



**TOWN OF  
THOMPSON**  
**Inland Wetlands Commission**

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**MINUTES: TUESDAY, June 8, 2021, 7:00PM**  
**ZOOM Virtual Meeting**

- A) Call to Order & Roll Call – The call to order was by Chair George O’Neil at 7:05pm.
- Present: George O’Neil (Chairman), Marla Butts (Wetlands Agent), Diane Chapin (Treasurer), H. Charles Obert (Vice Chair), Francesca Morano (Commissioner), Amy St. Onge (First Selectman), Ashley Pomes (Recording Secretary)
- Others Present: Gail Arsenault, Dave Held, Harry Heller, Ramona Savolis, Norm Thibeault, Bonnie Robbins, Jason Lavallee, Cathleen Godzik
- B) Appointment of Alternates - None
- C) Action on Minutes of Previous Meeting
- a) Minutes of May 11, 2021 – M. Butts notes that the header reads agenda and should state minutes. No other changes noted, the minutes are accepted with the one adjustment noted by M. Butts.
    - **There is a motion by D. Chapin, seconded by C. Obert to add the approval of the site walk minutes to tonight’s agenda.** There is discussion about these minutes, the first site visited had a quorum present and that constituted a meeting, the other two sites visited did not have a quorum and the minutes presented for those sites are just notes. C. Obert and G. O’Neil both agree they found no errors on the minutes, the minutes are accepted as presented.
- D) Citizens Comments on Agenda Items – There are numerous citizens comments. The first citizen to speak is Gail Arsenault of 157 Spicer Road. She has numerous concerns regarding application WAA21008. She would like answers about the proposed start and end work dates that were in April, she asks about the work that had occurred that deviated from the plan per an email between Mr. Lavallee and M. Butts, and she also wants to know about vegetation being removed from the 100-foot buffer zone that was requested not to take place by NDDB. M. Butts says all those questions will be addressed during that agenda item.
- Cathleen Godzik of 157 Spicer Road has questions regarding application IWA21012. She says she is very concerned regarding the proposal after going on the site walk. She has worked up an 8-page document consisting of 76 questions she has regarding this site and the proposed work. G. O’Neil says that her items are noted but this is not a public hearing. M. Butts says she did receive the document and she had replied to the email address that had sent her the documents today, that email address belongs to Gail Arsenault. M. Butts says she will send a request for additional information to Dave Held and she will include the 8-page document in her request.
- Bonnie Robbins of 591 East Thompson Rd notes that she is an immediate abutter to the proposed project at 0 East Thompson Rd, she mentions that the woods and freshwater brook located on her property that she has enjoyed since 2000 is now disturbed by the work that is being completed. She questions that they are not staying 100 feet away from the wetlands and asks a question about a map that she received on the Saturday site walk. She wants to know what the dotted

circle was on the map that included her property inside of it, M. Butts answers that the circle is part of the upland review area.

Ramona Savolis of 551 East Thompson Road asks about a document between M. Butts and Laura from DEEP regarding the freshwater muscles and other things in the water. M. Butts said she did receive a response and she will forward it along to Ms. Savolis.

#### 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, issued 5/12/21, legal notice published 5/21/21, appealed via email by Bonnie Robbins on 5/26/21 – M. Butts addresses the questions that Ms. Arsenault had during the citizen comments portion of the agenda, she says that the NDDDB recommendations that they received are just that, they are recommendations, not requirements that the Commission has to follow. M. Butts states knowing that NDDDB did not actually go out to the site, and they were just working off their set of standard recommendations, and that the work to be completed was going to be so short term, it was her opinion that they did not need to fully comply with the no work in the 100ft buffer zone. As for the inspector being on site, there is a stone wall on site that would be acting as a barrier for erosion for most of the work except for a small flat area that did not give a real reason for concern, so an inspector was not necessary to monitor the work. For the work that was done that deviated from the plan that was approved, it was determined that Mr. Camelio acted on his own digging the power trench that was not according to plan. Mr. Lavallee states he is going to remove that power trench that was dug without permission and the work will be done the correct way that was approved in the original plan. He says they will be renting a mini excavator to do the work since his small machine is out of service and they will be staying in a fairly straight line but will zig zag through the woods slightly to avoid any larger trees. M. Butts asks the Commission what they would like to do at this point and explains their options to accept her approval, modify her approval, require a permit or rescind her approval. There is a discussion between Commission members, F. Morano notes that the property owner did something he shouldn't have without approval, but Mr. Lavallee will fix the mistake so there should be no reason to rescind it. There is a discussion about the location of the trench and the location of the proposed pond. The Commission decides to accept the approval with a condition of a timeline for the work to be completed in. **A motion is made by F. Morano, seconded by D. Chapin, to sustain approval with the modification that the power trench be put where it was intended to be with the prior approval and all work is to be completed within 14 days, by the 23<sup>rd</sup> of June. All in favor.**

