



**TOWN OF
THOMPSON**
Inland
Wetlands
Commission

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MEETING MINUTES: Tuesday, Mar 10th, 2022 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 online meeting.

Members and staff present: George O'Neil (Chairman) 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: Harry Heller, Andrew McCoy, Dave Held, George Logan, Mark Simon, Daniel Blanchette, Madilyn Smith, Sean Copeland, and Sigrun Nicodemus.

- B) Appointment of Alternates – n/a

Marla Butts noted that votes taken during last month's meeting were invalid due to lack of quorum and must be revisited.

- C) Minutes of Previous Meetings –

The March 8, 2022 Meeting Minutes were accepted with correction, regarding a wetlands agent approval for Dave Held. The minutes record should read that an agent approval was issued March 3, 2022 and that the appeals period has passed.

The March 12, 2022 Special Meeting Sitewalk Minutes were accepted as presented.

The April 12, 2022 Meeting Minutes were accepted as presented.

- D) Citizens Comments on Agenda Items – Sean Copeland will speak on the 119 New Road application.

- E) Applications

- a) Old Applications

1. **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. A 30-day extension was granted by the applicant. A revised application has been submitted to include 307 Reardon Road.

Attorney for the applicant, Harry Heller prefaced the review by stating that this matter has been on the agenda since January and that his client has generously provided extensions. He believes this project is straightforward, with no work proposed within the wetlands. He noted that the site was issued a previous permit **(0509-03)** for surficial mining on November 8, 2005.

Attorney Heller reiterated that an earthen berm would sequester the area and will not alter the hydrological system. George Logan of REMA Ecological Services described a twenty-acre study area, conducted May 2, 2022, containing mostly flood plain, alluvial marsh, and open water. While he noted that it is a valuable wetlands system, he believes after study of the proposed plan that no impact is anticipated.

Water extraction will take place at an elevation above the study area and will not dewater the wetlands. Sigrun Nicodemus of REMA Ecological Services stated that the area became impounded after construction of the downstream dam in the 1800's and noted that the area is not an original part of the river. She described a substantial Silver Maple forest nearby and believed that the ecological integrity of the site within its surroundings will be maintained.

Charlie Obert asked why the plan encroaches in the upland review along a stream at the northerly end of the site. Project Manager Dave Held and George Logan explained that due to the topography of the area, the south upland side of the stream is not a major contributor to the watershed, and that the proposed upland work would not alter or dewater the watercourse or downstream wetlands.

Marla Butts had questions regarding the monitoring plan, specifically the use of 'should' where 'shall' is more appropriate. Charlie Obert stated that 'should' and 'shall' are very critical terms in regulation and could mean the difference between a suggestion and a requirement. Marla recommended as a condition of approval that an amended report be provided within 30 days. Attorney Heller had no issue with amending the monitoring report and will make that recommendation to his client. George O'Neil thanked him for his willingness to alter the report.

Fran Morano and Diane Chapin believe that a comprehensive plan was presented, that with adherence and monitoring, should be successful. George O'Neil stated that safeguards for the wetlands have been thoughtfully considered. Charlie Obert has concerns about site grading and will abstain. A motion to approve the application, with revisions to the monitoring plan, was made by Diane Chapin and seconded by Charlie Obert. **The motion was APPROVED 3-0, with one abstention.**

Attorney Heller thanked the Commission and staff for their time.

b) New Applications – none

1. **WAA22009**, Thomas Dolan, Jr., 0 New Rd. (Assessor's map 154, block 5, lot 10A), new single-family home, well & driveway in 100-foot upland review area, stamped received 4/19/22, under review, NDDH approval pending for septic system located outside of upland review area. Project Manager Dave Held of Provost & Rovero, Inc. has received response regarding the listing on the Natural Diversity Database, which is identical to the response given for abutting lots. Marla has asked the applicant to supply the limit of land disturbance in a plan which she will review.
2. **IWA22010**, Mark Simon, 0 Sand Dam Rd (Assessor's map 133, block 24, lot 63), fill wetlands for driveway crossing & new home, septic and well mostly in 100-foot upland review area, stamped received 5/3/22, to be statutorily received 5/10/22. PE Daniel Blanchette, of J&D Civil Engineers discussed some particulars of the site, and the improvement of an existing driveway from Babula Road which crosses an intermittent stream. Transfer of ownership contingent on Wetlands approval and buildability of site. Marla recommends that the Commission conduct a site walk.
3. **IWA22011**, D.H. Copeland Builder, Inc, 119 New Road (Assessor's map 154, block 3, lot 21), 10-foot extension of 15" culvert under existing driveway to widen driveway by 6', electronically received 5/5/22, to be statutorily received 5/10/22. Note: Driveway was initially authorized by **WAA21016**. Owners of the property would like to expand the driveway for safety concerns and emergency vehicle access. Marla suggests the Commission conduct a site walk.

