



Town of Thompson
Inland Wetlands Commission
815 Riverside Drive
North Grosvenordale, CT 06255
860-923-1852 (Office) 860-923-9897 (Fax)

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Linda Paradise
TOWN CLERK ASST

MINUTES – REGULAR MEETING
INLAND WETLANDS COMMISSION
TUESDAY, AUGUST 13 2019, 7:00 PM
MERRILL SENEY COMMUNITY ROOM - TOWN HALL

A) Call to Order & Roll Call:

Meeting was called to order by Chair George O'Neil at 7:00 PM.

Roll Call: Commissioner & Chair George O'Neil, Commissioner & Vice-Chair Charles Obert, Commissioner Fran Morano, Commissioner Diane Chapin, Commissioner Barbara Roach, Wetlands Agent Marla Butts and Recording Secretary Diane Minarik.

Absent: Commissioner

Others Present: of J&D Engineers, Sally White, Nadine Williams-Edwards, David Duquette

B) Appointment of Alternates: Commissioner Roach was seated for the vacancy

C) Action on Minutes of Previous Meeting: A copy of the minutes listed below were available for review. Chair George O'Neil asked if there were any corrections and being none:

a) **Minutes of the 07-09-19 regular meeting was accepted as written.**

D) Citizen's Comments Pertaining to Agenda Items:

John Dalton, East Thompson Rd, has heard things about Robinson's development which he didn't like; Thompson has a lot of water and gravel that people want to get their hands on;

7:05 Commissioner Chapin entered the meeting.

what we do effects surrounding towns; was told gravel operations bring down property values which could hurt our tax base by over 1 million dollars; as a taxpayer he wants this Commission to do a great job!

E) Applications:

a) Old Applications:

- 1) **IWA19013** David Gagnon, 25 Lakeview St, Assessor's Map 116, Block X, Lot AB, construct new single family home and septic system, stamped received 7/1/19, statutory receipt date 7/9/19; applicant David Gagnon and Daniel Blanchette of J&D Engineers was present to explain the project and answer any questions; today submitted pictures and new plans with minor NDDH required changes only; building a new home where a cottage used to be, next to boat launch on Little Pond; applicant lives in house on adjacent lot; is looking to sell current house and build a more senior friendly home; extremely difficult lot to build on with building setbacks, ¼ % wetlands and steep slopes; has NDDH approval; submitted plans to DEEP who sent confirmation on received plans on 6/26/19 but hasn't heard back from them yet; lot has steep slope by road and flattens out by water; proposing to build a 1,800 sq. ft. 3-bedroom house with 2-car garage; violating zoning setbacks to minimize wetland disturbance; total wetland disturbance during construction will be 1,900 sq. ft.; permanent wetlands filled will be 670 sq. ft.; hired landscape contractor Mike Thibeault to stabilize shoreline by removing wall by water and replacing with rip-rap slope in 6' sections at a time; proposed work to start in fall; removal of some small trees; DEEP approval is not a requirement of this application; some Commissioner's would like to visit site; don't need zoning variance because they are decreasing a non-conforming site. - No action taken

b) New Applications:

- 1) **WAA19014** Douglas Gray, 131 New Rd (Subdivision lot 11), Assessor's Map 154, Block 3, Lot 2L, install footing drain pipe to daylight within the 100-foot upland review area associated with the construction of a new single family home, stamped received 7/15/19, issued 7/15/19, legal notice publish 7/26/19, end of appeal period 8/9/19, Ms. Butts gave an overview, pond created during gravel mining; new home's footing drain is about 20 feet from pond; no concerns found.
- 2) **WAA19015** Ashley Chapman, 230 Sand Dam Rd, Assessor's Map 135, Block 23, Lot 8, construct 32' X 60' outbuilding (barn) on a concrete foundation, stamped received 8/6/19, issued 8/6/19, legal notice to be published 8/16/19, appeal period to end 8/30/19; Ms. Butts gave an overview, wetlands to rear of property so within 100 feet; non-wetland soils where building; erosion controls near property line with vegetation buffer between building site and erosion control; no concerns found.

c) Applications Received After Agenda was Published:

- 1) **WAA19016** Jacques Lemoine, 38 Breaults Landing Road, Map 141, Block 17, Lot 193, construct new single family home in 100 foot upland review area for Quaddick Reservoir, stamped received 8/12/19; application is incomplete, under review.

