



## TOWN OF THOMPSON

### Inland Wetlands Commission

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## MEETING MINUTES: Tuesday, December 13, 2022, 7:00PM

*Via ZOOM Online Meeting Portal*

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- 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 (Commissioner) Fran Morano (Commissioner), Marla Butts (Wetlands Agent), Gloria Harvey (Recording Secretary), Amy St. Onge (First Selectman)

Members of the public: Deb Kennett, Kevin Calabro, Roberta and Doug Gray, Jason St. Onge and others.

- B) Appointment of Alternates-None

- C) Action on Minutes of Previous Meetings

- a) Minutes of November 8, 2022

The Minutes of November 8, 2022 were unanimously accepted as presented.

- D) Citizens Comments on Agenda Items-None

- E) Applications

- a) Old Applications - None

- b) New Applications

1. **WAA22029**, Gary Rawson, 0 Logee Road (Assessor's map 141, block 17, lot 184R), construct a new single-family home in a 100-foot upland review area for Quaddick Reservoir, stamped received 11/16/22.

Marla stated this application required review from NDDH and is currently on hold pending NDDH approval of the septic system. Once approval is received Marla will issue a Wetlands Agent Approval because there is only work in the 100-foot upland review area. Charlie Obert commented on the water table in the area and Marla replied that the septic system is not in the upland review area, just the house, driveway and well are. The septic system is across the street. She will send Charlie Obert the PDF plan via email for his review. No action is required by the Commission at this time.

2. **WAA22030**, Gary Rawson, 0 Logee Point Road, (Assessor's map 141, block 17, lot 184I), construct a new single-family home in a 100-foot upland review area for Quaddick Reservoir, stamped received 11/16/22.

This property is located at the intersection of Logee Road and Logee Point Road. The septic system is in front of the house. Water will be coming from across the street from Logee Road. Marla is waiting for NDDH approval of the septic system before issuing a Wetlands Agent Approval because it is located within 100 feet of the reservoir. No action is required by the Commission at this time.

3. **WAA22032**, Meagan Cleary, 175 Hill Road, (Assessor's map 128, block 14, lot 4H), construct a new single-family home, driveway and septic system parts of which are in a 100-foot upland review area, stamped received 11/23/22, issued 12/1/22, Legal notice to be published 12/9/22, end of appeal period 12/24/22.

This property is located on a large track of land with one house on it and according to the Zoning Regulations a second home on the same lot is permitted, therefore there are three homes on two lots. These properties are serviced by a shared driveway. The applicant hired Margaret Washburn to review the wetlands delineation area. The home that is being constructed has already received NDDH approval for the septic design. Marla issued a Wetland Agents Approval on 12/1. There is no action required by the Commission at this time.

4. **WAA22033**-Spicer Plus, Inc, 0 Reardon Road, (Assessor's map 65, block 101, lot 6D), construct propane filling station in 100-foot upland review area, stamp received 11/23/22. Under review.

Initially this application came in as Spicer Gas and after Marla's research it was confirmed that the applicant is Spicer Plus, Inc., and Jon Holstein has been authorized by the President and Manager to represent and act for Spicer Plus, Inc. This application stated the work would be done in two phases so Marla contacted the engineer and Jon Holstein for clarification and they confirmed the applicant is proposing to construct a propane filling station, two tanks in the propane filling area, a driveway, a storm water basin and a propane tank area with safety and security system. In Phase 1, they want to install one tank and a security system. In Phase 2 they want to construct an office building, a second propane tank, septic system, well and parking lot. Because a portion of this property is in the Conservation Easement area, which covers all the wetlands on this lot, Marla sent a request to Dan Malo, Conservation Agent, asking for his comments on this proposal and its potential effects on the Conservation Easement area. The engineer, Daniel Blanchette, asked for clarification on the Spicer Gas project and if the PZC could vote to approve a project prior to approval by the IWC and Marla, after review of the zoning regulations and statutes, replied that she has found no prohibition for the PZC to act before a decision is made on Wetlands Agent Approval of Application WAA22033. Therefore, before Marla issues a Wetlands Agent Approval she needs comments from the Conservation Agent. She has received confirmation from Lawrence C. Chesler, the corporate president and agent for service at Spicer Gas Plus, Inc., that Jon Holstein is authorized to act for Spicer Plus, Inc. on these issues. Daniel Blanchette informed Marla that the applicant now wants to move forward with the entire project and she is waiting to hear back from the PZC decision, Conservation, and NDDH approval for the septic system before issuing Wetlands Agent Approval. This application is under review.

