completion of the installation of the down gradient silt fence erosion control, the Applicant shall install the 10 foot vegetated berm as delineated on the Plan and as agreed upon by and between the Applicant and the Town of Thompson Land Use representatives at the pre-construction meeting. In no event shall further operations occur on the extraction site until such time as the Phase 1 and Phase 3 erosion and sediment control measures have been installed. The vegetated berm shall be installed in accordance with the Vegetated Berm Detail delineated on the Plan, including the installation of the gravel wick drains and the emergency spillway.
6. The vegetated berm shall be seeded with a conservation mix specified by the project engineer based upon soil types from one of the following categories (i) switchgrass applied at a rate of 4 pounds per acre, big bluestem applied at a rate of 4 pounds per acre, little bluestem applied at a rate of 2 pounds per acre, sand lovegrass applied at a rate of 1.5 pounds per acre and bird's-foot trefoil applied at a rate of 2 pounds per acre for a total application of 13.5 pounds per acre (ii) flatpea applied at a rate of 10 pounds per acre, perennial pea applied at a rate of 2 pounds per acre, crown vetch applied at a rate of 10 pounds per acre and tall fescue applied at a rate of 2 pounds per acre for a total application of 24 pounds per acre or (iii) orchardgrass applied at a rate of 5 pounds per acre, tall fescue applied at a rate of 10 pounds per acre, red top applied at a rate of 2 pounds per acre and bird's-foot trefoil applied at a rate of 5 pounds per acre for a total application of 22 pounds per acre. Seeding shall only occur during the periods April 15 to June 15 and August 15 to October 1. The vegetated berm shall be immediately mulched after seeding with hay mulch applied at the rate of 80 pounds per 1,000 square feet.
7. Subsequent to the installation of the down gradient perimeter silt fence and vegetated berm, the Applicant shall clear and grub the Phase 1 excavation area.

8. The Applicant shall install the Phase 1 temporary sediment trap located adjacent westerly to the vegetated berm as delineated on the Plan and the Phase 1 dewatering sump as depicted on the Plan to be utilized only in the event that dewatering is required in conjunction with the extraction operation.
9. The Applicant shall strip the topsoil and subsoil in the Phase 1 excavation area. All topsoil and subsoil stripped from the Phase 1 excavation area shall either be (i) utilized in the construction of the vegetated berm or (ii) removed by site truck to the adjacent real property of the Applicant to the north where the topsoil and subsoil shall be retained in a surface soil stockpile to be used for future site stabilization. The surface soil stockpile shall be formed with slopes not exceeding the angle of repose. The surface soil stockpile shall be encircled with a single row of silt fence installed in accordance with the Silt Fence Detail delineated on Sheet 8 of 8 of the Plan. The surface soil stockpile shall be stabilized by seeding with a perennial ryegrass mix and mulch. The perennial ryegrass mix shall be applied at a rate of 40 pounds per acre. Mulch shall be applied at a rate of 80 pounds per 1,000 square feet, and shall be spread by hand or with a mulch blower. The location of the surface soil stockpile is delineated on the Plan.
10. The proposed earth products excavation operation will involve the extraction of rock from the project site. The project site contains a high quality gneiss stone which has characteristics suitable for nearly all construction applications.
11. Surficial material (other than topsoil and subsoil) shall be excavated from the Phase 1 extraction area and removed by truck to the processing facility of the Applicant located on the adjacent real property to the north utilizing the existing haul road between the two properties.
12. Bedrock will be severed from the land in well-designed and controlled blasts in order to produce "shot rock" for processing. Prior to the initial blast, the Applicant shall conduct a pre-blast survey. The Applicant's geotechnical/blasting consultant will determine a safe pre-blasting survey radius. The pre-blast survey will include collecting background water quality data for nearby domestic wells and surface water. Each blast will be monitored with a seismograph at pre-determined locations in order to record the data (ground vibration and air overpressure (decibel levels)) associated with each blast to ensure that each blast is being conducted in a safe and proper manner which will not result in property damage.
13. Shot rock shall be removed from the Phase 1 extraction site by site trucks for processing to marketable material at the processing plant of the Applicant on the adjacent real property to the north.
14. Throughout the duration of the extraction operation, a vegetated berm or 6 foot high chain link fence will be maintained along the top of the operating face of the excavation operation in order to prohibit the inadvertent trespass onto the operating portion of the Property.
15. Due to the logistics of the extraction operation, the Phase 1 excavation area shall not be stabilized until Phases 1 and 2 of the extraction have been completed; and, likewise, the

Phase 3 excavation area shall not be stabilized until such time as the Phase 3 and Phase 4 extraction operations have been completed.

16. Upon completion of the extraction in the extraction areas as specified above, the Applicant shall prepare the “floor” of the extraction area for final stabilization by backfilling the same with a minimum of 4 feet of structural fill in accordance with the cross-section details contained on Sheets 6 of 8 and 7 of 8 of the Plan. Thereafter, the reclamation area shall be loamed with not less than 4” of topsoil which has been stripped from the project site and stored in temporary soil stockpile locations. Areas to be seeded will be prepared by spreading ground limestone equivalent to 50% calcium plus magnesium oxide applied at a rate of 100 pounds per 1,000 square feet. Fertilizer (10-10-10) is to be applied at a rate of 15 pounds per 1,000 square feet. Following the initial application of lime and fertilizer, there are to be no periodic applications of lime and fertilizer. After seeding, the area shall be stabilized with hay mulch immediately applied at a rate of 80 pounds per 1,000 square feet and anchored immediately after spreading by tracking. Seeding shall be applied with a conservation mix specified by the project engineer based upon soil types from one of the following categories: (i) switchgrass applied at a rate of 4 pounds per acre, big bluestem applied at a rate of 4 pounds per acre, little bluestem applied at a rate of 2 pounds per acre, sand lovegrass applied at a rate of 1.5 pounds per acre and bird’s-foot trefoil applied at a rate of 2 pounds per acre for a total application of 13.5 pounds per acre (ii) flatpea applied at a rate of 10 pounds per acre, perennial pea applied at a rate of 2 pounds per acre, crown vetch applied at a rate of 10 pounds per acre and tall fescue applied at a rate of 2 pounds per acre for a total application of 24 pounds per acre or (iii) orchardgrass applied at a rate of 5 pounds per acre, tall fescue applied at a rate of 10 pounds per acre, red top applied at a rate of 2 pounds per acre and bird’s-foot trefoil applied at a rate of 5 pounds per acre for a total application of 22 pounds per acre. Seeding shall only occur during the periods April 15 to June 15 and August 15 to October 1.
17. The methodologies delineated in Paragraphs 9 to 16 of the Construction Sequencing Section of this Narrative shall be followed sequentially for Phases 2, 3 and 4 of the proposed extraction as depicted on the Plan.

#### **WETLAND MITIGATION (IF REQUIRED)**

As discussed previously, the proposed extraction area is abutted to the north by a wooded side hill drainageway and swamp with topography descending first in a southeasterly and then in an easterly direction from approximate elevation 372 to elevation 332 as depicted on Sheet 4 of 8 of the Plan. Intermittent flow within this system is then transmitted under the existing haul road interconnecting the Property with the adjacent property of Strategic Commercial Realty, Inc. d/b/a Rawson Materials by way of a 12” PVC culvert. This wooded swamp is delineated on the Plan by Wetland Flags 1A to 59A. The application contemplates a rock cut southerly of this system which will effectively lower the topography of the adjoining landscape from 330-406 feet (extending from the east to the west) to 324-330 feet (extending from the east to the west). Approximately 30% of the contributing watershed area to the lower portion of the wooded swamp; i.e. Wetland Flags 3A-26A (South) and 41A-58A (North) will be eliminated as a result of the proposed extraction.



The extraction raises two areas of possible concern and/or impact with respect to the side hill wetland located to the north of the proposed extraction area. The first possible indirect impact is that the reduction of contributing watershed area to the side hill wetland will adversely impact the hydrology of the lower reaches of the side hill wetland. The second possible indirect impact from the proposed extraction is that the rock cut may have the possibility of draining the side hill wetland system (collectively, the "Possible Adverse Impacts"). It is not anticipated that the proposed extraction will have any adverse impact on the riparian wetland corridor associated with the secondary channel and backwater area of the French River due to the fact that the final site will be graded in order to ensure that there is no diversion of contributing watershed area away from this wetland and watercourse resource.

To mitigate against Possible Adverse Impacts, the Applicant is proposing that the Applicant be required to monitor the hydrology of the side hill wetland system on a semi-annual basis commencing with the date of commencement of extraction in the Phase 1 extraction area and continuing through and including a period of five (5) years subsequent to the date that the Applicant completes extraction in the Phase 1 and Phase 2 operational areas. The monitoring of the wetland system shall be conducted by a wetland scientist approved by the Thompson Inland Wetlands and Watercourses Commission. The wetland scientist shall be required to submit written reports to the Thompson Inland Wetlands and Watercourses Commission within thirty (30) days subsequent to the date of each required inspection. In the event that the wetland scientist notes that the extraction authorized by this application is resulting in an adverse hydrologic impact to the wooded swamp wetland system, the Applicant shall be required, as a condition of the wetland permit issued in conjunction with this permit application, to create compensatory wetlands as a component of the closure plan for this project (the "Mitigation").

The Applicant shall create a Mitigation area equal to one hundred (100%) percent of the area included in the side hill wooded swamp which has been adversely impacted by the extraction. The wetland mitigation area shall be constructed within the limits of the 17 acres, more or less, included in the permit application area. The wetland mitigation area shall be constructed and planted under the supervision of a wetland scientist and/or wetland biologist experienced in wetland creation and mitigation. The wetland mitigation area shall be designed in order to create a diverse wetland environment that currently does not exist in the project area; i.e. a shallow water marsh or a deep water marsh.

The wetland creation area will be lined with 10" of "wood sod" (wood sod as utilized on this site includes the topsoil layers and seedling trees and shrubs that can be removed in situ by bulldozer).

The final site grading shall be modified to provide a positive gradient to the mitigation in order to supply adequate hydrology to support the Mitigation.

The wetland scientist and/or wetland biologist experienced in the science of wetland creation shall specify a planting scheme and monitoring plan for both the shallow water marsh and the deep water marsh, which planting scheme shall be submitted to, and approved by, the Thompson Inland Wetlands and Watercourses Commission prior to commencement of the construction of the Mitigation. The specific planting scheme will not be determined until such time as the Mitigation has been finally shaped and the wood sod material installed in order to determine the depth of inundation in both the shallow water marsh area and the deep water marsh area which

will control the species of plants which will have the greatest likelihood of survival within said environments and which will be most successful in prohibiting the infestation of invasive species.

