



TOWN OF THOMPSON

Inland Wetlands
Commission

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MEETING MINUTES: Tuesday, February 8th, 2022 7:00PM

Via ZOOM Online Meeting Portal

- A) The Inland Wetlands Commission 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 staff present: George O'Neil (Chairman), Francesca Morano (Commissioner), Charlie Obert (Commissioner), Marla Butts (Wetlands Agent), Dan Malo (Recording Secretary), and Amy St. Onge (First Selectman). Diane Chapin (Treasurer) entered the meeting at 8pm.

Members of the public, including: Daniel Blanchette, Valerie Clark, Dave Held, Marc Baer, Andrew McCoy, John Rice, and others.

- B) Appointment of Alternates – n/a

- C) Minutes of Previous Meetings –

- a) The January 11, 2022 Meeting Minutes were accepted as read.
- b) The January 15, 2022 Special Meeting Site Walk minutes were accepted as read.

- D) Citizens Comments on Agenda Items – none

- 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.

Daniel Blanchette of J& D Civil Engineers discussed plan revisions which minimize proposed wetlands disturbance. By relocating the driveway nearer to the southern property boundary, wetlands disturbance was reduced from 800 square feet to 450 square feet. The area of the driveway along the pond was redesigned with a steeper slope to reduce wetlands disturbance from 600 square feet to 350 square feet. Francesca Morano raised concern about the long-term stability of the 80–100-foot span of driveway within wetlands located nearby the pond and asked if design alternatives were considered. Daniel Blanchette noted that a retaining wall was considered early on, as was rip-rap. According to his research, rip-rap should be avoided on 1:1 slope; a retaining wall could impact the riparian corridor and render more disturbance to the wetlands.

Charlie Obert asked when the lot was created. Wetlands Agent Marla Butts stated that the property was subdivided in 1951, predating the Planning & Zoning and

Wetlands Commissions. Charlie Obert asked if there were threatened or endangered species on the property. Marla Butts read a report of the property from the Department of Energy & Environmental Protection (DEEP), that summarized a 'significant natural poor-fen community' and described threatened or endangered species which use that environment. The report recommended standard erosion and sediment controls, that no wetlands be filled, and all activities on the property be located 200 feet or more from wetlands. Marla Butts confirmed that DEEP's report is guidance, and not regulatory. Daniel Blanchette noted that many of the concerns have been incorporated into the plan. Marla asked Daniel Blanchette if the applicant planned to keep the stone wall demonstrated on the site plan. Daniel Blanchette believed that most of the wall would stay intact. He stated that 50 feet of the wall was planned to be removed for driveway access. An additional area will be removed for the placement of the septic system, but it is believed that it will be replaced.

Chairman O'Neil screen-shared an AppGeo map of the property for reference. Ownership of the property was noted, and that the applicant, Max Candidus is not the current owner. Marla Butts brought up an abutting lot owned by the owner of 0 Sunnyside off of Orchard Drive, and asked if the properties could be merged to provide alternative access. She noted that the Orchard Drive lot is recorded on the land records as 'undevelopable'. It was then ascertained that 0 Sunnyside is also recorded as 'undevelopable'. Daniel Blanchette noted that many lots are recorded that way, oftentimes when an approved septic plan is not on file, and that the designation does not preclude development once that factor has been rectified. Charlie Obert requested more information about the lots buildability and asked for more time to conduct the review. Chairman O'Neil suggested that there are some questions for subject matter experts. Marla Butts will reach out to the applicant to request more time. She will speak to the assessor's office regarding buildability. No action was taken.

2. **WAA22001**, Danielle J. Robbins, 0 Thompson Rd (Assessor's map 87, block 37, lot 2C), construction new single-family home, septic system and driveway, portions of which are in the 100-foot upland review area, stamped received 1/5/22.

Marla Butts noted that the applicant was unsure of legal path for the creation of a building lot. No wetlands are present. Marla suggested that a memo be drafted which reiterates that no wetlands permits are necessary. A motion was made by Charlie Obert to authorize the memo to the applicant. Francesca Morano seconded. **The motion was unanimously APPROVED.**

3. **IWA22002**, Strategic Commercial Realty, LLC, 0 West Thompson Rd (Assessor's map 65, block 101, lot 9) earthmoving associated with the mining of 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.

Marla Butts recommend a site walk, scheduled for 3/8/22 since the 2/5/22 site walk was canceled due to snow. Revised plans have been received and forwarded to Commission members. Charlie Obert noted wetlands areas of concern and suggested monitoring of those locations throughout the project. Marla Butts will communicate with the applicant and their representation. Matter tabled.

4. **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.

b) New Applications

1. **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. Marla Butts presented a site plan and noted that the septic system has Health Department approval. The property is listed on the Natural Diversity Database. Dave Held commented that the property was mined and restored more than 10 years ago. Commissioners authorized an Agent Approval.
2. **DEC22005**, BFWVSC, LLC, 0 Thompson Rd (Assessor's map 120, block 21, lot 2A), timber harvest request, stamped received by Town Clerk 1/24/22. Marla Butts presented a timber harvest plan to remove gypsy moth affected trees. No stream crossings are planned. A motion was made by Charlie Obert that the use is permitted as a right. Diane Chapin seconded. **The motion was unanimously APPROVED.**
3. **DEC22006**, Barbara Weaver Trust, 68 East Thompson Rd (Assessor's map 120, block 21, lot 26, timber harvest request, stamped received by Town Clerk 1/24/22. Marla Butts presented a timber harvest plan which features a stream crossing. Skid roads and portable crossings will be utilized on site, if necessary. A motion was made by Charlie Obert that the use is permitted as a right. Francesca Morano seconded. **The motion was unanimously APPROVED.**
4. **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. Marla Butts discussed a plan to remove stone wall from an undeveloped property. The stone wall does not represent a boundary line, and thus may be removed. Cairns located on the property will not be disturbed. Commissioners authorized an Agent Approval.

