

**INLAND WETLAND AND WATERCOURSES COMMISSION  
REGULAR MEETING  
MINUTES OF JANUARY 4, 2012 @ 7:00 P.M.  
POMFRET SENIOR CENTER**

**OPEN REGULAR MEETING:** J. Folsom opened the meeting at 7:00 p.m.

**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; William Gould, Alternate; John Bergendahl, Alternate; Ryan Brais, WEO; and James Rabbitt, Designated Agent.

**SEAT AN ALTERNATE AS NEEDED – N/A**

**ITEMS TO BE ADDED TO AGENDA:**

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. D. St. Martin made a motion to move this item under New Applications on the agenda. M. Eaton seconded the motion and it was approved unanimously.

**PENDING APPLICATIONS:**

1. **Janice Bosworth, 13 Day Road**, split the premises into two parcels with one to include the existing septic system. A 35-day extension was requested and approved at the 12/7/11 meeting. Jamie said he would have a zoning review for the 1/4/12 meeting. B. Messier was present for the applicant. He submitted new plans to the commission which included items that were recommended by commission members at the previous meeting. After Bob went over the new plans, J. Folsom asked if there were any questions. Jamie said that based on his review of the site, he has a draft motion if the commission decides to take a favorable action on this application. He mentioned that he was unsure of the original grade at the site, but they are going to replicate existing/original grade as much as possible. If the loam is contaminated, it needs to be taken off site. D. St. Martin asked about the existing landscape. B. Messier said he went out and located all the trees and open areas. Jamie said that eastern part of the site is mostly meadow. W. Gould said there is a tree line along the brook. J. Folsom asked if there would be new wells. B. Messier said yes, there will be two new wells; the existing one near the back wall of the house will be abandoned. D. St. Martin wanted to make sure that they would maintain the existing meadow. J. Folsom wants to make sure they close the well and septic before anything else happens. Jamie said there is a slope easement on Parcel B. There is also a request that a \$4,000 surety and \$750 in inspection fees be posted. Jamie then went over the conditions of approval, and a new one was added. D. St. Martin made a motion to approve the application with the following 11 conditions: 1) pre-construction meeting be held with site contractor and Town Staff prior to any soil and/or vegetation disturbance on the site; 2) That all erosion control is installed prior to any soil and/or vegetation disturbance on the site; 3) original grade is established with Town staff present on site to determine final grading elevations associated with remediation area; 4) that all areas where topography was manipulated by the placement of earthen products are restored to an original/final grade that allows historic drainage patterns to remain; 5) \$4,000 surety is posted for remediation and E&S with additional \$750 posted for cost of construction meetings and inspection fees; 6) that all fees associated with the review of the application are paid in full and that any unpaid inspection fees may be taken from other and all surety posted with the town; 7) that all work is completed in the late spring or by June 1, 2012; 8) that 50' wetlands buffer be established on

parcel A and that wetlands buffer tags be placed on minimum 4"x4" posts along the buffer line as directed by staff. In addition, 4 posts shall also be placed at the limits of wetlands delineation on parcel B, as directed by Town staff; 9) provide slope easement over parcel B to allow restoration grades to be established as shown on site plans that span parcel A and B; 10) that all of the conditions of approval shall be placed on the plans; 11) that a note shall be added stating that the well on parcel B shall be abandoned per the CT Health Code prior to construction on parcel B. Jamie then mentioned that they would need to place 4X4 post with buffer tags on them. The motion was then approved unanimously.

