

**TOWN OF CHAPLIN, CONNECTICUT
INLAND WETLANDS AND WATERCOURSES COMMISSION**

MINUTES OF SHOW CAUSE HEARING

**APRIL 26, 7:00 P.M.
IN THE CHAPLIN TOWN HALL**

Members Present: Chairman Scott Matthies, Peter Stick, Sharyn Rusch, Michael Jenkins, Doug Cates

Members Absent: Peter Kegler, Paul Deveny, Michael O'Neill

Alternates Seated: Virginia Walton for vacancy

Also present: Joe Theroux, Wetlands Agent; Elizabeth Marsden, Recording Clerk, Wendy St. Dennis and Richard St. Dennis.

Show Cause Hearing Opened at 7:00 p.m.

Wetlands Violation concerning Richard and Wendy St. Dennis: 146 South Bear Hill Rd. Excavation and grading activity within inland wetlands and watercourse without permit issued. Chairman Matthies explained that Mr. and Mrs. St. Dennis have the opportunity to explain their position in this matter.

Wendy St. Dennis said the property originally had a stream when they bought it, before they built their house on the property. The stream had been filled in by the builder, who had placed felled trees in it, and there was also accumulated brush in the watercourse. A "man-made ditch" had been put in by builder.

Mr. St. Dennis showed the members a drawn map of the property, and J. Theroux had distributed an aerial photo copy of the property. Mr. St. Dennis said that he and his family had "cleaned out" the stream of the felled trees and briars that had been clogging the stream, so now the water is flowing more freely. Mr. St. Dennis said that they had previously met with J. Theroux, and that J. Theroux didn't clearly state that the St. Dennis family could not "clean" the stream.

Mr. St. Dennis was questioned about whether he had used any equipment or had removed the trees, etc by hand. He said he did some work with a backhoe and some by hand.

J. Theroux said he did meet with the property owners and they had mentioned plans of a barn and maybe a pond, J. Theroux did look at the wetlands and watercourse and he did see the previous work that had been done as stated

above. He said he discussed what could be done without a permit, including removing felled trees, leaves, sticks, by hand but no excavation may be done with mechanical devices including a shovel. J. Theroux said that he told the property owners that he'd be happy to help them with permits.

Chairman Matthies said that the activities did increase the water flow under the roadway and J. Theroux reiterated that the activities were in violation of Wetlands regulations. He said he did not tell Mr. and Mrs, St. Dennis they could excavate stumps. Mr. St. Dennis said that J. Theroux's did not tell them they could not dig out stumps.

Chairman Matthies said there is a violation and that when considering the diversion of watercourses it doesn't matter whether a previous disturbance was man-made or natural. Filling or removal within 100 feet of a wetland requires a permit. The order that was issued by J. Theroux will be discussed at the regular meeting following the hearing.

Mr. St. Dennis repeated that J. Theroux's instructions weren't clear and that they would not have intentionally acted in violation. Mr. Theroux insisted he did not tell the owners they could disturb a wetland area without a permit. Mr. St. Dennis said he is fine with applying for permits if necessary. Mr. St. Dennis said he has been paying taxes on land he can't use, because wetlands are valued at a lower rate.

Mrs. St. Dennis said they are willing to comply, she said they came and got a permit when they put in a pool. She said they were only trying to do the right thing and comply. Chairman Matthies informed Mr. and Mrs. St. Dennis that they would receive a letter informing them of the status of their violation within ten days of the closing of the hearing.

Chairman Matthies closed the hearing at 7:30 p.m.

Respectfully submitted,

Elizabeth Marsden, Recording Clerk