

INLAND WETLANDS & WATERCOURSES COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, JULY 11, 2012 @ 7:00 P.M.
POMFRET TOWN HALL CONFERENCE ROOM

- I. OPEN REGULAR MEETING:** J. Folsom opened the meeting at 7:00 pm.
- II. ROLL CALL:**
- III. SEAT AN ALTERNATE AS NEEDED:** J. Bergendahl and W. Gould were seated.
- IV. ITEMS TO BE ADDED TO AGENDA:** None
- V. PENDING APPLICATIONS:** None
- VI. CITIZEN'S COMMENTS:** None
- VII. NEW APPLICATIONS:** None
- VIII. NO-FEE APPLICATIONS:** Jamie approved a no-fee application for Pomfret School for trenching, backfilling and associated turf establishment that does not need a permit. It was approved on 7/3/12.
- IX. NOTICES OF VIOLATION/CEASE AND DESIST ORDERS:**
 - A. 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. Mr. Daigle submitted a new application on 8/3/11 and it 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 the time of approval of the 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. New application received 3/7/12. This application was approved with 8 conditions on 5/2/12. Staff spoke with D. Morrissette 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. Nothing new. Leave on agenda.
 - B. 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.

- C. **George Avery, Donna Sabourin, 394 Mashamoquet Road**, grading and filling of wetlands. NOV issued 12/12/11. Application was 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 had a few calls with the applicant and site work is to be initiated on Tuesday, 7/17/12. Applicant was supposed to submit a new application by 7/10/12 for this meeting but it wasn't done. Donna was in the office today regarding this new application. Jamie will call her. Leave on agenda.
- D. **Elaine Malchman, 321 Killingly Road**, fill piles placed along bank of brook. NOV issued 12/14/11. Maurice Godbout said that he would file an application the week of the 1/4/12 meeting. Mr. Godbout filed an application for the 2/1/12 meeting, but the application was incomplete and was withdrawn. New application was submitted 3/7/12. Application was approved 4/4/12 with conditions. Work is being done on the house and one of the piles has been reduced. Leave on agenda.
- E. **Robert Fowler, Wade Road**, was issued a NOV 7/15/11. Still under NOV. Jamie said 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. Nothing new. Leave on agenda.
- F. **George Avery, Donna Sabourin, 394 Mashamoquet Road**, structure built in set-back with no permits, etc. Staff met with 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 IWWC, this structure shouldn't have been put up. Nothing new. Leave on agenda.

At this point of the meeting, J. Folsom asked for a motion to move the next Citizen's Comments to this position to accommodate Mr. Tom Davis. D. St. Martin made a motion to move the agenda item here. It was seconded by J. Rowley and approved unanimously.

Mr. Tom Davis of 173 Cassidy Road spoke to the commission regarding the pond on his property that needs to be cleaned out. He said the pond has filled in over the past few years and he would like to be able to muck it out. Jamie said this could be looked at in different ways as far as the application goes. It could be a full application with work in a regulated area, which would need a public hearing or it could be a basic application for the removal of sediment from an existing pond. In order to shorten the time frame in approving the application, a special meeting would need to be held. In order for the commission to be able to act on this application at their August meeting, this special meeting needs to be on Monday, July 16, 2012, at 7pm at the Town Hall to accept Mr. Davis' application. The clerk will come in on Friday to type and post the agenda, as well as meet with Mr. Davis and help him complete his application.

- X. **JURISDICTIONAL RULINGS:** Jamie approved a jurisdictional ruling for Pomfret School to construct sidewalks from turf fields to hockey rink. This application was approved 7/3/12 with the following conditions: 1) final layout submitted with detail for sidewalk and drainage improvements with sidewalk to be located on the south side of road to rink; 2) preconstruction

meeting required with Staff; and 3) applicant to pay all costs associated with application/inspections.

