



Town of Thompson
Inland Wetlands Commission

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MINUTES – SPECIAL MEETING
INLAND WETLANDS COMMISSION
WEDNESDAY, APRIL 6, 2016, 7:00 PM
MERRILL SENEY COMMUNITY ROOM – THOMPSON TOWN HALL
815 RIVERSIDE DRIVE, THOMPSON

- a) Call to Order & Roll Call.

Special Meeting was called to order by Chair Morano at 7:12 PM.

Roll Call: Commissioner and Chair Fran Morano, Commissioner and Vice Chair Peter Ricard, Commissioner H. Charles Obert, Commissioner Jarrett Thomas, Commissioner Robert Tillen, Wetlands Agent Marla Butts, Recording Secretary Diane Minarik and Town Attorney St. Onge.

Absent: Commissioner Donald Hoenig II.

Others Present: Allen Rawson, Donald Pimental and other concerned citizens.

- b) Deliberation on closed public hearing for Permit Application #IWA15025 by River Junction Estates, LLC to alter inland wetlands and watercourses and perform work in upland review areas for the construction of a driveway on property identified in the Thompson Tax Assessor's records as 0 New Rd. (Assessor's Map 154, Block 3, Lot 2A, previously identified in the Tax Assessor's records as "Starr Road To Rhode Island State Line", Map 154, Block 3, Lot 7A), public hearing dates: 1/6/16, 2/3/16 & 2/17/16.

Atty. St. Onge provided a brief review of the law regarding Intervention and advised the Commission they need to decide if the Intervenor met the verified pleading that it is reasonably likely that this project would cause unreasonable pollution, impairment or destruction of the public trust and the resources involved and to vote on the application itself.

A lengthy discussion ensued between the Commissioners. While going through the Notice of Intervention paragraph by paragraph they determined some claims are not verified, paragraph 4: c-f do not pertain to this application and there is a lack of environmental study on the property.

Motion to deny this application pending the determination by a court of law the applicants right of access and an environmental study proving there are no species which should be on the national diversity database was made by Commissioner Obert.

After a brief discussion Commissioner Obert amended his motion to read:

Motion to deny this application pending the determination by a court of law the applicant's right of access.

A discussion ensued and during this discussion Chair Morano asked Commissioner Obert if he was withdrawing or modifying his previous motion and Commissioner Obert said he was restricting it.

Motion to deny this application pending the determination by a court of law the applicant's right of access on IWA15025 was made by Commissioner Obert.

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Commissioner Thomas suggested they finish going through the Notice of Intervention before voting on the application. Chair Morano asked Commissioner Obert if he wanted to withdraw his motion for the moment.

Commissioner Obert withdrew his motion.

A lengthy discussion ensued between the Commissioners reviewing evidence as to whether other claims were verified. Commissioner Thomas started to make a motion to disqualify the Intervenor's Notice of Intervention when Atty. St. Onge stated that, according to Roberts Rules, usually you start with a positive motion. Chair Morano asked if there is a motion that it is reasonably likely that the project would cause unreasonable pollution, impairment or destruction of the public trust and the resources involved.

Commissioner Tillen started a Motion to deny the application for a permit on and Chair Morano stated they are only addressing the Intervention right now.

Commissioner Obert started a Motion to accept the Intervenor's argument relevant to the site based on the overwhelming fact that we can't make a choice within a vacuum. Chair Morano stated they went through every single claim and for the majority of them the Commission was not able to sustain the facts that were made and suggested another commissioner make the motion. Chair Morano then asked for a second to Commissioner Obert's motion:

Motion to approve the evidence that it is reasonably likely that the proposed activity might cause unreasonable pollution, impairment or destruction of the public trust and the resources involved was made by Commissioner Obert. Seconded by Commissioner Tillen. With no further discussion **Commissioners Obert and Tillen voted for the motion. Commissioners Ricard, Thomas and Morano voted against the motion. Motion failed to pass.**

Chair Morano stated the Notice of Intervention was denied and asked for a motion on the application.

Motion to deny application IWA15025 as read without prejudice because the need for the bridge has not been established to be without cause or detriment to the inland watercourses due to lack of a building and septic field plans was made by Commissioner Tillen. Seconded by Commissioner Obert.

Commissioner Obert amended the motion to include **the applicant's right of access to Starr Rd needs to be determined by a court of law.** A discussion ensued. Commissioner Tillen stated what he means by "without prejudice" is if the applicant returns with a complete application including a building, an approved septic system and access to his property the bridge decision might be approved. Amendment was **Seconded by Commissioner Tillen.** With no further discussion **Commissioners Tillen, Obert, Thomas and Morano voted for the amendment. Commissioner Ricard voted against the amendment. Motion passed.**

Commissioner Thomas amended the motion to include **the Commission requires additional information on environmental studies due to the lack of specific NDDB and environmental studies of the area.** **Seconded by Commissioner Obert.** With no further discussion **Commissioners Tillen, Obert,**

Thomas and Morano voted for the amendment. Commissioner Ricard voted against the amendment. Motion passed.

With no further discussion the Commission voted on the original motion with amendments:

Motion to deny application IWA15025 as read without prejudice because the need for the bridge has not been established to be without cause or detriment to the inland watercourses due to lack of a building and septic field plans, the applicant's right of access to Starr Rd needs to be determined by a court of law and the Commission requires additional information on environmental studies due to the lack of specific NDDB and environmental studies of the area.

Commissioners Tillen, Obert, Thomas and Morano voted for the motion. Commissioner Ricard voted against the motion. Motion passed.

Commissioner Obert asked if it's safe to believe tonight's vote eliminates the need for further deliberations on application IWA15029 and the answer was no.

c) Adjournment: Chair Morano called to adjourn the special meeting at 9:16 PM.

Motion made to adjourn by Commissioner Obert. Seconded by Commissioner Tillen. Motion passed unanimously.

Respectfully Submitted,



Diane Minarik
Recording Secretary
04-06-2016 Minutes IWC Special Meeting