

**INLAND WETLAND AND WATERCOURSES COMMISSION  
REGULAR MEETING  
MINUTES OF MARCH 7, 2012 @ 7:00 P.M.  
POMFRET SENIOR CENTER**

**ROLL CALL:** Present – John Folsom; Chairman; David St. Martin, Vice Chairman; James Rowley, Secretary; Paul Safin, Member; Marshall Eaton, Member; Joseph Stoddard, Member; Nancy McMerriman, Member; John Bergendahl, Alternate; Ryan Brais, WEO; and James Rabbitt, Designated Agent.  
Absent - William Gould, Alternate.

**OPEN PUBLIC HEARING:**

1. **Anthony Malagrino, Pomfret School, 106 Grosvenor Road**, proposed filling of 1360 square feet of wetlands and installation of concrete stairwell at existing public water supply well to comply with DPH recommendations to provide 25' separation from well to high water mark. J. Folsom opened the Public Hearing at 7:04 pm. M. Eaton recused himself from the Public Hearing as he is an employee of Pomfret School. Terry Chambers of KWP was present for the applicant. He stated that he was unaware he needed to notify the abutters for this Public Hearing. He thought the decision to hold a Public Hearing was going to be decided tonight. The presentation for this application will be delayed until the April 4<sup>th</sup> meeting, at which time the Public Hearing will continue.

**OPEN REGULAR MEETING:** J. Folsom opened the regular meeting.

**ROLL CALL:** Present – John Folsom; Chairman; David St. Martin, Vice Chairman; James Rowley, Secretary; Paul Safin, Member; Marshall Eaton, Member; Joseph Stoddard, Member; Nancy McMerriman, Member; John Bergendahl, Alternate; Ryan Brais, WEO; and James Rabbitt, Designated Agent.  
Absent - William Gould, Alternate.

**SEAT AN ALTERNATE AS NEEDED –** N/A

**ITEMS TO BE ADDED TO AGENDA:**

1. **Maurice Godbout, 321 Killingly Road**, re-grade and possible garage. D. St. Martin made a motion to move this to item #2 under New Applications on the agenda. P. Safin seconded the motion and it was approved unanimously.

**PENDING APPLICATIONS:**

1. **Anthony Malagrino, Pomfret School, 106 Grosvenor Road**, proposed filling of 1360 square feet of wetlands and installation of concrete stairwell at existing public water supply well to comply with DPH recommendations to provide 25' separation from well to high water mark. This has been continued until next month.

**CITIZEN'S COMMENTS:** Terry Chambers of KWP along with Tony Malagrino from Pomfret School updated the commission on work that had been completed. He said the turf field is completed and it was very successful. The basins are working extremely well and he invited the commission members to visit the site to see the completed project. He also spoke about the stream remediation project. He said the stream has been stabilized from erosion. He just wanted the commission to have an update on the projects. He also mentioned that Pomfret School posted bonds for these two projects and that they would like them back.

**NEW APPLICATIONS:**

1. **Roger Daigle, 193 Putnam Road**, re-application for the re-stabilization of a previously disturbed stream. We skipped this and will come back to it as Mr. Godbout is present for his application. A complete application has been submitted. P. Safin asked if there was any reason to send with Ryan or Jamie out to see if there is any further damage. D. St. Martin thought it would be prudent. P. Safin thought we should have just one of them go out.

2. **Maurice Godbout, 321 Killingly Road**, re-grade and possible garage. J. Folsom said there was a sketched map showing the house and are to be raised and lowered. The commission can't act on the application tonight, they can only accept it. P. Safin asked for a sketch showing the location of the garage. D. St. Martin agreed that a sketch with a little more detail would be necessary showing the measured dimensions to edge of river and house.

