



**TOWN OF  
THOMPSON**  
Inland Wetlands  
Commission

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**MEETING AGENDA: Tuesday, December 14, 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 and town staff present: George O'Neil (Chairman), Diane Chapin (Treasurer), Charlie Obert (Commissioner), Marla Butts (Wetlands Agent), Dan Malo (Recording Secretary), and Amy St. Onge (First Selectman); Francesca Morano (Commissioner) joined the meeting at 7:10 PM.

Members of the public, including Daniel Blanchette, Wojciech Sudyka, and Max Candidus

- B) Appointment of Alternates – n/a

- C) Minutes of Previous Meetings –

a) The November 9, 2021 Meeting 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, issued 11/22/21, legal notice published 12/3/21, appeal period ends 12/18/21. No action necessary.
2. **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. The Commission was granted an extension of 30 days by Mr. Sudyka, during which the Thompson Planning & Zoning Commission reviewed and APPROVED an associated application on October 25, 2021, in advance of the Inland Wetlands Commission approval.

Daniel Blanchette of J&D Civil Engineers spoke to changes in the proposed site plan, which includes new drainage models incorporating Perry Pond in its analysis. He described how these models showed no increase in peak flow, and how the maximum water leaving the site did not increase. Daniel also discussed a change at the crossing, proposing a 24-inch culvert instead of a pipe to aid the riparian system. Commissioner O'Neil asked if it was possible that the culvert could become perched. Daniel Blanchette stated that the culvert would be built at-grade to mimic a natural stream. Charlie Obert had concerns about clogged existing pipes on site. Daniel Blanchette stated that the existing pipes are functioning and carrying flow. Diane Chapin asked for an update on the dam's registration, to which Daniel Blanchette stated that his client has initiated the registration process with DEEP in Connecticut.

Marla Butts asked Daniel Blanchette why there was outlet protection on the culvert, but no inlet protection. Daniel described a gentle 3:1 grassed slope, creating a slow velocity at the inlet. The outlet was protected to prevent scour and erosion. Commissioners discussed the placement of a dumpster pad and opportunities to relocate it away from wetlands. Mr. Sudyka offered to relocate the dumpster pad to an existing dumpster area in the northern part of the property. Charlie Obert made a motion to APPROVE the application with the condition that dumpster pad be relocated. Diane Chapin seconded. The Commission approved the application with Francesca Morano abstaining.

3. **DEC21029**, Town of Thompson, 35 Marshall St. (Assessor's map 169, block 92, lot 13), request for ruling on erection of 6 to 8 sculptures in 100- foot upland review area for the French River for recreational purposes, stamped received 9/9/21, action tabled 9/14/21. Marla anticipates an update from the Town Planner shortly.
4. **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 a legal lot of record. Daniel Blanchette of J&D Civil Engineers confirmed that the only access to the buildable area is from a driveway off of Sunnyside Drive.

To construct the driveway, approximately 600 sf of fill will be needed along the pond and an additional 800 sf of fill within wetlands near the proposed building. Francesca Morano asked if the driveway could be relocated towards the south property line. Daniel Blanchette said that it is possible that the driveway could be moved by a few feet, but the benefit would be negligible. Marla Butts asked if a retaining wall was considered by the pond. Daniel Blanchette stated that a 2:1 slop was considered safer than a vertical wall. Marla Butts asked why the design called for (2) 12-inch pipes placed in tandem instead of a single large pipe. Daniel Blanchette noted that smaller pipes placed at a shallower depth require less earthwork, allowing for less of an impact to the wetlands. Charlie Obert asked if this property was protected by a Conservation Easement. Daniel Blanchette stated that no easement was noted on the deed. Marla Butts described the pitch difference between Long Pond & Jerry's Swamp and cited frequent flooding issues in that area from beaver activity.

Marla Butts noted that DEEP had provided unfavorable comment on the project, with concerns about endangered species, a nearby cedar swamp, and the poor fen. Marla felt that the nearby cedar swamp would be unaffected, considering the distance from and clustering of development between the swamp and project site. She also noted that some of the restrictions proposed by DEEP are outside of the Commission's jurisdiction and conflict with the status as a buildable lot of record. Francesca Morano asked Daniel Blanchette if the wetlands had been flagged. Marla Butts also asked if the centerline of the proposed driveway could be flagged for reference. Daniel Blanchette replied in the affirmative to both questions.

Marla expressed that development of the site would require significant care along the pond, but that it should not be ruled out. She suggested that the Commission would benefit from a site walk and the Commissioners agreed by consensus. Chairman O'Neil asked if the applicant was amenable to a 30-day extension for the Commission to conduct their review. Max Candidus agreed to a 30-day extension.