Contemporaneously with the approval of any permit for the regulated activities proposed in conjunction with this application, the Thompson Inland Wetlands and Watercourses Commission shall establish a performance bond for the Mitigation. Prior to the commencement of extraction operations on the Property, the Applicant shall be required to post the performance bond with the Town of Thompson, which performance bond shall be continued in full force and effect until such time as either (i) it is determined by the Applicant's wetland scientist that no Adverse Impacts have occurred or (ii) the Mitigation has been completed.

for commission use:

rev 1/11

application # TW422002

date received \_\_\_\_\_

## PERMIT APPLICATION

TO CONDUCT A REGULATED ACTIVITY

### Town of Thompson

INLAND WETLANDS COMMISSION  
815 RIVERSIDE DRIVE  
NORTH GROSVENORDALE, CT 06255

Received

APR 11 2022

Thompson Wetlands Office

**APPLICATION REVISED AS OF MARCH 21, 2022**

**APPLICATION REVISED AS OF APRIL 5, 2022**

#### Instructions:

All applicants must complete this application for preliminary review. The Commission will notify the applicant of any additional information that may be required and will schedule a public hearing if necessary. In addition to the information supplied herein, the applicant may submit other supporting facts or documents which may assist the Commission in its evaluation of the proposal. In order to streamline the application review process, it is recommended that all applications containing significant impact to the wetlands be submitted to the Thompson Conservation Commission for review prior to submission to the regulatory commissions.

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 Town Clerk. State Statute provides that you may submit an application up to three (3) business days prior to the next regularly scheduled meeting, which means by the close of business hours on the Wednesday before a regular meeting date. 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 A 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 activities.

NO PERMIT SHALL BE TRANSFERRED WITHOUT PERMISSION OF THE AGENCY.

#### WE MUST HAVE THE FOLLOWING INFORMATION TO PROCESS YOUR APPLICATION:

- 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 (side of street)
- Locations of proposed house, septic test pits, well and driveway must be staked and labeled on site (These requirements must be LEGIBLY PRINTED on your MAPS at the time of application, but NOT in the area of the map details. Use outside edge of map for this information. Thank you.)

FAILURE TO HAVE THE ABOVE INFORMATION WILL POSTPONE PROCESSING OF YOUR APPLICATION

#### FEE SCHEDULE:

(Additional \$60.00 fee to State as per Public Act 09-03, Section 396)

- Individual Lot ..... \$50 + \$60  
(Permit Fee Now Includes Mandatory Legal Advertisement Fee of \$20. This DOES NOT include Legal Notice fees for Public Hearings, which will be billed separately.)
- Complex Application Fee..... Applicants will be billed for professional review as needed,  
see regulations booklet Section 18.5

For: Conceptual Approval of Subdivisions use "Subdivision Review Application"

Please complete the following application information.

If you need assistance, contact the IWWC business office at 860- 923-1852 Fax 860-923-9897

Date January 4, 2022, Revised March 21, 2022, Revised April 5, 2022

1) Name of Applicant Strategic Commercial Realty, Inc. d/b/a Rawson Materials  
Home Address n/a  
Home Tele & Hrs n/a Business Tele & Hrs 860-963-6584  
Business Address 58 Pomfret Street, Suite 4101, Putnam, Connecticut 06260

2) Applicant's interest in the Property: X Owner X Other (option holder to purchase)  
INLAND WETLANDS APPROVALS CAN BE GRANTED TO PROPERTY OWNER ONLY.  
No permit shall be assigned or transferred without written permission of the Commission.

3) Name of Property Owner (if not applicant) (i) Cristine M. Waldron, Eric N. Waldron and Warren E. Waldron and (ii) Strategic Commercial Realty, Inc. d/b/a Rawson Materials  
Home Address 20 Wiltshire Drive, Worcester, MA 01609/ 58 Pomfret Street, Suite 4101, Putnam, Connecticut 06260  
Business Address n/a  
Home Tele & Hrs (598) 353-0516 Business Tele & Hrs (860) 963-6584 (Strategic)

4) Geographical Location of the Property (site plan to include utility pole number nearest property or other identifying landmarks)

Pole # and Location n/a (to be accessed through property of Strategic Commercial Realty, Inc. at 307 Reardon Road)  
Street or Road Location 0 West Thompson Road and 307 Reardon Road  
Tax Assessor's Map # 65  
Block # 101  
Lot # that appears on site plan 6 and 9  
Deed Info : Volume # 878 / 907  
Page # 320 / 79

5) The property to be affected by the proposed activity contains:

Soil Types Map Units 3, 15, 23A, 38C, 58B, 73C, 73E  
Wetland Soils X (Swamp X Marsh      Bog      Vernal Pool     )  
Watercourses X (Lake or Pond      Stream or River X Intermittent Stream     )  
Floodplain - Yes / (No)

6) Purpose and Description of the Activity for which Approval is requested:

a. Give a complete description of the proposed activity     

Excavation of approximately 1 million cubic yards of ledge to prepare the subject property for future development. Excavation will occur in upland review area only, with no direct wetland disturbance (see Narrative).

If the above activity involves deposition or removal of material, what is the quantity? 1 million+/- CY  
to be removed (no excavation in wetland areas proposed).

b. Submit a Site Plan, drawn to scale, with the certification of the preparing Surveyor and/or Engineer including:

- ☒ 1-Locus map at approx. 1" = 1000'
- ☒ 2-Location of property, with boundaries defined and utility pole # near property and any other identifying landmarks.
- ☒ 3-Location 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.
- ☒ 4-Soil types on the property.
- ☒ 5-Flood Hazard area classification and delineation with base flood elevations.
- ☒ 6-(a)Location of the proposed activity (i.e. house, septic, well or other areas to be disturbed).  
(b)Location of perc tests and soil test holes.  
(c)Copy of NDDH approval to construct or repair subsurface sewage disposal system.
- ☒ 7-Nature and volume of the material to be placed, removed, or transferred.
- ☒ 8-Topographical contours, proposed and existing.
- ☐ 9-Location and supporting data for proposed drainage.
- ☒ 10-Date, scale (recommend 1"=40') and North arrow.
- ☐ 11-Subdivisions must be A-2 Surveys and have Certified Soil Scientist's original signature on face sheet.
- ☒ 12-Proposed limits of clearing/disturbance and location of stockpiles during construction.
- ☒ 13-Location of proposed Erosion and Sedimentation controls and other management practices which may be considered as a condition of issuing a permit for the proposed regulated activity. The erosion and sedimentation control provisions must comply with the most current DEP edition of the *Connecticut Guidelines for Soil Erosion and Sedimentation Control* and be so noted on the plans.
- ☐ 14 -Location of proposed Stormwater treatment design on the site plan must comply with the most 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.
- ☐ 15-Location of proposed mitigation or wetland enhancement measures which may be considered as a condition of issuing a permit for the proposed regulated activity.
- ☒ 16-Timing and description of phases of activities, installation of sediment and stormwater control measures and temporary and permanent stabilization methods.

c. Explain whatever measures you propose to lessen or to compensate for the impacts to the wetlands or watercourse(s) Perimeter erosion and sediment controls, site containment with the use of vegetated

berms.

d. Have any alternatives been considered? No

If yes, explain why this proposal was chosen \_\_\_\_\_

7) Is any portion of this property located within 500' of the boundary of an adjoining municipality? No

If yes, Applicant is required to give written notice of the application by certified mail, return receipt requested, to the adjacent municipal wetlands agency on the same day of filing this permit application with the Thompson Inland Wetlands & Watercourses Commission. Documentation of notice shall be provided to the Commission.

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 most updated map of Federal and State Listed Species and Significant Natural Communities, for Thompson, Connecticut, prepared by the Connecticut Department of Environmental Protection? No 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:

See attached list

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11) Estimated start date 2026

Estimated date of completion (all disturbed areas are stabilized) 2031

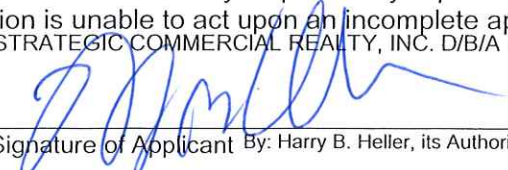
12) The undersigned hereby consents to necessary and proper inspections of the above mentioned property by the Agents of the Town of Thompson Inland Wetlands Commission, at reasonable times, both before and after the approval in question has been granted, including site walks by Commission members and 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.

I understand by signing this application that it is my responsibility to provide all the information as requested.  
I understand that the commission is unable to act upon an incomplete application.

STRATEGIC COMMERCIAL REALTY, INC. D/B/A RAWSON MATERIALS

  
Signature of Applicant By: Harry B. Heller, its Authorized Agent Date 04/05/2022

See written consent of Waldron landowners submitted with original application and hereby made a part hereof

Consent of Landowner if other than applicant \_\_\_\_\_ Date \_\_\_\_\_

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

**APPLICATION OF STRATEGIC COMMERCIAL REALTY, INC. D/B/A  
RAWSON MATERIALS TO TOWN OF THOMPSON INLAND WETLANDS AND  
WATERCOURSES COMMISSION**

**LIST OF ABUTTING PROPERTY OWNERS  
REVISED: MARCH 21, 2022  
REVISED APRIL 5, 2022**

<b>Map/Block/Lot</b>	<b>Property Address</b>	<b>Abutter Name and Address</b>
65/101/6	307 Reardon Road	Strategic Commercial Realty, Inc. 58 Pomfret Street, Suite 4101 Putnam, CT 06260
65/101/9A	0 West Thompson Road	Ms. Cristine M. Waldron Mr. Eric N. Waldron Mr. Warren E. Waldron 20 Wiltshire Drive Worcester, MA 01609
65/101/9B	30 West Thompson Road	Mr. Jeffrey S. Briggs, Co-Trustee of the Ashton-Briggs Family Revocable Trust 2018 u/d/t dated November 21, 2018 Mrs. Shelley B. Ashton-Briggs, Co-Trustee of the Ashton-Briggs Family Revocable Trust 2018 u/d/t dated November 21, 2018 30 West Thompson Road Thompson, CT 06277
85/95/37	0 Riverside Drive	The Wyndham Land Trust Inc. P.O. Box 302 Pomfret Center, CT 06259
Unassigned	Unassigned	The United States of America Army Corps of Engineers c/o Leonard C. Boyle, Esquire, US Attorney for the District of Connecticut 157 Church Street, Floor 25 New Haven, CT 06510
Unassigned	Unassigned	Genesee & Wyoming, Inc. 20 West Avenue Darien, CT 06820
65/100/40A	334 Reardon Road	Mr. Joseph F. Rickaby Mrs. Tina M. Rickaby 334 Reardon Road North Grosvenordale, CT 06255
65/100/40B	346 Reardon Road	Ms. Jill M. St. Cyr 346 Reardon Road North Grosvenordale, CT 06255



65/100/40C	326 Reardon Road	Mrs. Candida S. Tatelbaum Mr. James M. Tatelbaum 326 Reardon Road North Grosvenordale, CT 06255
65/100/40F	364 Reardon Road	Mr. Jean Guy Hache Mrs. Patricia (Lu) Hache 364 Reardon Road North Grosvenordale, CT 06255
65/101/6A	351 Reardon Road	Mr. Matthew Craig Burden 351 Reardon Road North Grosvenordale, CT 06255
85/95/22A	0 Riverside Drive	Mr. Craig R. Gardner 390 Riverside Drive North Grosvenordale, CT 06255
65/100/40E	358 Reardon Road	Mr. Greg W. Siegmund Mrs. Nikole Siegmund 358 Reardon Road North Grosvenordale, CT 06255
65/101/6F	0 Reardon Road	Strategic Commercial Realty, Inc. 58 Pomfret Street, Suite 4101 Putnam, CT 06260

Comment on Application:

1. There is no direct alteration of wetlands and watercourses proposed – all work is location in the 100-foot upland review area.
2. The work in the UPA is proposed to occur on 2 properties and the applicant has recently revised the application to specifically include the grading work in the URA in both 0 West Thompson Road and 307 Reardon Road.
3. I raised a question to Cynthia Dunne, Thompson's Zoning Enforcement Officer, regarding the mining operation being allowed under the Thompson Zoning Regulations amended to 10/22/2021. She responded (1) the proposed work is located in a Zoning District that allows for earth and gravel removal covered under Article 5A, Section 3 Earth and Gravel Removal, (2) will need the submission of an application to the PZC for processing as a special permit, and (3) a report or approval from the Inland Wetlands Commission is required for the processing of that application.

