

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

INLAND WETLANDS COMMISSION

TUESDAY, July 14, 2020 7:00pm

Zoom Virtual Meeting Minutes <<See bottom of agenda for Zoom video info>>

A) Call to Order & Roll Call – The call to order was by Chair George O’Neil at 7:03pm

Present: Chairman George O’Neil, Vice-Chair and Commissioner H. Charles Obert, Treasurer and Commissioner Diane Chapin, Alternate Commissioner Barbara Roach, Wetlands Agent Marla Butts, Recording Secretary Ashley Pomes, Commissioner Francesca Morano entered the meeting at 7:30pm. Others Present: First Selectman Amy St Onge, Dan Blanchette, Marc Baer, Joe Przybylek, Dave Poplawski

B) Appointment of Alternates – Chair O’Neil appoints Alternate Commissioner Roach as a Commissioner for the meeting.

C) Action on Minutes of Previous Meeting

- a) Minutes of June 9, 2020 – There were no corrections and no objections, the minutes stand as written.

D) Citizens Comments on Agenda Items – Joe Przybylek was present to talk about **VIOL20018** and **VIOL20019**, he states no work has been done yet to remove the tree debris from the water and asks if there is a time frame for this to be completed. M. Butts says this will be discussed when the Commission reaches that agenda item.

Dave Poplawski was present to comment about new application **WAA20022**, he says he owns property at 1247 Thompson Rd, he has a current approved application with an approved septic, on his plans it says that large specimen trees have to be kept and he hopes that the Commission requires the same functionality for this new application as the engineering required on his application. Chair O’Neil views this as a potential concern for a violation.

E) Applications

a) Old Applications

1. **WAA20004** Richard T. Audet, 50 Wrightson Dr, Assessor’s map 143, block 17, lot 18, construct 20’ X 24’ shed on piers in the 100-foot upland review area for Quaddick Reservoir, stamped received 2/5/2020, under review pending NDDH approval and handling roof runoff – On July 2nd, M. Butts received an email from Mr. Audet stating he has sent an application to NDDH for the replacement of the shed, he also acknowledged that he will figure out a way to handle the roof runoff. This is still pending.
2. **WAA20009**, Hallet T. Merrick, 0 Plum Road, Assessor’s map 85, block 52, lot 12, construction of single-family home, septic system and portion of home proposed in 100-foot upland review area, stamped received 4/13/2020, under review pending receipt of additional information – This is an unimproved portion of road that requires improvements from the town. On July 2nd, M. Butts received an email from Bruce Woodis of KWP Engineering, they have been retained by Mr. Merrick to update and revise the site plans for the Wetlands Application and they will need additional time

Minutes of Inland Wetland Commission Meeting July 14, 2020

to update, they asked for a 30 day extension. M. Butts agreed to the extension and asked if there was any work that would take place in wetlands and watercourses to see if the application will need to be changed to a different type. This is on hold waiting to see what the engineer comes back with for information.

