

**POMFRET INLAND WETLAND AND WATERCOURSES COMMISSION
MINUTES FOR WEDNESDAY, OCTOBER 5, 2022, AT 7: 00 PM
COMMUNITY CENTER**

- 1. OPEN REGULAR MEETING:** Chairman opened the meeting at 7:00 pm
- 2. ROLL CALL:** Present: P. Safin, D. St Martin, J. Rowley, J. Folsom, W. Gould, A. Howe, R. Brais, and J. Rabbitt. Absent: J. Stoddard, N. McMerriman, J. Bergendahl, and L. Shaw.
- 3. SEAT ALTERNATE(S) AS NEEDED:** A. Howe was seated
- 4. ITEMS TO BE ADDED TO THE AGENDA:** none
- 5. PENDING APPLICATION(S):**
 - A. Charles Weeden for Pomfret Public Library, 449 Pomfret Street,** addition with deck and stone retaining wall. C. Weeden was present for the application. J. Rabbitt said the application is for a proposed addition to the existing building adding a deck and stone retaining wall. Some of the stockpile will be used on site and the rest will be taken off site. Discussion of a plunge pool using 4" PVC pipe and a flat stone. J. Folsom made a motion to approve the application with the following conditions: 1) preconstruction meeting to be held; 2) E&S in place prior to any disturbance of soil; and 3) gutter drains will be worked out between the contractors and staff on site of addition. A. Howe seconded. All in favor.
- 6. CITIZEN'S COMMENTS:** none
- 7. NEW APPLICATION(S):**
 - A. Kathryn Casey/Timothy Morrarty, 89 Orchard Hill Road,** requesting agricultural exemption to dredge cow pond. T. Morrarty spoke for the application. The pond has dried up significantly and is only 2-2.5' deep. They would like to dig down about 5'. The pond is not spring fed. It is fed by run off. W. Gould asked if it dried up this summer. T. Morrarty said no, but it did last year. J. Rabbitt discussed Sect. 4.1 regarding non-regulated as-of-right use. The proposed dredging is essential to agricultural rights. J. Folsom said that having to move the cows shows an essential need. P. Safin agreed with J. Folsom. The other commission members agreed that it is essential. J. Rabbitt then mentioned Section 4.2 which shows this can still be regulated. Should the commission decide this is non-regulated, they would have to follow Best Management Practices. (i.e., dewatering, erosion, dredging). T. Morrarty said he or Ethan Williams would do the excavating on the property. The stockpiles will be used to fill in holes and then seeded. J. Folsom asked if we received an application. P. Safin said, but if it is ruled as-of-right, then no permit is needed. J.

Folsom said this is an as-of-right, non-regulated, no permit required issue, and they should follow Best Management Practices. T. Morrarty said that the cows would be leaving mid-November and they would like to start working after that. W. Gould asked how they're going to drain the pond. T. Morrarty said they'll open the spillway and allow the pond to drain slowly. J. Rowley seconded J. Folsom's motion. All in favor.

- B. J&D Civil Engineers for Gerald Daigle, 128 Orchard Hill Road,** 2-lot subdivision with work in the upland review area. D. Blanchette was present for the applicant. This will be a 2-lot subdivision at 128 Orchard Hill Road, owned by Gerald Daigle. He went over the plans he had for the property. There was a discussion regarding the delineation of the wetlands. They were delineated back in 2003-2005 by Margaret Washburn. J. Folsom asked if she has looked at the wetlands recently. D. Blanchette said that she hasn't looked at the wetlands recently. There was a discussion regarding the exact location of the property. D. Blanchette said that out of the 16-acre lot, they will be making a 2 acre and a 3-acre lot and will add the remaining 11 acres to the existing 2.6-acre lot. The area is mostly all field with not many trees to be cut, all in the upland review area. Plans have been submitted to DOT, DEEP, and P&Z Commission. He would like to build 2 houses in the near future. P. Safin asked if there were any culverts. D. Blanchette said there is one proposed for the upper driveway. J. Rabbitt P&Z and IWWC would like to see 15" RCP flared for the culvert. D. Blanchette said they would like to use 2-12" instead. P. Safin mentioned that if the submitted plans show a 3-bedroom/2 car garage, you need to stick with it on the plans. He would like to see a sequence of operations on the plans. J. Rabbitt said that there is a need for the establishment of a riparian zone whose perimeter would be 50' on center. P. Safin asked when the start of construction would be. D. Blanchette said probably next year. J. Folsom asked how long a Soil Scientist report is good for. J. Rabbitt said that D. Blanchette should ask for a letter from M. Washburn verifying the wetlands delineation. P. Safin he would like the sequence of operations on the plans for the November meeting. The application was accepted.

8. NO FEE APPLICATION(S): none

9. NOTICES OF VIOLATION/CEASE AND DESIST ORDERS:

A. Outstanding NOV (Notice of Violation)

Deborah/Paul Simpson, 64 Hampton Road, - NOV issued on 1/26/15; see minutes from 1/5/22 for details. Mr. Simpson was present and spoke on this issue. He started re-grading and had fill brought in and graded (sub-grade). He will bring in topsoil next ad grade. He will put in a split rail fence and by the 1st of September, he will be seeding the lawn (8/3/22). W. Gould said when he went by there, he saw that some dirt had been pushed around and there were fence posts in. This project was supposed to have been finished by September 1st. Ryan will stop by to check out what is going on.

10. JURISDICTIONAL RULINGS: none

11. AGRICULTURAL ACTIVITIES: none

12. PRIOR APPLICATIONS WITH CONDITIONS: none. J. Rabbitt did mention that after the hard rains, everything is still contained with no releases.

13. SUBDIVISIONS APPROVED BY PLANNING & ZONING: none

14. COMPLAINTS/CONCERNS RECEIVED BY COMMISSION:

- A. Watercure Farms was advised to remove the stockpiles from the wetlands. Jamie was going to check into finding out about any documentation paperwork (possibly from the Army Corps) for Mr. Nagy. J. Rabbitt said he had no report for the commission. J. Folsom then mentioned that the commission had requested the Army Corps of Engineers to step in regarding the issue on Bosworth Road with no response. W. Gould said the Army Corps has done nothing to help with the Bosworth Road issue so it might be best to keep the issues in Town and deal with it and keep it local. Members agreed that J. Rabbitt will do a letter to Mr. Nagy. This item will be removed from the agenda.

15. NEW COMPLAINTS: none

16. CITIEN'S COMMENTS: none

17. EXTENSIONS REQUESTED: none

18. COMMISSION BUSINESS:

- A. Updates and report from WEO and commission members. P. Safin mentioned the CACIWC meeting coming up. Also, A. Howe updated us on the drought issue in our area.
- B. Approval of the September 7, 2022, meeting minutes. J. Folsom made a motion to approve the minutes as amended. W. Gould seconded. All in favor.
- C. Report of billing and bond releases – nothing new
- D. Correspondence: already discussed in 18A
- E. By-laws document is still being amended/updated

19. ADJOURNMENT:

Respectfully submitted,

Lynn L. Krajewski, Clerk

Dated:_____