Questions:

1. In the Narrative & Site Plans:
  - a. Narrative Page 1 (Overview) states site's access haul road is currently in place and will not require any regrading or other modification other than very minor trimming of brush to avoid contact with trucks utilizing the haul road. For the most part this is true. However, access from 307 Reardon Rd to 0 Thompson Road is blocked by a very large stockpile of earth materials, portions of which must be moved from the upland review area on 307 Reardon Rd. to provide access to 0 Thompson Road (see Plan sheet??). this error is repeated on Plan Sheet 8 of 9). To address this the applicant has modified the application to include the grading needed on 307 Reardon Road and will need to modify Sheet 8 of 9, accordingly.
  - b. Beginning on Narrative Page 2 and continuing to Page 8 the narrative makes reference to soils data. What is the sources of the soils data?
  - c. Narrative Page 9 Paragraph 4 states all erosion and sediment control measures are to be inspected weekly while activities are ongoing and after every storm resulting in a discharge and repaired and maintained as necessary. The applicant has designed the site such that stormwater is to be retained on site without discharge. Where are the specific areas to be inspected, who will do the inspections and how will the Inland Wetlands Commission find out if there has been a discharge requiring corrective action? What is the inspection program?
  - d. Narrative Pages 9 describes the sequence for the stabilization of each phase. This language is repeated on Plan Sheet 8 of 9. When does the stabilization of each phase occur -upon completion of the phase or at the end of the mining operation? How can Phase 1 be stabilized while excavation of Phase 2 is ongoing? Ditto for Phase 3 & Phase 4. Any clarification/change in the construction sequence will need to be corrected on the site plans.
  - e. Narrative Page 10 paragraph 8 references a dewatering sump. This language is repeated on Plan Sheet 8 of 9. No details are provided on the Site Plans as to the location, installation or operation of such pumping sump. Where on the plans is the dewatering sump to be located, where will it be discharged, and where are the details for its

operation to ensure only clean water is discharged in a non-erosive way? Such dewatering plan details need to be added to the site plans.

- f. Narrative Page 11 paragraph 14 references the installation of a chain link fence to be installed at the western edge of each phase to prevent falling accidents. Does this mean the chain link fence will be installed/moved prior to the start of mining in each phase? Would it be more appropriate to install the fencing around the entire mining site prior the start of work to minimize repeated disturbance in upland review area for fence installation
  - g. Narrative Pages 9 through 12 describes a construction sequence for Phase 1 with the methodologies given in paragraphs 9 through 16 repeated for each of the remaining phases. How can Phase 1 be stabilized or remain stable while rock removal is occurring on Phase 2? Ditto for Phase 3 and 4.
  - h. Given the differential in scales between vertical and horizontal scales found on Site Plan Sheets 6 & 7 of 9, please provide an identification of the maximum slope expressed as a ratio proposed in the upland review areas for Phases 1, 2 & 3 respectively.
  - i. Identify why no erosion and sediment or stormwater runoff controls are proposed for either cross culvert on the access haul road that carry intermittent watercourses through the wetlands and into the area identified as critical habitat by the DEEP.
  - j. Given the weight of the trucks travelling over the existing watercourse crossings, a certification signed and sealed by a professional engineer is needed stating the weight load the crossing are capable of withstanding without damage or, alternatively, provide revised site plans for the replacement of the culvert crossing(s) with a design(s) that is (are) capable of withstanding the projected weight loads without damage or failure.
- 2. What is the DEEP's response to the NDDDB request regarding "critical habitat"?
  - 3. Does the applicant have any wetlands/watercourse biological inventory or ecological report that provides documentation on the effect on wetlands and watercourses of the work proposed in the application?

Possible Special Condition for Amended Application IWA22002 based on review to date:

Prior to the start of work authorized by this permit, the permittee shall submit, in writing, to the Inland Wetlands Commission a plan for the inspection of site conditions with respect to soil erosion and sediment control (E&S Inspection Plan) for written approval by the Inland Wetlands Commission or the Wetlands Agent. The goal of the E&S Inspection Plan is to ensure sediment laden waters are not discharged to wetlands and watercourses. The E&S Inspection Plan shall be prepared by a qualified by a qualified soil erosion and sediment control professional whose qualifications those established in the Connecticut Department of Energy and Environmental Protection's "General Permit for Discharge of Stormwater and Dewatering Wastewaters from Construction Activities" effective December 31, 2020 (the General Permit), as may be amended. The plan shall include at a minimum identify the frequency, recording, and maintaining of records for E&S inspections, criteria for corrective action and when required, the reporting of corrective actions to the Inland Wetlands Commission.

**RE: Question of Mining Allowed under Current Zoning Regulations effective September 30, 2021, Wetlands Application IWA22002, Strategic Commercial Realty Inc**

ZEO <ZEO@thompsonct.org>

Wed 4/6/2022 3:04 PM

To: Marla Butts <wetlands@thompsonct.org>

Cc: Planner <planner@thompsonct.org>; First Selectman <firstselectman@thompsonct.org>; George Oneil <goneil3@thompsonct.org>; Harry Heller <hheller@hellermccoy.com>

Marla

I am responding to your question if Sand and Gravel operations are permitted in The Town of Thompson

This information is based on the Eight Edition, 9/20/20, last amendment, 10/22/21 of the Town of Thompson Zoning Regulations Sand and Gravel Extraction is permitted in the following districts with a Special Permit.

Rural Residential Agricultural District  
Business Development District  
Thompson Corridor Development District

The following Districts:

Thompson Common Village District – not listed on permitted uses  
Common Residential District – not listed on permitted uses

The Lake District – Use Prohibited\*

\* Exceptions to this prohibition are as described in **Article 5A, Section 3, Earth and Gravel Removal, B. Exemptions**

The special permit process involves submitting an application, approval of the application for a Public Hearing. Public Hearing is held, closed and the commission has 65 days to make the decision.

During the application process site plans, several reports and approvals (Wetlands, NDDH) have to be submitted with the record. Application cannot be approved without the required reports and approvals submitted in the record.

The following is my interpretation of **Article 5A, Section 3 Earth and Gravel Removal** in the Zoning Regulations Eight Edition 9/20/20 last amendment 10/22/21.

Applicant must comply with all the regulations, unless any portion is waived by the Planning and Zoning Commission

The following three definitions, Zoning Regulations, **Article 7 – Definitions** apply to the process of Gravel Operation applications

**Earth Processing**—Alteration of earth materials excavated onsite, including mixing with earth materials or other approved materials imported to the site using authorized processing equipment, including, but not limited to, screening and crushing and production of concrete, asphalt and other earth materials.

**Excavation**—The severance from the earth's surface or removal from the ground of soil, loam, sand, gravel, clay, rock, topsoil or any other earth material.

**Grading**—Any earth moving, excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

**Sand and Gravel operation is permitted in The RRAD District. When applying to the Planning and Zoning Commission the application needs approval from the Inland/Wetlands Commission. Therefore you can**

continue processing Application IWA22002, at your Inland/Wetland meeting on April 12<sup>th</sup>.

Gravel Operations extract raw materials for processing. The definition of **Manufacturing, Heavy (also Heavy Industrial)** does not apply to Sand and Gravel Operations.

**The following is my interpretation of the Definition of Manufacturing, Heavy (also Heavy Industrial)**

Highlighted in **Manufacturing, Heavy (also Heavy Industrial) Definition below** and my research on Heavy Manufacturing I conclude that Heavy Manufacturing involves processing hazard material that needs to be monitored. Materials extracted from the ground are not hazard materials. Excavation is extracting raw material.

**Manufacturing, Heavy (also Heavy Industrial) Definition**

Processing or fabrication of products, **primarily extracted from raw materials** or bulk storage, and handling of such products and materials, which involves more intense impacts associated with large industrial uses, their accessory outdoor storage uses, and large building areas. **Uses that pose significant risks due to the involvement of explosives, radioactive materials or other hazardous materials are included in this category. Examples include, but are not limited to, wrecking yards, chemical plants, commercial slaughterhouses and freight facilities.** Heavy Manufacturing is a prohibited use in the Town of Thompson.)

On a side note any blasting of raw material in a gravel operation needs Approval from the state, a licensed blaster and the monitoring is under the control of the Town of Thompson Fire Marshall. Reference Blasting Permit Policy.

I trust this clears up any questions concerning the permitting of Sand and Gravel Operation in the Town of Thompson.

Cindy

---

**From:** Marla Butts <wetlands@thompsonct.org>

**Sent:** Monday, April 4, 2022 12:26 PM

**To:** ZEO <ZEO@thompsonct.org>

**Cc:** Planner <planner@thompsonct.org>; First Selectman <firstselectman@thompsonct.org>; George Oneil <goneil3@thompsonct.org>; Harry Heller <hheller@hellermccoy.com>

**Subject:** Question of Mining Allowed under Current Zoning Regulations effective September 30, 2021, Wetlands Application IWA22002, Strategic Commercial Realty Inc

Please provide me with an opinion based upon the current zoning regulations (dated effective September 30, 2021) regarding the zoning status of the proposed mining of about 1 million cubic yards of earth materials as proposed in Wetlands Application IWA22002 by Strategic Commercial Realty, Inc. (see attached narrative for Application IWA22002, received via email 3/21/22) . Specifically, is such mining prohibited under the current zoning regulations?

It appears that the proposed mining operation, which will involve blasting, meets the definition of **Manufacturing, Heavy (also Heavy Industrial)**—Processing or fabrication of products, primarily extracted from raw materials or bulk storage, and handling of such products and materials, which involves more intense impacts associated with large industrial uses, their accessory outdoor storage uses, and large building areas. Uses that pose significant risks due to the involvement of explosives, radioactive materials or other hazardous materials are included in this category. Examples include, but are not limited to, wrecking yards, chemical plants, commercial slaughterhouses and freight facilities. Heavy Manufacturing is a prohibited use in the Town of Thompson.)

