

Hampton IWWA Minutes
Special Meeting – March 28, 2024
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Vice-Chairman Witkowski called the Meeting to order at 6:38PM.

Present for the Board: Peter Witkowski, Stan Crawford, Maury Burr, Martin Mlyniec, Penny Newbury.
Not Present: Heather Bonnekson

Staff and Others Present: Wetlands Enforcement Officer Jay Gigliotti, First Selectman Al Cahill, Applicant Keith Crawford, Applicant John Olenick, Recording Clerk Dayna Arriola, several residents.

Item 1: Audience for Citizens: Residents were informed that they could speak on Agenda items during the time the Commission addressed them.

Item 2: Approval of Minutes – Regular Meeting of January 2, 2024 and Special Meeting of March 9, 2024.

Motion: Penny Newbury, seconded by Stan Crawford, to approve the Regular Meeting Minutes of January 2, 2024 and the Special Meeting Minutes of March 9, 2024. Motion carried unanimously.

Item 3: Old Business: none.

Item 4: New Business:

Motion: Penny Newbury, seconded by Peter Witkowski, to move discussions on Timber Harvest and Firewood Business to the beginning of the items listed. Motion carried unanimously.

1. Timber Harvest: Owner: Brian Caya; 325 West Fisk Road.
WEO Gigliotti reported that the activity takes place in the Upland Review Area and that there are no stream crossings involved, noting that Hull Forest Products is a licensed forester.
Motion: Martin Mlyniec, seconded by Penny Newbury, to approve the Timber Harvest as a Right as of Use. Motion carried unanimously.
2. Firewood Business: Owner: Keith Crawford; 124 Windham Road.
WEO Gigliotti stated that this item originated with a complaint from an abutting property owner that a firewood business was operating at 124 Windham Road and causing run-off to enter into wetlands. The map distributed to members delineating the area of operation showed no impact to wetlands, which WEO Gigliotti confirmed through inspection. The owner installed erosion controls to ensure no future erosion of sediment; some equipment was also removed from the area. WEO Gigliotti also noted that no permits were found as this is an historic and generational use of the property, and that as it is the owner's intent to continue the log splitting and firewood business, the next step would be approval from the Planning and Zoning Commission, which requires authorization from the IWWA. The complainant was informed of this as well. By general consent, it was agreed that the owner will submit a simple application to be approved by Mr. Gigliotti under the WEO's jurisdiction in order to establish documentation for the PZC. Fees totaling \$90, \$30 for the application and \$60 for the DEEP, will be submitted to the Town.
3. WP0324-01: Applicant: Jerry Misak; 272 North Bigelow Road; Proposed Activity: Contain and direct water from municipal swales and to exit water to existing municipal swale across applicant's property which then exits to storm drain. Prior to exiting applicant's property, applicant shall dig a small retention area/farm pond for agricultural purposes of approximate size 15' X 30'.

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Vice-Chairman Witkowski reviewed the application, which WEO Gigliotti explained was initiated by a complaint from the property owner to the west that the activity at 272 North Bigelow was impacting his foundation, potable well water, and the water quality of his pond. Mr. Gigliotti inspected the activity and confirmed that the basin was full of water, to and from which water was moving, that the swale to the south was discharging water which was meandering throughout the area, and that water was ultimately flowing into the system installed by the Town along and under the road to the property and pond to the west. He also observed soil disturbance in the absence of erosion controls and advised the use of hay bales, one of which was subsequently installed; however the rain events warrant additional controls. Though Mr. Gigliotti confirmed that there are no identified wetlands in the area on maps, mapping tools, or surveys, there are concerns with the discharge of water.

Vice Chairman Witkowski, who summarized the conduct of the site walk, inquired as to the condition of the drainage system, which WEO Gigliotti confirmed requires maintenance not unlike other systems in town due to recent rain events. Resident Jeff Smith submitted correspondence and volunteered information on the effects of digging and damming at, and around, the basin, and neighbor and Highway Department member Paul Featherston confirmed that water has never before drained outside of the pipe. To neighbor David Paine's question on remediation of the drainage system in the road due to disturbance, officials confirmed that it would be the Town's responsibility.

