



Town of Thompson
Inland Wetlands Commission

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Linda Paradise
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MINUTES – SPECIAL MEETING
INLAND WETLANDS COMMISSION
WEDNESDAY, JULY 20, 2016, 7:30 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 Ricard at 7:29 PM.

Roll Call: Commissioner and Chair Peter Ricard, Commissioner and Vice Chair Fran Morano, Commissioner H. Charles Obert, Commissioner Jarrett Thomas, Commissioner Ron 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, Mr. & Mrs. Livingstone and other concerned citizens.

b) Deliberation and decision on closed public hearing for Permit Application #IWA15029 by River Junction Estates, LLC, Starr Road, construction of water diversions on Starr Rd, Assessor's Map 154, Block 3, Lot NA, public hearing dates: 2/24/16, 3/16/16, 3/30/16, 4/20/16, 5/4/16, 6/1/16 & 6/22/16.

Atty. St. Onge provided a brief review of the law regarding notice of intervention and advised the Commission they needed to decide if there was enough evidence to support the claim in 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. He offered the Commission a letter on the same.

Ms. Butts suggested language for a motion should the Commission feel there was sufficient evidence in the record to support the claim.

A lengthy discussion ensued between the Commissioners. While going through the Notice of Intervention they reviewed a number of hearing exhibits and discussed in detail the claims in paragraph 4 as to whether the evidence in the record did or did not support the claims and generally concluded subparagraphs 4.a, 4.b & 4.d did not pertain to this application.

Commissioner Obert made a motion to find the claims contained in the verified pleadings filed by Donald M. and Melissa A. Pimental and Jayson and Gail Livingstone, which pleadings are identified as Hearing Exhibits IWA9 and IWA10, respectively, are sustained by evidence in the hearing record, specifically that the approval sought in Application IWA15029 involves conduct which has or is reasonable likely to have the effect of unreasonably polluting, impairing or destroying the public trust in the inland wetlands and watercourses. Seconded by Commissioner Thomas.

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

Ms. Butts then handed out excerpts of Exhibits Other 42, Other43 and IWA15 and advised the Commission review the relevant factors for consideration found in section 22a-41 of the Statutes, which were restated in § 10.2 of the Commission's regulations and try to answer the questions in Exhibit IWA15 beginning on Page 4 based upon the testimony and exhibits. She noted that the hearing was held in response to a petition and the hearing was not held because the Commission made a finding of significant impact.

A lengthy discussion then ensued between the Commissioners discussing the evidence and factors for consideration. Wetland Agent Butts offered to draft a motion for the Commission's consideration for a conditional approval. After general concurrence Chair Ricard called for a break at 9:30 pm.

Chair Ricard reconvened the meeting at 9:45 pm.

A discussion ensued between the Commissioners on what alternative was the most feasible and prudent alternative in light of the alternative designs presented.

Commissioner Thomas made a motion stating that based on a careful review of the evidence and criteria for rendering a decision given in the statutes and in the Thompson Inland Wetland and Watercourse Regulations, Application IWA15029 by River Junction Estates, LLC be approved to construct two water diversions as identified in hearing *Exhibit Appl23* as Alternative 1 on property as Starr Rd, Assessor's Map 154, Block 3, Lot NA with the following two special conditions:


- (1) Prior to the initiation of construction the permittee shall submit to and receive from the Commission written approval for a sequence of construction and methodology.**
- (2) No work authorized herein shall be initiated until the Commission receives written confirmation that the Board of Selectman have issued an approval pursuant to Town Ordinance No.10-041 and any other relevant town regulation for the work authorized herein.**

Motion seconded by Commissioner Tillen. Commissioner Obert stated these proceedings have made their jobs a lot more difficult than it needed to be and is very unhappy by the way these proceedings had to go on and if these special conditions are meet he is willing to go along with this motion. Motion passed unanimously.

c) Adjournment: Chair Ricard called to adjourn the special meeting at 10:04 PM.

Motion made to adjourn by Commissioner Thomas. Seconded by Commissioner Morano. Motion passed unanimously.

Respectfully Submitted,



Diane Minarik
Recording Secretary
07-20-2016 Minutes IWC Special Meeting