I understand Strategic Commercial Realty Inc. representatives approached the Planning and Zoning Commission at its meeting of November 22, 2021, regarding the fee for such extraction, but no mention or question was made regarding the zoning status of such proposal (see item 12 of the posted minutes).

During my review of the proposed revisions to the Thompson subdivision regulations, I found it necessary to review the changes between the zoning regulations dated effective September 30, 2021 (amended October 22, 2021) and the former zoning regulations (2007 Edition, amended to September 24, 2012). I noticed that the former Industrial District was eliminated, and specific prohibitions were adopted for activities such as those described in Manufacturing, Heavy.

This information is needed for the Inland Wetlands Commission to make an informed decision on Application IWA22002. A response by April 12, 2022, the next IWC meeting, would be greatly appreciated.

# **HELLER, HELLER & McCOY**

**Attorneys at Law**

**736 Norwich-New London Turnpike**

**Uncasville, Connecticut 06382**

Received

APR 11 2022

Thompson Wetlands Office

*Sidney F. Heller (1903-1986)*

*Harry B. Heller (hheller@hellermccoy.com)*

*William E. McCoy (bmccoy@hellermccoy.com)*

*Mary Gagne O'Donal (mgodonai@hellermccoy.com)*

*Andrew J. McCoy (amccoy@hellermccoy.com)*

Telephone: (860) 848-1248

Facsimile: (860) 848-4003

April 6, 2022

Town of Thompson Inland Wetlands and Watercourses Commission

Attn: Ms. Marla Butts, Wetland Agent

815 Riverside Drive

North Grosvenordale, CT 06255

Re: Application of Strategic Commercial Realty, Inc. proposed rock extraction  
Waldron Property – West Thompson Road, Thompson, Connecticut with access  
through adjacent property of Strategic Commercial Realty, Inc.

Dear Marla:

I am writing in response to your e-mail to the Thompson Zoning Enforcement Officer of April 4, 2022 relative to the proposed rock extraction on the Waldron property located at 0 West Thompson Road, Thompson, Connecticut, currently pending before the Town of Thompson Inland Wetlands and Watercourses Commission. As I am sure you are aware, land use regulation did not exist at common law. It is uniquely a creature of statute pursuant to which the Connecticut legislature has authorized (i) the municipal regulation of land use by virtue of the adoption of Chapter 124 of the Connecticut General Statutes conferring zoning power on municipal zoning commissions within the parameters defined in Section 8-2 of the Connecticut General Statutes and (ii) the regulation of activities that have the potential to impact inland wetlands and watercourses by municipal wetland agencies within the parameters established pursuant to the provisions of Chapter 410 of the Connecticut General Statutes (the "Inland Wetlands Act").

By statute, each permitting board, commission and agency has a separate sphere of regulatory authority conferred upon it by the enabling legislation. The authority granted to municipal wetland agencies pursuant to the provisions of Chapter 410 of the Connecticut General Statutes is limited to a determination of impact (or lack thereof) of proposed activities on those unique resources which are statutorily within the scope of its regulatory authority. It is not a zoning commission and has no power under Chapter 124 of the Connecticut General Statutes. That authority, including the ability to determine what is and what is not a "prohibited use" within the municipality lies exclusively within the purview of the municipal zoning commission. It is therefore my opinion that the Town of Thompson Inland Wetlands and Watercourses Commission

Z:\Strategic Commercial Realty, Inc. DBA Rawson Materials\Thompson\Wetlands\ltr.Town re zoning regulations.docx

is required to continue to promulgate the administration of the application of Strategic Commercial Realty, Inc. under the parameters established by the Town of Thompson Inland Wetlands and Watercourses Commission. Zoning compliance is simply an extraneous issue.

Notwithstanding the above, it is our unequivocal position that the activities proposed by Strategic Commercial Realty, Inc. on the Waldron property are uses permitted by special permit pursuant to the provisions of the current Town of Thompson Zoning Regulations. We reach that conclusion based upon the following analysis.

Zoning regulations are local legislative enactments. Their interpretation is governed by the same principles that apply to the construction of statutes. *Egan v Planning Board of the City of Stamford* 136 Conn. App. 643, 649 (2012); *Piquet v. Town of Chester* 124 Conn. App. 518, 531 (2010). The process of regulatory interpretation involves the determination of the meaning of the regulatory language as applied to the facts of the situation, including the question of whether the language does so apply. *Trumbull Falls, LLC v. Planning & Zoning Commission* 97 Conn. App. 17, 21-22 (2006); *Saunders v. Firtel* 293 Conn. 515, 525 (2009).

In construing regulations, courts must presume that there is a purpose behind every sentence, clause or phrase used in an act and that no part of a regulation is superfluous. If possible, the regulations must be construed in a manner that no clause, sentence or word shall be void or insignificant. *PJM & Associates v. Bridgeport* 292 Conn. 125, 138 (2009). Where more than one provision is involved, the reviewing court presumes that the legislative authority intended them to be read together to create a harmonious body of regulatory authority and the court is required to construe the provisions, if possible, to avoid conflict between them. *Dodd v. Middlesex Mutual Insurance Co.* 242 Conn. 375, 388 (1987).

In seeking to determine the meaning of a regulation, courts look to the words of the regulation itself, to its legislative history and to the circumstances surrounding its enactment. *Wilson v. Jefferson* 98 Conn. App. 147, 156 (2006). A fundamental tenet of regulatory construction is that the regulations are to be considered to give effect to the apparent intention of the legislative body. *Schwarz v Schwarz* 124 Conn. App. 472, 482 (2010). The legislative authority (in this case, the Zoning Commission) is always presumed to have created a harmonious and consistent body of regulation. In determining the meaning of a regulation, a reviewing court must look not only at the provision at issue, but also to the broader regulatory scheme to insure the coherency of construction. *Hartford/Windsor Healthcare Properties v. Hartford* 298 Conn. 191, 198 (2010).

In the Town of Thompson, the Thompson Planning and Zoning Commission, acting in its legislative zoning authority, has enacted the provisions of Article 5A, Section 3 to regulate earth and gravel removal. The regulatory framework for the permitting and regulation of earth product removal operations contains very specific requirements applicable to this unique real property use and regulates that use through the special permit process in those zoning districts in which earth



product removal and/or processing operations are allowed.

“Excavation” is a defined term in Article 7 of the Thompson Zoning Regulations. Excavation is defined as “the severance from the earth’s surface or removal from the ground of soil, loam, sand, gravel, clay, **rock** (emphasis added), topsoil or any other earth material.” Therefore, within the very definition of “Excavation” contained in the Thompson Zoning Regulations, the extraction of rock from the earth’s surface is contemplated.

In addition, Article 7 of the Thompson Zoning Regulations defines “Earth Processing”. “Earth Processing” is defined as the “alteration of earth materials, excavated onsite, including mixing with earth materials or other approved materials imported to the site using authorized processing equipment, including, but not limited to, screening and crushing and production of concrete, asphalt and other earth materials.”

Article 5A, Section 3 of the Zoning Regulations establishes the parameters within which these unique land use processes may be conducted. It is clear from a holistic reading of Article 5A, Section 3, that the extraction of rock material was contemplated as one aspect of an excavation operation as defined in Article 7 of the Zoning Regulations. Article 5A, Section 3(C)(8) provides, in pertinent part, “The final grade of any excavated slope shall not exceed one foot of vertical rise per three feet of horizontal distance. Where ledge rocks or similar geological conditions are encountered, the Commission may approve a steeper grade, but it may require fencing or other protective measures to control hazardous conditions.” Article 5A, Section 3(C)(11)(c) provides “Protective measures to minimize the nuisance of noise, dust and flying rock”.

In reading the definitions of “Excavation”, “Earth Processing” and the parameters of Article 5A, Section 3, in concert with each other, it is clear that the earth and gravel removal regulations promulgated by the Thompson Planning and Zoning Commission intended to regulate not only the removal of sand and gravel within the municipal limits of the Town of Thompson, but also the removal of rock through quarrying operations. These are specific regulations that permit and regulate a specific land use within the Town of Thompson.

In reviewing the legislative history behind the adoption of the referenced provisions of the Thompson Zoning Regulations incorporated into the Thompson Zoning Regulations, as amended through February 28, 2022, it is important to note that both Strategic Commercial Realty, Inc. and its counsel participated heavily in the public hearing process conducted with respect to the adoption of the provisions recited above. Expert testimony was provided in that hearing process in order to enable the Thompson Planning and Zoning Commission to fully understand the technical and economic aspects of an excavation and extraction operation in order to assist it in crafting legislation which was both fair and equitable to the aggregate industry as well as the protection of the public health, safety and welfare. The legislative history behind the adoption of the regulations cited herein poignantly demonstrates that it was within the contemplation of the Thompson

Planning and Zoning Commission that the regulations adopted were intended to both authorize (within the parameters of the special permit process) and regulate all aspects of excavation as defined in the 2022 Thompson Zoning Regulations.

To the contrary, the prohibition against “heavy manufacturing” contained in both the definitional section as well as the table of permitted and prohibited uses incorporated into the Thompson Zoning Regulations is general in nature. “Manufacturing, Heavy (also Heavy Industrial)” uses are defined in Article 7 of the Zoning Regulations as uses involving “processing or fabrication of products, primarily extracted from raw materials or bulk storage, and handling of such products and materials, which involves more intense impacts associated with large industrial uses, their accessory outdoor storage uses, and large building areas. Uses that pose significant risks due to the involvement of explosives, radioactive materials or other hazardous materials are included in this category. Examples include, but are not limited to, wrecking yards, chemical plants, commercial slaughterhouses and freight facilities. Heavy Manufacturing is a prohibited use in the Town of Thompson.”

As recited above, in interpreting various provisions of a regulatory body of law, the interpreter is required to read the provisions, if possible, including both the wording of the provisions and the legislative history, in a manner which will create one consistent body of regulation.

In the instant situation, there is regulatory authority incorporated into the Thompson Zoning Regulations which specifically authorize and highly regulate a unique use. Included within the definition of that use is rock extraction. On the other hand, prohibition against “Heavy Manufacturing” in the Town of Thompson is general in nature and makes no reference whatsoever to earth product operations, including rock extraction. The only possible way to create one harmonious body of regulations is to reach the inevitable conclusion that the Thompson Zoning Commission never intended to include a quarrying operation within the ambit of the definitional prohibition against Heavy Manufacturing within the municipality.

For the reasons stated above, it is clear that excavation operations in the Town of Thompson, specifically including quarrying operations, are regulated pursuant to the provisions of Article 5A, Section 3, and are not prohibited. The provisions of Article 5A, Section 3 occupy the field with respect to this particular use which, by definition, are uses permitted by special permit in the Business Development District zoning district.