3. **IWA20011**, James Jasmine, 518 Brandy Hill Rd, Assessor's map 143, block 16, lot 37, after-the-fact application for partial demolition of retaining wall and construction of new retaining wall on Quaddick Reservoir, stamped received 5/6/2020, statutorily received 5/14/2020 – M. Butts was asked to sign off on new deck for the front of the cottage by the Building Dept, she notified Mr. Jasmine's engineer, Daniel Blanchette, that there would need to be new plans for this deck. She received revised plans from him today that included the construction of the deck on the front, she will send the Wetlands Commission these revised drawings to view prior to the next meeting. Also Mr. Blanchette has not yet received any letter from DEEP regarding the retaining wall encroachment on the lake bottom beyond Mr. Jasmine's property, Mr. Blanchette will send the information for the DEEP contact he has been speaking to, to M. Butts and she will reach out to them herself to see if she can help move this along. The want is for DEEP to submit a written statement that they have no objection to the wall being there.
4. **WAA20012**, Richard Desrochers DBA J+J Construction LLC, 484 & 486 Quaddick Town Farm Rd, Assessor's map 158, block 20, lots 8I & 8J, earth excavation & grading for future residential development, stamped received 5/6/2020, approved 6/19/2020, legal notice published 6/26/2020, end of appeal period 7/11/2020 – The appeals period ended this past Saturday, there was no appeals. Mr. Desrochers can now proceed with work.
5. **WAA20016**, Saywatt Hydroelectric, LLC, 0 West Thompson Rd. & 12 Old Route 12, Assessor's map 67, block 102, lot 26 & 27, construct photovoltaic solar array in 100-upland review area for the French and Quinebaug Rivers, stamped received 5/27/2020, approved 6/12/2020, legal notice published 6/26/2020, end of appeal period 7/11/2020 – The appeals period ended this past Saturday, there was no appeals. Commissioner Obert states there must not be any room left for any additional panels. M. Butts agrees that there is no more space that she can see available without involving alterations to wetlands. *There was note that the river listed above was incorrectly listed on the agenda as the Quaddick River, this should have been Quinebaug. This error has been corrected in these minutes.
6. **WAA20017**, Mark Labonte, 0 Thompson Rd, Assessor's map 103, block 31, lot 5A, construct single family home and appurtenances in the 100-foot upland review area, stamped received 5/20/2020, approved 6/12/2020, legal notice published 6/26/2020, end of appeal period 7/11/2020 – This application was initially denied by the Commission because of flooding issues, since then all questions/issues were addressed, a Wetlands Agent Approval was given. The appeals period ended this past Saturday, there were no appeals.
7. **WAA20020**, Joshua & Jessica Rhodes, 0 Pompeo Rd, Assessor's map 61, block 59, lot 5A, construct single family home and appurtenances in 100-foot upland review area, stamped received 6/3/2020, approved 6/22/2020, legal notice published 7/3/2020, end of appeal period 7/18/2020 – There are no appeals on this yet, Chair O'Neil asks if M. Butts can send a copy of the plans/drawings to him, she states she will send a copy to all Commissioners.

Minutes of Inland Wetland Commission Meeting July 14, 2020

8. **WAA20021**, Beverly Walker, POA for Dorothy Wetherbee, 23 Becola Rd., Assessor's map 116, block 24, lot 22, replace failing septic system, approved 6/24/2020, legal notice published 7/3/2020, end of appeal period 7/18/2020 – M. Butts states receipt date is missing, it is the same date as the issuance. M. Butts put a special condition on the approval that the engineer needed to be there while work was being done to ensure the septic was built according to the plan. Commissioner Roach says she can see the work being done daily; they are doing what they need to do. The silt fencing is up, when trees went into the pond when being removed, they were immediately taken out, the work area is covered with dirt so presumably the septic system has been installed. There is an old wall that has been deteriorating over the years that has gotten worse with a portion in the water. M. Butts says she will take a ride out there to see for herself what is going on.

b) New Applications

1. **WAA20022**, Marc Baer, 1227 Thompson Rd., Assessor's map 116, block 24, lot 10, construct house, well, septic system, driveway and associated grading, stamped received 6/16/2020, requires conversion to individual permit application – there was discussion about the revetment, Dan Blanchette says the property is very steep, because of the proposed location of the house the land will need to be made even steeper. Erosion at the water's edge was a concern, to combat that they're proposing a rock revetment at the shoreline to stop the wave action from eroding the land area. To prevent undermining the toe of the slope needs to be slightly below the water level. M. Butts states this application needs to be processed as an Individual Permit Application. **Motion made by Commissioner Obert seconded by Commissioner Chapin to change this from a Wetlands Agent Approval to an Individual Application Approval.** Chair O'Neil asks Mr. Blanchette if there are any alternatives to this design or if this is the best choice. Mr. Blanchette says he believes this is the best choice, the other choice would be a vertical retaining wall at the water's edge, the rock revetment offers many advantages. It's cheaper to construct, its easier to repair, it's better for wildlife to go back and forth between water and land easily. Chair O'Neil asks if there is any long-term impact on the wetlands, Mr. Blanchette says he doesn't anticipate any long-term impact. **All Commissioners in favor, no opposition, the motion passes.** M. Butts says the official receipt date will be today now that the application is changed so nothing can be decided further until next meeting. She says there are many questions she will bring to the engineer regarding this application. Commissioner Roach asks if DOT has been contacted regarding erosion control, M. Butts says she spoke with Public Works Director Rich Benoit, he was going to touch base with DOT. Mr. Baer says his contractor Pat Wall spoke with DOT and they are going to give him permits and that everything is ok with them. M. Butts says she will touch base with DOT herself and ask them to take a look at the slope. M. Butts also says she has received an email from Mr. Harger, Mr. Baer's neighbor, he wants to know if there is plans to remove the trees between their two lots. Mr. Baer says yes, he will remove the trees, but the contractor was told to stop work, so he has not been able to do so yet. M. Butts will ask the neighbor which trees exactly he wants removed and they will let Mr. Baer know.
2. **WAA20023**, Thomas Murray, 0 Sand Dam Rd., Assessor's map 114, block 24, lot 60B discharge of footing drain associated with the construction of new single-family home, stamped received 6/18/2020, under review pending receipt of additional information – Most of the work appears to be in the upland review area. There has

