



**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
www.thompsonct.org

MEETING MINUTES: TUESDAY, November 9, 2021 7:00PM

Via ZOOM Online Meeting Portal

-
- A) The meeting was Called to Order at 7:00 PM by Chairman George O'Neil, who announced the protocols for conducting the ZOOM meeting.

Members present: George O'Neil (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, Janet Blanchette, Justyn Sudyka, Jason LaValle

- B) Appointment of Alternates – n/a

- C) Minutes of Previous Meetings –

- a) The September 14, 2021 Meeting Minutes were accepted as read.
- b) After discussion, the November 6, 2021 Site Walk minutes were accepted as read.

- D) Citizens Comments on Agenda Items – none

- E) Applications

- a) Old Applications

- 1. **WAA21025**, RT193, LLC, 49 Thompson Rd (Assessor's map 87, block 53, lot 8), to construct an event barn with associated parking and drainage, stamped received by Town Clerk 8/26/21, stamped received by Wetlands Office 8/30/21. Marla Butts anticipates Wetlands Agent Approval shortly review shortly. She sees no major issues after a preliminary plan review, which demonstrates sufficient erosion & sediment controls. No action is needed by the Commission.
- 2. **SUB21027**, Inn Acquisition Associates, LLC, 286 Thompson Hill Rd (Assessor's map 102, block 40, lot 2), regarding a 2 lot subdivision for conceptual approval, stamped received 9/7/ 21. This item was from a previous decision by the Commission and included on the agenda in error. No action is needed.
- 3. **IWA21028**, Wojciech Sudyka, 1574 Riverside Dr. (Assessor's map 55, block 65, lot 14), to fill 3,500 sq. ft. of wetlands and 100-foot upland review area for construction of commercial building and associated parking, stamped received 9/7/21, statutorily received 9/14/21. Marla Butts was granted an initial extension of 30 days by Mr. Sudyka, during which the Thompson Planning & Zoning Commission reviewed and APPROVED an associated application before them on October 25, 2021. The Planning & Zoning Commission approval is contingent upon the approvals of the Inland Wetlands Commission and the Northeast District Department of Health (NDDH).

Continued—

Daniel Blanchette of J&D Civil Engineers described his clients project to build an industrial building to the south of an existing building, in order to store construction equipment and materials related to their business. Wetlands were delineated on the property and show that the project area sits below the nearby pond level. There are several areas of wetlands to work around, as well as an area that will require filling. Mr. Blanchette noted that an application for the septic system was submitted to NDDH in August of 2021, but has yet to receive approval.

Commissioner Morano asked about the flow of water through the culvert at the proposed crossing and why the applicant required the crossing, instead of accessing the location from Route 12. Daniel Blanchette noted that the option was considered, but problematic for the turning radii of the large vehicles. The crossing is needed so that large trucks can straighten and align with the garage doors. Commissioner Morano asked how petroleum leakage from industrial equipment would be contained. Mr. Blanchette described the low-impact design proposed in accordance with state guidelines. The grass swale and infiltration system will have a capacity to treat 1" of stormwater and no runoff will be generated directly into wetlands.

Chairman O'Neil asked Daniel Blanchette if considerations were made to protect the riparian buffer and how species are anticipated to move between the different wetland sections on the property after development. Daniel Blanchette said that it was a challenging site, and this was the best alternative that they could come up, with based upon the needs of the client. Commissioner Morano asked what the culvert pipe size would be. Mr. Blanchette replied 15". Marla Butts asked if standing water was anticipated near the embankment at high flow. Mr. Blanchette said that he anticipates standing water at high flow and no standing water during low flow.

Marla Butts asked if the crossing could be overtopped and damaged in a heavy storm. Daniel Blanchette stated that it could be possible. Marla noted that the stream and its drainage under Route 12, could be the principal outfall of Perry Pond. Marla asked Mr. Blanchette if the Department of Transportation (DOT) had any concerns about the crossing. Mr. Blanchette said that no concerns were brought up. Marla said she would inquire further.