In addition to the above, please note that, despite request to Dawn McKay, David Held has not received any information with respect to the “critical habitat” area that, by mapping, appears to be adjacent easterly to the project site. We would appreciate your help in obtaining compliance with the request which was submitted as a natural diversity database request in order to allow the applicant a reasonable opportunity to evaluate any impacts that the proposed rock extraction

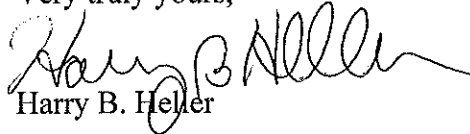
Town of Thompson Inland Wetlands and Watercourses Commission  
April 6, 2022  
Page 5 of 5

operation may have on the identified habitat area. Since there is now inadequate time prior to the April 11, 2022 meeting of the Thompson Inland Wetlands and Watercourses Commission to evaluate any impacts on this habitat area, the applicant is again requesting that, after discussion of the application at the April 11, 2022 meeting, the matter be continued to the May, 2022 meeting of the Thompson Inland Wetlands and Watercourses Commission.

Please consider this correspondence as the grant of an extension of the statutory time period within which the Thompson Inland Wetlands and Watercourses Commission must render a decision on this application for the maximum sixty-five (65) day extension period authorized by statute.

Should you have any questions at this time, please feel free to contact the undersigned.

Very truly yours,



Harry B. Heller

HBH/rmb

cc: Mr. Jeffrey Rawson  
Madilyn Smith, Esquire  
Mr. David Held  
Ms. Cynthia Dunne, Thompson Zoning Enforcement Officer

Agenda Item E.b) New Applications - None

F) Applications Received After Agenda was Published

None

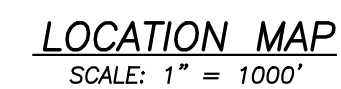
G) Permit Extensions / Changes - None

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

**Notice of Violation VIOL21023**, Jamie Piette, 0 & 73  
Center Street (Assessor's map16, block X, lots H & 2),  
unauthorized construction of retaining wall and  
associated backfill in or near Little Pond, issued 8/24/21  
- status.



LINE DATA			
L1	N	68°40'36" W	3.00'
L2	S	68°40'36" E	5'±



- NOTES:

1. This survey has been prepared pursuant to the Regulations of Connecticut State Agencies Sections 20-300a-1 through 20-300a-20 and the "Standards for Surveys and Maps in the State of Connecticut" as adopted by the Connecticut Association of Land Surveyors, Inc. on September 26, 1996;
  - This survey conforms to a Class "A-2" horizontal accuracy.
  - Survey Type: Improvement Location Survey.
  - Boundary Determination Category: Dependent Resurvey.
2. Zone = Lake District.
3. Owner of record: Jamie Piette,  
73 Center Street, Thompson, Connecticut  
See Volume 899, Page 182
4. Parcel is shown as Lot #2 & Lot H, Block X on Assessors Map #116.

MAPREFERENCE:

1. "Property Survey - Paul M. Mainville - Laurie A. Mainville - Center Street - Thompson, Connecticut - Scale: 1" = 20' - Date: October 02, 2000 - Revised to: 03/09/2001 - Prepared By: KWP Associates - 250 Killingly Road - Pomfret Center, Connecticut." On file in the Thompson Land Records as Map 1393.

DATE	DESCRIPTION
	REVISIONS

## IMPROVEMENT LOCATION SURVEY

PREPARED FOR

JAMIE PIETTE

73 CENTER STREET  
THOMPSON, CONNECTICUT



**Killingly Engineering Associates**  
*Civil Engineering & Surveying*

114 Westcott Road  
P.O. Box 421  
Killingly, Connecticut 06241  
(860) 779-7299  
[www.killinglyengineering.com](http://www.killinglyengineering.com)

DATE: 12/09/2021	DRAWN: RGS
SCALE: 1" = 20'	DESIGN: --
SHEET: 1 OF 1	CHK BY: GG
DWG. No: CLIENT FILE	JOB No: 21144

LEGEND

- IRON PIN FOUND  
□ CONCRETE MONUMENT FOUND  
Ø UTILITY POLE

TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT  
AS NOTED HEREON,

GREG A. GLAUDE, L.S. LIC. NO. 70191 DATE

NO CERTIFICATION IS EXPRESSED OR IMPLIED UNLESS THIS MAP BEARS  
THE ORIGINAL SEAL AND SIGNATURE OF THE LAND SURVEYOR.

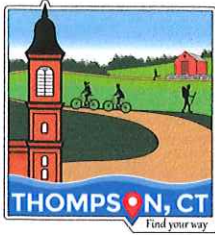


## Agenda Item H.b) Violations & Pending Enforcement Actions

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

## Agenda Item H.c) Violations & Pending Enforcement Actions

Notice of Violation VIOL22008, Rodney Lamay, 0  
Quaddick Town Farm Road (Assessor's map 160, block  
11, lot 15), unauthorized clearing, cutting & grading in  
wetlands, issued by Acting Wetland Agent 3/21/2022



**TOWN OF  
THOMPSON**  
**Inland Wetlands Commission**

815 Riverside Drive  
P.O. Box 899  
North Grosvenordale, CT 06255  
Phone: 860-923-1852, Ext. 1  
Email: [wetlands@thompsonct.org](mailto:wetlands@thompsonct.org)  
Web: <https://www.thompsonct.org/>

**NOTICE OF VIOLATION**

March 30, 2022

Rodney Lamay  
84 Sunset Hill Road  
Thompson, CT 06277

RE: **Violation VIOL22008**  
0 Quaddick Town Farm Road  
Assessor's Map 160, Block 11, Lot 15

Dear Mr. Lamay,

On March 21, 2022, the Inland Wetlands Office received complaints that a tractor had entered onto your property, driving through wetlands and/or watercourses and that trees were being cut in the wetlands and/or 100-foot upland review area. On March 28, 2022, a site visit confirmed the occurrence of regulated activities within the wetlands from the roadway: cleared brush, saw cut larger-caliper trees, and tractor tire tracks from the property into the roadway.

You were previously informed that any work in this area requires a wetlands permit. No permit exists for activity in inland wetlands or the upland review area. Consequently, this activity is occurring in violation of section 6 of the Thompson Inland Wetlands and Watercourses Regulations.

*You are requested to cease any further work on the property and attend the next regularly scheduled meeting of the Thompson Inland Wetlands Commission to discuss these activities on your property. This meeting will be held on April 12, 2022 at 7:00 p.m. either virtually or at the Thompson Town Hall. At least 24 hours prior to this meeting you will be sent an email containing the agenda and any ZOOM meeting link if held virtually via the internet.*

*Please be prepared to provide an explanation as to why regulated activities are occurring on this property without the benefit of a valid wetlands permit. Failure to comply with this notice may result in the issuance of a Cease-and-Desist Order, which would be filed in the permanent land records in the Town of Thompson, and encumber your deed until the violation is resolved.*

I appreciate your cooperation in this matter.

Sincerely,

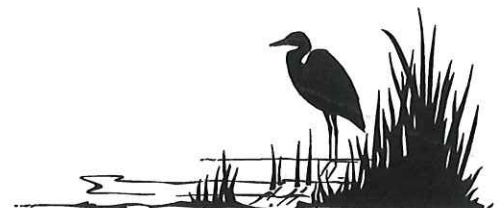
Dan Malo  
Acting Wetlands Agent  
Town of Thompson

File: NOV VIOL22008 Lamay 0 Quaddick Town Farm Rd edited

SENT BY CERTIFIED MAIL

7015 0640 0004 1774 0608

cc: Thompson Building Office  
Thompson Zoning Enforcement Officer



## Agenda Item I Other Business

a) Status of Proposed Revisions to Subdivision Regulations. – Discussion of “Net Buildable Area”

## Items for discussion on April's meeting Agenda: Net Buildable Area & Signing of Mylars

Marla Butts

Mon 3/21/2022 3:46 PM

To: George Oneil <goneil3@thompsonct.org>; Charles Obert <cobert@thompsonct.org>; Fran Morano, IWC Commissioner <fmorano44@gmail.com>; Diane Chapin <dchapin@thompsonct.org>

Cc: Conservation <CONSERVATION@thompsonct.org>

 5 attachments (8 MB)

CT Bar Association 2019 training.pdf; definition NBA 2021 Zoning regs.pdf; Zoning regs 2007-2012.pdf; Zoning regs 2021-2022.pdf; Map thompson\_zoning\_091520\_0.pdf;

Dear Commissioners,

This email is being sent to you in advance of next month's April IWC meeting for 2 reasons. At that meeting I will be asking you (1) for your position and potential response to the Planning & Zoning Commission's modification to the recent zoning regulation changes and proposed change to the subdivision regulations as they relate to the elimination of "net buildable area" and (2) to review the process of conceptual subdivision approvals and the signing of subdivision mylars.

### Net Buildable Area

As I have previously reported to you, during my review of the proposed subdivision regulations I discovered that "net buildable area" referenced in the former zoning regs (see attached file *Zoning regs 2007-2012.pdf*) was removed from any mention in the current lot size dimensions for all zoning districts (see attached file *Zoning regs 2021-2022.pdf*). Note: the definition for net buildable area still remains in Article Seven Definitions of the current zoning regs but is not otherwise referenced.

Initially I thought language for net buildable area could be re-established in the subdivision regs. However, I have since conducted some research and determined that the proposed subdivision regulations cannot modify lot size requirements by including a net buildable area requirement (see attached *CT Bar Association 2019 training.pdf*). The change must be done in the zoning regs.

The former Zoning Regulations defined "Net Buildable Area" as follows:

The total contiguous lot area, excluding the following:

1. areas of slopes in excess of twenty-five (25%) percent
2. areas defined as inland wetlands or watercourses by the Thompson Inland Wetlands and Watercourses Regulations including 50% of established upland review area.
3. ledge outcrops
4. Special Flood Hazard areas and Floodways
5. areas encumbered by Easements

You will note a net buildable area was identified for five of the seven districts with the smallest being 20,000 square feet for the R20 zone (see Dimension Requirements in attached file *Zoning regs 2007-2012.pdf*). It is obvious that one purpose of having a "net buildable area" was to ensure there was sufficient space on a lot to contain a house, septic, well and yard for the home without a significant earthmoving, filling of wetlands or construction/alteration of flood hazard areas – a sound land use practice.

The zoning regs set standards for lot development and the subdivision regs set the standards for the creation of those lots in compliance with the zoning standards along with support systems like roads, & driveways and open space. For lots that do not meet zoning requirements, such lots can seek variances through the Zoning Board of Appeals.

Some of the lot sizes in the current zoning regs (see attached files *Zoning regs 2021-2022*.) are only 4,500 sq ft in size (i.e., 1/10 acre for Common Residential District, Business Development District (when supported by public

sewer/water) & Thompson Corridor Development District (when supported by public sewer/water), Downtown mill Rehabilitation District (when supported by public sewer/water) & Lake District, for location of districts see *Map thompson\_zoning\_091520\_0*). In light of such tiny minimum lot sizes it becomes critical to have a net buildable area. Without a net buildable area required in the zoning regs, new subdivision proposals in areas without public sewer/water lots only need to have sufficient non-wetland area for a septic system and well. The remaining lot area could require significant filling of wetlands, flood hazard areas and or earth moving work. For a restored net buildable area there could be some reduction in the net buildable lot size such as 20,000 square feet allowed in the former R-20 Zone.

