

Thomaston Inland Wetlands and Watercourses Commission
Meeting Minutes – March 23, 2016

Members Present & Seated: Joe Fainer, Chairman, Tony Samela, Rich Jennings, Robert Foster, Sue Pierpont

Others Present: Jeremy Leifert, Erich Weihrauch, Nick Sforza, Glenn and Lisa Durante, Deb and Tim Ferris, Joyce and Bill DePeitro, Sandra and Michael Montana

The Show Cause hearing convened at 7:02 pm

Agenda Item #1 – Erich & Grace Weihrauch, 1099 Hickory Hill Rd. – excavation within a regulated area without wetland permitting

Agent(s): E. Weihrauch

J. Leifert reported that as he drove by the property, he noticed a trench had been dug behind the house that was leading to a watercourse.

J. Fainer explained the purpose of the Show Cause hearing to E. Weihrauch.

E. Weihrauch explained that a concrete pipe from an old well is constantly over flowing with water, so he dug a trench and removed boulders in order for the water to flow into the stream.

J. Leifert informed the Commission that E. Weihrauch submitted an application last week for the digging of the trench and to move the boulders back to the top of the drop off. Discussion ensued.

The Commission discussed whether or not to maintain the Cease and Desist Order.

A motion was made by T. Samela and seconded by R. Jennings to maintain the Cease and Desist order. Motion unanimously passed.

Regular Meeting:

A motion was made by T. Samela and seconded by R. Jennings to move the approval of the minutes to later in the meeting. Motion unanimously passed.

Old Business:

Agenda Item #1 – Permit Application #2016-02-17-01 for cleanup and remediation of deposition of materials within a regulated area at 381 Cedar Mountain Rd.

Agent(s): N. Sforza

The Commission discussed their site walk of the property.

A motion was made by T. Samela and seconded by R. Jennings to declare application #2016-02-17-01 not a significant activity. Motion passed 4-0-1 abstention by R. Foster.

N. Sforza submitted a request to waive the permit fee. Discussion ensued.

A motion was made by R. Foster and seconded by R. Jennings to uphold the application fee. Motion passed 4-1-0 opposed by T. Samela.

N. Sforza asked the Commission what would be the maximum amount of time they could give him to clean up the property.

J. Fainer told him 2-3 years and that a time frame could be factored into the approval.

A motion was made R. Foster to set the time to 6 months. R. Foster withdrew his motion.

A motion was made by T. Samela and seconded by R. Jennings to approve Application #2016-02-17-01 with the following conditions; reasonable expectation that any parts that have fluid in them be removed first, that the total deadline will be 6 months from today, and that the standard conditions of this Commission will apply for any erosion and sedimentation that may or may not occur. Motion unanimously passed.

Agenda Item #2 – Permit Application #2016-02-19-01 for construction of an attached garage within a regulated area at 543C North Main St.

Agent(s): G. & L. Durante

The Commission discussed their site walk of the property.

A motion was made by R. Jennings and seconded by T. Samela to declare the application not a significant activity. Motion unanimously passed.

A motion was made by R. Jennings and seconded by T. Samela to set the fee at \$135.00. Motion unanimously passed.

A motion was made by T. Samela and seconded by R. Foster to approve application #2016-02-19-01 with the standard wetland conditions. Motion unanimously passed.

Agenda Item #3 – Discussion of issues at Meadowbrook Dr./Laurel Dr.

The Commission discussed their site walk.

J. Fainer noted that he saw evidence of surface water and a surface water channel and J. Leifert commented that he felt it is an intermittent watercourse.

J. Fainer told the property owners in attendance that the Commission will determine tonight if they have jurisdiction over the activities that were conducted and explained what would constitute an emergency for such activities to occur without a permit. Discussion ensued.

J. Leifert presented pictures from 1982 when the pipe was originally installed and reported that he could not find a permit for it in any of the Town's files.

J. Fainer open the discussion to public comment.

S. Montana informed the Commission that she and her husband hired H. Osowiecki to install the pipe under the driveway and that she also couldn't find a permit in her files.

T. Ferris commented that the open pipe use to shoot water onto his property, which would seep into his basement as well as wash out his driveway, that water also gushes down the road when it rains, which has nothing to do with the pipe, and asked the Commission why the pipe couldn't just be extended.

J. Fainer explained that an application can be submitted to add an extension to the pipe.

B. DePietro commented that for years surface the water travelled down to the pipe then under Waterbury Rd. and isn't going there anymore. Discussion ensued.

J. Leifert suggested that the owners contact S. Hayden to conduct a review for possible solutions.

M. Montana commented that the problems are being caused by the pipe being capped and the stream being covered.

B. DePietro asked if the Commission if they can find out who owns Meadow Brook Dr.

J. Leifert replied that through discussions with the Town Attorney and review of the land records, it was never transferred to anyone and is still owned by the Paparazzo's.