M. Butts makes note at this point of the meeting that she spoke with an attorney regarding the appeal and petition that was submitted on this application by Bonnie Robbins. The attorney indicated that a petition on the Wetlands Agent Approval was not valid at that stage. A cease-and-desist order was also asked to be issued, he states that the IWC could reverse the granting of a permit following an appeal but cannot issue a cease and desist unless the scope of the permit was exceeded, or the applicant misrepresented the facts as to what was proposed. M. Butts says the misunderstanding by the current property owner was not something that warranted any further action to rescind the Wetlands Agent Approval.

2. **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, statutorily received 5/11/21 – M. Butts notes that she did receive the 8 page document from Cathleen Godzik and she will be sending a hard copy to all Commissioners for their review. She states at this time they do not yet have a response back from NDDb regarding this proposed work, but with the assessment for Mr. Lavallee's work in the previous agenda item, it can be expected it will most likely be similar with additional concerns and comments. She has also reached out to a wildlife biologist at DEEP and asked for their advice and things to consider. She says the site needs an environmental assessment of the 5 Mile River and associated wetlands within the property limits performed by a qualified wetlands scientist with experience on the effects of pond construction. Also there needs to be a hydraulic and hydrologic evaluation of the 5 Mile River as it passes through the subject property including flood maps and flood plains for storms. There should be a soil evaluation to be done by a qualified soils engineer or soils scientist. She adds that there are several items that should be included on the plan that are not currently there. M. Butts says that the Commission received a petition for a public hearing dropped off by Marie Savolis containing over 40 signatures. She asked for legal counsel regarding this petition with Governor Lamont's current executive orders that are in place. Attorney Richard Roberts says that the executive order does not give an applicant time to file a petition beyond the 14 days. M. Butts explains about the timelines remaining on the executive order and the dates that a public hearing could be opened and the timeline for posting the two required legal notices. There is discussion about a public hearing being a good chance for the applicant to make their case and for citizens to be heard, there can be a proper airing of the issue. Harry Heller is the attorney representing Strategic Commercial Realty, he asks if the Commission is inclined to schedule a public hearing, that they do so tonight. He says they will have no problem giving the extension until late August to give them more time to get information together. The Commission gives their opinion if they believe it is in the best interest of the public to hold the public hearing or that there is a significant activity that it perceives is occurring. C. Obert says he believes it is fair to say that this touches on both of those options. F. Morano agrees that it would be subject to both concerns. D. Chapin says it does touch on both but if she had to choose one, she would choose the impact and G. O'Neil believes it touches on both as well. **A motion is made by C. Obert that they consider this to be both a potential significant impact and in the public interest to plan accordingly for a public hearing for this topic, seconded by F. Morano. There was no further discussion, all in favor.** M. Butts says the time to schedule the meeting will be determined with Covid regulations in mind, she will also get together the complex application fee. Harry Heller says they will agree to extend this until sometime in August and he will work out the date with the staff, he also says there will be no presentation to the Commission tonight, they will provide all testimony at the public hearing.
3. **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, received 5/11/21 – Norm Thibeault of Killingly Engineer Associates is present to represent the applicant. This site

was visited during the Saturday site walk, M. Butts said they traced out flow lines on the site down to the liquor store. She is concerned about some of the culverts and drains that are blocked with debris or possibly too small to handle the flow of water, on other sites nearby. They may potentially cause flooding at this site during a major storm. Mr. Thibeault says he can take a look at the pipes and do an analysis. G. O'Neil also asks about the driveway location and why it couldn't be at another location further east on the property. Mr. Thibeault explains about the slopes of the property and the disturbance it would cause and why he chose the location that he did. This application will be tabled until next meeting so the applicant can provide additional information on the drainage conditions.

