

**WOODSTOCK INLAND WETLANDS & WATERCOURSE COMMISSION  
SPECIAL MONTHLY MEETING  
WOODSTOCK TOWN HALL, MEETING ROOM B  
MONDAY, JANUARY 7, 2019 AT 7:00 PM**

**MEETING MINUTES**

**I. Call to Order:** M. Parker called the meeting to order at 7:04 pm

**II. Roll Call:** Mark Parker (Chairman), Marla Butts, William Rewinski, Michael Thienel, Diane Wolff (by conference call), Tina Lajoie (Wetlands Agent).

**Others Present:** Russ Dowd, Evan Harbinson, Richard Conte, Dayna Conte, Robert & Linda Freudenberger, James & Daryle Clark

**III. Appointment of alternates:** None

**IV. Action on minutes of previous meetings – December 3, 2018**

Correct throughout where “Commission” is noted and amend to “Agency”. Inland Wetlands and Watercourses Agency. Correction to reflect change of wording on page 2 of 5, last paragraph. Insert “up slope”. “M. Butts provided another scenario suggesting many years ago the areas up slope where the water seeped through the wall became blocked and eventually blocked to the point of finding another route to flow through.” Under Adjournment, page 5, amend IWWC to IWWA. **In favor of approving minutes with corrections. Motion Carried. Diane Wolff abstains.**

**V. Old Business**

**a. Complaint of water diversion at 692 Rte 197 – Continued discussion**

As requested at the December meeting, the Wetlands Agent sent a letter to the Freudenberger’s requesting that they come before the Agency at the next regularly scheduled meeting to explain the activity involving the brush pile and cease any further activity. Robert & Linda Freudenberger are present to discuss the pending complaint. Both Wetlands Agent and Marla Butts walked the site in November that was documented in the December meeting minutes. Mr. Freudenberger stated that he bought the property in 2002, cut a large willow tree on his property and built a brush pile away from the wetlands and had decided not to burn the wood, thought it would just rot away in that pile. Since then, his neighbor complained about water being diverted on his property, but he believes it comes from the other neighbor’s yard through the stonewall. Ms. Butts asks if water has ever flowed down the west side of the stone wall toward their house, which was confirmed that it was like a river that washed their property out in the past. He also stated that he put the brush pile in that location to slow down the water flow and that a state worker had commented on the run-off going down into the street, and they could not identify its point of origin. Mr. Dowd complained that the placement of the brush pile was deflecting water causing erosion on his property and it was not clear to M. Butts or T. Lajoie at the site walk whether or not there was a channel from the brush pile down to the street. It was noted by Ms. Butts that the area was well maintained.

Mrs. Clark, who resides at 706 Rt 197 (West of Mr. Freudenberger’s property), spoke and stated that she grew up in the area and she comments that the hill was nothing but running water. The water run off was so bad that the trenches were 10 ft deep from erosion at one point. She stated that when the land was subdivided in the 70’s and sold to the Uphams, they built and put in a driveway and put in 4 culverts, 2 at the top and 2 further down alongside the Freudenberger’s house and were dug all along to divert the water into the channels by Teddy Anderson. That was done around 1977, 1978. All this water has always been there and the water used to wash out part of her yard. All the water ran into the ravine on the

Dowd's property. M. Butts requests T. Lajoie find the land records as to the subdivision that was filed. History of properties was discussed. NECCOG Map is viewed. What was previously the Cleary's land is now the Upham's. There was a lot of tree clearing, stump removal, south of Freudenberger's property, according to Mrs. Clark, that she believes has made the condition worse with run-off. Subdivision map will need to be reviewed, before any decisions are made, per M. Butts, to understand the history on the up-slope properties that are south of Dowd and Freudenberger's, and also any permits being issued for the Cleary's property to understand what was authorized and whether the plans were followed. The neighbors dispute Mr. Dowd's claim that the brush pile is causing these issues. In addition to request for 1970's subdivision map, there is a request for a contour map overlaying the property lines and permits for the Cleary home. For the record, Mr. Dowd apologizes for the complications with this complaint and request for action.

**b. 11-18-29 Richard Conte, 1222 Rt 169 – installing drains and fill in regulated area:**

Evan Harbinson of Skip's Wastewater Services, contractor for the applicant, along with Richard Conte, his daughter Dayna and husband are present. Mr. Conte talks about damage to his grass in the back yard, landscape, trees and inability to use the rear property at all due to flooding. It was determined that the entire property is located within the floodway. The map was reviewed and explained. M. Butts reviewed the Town Ordinance adopted in 1975, amended in 1988, which states the following: "Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any (0.00) increase in flood levels during occurrence of the base flood discharge." Under Section 7, Variance Procedures, "The Woodstock Inland Wetlands and Watercourses Agency shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Official in the enforcement or administration of this ordinance."