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. Still no changes. Marla Butts will follow up with the property owner to resolve the matter.
- 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, instructed cease further work, by 9/8/21. Marla has concerns about the property lines and will follow up with property owner.

- 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 discussed design remedies to the deviations from the approved plan. Marla expressed concern about runoff onto neighboring properties. Charlie Obert shared those concerns and asked that all modifications be expressed on the As-built. Daniel Blanchette will gather information about the runoff, the 8ft retaining wall, and a well for the next meeting. Marc Baer described his frustration with the approval, build, and engineering process. He will discuss the approved plan with his contractor to remedy any outstanding violations and Commission's concerns.

I) Other Business

- a) Proposed Revisions to Subdivision Regulations: A 'redline' document comparing the current version of the Subdivision Regulations with the proposed draft has been completed. The task took Marla Butts more than 90 hours to complete. She shared her efforts with the Commission. The work does not include a substantive review of the proposed changes, which are forthcoming. She and Chairman O'Neil will present concerns about the review process on 2/10/22 to the Planning & Zoning Chairman, Town Planner, and First Selectman.
- b) FY 22-23 Budget – Marla will present the budget to the Board of Selectman on 2/9/22.
- c) Approval of Eastern Connecticut Conservation District Contributory Support FY 22-23 – A motion was made by Charlie Obert continue support. Francesca Morano seconded.
The motion was unanimously APPROVED.
- d) By-Laws Revisions – Marla mentioned that the Commission will be reviewing bylaws and electing officers in April. Chairman O'Neil suggested that it would be a good opportunity to add additional time and space on the agenda for public comment.

J) Reports

- a) Budget – Diane Chapin reported \$12,977.09 left in the budget, 50.8% expended.
- b) Wetlands Agent Report – Marla Butts read items from her Agent Report:

No progress has been made on the MS4 2019-2020 Annual Report; it will now will be the '2019 through 2021 Summary Report'. There has been no action with records disposal as the redline document for the subdivision regs has dominated the workload. Marla has been working with Public Works to develop new MS4 contracts using FY21-22 funds and assisting in developing an MS4 budget proposal with for FY22-23 for stormwater system mapping, screening and discharge sampling. Included will be a proposal to contract out the Annual Report as there is insufficient staffing in-house to develop the report in a timely fashion.

Complaint 21-11, 1208 Riverside Drive, Susan Eklund – Marla was notified by NDDH that the septic is located in the back of the property in close proximity of the existing trailer. It is possible that the property owners hooked the trailer into the existing septic system. NDDH has no records of any applications in their office and since the septic is not currently failing, they can't address the trailer potentially being tied into the septic. Marla is closing the complaint file for insufficient evidence that regulated activities such as earthmoving, grading, construction or clearcutting have occurred in the upland review area.

Marla reviewed two building permits. Both were not in wetlands review areas.

Eversource 347 Line Structure Replacement Project – Marla received an inquiry about a notice from Eversource regarding the replacement of poles on Eversource property known as O Quaddick Town Farm Road (Assessor's Reference 145/12/1B). In 2016, several wooden poles on the property were replaced with metal poles. Marla has made inquiries to an Eversource representative, but have yet to receive information from either the Eversource representative or the Siting Council as to what poles were being referenced in the notice.

Thompson Code of Ordinances & Regulations Project – Zoning Regulations are currently proposed to be included in the initial establishment of the code. Marla is unsure of the inclusion of the subdivision regulations that are under proposed revisions at this time. She discussed with the contractor about the effect inclusion would have on the Wetlands Regulations. Section references would all have to be changed to match the code chapters. She has scheduled a phone call with Deb Tuszynski, the editor for the contractor, General Code, since the IWC regulations should probably be revised in the coming fiscal year.

The Commission encumbered \$50.00 (P.O. 122220) to Stonebridge Press to publish a legal notice for the Sudyka application, IWA21028.

A payment of \$58.80 (P.O. 122230) is pending to Stonebridge Press to publish legal notice regarding Popiak, WAA21032 & Shippee, WAA21033 & WAA21034.

K) Correspondence –

- a) Letter from Updike, Kelly & Spellacy dated 1/20/22 regarding T-Mobile seeking Siting Council approval for the installation of a 25 KW diesel fueled backup generator for the existing telecommunications facility at the Quinebaug Volunteer Fire Department.
- b) DEEP's Connecticut Wildlife magazine Nov/Dec 2021 edition.

L) Signing of Mylars – Mylar for **SUB21027**, Inn Acquisition Associates, LLC 286 Thompson Hill Rd, Assessor's Map 103, Block 405, Lot 2, 2-lot resubdivison. Chairman O'Neil will sign the mylars.

M) Comments by Commissioners – Charlie Obert reiterated the complexity of applications before the commission and appreciated the extensions granted by applicants to properly review the issues before making a decision. Chairman O'Neil thanked the commissioners and Town staff.

N) After completion of the agenda items, Frances Morano made a motion to adjourn the meeting. The motion was seconded by Diane Chapin and carried unanimously at 9:46 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/B70gXpx-MfxuVI2cEu78YbXZmfu8hG3JcF8zz5uoH_mFlqTzCdhAtlrTFz4JukxJ.7oZryRfFNQIWMh45

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Respectfully submitted, Dan Malo, Recording Secretary

