

**INLAND WETLANDS & WATERCOURSES COMMISSION
SPECIAL HEARING
WEDNESDAY, AUGUST 20, 2014 @ 7:00 P.M.
POMFRET TOWN HALL CONFERENCE ROOM**

I. OPEN SPECIAL HEARING: John Folsom opened the hearing at 7:22 pm.

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

Also in attendance were Charles Franklin II, Bonnie Burrell, and Maureen Nicholson.

III. NOTICE OF VIOLATION ISSUED:

A. Charles Franklin II, 112-114 Covell Road, NOV issued 8/11/14 for clearing of wooded upland; the purpose of the hearing is to provide the property owner and/or their representative to be heard and show cause why the order shall not remain in effect. Ryan Brais, ZEO, said he received a complaint regarding this issue and he has seen the site from an adjacent property. He took photos and submitted them to the commission. M. Nicholson asked how the hearing works. J. Folsom explained how the hearing works and continued with questions for R. Brais. He said that no stumps were grubbed out as of yet. He was asked if there was any disturbance and he said there doesn't appear to be any soil disturbance yet. D. St. Martin about erosion issues. R. Brais said there is none yet. J. Rowley asked if there was debris in the brook to which R. Brais replied no. D. St. Martin asked for the footage and R. Brais said he thought about 200 ft. or so. Bonnie Burrell spoke on behalf of Charles Franklin II. She said he was practicing as-of-right. She then stated the rules of cutting as she is a supervising forest practitioner harvester. She said the job was monitored, there was a selective cutting of trees to increase pasture land, there was no impact on the brook, and no alteration of the watercourses. She said it was an as-of-right practice for an agricultural landowner. J. Rabbitt then stated that he is here to listen to what is being proposed and then he will advise staff and the commission how to proceed. There is a permitting process for an agricultural activity to come before the commission to have a decision made. The commission decides if there is an exemption, not the landowner. He said that Pomfret has a forestry registry separate from the creation of pasture land. He said his role is to find out what you did and what you intend to do so that he can best advise the commission and landowner. B. Burrell then asked the commission what they would recommend. J. Folsom to start the permitting process through one of three ways: 1) no fee application; 2) jurisdictional ruling; and 3) regular application. M. Nicholson asked which would be expedited. J. Folsom said a no-fee wouldn't be issued. A jurisdictional ruling would be fastest because staff makes the determination and it doesn't have to come before the commission. If we received a regular application, it would be accepted at that meeting but not acted on until the next meeting.

At this point it was stated that the NOV hearing will be continued to the 9/3/14 meeting because the commission could not vote due to the lack of a quorum. This issue could be cleared up before the next meeting should an application be received prior to then.

IV. ADJOURNMENT: The Chairman closed the hearing at 7:46 pm.

These notes were taken by Commission Secretary James Rowley due to the absence of the Clerk.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date approved_____