

**INLAND WETLANDS & WATERCOURSES COMMISSION
REGULAR MEETING – JULY 26, 2011
WOLCOTT TOWN HALL, COUNCIL CHAMBERS
MINUTES 6:30 P.M. PAGE 1 of 5**

Note: These are summary minutes. A tape recording of this meeting is on file in the Inland Wetlands and Watercourses Office, Wolcott Town Hall.

Chairman Garrigus called the meeting to order at 6:30 p.m., with the Pledge of Allegiance and attendance was taken.

Members Present: Mark Garrigus, Richard Tucker, Roberta Leonard, and Roy Balkus

Members Absent: Teresa Pineau, Donald Charette, and Joseph Olmstead

Alternates Absent: David Kalinowski and Brian Lanese

Approval of Minutes:

Upon **MOTION** by Richard Tucker, seconded by Roy Balkus, it was unanimously voted to approve the minutes of June 28, 2011 regular meeting.

With respect to the minutes, Mr. Tucker noted that he doesn't see a need to make any corrections on the verbiage or things like that. He inquired if the commission agrees and they did. He also stated that the gist of the content is correct.

CORRESPONDENCE

There were none.

CHAIRMAN'S REPORT

Chairman Garrigus stated that there were 18 signoffs in the last month mainly for pools, decks and so forth.

SUB-COMMITTEE REPORTS

There were none.

PUBLIC REQUESTS

There were none.

**INLAND WETLANDS & WATERCOURSES COMMISSION
REGULAR MEETING – JULY 26, 2011
WOLCOTT TOWN HALL, COUNCIL CHAMBERS
MINUTES 6:30 P.M. PAGE 2 of 5**

OLD BUSINESS

There were none.

New Business

- **Tim Bobroske requesting an extension on his existing Permit #05-033-Park of Wolcott LLC.**

Chairman Garrigus stated that they have a letter at which time he read it into the record (see attached).

The commission had a brief discussion and they decided that they wanted to visit the site to make sure that all soil and erosion controls are in place.

Upon **MOTION** by Roberta Leonard, seconded by Roy Balkus, it was unanimously voted to table to the next meeting (Tim Bobroske's request for an extension).

DISCUSSION OF MISC. MATERIALS, VIOLATIONS & COMPLAINTS

The commission had a lengthy discussion regarding different violations in Town and they decided that they were going to address these issues.

Chairman Garrigus noted that he thinks he has to carry with what was made public at the council meeting when they petitioned the council for the removal of Joe Olmstead. During public time there was a letter submitted to Mr. Santogatta which he read into the record. (see attached). Mr. Balkus added if they could get on record that she is not disputing that there are materials in a floodplain.

Chairman Garrigus explained to the commission that he did see Joe Olmstead at his property on Town Line Road around May 20th. He also noted that he was following up on a complaint that came in regarding mass amounts of materials being moved on that road. He observed there were stock piles at Watercreek and they were moved to the Olmstead site on Town Line Road. Mr. Olmstead said that he has been doing this for 30 years and it is not a problem and that he is just trying to ruin his business. Mr. Olmstead also said that Mr. Garrigus is too tough with the rules.

Chairman Garrigus then explained to the commission that this is in a Fema Flood Zone. He also has material stockpiled within 10 feet of the Mad River.

**INLAND WETLANDS & WATERCOURSES COMMISSION
REGULAR MEETING – JULY 26, 2011
WOLCOTT TOWN HALL, COUNCIL CHAMBERS
MINUTES 6:30 P.M. PAGE 3 of 5**

Chairman Garrigus noted that he has some recent pictures (on file), at which time he handed out to the commission and some of the piles have diminished somewhat.

Mr. Tucker inquired if these were the same pictures that they had at the special meeting at which time Chairman Garrigus said no. He stated that he updated the pictures (on file). He also noted that there is no soil & erosion control. In his recent investigation two lots down; he thinks they are owned by Billy Olmstead. He has a pile which is against the river at which time he showed the commission the pictures (on file). He also said it is clearly a violation of soil and erosion control. The particular properties in question are in a flood plain which is also a Fema flood plain and under our “regulated activity” at which time he read it into the record “dd” page 7 of their regulations (see attached). The first three pictures that they saw were from 32 Townline Road and the owners are 32 Townline LLC. The property is currently assessed as a warehouse, not a contractor construction. There is another site which he has pictures dated July 6th (picture on file) and the piles have gotten bigger.

