

**TOWN OF POMFRET
INLAND WETLAND & WATERCOURSES COMMISSION
MEETING MINUTES (AMENDED)
AUGUST 4, 2021**

1. HEARING:

A. Show Cause Hearing: 59 Longmeadow Drive, Cease & Desist (C&D) letters were sent to occupant (Barry Peloquin) and owner (Zachary Leighton) for obstruction of a watercourse behind 59 Longmeadow Drive that is causing flooding to upstream properties. Attendance was taken for those present at the hearing: P. Safin, D. St. Martin, A. Howe, J. Rowley, J. Stoddard, J. Bergendahl, J. Folsom, W. Gould, R. Brais, and J. Rabbitt. R. Brais spoke regarding this issue. He received a complaint of flooding and the stream backing up due to logs in the stream behind 59 Longmeadow Drive. The owner of the property contacted Ryan today, who in turn, contacted B. Peloquin. J. Folsom asked if they would need an application to clear the stream. Ryan said only if there is disturbance. Jamie mentioned that any work should be done after consultation with staff. They will send a follow-up letter on how to remove the material from the stream. Lou Gadoury was the complainant and was present at the hearing. P. Safin asked how much back up there was on his property. L. Gadoury said they he has been flooded 2 times already this summer. He said it backed up in early July when we got about 4” of rain and again when the tropical storm came through. J. Bergendahl said we need to move on this issue. J. Folsom asked if the material in the stream could be hand lifted or by machine? R. Brais said there is equipment there if it is needed. J. Folsom then said that neither Mr. Peloquin nor Mr. Leighton were present and asked if they agreed with the issue. Ryan said yes and Ryan will send out a new letter tomorrow regarding the commission’s decision. P. Safin closed the hearing at 7:13 pm. Ryan said he will contact Mr. Leighton by phone and send letters to both parties. He will also go out and take pictures on Friday if he is allowed on the property. P. Safin said that no activity can be conducted until Ryan can be there. They need to establish when the work will be done and have a follow-up review. Jamie said we can conclude the hearing with action. J. Folsom made a motion that the Cease & Desist for 59 Longmeadow Drive is valid and was issued for cause and shall remain in effect until the corrective action is reviewed and approved by commission staff. A vote was taken, and all commission members present voted yes to enforce the action. J. Bergendahl seconded. All in favor.

2. OPEN REGULAR MEETING: Chairman P. Safin opened the meeting at 7:20 pm

3. ROLL CALL: Present: P. Safin, D. St. Martin, J. Rowley, J. Folsom, J. Stoddard, W. Gould, J. Bergendahl, A. Howe, R. Brais, and J. Rabbitt. **Excused Absence:** N. McMerriman, and L. Shaw.

4. SEAT ALTERNATE(S) AS NEEDED: A. Howe was seated for N. McMerriman.

5. ITEMS TO BE ADDED TO THE AGENDA: none

6. PENDING APPLICATIONS:

A. Michael Wolchesky, Mashamoquet/Averill Road, proposed subdivision for 3 lots.

Proposed commercial buildings with driveways and parking area, septic systems, and wells. One wetland crossing for a driveway is proposed. B. Woodis of KWP was present for the applicant. He said there is 16 acres surrounding the bank; 2 lots are 4 acres each, with the middle lot being 8 acres. This is commercially zoned. J. Folsom wanted to know what is going to happen with the invasives that are growing on the property. B. Woodis said the autumn olive hasn't gotten into the cornfield lot yet and it hasn't gotten into the wetlands area. J. Folsom said that whoever purchases the property needs to be made aware of the invasives. B. Woodis said that DOT and NDDH paperwork has been submitted and they are conceptual designs (for P&Z purposes) to do the subdivision. Jamie mentioned issues that need to be worked out. P. Safin asked when this would take place. B. Woodis said that M. Wolchesky would like to get the property on the market while the market is hot. Jamie verified what Bruce said because he also spoke to M. Wolchesky. P. Safin asked if they would be stand-alone lots. J. Folsom doesn't feel it's a significant activity. D. St. Martin feels the same way. J. Bergendahl also feels it isn't a significant impact. Jamie said that there are opportunities to move away from the wetlands on the Averill Rd. lot. Bruce agreed with Jamie. D. St. Martin felt there should be some swales. Bruce agreed (design issue) and they could possibly use boulder retaining walls. D. St. Martin made a motion that this would not be a significant activity. J. Folsom seconded. All in favor. P. Safin asked how Bruce will keep in touch with IWWC. Jamie said it's a 3-lot subdivision which they need to prove to P&Z that it is buildable (if there is a change to a proposed lot, then they need to come back to IWWC). J. Rowley asked about the utilities. Bruce said they would be underground. These plans being shown to the commission tonight are the same plans that have been submitted to P&Z. Plans will all have a revised date. This item was continued until our next meeting on 9/1/2021.

