

**INLAND WETLAND AND WATERCOURSES COMMISSION
PUBLIC HEARING/REGULAR MEETING
MINUTES OF APRIL 4, 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; William Gould, Alternate; Ryan Brais, WEO; and James Rabbitt, Designated Agent.
Absent - John Bergendahl, 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 50' separation from well to high water mark. J. Folsom opened the Public Hearing at 7:01pm. M. Eaton recused himself from the Public Hearing as he is an employee of Pomfret School. W. Gould was seated for M. Eaton. Terry Chambers of KWP was present along with the applicant. T. Chambers submitted the green CRR cards. He also explained that this is actually a high-yield well with 100 gallons per minute. It is an old block building, which is mostly subterranean. DPH came up with a list of things needed to be done 25' from high water mark. T. Chambers checked the regulations and found it is 25' for wells yielding 10 gallons per minute. This well actually needs 50' from high water mark. The drain will be eliminated with a stairway down and electrical sump pump to pump water out of the well house. A back-up well was installed a year or so ago that also produces 100 gallons per minute. D. St. Martin asked if the 1360 square feet is still correct. T. Chambers said that it is now 2730 square feet. D. St. Martin asked the size of the overflow pipe. T. Chambers said it is approximately 1 ½". J. Folsom then asked where the water ended up after going through the sump pump. T. Chambers said it goes to ground level with a splash pad. J. Folsom asked if there were any more questions. J. Rabbitt read a letter dated 4/3/12 into record, which contained a draft motion with 6 conditions of approval. P. Safin said he had a question about the schedule for the project. T. Chambers said that the filling will take a couple of days to complete. D. St. Martin asked if they will use a pre-cast bulkhead. T. Chambers said yes. J. Rabbitt said that a #7 should be added to the conditions of approval that they adjust the construction sequence as needed. D. St. Martin made a motion to close the public hearing. P. Safin seconded the motion and it was approved unanimously.

OPEN REGULAR MEETING: J. Folsom opened the regular meeting at 7:30 pm.

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; Ryan Brais, WEO; and James Rabbitt, Designated Agent.
Absent - John Bergendahl, Alternate.

SEAT AN ALTERNATE AS NEEDED – W. Gould was seated during the PH for M. Eaton.

ITEMS TO BE ADDED TO AGENDA: N/A

PENDING APPLICATIONS:

1. **Anthony Malagrino, Pomfret School, 106 Grosvenor Road**, proposed filling of 2730 square feet of wetlands and installation of concrete stairwell at existing public water supply well to comply with DPH recommendations to provide 50' separation from well to high water mark. W.

Gould was still seated through this issue. D. St. Martin made a motion to approve the application with the 7 conditions previously mentioned by J. Rabbitt. P. Safin seconded the motion and it was approved unanimously. There was one abstention.

2. **Roger Daigle, 193 Putnam Road**, re-application for the re-stabilization of a previously disturbed stream. Jamie did a site walk and the conditions have not changed. There was no one present to speak for the application but it is the same application as the previous one. P. Safin said he would like to see the conditions of approval originally given to Mr. Daigle with the previous application. J. Folsom said we would have them for the next meeting. D. St. Martin made a motion to move this item under commission business before #1 and we will re-visit it later in the agenda. M. Eaton seconded the motion and it was approved unanimously.
3. **Maurice Godbout, 321 Killingly Road**, re-grade and possible garage. Mr. Godbout was present. He said the commission was looking for a more detailed sketch, which he submitted and passed around for the members to see. J. Folsom asked about the piles being removed. M. Godbout said they would probably be used around the house. Jamie said there is some slight confusion and that there are two aspects to this application: 1) grading the property for flood protection (raise and lower evenly), cannot change the volume of storage capacity at the local level and there is very minimal vegetation, and 2) proposed garage, without getting into zoning issue, a big structure would change water quality and he would not recommend commission to approve this garage at this time. His recommendation would be for a one for one replacement, but not approving the garage. He has a draft motion with six conditions of approval. D. St. Martin asked what the timing schedule would be. Jamie said that nothing is happening without a pre-construction meeting. M. Godbout said he had no further questions for the commission/staff. D. St. Martin made a motion to approve the application as amended with six conditions of approval. J. Stoddard seconded the motion and it was approved unanimously. Jamie did mention that the applicant can remove the two piles of gravel prior to the pre-construction meeting.