## b) New Applications

1. **WAA21032**, Cheryl Popiac, 1267 Thompson Rd. (Assessor's map 116, Block 24, lot 16A), replacement and 25% expansion of a 37' X 14' storage building in the 100-foot upland review area, stamped received 11/9/21, issued 12/6/21, legal notice to be published 11/17/21, end of appeal 1/1/22. Marla Butts noted that the applicant has worked with J&D Civil Engineers to develop a site plan and intends to come before the Commission in January for additional projects; which include the replacement of septic, minor grading, and construction of (2) retaining walls as uses permitted as a right for the maintenance and enjoyment of the property. They are awaiting B-100 approval from the Health District. No action is required.
2. **WAA21033**, Thomas Shippee, 9 Logee Rd. (Assessor's map 141, block 17, lot 184 BB), construction of a concrete support for a ground mounted solar photovoltaic system located in the 100-foot upland review area for Quaddick Reservoir, stamped received 12/1/21, issued 12/6/21, legal notice to be published 12/17/21, end of appeal 1/1/22. Marla had no wetlands concerns. No action is required.
3. **WAA21034**, Thomas Shippee, 450 Thompson Rd. (Assessor's map 146, block 16, lot 10A), construction of a concrete support for a ground mounted solar photovoltaic system located in the 100-foot upland review area for Quaddick Reservoir, stamped received 12/1/21, issued 12/6/21, legal notice to be published 12/17/21, end of appeal 1/1/22. Marla noted that there would be minimal disturbance to wetlands. No action is required.

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. Trash and debris are strewn throughout the property. The owner expressed to Marla Butts that she is having difficulty evicting problem tenants, who were responsible for these issues. Marla plans to visit the site with the Fire Marshal.
- b) **Notice of Violation VIOL21023**, Jamie Piette, 0 & 73 Center Street (Assessor's map 16, block X, lots H & 2), 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. Greg Glaude of Killingly Engineering Associates prepared a site plan for the property. An engineering analysis is needed to determine if the wall is structurally sound.

I) Other Business

- a) Subdivision Regulations – Marla Butts asked members if they would like printed copies of both the current and proposed Subdivision Regulations for comparison, considering that the proposal is a complete re-write. Chairman O'Neil asked why a 'redline' copy was not provided for review, as it is common business practice in contract and law-making. The redline copy would demonstrate the changes between the current and proposed language. Commissioners shared concerns that unnoticed revisions might slip past reviewers. The Commission made a request that a redline copy be provided, in addition to a compendium or listing of changes in advance of the closing of the comment period, January 31, 2022.

- b) Comments to USACOE on draft updated Master Plan for West Thompson Lake – Marla Butts submitted comments to the Army Corps of Engineers, requesting reports and details referenced in the Master Plan which weren't included in the appendices of the document. Charlie Obert also provided comment seeking clarification of the construction timeline of the Blain Footbridge and proposed additional recreational opportunities.
- c) 2022 Calendar – Marla Butts presented the finalized 2022 Commission Meeting calendar.
- d) Discussion of future hybrid ZOOM meetings – Marla Butts mentioned that the television in the Seney Conference Room would be useful for presentations. Charlie Obert discussed how he recently participated in a hybrid ZOOM meeting for the Trails Committee, and it was successful, but setup and implementation of the technology by volunteers may be problematic. Chairman O'Neil described the progression of video conferencing technology and how the ZOOM has improved access to the meetings, with the benefit of recording.

J) Reports

- a) Budget & Expenditures – Diane Chapin reported that \$19,257.37 is available in the budget.
- b) Wetlands Agent Report –
  - 1. On September 15<sup>th</sup>, 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. The decision does not appear to assign ownership of the area referred to as "Starr Road." Marla requested a legal opinion of the ownership status of the road.
  - 2. Marla noted that little progress has been made on the MS4 2019-2020 Annual Report or towards the records disposal project. She has set aside time to review and verify data collected under prior MS4 contracts in a MapGeo stormwater layer developed by Applied Geographics, which will be used to meet a MS4 permit requirement.
  - 3. **WAA16020**, Strategic Commercial Realty, Inc., 307 Reardon Rd – On 12/1/21, Marla inspected the mining operation in the presence of Harold Hopkins of French River Materials and Dan Malo to check on erosion and sediment controls. The site was in good condition with only two minor adjustments needed along the access road involving the addition of stone check dams at stormwater leakoffs. No siltation of any wetland or watercourse was observed. Note that in accordance with Public Act 21-34, the expiration date of permits meeting specific criteria was automatically extended to 14 years, resulting in this permit being valid to November 17, 2030.
  - 4. **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. Site conditions do not conform to the modified site plan approved by the Commission at its 2/9/21 meeting. There are 2 retaining walls west of the house foundation, where the modified plan shows only one. There is a concrete conduit placed over the well to be abandoned and a stockpile of stone that was not depicted on the approved plan which may cause drainage runoff issues for the Hager property to the south in a heavy rain event.

Chairman O'Neil suggested that the property owner should present a remedy to the Commission. Charlie Obert stated that any correspondence should inform the owner that that no Certificate of Occupancy will be issued until the property is compliant with approved plans. Diane Chapin asked if it would be detrimental to remove the retaining walls. Marla believed that removal of the walls could undermine Route 193.