**NO-FEE APPLICATIONS:** None.

**NOTICES OF VIOLATION/CEASE AND DESIST ORDERS:**

1. **Roger Daigle, 193 Putnam Road**, Cease and Desist. 10/4/07 – Received new application 9/2/09. Application was approved with conditions 12/2/2009. Work to be done in July. Permit has been approved awaiting payment. This is now the subject of a new application (8/3/11) with the commission. Application was approved with conditions on 8/17/11. Mr. Daigle submitted a letter (1/4/12) wanting to extend the permit. A new letter was sent 1/4/12 informing Mr. Daigle that he needs to submit a new application with the \$160 fee by 3/6/12 so it can be accepted at our 3/7/12 meeting. He was also told that any additional bonds or surety are determined by the Commission at the time of approval of an application. This letter was re-sent to Mr. Daigle on 2/9/12 via CRR to both his CT and FL addresses for verification of receipt. Commission received new application on 3/7/12. Leave on agenda.
2. **JASD, Orchard Hill Road** - work in regulated area. NOV issued 11/4/05. Nothing new. Ryan did mention that Jim Rose, owner of the property, spoke to him about looking to put a new building on the property but he has not heard back from him. J. Folsom wondered if he would be back to solve the NOV issued in 2005. Leave on agenda.
3. **George Avery, Donna Sabourin, 394 Mashamoquet Road**, grading and filling of wetlands. NOV issued 12/12/11. Application accepted at 1/4/12 meeting. Application was approved 2/1/12 with nine conditions. Awaiting the \$150 deposit to release permit. Leave on agenda.
4. **Elaine Malchman, 321 Killingly Road**, fill piles placed along bank of brook. NOV issued 12/12/11. Maurice Godbout filed an application for the 2/1/12 meeting, but application was incomplete and was withdrawn. New application was submitted 3/7/12. Leave on agenda.
5. **Robert Fowler, Wade Road**, was issued a NOV 7/15/11. Still under NOV. Heard from Mr. Hoffa. The Fowlers informed him that the site is under Cease & Desist and that if he showed up on the property, he would be trespassing and subject to arrest. Jamie said that the work on the property will be done in the late spring/early summer. Leave on agenda.

**JURISDICTIONAL RULINGS:** None.

**AGRICULTURAL ACTIVITIES:** None.

**PRIOR APPLICATIONS WITH CONDITIONS:**

1. **Paul Miller, Tyott Road**, request for reduction of surety. The area has been seeded and stabilized. We should be able to release some of surety. D. St. Martin made a motion to reduce surety and leave \$1,500 for possible additional fees. J. Bergendahl seconded the motion and it was approved unanimously. Leave on agenda.
2. **Town of Pomfret, Grosvenor Road**, remove old culverts and replace with two new ones. Start date of this project was 8/27/09. The remediation date was 1/6/11. Syl Pauley, as the licensed engineer for the project, signed off on the project on 1/10/11. Staff is continuing to observe the situation. Leave on agenda.
3. **Sarantopoulos, 325 Wrights Crossing Road**, subdivision 5/07. CO has been issued. Landscaping and E&S are stable. Not landscaped completely. Leave on agenda.
4. **Loos, Rebecca, 40 Modock Road**, 4-lot subdivision 6/07. No activity. The four parcels have been bought. No activity. Leave on agenda.
5. **Moon et. Al., Peter, 596 Pomfret Street**, single-family home 3/08. Application was approved with 10 conditions. Lot is advertised for sale with all approvals in place. No activity. Leave on agenda.
6. **Pomfret School, 398 Pomfret Street (10/6/10)**
  - A. **Remediation** – utility line
  - B. **Turf Fields** – open trench between lacrosse and hockey rink
7. **Town of Pomfret Recreation Field, 576 Hampton Road, (10/6/10)** the site is stable. Leave on agenda.

8. **Ridgewood Farms, LLC, formerly CT Real Estate Holdings, LLC, 195 Searles Road,** Cease and Desist in effect as of 3/16/05. Certificate of NOV placed on land records on 5/19/06. (gravel extraction) Actual date of permit is 11/07. Deposit date of surety/bond monies was 8/15/10. Site is stable. Jamie met with Gino (owner) and discussed the existing permit for gravel extraction and looked at alternatives to excavation knocking the 210 elevation to 166. Jamie said this is going to be more of a landscaping operation than a gravel extraction. D. St. Martin said he would need a revised site plan and application. Jamie said he is still tied to the restoration, but could have possibly have an amendment to his current permit. P. Safin asked if Jamie knew what the end use of the parcel is going to be. Jamie said that in the near term, it is for fishing and hunting. It will all depend on possible future development. Leave on agenda.
9. **Shane Pollock, 131 Orchard Hill Road,** formerly owned by R. Canning, was approved with conditions through IWWC. This was originally approved 4/12/11. Shane Pollock submitted letter and deposited surety/fees. Permit has been signed. Site is re-graded and the silt fence is up. House is completed but seeding needs to be done. Leave on agenda.
10. **Janice Bosworth – (5/4/11) Day Road,** relocation of an existing house trailer on the property and associated land disturbance. Application was submitted on 8/3/11. Extension granted on remediation application. New application submitted on 11/2/11. Original application was withdrawn. This application for two single-family homes was approved 1/4/12 with 11 conditions. Jamie said he received revised plans from B. Messier with the COA on the plans. Leave on agenda.

