

Thomaston Inland Wetlands and Watercourses Commission
Meeting Minutes July 13, 2011

Members Present: Joe Fainer, Chairman, Matt Kulman, Secretary, Jen Pacelli, Tony Samela, Bob Carr, Alternate Tim Clark

Others Present: Jeremy Leifert, Wetland Enforcement Officer, Ryan Geddes, George Touponse, Atty. George Seabourne, Jim Nobile, Ray Taylor, Jim Tilson

Members Seated: J. Fainer, M. Kulman, J. Pacelli, B. Carr, T. Samela

The Public Hearing convened at 7:03 pm.

Agenda Item #1 - Proposed changes to the IWWC Regulations to reflect changes in State Statute for Public Act 11-5

J. Leifert distributed Public Act 11-5 to the Commission and explained that Section G pertains to the extension of open permits up to July 2011 that have not expired prior to the effective date and that the extension would not be valid for more than 14 years. J. Leifert also distributed Section 117 of the IWWC regulation showing the changes that need to be made and the final wording of the Commission.

Public Comment: G. Seabourne asked if the present date would be used or the date the permit was approved. J. Fainer told him it would be the date of approval

A motion was made by M. Kulman and seconded by B. Carr to close the public hearing at 7:12 pm. Motion unanimously passed.

The regular meeting convened at 7:13 pm.

Minutes:

A motion was made by M. Kulman and seconded by J. Pacelli to accept the revised minutes from June 8, 2011. Motion unanimously passed.

Old Business:

Agenda Item # 1 - Application #2011-06-08-01 for construction of a single family home, a driveway crossing, and site development at Lot 162 Atwood Rd.

Agent(s): G. Touponse, Atty. Seabourne

Atty. Seabourne told the Commission that he and G. Touponse were here to afford the Commission a site walk of the property and that the driveway crossing and the proposed remediation areas have been flagged by the Engineer.

G. Touponse gave permission to the Commission to conduct site walks. Site walks were scheduled for July 16, 2011 at 8:00 am and July 19, 2011 at 9:00 am.

Agenda Item #2 & #3 - Discussion of Cease and Desist Orders for Lot 62-01-32 Reynolds Bridge Rd. and 296 Reynolds Bridge Rd.

These items were discussed under New Business.

Agenda Item #4 - Discussion of Cease and Desist Order for Leigh Ave. wood road.

J. Leifert had nothing new to report, but he will speak with Atty. Seabourne next week.

New Business:

Agenda Item #1 - Application for grading, stabilization, and drainage improvements at 296 Reynolds Bridge Rd & Parcel A Reynolds Bridge Rd.

Agent(s): R. Geddes

R. Geddes told the Commission that the owner authorization form from Premiere Properties LLC giving him permission to submit the wetlands application has already been submitted. R. Geddes discussed the map showing the existing conditions of the property, the map showing the proposed activity, which includes 2 structures, stabilization of the embankment, and the remediation of the drainage swale, and the detail sheet for the maintenance area and the end of the drainage pipe.

J. Fainer informed R. Geddes that his application will be forwarded to the Town Engineer for review and for a quote. J. Leifert suggested that a tracking pad be installed in the access way area.

R. Geddes gave permission to the Commission to conduct site walks. Site walks were scheduled for July 16, 2011 at 8:30 am. and July 19, 2011.

A motion was made by M. Kulman and seconded by J. Pacelli to accept Application #2011-07-13-01 from Premiere Properties LLC. Motion unanimously passed.

Agenda Item #2 - Application for culvert replacement, property grading, stabilization, and maintenance access in a regulated area at 86 Woodbridge La.

Agent(s): J. Nobile

J. Leifert explained that J. Nobile graded, planted grass, cleaned the drainage area, and put a shed within the 100' setback. J. Nobile presented a map of his property, explaining that drains from neighboring properties flow onto his property and that the Town is only responsible to clean the first 100 feet. He also explained that he would like to clean the pipe crossing area and the silt that has filled in the brook. J. Leifert explained to the Commission that the culvert was designed correctly, but it hasn't been maintained, and that he thinks it would help if the highway dept. installs rip rapping.

