



TOWN OF THOMPSON

Inland Wetlands Commission

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MEETING MINUTES: Tuesday, April 9, 2024, 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), Fran Morano Commissioner), Commissioner Christopher Dustin, Amy St. Onge (First Selectman), Cindy Dunne (IWC Interim Agent), Gloria Harvey, Recording Secretary
Members of the Public: Marla Butts, Janet Blanchette, Sep Sadhegi, Dave Citron, Megan Staples and others.

- B) Appointment of Alternates - None

- C) Action on Minutes of Previous Meetings

1. Minutes of February 13, 2024

The Minutes of February 13, 2024 were unanimously accepted as presented.

2. Minutes of March 14, 2024

The Minutes of March 14, 2024 unanimously accepted as presented.

- D) Citizens Comments on Agenda Items

Marla Butts -commented on the new application for **WAA24008**, Ishwara Sharma, 1410 Thompson Road, (map 114, block 27, lot 21), grading work in upland review area and two discharges to wetlands for construction of 16 single family homes, 4 duplexes, community building, road and septic systems. – Because there are 2 stormwater discharges to the wetlands, the extent of grading proposed and creation of impervious surfaces, in my opinion the proposed project involves regulated activities and should be an individual permit application. And, since the fee for a Wetlands Agent Approval and an individual permit are the same I recommend the Commission consider a vote to convert the Wetlands Agent Approval application to a Permit Application.

She also commented on application **DEC24009**, Karl Kuhn, construction of a garage in upland review area - This site was last seen by me about the time my letter was sent and the site was already stable. While authorization for the garage's construction could be covered as a Use Permitted as of Right, it is not a non-regulated use as conservation of soil, vegetation, water, fish or wildlife. The applicant should make clear why approval was not sought in advance of construction.

Marla Butts commented on By-Laws Review. She stated that official documents Including audio recordings of meetings minutes must be filed and recorded in the office of the Town Clerk as required by the Freedom of Information Act. The destruction of records requires the advanced approval of the agency and will follow the requirements and guidelines set forth by the public records administration administrator for the State of Connecticut, Article 4 entitled staff and their duties. She also suggested adding a paragraph five that states "neither the duly authorized agent nor the recording secretary nor any other town staff shall dispose of any agency records that may be authorized by the public records administrator for the State of Connecticut without first obtaining a majority vote of the agency or the Commission authorizing such disposal." In Article 10 entitled order of business in paragraph one

change the agenda outline structure to the state to a standard format that would be a descending order starting with capital letters ABC with subheadings using Arabic numerals 1, 2, 3 and then the subheadings in the lowercase.

Lori Ciccarelli asked for direction regarding the extension of her existing retaining wall when wetlands are involved. Chairman O'Neil recommended contacting the Interim Wetlands Agent with technical questions which she is qualified to address.

E) Applications

a. Old Applications - None

b. New Applications

1. **DEC24007**, Sherri Audette, 4 Jason Heights, (map 120, block 30, lot 8 l), addition to existing garage for use permitted as of right. Stamped received March 14, 2024.
This application is for a proposed addition to a 32 x 36 garage which received Wetlands approval in 1996. The proposed addition on each side of the garage is 16' x 28', a Use permitted as of Right for the maintenance and enjoyment of the property presently used for residential purposes. Cindy stated the applicant applied under the correct section of the regulations, therefore, she recommended this application be approved. Chairman O'Neil asked if any Commissioner has any objection to approving DEC24007. There were no objections therefore DEC24007 was unanimously **APPROVED**.
2. **WAA24008**, Ishwara Sharma, 1410 Thompson Road, (map 114, block 27, lot 21), grading work in upland review area and two discharges to wetlands for construction of 16 single family homes, 4 duplexes, community building, road and septic systems. Stamped Received April 2, 2024.

Cindy stated she has not done a complete review of this application but after a discussion with Janet Blanchette of J & D Engineering and considering what Marla said in her citizens comments, she has no problem with this application and she recommended that this application be changed from wetlands agent approval to individual permit according to inland wetlands water course regulations. There will be regulated activity in the upland review areas including grading, tree removal, storm water removal, and two septic systems. This request follows the inland wetlands water course regulations Section 2 definitions being regulated activity and Section 7 application requirements.