XI. AGRICULTURAL ACTIVITIES: None

XII. PRIOR APPLICATIONS WITH CONDITIONS:

- A. 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. He was seconded by M. Eaton and approved unanimously. Leave on agenda until bond is released.
- B. 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, licensed engineer for the project, signed off on the project on 1/10/11. Staff is continuing to observe the situation. Staff will be out in that area due to new construction going on. Nothing has changed. Leave on agenda through hurricane season.
- C. 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 until bond is released.
- D. Moon et. al., Peter, 596 Pomfret Street,** single-family home 3/08. Application was approved with 10 conditions. New application was approved 7/7/10. Lot is advertised for sale with all approvals in place. No activity. Correspondence dated 5/31/12 requesting extension of permit. Extension was granted on 6/6/12 for three more years. Leave on agenda.
- E. Pomfret School, 398 Pomfret Street (10/6/10)**
 - 1. Remediation** – stable
 - 2. Turf Fields** – the turf fields are healed
- F. Town of Pomfret Recreation Field, 576 Hampton Road (10/6/10),** the site is stable. Leave on agenda.
- G. 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 the land records on 5/19/06. (gravel extraction) Actual date of permit is 11/07. Deposit date of surety/bond monies is 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 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.

- H. 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 requesting transfer 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. This will be watched through the growing season. Leave on agenda.
- I. Janice Bosworth (5/4/11)** - relocation of an existing house trailer on the property and associated land disturbance. Ryan spoke with Bob Messier on 6/29/11 and 7/3/11. Application was submitted to the commission on 8/3/11. Extension granted on remediation application. New application submitted on 11/2/11. Original application was withdrawn. This new 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 test site and a couple of test pits were done. B. Messier needs to know that 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. Vegetation is coming up and site is stable. Leave on agenda.

XIII. SUBDIVISIONS APPROVED BY PLANNING AND ZONING: None

XIV. COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION:

A. Ongoing

- 1. Sharp Hill Vineyard (9/1/10)** – The road was paved. Jamie made a site visit last week and the shoulders are stable with no erosion problems. Leave on agenda.
- 2. 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. Leave on agenda.
- 3. 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.
- 4. Windham 4-H Camp, Taft Pond Road (4/6/11)** (cease and desist was issued 3/16/11) application was approved with conditions on 8/3/11. Nothing new. Work should be done in late spring/early summer. Jamie returned a call to them but had to leave a message. They have not returned his call. Nothing new. Leave on agenda.
- 5. 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. Apparently some non-permitted work has been done at the site and Staff will be going to check it out. Leave on agenda.

B. New Complaints: None

XV. CITIZEN'S COMMENTS: see above just before Item X

XVI. EXTENSIONS REQUESTED: None

XVII. COMMISSION BUSINESS:

- A. Updates and Report from WEO and Commission Members.
- B. Approval of the *June 6, 2012* meeting minutes. M. Eaton made a motion to approve the minutes as submitted. J. Rowley seconded the motion and it was approved unanimously with one abstention.
- C. Report of billing and bond releases – no bonds have been released due to the auditors coming in the end of June.
 - 1. ***List of Bonds being held with Town of Pomfret (Escrow Agent) and Putnam Bank:***
 - Jason B. 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 & James Rivers (inspection fees) (IWWC)
 - Ridgewood Farm LLC (P&Z)
 - 2. ***List of Bond(s) being held with Liberty Mutual Insurance Company:***
 - Bruce & Kerry Dexter (IWWC)
- D. Correspondence – request from Town Treasurer to release bond monies to Heritage Builders and Greg Peservich. D. St. Martin made a motion to release the bonds. It was seconded by M. Eaton and approved unanimously.

Renewal for CACIWC is in. D. St. Martin made a motion to renew the membership. J. Bergendahl seconded the motion and it was approved unanimously.
- E. As needed – N/A

XVIII. ADJOURNMENT: D. St. Martin made a motion to adjourn. M. Eaton seconded the motion and it was approved unanimously. The Chairman closed the meeting at 7:37 pm.