



**TOWN OF
THOMPSON**
Inland Wetlands Commission

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Meeting Minutes: TUESDAY, May 11, 2021 7:00PM
ZOOM Virtual Meeting

<<see bottom of minutes (page 5 of 5) for ZOOM recording link>>

- A) Call to Order & Roll Call – The call to order was by Chair George O’Neil at 7:00pm.
Present: George O’Neil (Chair), Marla Butts (Wetlands Agent), H. Charles Obert (Vice-Chair), Francesca Morano (Commissioner), Amy St. Onge (First Selectman), Ashley Pomes (Recording Secretary), Janet Blanchette (J&D Civil Engineers), Jason Lavallee, Dave Held (Provost & Rovero), Patricia Rudzinski
- B) Appointment of Alternates – None
- C) Action on Minutes of Previous Meeting
a) Minutes of April 13, 2021 – The minutes of April 13th stand as recorded.
- D) Citizens Comments on Agenda Items - None
- E) Applications
a) Old Applications
1. **WAA21008**, Jason Lavallee, 0 East Thompson Rd (aka 597 East Thompson Rd, Assessor’s map154, block 5, lot 10), construct underground utility in upland review area for a new single-family home, stamped received 4/1/21, under review pending receipt of NDDB review – The site plan is shown on the screen highlighting the location of the proposed power trench. NDDB identified Eastern Pearl Shell to be in the area and gave recommendations for proceeding that were shared on the screen and in the zoom agenda documents posted online. Jason Lavallee is present on the meeting and explains that the proposed work should only take approximately 2 days and the disturbed area should be no more than 7ft wide. They will be hugging the stone wall when digging so that should act as a natural barrier. C. Obert asks if he will be removing any trees while digging this trench. Mr. Lavallee answers only saplings if necessary, they will not take down any large trees they will dig around them instead. M. Butts asks the Commission if anyone has an objection to her issuing an approval, there is none. M. Butts will issue the approval within the next week.
 2. **WAA21009**, Neil P LLC, 520 Riverside Drive (Assessor’s map 85, block 95, lot 10A), construction of a 132’ X 54’ new commercial building with associated drainage changes in the 100-foot upland review area and the relocation of a culverted intermittent watercourse, stamped by the Town Clerk 3/31/21, request conversion to individual permit application – M. Butts and Janet Blanchette of J&D Civil Engineers went out to this site a couple of weeks ago. They noticed that the culvert was flowing with water even though it had not rained in a few days which meant the discharge was actually a watercourse. There is brief discussion about culverts on a piece of property on Plum Road and M. Butts is unsure how the water comes from Plum Road to this location. Janet Blanchette’s notes and

instructions for this location are shown on the screen for review. There is a discussion to change this application from WAA21009 to IWA21009. **A motion is made by C. Obert to approve IWA21009.** F. Morano asks if there should be any conditions on the approval, M. Butts answers none other than standard conditions. **F. Morano seconds the motion to approve. All in favor.**

b) New Applications

1. **WAA21010**, Ken Poplawski, 0 Lowell Davis Rd (Assessor's map 99, block 29, lot 25), construct garage and driveway portions of which are located in the 100-foot upland review area for a new single-family home, stamped received 4/13/21, approval issued 4/19/21, legal notice published 4/30/21, appeal period ends 5/15/21 – M. Butts sent out an email to all Commissioners earlier today that included a site plan for this application. An aerial shot is shown on screen of the site. Janet Blanchette explains this site, she notes the driveway has been in place for several years and it does not need upgrading, it is firm and wide with millings on it. A proposed utility trench will follow along the existing driveway and go over the driveway culvert without touching any wetlands. There is no action needed from the Commission, M. Butts has already issued this approval.
2. **WAA21011**, Madison Avenue Investments, LLC (Assessor's map 103, block 31, lot 6B), construct portion of septic system and footing drain in 100-foot upland review area for a new single-family home on subdivision lot 2, stamped received 4/13/21, approval issued 4/19/21, legal notice published 4/30/21, end of appeal period 5/14/21 – There is very little work in the upland review area. Wetlands Agent approval was issued, appeals period ends on May 14th.
3. **IWA21012**, Strategic Commercial Realty, Inc /dba Rawson Materials, 0 East Thompson Rd (Assessor's map 154, block 5, lot 10), create 3.5 ± acre pond by the removal of about 120,000 cubic yards of sand & gravel and construct relocated driveway for proposed single family home, stamped received by Town Clerk 4/23/21, revised 5/3/21, to be statutorily received 5/11/21 – This is a companion application to WAA21008. When the plans originally came in for this pond, there was no reference made to relocating the driveway. There was also an issue on who had signed the original application as well as the second signed application. New plans were submitted for the driveway relocation and the signatures are now all correct on the application. Dave Held from Provost & Rovero is present on the meeting to discuss this application further. He says they are in the process of working on addressing all of M. Butts comments she added to their plans. He asks the Commission's opinion on who to hire to conduct the wetlands impact study, he suggested a soil scientist whom he works with regularly. M. Butts says this is a special situation and he would need someone with experience in the issue at hand. She suggests an aquatic ecologist would probably be best in this situation, but he should wait until he gets the response from NDDB regarding this situation first. Mr. Held explains the process of digging out the pond and the excavated materials will be taken off site. They are proposing a new driveway to be cut in northwest of the proposed pond. M. Butts mentions there is a pending application for the excavation at this site with Planning and Zoning. The Commission will go on a site walk at this location on Saturday June 5th at 9:00am. M. Butts asks all Commissioners if they would like her to mail them a full-sized set of plans, all decline.