Property owner explains that they have installed three sump pumps that have burned out from repetitive use. There was a corrugated pipe that is connected to the sump draining onto the neighbor's yard that has broken down causing the water to be returned back onto their property. It is explained that placing any fill will require an engineer review and statement confirming zero change to flood heights. They would like to remove or disconnect the piping going into the neighbor's yard. They moved there in 2004, no flooding issues at that time. The pipe did help keep things clear. There is discussion on alternatives. The pipe can be redirected. M. Butts comments that the subsurface drain from the sump pump could be allowed as a "Use Permitted as of Right" as long as IWWA had a clear understanding and also the removal of some of the material along the brook to allow for free fall out, that would not be problematic but would require details. M. Butts recommends a relief valve with the discharge closer to the brook, with an energy dissipater and valving system. Property owner would like to remove or disconnect the piping that goes into the neighbor's yard that they believed has collapsed which is causing pooling in the back yard. As explained by M. Butts, what could be authorized is removal of some of the material along the brook to allow for free fall of the water but filling of the depression area in the yard could not occur without the engineer's certification. Would NDDH have the elevation details on the property? Application has been accepted by the Agency and they are requesting that the applicant come back at the February 11<sup>th</sup> meeting to explain whether they wish to proceed under the "Use Permitted as of Right or Regulated Activity" provisions of the IWWA regulations with the proposed work. A CT licensed engineer will need to submit a letter for the Agency's consideration if that is the direction. This will need to be documented before any decisions can be made.

Tina Lajoie, Wetlands Agent, took a moment to explain that she visited the site, with Mr. Harbinson, along with John Navarro, Public Works Director, for his professional opinion. Photographs were taken for the file. Based on the close proximity to the stream, floodplain details and serious issues with flooding, the

contractor has limited options with corrective action. The discussion at the site visit was to remove the topsoil and bring in 100 yards of better draining material and place the top soil back on top. After discussion with IWWA, a revised drawing will be submitted with drains to be put in at the lowest point, extending out to the creek and extending the sump pump out with flow restrictor, check valve. As noted, they cannot change the grades without an engineer. Contractor will present revised plan at February 2<sup>nd</sup> meeting.

## **VI. New Business**

### **31 Laurel Hill Drive – Letter to property owner re: possible violation**

As indicated in the wetland's report, T. Lajoie explains that a complaint was made by a neighboring property owner regarding heavy equipment by the water and disturbance of the soil along the shoreline. A letter was sent to the property owner requesting that they cease any further activity. Lake Bungee Board has also had concerns and has reached out to the wetland's office. It was noted that, as requested, in the letter, contact was made to the Agent within 15 days. The property owner explained that he had had previous contact with the Building Official about constructing a pole barn and as part of the process, went to NDDH to get the B-100a approval. NDDH was unable to find any records for the septic and requested soil testing. He stated that the equipment was used to dig the test pit holes. This pole barn will be within 125 feet from the water and will require a wetlands permit. IWWA is requesting that a follow-up letter be sent out to provide the details of the permitting process, to cease any further activity, and a reminder that any work within 125 feet of the water will require a wetlands permit. Photos and site plan were reviewed. No further action is recommended at this time.

**VII. Wetlands Agent Activity Report:** Report is reviewed. Site walk was not included in the report which would have increased the hours. Site walk with John Navarro regarding application #11-18-29 is added to the report. Agent estimated her monthly estimate with wetlands work being approximately 12 hours which did not include site walk. **Motion by W. Rewinski, Seconded by M. Thienel to accept the Wetland's Agent Report with the addition of the site walk with John Navarro regarding Application #11-18-29. Motion carried unanimously.**

## **VIII. Citizen's comments / other topics:**

- a. Meeting schedule for 2019-2020 (slight adjustment due to holidays). Schedule was sent to Town Clerk. Third Monday of the Month begins in March. The February meeting will be on the 11<sup>th</sup>.
- b. Review of by-laws – request for change of meeting dates. Only change noted. Approved as printed.
- c. Review of draft letter for BOS.  
An e-mail was sent out to members by M. Butts for review. There was a request for an increase in time for T. Lajoie as their authorized agent. A lengthy discussion was held on the needs of the Agency and estimation of what might be required for assistance and support. It is noted that services were previously provided by Building Official out of the building budget which will no longer include IWWA support in the new fiscal year. A request is being proposed to add the portion cut out of the building budget over to the wetlands budget to allow for staff support. There is a request for an additional 2 hours of overtime for the current fiscal year to be paid out of the wetland's budget line item which does have enough funds available. If this request is denied, there will be a request to meet with the BOS. M. Parker offers a few edits for clarification.
- d. Discussion on budget and needs for upcoming fiscal year. Ordinance will be attached to budget request which explains Agency's legal responsibilities. Detail will be provided on staffing needs. Statement to accompany the budget will be written by M. Butts for review.

e. Discussion on previous ECCD contributory support from town.

Donation request is for \$1,000 which it was agreed that is the responsibility of the town and not just the wetland's agency. There is a request to check on how this should be paid out in the future and should be shared with other commissions and agencies.

**IX. Adjournment:**

**M. Butts moved to adjourn, seconded by W. Rewinski. Motion carried unanimously.**

The meeting was **ADJOURNED** at 9:18 pm.

Respectfully submitted by Tina M. Lajoie, Wetlands Agent

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