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Minutes

Regular Meeting- December 19, 2017

The meeting was called to order at 7:03 pm. Members in attendance, Duncan Wilber Chairman, and regular members Chip Neal, Todd Hiller, John Odell, and John Lossin. Absent was Ray Zetye. WEO Michael Halloran sat at the table along with Land Use Attorney Dave Cusick.

The minutes were presented and Chip made a motion, seconded by John L., to accept the minutes of November 30, 2017. The vote to approve was unanimous.

Old Business;

A show/cause hearing which opened on November 30, 2017 and continued, regarding the cease and desist order sent to Fletcher Smith and Peter Hodgkinson for wetlands violations on their property at 337 Colebrook River Rd. Present along with Fletcher and Pete was Attorney Perley Grimes, who was is representing them.

Duncan began by stating that all wetlands members and WEO had gone on a site walk as agreed to at the previous meeting on November 30. WEO Halloran explained the three maps that were displayed, and everyone spoke of what they saw while on the site walks. All six were fairly consistent regarding the diversion of the watercourse and at least four confirmed the finding of the former water outlet into Sandy Brook. Everyone was in agreement that the wetlands shown on all mapping was not present now.

Attorney Grimes again questioned the validity of the maps and the WEO again explained what and where each document came from. Attorney Grimes then presented letters from Robert Green Associates with their intent to survey, engineer, and map wetlands on an approximate seven acre parcel of the total thirty seven acres. Also include from them was a letter confirming a well managed site. Attorney Grimes notified the Agency that soil scientist Katie Bednaz has been retained to provide wetland consulting services for the property at 337 Colebrook River Rd. Also submitted were the Zoning minutes from 9/20/2011 which Attorney Grimes wanted noted that the 1.3 acre site "was being operated in a proper fashion including those areas next to wetlands and a watercourse." He also contested that the cease and desist was not clear of what the violations were, although the board members thought the letter quite clear.

Star Childs spoke briefly on the map that he had produced for Fletcher in 2006 and then changed in 2014 based on the expansion of the non-conforming gravel operation. He spoke of what he had drawn in 2006 and how the landscape had vastly changed over the years. Childs stated that the original wooded wetlands were approximately 2-3 acres. He also noted that the Escarpment that divided the two wetlands was gone and that the water from the wetlands had been re-directed.

Attorney Grimes stated that Smith and Hodgkinson would like to become compliant and would go forward with the survey but "they can't do a survey with snow on the ground." Attorney Grimes also stated that Katie Bednaz will be on the site Friday December 22, 2017.

Duncan recommended, with the Agency in agreement, the boundary survey should be completed first, including existing watercourses, drainage ditches, ponds, and excavated sites with elevations. Once this is completed, the soil scientist will take samples in a grid pattern every 75' in a south/north and east/west direction. The area to be tested will begin at the southern most property line and go north 700' toward the houses on the property. The east/west line will begin at the westerly property line which abuts state forest land, and the grid will be measured easterly toward the Sandy Brook for 400'.

Attorney Grimes asked that the hearing be continued until the January 16, 2018 regularly scheduled meeting, at which time he will present a survey and soils report. The Agency agreed and the hearing ended at 8:04 pm.

The WEO gave a brief report.

There being no other business, Todd made a motion, Seconded by Chip, to adjourn the meeting which closed at 8:15.

Michael Halloran

Todd Hiller