Marla noted that there are no details on the existing underground storm system that feeds into the stream near the proposed crossing. Marla stated that Commissioners were unable to find the outfall during the site walk. Justyn Sudyka stated that an outfall is present, 2 feet below grade and covered in leaves and dirt. Dan Blanchette stated that the 4" pipe didn't factor into calculations because was impossible to model; after observations throughout the year, its flow was considered negligible.

Marla Butts asked if the dam was registered in Connecticut. Daniel Blanchette stated that it wasn't, but the dam was listed in Massachusetts, with no impact described. Marla noted that due to topography, all water would flow to Connecticut, and any failure of the dam would be of hazard to the Connecticut side of the property. Marla read deed information that shows the applicant owning the property directly north of the state line, which encompasses the full dam area. Marla suggested to the Commission that they should not approve the application until more information about the status and function of the dam could be obtained. Marla stated that the applicant should begin the process of registering the dam with the Department of Environmental Protection (DEEP) in order to obtain a hazard classification.

Continued—

Chairman O'Neil asked Marla Butts how long the process of dam registration would take. Commissioner Morano asked how the applicant would begin the process. Marla stated that a form was available on the DEEP website, however the process might take some time due to COVID-19 and staffing concerns. Marla plans to enquire with the DEEP and pertinent agencies in Massachusetts. Chairman O'Neil asked for a proposed next step, to which Marla suggested that the applicant withdraw the application and seek registration and evaluation of the dam. If the dam is in good shape, the application can proceed. The applicant should be allowed to resubmit for free. The alternative would be to schedule the matter for Public Hearing, and that procedure would incur additional costs, since an engineer/dam specialist would be retained to provide more information to the Commission where it is lacking.

Daniel Blanchette stated that stormwater systems are not designed in anticipation of dam failures and that if the dam were to fail, no stormwater system design could accommodate it. Janet Blanchette of J&D Civil Engineers stated that the dam is under DEEP jurisdiction, and that the dam has not previously been a concern. She asked the Commission if another approach to the application is possible, whereby the building is reviewed, minus the proposed crossing. The crossing could then be considered later. Commissioners were amenable to that approach. Janet Blanchette stated she would discuss that approach with her client. Marla said the Commission could act on revised drawings, if the applicant were to grant another extension. Wojciech Sudyka agreed to an additional 30-day extension. No further action was taken.

b) New Applications

1. **DEC21030**, Diane Chapin, 382 Lowell Davis Road (Assessor's map 99, block 43, lot 5F; to construct an outdoor riding arena in the 100-foot upland review area as an agricultural use permitted as a right. Application received 11/8/2021. No work is proposed in the wetlands, but some grading in the upland review area is needed. Marla instructed the applicant to seek a Declaratory Ruling from the Commission. Chairman O'Neil and Commissioner Morano were in agreement that the proposed work is not a regulated activity and is a property use that is permitted as a right.
2. **IWA21030**, Max Candidus, 0 Sunnyside Drive (Assessor's map 113, block 1, lot 3), to 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, and statutorily received 11/9/21. Marla Butts noted that the property is located between two 'Significant Wetlands' that have been identified in Thompson, but that the property is a legal lot of record. Daniel Blanchette confirmed that the only access to the buildable area is from a driveway along the pond off of Sunnyside Drive. Marla noted that this application can only be received at this time.

F) Applications Received After Agenda was Published – none

G) Permit Extensions / Changes – None

H) Violations & 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, request remove or response by 7/13/21. Structures have been removed but there are still concerns about the stream channel. Marla Butts will relay her concerns to the property owner and report back to the Commission.
- 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, instructing to cease further work and submit A-2 survey. There are no new updates. Marla Butts will reach out to the property owner.

I) Other Business

- a) Subdivision Regulations – Marla Butts had concerns regarding changes to lot sizes and slope & ledge considerations in the Proposed Subdivision Regulation Revisions. Marla Butts asked Commissioners to review the proposed regulation revisions for the next meeting in advance of the closing of the comment period, January 31, 2022.
- b) 2022 Calendar – Marla Butts presented the 2022 Inland Wetlands Commission Site Walk and Meeting calendar. She noted that the Columbus Day meeting date would need to be shifted to another day. The Commission decided to meet on Wednesday, October 12, 2022.

