

**INLAND WETLAND AND WATERCOURSES COMMISSION
REGULAR MEETING
MINUTES OF JUNE 6, 2012 @ 7:00 P.M.
POMFRET SENIOR CENTER**

OPEN REGULAR MEETING: J. Folsom opened the regular meeting at 7:00 pm.

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

SEAT AN ALTERNATE AS NEEDED – W. Gould was seated.

ITEMS TO BE ADDED TO AGENDA:

1. NOV/Cease & Desist issued 5/11/12 to George Avery, 394 Mashamoquet Road, for a structure built in set-back with no permits, etc. D. St. Martin made a motion that we move this item under Notice of Violations/Cease and Desist Orders #6

PENDING APPLICATIONS: None

CITIZEN'S COMMENTS: None

NEW APPLICATIONS: None

NO-FEE APPLICATIONS: One submitted from Pomfret School per Jamie

NOTICES OF VIOLATION/CEASE AND DESIST ORDERS:

Prior to discussing all of these items, the commission went to #6 first and then reverted back to #1.

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. This application was approved with 8 conditions on 5/2/12. Staff spoke with D. Morrisette and he is supposed to start work in July. There were questions regarding the amount of the surety and whether it could be reduced. The commission discussed this issue and the consensus was there is a history with the applicant and they are not in favor of reducing the surety. J. Folsom told J. Rabbitt to let Mr. Daigle know that the surety is not being changed. 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. Nothing new. 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. \$150 deposit was paid and permit was issued/dated 5/21/12. Jamie met with the contractor and the work is to be done shortly on the south side of the sight. 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. Application was approved tonight with conditions (4/4/12). Nothing new. Leave on agenda.
5. **Robert Fowler, Wade Road**, was issued a NOV 7/15/11. Still under NOV. Jamie said that the work on the property will be done in the late spring/early summer. Mrs. Fowler called Jamie saying she was unable to contact/coordinate with Tom Hoffa. Staff will follow-up on this issue, but the commission expects the property owner to correct the issues. Leave on agenda.
6. **George Avery, Donna Sabourin, 394 Mashamoquet Road**, structure built in set-back with no permits, etc. Staff met with a contractor from American Drywall who is helping Donna with this situation. They went over the remediation needed. This NOV was for Planning & Zoning, not IWWC. But, as there is already a NOV with the IWWC, this structure shouldn't have been put up.

JURISDICTIONAL RULINGS:

1. **Pomfret School**,

AGRICULTURAL ACTIVITIES: Ryan said there was an approved forestry application for Trowbridge Logging directly across from Paine Road. There are no wetlands involved.

PRIOR APPLICATIONS WITH CONDITIONS:

1. **Paul Miller, Tyott Road**, request for reduction of surety. The area has been seeded and stabilized. Surety was released on 3/29/12, leaving \$1,500 for possible additional fees. Staff said he felt we could release the rest of the surety. D. St. Martin made a motion to release the surety. It was seconded by M. Eaton and 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. He will be out in that area due to new construction going on. Nothing has changed. This will be ongoing. Leave on agenda.
3. **Sarantopoulos, 325 Wrights Crossing Road**, subdivision 5/07. CO has been issued. Landscaping and E&S are stable. Minimal landscaping left to complete. Staff visited the site and said the surety can now be released. M. Eaton made a motion to release the surety. It was seconded by D. St. Martin and approved unanimously. Leave on agenda.
4. **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. Correspondence dated 5/31/12 requesting extension of permit. Leave on agenda.
5. **Pomfret School, 398 Pomfret Street (10/6/10)**
 - A. **Remediation** – stable
 - B. **Turf Fields** – the turf fields are healed
6. **Town of Pomfret Recreation Field, 576 Hampton Road, (10/6/10)** the site is stable. Leave on agenda.
7. **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. Staff spoke with Gino and they are going to sit down and discuss things. He is seeking bids on the value of gravel. He said he may let the permit lapse or possibly amend/re-apply. Leave on agenda.

8. **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. It appears that the area has been seeded and hayed. Staff to check vegetation this month. Leave on agenda.
9. **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. We are waiting for the bond. Jamie went to the site and a couple of test pits were done. B. Messier needs to know if the bond/fees are not paid, the permit cannot be signed. The junk trailer has been removed from the site. There are no issues with erosion. There is still a trailer on site. Staff will go back to the site soon. 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)** Staff met with the road crew and Mrs. Volweiller after Memorial Day. The material was ground twice and re-graded. Paving is set to begin tomorrow (6/7/12). Leave on agenda.
- B. **Scott Lee, 585 Mashamoquet Road – (9/1/10)** the site is a mess. There are trees down and Scott has been talking to DEEP about putting in a couple of ponds. Nothing new. Leave on agenda.
- C. **Scott Lee, behind Benway's – (1/5/11)** very stable. Road is stabilized and Mr. Benway has been removing the tree tops/butts out of the area. 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. Jamie returned a call but had to leave a message. They have not returned his call as of yet. 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. Staff stopped at the site the Saturday before Easter. The site is stable. This item is now being removed from the agenda.
- F. **Greg & Tracie Bristow, 806 Hampton Road**, an application was submitted in reaction to a violation. Application was denied without prejudice on 11/2/11 due to lack of information from consulting engineer and under the condition that the applicant be notified the NOV will still be in effect, a caveat may be placed on the land records, and there is a potential for fines. An excavator is still stuck where the applicant tried to repair the dam and spillway, without consulting staff or the commission. No new activity. Leave on agenda.

NEW COMPLAINTS: None

CITIZEN'S COMMENTS: None.

EXTENSIONS REQUESTED:

1. **Peter Moon, et al, 596 Pomfret Street**, single-family home 3/08. Application was approved with 10 conditions. New application was approved 7/7/10. Applicant submitted a written request to extend his permit for three more years. M. Eaton made a motion to extend the permit for three more years. D. St. Martin seconded the motion and it was approved unanimously.

COMMISSION BUSINESS:

1. Updates and Report from WEO and Commission members. Nothing new.
2. Approval of the *May 2, 2012 minutes* – M. Eaton made a motion to approve the minutes as submitted. N. McMerriman seconded the motion and it was approved unanimously.
3. Report of billing and bond releases – Staff has spoken with B. Dexter regarding his bonds. No bonds were released this month.
 - 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)
 - 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) – Staff is scheduling a meeting with Bruce next week.
4. Correspondence – Before J. Folsom went through the correspondence, he reminded the commission members that next month's meeting is scheduled for 7/11/12 at the Town Hall due to the Grange having use of the Senior Center. He then went over the correspondence. There was a request from the Town Treasurer to release some home improvement bonds.
5. As needed – M. Eaton mentioned that while driving to the meeting tonight, there was an excavator near the silo on Tom Borner's property. J. Folsom said we will have R. Brais look at it and see what's going on.

ADJOURNMENT – Motion to adjourn was made by M. Eaton. N. McMerriman seconded. Motion was approved unanimously. Meeting was closed by the Chairman at 7:39 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date Approved: _____