**CITIZEN'S COMMENTS:** None.

**NEW APPLICATIONS:**

1. **George Avery, 394 Mashamoquet Road**, remediation of wetlands. Jamie spoke stating that a NOV was issued last month. An application was submitted and the commission is receiving/accepting the application tonight. Jamie said he spoke to the owners and will meet with them. Donna Sabourin, co-owner of the property, was present and spoke regarding the application, but did not realize that a permit was necessary for the work that was done. Jamie then stated that they were not aware of the regulatory process and he will work with them to develop a plan. D. Sabourin was told not to go into the water/wetlands until further notice as the Cease & Desist is still in effect.
2. **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. M. Eaton recused himself as he is an employee of the applicant. W. Gould was seated for M. Eaton for this item on the agenda. Mr. Woodis from KWP was present to represent the applicant. He submitted the remaining \$30 in fees owed for the application. He said the well house is on concrete blocks. J. Folsom asked if there were any pressure tanks. Mr. Woodis was unsure and said that Terry Chambers will be at the next meeting to represent the applicant and fill the commission on the specifics. The well house is the issue. Mr. Woodis said they need to raise it and put in a sump. Jamie mentioned that if the work is within the wetlands and is deemed a significant impact, a Public Hearing will be required. If it is not deemed a significant impact, then no Public Hearing will be necessary. J. Rowley asked if there will be any excavation for stairs. Mr. Woodis again said he was unsure and that Terry would fill everyone in next month. He did state that this is a pump house and not the actual well. D. St. Martin then said that the commission needs to decide if it's a significant activity or not. He said we should wait until next month and hear what Terry has to say about the application.

**NO-FEE APPLICATIONS:**

1. **Richard DiBonaventura, 92 Gary School Road**, office addition. This was approved by Jamie.

**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 wanting to extend the permit. A new letter needs to be sent to him informing him his permit has expired according to State statute. He will be told he needs to submit a new application in late winter/early spring and remind him that if the benchmarks aren't achieved, this will be turned over to legal counsel. Leave on agenda.
2. **JASD, Orchard Hill Road** - work in regulated area. NOV issued 11/4/05. Nothing new. Leave on agenda.

**JURISDICTIONAL RULINGS:** None. Ryan did mention the potential of a new application coming in requesting a no-fee ruling. D. St. Martin mentioned that if this application goes through, there should be COA to clean up the junk that made its way into the wetlands. This is the Brewer property on the northern side of Gary School and Longmeadow Drive.

**AGRICULTURAL ACTIVITIES:** None.

**PRIOR APPLICATIONS WITH CONDITIONS:**

1. **Paul Miller, Tyott Road**, request (12/5/11) for reduction of surety. This is in the process of reducing the surety. They are going to transfer the western part of the lot. 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** – watch through the winter/spring
  - B. **Turf Fields** – functioning well
7. **Town of Pomfret Recreation Field, 576 Hampton Road, (10/6/10)** the site is stable.
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. Jamie is attempting to meet with Gino to go over status of remediation plan. 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. Leave on agenda.

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

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

1. **Ongoing**
  - A1. **Sharp Hill Vineyard/Fowler – (9/1/10)** town reclamation on road in late spring/early summer.
  - A2. Mr. Fowler 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. Leave on agenda.
  - B. **Scott Lee, 585 Mashamoquet Road – (9/1/10)** No change to the property. Leave on agenda.
  - C. **Scott Lee, behind Benways– (1/5/11)** season too wet. 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. Leave on agenda.
  - E. **Janice Bosworth – (5/4/11)** Day Road mobile home, camper and water/stream problem. New application (submitted 11/2/11) is before the commission. Ongoing. Leave on agenda. This is being moved under Prior Applications with Conditions.

**F. 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. Leave on agenda.

**NEW COMPLAINTS:** None.

**CITIZEN'S COMMENTS:** None.

**EXTENSIONS REQUESTED:**

1. Roger Daigle, 193 Putnam Road, submitted a letter requesting an extension on a permit that has already expired according to State statute. Request was denied.

**COMMISSION BUSINESS:**

1. Updates and Report from WEO and Commission members. Everything was covered during the meeting.
2. Approval of the *December 7, 2011 Minutes*. – J. Rowley made a motion to approve the minutes as submitted. D. St. Martin seconded the motion. At this point, P. Safin asked the clerk to listen to the tape from this meeting and see exactly where his discussion came in regarding the Blue Victorian area. These minutes were put on hold until next month. Approval of *December 19, 2011 Special Meeting Minutes* – J. Rowley made a motion to approve the minutes as submitted. M. Eaton seconded the motion and it was approved unanimously. There was one abstention.
3. Report of billing and bond releases – Jamie mentioned that Bruce Dexter has a stabilization issue between the Town road and the bridge (Angel/Johnson road area)
  - 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)
4. Correspondence – information received from CL&P regarding the new power lines
5. As needed – N/A

**ADJOURNMENT** – Motion to adjourn was made by D. St. Martin. P. Safin seconded. Motion was approved unanimously. Meeting was closed by the Chairman at 8:37 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

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