**SUBDIVISIONS APPROVED BY PLANNING AND ZONING:** None.

**COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION:**

**1. Ongoing**

- A. **(1) Sharp Hill Vineyard/Fowler – (9/1/10)** town reclamation on road in late spring/early summer. Nothing new. Leave on agenda.
- B. **Scott Lee, 585 Mashamoquet Road – (9/1/10)** nothing new. Leave on agenda.
- C. **Scott Lee, behind Benways – (1/5/11)** nothing new. Leave on agenda.
- D. **Windham 4-H Camp – (4/6/11) (Cease & Desist issued 3/16/11)** application was approved 8/3/11 with conditions. Nothing new. Work should be done in late spring/early summer. Leave on agenda.
- E. **John Casey property – (1/5/11)** a NOV was issued 8/10/11. Application was approved with conditions on 10/5/11 but NOV has not been lifted. No new activity. Project will probably be done in late spring/early summer. Leave on agenda.

**NEW COMPLAINTS:** None.

**CITIZEN'S COMMENTS:** Fred Thorton of Fay/Hampton Road had some questions regarding a subdivision. He was told an A2 survey would be needed. Jamie said he would speak with him regarding any other information he needed.

**EXTENSIONS REQUESTED:**

1. Greg Peservich, 339 Mashamoquet Road, request to extend his permit because he still needs time to build the barn and detached garage. His original permit was approved 4/7/10 and is due to expire 4/6/12. D. St. Martin made a motion to extend the permit for one year. P. Safin seconded the motion. The clerk then mentioned that when Mr. Peservich delivered his request to her, he wanted the full extension because he probably wouldn't get both things built this upcoming year. D. St. Martin amended his motion to extend the permit for three more years. P. Safin seconded the amended motion and it was approved unanimously.

**COMMISSION BUSINESS:**

1. Updates and Report from WEO and Commission members. Nothing to add from Ryan. Jamie mentioned he had spoken with Richard Hall regarding how beavers had moved back in. He needs options to deal with the issue. The dam is co-owned. He may come in and submit an application in the next month or so.
2. Approval of the *February 1, 2012 minutes* – there were 4 small edits needed to the minutes. P. Safin made a motion to approve the minutes as amended. D. St. Martin seconded the motion and it was approved unanimously. There were two abstentions.

3. Report of billing and bond releases – Jamie went out to check out Dexter’s work. He has delayed plans to work in that location.

A. ***List of Bonds being held with Town of Pomfret (Escrow Agent) and Putnam Bank:***

Jason Lavallee (IWWC)

Donna Smith (inspection fees) (IWWC)

Rose Construction (IWWC)

Bruce Dexter II (IWWC) – look at status of their permit; need to check perimeter to see if it is stable; Jamie will check the site and report at next month’s meeting

Pomfret School (IWWC and P&Z)

Miller Family, LLC (IWWC and P&Z)

Town of Pomfret and James Rivers (inspection fees) (IWWC)

Ridgewood Farm LLC (P&Z)

B. ***List of Bond(s) being held with Liberty Mutual Insurance Company:***

Bruce & Kerry Dexter (IWWC)

D. St. Martin mentioned the questions the commission had last month regarding the budget. J. Folsom read into record the letter he wrote to the Selectmen. P. Safin had a concern that we had to pay an equal share of the Engineer’s bill even though he was not used by use much during the year. The Town of Pomfret hires the Engineer, not the commissions. There seems to be a lack of communication/understanding. J. Folsom said the First Selectmen thought we should use Syl more. P. Safin said he would like Jim or the Town to provide us with information. Syl never came before the commission to explain the deviation from the original plans on Grosvenor Road. J. Folsom said he feels that Syl is working for two different entities – the IWWC and road crew. P. Safin asked why we have no say in the budget. J. Folsom said the Selectmen set out budget. D. St. Martin said that if they accept recommendations from us, then there was a say in the budget.

4. Correspondence – a letter was received from the State of CT regarding the CLP issue of power lines, the CACIWC newsletter and CT Wildlife were distributed.

5. As needed

**ADJOURNMENT** – Motion to adjourn was made by P. Safin. M. Eaton seconded. Motion was approved unanimously. Meeting was closed by the Chairman at 8:13 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date Approved: \_\_\_\_\_