Given the current subdivision regulations the Inland Wetlands Commission could already see subdivision applications with significant alterations to wetlands and watercourses requiring greater cost not only to Town but also to the applicants to process such applications.

### **Conceptual Subdivision Approvals & Signing of Subdivision Mylars**

Section 8-26(e) of the Connecticut General Statutes states "If an application involves land regulated as an inland wetland or watercourse under the provisions of chapter 440, the applicant shall submit an application to the agency responsible for administration of the inland wetlands regulations no later than the day the application is filed for the subdivision or resubdivision." To address this requirement Section 7.2 of the current IWC regulations sets the application process for subdivisions of land containing wetlands or watercourses. It reads as follows:

- 7.2 If an application to the Town of Thompson Planning & Zoning Commission for a subdivision or re-subdivision of land involves land containing a wetland or watercourse, as defined in Section 2 of these regulations, the applicant shall submit an application to the Inland Wetlands Agency in accordance with this section no later than the day the application is filed for the subdivision or resubdivision. Such an application is intended for review prior to Planning & Zoning Approval and is a preliminary review for conceptual approval and is not for regulated activities. Applications for conceptual approval of a subdivision or re-subdivision proposal shall be submitted on an application form entitled, "Subdivision Review Application."
- a. After a subdivision proposal has been approved by the Planning & Zoning Commission and the parcels have become legal lots, those lots involving regulated activities as defined in Section 2.1 bb of the Town of Thompson Inland Wetlands and Watercourses Regulations will require permits or approvals before any regulated activities are conducted.
  - b. Any changes made to a subdivision plan conceptually approved by the Inland Wetlands and Watercourses Commission that affect wetlands or watercourses, as a result of Planning and Zoning approval, must be resubmitted to the Inland Wetlands and Watercourses Commission with all changes clearly depicted on the revised plan for review and approval. This constitutes a change to a conceptually approved plan and does not require a new application or associated fees. However, if the changes are not submitted for review and approval, the conceptual approval will be considered null and void, and a new conceptual subdivision review application with all fees will need to be submitted.

The IWC has in its by-laws a standard agenda item for the signing of bylaws. While the current subdivision regulations contain no requirement for the IWC to sign off on the mylars, it is a good practice to ensure what the PZC approves is the same as what the IWC conceptually approved. The signature block on recent mylars has stated "Approved by the Inland Wetlands Commission." Before such a signature block is memorialized in any revised subdivision regulations, there needs to be a discussion and clarification of what "Approved by the Inland Wetlands Commission" means. It clearly does not mean approved for alterations of wetlands and watercourses, but this could be mis-interpreted so by an unsuspecting lot buyer. One suggestion could be to change the signature language to "Conceptually Approved by the Inland Wetlands Commission". Alternatively, the IWC could request no IWC signature block be mandated on the mylar.

Before I commit more resources to these particular issues I would like your input as to your position and possible courses of action, if any. Thank you for your attention in this matter.

**Comparison of Thompson Zoning Districts  
2012 versus 2021  
For Discussion at Inland Wetlands Meeting April 12, 2022**

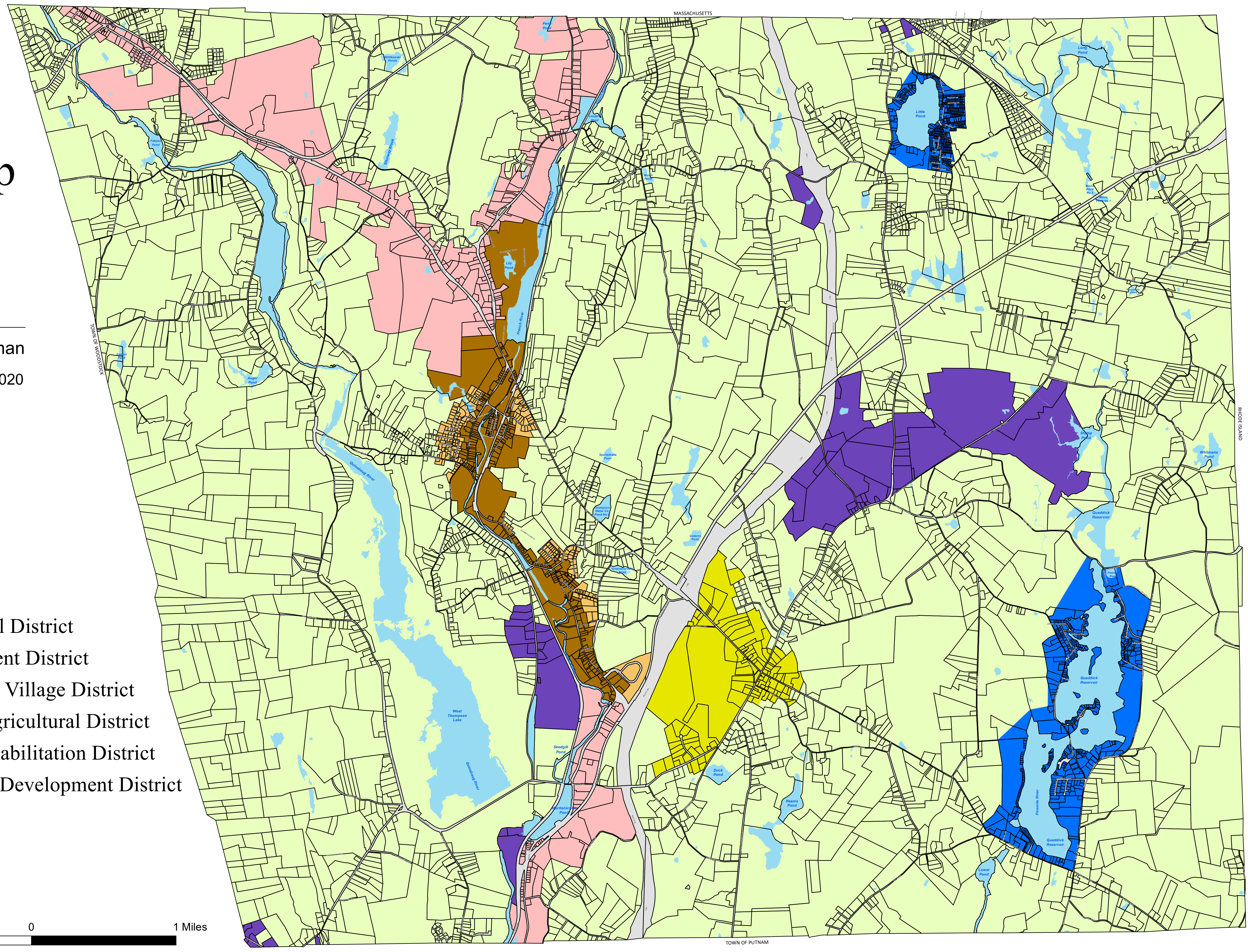
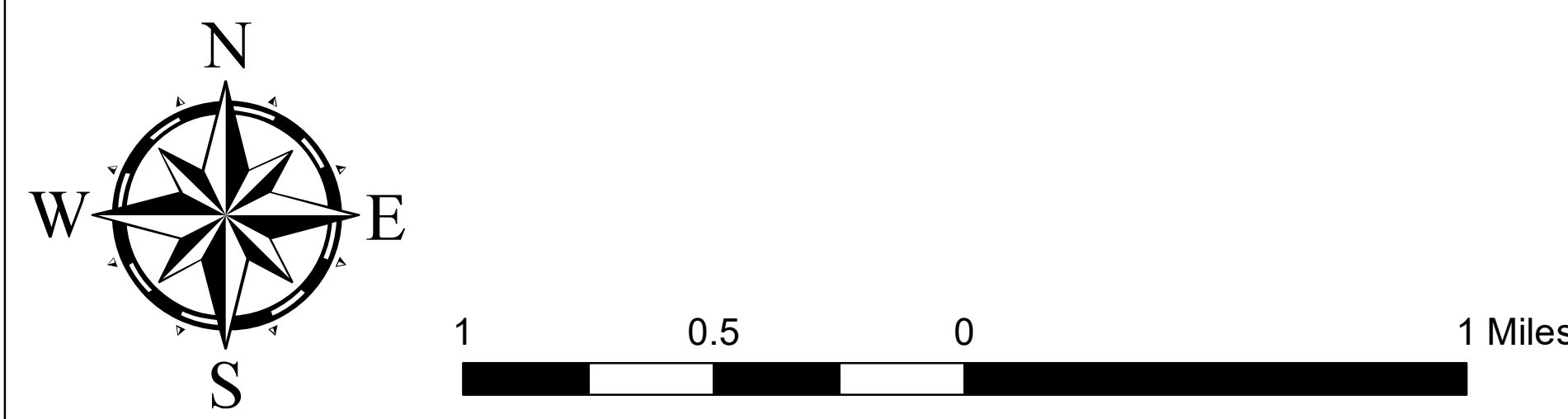
	Agricultural Focus		Residential Focus			Comercial / Light Industry / Mixed Use Focus							Industry Focus	Historic focus		Lakes Focus
Former Zoning Regs	Rural Ag	Rural Res/Ag	Low Density Res	High Density Res	Common Res	Comercial	Neighborhood Comercial	Business Development		Corridor Development			Industrial	Common Preservation	Common Village	Lakes
Current Zoning Regs	RA-80	RRAD (4a)	R-40	R-20	RCD (4b)	C	NC	BDD (no city S&W) (4d)	BDD (w/city S&W) (4d)	TCDD (no city S&W) (4e)	TCDD (w/city S&W) (4e)	DMRD (4f)	I	TC-80	TVCD (4c)	LD (4g)
Minimum Lot Area in Sq. Ft	80,000	40,000	40,000	20,000	4,500	15,000	40,000	40,000	4,500	40,000	4,500	4,500	40,000	80,000	40,000	4,500
Minimum Lot Frontage on a Public Street	150'	150' (300' for swine)	150'	100'	50'	75'	150'	150'	50'	100'	100'	50'	150'	150'	150'	50'
Minimum Setback from a Public Street or Right of Way	50'	40'-300'	50'	30'	10'	20'	20'	40'	10'	20'	20'	10'	20'	50'	40'	10'
Minimum Setback from Property Lines not Bounding a Public Street	25'	20'-300'	25'	12'	10'-5'	12'	12'	20'	10'	10'-25'	10'-25'	10'	12'	25'	20'	10'
Maximum Height of Building Above Ground	35'	3 stories (ag exempt)	35'	35'	3 stories (ag exempt)	35'	35'	3 stories (ag exempt)	3 stories (ag exempt)	3 stories (ag exempt)	3 stories (ag exempt)	3 stories (ag exempt)	35'	35'	3 stories (ag exempt)	2 stories
Net Buildable Area	40,000	-	40,000	20,000	-	none	40,000	-	-	-	-	-	none	40,000	-	-
Maximum Impervious Surface	20%	50%	20%	20%	75%	60%	60% 20%	75%	75%	75%	75%	5% increase, max 75%	60%	20%	50%	50%



