

**INLAND WETLAND AND WATERCOURSES COMMISSION
REGULAR MEETING
MINUTES OF FEBRUARY 1, 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; Nancy McMerriman, Member; William Gould, Alternate; John Bergendahl, Alternate; Ryan Brais, WEO; and James Rabbitt, Designated Agent.
Absent - Marshall Eaton, Member; and Joseph Stoddard, Member.

SEAT AN ALTERNATE AS NEEDED – J. Bergendahl and W. Gould were both seated.

ITEMS TO BE ADDED TO AGENDA:

1. Discussion of Annual Report. D. St. Martin made a motion to move this under Commission Business, Item #6. It was seconded by P. Safin and approved unanimously.

PENDING APPLICATIONS:

1. **George Avery, 394 Mashamoquet Road**, remediation of wetlands. Jamie spoke regarding this application. He met with Mr. Avery and Ms. Sabourin. He spoke with them about what occurred and what needs to be done. Jamie handed out a sketch with information regarding what needs to be done to lift the Notice of Violation. He added that he thinks they should either remove the down spout on the building or put a pipe in the ground to drain to the wetlands. D. St. Martin asked if a surety would be needed. Jamie said the site is stable; if the silt fences are placed properly, no. J. Folsom said he felt that getting a surety would be difficult. Jamie said he instead asked for a deposit of \$150. Donna Sabourin was present and willing to do whatever is necessary to fix the problems. After discussion, J. Folsom asked if there were any more questions. There being no questions, P. Safin made a motion to approve the application with the following conditions: 1) pre-construction meeting; 2) install silt fence (per DEP Bulletin 19); 3) re-grade top of slope and slope to achieve 2' horizontal for every 1' vertical; 4) place a minimum of 4" screened loam (1/2 minus) and seed; 5) re-grade top of slope to establish a minimum 10' landscaped shelf/buffer; 6) either remove down spout or add pipe; 7) post construction meeting; 8) post a \$150 deposit; and 9) conform to the sketch of 2/1/12. D. St. Martin seconded the motion and it was approved unanimously.
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. No one was present for the applicant tonight, but Jamie did do a site walk and held a conversation with T. Chambers. They discussed and agreed that this project would be a significant activity and therefore, a Public Hearing should be scheduled for the March meeting. J. Bergendahl then made a motion that this is deemed a significant activity and a Public Hearing needs to be scheduled for the March 7, 2012 meeting. D. St. Martin seconded the motion and it was approved unanimously.

CITIZEN'S COMMENTS: None.

NEW APPLICATIONS:

1. **Maurice Godbout, 321 Killingly Road**, remove fill piles from edge of stream

Application is incomplete due to fee not being paid. Mr. Godbout said he wants to withdraw the application and remove the material. Jamie said there could be a possible lowering of grade and doing a one for one on the brook side, but Mr. Godbout still needs a permit through the commission. Jamie then asked if the commission would like Mr. Godbout to withdraw his application and re-apply or table this item. D. St. Martin asked what the time frame would be and thought it might be better to withdraw the application and re-apply. Jamie said Mr. Godbout needs to remove piles and re-vegetate. D. St. Martin said we should leave the decision up to Mr. Godbout. Jamie then said that if the application is withdrawn tonight, he could re-apply in March with a possible approval in April and the work could be done then. At this point, Mr. Godbout withdrew this application and signed and dated the withdrawal letter.

The commission went into a five minute recess for Jamie to speak with Mr. Godbout.

The commission came out of recess at 7:40 pm.

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. Leave on agenda.
2. **JASD, Orchard Hill Road** - work in regulated area. NOV issued 11/4/05. 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. 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 is anticipated for the March meeting. 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. Leave on agenda.

JURISDICTIONAL RULINGS: Jamie said he would be signing off on an application for Robert Fowler soon.

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** – 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 going to do a site visit. 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. 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. Leave on agenda.

SUBDIVISIONS APPROVED BY PLANNING AND ZONING: None.

COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION:

1. **Ongoing**
 - A. **Sharp Hill Vineyard/Fowler – (9/1/10)** town reclamation on road in late spring/early summer.
 - 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. 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. Leave on agenda.

NEW COMPLAINTS: None.

CITIZEN'S COMMENTS: None.

EXTENSIONS REQUESTED: None.

COMMISSION BUSINESS:

1. Updates and Report from WEO and Commission members. Nothing to add from Ryan or Jamie.
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. Motion was approved unanimously. Approval of *January*

- 4, 2012 Meeting Minutes – D. St. Martin made a motion to approve the minutes as amended. W. Gould seconded the motion and it was approved unanimously.
3. Report of billing and bond releases – Jamie said he has a call in to Dexter.
- 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 – there were two letters received from the Selectmen; there are items 5 and 6
5. Budget discussion – D. St. Martin wanted to know what the engineer had done this year. P. Safin said he is already at 106.6% of the budget and we really need to know what he has done to receive that much to exceed the budgeted amount in half a year. It was decided that the engineer line item needs review and this should possibly be tabled until the next meeting. Jamie said that a month delay is not good; the commission should give the chairman the authority to discuss this issue with the Selectmen and then have the ability to approve the budget accordingly. After further discussion, D. St. Martin made a motion allowing the Chairman to approve the budget after speaking with the Selectmen. J. Bergendahl asked if there would be a desire to put in brackets/range for the budget. D. St. Martin said it all depends on what the Chairman gets from the Selectmen. J. Bergendahl then said to give the Chairman direction via an appropriate amount. J. Folsom said they can slice and dice the budget. P. Safin felt that there is a lot of expertise on this commission but a better explanation of the budget is needed. J. Bergendahl said he would like to see the budget more often during the year. D. St. Martin made an amendment to the prior motion he made to include appropriate guidance to make adjustments to the budget. Ryan made the comment that even if a line item goes over budget, it still gets paid. P. Safin then asked D. St. Martin to repeat his amended motion. D. St. Martin the motion is as follows: allow the chairman the flexibility to create the budget within reasonable expectations depending upon answers received to the questions the commission members have asked. P. Safin seconded the motion and it was approved unanimously.
6. Annual Report – the clerk and John will put together the numbers for the report

ADJOURNMENT – Motion to adjourn was made by P. Safin. D. St. Martin seconded. Motion was approved unanimously. Meeting was closed by the Chairman at 8:48 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date Approved: _____