c) Applications Received After Agenda was Published –

1. **IWA21013**, Paul M. Duquette, 0 Plum Rd (Assessor's map 83, block 56, lot 41D), construct driveway across wetlands and a new single family home in the 100-foot upland review area, stamped received 5/10/21, to be statutorily received 5/11/21 – This application was only received yesterday, no action needed at this time. M. Butts mentions concerns she has about how the drainage system works.
2. **WAA21014**, Town of Thompson, Blain Rd at Riverside Drive (Assessor's map 63, block 95, no lot #), reconstruction of Blain Rd and Riverside Dr intersection in the 100-foot upland review area, stamped received 5/10/21, under review – This application just came in yesterday, the Town wants to reconstruct Blain Road. No action until next month when M. Butts can explain the drawings.

F) Permit Extensions / Changes

- a) **IWA14019**, Patricia Rudzinski, 0 Labby Rd. (Assessor's map 95, block 27, lot 17), requesting a 3-year extension of gravel removal permit to expire 10/14/24, received by Wetlands Office 3/3/2021 – M. Butts and C. Obert went down to this site. They note the gravel mining site has not changed, phase 1 was not stabilized and it appears some work was done in phase 2 without completing phase 1. Photos are shown on screen to show that some old weight scales were put in place on the roadway over an existing box culvert. It appears over time, the plates have begun to separate, and this would need to be certified by an engineer that they are still able to withstand heavy traffic. M. Butts has sent this issue to the Public Works Director for his recommendations, she cannot recommend an extension be granted at this time pending further information/certification. The current permit does not expire until October. M. Butts tells Ms. Rudzinski that she will forward her any correspondence she has with the Public Works Director, and she also lets her know that she is welcome to contact an engineer herself, to come out and look at the plates to see if they would certify it as is. This is tabled until next meeting.

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, status of compliance with Cease & Restore Order – M. Butts and C. Obert went out to this site and they state it looks like the work was completed. This will be tabled until next meeting so that photos can be uploaded for all Commission members to view. This site will be put on the agenda for the Saturday site walk on June 5th.
- b) **VIOL20033**, Jennifer Burlingame & Robert Lemieux, Jr., 480 Quaddick Town Farm Rd., Assessor's map 158, block 20, lot 8K, filling / earthmoving within 100-foot upland review area and possibly within delineated wetlands. Status of Notice of Violation issued 8/6/2020 – M. Butts and C. Obert went out to an adjacent property to look at a fallen tree. While there, they attempted to look over into this property to verify whether there was fill in the wetlands or not. Unless M. Butts can find some sort of recent aerial photography that indicates there was filling in wetlands, she would be willing to inactivate this file with a letter to the property owners not to do any more earth moving work, construction or clear cutting within 100 feet of the wetland boundary. She asks for the Commissions feedback on that approach. There are no objections.

H) Other Business

- a) Halloran & Sage Report: Supreme Court Decision on Meetings under FOIA (see <https://www.jud.ct.gov/external/supapp/Cases/AROCr/CR336/336CR11.pdf> and <https://jud.ct.gov/LawLib/LawLibNews/Posts/Post.aspx?Id=4360>) – M. Butts reads a

summary of this and states she is unclear if this applies to IWC meetings like site walks. She would like to send an email to Halloran and Sage Attorney Rich Roberts and ask if this has any effect on Saturday site walks without quorums. All Commission members agree to get some clarification on this.