Janet Blanchette gave a brief overview of the proposed project:

- Location of property is right up along the Massachusetts State line
- 46 acres in size
- Build a retirement community for himself and his friends
- Free split of 8 acres for his existing home and the remaining development would be on the other 38 acres. The disturbance of the 38-acre lot is about 11 acres or 28% of the area and the remaining 27 acres will be undisturbed forested land and no work is proposed in the wetlands, it's just regulated activities in the upland review area.
- Soil scientist report delineated the wetlands and described them as forested wetlands. A copy of the Soil Scientist report can be obtained in the IWC Office.
- Individual septic systems will be provided for each unit. Soil tested good perk rates. NDDH approval has been received for this project.
- Grading and drainage were discussed
- Three catch basins will capture as much runoff as possible and direct it to the stormwater basin. This storm water basin design meets the requirements of the

Connecticut 2023 stormwater water quality manual as having been appropriately designed to treat any kind of runoff coming from the roads on this project.

- Erosion control during construction will be well managed due to the well-drained soil and the slope of the land.
- Project will be constructed in 3 phases (8 units, 8 units, 4 units)

Commissioner Morano questioned a sketch not made to scale dated 12/18/22 and asked if the sketch we are looking at tonight has been redrawn. Janet Blanchette replied they did a preliminary layout for Doctor Sharma before the wetlands were delineated. It was a first step in his feasibility analysis and then a soil scientist was hired who went out and flagged the wetlands. Then we moved everything accordingly to where the flags were located so there's no longer a home site in the wetland review area.

Commissioner Dustin expressed concern about vegetation that might play a role in groundwater recharge and how that might be affected. Janet Blanchette responded that the project could incorporate into the stormwater basin some native plantings that would be suitable to having wet feet and dry feet and not have it be just a grassy area on the bottom.

Commissioner Obert questioned the infiltrator system and Janet Blanchette replied the term infiltrator is a proprietary leaching structure for septic systems which proposed for this project. He suggested scheduling a site walk for this project and Commissioner O'Neil asked Cindy to canvas the Commissioners to coordinate a site walk which will include the owner and engineer.

Interim Wetlands Agent stated she will be carefully reviewing the whole application to make sure it complies with Section 7 application requirements.

Commissioner Chapin asked if the Commission needed to do anything to change it to an individual permit and Cindy replied we are just renaming the application so all the paperwork is basically the same. There is an application form for individual applications and again it is the same as the agent application just the title across the top is different but the same information is submitted.

Janet Blanchette, J & D Engineers, said she will present the application that the Commission accepted this evening at the May 14th regular meeting.

- 3. DEC24009**, Karl Kuhn Jr., contractor, (Chris Brunett property) Map 79, Block 62, Lot 47, installation of 28 x 48 garage for use permitted as of right. Stamped Received April 3, 2024.

Property owner Mr. Chris Brunett was recovering, for several months, from a severe medical issue and the contractor had no authorization to receive any approval without property owner's consent. Marla stated while authorization for the garage's construction could be covered as a Use Permitted as of Right, it is not a non-regulated use as conservation of soil, vegetation, water, fish or wildlife.

Information from the Building Office Map GEO Reference "23 Lapiere Rd 100-foot URA from wetlands" is the map previous Inland/Wetland Agent Marla Butts created on October 12, 2022, for the applicant, on a 50+ acre parcel. The wetlands pocket wasn't identified on any of the Building Office mapping as wetlands, so it's not actually in the wetlands area. The garage was built before they even got a building permit for it. An application was submitted on April 3, 2024 for a Use Permitted as of Right after the fact. Commissioner Chapman commented that it is her opinion not to sign off on this application until all the points that Marla has asked for in her letter are met.

Commissioner O'Neil stated in order to advance this he understands the consensus is that we'd like to have the agent review it further, obtain the missing information and have it submitted for next meeting. Hearing no objection this application is tabled to the next regular meeting.

4. **DEC24010**, Joe and Lucy Gattoni, 21 Becola Rd, (map 116, Block 24, Lot 21), attached deck to existing house constructed on existing stone patio. Stamped Received April 4, 2024. This application is a Use Permitted as of Right and is incidental to the maintenance and enjoyment of the property for residential use. The patio is already there they're just building up on it. They're not going anywhere near the water. Cindy recommended approving this application. Jared Swabi, contractor, from Woodville Building, stated the house is 91 feet from the waters edge. He further stated they have a brick patio there now that comes out from the house 20' and all they want to do is build a second story deck that comes out 8' from their house over the top of the underlying patio. The footprint is there already so there's no soil disturbance, no digging down into the earth just activity in the 100' review area. Commissioner Obert made a motion that we approve this application and Commissioner Morano seconded the motion. Hearing no further discussion, application DEC24010 was unanimously **APPROVED**.

c. Applications Received After Agenda was Published – None

F) Permit Extensions / Changes

1. **Transfer of WAA24006** Dave Citron, 0 Greene Island (map 143, block 16, lot 53), single-family home and septic within upland review area of Quaddick Reservoir to Sep Sadhegi. Stamped Received March 28, 2024. The new owner of this property is Sep Sadhegi so this property is closed. Commissioner Obert made a motion to approve transfer WAA24006 to the new owner Sep Sadhegi. Commissioner Dustin seconded the motion. Hearing no further discussion, Chairman O'Neil moved for a vote and the permit extension transfer was unanimously **APPROVED**.

