

## Inland Wetlands & Watercourses Commission Town of Voluntown

October 4, 2012.

Members present were: Tom Sweet, Eric Williams, Jarl Pellinen, Dave Miner, Alternates Lester Davis and Tammy Daigneault. Wetlands Enforcement Officer Joe Theroux was also present.

Audience: Anthony Wagner, Scott Gibson, Attorney Heller, Mr. & Mrs. Buckley and Mr. & Mrs. McClaren.

The meeting was called to order at 7:35 p.m. The minutes from the September 6, 2012 meeting were read, Eric made a motion to accept the minutes, Lester seconded the motion, all were in favor.

First on the Agenda: Ronald Frechette, 51 Beach Pond Road. A letter of extension was sent to the Board by Jack Wesa on Mr. Frechette's behalf, which Tom read to the board members. The letter is appended to these minutes.

Second on the Agenda: Anthony Wagner, 564 Beach Pond Road. Withdrawal of water from Beach Pond. Mr. Wagner showed the Board pictures of the containment tank that he came up with, which is made out of galvanized steel with a liner inside. After some discussion, a motion was made by Eric to approve the permit for Mr. Wagner, Lester seconded the motion, all were in favor, motion carried. Joe Theroux will handle the paperwork and permit for Mr. Wagner.

Third on the Agenda: Attorney Heller, here on behalf of Cathy & Terry Mandy, 174 North Shore Road. At the previous meeting the board asked for slope stabilization on the banks in the wetlands and Attorney Heller presented the revised plans to the Board. The other item was whether or not the 15 inch culvert was sufficient. The engineer ran drainage calculations and determined that it was sufficient. The Board looked over the new revisions, discussion took place. Lester recused himself from voting at this time. Tammy made a motion to accept the application and approve the permit by Terry and Kathleen Mandy, Dave seconded the motion, all in favor, motion carried.

Fourth on the Agenda: Scott Gibson, 775 Beach Pond Road. Joe addressed the board first, explaining that after the last meeting, he sent Mr. Gibson a certified letter going over what was said, and that the cease and desist order was still in place for development, but any work that he needed to do to stabilize the site would be allowed. The letter described everything that the board discussed and that he needed to submit a site plan showing locations of wetlands, any future disturbances, locations of any existing or proposed structures, residences, wells, driveways, any drainage features that might impact Beach Pond, proposed grades and any existing or proposed e and s features. He explained to Mr. Gibson that the silt fencing needed to be upgraded and he also suggested that he inspect them regularly before any storm events. Joe said that the soil scientist did a good job locating the wetlands and flagging them so he felt that he did not need to go out and map them as was previously suggested. Joe also received a call from Eric Seitz, Surveyor and Norm Thibeault who is an engineer. The two had met with Mr. Gibson and did some preliminary work on the lower part of site where the problems are. Again, the engineer discussed better e and s measures with Mr. Gibson. Some of which included secondary sediment basins, some constructed of rip rap, also a sediment basin that would allow the flow to go through without being

trapped. After the meeting, Mr. Gibson did some work done on the e and s measures. Joe had pictures of the e and s measures that were done which he showed to the board. Since that time, there was a large storm, the silt fencing was not dug in properly and the hay bales were not staked, so the runoff breached over the silt fence and hay bales. Joe went on to tell the board that after talking to the engineer again, he was informed that Mr. Gibson will not be using him and that he will not be drawing up the site plan that the board has asked him to do. Tom stated that this has been going on for far too long and he asked Mr. Gibson if he was planning on giving the commission a site plan and Mr. Gibson stated no. Eric told Mr. Gibson that this was unacceptable because the pond is being polluted and if he refuses to give the commission a site plan, the commission would have no choice but to take further action. Jarl asked Mr. Gibson if he had any plans at all on the project and what his intentions were. Mr. Gibson said lift the cease and desist order and he will finish the project. Lester stated that the commission gave him 30 to 60 days to come up with a site plan. On talking to the Town Attorney, Joe was told that the next thing to be done would be a court order. Tammy asked if the DEEP would get involved. Joe explained that he has spoken to them and their storm water division does not have authority. If it was a 5 acre construction site that was discharging storm water, then DEEP would have jurisdiction. Another option would be to contact the Army Corps of Engineers. They would have jurisdiction if a disturbance or impact to a wetlands is above a 5,000 sq. ft. size. Joe was not sure if that applies to storm water. Joe will talk to someone there about what they think. Joe did recommend that the commission continue the cease and desist order for any development activities, but allow Mr. Gibson to maintain the e and s measures as the commission has recommended. If he does not follow the commission's recommendations, then there is no other option but to contact the Town Attorney. For the record, Mr. Gibson stated that the commission's recommendations have made the site worse and after some discussion, Jarl made a motion to continue the cease and desist order on Mr. Gibson's property and only allow him to deal with the e and s measures, Lester seconded the motion, all were in favor, motion carried. Tammy recused herself from the voting.

Dave made a motion to adjourn the meeting, Eric seconded the motion, all were in favor, motion carried. The meeting was adjourned at 8:25 p.m.

Respectfully submitted:

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Thomas Sweet, Chairman