Minutes of Inland Wetland Commission Meeting July 14, 2020

not been approval from NDDH yet, M. Butts cannot proceed without the NDDH approval of the septic design, this is still pending.

3. **WAA20024**, Thomas Murray, 0 Sand Dam Rd., Assessor's map 114, block 24, lot 60C construct new single-family home, driveway and footing drain portions of which are located in the 100-foot upland review area, stamped received 6/18/2020, under review pending receipt of additional information – This is pending, M. Butts cannot proceed without NDDH approval of the septic.
 4. **WAA20025**, Madison Avenue Investments, LLC, 0 Madison Ave. (Assessor's Map 103, Block 31, Lot 6H, subdivision lot 8), construct and discharge footing drain in 100-foot upland review area for a new single-family home, stamped received 7/6/2020, under review – This was approved on Friday July 10th, the only activity is the footing drain will partially be in the upland review area, the legal notice will be published next Friday, the appeal period will be for 15 days after that.
- c) Applications Received After Agenda was Published – There was one application (assigned # WAA20026), it is for 22 Woodstock Road in Thompson, assessors map 29, block 104, lot 23, WBA Real Estate LLC, 78 Prospect St, Woodstock CT. They have already obtained a soil scientist report, they have also sent letters to Woodstock and Putnam Wetlands Agencies as well since the location is within 500 ft of both of those towns as well. Woodstock Building Associates will be using this location as their show room, they are doing improvements to the parking lot in the back as well as septic work and will need an access road for that septic work. The application came in yesterday, M. Butts has not had a chance to review it yet.

F) Permit Extensions / Changes - None

G) Violations & Pending Enforcement Actions

- a) **Cease & Restore Order VIOL20003** Scott Josey, 637 East Thompson Road, Assessor's map 154, block 5, lot 14: filling of wetlands and work within 100-foot upland review area, issued 3/5/2020, hearing and decision 3/10/2020 soil scientist report submitted 5/10/2020 approved, and to be work completed by 9/15/2020 – M. Butts received calls from concerned neighbors that there was work being done in the wetlands at this address, she went out to this site and saw for herself that there had been a pump there with a hose nearby and it looked like the site had been excavated. On July 9th M. Butts sent Mr. Josey an email notifying him that recent inspection of his property showed he had excavated a portion of the wetlands north of the restoration area that was cited in the cease and desist order, additionally he had side casted the spoil materials into the wetlands marsh. This work was not identified in the remediation plan given by the soil scientist, she told him to cease all work and respond within 48 hours to explain what he was doing. He did immediately contact her back saying the work he had done was the work that was supposed to be done according to the remediation plan. She told him no this is not what was to be done and invited him to attend this IWC meeting tonight to explain. She also sent an email to Mr. Gibson, Mr. Josey's soil scientist. Mr. Gibson replied that he had no knowledge of the work being done, Mr. Josey decided to complete work without his assistance. This is going to need further investigation and discussion. M. Butts will work on this and figure out how to address this issue, she will contact Mr. Gibson and look for his feedback on the photos she sent him to see if the work done was part of his remediation plan.
- b) **VIOL20013**, Adrienne Martin and Joseph Fagan, 208 Linehouse Rd, Assessor's map 36, block 70, lot 4, clearcutting of trees and earth moving work in 100-foot upland review area, Notice of Violation issued 5/14/2020 to remove the slash, pull back the soil along the