G) Violations & Pending Enforcement Actions

1. **VIOL21036**, Permit IWA20022, Marc Baer, 1227 Thompson Rd (map 116, block 24, lot 10), grades not as authorized in modified plan approved by the Commission on 2/9/21. There was no time to follow up on this violation. An information packet has been put together for the next IWC agent to follow through. The land record has been noted so that the property cannot be sold or occupied without meeting the requirements of this violation.
2. **VIOL23013**, Wojciech Sudyka, 1574 Riverside Drive, (map 55, block 65, lot 14), grading work exceeded scope of work authorized by Permit IWA21028, issued 5/22/23. There was no time to follow up on this violation, therefore no progress has been made.
3. **VIOL23037**, St. Joseph's Church, 12-18 Main Street, (map 63, block 94, lot 3), fill along Reardon Road within upland review area and wetlands. Violation issued 12/15/23. A letter was received from Ron Desrochers dated March 25, 2024 outlining the scope of work he proposed to clean up the site of this violation. He has agreed to clean up the area, remove excessive fill material, finish grading the area as well as looming and seeding the area to stabilize it as soon as the weather gets better for the seed to germinate and expects the work to be done by Memorial Day. Continued scrutiny by the enforcement officer was advised to ensure the work proposed is being done. A written approval of this proposed cleanup plan will be sent to the Church. The Commissioners asked Cindy to find out where he plans to stockpile the material he removes so it's not in another controversial area.

H) Other Business

- a. Discussion on finalizing draft regulation revisions, scheduling of follow up actions and Marla Butts Contract amendment.

Marla Butts asked the Commission to make some decisions on language changes to the draft revisions to the Commission's regulations. This was in response to a review and discussions with Attorney Slater, the Town's legal counsel. The draft revisions were sent to the Commissioners near the end of March. In summary the Commissioners agreed the draft revisions could be sent to DEEP once the following changes were incorporated in the draft:

1. Globally search and replace "wetland agent" with "wetlands agent";
2. In the definition of "Permittee" remove the reference to "wetland agent approval".
3. In Section 4.3 replace "permitted" with "authorized" to avoid confusion and keep the original language "regulated activities located outside of wetlands and watercourses".
4. In Section 10.7 replace the original language "own experts" with "wetlands agent and legal counsel".
5. In Section 11.12 keep the language "Partial transfer of a license for regulated activities is prohibited."; and
6. Keep the draft language for Section 20 Records Retention and Disposition.

Commissioner Obert requested that the Commissioners be copied on what is sent to DEEP. Discussion ensued regarding scheduling the publication of legal notices, a meeting date for the public hearing and whether an informational meeting should be held. The consensus was no informational meeting would be held and the public hearing could be scheduled for the week of May 20th. Cynthia Dunne asked that it not be on May 20th as a Planning and Zoning Commission meeting is scheduled for that date. Chair O'Neill requested the public hearing be a hybrid meeting to allow for more public input. Marla Butts reported that 44 hours were added to her contract, 8 of which have already been used to assist Cindy Dunne in her role as Interim Wetlands Agent and her contract terminates at the end of the fiscal year. Marla Butts said she will get the revised draft posted on the Town's website for public comment shortly.

- b. Status of Hiring a new Wetlands Agent

Four candidates will be interviewed on April 10, 2024 via Zoom. The Human Resource Director sent the applicants resumes to the hiring committee which includes Chairman O'Neill, the Chairman of the Conservation Commission, Director of Planning and Development, First Selectman Amy St. Onge and the HR director. It's great that we are making progress and have candidates interested in the position.

- c. Preliminary discussion on Development of 0 Quaddick Town Farm Road, Map 160, Block 11, Lot 154.