c) Applications Received After Agenda was Published - None

F) Permit Extensions / Changes - None

G) Violations & Pending Enforcement Actions

- a) **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 spoke to Mr. Baer who is in the process of looking for a builder for his home and a new site contractor. There is no adverse impact on the Hager's property at this time. This violation is on hold until construction on this house begins.
- b) **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 – The status is pending. Dan Malo and Marla scheduled a site visit, however, it was put off due to the illness of the engineer. They will schedule another site visit and will get out there after the snow is gone.

**Notice of Violation VIOL22031**, Douglas and Roberta Gray, 0 New Road, (Assessors map 154, block 3, lot 2J), watercourse alternative causing flooding, issued 11/23/22. Discussion and possible solutions were discussed regarding the drainage issues on New Road. Notice of Violation was issued because further grading would completely remove the alternative to restore the flow line, and they shouldn't do any grading work except to restore the site. Marla also asked them to attend the next IWC meeting and if they couldn't she asked them to contact her to discuss drainage issues on their property. She also mentioned that if they fail to comply, it would result in a Cease and Desist. Marla is trying to set up another meeting between Norm Thibeault, the engineer who designed the septic system, and Mr. Calabro. The first meeting was cancelled because Mr. Thibeault was ill. Norm Thibeault told Marla that he had an as built drawing showing the underdrain for Mr. Calabro's septic system and it has not been received, as of this date. In a discussion with Mr. Calabro, he agreed to have Mr. Thibeault investigate several issues Marla had including where is the under drain for the septic system, suggestions he might have to prevent the watercourse that is coming down the hill and breaching into Mr. Calabro's property and identify if the access way from Mr. Calabro's driveway to New Road would be adequate to provide an open channel to New Road. Marla and Commissioner Chapin visited the site and noticed a heavier flow from the watercourse at the top of the hill, and water was draining down Mr. Calabro's driveway into New Road and into the back property of the Kennett's eroding a little rill into the ditch that runs along the Gray's driveway. Roberta and Doug Gray, 131 New Road, Thompson, CT asked for clarification on what determines a watercourse. She commented on several water issues on her property, flooding, recommended addressing the source of the water issue, and they do not want to be burdened with the artesian water especially because it has contamination from manure issues. At the request of Commissioner O'Neil, Marla gave the definition of a watercourse as stated in the regulations. She stated that wetlands are different than watercourses and are defined by soil types. Commissioner Obert commented on jurisdictional guidance stating that we are unable to solve the problem without the right help. Mrs. Gray said they would like to see Mr. Calabro handle the proper disbursement of the artesian water either by digging a trench on the side of his driveway and removing the pipe that is under his driveway that is dispensing water onto the neighboring property. Mrs. Gray proposed that on the 16 acres up and behind their property, create a trenching that would redirect the water instead of having it come down into the lower properties and direct it off toward the Gray's manmade pond. Amy St. Onge, First Selectman, asked if the drainpipe under the driveway discharging water was installed when the neighboring property was vacant is a violation if it was intentionally diverted onto another person's property and affecting other homes? She said the Gray's were trying to prevent something that shouldn't have happened. She also stated that the Attorney said this is more of a civil matter but asked that we do our best to help the residents of this town the best that we can. Kevin Calabro commented he has no problem putting water down the side of his driveway. Deb Kennett, 119 New Road, Thompson stated she is not happy about water flowing in her back yard and the temporary drainage is getting wider and starting to flow onto her property. She is concerned that it will continue to spread. Commissioner O'Neil asked Marla what the next step would be, and she replied that the engineer would have to inspect and see what is needed. Marla will touch base with Norm Thibeault and Kevin Calabro to arrange for another site visit to ensure the engineer understands what the concerns are and provide information. Commissioner O'Neil stated that we get the inspection, get the recommendations for the next meeting or sooner and

find a remedy that will address the immediate source of this issue.