Minutes of Inland Wetland Commission Meeting July 14, 2020

eastern property boundary to a grade no steeper than 3:1 (i.e. 3 feet horizontal to 1 foot vertical) by 6/1/2020 and immediately following the completion of this work, seed and mulch all disturbed soils – M. Butts went out to this site, she spoke with Mr. Fagan, he explained he is having financial difficulties to hire a machine to come in and do the grading work and requested a 90 day extension. The area that had been disturbed was now growing with grass, he has done no further work, some of the trees that he cut have been removed, some of the wood is still there. M. Butts has no problem issuing extension until October 1st as that is still within the seeding dates for whatever soils he disturbs during his grading work. Chair O'Neil asks if there is any further negative impact on the wetlands, M. Butts says no, a small amount of woody debris went over a stone wall, he agrees he will pull the debris back and stabilize it, it should not have any negative effect waiting the additional 90 days. There were no objections by Commissioners for granting the extension.

- c) **VIOL20018**, Marc Baer, 1227 Thompson Rd, Assessor's map 116, block 24, lot 10, clearcutting trees and earth moving work in 100-foot upland review area for Little Pond, Notice of Violation issued 5/27/2020 to cease tree cutting and earth moving work, install E&S controls and by 6/3/2020 provide written explanation for work done and schedule for submitting application (see Application WAA20022 above) – this was addressed as submission of application IWA20022. Commissioner Roach asks if the silt fence was in place at the time of last month's meeting. Commissioner Obert and Mr. Baer both answered yes, the fence was in place. M. Butts says that machines or a boat would be needed to remove the debris and it will cause more damage to remove it now, it would be better to wait. M. Butts and Commissioner Obert will go out to view this property next week. Commissioner Roach recommends that the debris should be removed now and if damage is done to the silt fence then he will need to fix it. M. Butts will send a letter to Mr. Wall and Mr. Baer requiring the debris to be removed within 30 days before any application approval will take place. Mr. Baer asks if he should also remove the trees near his neighbor's property line at the same time, M. Butts states do not remove trees at this time, wait for her to get clarification on which trees the neighbor wanted removed.
- d) **VIOL20019**, Patrick Wall & Wall Excavation and Home Improvement LLC, 1227 Thompson Rd, Assessor's map 116, block 24, lot 10, clearcutting trees and earth moving work in 100-foot upland review area for Little Pond. Notice of Violation issued 5/28/2020 to cease any further earth moving work until a permit or wetlands agent approval is issued and immediately install E&S controls along Little Pond – see above **VIOL20018**.

H) Other Business

- a) Request for participation to revise Plan of Conservation and Development -see https://www.thompsonct.org/sites/g/files/vyhlf5076/f/uploads/plan_of_cd_2010.pdf - If anyone is interested in participating in this, contact Town Planner Tyra Penn-Gesek.
- b) Review of the Approved IWC FY 20-21 Budget – There was not any changes made to this budget, it is the same as last years.

I) Reports

- a) Budget & Expenditures – There is no end of year report yet, there is still some outstanding balances, so the books have not yet been closed.
- b) Wetlands Agent Report –

Updates- Status of Court Appeal on Application IWA15029, River Junction Estates, LLC, is still pending. There has been little progress on the MS4 Annual Report and Follow Up Actions, but FY 19-20 Funds were encumbered, and contracts initiated to continue

Minutes of Inland Wetland Commission Meeting July 14, 2020

stormwater drainage system mapping, outfall screening and discharge sampling. No new progress on pre-1990 file destruction.

