

# INLAND WETLANDS & WATERCOURSES AGENCY REGULAR MEETING

MONDAY, December 16, 2019 - 7:14 P.M.

WOODSTOCK TOWN HALL - LOWER LEVEL, ROOM B

## MINUTES

I. **Call to Order:** Chairman Mark Parker called the meeting to order at 7:18 pm.

II. **Roll Call:**

**Members Present:** Mark Parker, Stuart Peaslee, William Rewinski

**Members Absent:** Marla Butts, Victor Peabody

**Quorum:** No

**Others Present:** Tina Lajoie, Cindy Brown, Members of the Public

Chairman Parker shared that there were not enough IWWA members in attendance to allow for a quorum. However, out of courtesy to the members of the public in attendance, they would continue the meeting and provide recommendations on certain items and cover other business that didn't require a vote.

III. **Appointment of Alternates (if necessary):** None.

IV. **Action on minutes of previous meeting of November 18, 2019:**

Tina Lajoie received a call from Marla Butts with a correction to the November 18, 2019 minutes. Under 5(a) – Chamberlin Mill – in the Motion change “Accept” to “Approve.”

V. **Pending Applications:**

a) **#11-19-19 Harakaly, George – 10 Loyola Road – Repair of Seawall.**

This item was not discussed or voted on due to the lack of a quorum.

b) **#11-19-21 Erskine, Christopher – Big Horn Lane – New Dwelling.**

This item was not discussed or voted on due to the lack of a quorum.

VI. **New Applications:** None.

VII. **Preliminary Discussion:**

Tina Lajoie welcomed members of the Witches Woods Lake Association, who were looking for guidance and expertise relative to the complaint against a property owner who apparently used copper sulfate to destroy vegetation on her property. As a result of this application, vegetation has been destroyed on a neighboring property owned by Tom Gotta. The Lake Association's main concern is the lake's ecosystem as a result of this chemical application and what the repercussions may be in the future.

A Lake Association member's understanding is that copper sulfate is not a regulated substance; it is only regulated as far as the instructions to follow on the label. Lake Association members have since learned that the packaging from the distributor of the copper sulfate does not legally describe the options for use; thus, it is not labeled

legally to distribute in Connecticut. It was further noted that the DEEP was at Mr. Gotta's property (who has approximately 15 dead oak trees due to the application of copper sulfate) in early October to conduct soil tests to determine if the copper sulfate was migrating. The Lake Association has also reached out to a DEEP contact separately regarding concerns about the lake quality. There has been no response to-date. The Northeast Department of Public Health has also been made aware.

Mr. Parker explained that the IWWA does not have the authority to issue notices of violation or fees against illegal discharges. These issues are directed to the state. After further discussion, Chairman Parker referenced Section 4.2 of the IWWA Regulations—Permitted Uses as of Right & Non-Regulated Uses—which states:

The following operations and uses shall be permitted, as non-regulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:

- a. conservation of soil, vegetation, water, fish, shellfish and wildlife; and
- b. outdoor recreation including play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting, fishing and shell-fishing where otherwise legally permitted and regulated.

Recommendations discussed and offered regarding this concern included:

- Lake Association to continue to follow-up with DEEP to receive results of tests that have been conducted.
- Request DEEP Remediation sample the soil on the property in question.
- Lake Association to seek DEEP advise on proper terminology to use in their regulations relating to chemical application.
- Lake Association to review current regulations/bylaws and potentially revise to be more specific and quantifiable with rules and protocol.
- Determine what the baseline is for parts per million for the soil.
- Tina Lajoie and the Lake Association will notify Willimantic Watershed regarding potential drinking water issue, separately, and ask them to test and provide results. Ms. Lajoie will send the Lake Association the contact information.
- Tina Lajoie will consult with the town's attorney and seek advice as to the best course of action for the IWWA to pursue. Ms. Lajoie will draft a cease and desist letter or an advisory letter stressing proper use of chemicals on the property in question, which shall not pollute the watercourse or wetland. Said letter will be reviewed by legal counsel prior to its release.
- Tina Lajoie will inquire as to whether the DEEP can take a sample of the wetland watercourse in order to show, or not, that the application had an adverse effect.
- Seek advice from NECCOG.
- Chairman Parker will speak with DEEP Forestry Unit to gather additional information.

