



**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, March 8th, 2022 7:00PM

Via ZOOM Online Meeting Portal

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- 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 & 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.

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

Access Passcode: 5xu\$9iXe

Respectfully submitted, Dan Malo, Recording Secretary