Inspections/Follow Up Actions-

- Complaint 20-01, 497 Quaddick Town Farm Rd. – M. Butts received an email from property owner Jenna Windsor stating she had Superior Paving remove as much material as would fit into a dump truck at a cost of \$1,000. Further she had no further plans to create a pull off for the driveway until she had funds to pave the driveway. Since Public Works is expected to plan road repair work in the near future to address road stabilization and drainage issues including installation of a cross culvert under this driveway, no further action is planned on this complaint.
- Complaint 20-05 Report of dumping of pony manure in wetlands off of Hiawatha Dr. - On June 29, 2020 M. Butts conducted a drive by inspection of property located on the north side of Hiawathia Dr. with Commissioner Obert. There appeared to be several locations where the dumping of brush and miscellaneous debris into and along the edge of the swamp that drains to Quaddick Reservoir. She did not see horse manure. Subsequent to the inspection, she found out this property is likely owned by the Town of Thompson. She has contacted Carolyn Werge to take a look at the property and advise if removal of the dumped material is warranted. She has also spoken to Public Works Director Benoit about blocking the entrance to the Town's properties to prevent further dumping. M. Butts will give a status update at the next IWC meeting on what actions may be warranted.
- Complaint 20-08 Report of fill in URA and possibly wetlands at 480 Quaddick Town Farm Rd – During a visit to Richard Desrochers property with Commissioner Obert on 6/29/2020 Richard Desrochers complained the filling of wetlands and in the upland review area had occurred on the Lemieux & Burlingame property. From the street fresh fill or disturbed soils could be seen northeast of the home. Subsequently, a review of Record Drawing # 1547 filed in the Town Clerk's Office revealed wetlands were delineated in or near the area of the observed disturbed soils. A subsequent viewing of the property from the street confirms this conclusion. A letter of inquiry will be sent shortly to the property owners to get an explanation for the work northeast of the home so that a course of action could be decided.
- Complaint 20-09 Flooding problems at 361 Brandy Hill Rd caused by street drainage – M. Butts visited the site on June 29, 2020 with Commissioner Obert to get an assessment of the problem. The home at 361 Brandy Hill Rd was built in 1986 with no drainage problems until the home at 8 Totem pole Rd was built in 2004 filling in an area where stormwaters use to flow. Subsequently (about 5 years ago?) the Town installed a catch basin in front of 361 Brandy Hill Rd discharging it at a headwall that drained into the side yard of 361 Brandy Hill Rd. Last year the Town repaved the road and it appears that drainage changes have occurred exacerbating the flooding problem causing stormwater to flood into the garage several inches deep. M. Butts is working with the Public Works Director and NDDH to find out what actions the Town can take at address the problem. This is complicated because the stormwater pools into undeveloped property to the rear of 361 Brandy Hill Rd. With no drainage culvert under Totem Pole Rd stormwaters must flood up and then over Totem Pole Rd entering into other private property before reaching Quaddick Reservoir. M. Butts will give an update on the status at the next meeting.

Building Permits Reviewed- There were 10 building permits reviewed.

- **Miscellaneous-** Request for Authorization to Purchase Storage Cabinet – It is requested the IWC authorize the expenditure of up to \$200 for half of the cost to purchase a storage cabinet to be shared with the Conservation Officer for storage of supplies and equipment to free up file cabinet space.

Minutes of Inland Wetland Commission Meeting July 14, 2020

Total estimated cost less than \$400. Unexpended funds from FY19-20 encumbered but not spent pending IWC approval of expenditure. **Commissioner Obert makes a motion to approve \$200 for lockable storage cabinet to share with Conservation seconded by Commissioner Morano.** Commissioner Obert asks if the cabinet is fireproof, the answer is no. **All Commissioners are in favor, the motion is approved.**

- Draft Zoning Regulations – Since January 2020, M. Butts has spent hours of time reviewing and providing comment on draft zoning regulations being developed by the Planning & Zoning Commission. Her focus was on stormwater management, MS4 permit requirements, and provisions that could affect inland wetlands and watercourses. The draft regulations have been posted on the Town's website and available for public comment and are expected to go to public hearing in the near future.

PURCHASE REQUESTIONS STATUS

- Paid \$40.83 (PO 120441), W.B. Mason, office supplies.
- Encumbered \$50 (PO 120498), Stonebridge Press, legal notice Joshua & Jessica Rhodes, WAA20020 and Beverly Walker POA for Dorothy Wetherbee, WAA20021.
- Encumbered \$200 (PO 120499), Elan Corp, purchase of storage cabinet to be shared with Conservation (PO 120471).

J) Correspondence - None

K) Signing of Mylars -None

L) Comments by Commissioners – Commissioner Obert confirms he will meet with M. Butts on Monday to go out to view some properties discussed during this meeting.

M) Adjournment – **Commissioner Obert moved to adjourn the meeting at 9:09pm seconded by Commissioner Chapin, all were in favor.**

Respectfully Submitted,

Ashley Pomes; Recording Secretary

Topic: Inlands Wetlands Commission

Date: Jul 14, 2020 06:27 PM Eastern Time (US and Canada)

Share recording with viewers:

<https://us02web.zoom.us/rec/share/yed7BrbsrWZIRtb95W3zZlCjHL3ueaa8hnNKq6Jczh63ukRMJhXBgGqVQhrL5UvH>

Password: 9O?#\$&@