4. **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 – M. Butts will provide drawings of this site at the next meeting, it is her intention to render an approval for this item.

b) New Applications - None

c) Applications Received After Agenda was Published - None

F) Permit Extensions / Changes

- a) **IWA14019**, Patricia Rudzinski, 0 Labby Rd. (Assessor's map 95, block 27, lot 17), request for a 3 year extension of gravel removal permit to expire 10/14/24, received by Wetlands Office 3/3/2021 – M. Butts received a letter from KWP Associates, electronically signed by David Smith, principal engineer for KWP. He says it is his opinion that the steel plate assemblies installed in 2015 are still firm. Frost or loss of base material has caused them to gape, and the culvert has deteriorated over the last few years but since the decking assembly is 24 feet long, it would require a substantial amount to be lost to impact the decking. He recommends monitoring the site periodically to determine the conditions. M. Butts notes that his report was not signed or stamped and that it should be by a professional engineer. She also states she believes a Town Engineer should review the site before the Commission takes any action on this item.

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 – This site was part of the Saturday Site Walk. Per M. Butts, while they were out there, they saw that the stone fiord was functioning as intended. C. Obert agrees, he says the problem is solved as far as the IWC perspective is concerned. **A motion is made by C. Obert, seconded by , to issue the certificate of compliance to be filed on the land record. All in favor.**

H) Other Business

- a) Update on Request for Legal Advice on Effect of Recent FOIA Supreme Court Decision on Inland Wetlands Commission Actions – M. Butts read the email by Attorney Richard Roberts regarding Site Walk meetings and minutes. It is his opinion that the Supreme Court Decision should have no effect on holding site walks even if a quorum is not present.
- b) ZOOM Meeting status update – As of right now, this will be the last Zoom meeting with the July meeting resuming in person. First Selectman St. Onge is working on making

hybrid meetings available in the future.

- c) CACIWC Annual Membership Renewal for FY 21-22 – **A motion is made by F. Morano, seconded by C. Obert to expend the \$60 that is in the budget for the renewal of the CACIWC annual membership. All in favor.**

I) Reports

- a) Budget & Expenditures – Per Treasurer D. Chapin, there is an available budget of \$2,853.99. 88.9% of the budget has been expended, \$150 this past month with \$70 in office supplies and \$80 in advertising.
- b) Wetlands Agent Report – UPDATES – There has been no change in the status of Court Appeal on Application IWA15029, River Junction Estates, LLC. M. Butts is still working on the MS4 Annual Report when time allows, and she has made no further progress on records disposal.

INSPECTIONS/FOLLOWUP ACTIONS – VIOL20033, M. Butts has sent a letter to Ms. Burlingame and Mr. Lemieux informing them that the file has been closed and, in the future, to contact the Wetlands Office in advance of any earthmoving work. Complaints 20-14, 20-19 and 21-03 still need following up. Permit IWA20044, M. Butts attended an on-site preconstruction meeting today with Public Works, the contractor's representatives, and Janet Blanchette of J&D Civil Engineers to discuss work that is to begin this summer. The road will be shut down for approximately 2 weeks during the summer with detour signage to be put up.

BUILDING PERMITS REVIEWED – Permit #21-137-B, #21-138-B, #21-160-B, #21-164-B, #21-195-B, #21-197-B, #21-198-B, #21-203-B, #21-205-B

MISCELLANEOUS – None

PURCHASE REQUISITIONS STATUS – Paid \$29.40, Stonebridge Press, Paid \$88.20, Stonebridge Press, Paid \$58.80, Stonebridge Press, Payment Pending \$70.00, Chase Graphics.

J) Correspondence - None

K) Signing of Mylars – None

L) Comments by Commissioners – C. Obert asks M. Butts about the work that is being done by DPW around Town, M. Butts says she will get in touch with Rich Benoit to get the full extent of the work to be done.

M) Adjournment – **A motion to adjourn the meeting was made by C. Obert, seconded by F. Morano. All in favor, the meeting was adjourned at 9:51pm.**

Respectfully Submitted,

*Ashley Pomes*  
Recording Secretary

**Topic: Inlands Wetlands Commission**

**Start Time : Jun 8, 2021 06:39 PM**

**Meeting Recording:**

**[https://us02web.zoom.us/rec/share/9GgThZTgo2dzfx59Xpubkx8fqwEvx7pK7Oucp3Z9p-IPdrwv895SQk6sVneYYQw5.pOjqLzY8S\\_ORQyrX](https://us02web.zoom.us/rec/share/9GgThZTgo2dzfx59Xpubkx8fqwEvx7pK7Oucp3Z9p-IPdrwv895SQk6sVneYYQw5.pOjqLzY8S_ORQyrX)**

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