F) Applications Received After Agenda was Published – none

G) Permit Extensions / Changes –

Request for Transfer – **WAA22004**, 0 New Road (Assessor's map 154, block 5, lot 14A), new single-family home, septic & well in 100-foot upland review area issued 3/3/22 to David Held. Request to transfer approval to H.C. Road Contractors, Inc. (signed by Henry Rose, President), stamped received 5/4/22. A motion to transfer the permit was made by Charlie Obert and seconded by Diane Chapin. **The motion was unanimously APPROVED.**

H) Violations & Pending Enforcement Actions

- a) **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 recommended that a plan provided by Killingly Engineering Associates be considered the 'as-built' and filed on the Town land records. Charlie Obert made a motion to request that Jamie Piette file the plan on the land records. The motion was seconded by Fran Morano. **The motion was unanimously APPROVED.**
- b) **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. Marla Butts was informed by Daniel Blanchette of J&D Civil Engineers that he had not yet received notification from Marc Baer to proceed with plan changes. No updates. Marla plans to re-inspect and photo document the site.
- c) **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. Acting Wetlands Agent Dan Malo followed up on complaints of clearing and cutting in wetlands. No updates. Marla Butts will re-inspect.

I) Other Business

- a) Draft Subdivision Regulations – Marla Butts mentioned that the Subdivision Regulation review is ongoing. Further drafts are forthcoming.
- b) A motion to modify the monthly agenda to include public comment after 'Other Business' was made by Charlie Obert and seconded by Fran Morano. **The motion was unanimously APPROVED.**
- c) A motion to reelect the current slate of officers was made by Charlie Obert and seconded by Fran Morano. **The motion was unanimously APPROVED.**

J) Reports

- a) Budget & Expenditures – Diane Chapin reported \$5,077.95 available in the budget. 80.7% of the budget has been expended. No money was encumbered for this month.
- b) Wetlands Agent Report – Marla Butts noted that no progress has been made on MS4, records retention, or Inland Wetlands Regulation updates.

117, 119 & 0 New Road – On April 21, 2022, Marla conducted an inspection of these properties with Commissioner Obert in response to some questions regarding the development of a watercourse starting near the home at 117 New Road draining through 0 New Road and into 117 New Road. Based on the flow of water and the existence of filamentous green algae contained within a channel and evidence of sediment scour and deposits, she determined that an intermittent watercourse has been created after the gravel mining operation by River Junction Estates LLC and Strategic Commercial Realty, Inc.

She spoke to the owner of 117 New Road and requested that he contact the Eastern Connecticut Conservation District to get advice on handling runoff from a horse paddock that drains into this intermittent watercourse, which originates on this property. This inspection resulted in the submission of Permit Application **IWA22011**.

Complaint 22-02, 0 Plum Road – On April 27, 2022, following a complaint that tree cutting was occurring in wetlands, Marla and Dan Malo inspected a tree cutting operation located south of Plum Road and east of historic and unmaintained Marcy Lane. Trees were in the process of being cut. Marla spoke to the new owner, Richard Lafleche, who informed us that he was not planning to do any cutting in wetlands, but that in the future he would submit a timber harvest request for tree cutting in wetlands. A letter has been sent to the complainant regarding the results of the inspection and the complaint file has been closed.

Complaint 22-03, 480 Quaddick Town Farm Road – An inspection is planned with the ZEO to investigate a complaint by the occupant of 480 Quaddick Town Farm Road that the owner of 484 Quaddick Town Farm Road had cut trees in wetlands and felled or pushed them onto 480 Quaddick Town Farm Road.

Complaint 22-04, 1036 & 0 Thompson Road – On April 27, 2022, following several complaints of tree cutting, Marla conducted an inspection with Dan Malo in the presence of Rodrigo Ferreira, son of the property owner, Carlos Ferreira. These properties were the subject of a prior complaint (#21-15) regarding tree cutting. A letter was sent in December 2022 with advice to have a soil scientist provide information on the location of wetlands and the potential uses of these properties for pasture, pond development and other passive uses. Recent tree cutting in the upland review area did not constitute a clearcut, nor had any grubbing or other earthmoving work done, although the Ferreira were contemplating the same. A letter has been sent to Mr. Ferreira via certified mail (it has yet to be received) stating the tree cutting could continue, provided the uplands were not clear cut and to refrain from any stump removal or other grading and construction work until they apply for a declaratory ruling regarding this work. The complaint file remains open.

K) Correspondence – none

L) Signing of Mylars – none

M) Comments by Commissioners –

George O'Neil thanked the Commissioners and staff.

N) At 9:13 PM, after completion of the agenda, Charlie Obert made a motion to adjourn the meeting. The motion was seconded by Fran Morano. **The motion was unanimously APPROVED.**

To see/hear the entire meeting via ZOOM, copy and paste the following link into your search bar:

https://us02web.zoom.us/rec/share/36HZNgYA-D7DpFfR5buuNCIQLwzEmB5uGXaEEgc6y8T3pSXsPbX7bzQtux4bcU_.AMrmgMwtIkDXFeTv

Access Passcode: #Vi2C^Qk

Respectfully submitted, Dan Malo, Recording Secretary

