

INLAND WETLANDS & WATERCOURSES COMMISSION  
TOWN OF VOLUNTOWN

February 2, 2017.

The meeting was called to order at 7:45 p.m. Members present were Tom Sweet, Chairman, Dave Miner, Lester Davis, Andy McLallen, John Moran, alternates Bob Panko and Tammy Daigneault. Wetlands Agent Joe Theroux and Town Attorney Mike Carey were also present.

Lester made a motion to approve the December 2016 minutes with one correction, John seconded the motion, all in favor, motion carried. Dave made a motion to add the October 6, 2016 minutes to the agenda, Lester seconded, all in favor. Dave made a motion to approve the October 6, 2016 minutes, Lester seconded the motion, all in favor, motion carried. John asked Joe about having the State Forester come and talk to the board. Joe will send them another e-mail.

Audience of Citizens: Al Daigneault, Rodney & Cheryl McLaren, and Elaine & George Grandolphi.

At this time, Tammy stepped off the board due to a conflict of interest.

Rodney McLaren from 206 Bennett Rd., addressed the board on his concerns that his rights as a property owner have been impacted from the rip rap design of Buckley Road that runs along the road 250 feet in front of his property. He has two parcels of land and part of that is his driveway and the stairway he uses to access his home. The stairs are necessary because in bad weather he cannot get up and down his driveway, but with the rip rap there he finds it difficult to use them. He had a copy of his deed, a letter and some maps showing his property and his right of way. He stated that he needs his right of way back to be able to get oil delivered during inclement weather. He would like to be able to park his boat there and eventually build an alternate driveway for their cars also.

Tammy Daigneault, 189 Bennett Rd. expressed her concerns that the plan that was submitted was not an A-2 survey and did not show all the properties with deeded rights of way on it. She stated that the second map with the changes was presented after the public hearing process was over. She felt that they did not have a chance to voice their concerns on the changes. One change was the top of the catch basin which brought the curb up 8 to 10 inches which is hard for them to use the right of way. There are no sediment control measures in place around any of the ditches. There are hay bales around one catch basin and all the construction sediment is eroding into the ditch. Mr. Buckley's intent to make a maintenance agreement as stipulated in the permit, but they feel it is unfair they will have to pay for the sediment because of a lack of sediment control which is a basic condition of most permits. She presented the board in writing, her and her husband's concerns.

George Grandolphi appealed to the board in a letter that he read to the board. He had a list of concerns that he read which included safety, environmental, access to property, engineering, concerns of Mr. Buckley selling his property, incomplete installation and maintenance. Based on the above concerns, he requests the commission denying approval or issuing a conditional approval to Mr. Buckley until all of the unresolved issues are addressed.

Joe reported that when the project is finished and there are a few things that still need to be done such as the asphalt around the catch basins, he has requested a letter from the engineer stating that it is built

to specifications. He further added that as for public notification of decisions made by the commission, notice is published in the paper, and that serves as public notice. Tammy argued that the abutors were not notified of the public hearing which is right in the regulations. Joe stated that there wasn't a public hearing held for this application. All the information and decisions were made at the regular monthly meetings. Joe stated that he believes that the commission did what they had to do reviewing the application and having the Town engineer review the plan also. The commission listened to many of the comments and concerns at the meetings and a lot of what is being said tonight was not brought up at the time. It was mentioned that there is still sediment going into the lake, and Joe thought it could be from the work being done. There was a concern that if the residents on the road wanted to get together and pave the road Mr. Buckley would not allow them to because he owns the road. Attorney Carey stated that they all have rights to use the right of way and as such they have the right to maintain it and a right to bring it into adequate condition. He is not sure that Mr. Buckley could deny this. There was also a concern about Mr. Buckley selling his property. Attorney Carey said that he might not be able to sell without the driveway and somebody will always own the road. Tammy asked about abandonment. Joe stated that was only for town roads not for private roads. Attorney said that the road would not be abandoned and that all of the people living on that road have rights to use the road and no one can take that away no matter who he sells too. Attorney Carey stated that the commission is sympathetic with their situation but these are all private matters and not the commission's obligations to settle disputes between private people and private property rights. Joe briefly went over again the reasons why the board issued the violation to Mr. Buckley. Mr. Buckley hired an engineer to design a storm water discharge system. The engineer reported that there was no way to stop the water from coming down onto the road. The only thing to do is to retain the water, slow the water and clean the sediment out of the water before it hits the pond. At this point discussion ended.

Executive Session. Andy made a motion to go into executive session, John seconded the motion, all in favor, motion carried. All regular Board members including Attorney Carey and Wetlands Agent Joe Theroux went into executive session at 9:03 p.m. Alternate Bob Panko sat out.

The board came out of executive session at 9:19 p.m.

Act on Pending Litigation. Dave made a motion to approve the withdrawal of the appeal so long as its acknowledged that the order and decision of the appeal remains in full force and affect, Lester seconded the motion, all in favor, motion carried.

Correspondence. Tom had correspondence on CT land use workshops if anyone was interested.

Agents Report. Joe reported that on January 19<sup>th</sup> he issued a letter to Carl Grenier, which he passed around to the board. He requested his presence at the meeting which he did not attend. The board asked him 4 months ago to submit a new plan for the work he is doing on his property on Pendleton Hill Rd. He has not done so. John recused himself from discussion as his property abuts Mr. Greniers. After some discussion Dave made a motion to give Mr. Grenier until March 2<sup>nd</sup> to submit a new plan and application to the board or a letter of violation of wetlands will be issued to Mr. Grenier, Lester seconded the motion, all in favor, motion carried. Joe will send Mr. Grenier a letter.

John made a motion to adjourn, Dave seconded the motion, and all were in favor. Meeting was adjourned at 9:28 p.m.

Respectfully Submitted: Tom Sweet, Chairman