Diane Chapin and Francesca Morano suggested strong action against the owner, considering the disregard shown towards the Commission's approved permit. Chairman O'Neil asked if additional expert guidance is necessary, to which Marla stated that it is too early to determine. The Commission agreed that a Notice of Violation should be issued, stating that a C.O. will not be authorized without remediation and compliance with the conditions of the approved permit.

5. **Complaint 20-14**, Philip Leblanc, 295 Linehouse Road, pond cleaning during drought and side casting spoils onto neighboring property. Marla will 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.
6. **Complaint 21-11**, Susan Eklund, 1208 Riverside Drive – A photo was provided to the Building Office, with course of action to be determined, pending their investigation.
7. **Complaint 21-13**, 0 Quaddick Town Farm Rd, grading for new driveway – Marla conducted a drive-by and found no recent activity that warrants enforcement action. Marla has spoken to a neighbor and will conduct a site visit to verify conditions.
8. **Complaint 21-14**, on 9/27/21, the office received a report of large stones placed next to water at 3&4 Logee Rd – On 12/2/21, Marla inspected and did not see evidence of stones beyond the high-water line or erosion. Marla contacted Gary Rawson and advised him to seed and mulch the site. She will reinspect the site as time allows.
9. **Complaint 21-15**, 1036 & 0 Thompson Rd, report of tree cutting. Marla inspected the site on 11/17/21 in the presence of Dan Malo, property owner Carlos Ferreira and his son. Some tree cutting and earthmoving work around a small pond had been done. Mr. Ferreira said he want to enlarge the pond and cut trees to create pasture for horses. He agreed to stop earth moving work and new tree cutting and seek advice from J&D Civil Engineers on getting the wetlands flagged, mapped and evaluated for what further work he wanted to do. He has been sent a letter confirming this. No enforcement action is planned as long as no further work in or near wetlands or watercourses occurs without review and approval through the Wetlands Office. Complaint is closed.
10. **Complaint 21-16**, 484-486 Quaddick Town Farm Rd, Desrochers – On 11/17/21, Marla visited the site that was inspected by Dan Malo and Zoning Enforcement Officer Cindy Dunne during her absence in September & October. Marla confirmed there was no unauthorized clearcutting in the upland review area, nor a violation of approval **WAA20012** issued to Mr. Desrochers in June 2020. Complaint is closed.
11. **Complaint 21-19**, 0 Lakeview St (AR= 116/X/D) - On 12/2/21, following a complaint that a trailer was parked in wetlands just north of the state boat launch, Marla and Cindy Dunne visited the site and observed an RV parked on the property with access via a gate in the fence that borders the boat launch. No violation was found. Cindy Dunne will contact DEEP about the amount of toilet paper found at the boat launch.
12. Marla reviewed eleven permits, which are listed in the Wetlands Agent Report.
13. Marla reminded the Thompson Planning and Zoning Commission in a memo dated November 29, 2021, about the requirements of Section 8-3C of the Connecticut General Statutes, which states that they shall not render a decision on a special permit application until the Inland Wetlands Agency has submitted a report with its final decision to the Planning and Zoning Commission. This was in response to the

granting of a conditional approval on the Sudyka special permit application while the Inland Wetlands Commission was deliberating on Mr. Sudyka's inland wetlands application. These deliberations have resulted in modifications to Mr. Sudyka's plans.

14. The Commission encumbered \$50.00 (P.O. 122196), \$44.10 payment pending, to Stonebridge Press for a legal notice, regarding **WAA21025**.

K) Correspondence – None

L) Signing of Mylars – None

M) Comments by Commissioners – Charlie Obert noted that a section of roadway was flooded near 289 Quaddick Town Farm Road during a recent heavy rain. He also reiterated that a 'redline' version of the Draft Subdivision Regulations was necessary to conduct a proper review. Diane Chapin asked about the format for the next Inland Wetlands Meeting. Consensus was that the Commission will attempt to have a hybrid in-person/ZOOM meeting. Chairman O'Neil expressed that the Commission conducts important activities and that the Town should aspire to raise the standards of transparency for the public. The Chairman thanked everyone present for their efforts.

N) After completion of the agenda items, Charlie Obert made a motion to adjourn the meeting. The motion was seconded by Frances Morano and carried unanimously at 9:12 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/4b6Aia2ZHs-4TN0TqI7d0Yj4pQ\\_SCULouG9MiBajlGrPi9xoTzSMk3YUVd-pxNRo.m23EOe5D1lvJ3bKI](https://us02web.zoom.us/rec/share/4b6Aia2ZHs-4TN0TqI7d0Yj4pQ_SCULouG9MiBajlGrPi9xoTzSMk3YUVd-pxNRo.m23EOe5D1lvJ3bKI)

Access Passcode: v+UmND8F

Respectfully submitted, Dan Malo, Recording Secretary