# Thompson Zoning Map

Planning and Zoning Chairman  
Effective Date September 15, 2020

- Legend**
- Parcels
  - Water
  - Right of Way
  - Lake District
  - Common Residential District
  - Business Development District
  - Thompson Common Village District
  - Rural Residential Agricultural District
  - Downtown Mill Rehabilitation District
  - Thompson Corridor Development District



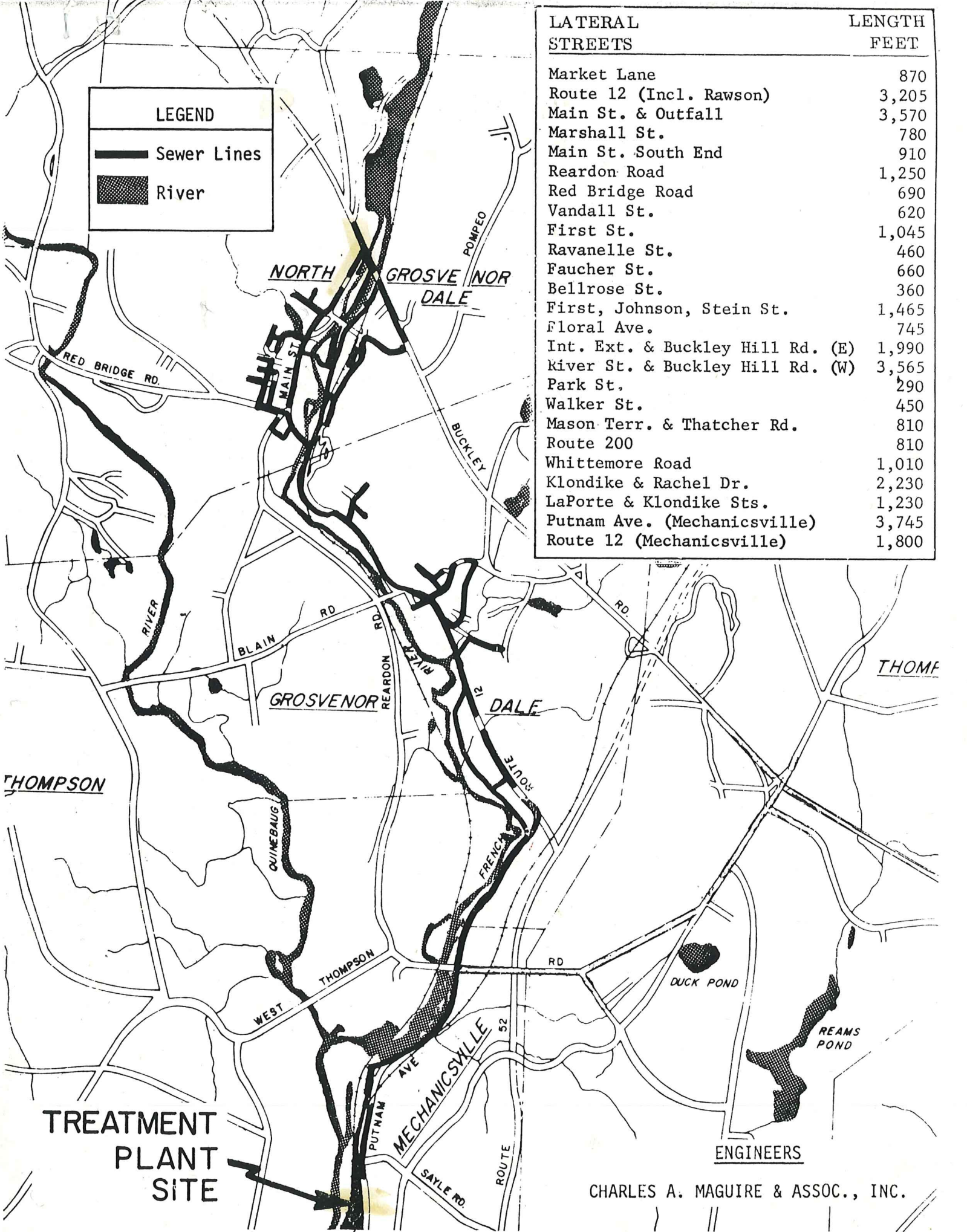


LEGEND

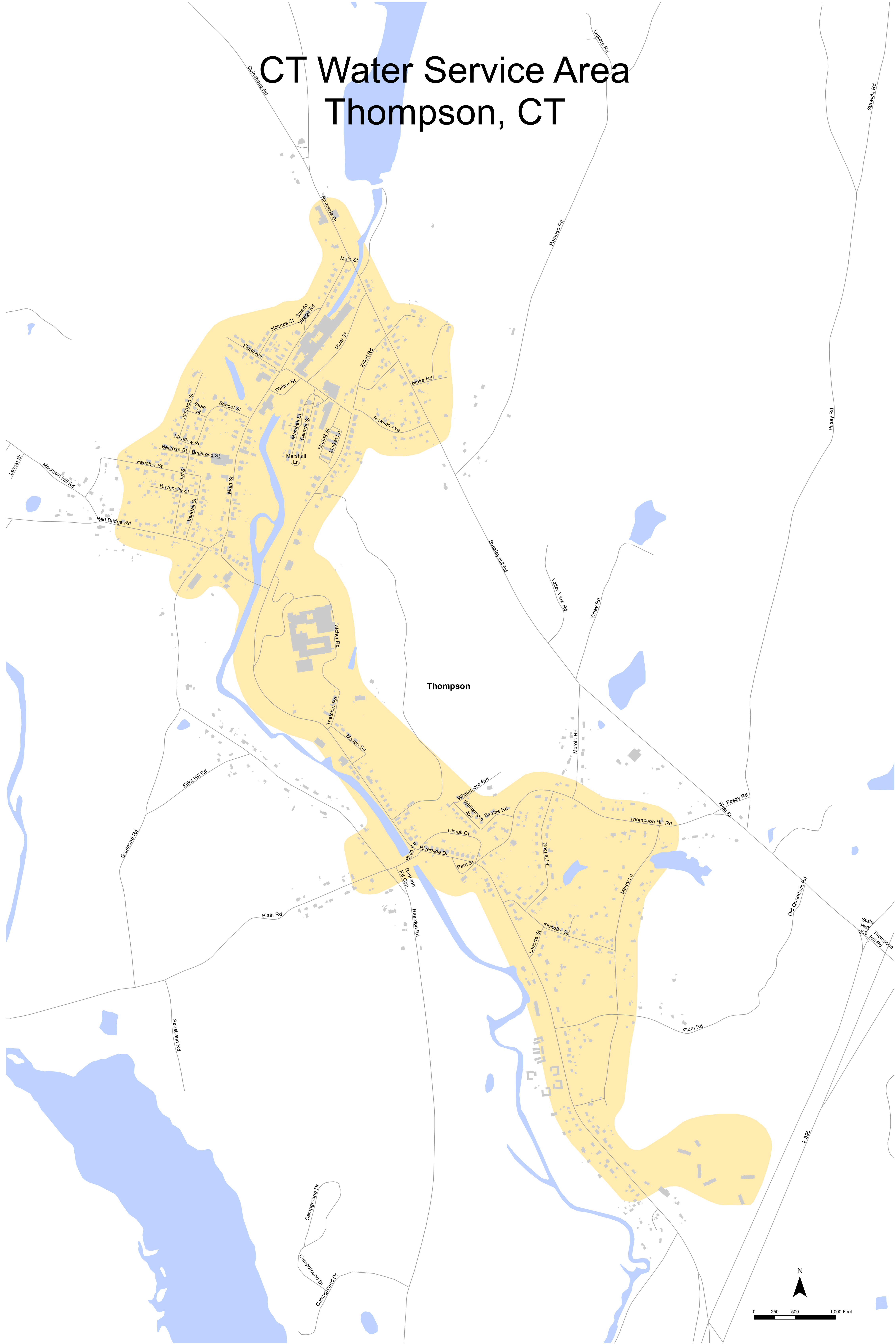
Sewer Lines

River

LATERAL STREETS	LENGTH FEET
Market Lane	870
Route 12 (Incl. Rawson)	3,205
Main St. & Outfall	3,570
Marshall St.	780
Main St. South End	910
Reardon Road	1,250
Red Bridge Road	690
Vandall St.	620
First St.	1,045
Ravanelle St.	460
Faucher St.	660
Bellrose St.	360
First, Johnson, Stein St.	1,465
Floral Ave.	745
Int. Ext. & Buckley Hill Rd. (E)	1,990
Kiver St. & Buckley Hill Rd. (W)	3,565
Park St.	290
Walker St.	450
Mason Terr. & Thatcher Rd.	810
Route 200	810
Whittemore Road	1,010
Klondike & Rachel Dr.	2,230
LaPorte & Klondike Sts.	1,230
Putnam Ave. (Mechanicsville)	3,745
Route 12 (Mechanicsville)	1,800



# CT Water Service Area Thompson, CT





## Agenda Item I Other Business

### b) By-Laws Revisions



**Town of Thompson**  
**Inland Wetlands Commission**  
815 Riverside Drive  
North Grosvenordale, CT 06255  
860-923-1852 (Office) 860-923-9897 (Fax)

**Memo**

To: Renee Waldron, thompson Town Clerk

From: Marla Butts, Wetlands Agent

Date: May 18, 2020

Re: Bylaws of the Inland Wetlands Commission Revised May 12, 2020

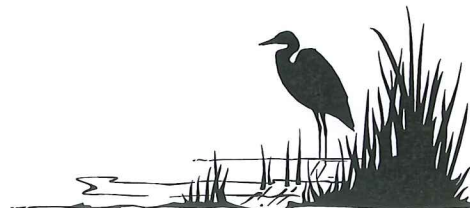
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Accompanying this memo is a copy of the Bylaws of the Thompson Inland Wetlands Commission revised to May 12, 2020 "the bylaws" for filing in your office.

At its May 12, 2020 meeting the Inland Wetlands Commission unanimously voted to approve revisions to Article IV (Membership), (Article V (Officers and Their Duties), Article VI (Staff and their Duties), Article VIII (Meetings), Article XII (Conducting the Public Hearing), article XIII (the Hearing Record) & Article XVI (Amendments). The changes were reviewed and discussed at its February 11<sup>th</sup>, March 10<sup>th</sup> and May 12<sup>th</sup>, 2020 meeting.

Attachment: Copy of Inland Wetlands Commission Bylaws revised to May 12, 2020

File: Transmittal Memo to Town Clerk for IWC bylaws revised to 05-12-2020.doc



**TOWN OF THOMPSON  
INLAND WETLANDS COMMISSION  
815 RIVERSIDE DRIVE  
NORTH GROSVENORDALE, CT. 06255**

**BYLAWS OF THE THOMPSON INLAND WETLANDS COMMISSION**

Revised to May 12, 2020

**ARTICLE 1            PURPOSE AND AUTHORIZATION**

The objectives and purposes of the Town of Thompson Inland Wetlands Commission are those set forth in the Connecticut General Statutes section 22a-36 through 22a-45, as amended, and those powers and duties delegated to the Town of Thompson Inland Wetlands Commission by the aforementioned statutes and by ordinances enacted by the Town of Thompson in accordance with its regulations established there under (hereafter referred to as "the IWC Regulations").