H) Other Business

a) Update on Proposed Revisions to Zoning Regulations

The Planning and Zoning Commission closed the Public Hearing on the proposed zoning regulation changes and will render their decision at their 12/19/22 regular meeting.

b) Update on Proposed Subdivision Regulations

The Planning and Zoning Commission is holding off on the Subdivision Regulations until the amendments to the Zoning Regulations are in place. The subcommittee on Subdivision Regulations still needs one more meeting, and Marla is still going through the Subdivision Regulations to bring to the meeting in January.

c) FY23 Budget

The town is currently using Clear Go for budgeting. Marla sent a copy of this fiscal year's budget to the Commissioners. She expressed concern over budget planning for the FY23-24 budget and reminded them of the need to find a replacement for her. She also suggested they consider an increase in salary for the Wetlands Agent, and an increase in hours in order to find someone to do the job. The proposed FY23-24 budget needs to be voted on at the January meeting and suggested a special in person meeting be held to discuss the proposed budget. George O'Neil asked Marla to find out what date would work best for everyone for this special meeting. Marla spoke with Dan Malo who suggested CCM might have a listing of what Wetlands Agents are earning across the state and Marla will look into it.

I) Citizen's Comments - None

J) Reports

a) Budget & Expenditures

Commissioner Chapin reported available budget from July 1, 2022 to December 15, 2022 is \$17,111.68, and the IWC has expended 37.6% of their budget.

b) Wetlands Agent Report

Update – Marla is reviewing the current version of the draft subdivision regulations amendments and has begun working on drafting IWC regulation amendments relating to fees after researching fees paid throughout the state. She is in the process of developing an Excel spreadsheet identifying the processing costs associated with the various types of applications and petitions to propose a fee schedule that complies with Conn. Gen. Stat. 22a-42a(3). Marla recommended the IWC direct her to draft revisions that remove the “conceptual subdivision” application from the regulations for proposed subdivisions containing wetlands / watercourses and individual permit or jurisdictional ruling be required, with an added provision that no portion of the permit is transferrable. Due to limited file space, Marla will submit a records disposal request and finish the disposal of the pre-1990 permit files.

Inspections/Followup Actions – 73 Laporte Road – Marla inspected this property on 12/16/22 and determined a small watercourse and possible inland wetlands exist within 100 feet of the proposed garage and she informed Mr. Mayo, the property owner, that a site plan with wetlands delineated by a qualified soil scientist with proposed and existing grades would have to be submitted to determine the extent of regulated activities and requested a hold on the building permit application until a site plan is submitted for review and regulatory determination.

Building Permits – Eight building permits were reviewed.

Miscellaneous – The recording secretary is in the process of downloading all IWC Zoom meeting recordings beginning in May 2020 onto a 64 GB flash drive purchased by the Wetlands Office for maintenance under FOIA. The 2021 & 2022 Zoom recordings are completed.

Purchase Requisitions – Office supplies and legal notice for Stonebridge Press Newspaper

K) Correspondence – None

L) Signing of Mylars-None

M) Comments by Commissioners

Charlie Obert-Volunteered to visit the site of the former Boy Scott property with Marla which is being taken over by Windham Land Trust by the end of the year, as well as the New Road site.

Diane Chapin-said she will retire when Marla retires

George O'Neil thanked everyone for their cooperation and recommendations to solve water drainage issues on New Road.

N) Adjournment

At 8.48PM 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.**

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

<https://us02web.zoom.us/j/8vNf3Q73rREt6edNFqM8U-Ts9oQf2sr8nMZCgjj-ir6Q2lg0PRco1z039NJAt1NI.q3XugvKemZO4PxI9>

Passcode: @bDQ9JaD

Respectfully submitted, Gloria Harvey, Recording Secretary

*Gloria Harvey*