- b) ZOOM Meeting status update – The current executive order expires on the 19th of this month. As of the 20th of May, all meetings will need to move back to in person unless the order is extended. M. Butts mentions possible hybrid meetings and mentions the IT support will be changing on July 1st. First Selectman Amy St. Onge makes note that the broadband infrastructure is being upgraded within the Town Hall and hybrid meetings will be available in the near future.

I) Reports

- a) Budget & Expenditures – Treasurer Diane Chapin is not present on the meeting tonight. M. Butts reports as of April 29th the Commission has expended 80.9% of the budget. She mentions she does not have enough time left to be working on the ms4 annual reports. The Board of Selectmen is looking at going to the Board of Finance for the transfer of funds for her to be able to work more than 15 hours a week, at least until she can finish up the ms4 reports.

- b) Wetlands Agent Report –

UPDATES– There has been no change in the status of Court Appeal on Application IWA15029. Commissioner Morano has come into the office and worked on cleaning out some pre-1990 files in preparation for final destruction. M. Butts has been informed by the Finance Office that she can work additional hours outside of those budgeted by the IWC to complete the MS4 work.

INSPECTIONS/FOLLOWUP ACTIONS – Complaint 20-14, M. Butts to document conditions for the Commission's determination as to the next course of action. Complaint 20-19, M. Butts to draft a letter to the property owners advising them to contact the Wetlands Office before conducting any further earthmoving work in or within 100 ft of the ponded area. Complaint 21-03, Inspection is pending. Complaint 21-05, A letter has been sent advising Mr. Kettle to apply for a wetlands agent approval or seek a declaratory ruling for a use permitted as of right under farming/agriculture for work being done on garage/farm store. The Building Office and Director of Public Works were also notified. No further action is needed at this time. Complaint 21-06, M. Butts and C. Obert went out to inspect flooding from Whitman's Pond Dam. They made several stops along the pond and noted the conditions they saw as well as who they spoke with. They were shown photos and videos from recent flooding and M. Butts advised those photos and videos to be sent to the IWC/Wetland's office. No further action is planned at this time.

BUILDING PERMITS REVIEWED – Permit #21-106-B, Permit #21-139-B.

MISCELLANEOUS – Richard Desrochers request for opinion on fallen uprooted tree in the wetlands at 484 Quaddick Town Farm Road. M. Butts inspected the property and found a fallen 3 trunk red maple had blown over into the wetlands. It was not clear whose property the roots were on, but the tree stems were clearly on Mr. Desrochers property. M. Butts has contacted Mr. Desrochers and informed him it was ok to cut the tree trunks on his property but don't touch the root bole. He has agreed and does not plan to remove the wood. No action is required.

PURCHASE REQUESTIONS STATUS – Payment pending \$29.40 Stonebridge Press, legal notice. Payment pending \$88.20, Stonebridge Press, legal notice.

J) Correspondence

- a) ECCD Outlook Newsletter, Winter 2021 Edition (to be posted <https://conservect.org/eastern/education/>) – Hard copy is available in the office, this will be posted on their website.
- b) Connecticut Wildlife Magazine March/April (to be posted <https://portal.ct.gov/DEEP/Wildlife/Connecticut-Wildlife-Magazine>) – This should be posted on DEEP's website. The hard copy is available in the office.

K) Signing of Mylars – None

L) Comments by Commissioners – C. Obert asks M. Butts a question about Whitman's Pond Dam. He asks if the beaver dams are required by DEEP to be removed and that they are not allowed to just let them build up. M. Butts goes on to explain the dam is required to have 1 foot of freeboard (bank 1 foot higher than water "free" of any flood) and beaver dams holding up water would be holding up freeboard as well. The pond should be maintained and kept free of any beaver dams.

M) Adjournment – **A motion to adjourn the meeting is made by C. Obert, seconded by F. Morano.** The meeting is adjourned at 8:50pm.

Respectfully Submitted,

Ashley Pomes

Topic: Inlands Wetlands Commission

Start Time: May 11, 2021 06:51 PM

Meeting Recording:

https://us02web.zoom.us/rec/share/2hkEpgRmSR4-37n2WKz34kkBq_SCW90p7fkLAW5g-3hz8Ko-0bbcqTQEH7PcLIw.uMrH8mrMBCL16E7M

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