E) Permit Extensions / Changes: None

F) Active Violations & Pending Enforcement Actions:

- a) **VIOL17017** Linden O'Leary, President of Quaddick Mountain Resorts Inc., Assessor's Map 143, Block 16, Lots 17, 17AK, 17AL, 17AM & 17AN, violation issued on 5/8/17, the second 90-day extension expired 11/21/17, waiting on septic system approval from DEEP and certified designs for the over 6' high retaining walls and previously installed drainage pipes located in the 100' upland review area, Ms. Butts spoke with Mr. Chappell who is very frustrated because he can't get NDDH approval because Mr. O'Leary still has not finalized his permit; she also told him he can't build until he gets approval for the retaining walls he built; no environmental impact to the lake; no action taken.
- b) **2nd NOV on permit IWA17001** Madison Avenue Investments, LLC, 0 Madison Ave and Thompson Rd (a.k.a. Route 193), Assessor's Map 103, Block 31, Lot 6R, failure to install and maintain adequate erosion and sediment controls, 2nd NOV sent 7/31/18, PZC accepted road w/conditions, Ms. Butts inspected the site on 7/17/19, showed photos of rip rapped ditch on the north side of the road being rebuilt as well as French drains being installed for the driveways for Lot 1, 2 & 3; Mr. Meehan explained that the French drains were to address seepage he observed this spring which will be connected to the stormdrain system that discharges to the stormwater management basin on Lot 18; He was advised that the seeding dates start on August 15th and continue to October 1st.
- c) **VIOL17036** Urgel Lapierre, 0 Brandy Hill Rd, Assessor's Map 143, Block 17, Lot 7-7, sent letter dated 4/16/19 stating must do more corrective work to clear drainage-way; Ms. Butts sent letter after last month's meeting and received call back from Bennett and McCue, Agent for Service for Federal Home Loan Mortgage Corp.; they played phone tag then Ms. Butts sent email yesterday with copy of her inspection report and to respond asap. Ms. Butts suggested and the Commission agreed, she will notify them if the issue is not corrected before next meeting, they will issue a Cease and Desist Order and hold a Show Cause Hearing at the September Meeting.

G) Other Business:

- a) CACIWC Membership renewal

Motion to approve CACIWC Membership expenditure to be allocated as soon as the FY20 budget is final, was made by Commissioner Obert. Seconded by Commissioner Morano. The Motion passed unanimously.

- b) Thompson Community Day 10/5/19 – Commissioners Obert and Roach will discuss ideas.
- c) Request of Sally White via email on 8/8/19 to discuss the proposed gravel-mining of #363 Quaddick Town Farm Rd.

Sally White is representing several people with concerns of the level of knowledge the Commission had regarding the water sources on the property (manmade existing pond created by springs, presumed vernal pool on plateau corner and a brook in each corner) which could be damaged when removing gravel; the water on the property feeds into Quaddick Reservoir and eventually to the ocean which leads to potential contamination and pollution; status of pond on property and it's use for dust control; pre-purchase evaluation by a soil scientist and request for soil scientist report; the site walk;

- Will there be another need for a wetlands permit?
- Several residents will be testing their water for a baseline in case of disruption.
- Discrepancy in paperwork.

Nadine Williams-Edwards is the process person on their team, handed out a calendar and asked about the process of how to appeal an application for a public hearing. Ms. Butts explained the IWC's 3 processes for holding a public hearing; even though 14 days from acceptance of this application had passed, no decision had been rendered and the Commission could still have held a public hearing from citizen's interest which there was none. The agenda for the site walk on this application was posted, the minutes of the site walk was posted and the agenda for the meeting was posted all before the commission rendered their decision and no one made any comment on it because they weren't looking for it until they received the certified mail for Planning and Zoning Special Permit, which was after this commission rendered their decision. The notice of the decision was posted in the paper and the appeal period ended on 5/4/19, after the PZC public hearing meeting on 4/22/19 started. Ms. Butts answered more questions on appeal processes; mentioned DEEP has rules on their air quality concerns; this application process was normal, the work occurring in upland review area was 50 feet from the edge of the wetlands, they didn't walk the rest of the property because the soil scientist didn't identified any wetland soils on the rest of the property and vernal pools have wetland soils under them; during the site walk they found numbered flagged wetlands about 50 feet from excavation site which were on the drawings stamped by a civil engineer; discussed site walks; Ms. Butts mentioned application needs soil scientist report because work was proposed in upland review area when application was received 3/12/19, the site walk on 4/6/19 was the first time Ms. Butts was able to see the wetlands discussed on the plans, she then decided an evaluation from a soil scientist identifying different types of soils in the wetlands and upland review area was not necessary because they were so far away from the wetlands; explanation of application information; water can be taken from a well on site but not the pond without a modification to the permit, they said water will be trucked in. As soon as a watercourse is created in falls under the IWC.