J. Fainer explained the authority of the Commission to J. Nobile and that they will determine if the activity is considered regular maintenance. J. Fainer also suggested that J. Nobile go before the Board of Selectmen to see if they can address any of the issues.

J. Nobile gave permission to the Commission to conduct site walks. A site walk was schedule for July 16, 2011 at 9:00 am and on July 19, 2011.

A motion was made by M. Kulman and seconded by B. Carr to accept Application #2011-06-14-01. Motion unanimously passed.

A motion was made by M. Kulman and seconded by B. Carr to amend the agenda to add the Public Hearing regulation change. Motion unanimously passed.

A motion was made by M. Kulman and seconded by T. Samela to accept the final wording as read during the Public Hearing of the proposed modification to Section 11 of the Thomaston Inland Wetland and Watercourses Commission regulations. Motion unanimously passed.

Communications and Bills:

J. Leifert distributed and discussed Public Act 11-184 regarding dry hydrant exemptions under wetlands, effective October 1, 2011, for the Commission to review. The act will be scanned and emailed to the Fire Commission and the Fire Marshal to find out if there are any dry hydrants located in Town.

J. Leifert informed the Commission that R. Taylor contacted him regarding excess run off onto his property from Highwood Farms that caused the brook to expand and has caused trees to be uprooted and to lean with the possibility that some trees may fall on his house. J. Taylor explained that he feels the Town and the developer of Highwood Farms should be responsible to fix the speed of the water flow. J. Fainer told R. Taylor that if there is an immediate safety concern of a tree falling, have the tree taken down and notify the Commission of it.

J. Leifert explained that 449 High St. Ext. was previously given an agent approval to construct a retaining wall and for the removal of trees in the wetland area. J. Leifert suggested that R. Taylor contact S. Hayden to see if he can offer potential solutions for the runoff. J. Fainer explained the Commission's authority to R. Taylor.

J. Leifert informed the Commission that he was contacted by J. Tilson regarding issues with his property caused by activity from 927 Hickory Hill Rd. J. Tilson explained that Mr. Levesque is burying material, brush, lumber, and old windows, which are washing onto his property when it rains.

J. Leifert explained that when he visited Mr. Levesque's property in March, not much activity had taken place and that there wasn't any debris on the property when the permit was issued. The Commission reviewed the approved permit conditions.

Mr. Tilson gave the Commission permission to conduct a site walk of his property. A site walk was scheduled for July 16, 2011 at 9:30 am.

The election of a new Vice-Chairman:

A motion was made by J. Pacelli and seconded by T. Samela to nominate B. Carr as Vice-Chairman. Motion unanimously passed.

A motion was made by J. Fainer and seconded by B. Carr to nominate M. Kulman as Vice-Chairman. Motion unanimously passed.

No other nominations were made.

M. Kulman was voted at Vice-Chairman 3-2.

The election of a new Secretary:

A motion was made by B. Carr and seconded by M. Kulman to nominate T. Samela as Secretary. T. Samela declined the nomination.

A motion was made by T. Samela and seconded by T. Clark to nominate B. Carr as Secretary. Motion unanimously passed.

There were no other nominations.

Reports of Officers, Staff, and Committees:

J. Leifert reported that the Conservation Commission will be on the agenda at a Town Meeting in another 3 to 4 weeks.

J. Leifert reported that the Engineer bids were reviewed and of 5 engineering firms that were interviewed, 2 firms will be recommended to the Board of Selectmen to use as a primary firm and as a backup firm.

J. Leifert discussed his staff report (see Attachment #1).

Executive Session:

Commission entered into Executive Session with J. Leifert at 9:12 pm to discuss the Cease and Desist Orders for Lot 62-01-32 Reynolds Bridge Rd. and 296 Reynolds Bridge Rd.

The Executive Session adjourned at 9:25 pm with no action taken by the Commission.

Adjournment:

A motion was made by M. Kulman and seconded by J. Pacelli to adjourn at 9:26 pm. Motion unanimously passed.

Respectfully submitted,

Pat Santa Maria,
Recording Secretary