**ARTICLE II            NAME**

The Commission shall be known as the Thompson Inland Wetlands Commission.

**ARTICLE III            OFFICE OF AGENCY**

The office of the Thompson Inland Wetlands Commission shall be the Municipal Building at 815 Riverside Drive, North Grosvenordale, CT, where all Commission records will be kept.

**ARTICLE IV            MEMBERSHIP**

1. The membership, terms of members and the filling of vacancies shall be as specified in the ordinance adopted on May 20, 1974 as amended May 6, 2019 establishing the Commission and the aforementioned general statutes. The number of members shall be five (5) and two (2) alternates, with terms of office of five (5) years for staggered terms of five (5) years beginning on March 15<sup>th</sup> wherein no more than two (2) terms expire in the same calendar year.
2. Resignations from the Commission shall be in writing and transmitted to the Chair, who will then forward it to the Board of Selectmen and the Town Clerk.
3. The Chair may recommend to the Board of Selectmen the removal of any member who misses more than 50% of the Commission's regular meetings in a calendar year.

**ARTICLE V            OFFICERS AND THEIR DUTIES**

1. The officers of the Commission shall consist of a Chair, Vice-Chair, and a Treasurer.

2. The Chair shall preside at all meetings and hearings of the Commission and shall have the duties normally conferred by parliamentary usage on such officers. The Chair shall have the authority to seat alternates, appoint committees, call special meetings, establish the agenda, and generally perform other duties as may be prescribed in these bylaws.
3. The Chair shall have the privilege of discussing all matters before the Commission and of voting thereon.
4. In the absence of the Chair, the Vice-Chair shall preside and have all the powers and duties of the Chair as stated in these bylaws. In the event that the Vice-Chair is acting Chair at the start of the meeting, he or she shall remain as Chair throughout the entire meeting.
5. The Treasurer shall be responsible for reporting on account balances in the Commission's budget at its regular meetings and shall on the request of the Commission conduct an investigation of expenditures from the inland wetlands budget and report to the Commission with the results of the requested investigation. The Treasurer may from time to time conduct an investigation of expenditures from the inland wetlands budget and report to the Commission any concerns regarding such expenditures.

## **ARTICLE VI            STAFF AND THEIR DUTIES**

1. The Commission may by a majority vote appoint a duly authorized agent to carry out specific functions and duties as prescribed by the Commission. These duties may include:
  - a) making determinations of regulated activities except for those identified in section 4 of the IWC Regulations and issuing wetlands agent approvals provided the duly authorized agent has provided proof of completing the comprehensive training program developed pursuant to § 22a-39(l) of the Connecticut General Statutes;
  - b) issuing enforcement orders;
  - c) making permit compliance inspections;
  - d) investigating complaints; and
  - e) authorizing the expenditure of funds up to \$100 without the prior approval of the Commission.
2. The duly authorized agent shall make a report to the Commission at its regular meeting. Such report shall consist of a list and description of all determination, approvals and activities performed.
3. Any determination or approval made by the duly authorized agent is subject to approval by the Commission.
4. The Commission shall include in its annual fiscal budget proposal funding for a Recording Secretary who may be hired by the chief elected official. The Recording Secretary shall in coordination with the Chair or the duly authorized agent produce and file agendas, minutes, draft and arrange for the publication of legal notices, draft permits for approved applications, keep records of the Commission all in accordance with the Freedom of Information Act (Chapter 14 of the Connecticut General Statutes), the Inland Wetlands and Watercourses Act



(§ 22a-36 through 22a-45 of the Connecticut General Statutes) and other applicable statutes and perform other such duties as may be identified in a job description for the Recording Secretary.

## **ARTICLE VII      ELECTION OF OFFICERS**

1. An Annual organizational meeting shall be held on the second Tuesday in April at which time officers will be elected and bylaws reviewed and be made a part of the minutes of the annual meeting. A majority of the members must be present before election of officers can take place.
2. Nominations shall be made from the floor at the annual organizational meeting and elections of the officers specified in Section 1 of Article V shall follow immediately thereafter.
3. A candidate receiving a majority vote of those present shall be declared elected and shall serve for one year or until his successor shall take office.
4. Vacancies in offices shall be filled by election at a meeting warned for the purpose.

## **ARTICLE VIII      MEETINGS**

1. In the event that both Chair and Vice-Chair are absent at the start of a meeting, the Treasurer shall preside and have all the powers and duties of the Chair as stated in these bylaws and he or she shall remain as Chair throughout the meeting.
2. Alternates shall be seated by the Chair as regular members in alphabetical order by last name on a rotating basis. Unseated alternates may take part in Commission discussions but shall not vote except for election of officers.
3. An annual schedule of regular meetings shall be adopted at the November meeting for the following calendar year to be forwarded to the Town Clerk for filing under the Freedom of Information Act (see § 1-225(b) of the Connecticut General Statutes). Regular meetings will be scheduled for the second Tuesday of every month at 7:00 P.M. in a municipal building except when there is a conflict with holidays or other events. Conflicts may be resolved by scheduling a regular meeting to an alternative date or alternatively by cancelling the regularly scheduled meeting and holding a special meeting in accordance with the requirements of the Freedom of Information Act (see § 1-225 of the Connecticut General Statutes).
4. Three (3) members constitute a quorum and no action on an agenda item may be taken in the absence of a quorum. If a member recuses himself/herself from any agenda item that results in a lack of a quorum, then no business on that item may be transacted.
5. All Commission meetings shall be open to the public unless closed by a two-thirds vote of the members present for an executive session.

6. Executive sessions closed to the public shall be limited to types of discussions specified in the state Freedom of Information Act, including but not limited to the following:
  - a) Specific employees (unless the employee agrees to an open session);
  - b) Strategy relating to negotiations regarding pending claims to litigation;
  - c) Security matters;
  - d) Real estate acquisition
7. The Chair shall govern the proceedings at the meetings of the Commission using as a guide Robert's Rules of Order, 11<sup>th</sup> edition in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Commission may adopt.

## **ARTICLE IX            CONFLICT OF INTEREST AND DISQUALIFICATION**

No member of the Commission shall participate as a Commission member in a hearing or decision of the Commission upon any matter in which he/she (or any member of his/her immediate family) is directly or indirectly involved financially and/or is an abutter of the property in question. If a member declares a conflict of interest, he/she must state that they have this interest and abstain from voting.

## **ARTICLE X            ORDER OF BUSINESS**

1. Unless otherwise determined by the Chair, the order of business at regular meetings shall be:
  - A. Call to Order & Role Call
  - B. Appointment of Alternates
  - C. Action on Minutes of Previous Meetings
  - D. Citizen's Comments Pertaining to Agenda Items
  - E. Applications
    - a. Old Applications
    - b. New Applications
    - c. Applications Received After Agenda was Published
  - F. Permit Extensions / Changes
  - G. Active Violations and Pending Enforcement Actions
  - H. Other Business
  - I. Reports
    - a. Budget and Expenditures
    - b. Wetlands Agent Report
  - J. Correspondence
  - K. Signing of Mylars
  - L. Comments by Commission
  - M. Adjournment
2. A motion from the floor must be made and passed by a majority vote of the Commission members present in order to dispense with any item on the agenda or change the order of business.



## **ARTICLE XI      PUBLIC HEARINGS**

1. A public hearing shall only be held by the Commission on any application in accordance with section 9 of the IWC Regulations and § 8-7d of the Connecticut General Statutes. All applications, maps, and documents relating to the hearing shall be open for public inspection. Any person may appear and be heard at any public hearing.
2. Where possible, public hearings shall be completed in a single session. However, the hearing may be continued (to a date and place certain) where necessary for the full development of the evidence, for the full participation of the parties, or for such other substantial purposes, provided that the public hearing shall be completed within thirty-five (35) days from the date it commenced, unless the applicant consents to an extension. Verbal notice at the public hearing as to the date and place where the continuation will take place shall be considered sufficient notice to interested parties.

## **ARTICLE XII      CONDUCTING THE PUBLIC HEARING**

1. If a recording by a sound-recording device is made at the direction of the Commission, then such recording shall be maintained as a public document in accordance with the Freedom of Information Act and § 7-109 of the Connecticut General Statutes. An order of presentation and documents offered shall be submitted into the minutes of the Commission.
2. An officer of the Commission shall preside as Chair at the public hearing in accordance with Article V and Article VIII of these bylaws.
3. At the opening of the public hearing the Chair shall state a summary of the question or issue that is the subject of the public hearing and shall describe the method of conduct of the hearing including the order presentations, the reading of the legal advertisement and the involvement of the public at the hearing.
4. Comments shall be limited to the subject advertised for hearing.
5. Each party and members of the public shall make their presentation as provided for in the Chair's opening statement in succession without allowing an interruption of comments pro or con.
6. The Chair shall make clear to the hearing participants that all questions and comments must be directed through the Chair only after being properly recognized.
7. All persons recognized shall approach the hearing table in order to facilitate proper recording of comments. Before commenting on the matter before the hearing, each persons shall give his/her name and address.
8. The Chair shall assure an orderly hearing and shall take necessary steps to maintain the order and decorum of the hearing at all times. The Chair shall reserve the right to terminate the hearing in the event the discussion becomes unruly and unmanageable.

9. The polling of persons present at the hearing shall not be allowed on any general question presented to the Commission or applicant at the public hearing. The hearing shall be conducted only for the purpose of taking testimony to be considered in deliberations during the regular meeting of the Commission.

#### **ARTICLE XIII      THE HEARING RECORD**

1. The hearing record shall consist of the following:
  - a) any recording of the hearing made at the direction of the Commission;
  - b) minutes of the hearing; and
  - c) all physical evidence and material received (i.e.: legal documents, reports, plans, etc).
2. Reports, documents, and plans received at previous meetings may be entered into the record of the public hearing.
3. Decisions shall be based solely on the contents of the hearing record. Documentary evidence not entered into the record of the hearing shall not be considered when rendering a final decision.

#### **ARTICLE XIV      COMMITTEES**

Committees may be appointed by the Chair for purposes and terms that the Commission approves.

#### **ARTICLE XV      EMPLOYEES**

Within the limits of the funds available for its use, the Commission may seek the employment of such staff personnel and/or consultants as it sees fit to aid the Commission in its work. Appointments shall be made by the Board of Selectmen.

#### **ARTICLE XVI      AMENDMENTS**

These bylaws may be amended by a majority (3) vote of the entire voting membership of the Commission only after the proposed change has been read and discussed at a previous regular meeting except that the bylaws may be changed at any meeting by the unanimous vote of the entire voting membership (5) of the Commission.

## Agenda Item J Reports

1 Budget & Expenditures

2 Wetlands Agent Report

Agenda Item K, Correspondence - None

Agenda Item L, Signing of Mylars -None

Agenda Item M, Comments by Commissioners

Agenda Item N, Adjournment