CITIZEN'S COMMENTS: N/A

NEW APPLICATIONS:

1. **Pomfret School, 106 Grosvenor Road**, 10 proposed stream crossings within Grosvenor Road to install 8" diameter gas transmission main. This application is actually for a jurisdictional ruling, although it will be discussed now. T. Chambers of KWP was present to speak for the applicant. There are 10 proposed culverts; six will be above and four will be over. There is trench detail shown on the map submitted by T. Chambers. He said that where the pipe is being installed, there is a 1' separation between main and other pipes. They will need to de-water in areas, using a pipe with bag attached to catch the silt. At this point, T. Chambers mentioned that the commission received a letter from CL&P/Yankee Gas and that maybe it should be read into the record. Yankee Gas is actually doing the work and not Pomfret School. M. Eaton asked what the time line is. T. Chambers said within a month. A. Malagrino mentioned that it should be done prior to a 7/1/12 completion date.
2. **Richard Hall, 208 Fox Hill Road**, due to beavers raising the pond 1.5', adjacent water table prohibits water (rain) from seeping into the ground; plan to fill puddle area and feather in sides as shown in plans. Mr. Hall was present and said he actually lives at 206 Fox Hill Road and that 208 is an additional lot and frontage. He handed out a package with photos of the area and a sketch. He said the beavers had backed up the dam so that the water is up 1.5'. He would like to bring some top fill into the puddle area. He directed the commission to a photo showing his removal of saplings, which the beavers replaced overnight. The puddle is 114' from east to west, and 36' from north to south. The maximum fill in the center of the puddle is 2'. He would like to fill it in with a little rise in the middle of the puddle – due to settling – and then it would drain as originally designed. He has spoken to the dam people at DEEP and this is not a priority for them,

but they might come out and take a look. J. Folsom then mentioned that the dam is not on Mr. Hall's property. Mr. Hall said that's correct and that's the problem. He said that in any case, he wishes to fill the puddle, whether we can get rid of the beavers or not. J. Folsom explained that the commission can only receive the application tonight. D. St. Martin made a recommendation that staff go out and look at the site. Jamie has been there and said the beavers have raised the pond by almost 2'. The water is being held on Mr. Hall's property due to the water table being higher. He feels that this is not a significant activity. The area was originally lawn. The drainage needs to be maintained as originally designed, and after grading, will drain accordingly. Mr. Hall said he has no hope that the dam safety people will do anything, and they said they may come out this summer. J. Folsom asked if there were any further questions.

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. This application is still before the commission. 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. Final permit has not yet been issued. 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). 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. No activity. Leave on agenda.

JURISDICTIONAL RULINGS:

1. **Pomfret School, 106 Grosvenor Road**, 10 proposed stream crossings within Grosvenor Road to install 8" diameter gas transmission main. This application is actually for a jurisdictional ruling, although it will be discussed now. T. Chambers of KWP was present to speak for the applicant. There are 10 proposed culverts; six will be above and four will be below. There is trench detail shown on the map submitted by T. Chambers. He said that where the pipe is being installed, there is a 1' separation between main and other pipes. They will need to de-water in areas, using a pipe with bag attached to catch the silt. At this point, T. Chambers mentioned that the commission received a letter from CL&P/Yankee Gas and that maybe it should be read into the record. Yankee Gas is actually doing the work and not Pomfret School. M. Eaton asked what the time line is. T. Chambers said within a month. A. Malagrino mentioned that it should be done

prior to a 7/1/12 completion date. This application has not been approved yet. Yankee Gas is going to bring the lines to the property and a private contractor will bring the lines onto the property.

AGRICULTURAL ACTIVITIES: None.

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. We are just waiting for the final growing. 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. 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. Leave on agenda.
4. **Loos, Rebecca, 40 Modock Road**, 4-lot subdivision 6/07. No activity. The four parcels have been bought. No activity. This will be removed from the agenda in June. 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** – discussing the trench line
 - B. **Turf Fields** – stable and functioning well
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. No new activity. 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. It appears that the area has been seeded and hayed. 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. 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. 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)** this is potentially being undertaken in late April/early May. Jamie needs to speak with owners to finalize leak-offs. 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. 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. 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 received a message today to call them. 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. Jamie received a call from Mr. Casey that a small piece of equipment would be on the property over the Easter weekend. He invited Jamie to the property. Leave on agenda.

NEW COMPLAINTS: D. St. Martin made mention of the dam on 97 with the excavator still stuck in the same place. This item will be added as Item F under complaints and concerns.

CITIZEN'S COMMENTS: None.

EXTENSIONS REQUESTED: None.

COMMISSION BUSINESS:

Return to discussion of Roger Daigle under Pending Applications:

Jamie said he could look for the conditions of approval. Lynn said she has the conditions of approval in her computer and will gladly email them to the commission members and staff.

- 1. Updates and Report from WEO and Commission members. Ryan said he was called to a site where a beaver dam was being deconstructed. He talked with the neighbor who did the work (got stuck in the mud). He felt that a NOV was unnecessary. No other issues.
- 2. Approval of the *March 7, 2012 minutes* –P. Safin made a motion to approve the minutes as submitted, and he said he went over them with a fine-tooth comb. M. Eaton seconded the motion and it was approved unanimously.
- 3. Report of billing and bond releases – Lynn reported that the Miller Family LLC bond was released on 3/29/12 with \$1500 being left in the account to cover future fees. Lynn is working with the Town Clerk to get another updated list and work on releasing some of the older bonds.
 - 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)

4. Correspondence – Lynn forgot the correspondence, but will get to J. Folsom if there is anything of importance
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 9:42 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date Approved: _____