- On behalf of the IWWA, Chairman Parker will speak with the Materials Management and Compliance Division and get their opinion on application of chemicals to the ground.
- Chairman Parker will follow-up with Mr. Keaney.
- Chairman Parker will contact the Wastewater Engineering and Enforcement Division.
- Chairman Parker will contact someone at the Fisheries Division.
- Contact someone associated with the Still River in case they may be affected.
- Lake Association members will provide Tina Lajoie with a copy of the cease and desist letter they sent to the property owner.
- Lake Association members to research an association that serves as a resource for various CT lake associations, which might be called Connecticut Federation of Lakes.

Stuart Peaslee offered that it is important to establish a clear protocol to use as a guideline, as he felt that timing and scheduling is critical.

Chairman Parker referenced the Definitions within the IWWA Regulations, specifically on Page 6, and offered that this occurrence could be interpreted as an excessive application of chemicals to a property:

“Regulated activity” means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the specified activities in section 4 of these regulations. Furthermore, any clearing, grubbing filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of storm water on land within one-hundred (100) feet measured horizontally from the boundary of any wetland or one-hundred twenty-five (125) feet of any continuous watercourse is a regulated activity. The Agency may rule that any other activity located within such upland review area or in any non-wetland or non-watercourse area is likely to impact or affect wetlands or watercourses and is a regulated activity.

## **VIII: Administrative Business:<sup>1</sup>**

### **a) Other**

- **Budget Review**

Ms. Lajoie referenced the budget included in the packets. This item will be added to the January 6, 2020 agenda. Some items for discussion at that time include separating Ms. Lajoie’s time in the respective budgets as Wetlands Agent and Zoning Officer; determining her hours of work as Wetlands Agent and associated time for IWWA meetings. Ms. Lajoie currently allows three hours/week for wetland work. She feels there is a need to add more hours for wetlands work. It was proposed to increase

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<sup>1</sup> Subheadings under Administrative Business may include, as needed, Wetlands Agent Reports, Communications, Bills, Complaints, Investigations, Enforcement, Requests for Permit Extensions / Transfers, Election of Officers, Budget Requests and Other.

her hours from 18 to 21 total—using six hours for wetlands responsibilities and the remaining hours for zoning responsibilities. Ms. Lajoie clarified that she prefers being an independent contractor for the town, as long as she continues to have access to the town attorney on legal matters relating to both zoning and wetlands.

Chairman Parker asked for her current contract so members can reference this and develop a recommendation for consideration at the January meeting.

Discussion ensued around the need for additional members on the IWWA. Tina Lajoie has someone in mind and will be reaching out to see if they are interested in serving.

- **Approval of January 2020 – January 2021 Calendar**

Tina Lajoie referenced two changes to the calendar that was previously discussed at the last meeting. The meeting time listed on the calendar should reflect 7 pm, not 6 pm; and, the January 4, 2020 date should reflect January 4, 2021.

The change in meeting dates from the 3<sup>rd</sup> Monday of the month to the 1<sup>st</sup> Monday of the month will require a Bylaws revision. Chairman Parker noted that the meeting on the 3<sup>rd</sup> Monday will be cancelled, and a special meeting will be set on January 6<sup>th</sup> at 7 pm, to discuss the Bylaws.

**b) Wetlands Agent Activity Report**

- **Shaw, Scott – Drainage at end of driveway.**

This item was not discussed or voted on due to the lack of a quorum.

Tina Lajoie asked for clarification on a recent inquiry to install a pool on a residential property near wetlands. After reviewing the property blueprint, the IWWA members agreed that either option—vinyl above ground pool or a 15x20 poured in place concrete pool—would be fine as the pool's location is not close to the wetlands as previously thought. The Wetlands Agent has the authority to sign off on this type of permit.

**c) Bills**

- Chairman Parker referenced an invoice associated with a legal notice for Hilltop Properties. Members agreed to sign off on this invoice.

**d) Communications**

- Bill Rewinski asked to review the FEMA Flood Maps at the January meeting. Stuart Peaslee shared a project flow chart he developed to help document site visits and the outcome of those visits. Chairman Parker suggested this be titled a Field Inspection Report. It was recommended to include a property owner consent line to show that the owner allowed the site inspection to take place. Members appreciated Mr. Peaslee's

work on this, as it will serve as a guide for a more complete field inspection report.

**IX: Citizen's Comments:** None.

**X: Adjournment:** Chairman Parker adjourned the meeting at 8:59 pm.

Respectfully submitted by Cynthia Brown, Recording Secretary.

**DISCLAIMER:** These minutes have not yet been approved by the IWWA.  
Please refer to next month's minutes for approval/amendments.