Stan Crawford offered the following suggestions: 1) cease diverting the water in the swale from the south into the proposed area, allowing it to continue on its original course to the drain on the road; 2) install hay bales and silt fencing; 3) install stones to stabilize the swale and basin banks. Penny Newbury noted that, while the necessity of stones was discussed at the site walk, this was not included in the application. The WEO and IWWA members concurred with Mr. Crawford's suggestions; Mr. Gigliotti will work with the owner on resubmitting an application to revise the design, to improve the erosion controls to include a silt fence and stones, to designate the storage of spoils from proposed excavation, to stabilize the existing situation, and to cease further excavation until the application is approved by the IWWA at a special meeting scheduled for this purpose.

Motion: Stan Crawford, seconded by Penny Newbury, to table approval of WP0324-01. Motion carried unanimously.

4. WP0324-02: Applicant: John Olenick; Providence Turnpike; Proposed Activity: Extension for Jurisdictional Ruling under Section 4, Permitted Use As Of Right, for Approved Agricultural Use at IWWA Regular Meeting held May 7, 2019 (WP0519-01). This activity is not an extension of a previously existing sawmill on Route 6. No proposed changes to the Approved Application. John Olenick resubmitted his original plan with a request for an extension. Minutes of the May 7, 2019 Meeting, which originally approved the application under Jurisdictional Review as a Use as of Right, were also distributed, along with Section 7.9 and 7.10 of the Regulations regarding extension requests. The original file for WP0519-01 was also presented. There are no changes to the activity or the area.

Motion: Penny Newbury, seconded by Maury Burr, to approve an extension of the original application under jurisdictional review. Motion carried unanimously, Stan Crawford abstaining.

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5. WP0324-03: Applicant Anthony and Christina Warchut; Brook Road; Proposed Activity: access way improvement 225' of 75' wide strip of land from Brook Road to the main property in the rear. Muck out loose top soil and lay 10' wide of 5" stone compacted. There will be a 56' circular turnaround just inside the existing apron to the road with compacted 5" stone. The apron to Brook Road will not be touched. This access way was previously used to log property and as a log landing. Apron not wetlands.

WEO Gigliotti explained that the owner of the property is planning to access the rest of his property, 122 recently logged acres, by improving an existing skid road and extending an access way to the remainder of the property by removing top soil and replacing it with stone. Mr. Gigliotti confirmed that any further activity would necessitate a new application and IWWA approval. Fees totaling \$90, \$30 for the application and \$60 for the DEEP, are to be submitted to the Town.

Motion: Stan Crawford, seconded by Penny Newbury, to approve the application as presented. Motion carried unanimously.

6. WP 0324-04: Applicant: Kevin Cante; 91 Bennett Dr.; Proposed Activity: New construction of a two family structure. Excavation, septic, well, and foundation looking to be done around regulated area. Attached are approved septic design plan and erosion and sediment control to keep land disturbance to the minimum. Goal is to complete in 10 months after permit to build is obtained.

WEO Gigliotti presented a map of the property and proposed activity for construction of a one, two-family home, which will constitute two separate residences. Mr. Gigliotti stated that the applicant had obtained approval from the Health Department for the septic system, and that he has minimal concerns, as erosion controls are part of the plan, and there should be no disturbance, or discharge, to wetlands. Fees totaling \$230, \$30 for the application, \$100 for new residential development, \$60 to DEEP, and \$40 for two inspections, will be submitted to the Town.

Motion: Stan Crawford, seconded by Maury Burr, to approve the application as presented. Motion carried unanimously.

Item 5: No Permit Necessary: none.

Item 6: WEO Report: WEO Gigliotti reported on a notification of pesticide application, which is licensed through the State, at 114 Old Town Pound Road. He also stated that there are five new houses on John Mack Road, four of which have obtained Certificates of Occupancy.

Item 7: Communications: Correspondences were received from Jeff Smith and Curt Dubois regarding WP0324-01, 272 North Bigelow Road, Jerry Misak, applicant.

Item 8: Discuss and Act on Other Business:

1. **Discuss and Possible Approval of Budget Request for FY2024-2025**

Motion: Stan Crawford, seconded by Penny Newbury, to submit a budget request to the Town for FY2024-2025 level with the current budget. Motion carried unanimously.

Item 9: Audience for Citizens: none.

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Item 10: Adjournment

There being no further business to come before the Agency, the Meeting adjourned at 8:10PM.

Respectfully Submitted,

Dayna Arriola, Recording Secretary