H) Reports:

- a) Budget & Expenditures: Wetlands Budget for Fiscal Year 2018–2019 (Results of Fiscal Reporting 7/1/18 – 5/30/19) None
- b) Wetlands Agent Report:

UPDATES

- Status of Court Appeal on Application IWA15029, River Junction Estates, LLC – The Superior Court decision was appealed to the Appellate Court on 2/27/19 and assigned docket # A.C. 42644. Since then requests were made for the transcripts of various witnesses in the superior court proceeding and on 7/15/19 a pre-argument conference judge ordered the time for filing the brief of the appellant was extended to 8/29/19
- MS4 Annual Report & Follow Up Actions – Until the town budget passes there will be nothing to report.
- Pre-1990 File Destruction Plan – Still no progress since my last report.

INSPECTIONS/FOLLOWUP ACTIONS

- IWA17001 Madison Ave Investments 0 Madison Ave – see F) b) above
- Expired permit 99-12-03, Richard Desrochers, 484 & 486 Quaddick Town Farm Rd – Following a complaint by a citizen On 7/17/19 Ms. Butts inspected the above referenced property, which had been the subject of a gravel mining operation. She found that the land within 50 feet of the delineated wetlands was stable with vegetation (the upland review area was 50 feet at the time the permit was issued). Portions of the land between 50 – 100 feet of the wetlands had been previously mined but had not been reclaimed and was for the most part bare sand. Based on how the land had been graded and the gravelly nature of the soils runoff appeared to have been retained on site and there was no evidence of sediment reaching wetlands or Robbins Brook. Mr. Desrochers was sent a letter advising him not to do any grading or earthmoving activities within 100 feet of the delineated wetlands until he applied for and obtaining a new wetland approval.
- IWA19002 Town of Thompson Sand Dam Rd 5 Mile River crossing – On 7/25/19 a preconstruction meeting was held between Janet Blanchette of J& D Engineering, the contractor and Ms. Butts, to go over the water handling plan. Work is on going and she will get progress reports from J&D.
- Permit IWA17037, Lavallee Construction LLC, Donovan Drive 31 lot subdivision – On 8/1/19 and again on 8/5/19, Ms. Butts inspected the work that has begun on Donovan Drive. Advice was given on erosion and sediment controls. A construction meeting is planned for next week between Ms. Butts, Mr. Lavallee, J&D Engineering and the Public Works Director to review requirements for road construction and sediment control.

BUILDING PERMITS REVIEWED – there were 9 Building Permits reviewed

1) 131 New Rd. 2) 18 Blackmer Downs Rd. 3) 342 Lowell Davis Rd. 4) 40 Mountain Hill Rd. 5) 41 Buckley Hill Rd. 6) 92 Quinebaug Rd., 7) 28 Hagstrom Rd. 8) 230 Sand Dam Rd. 9) 343 Sand Dam Rd.

MISCELLANEOUS

- DEEP's Proposed 2018 Integrated Water Quality Report – On 7/12/19 Ms. Butts was informed by Judy Rondeau that DEEP is withdrawing Backwater Brook from its proposed impaired designation in the draft 2018 Integrated Water Quality Report. This is based on information that both Judy and Ms. Butts provided to DEEP during the public review and comment period.
- Circuit Court Drainage - Ms. Butts has begun an investigation of drainage conditions east of Route 12 and Circuit Court. A small watercourse runs parallel to Route 12, beginning just south of Mason Terrace flowing south under the access driveway to Northeast Sand and Gravel, Inc. (see WAA18025) through the rear of several properties before disappearing into a culvert east of Circuit Court, discharging to an unknown location. To get to the French River it would have to cross Route 12. It is not clear who owns this drainage system but its blockage or failure could affect a number of properties along Route 12.

PURCHASE REQUISITIONS STATUS – Paid \$102.90 Encumbered \$35.00 to Stonebridge Press for legal notices.

I) Correspondence:

- a) Invitation to "Portrait of a Graduate" event on Wed. 10/2/19 by BOE & EDC Branding Implementation Committee, follow-up from 6/5/19 event.

J) Signing of Mylars: None

K) Comments by Commissioners: Discussion on the invite for "Portrait of a Graduate" above; When citizens make, what appears to be false comments, this Commission needs to ask them to substantiate comments.

L) Adjournment:

Motion to adjourn was made by Commissioner Morano. Seconded by Commissioner Obert. The Motion passed unanimously.

Chair George O'Neil called to adjourn the meeting at 9:20 PM.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Diane Minich", written in dark ink.

Recording Secretary
08-13-19 Minutes IWC Regular Meeting