Also, he stated that he has 36 Townline which has garbage and dead brush stockpiled up and that’s under Olmstead Investments LLC and its occupancy is listed as a service station. He also indicated that he has a map from plate number 109 that shows the properties and existing conditions. He indicated what he sees there is no soil and erosion controls around the stockpiles.

He also mentioned that it does fit into Fema regulations and it fits into planning and zoning at which time he read into the record “Section number 41.5.9 Stockpiles” (see attached). He also noted that there is a section in the planning and zoning regulations regarding “removal or deposit of earth materials” which he doesn’t have. He also mentioned that the town council approved ordinance #94 in January of this year. He then referenced page 8 number 3.6 “Floodways” at which time he read it into the record (see attached). He stated that they need to apply for a permit.

Mr. Tucker said the responsibility falls on both of them. He also said if there is any activity within a regulated area they have to acquire proper permits from wetlands, if wetland approves it; then it goes to Planning and Zoning Dept.

Chairman Garrigus noted that they would have to apply for a special use permit at the Planning and Zoning. Dept. to store the material and at that time, then it will be submitted to us.

**INLAND WETLANDS & WATERCOURSES COMMISSION
REGULAR MEETING – JULY 26, 2011
WOLCOTT TOWN HALL, COUNCIL CHAMBERS
MINUTES 6:30 P.M. PAGE 4 of 5**

Chairman Garrigus also mentioned that he wasn't lying or abusing his authority. He wanted to clear that up.

Chairman Garrigus explained to the commission that the town was forced through Fema to update the regulations and the flood maps which they did. He explained to the commission that the updates weren't any different than what they had since 1982. It didn't change but it changed across the country. The only thing that Fema would do if they didn't enforce this ordinance, if a claim came in and they didn't enforce ordinance they could put us on probation and they could drop us. He also noted that they could pull the town out of the program and every one in the town who has flood insurance would lose it. But also it would inhibit anybody else buying a house that's in any floodplain if the bank deems they need flood insurance; they would not be able to purchase it.

Chairman Garrigus inquired if they should send them a letter. Also, he mentioned that they could review the other surrounding properties too.

Mr. Tucker said lets proceed as they have with any other illegal activity. Start with a letter of violation, and based on their documentation, attach copies of that to the violation letter, and send carbon copies to the appropriate departments.

Chairman Garrigus referenced Joe Olmstead's property, and stated that he doesn't know what to do because it is totally vegetated with weeds. He noted that they took it through the proper channels and the council didn't act on it. It's past 90 days, past the original incident, and he said he doesn't think they should put anymore effort in it, because he doesn't have any existing violations or soil & erosion at this time. Ms. Leonard commented the point was made.

- Acker's property on Wolcott Road

Vice Chairman Tucker advised the commission that they had a meeting on December 20, 2010, with David Kalinowski, Mark Garrigus, Roy Balkus, Mrs. Ackers, and himself. He noted that there was an illegal activity at the Acker's property on Wolcott Road. He also noted that he was working with Mr. Gianni. He indicated that he had no less than 8 conversations with Mr. Gianni. He noted that he wrote up a plan to restore the property. Mr. Gianni has not followed to this date and will not follow the designated plan. He believes that they have to act on this in a more forceful way. Vice Chairman Tucker stated that Mr. Gianni said he graded it, and seeded it. He also noted that when he visited the site he removed some of the asphalt and it looks like he covered the rest. In his proposal he said he would place mulch there. Vice Chairman Tucker pointed out that he went back to the site for an evaluation and in his findings there are

**INLAND WETLANDS & WATERCOURSES COMMISSION
REGULAR MEETING – JULY 26, 2011
WOLCOTT TOWN HALL, COUNCIL CHAMBERS
MINUTES 6:30 P.M. PAGE 5 of 5**

weeds there no good grass growing which he said he did. Vice Chairman Tucker said his feelings are that they will send him another letter.

ADJOURNMENT

Upon **MOTION** by Roberta Leonard, seconded by Roy Balkus, it was unanimously voted to adjourn at 7:40 pm.

APPROVED:

**Mark Garrigus– Chairman
INLAND WETLANDS COMMISSION**

**DOLORES DISTISO
COMMISSION SECRETARY**