J) Reports

- a) Budget & Expenditures – Diane Chapin reported that \$22,534.28 is available in the budget.
- b) Wetlands Agent Report –
 - 1. On September 15th, Marla received notification that the Court Appeal on Application **IWA15029**, River Junction Estates, LLC (Case # AC 42644) had been decided. On 9/16/21, she forwarded copies of that decision to the Commission and other town staff for review. This appeal only dealt with one count of a two-count appeal. It is Marla's understanding that if River Junction Estates did not prevail in its claim that "Starr Road" was a town road, then the remaining complaint would be moot. River Junction Estates did not prevail as the appellate court determined that there was inadequate evidence presented by River Junction Estates to prove "Starr Road" was a Town road. The decision, however does not seem to assign ownership of the area previously referred to as "Starr Road" in the application documents. Marla will follow up to determine the status with the Selectman's Office and town's legal counsel. Amy St. Onge noted that Attorney Mark Broulliard handled the case for the Town.
 - 2. Marla noted that due to her absence from the Office over the past 2 months, no progress has been made on the MS4 2019-2020 Annual Report or records disposal.
 - 3. **Complaint 20-14**, Philip Leblanc, 295 Linehouse Road, pond cleaning during drought and side casting spoils onto neighboring property. Marla intends to send a letter advising the owners to do no more earth moving or construction work in the pond or within 100 feet of the pond without first obtaining approval from the Commission.
 - 4. **Complaint 21-11**, Susan Eklund, 1208 Riverside Drive – A photo of the trailer was provided to the Building Office, with course of action to be determined, pending their investigation.

Continued—

5. **Complaint 21-14**, 9/27/21 a report of large stones being placed next to water at 3&4 Logee Road – This site was the subject of Wetlands Agent Approval **WAA21003** for clearcutting and regrading within the 100-foot upland review area. Gary Rawson responded to Marla's inquiry on 10/13/21 and reported that a number of large stones were uncovered during the regrading process and were placed just above the high-water line for the pond that abuts the clearing operation. Ground stabilization was pending and Marla will inspect the site as time allows.
6. **Permit IWA20022**, Marc Baer, 1227 Thompson Rd – On 10/18/21, Marla conducted an inspection to check on site conditions. Retaining walls are still under construction and the house foundation has been installed. There was no evidence of sediment reaching Little Pond. Some site conditions do not conform to the modified site plan approved by the Commission at its 2/9/21 meeting. There are now 2 retaining walls west of the house foundation – the modified plan shows only one. There is a concrete conduit placed over the well to be abandoned near the Harger property.

Marla noted there were numerous cracks in the west walls of the foundation and a portion of the western foundation wall appeared to be bowed inward. Marla notified the Building Official, who subsequently inspected the site and issued a Stop Work Order on 10/19/21, requiring Mr. Baer to address several foundation issues including the foundation failure and the space under the attached garage in the house plans. Marla will coordinate with the Building Official and take actions as needed to address any outstanding non-compliance issues with the approved modified plans.
7. Marla reviewed seven permits, which are listed in the Wetlands Agent Report.
8. The Commission paid \$58.80 (P.O. 122127) to Stonebridge Press for a legal notice.

K) Correspondence – None

L) Signing of Mylars – None

M) Comments by Commissioners – Chairman O'Neil thanked Marla for her continued work during and following surgery. The Chairman also thanked Dan Malo for recording the meeting minutes and Amy St. Onge for arranging the ZOOM video.

N) After completion of the agenda items, Diane Chapin made a motion to adjourn the meeting. The motion was seconded by Frances Morano and carried unanimously at 8:39 PM.

To see/hear the entire meeting via ZOOM, click here to copy and paste into your search bar:
https://us02web.zoom.us/rec/share/L9WXsRIXsU4gHk3DB-CSUYzC3NcpzhVNi4MJ0sh2LSS1GWpACE9HUQcG3pPc0VgK.dfHsXc_bJ-erP_4g

Access Passcode: +0^=ab50

Respectfully submitted, Dan Malo, Recording Secretary