J. DePietro asked if the Town could help since it is causing problems on Laurel Dr.

J. Leifert told her that she would have to speak to the road supervisor about it. J. Fainer also suggested they speak to the Board of Selectmen.

J. DePietro asked if a permit could be issued to divert the water down along Meadow Brook Dr. and into the catch basin on Laurel Dr.

J. Leifert commented that the deeds specify that the owners have the right to pass over and maintain it.

New Business:

A motion was made by T. Samela and seconded by R. Jennings to modify the agenda to include accepting the application for 1099 Hickory Hill Rd. Motion unanimously passed.

J. Leifert informed the Commission that an application has been submitted, but not a sketch.

A motion was made by T. Samela and seconded by R. Foster to accept application #2016-03-17-01 to address drainage and erosion measures and for a hydro turbine. Motion unanimously passed.

E. Weihrauch explained that he dug the trench because of overflow from the old well, that he deposited boulders to protect the bank from eroding, and that he would also like to create power from the waterfall by drawing water into a pipe that would go into a generator and back into the stream.

E. Weihrauch gave the Commission permission to conduct a site walk on April 2, 2016 at 9:00 am.

Agenda Item #1 – Discussion of review of regulations; potential amendments

J. Leifert suggested that the Commission table reviewing the regulations at this time because the State will be releasing new model regulations in June or July.

Agenda Item #2 – Discussion of potential application fee revisions

J. Leifert discussed building engineering fees into the application fees to be held in a separate engineering account. Discussion ensued.

Minutes:

A motion was made by T. Samela and seconded by R. Jennings to approve the minutes from February 24, 2016 as amended to read (pg. 2) Agent(s): G. Durante, L. Durante and (pg. 3, 1st paragraph) T. Ferris granted permission to the Commission to conduct a site walk. Motion unanimously passed.

The approval of the minutes from January 30, 2016 was tabled until next month, as they were not distributed to the Commission for review.

A motion was made by T. Samela and seconded by R. Jennings to approve the minutes of February 27, 2016 as amended to read (Cedar Mountain Rd.) The Commission walked the site of the unpermitted deposition of scrap metal, wood, and parts along the area of the watercourse. Motion unanimously passed.

Conservation Agenda:

Old Business:

Agenda Item #1 - Urban Forestry Grants Discussion – applied for a \$12,000.00 grant for Nystrom’s, but the grants will not be awarded until June.

Agenda Item #2 - New Grant Opportunities – will look for non-point grants for Nystrom’s.

Agenda Item #3 - Trail Improvements for Dug Rd. Open Space – no update.

Agenda Item #4 - Illegal ATV Use/Gating Dug Rd. Open Space – the cemetery wants to help because they are having serious issues with ATV’s damaging the property.

Agenda Item #5 - Environmental Assessment of Dug Rd. Property – will find out if Kings Mart can conduct the assessment.

Agenda Item #6 - Interpretive Signage for Turner Rd. Wetland – no update.

New Business: None

Communications and Bills:

J. Leifert presented and discussed the following;

1. **CT Wildlife – January/February 2016 Issue**
2. **Army Corps of Engineers – Statewide General Permit Process**
3. **Notification of Permit Expiration – Whispering Pines, 500 S. Main ST.**
4. **126 Cables La. – Letter lifting Cease and Desist Order**
5. **New England Wetland Plants – Updated Sales List**
6. **CACIWC Annual Meeting Handouts**

Reports:

Agenda Item #1 – Enforcement:

- a. **1099 Hickory Hill Rd., Excavation in regulated area (Open Cease and Desist Order)** – application accepted earlier in the meeting.
- b. **Enforcement – Meadow Brook Dr. watercourse diversion** – discussed earlier in the meeting.
- b. **Enforcement – 175 Litchfield St. unpermitted deck in regulated area** – owner waiting for his engineer to finish the drawings, but needs to go before ZBA first.
- c. **Enforcement – 381 Cedar Mountain Rd. deposition in regulated area** – application approved earlier in the meeting.
- d. **Enforcement - 167 Reynolds Bridge Rd. Open C&D Order & Court Order** – waiting for a court decision on the foreclosure.
- e. **Enforcement - 280 Reynolds Bridge Rd. Open C&D Order** – discussed in Executive Session.
- f. **Leigh Ave. - Standing C&D Order for W. Chamberlin Property** – no update.

Executive Session:

Agenda Item #1 - Discussion of pending litigation - 280 Reynolds Bridge Rd.

Agenda Item #2 - Discussion of pending litigation – 167 Reynolds Bridge Rd. –
Executive Session was not needed for this agenda at this time.

A motion was made by T. Samela and seconded by R. Jennings to move into Executive Session to discuss pending litigation for 280 Reynolds Bridge Rd. Motion unanimously passed.

The Commission moved into Executive Session at 9:58 pm. with all members present and J. Leifert.

The Commission moved out of Executive Session at 10:28 pm with no action taken.

It was the consensus of the Commission to adjourn the meeting at 10:29 pm.

Respectfully submitted, Pat Santa Maria, Recording Secretary