B. Michael West, 634 Brayman Hollow Road, proposed single-family home with associated well, septic system, and grading within the upland review area. This was given to staff to review. Ryan spoke with Killingly Engineering. Jamie said the lot was sold "as is" with restrictions and a barn on it. (Wetlands and restrictions). They may not be able to build due to these issues. He has spoken with many engineers who said that this lot may not be buildable. This item was continued to the 9/1/2021 meeting.

7. CITIZEN'S COMMENTS: none

8. NEW APPLICATION(S): none

9. NO-FEE APPLICATIONS:

A. Pomfret School, Barn Road, proposed construction of faculty housing buildings. This was approved due to there being no wetlands on the property.

- B. Robert & Joan Macneil, 73 Cooney Road,** 2-lot subdivision with a rear lot. There is no activity near the wetlands. Jamie said that any proposed lot needs proposed frontage and area for driveway.

10. NOTICES OF VIOLATION/CEASE AND DESIST ORDERS:

A. Outstanding NOV (Notice of Violation)

1. **Deborah/Paul Simpson, 64 Hampton Road** – follow-up on 3/2020 on the restoration plan from 1/26/15 NOV. Jamie spoke with P. Simpson and he will come to the December meeting. A decision was made to have the applicant attend monthly meetings until the issue is settled (12/02/2020). Commission members requested that Jamie meet with the Simpsons to see what they're doing in the spring/summer and have Mr. Simpson come to the May/June meeting. It was mentioned that we need to put something in the regulations (i.e., caveat on land records) for applications that don't get completed in a timely manner (5/5/2021). Jamie spoke with P. Simpson, who is working 2nd shift in MA and can't be at this meeting. He explained to the commission his feelings regarding the applicant taking 5+ years to do this reclamation work. We need to push to caveat or speak with the Town Attorney. P. Simpson said that his equipment is still down and being fixed. He would commit to finishing the project this year. He has done some work, but the site has been inactive for the last 12-18 months. P. Safin asked Jamie to photograph the site because it's been way too long. Discussion of putting a time frame in place. D. St. Martin made a motion to place a caveat on the land record. J. Folsom seconded. All in favor. (J. Rabbitt said there should be a note on the caveat that a NOV was sent, a permit was granted, but the work was not done). Caveat needs to be placed on land records. W. Gould asked how we could push further. Jamie said we need to bring in a lawyer. P. Safin said we need to get the caveat in place first. W. Gould wanted to know if the applicant was aware that this could go to court. Jamie said he is aware via the NOV. W. Gould then asked what we do. Jamie said we work with an attorney and have them send a letter to the Simpsons. J. Bergendahl wanted to know the ramifications if this continued. P. Safin said that is why he's mentioned setting a time limit for NOV's. J. Folsom wanted to know if it is an impact on the wetlands. J. Bergendahl asked if it is an imminent threat to the wetlands. Jamie gave an example – 1/20th of the wetlands was jeopardized and continually said it would be fixed (for 5+ years). J. Folsom asked if any sediment is washing onto the brook. Jamie said no, there's just a tri-axle load in the wetlands that needs removal.

11. JURISDICTIONAL RULINGS:

- A. Dan Mardirosian, 255 Searles Road,** attached 14' x 28' two-car garage. Jamie signed off on the jurisdictional ruling. Applicant needs to call prior to breaking ground. Wetland's agent will advise homeowner if any E&S is needed during construction. P. Safin asked for an update on this applicant.

12. AGRICULTURAL ACTIVITIES: none

13. PRIOR APPLICATIONS WITH CONDITIONS: Jamie said he went by the Sheldon/Gregiore property and didn't see any construction on the site. J. Rowley said he saw that silt fence is up. Ryan mentioned that their zoning permit was issued.

14. SUBDIVISIONS APPROVED BY PLANNING & ZONING: none

15. COMPLAINTS/CONCERNS RECEIVED BY COMMISSION: potential issue on Wrights Crossing Road just North of the Mashamoquet Brook. There is a new bridge that someone has put in place. This will get checked out. This was done without permits for activity associated with going over a bridge. Ryan will go out and look at it.

16. NEW COMPLAINTS: J. Rowley said that the former Dash property had an excavator in there. Ryan will check for permits.

17. CITIZEN'S COMMENTS: none

18. EXTENSIONS REQUESTED: none

19. COMMISSION BUSINESS:

- A. Updates and report from WEO and Commission Members. Nothing new to report.
- B. Approval of the June 2, 2021, meeting minutes. J. Folsom made a motion to approve the minutes as submitted. J. Rowley seconded. All in favor. There were 3 abstentions.
- C. Report of billing and bond releases – This is being work on.
- D. Correspondence: letter from a law group informing Pomfret about a permit they applied for, for the approval of the construction, operation, maintenance, and decommissioning of a ground-mounted solar photovoltaic facility at 254 Putnam Road in Pomfret. Distribution of the May/June 2021 CT Wildlife Magazine.

20. Adjournment: D. St. Martin made a motion to adjourn. J. Folsom seconded. All in favor. Meeting adjourned at 8:47 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Dated: _____