

TOWN OF VOLUNTOWN
INLAND WETLANDS & WATERCOURSES COMMISSION
SEPTEMBER 6, 2018

Members present were regular members Dave Miner, Lester Davis & Chris Chabot. Absent was Chairman Tom Sweet, Andy McLallen & alternates Bob Panko & Tammy Daigneault. Wetlands Agent Joe Theroux was also present. Dave will act as Chairman in Tom's absence.

In the audience was Mark Oulton and Mr. & Mrs. Graham Mann.

The meeting was called to order at 7:32 p.m. by Acting Chairman Dave Miner.

Additions to Agenda: Chris made a motion to add 290 Shetucket Tpke to the agenda, Lester seconded the motion, all in favor, motion carried.

The approval of the minutes from July 5, 2018 were tabled until the next meeting.

Old Business: Dave asked Joe about the soap problem in Beach Pond. Joe stated that he has not been contacted to let him know which way it is coming from. Chris said he took a sample but he has been away for two weeks and hasn't heard anything. Chris said it is happening periodically but it is clearly coming from the Rhode Island side of the lake. Chris surmised that kids are using a tarp with dish soap on it to slide into the pond and he has called the authorities in Rhode Island. If he sees it again he will call Joe.

New Business: Mark Oulton, 286 Shetucket Tpke. Dock Construction. Mr. Oulton has submitted an application to put a temporary floating style dock with styrofoam blocks for floats, on Still Water Pond, Pachaug River. Mr. Oulton had a sketch of what he wants to do. Lester asked about anchoring it to the shoreline. Mr. Oulton said his plan was to use collars on side of dock and put poles through them and tap down into about 3 feet of water. Lester would like the final copy that will be in the records to show that detail. Chris suggested to show how many collars and length of pipe being used. What the board is looking to see is how much wetlands will be disturbed, which doesn't look like there will be too much disturbance. Chris had been out to look at the area and the bank is stable, and very sandy. Lester made a motion to accept the application of Mark Oulton of 286 Shetucket Tpke for dock construction, Chris seconded the motion, all in favor, motion carried.

290 Shetucket Tpke. Mr. Graham Mann. Mr. Mann is planning on putting a dock in on his property. He was planning on using barrels instead of styrofoam, and it will be L shaped. The board would like to see more detailing as far as anchoring on the plan. Mr. Mann's plan is a proposed plan so some things might change such as length and width of dock, the board would like to have an as built plan in the file when all work is done. Before the board made a decision, Joe mentioned some things the board needed to discuss. He informed Mr. Oulton and Mr. Mann that the board has a month to make a determination on their applications. There is a pending civil disagreement between the property owners and Mr. Labossiere, owner of Still Waters Retreat. The disagreement is whether or not the property owners have water rights. Mr. Labossiere claims

they do not have rights because he owns subaqueous land which is a term Joe has never heard of. The property owners claim they do have water rights because their survey map shows them owning up to the highwater mark which is common with every water body. Whenever anyone is on the pond Mr. Labossiere calls DEEP on them. Mr. Oulton thanked Joe for bringing it up. He explained to the board that the four property owners on that side of the pond have retained legal counsel who is a land litigator. The legal counsel has reviewed all of the land records and told them they do have water rights and to exercise them so that is what they are doing. Joe mentioned to the board that he had spoken to the Town's attorney and he didn't know how to respond as he hadn't heard all of the details. Joe stated that his concern is that the Town could be held liable for the board's actions by issuing a permit to construct something that could be on someone else's property. The advice from the Town Attorney was to handle like an ordinary application just as they would for something on Beach Pond which the State technically owns. From now until the next meeting the Attorney will look into it and get back to them. Chris made a motion to accept the application of 290 Shetucket Tpke for dock construction, Lester seconded the motion, all in favor, motion carried.

Agent's Report: Joe reported that he had a complaint from Tao LaBossiere about the water becoming stagnant with algae. He attributes it to the owner near the pond who has horses. Joe went down to look at it and he doesn't believe that's the case. He has a manure stockpile way up in the pasture. Water flowing from Beach Pond through the river and all of the geese that land on the pond could be contributing to the algae problem. Joe suggested he call DEEP. Also, Joe talked to the Road Crew about pushing dirt into the wet areas on Kinnie Rd. He looked at Sandhill Rd. also. Bob Panko had mentioned that they did the same thing on Brown Rd. but Joe hadn't been down there. It was suggested that some training in that area would be beneficial.

Chris made a motion to adjourn, Lester seconded the motion, all in favor, motion carried.
Meeting was adjourned at 8:17 p.m.

Respectfully Submitted:

Dave Miner, Acting Chairman