Megan Staples addressed the Commission stating she is a partner of Jason Smith and are currently under contract to purchase this property. As part of our closing, they need to obtain a wetlands permit for crossing over a drainage that empties into a wetland on the property abutting this one and are looking for feedback from the Commission in order to build their home and in the future an ADU. They hired a Professional Wetlands Biologist, a Registered Civil Engineer out of Connecticut, a level design group out of Plainville, Massachusetts, a professional wetland scientist with Southern New England Soil Scientist Society who have already done some work and everyone that is looking at this project is appropriately licensed. They would like to come next month with a completed application. The Commission expressed concern that they were not the current owners and Megan replied that current owners are developers from Texas and they've already signed over forms they submitted to NDDH and they've designated us as their agent. As part of our contract with them, they will sign all of the applications. We are

tasked with doing all of the legwork, coming to the meetings, coming up with wetlands reports, and engineering. Commissioner Dustin advised them to make sure the culvert is appropriately sized to span the waterways and keeps them in good condition because the little stream feeds into a native brook trout stream. They are not proposing any changes to wetlands whatsoever just the crossing, keeping the surface of the mud at the bottom of the stream. Lori Ciccarelli, representing Jason and Megan and the sellers on this purchase asked about an informal site visit. The Commission advised the buyers when an application is submitted, its received and there are time limits within the Regulations, therefore the Commission doesn't actually take action until at least the next month.

- d. Review of By-Laws for discussion or possible changes – Tabled to the next regular meeting
- e. Election of Officers

Commissioner Morano nominated Commissioner Dustin for Chairman. Commissioner Obert seconded the motion. Hearing no further nominations, the nominations were closed. Commissioner Dustin accepted the nomination. The current Chairman asked for a vote and the motion carried 4-0 with one abstention. Cindy Dunne will forward the basic course information required for Chairman to Commissioner Dustin.

Commissioner O'Neil nominated Commissioner Obert for Vice Chairman. Commissioner Dustin seconded the motion. Hearing no further nominations, the nominations were closed. Commissioner Obert accepted the nomination. Commissioner O'Neil asked for a vote for Vice Chairman and it was unanimously **APPROVED**.

Commissioner Obert nominated Commissioner Chapin for Treasurer. Commissioner O'Neil seconded the motion. Hearing no further nominations, the nominations were closed. Commissioner Chapin accepted the nomination on a temporary basis. Commissioner O'Neil asked for a vote and it was unanimously **APPROVED**.

I) Citizen's Comments - None

J) Reports

- a. Budget & Expenditures

Commissioner Chapin reported available budget from July 1, 2023 to March 28, 2024 has an available balance of \$16,336.46 and has expended 50.2% of the budget.

- b. Wetlands Agent Report

Cindy Dunne reported that she worked a full day on Tuesday, 3:00 pm to 6:00 pm on Thursday and she will try to come in on Friday this week. Previous to being appointed she had some personal appointments that she had to keep. Filling in has been a great experience working with everyone. She also stated that she did not review violations of Mr. Baer, the Sudyka property but reviewed and reported on St. Joseph's Church cemetery violation. There were no updates from the Building Department and Wetlands Agent Permits. There is no purchase order status. Also, Cindy will forward information to Commissioner Dustin regarding the training required for his new position as Chairman of the IWC. Commissioner Obert commented that the Commissioners would like to receive items that need to be reported and the continuity of them, any applications that come in, any complaints that come in, any reports from the state that come in, budgetary items, notice of a public meetings, and notice of certain things that we have to do by statute, office supplies, and whatever it takes to meet the needs of the public and our responsibility to the state.

- c. Correspondence

The Interim Wetlands Agent reported that an information letter dated March 21, 2024 was received regarding the Wakefield Pond Dam request for engineering and maintenance work.

K) Signing of Mylars – None

L) Comments by Commissioners

Commissioner Obert commented that he would be available tomorrow to sit in on the interview of the 4 candidates who have applied for the position of Inland Wetlands Agent if Commissioner O’Neil and Commissioner Dustin should not be available.

Commissioner O’Neil commented that it’s been a great pleasure serving as the Chairman of the IWC Commission for the past 8 years, it has been a great learning opportunity, and a chance to work with a lot of folks who are doing a lot of good work.

Commissioner Dustin commented that Commissioner O’Neil will be a tough act to follow.

M) Adjournment

Following completion of the agenda, Commissioner Obert made a motion to adjourn. Commissioner Morano seconded the motion. The meeting adjourned by unanimous consent at 9:34 PM..

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

https://us02web.zoom.us/rec/share/XjJ4KpUIQEsKUZwuiZaiqUsdG5RNxHKsN2D_SmGyv_5jOfkVMcntusTKt1HsPZy4.ZO-yr-oTWHj2UO4t

Passcode: UGYs!S0\$

Disclaimer: These minutes have not yet been approved by the Inland Wetlands Commission. Please refer to the next meeting’s minutes for approval of, and/or amendments to these minutes.

Respectfully submitted, Gloria Harvey, Recording Secretary,

Gloria Harvey