

**INLAND WETLANDS & WATERCOURSES COMMISSION
REGULAR MEETING MINUTES (AMENDED)
WEDNESDAY, JUNE 3, 2015 @ 7:00 P.M.
POMFRET SENIOR CENTER**

- I. OPEN REGULAR MEETING:** John Folsom opened the meeting at 7:00 pm.
- II. ROLL CALL: Present** – John Folsom, Chairman; David St. Martin, Vice Chairman; James Rowley, Secretary; Joseph Stoddard, Member; Paul Safin, Member; Nancy McMerriman, Member; William Gould, Member; John Bergendahl, Alternate; Staff: Ryan Brais, WEO; and Jamie Rabbitt, Designated Agent. **Absent:** none
- III. SEAT AN ALTERNATE AS NEEDED:** n/a
- IV. ITEMS TO BE ADDED TO AGENDA:** None.
- V. PENDING APPLICATIONS:**
- A.** Deborah & Paul Simpson, 64 Hampton Road, septic system repair and landscaping. Jamie will follow-up with Janet. This is tabled until next month.
- VI. CITIZEN'S COMMENTS:** None.
- VII. NEW APPLICATIONS:** None
- VIII. NO-FEE APPLICATIONS:** None (Potential for application regarding the fire house)
- IX. NOTICES OF VIOLATION/CEASE AND DESIST ORDERS:**
- A. Outstanding NOV (Notice of Violation)**
- 1. Deborah & Paul Simpson, 64 Hampton Road,** NOV issued 1/26/15 for work in a regulated area. Nothing new (6/3/15). Leave on agenda
- 2. Charles Franklin II, 112-114 Covell Road.** NOV issued 8/11/14 for clearing of wooded upland. A jurisdictional ruling was made on 11/10/14. No new activity (6/3/15). Leave on agenda.
- 3. Gayle Champagne, 39 Bosworth Road,** - NOV issued 5/2/14 for work within the upland review area. Jamie did a site walk with the ACOE on 5/20/15. Jamie met with Jodie Chase from Chase Ecology of East Lyme who is representing the land owner along with representatives of the ACOE and they walked the site. The ACOE would like the stream channel put back in its original location. They would like to have the bottom and banks armored, where necessary and utilize the existing fill in the new channel (if usable). Ms. Chase is preparing a proposal for the landowner regarding remediation. The ACOE would like to work hand-in-hand with the Town through the Town's permitting process with ACOE oversight. Two questions came up while on the site walk: 1) does the commission deem this a significant activity; and 2) as such, would we require a PE to be involved. Jamie felt we should have a PE look at a cross section. He is unsure if we need full survey data, but we might have to look at hydrology. From

Staff's perspective, we're looking to put back what nature had there originally, which was a stream channel about 3-4' deep and 6-10' wide. The drainage is on the same side of Bosworth Road that the channel is on. Jamie submitted photos of the stream channel for the file. While on the site walk, to the surprise of Staff, the ACOE representatives and the landowner's representative, they found evidence of additional activity on the site: a bridge going over the drainage swale; two new trees have been planted to the west of the swale; and the area has been mowed as lawn. Staff would like a letter to be sent to the property owner from the Chairman stating concern that activity occurred under the NOV/C&D and that was not subject to a permit. (At this point, N. McMerriman arrived at the meeting.) D. St. Martin made a motion to have the Chairman write and send a letter to the land owner regarding the additional activity on the property that is under a NOV/Cease & Desist order. This letter will be sent via USPS and CRR mail. Jamie mentioned he would like to copy this letter to the ACOE contact, the land owner's contact, as well as Atty. Higgins. P. Safin seconded the motion and it was approved unanimously (6/3/15). Leave on agenda. There was further discussion regarding a potential application for this and whether the commission would be potentially comfortable working from a detailed aerial and a cross section submitted by a PE. The ACOE will defer the application process to the Town of Pomfret IWWC.

4. **Roger Daigle, 193 Putnam Road, Cease and Desist issued 10/4/07.** Motion for Judgment in Accordance with Stipulation was granted on 12/22/14 by the Hon. Harry Calmar. Staff has been contacted with regard to scheduling a pre-construction meeting. There has been discussion regarding a start time for the project but it absolutely has to be done with no water in the stream channel, with a possible start time of July/August. They also reviewed the material that will be used to armor the stream channel and banks. P. Safin asked Staff if he knew approximately how much material would be brought in. Jamie said it would be at least 100 tons. J. Folsom mentioned that we're still waiting for the \$9,000 to be deposited with the Town. P. Safin then asked how we insure that this work gets done. D. St. Martin stated that there is a definite court order in place to make sure it gets done. P. Safin said he really doesn't have a good feeling about this because it has been going on for so many years (6/3/15). Leave on agenda.
5. **Elaine Malchman, 321 Killingly Road, fill piles placed along bank of brook.** NOV issued 12/14/11. The permit has expired for this project, so Staff is going to stop by the house when he's in the area and speak to the occupant to see about this issue (6/3/15). Leave on agenda.
6. **Pomfret School, 398 Pomfret Street, wetlands disturbance.** NOV/Cease & Desist was issued 9/14/12. The closing out of this project is still in process (6/3/15). Leave on agenda.

X. JURISDICTIONAL RULINGS: None – but possible Fire House application may be coming soon.

XI. AGRICULTURAL ACTIVITIES: None.

XII. PRIOR APPLICATIONS WITH CONDITIONS:

- A. Moon et. al., Peter, 596 Pomfret Street**, single-family home 3/08. Application was approved with 10 conditions. New application was approved and added one more COA was added on 1/7/15. Nothing new (6/3/15). Leave on agenda.
- B. Pomfret School, 398 Pomfret Street (10/6/10)**
 - 1. Turf Fields** – close out late spring/early summer (6/3/15)
 - 2. Eaton property** – close out late spring/early summer (6/3/15)
- C. Hull Forest Products, 101 Hampton Road**, install 12' gravel drive and create round log storage area which will require filling of 4,035 square feet of wetland soils (**approved 3/2/11 with 24 conditions**). Staff is in the process of scheduling a meeting with Mr. Hull regarding E&S situation (6/3/15). Leave on agenda.
- D. Windham 4-H Camp, Taft Pond Road, (4/6/11)** dining hall, parking and drainage. Staff is going to set up a meeting with the general contractor to close out the project (6/3/15). Leave on agenda.

XIII. SUBDIVISIONS APPROVED BY PLANNING AND ZONING: None

XIV. COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION:

Ryan received information from a person working for the Town regarding the sewer project about a new pond at 128 Holmes Road. The pond and a gazebo are either on or over the State property line. There are wetlands to the west and there is also a stump dump. The new pond has been there since at least 2012. J. Folsom said he would contact DEEP for Ryan about the property encroachment of the pond and gazebo. W. Gould asked if there is a NOV. Ryan said he needs to take another look to be sure, and if necessary, he may need to file a NOV.

XV. NEW COMPLAINTS: None

XVI. CITIZEN'S COMMENTS: None.

XVII. EXTENSIONS REQUESTED: None.

XVIII. COMMISSION BUSINESS:

- A.** Updates and Report from WEO and Commission Members. Nothing new from Jamie or Ryan.
- B.** Approval of May 6, 2015 meeting minutes. W. Gould made a motion to approve the minutes as corrected. D. St. Martin seconded the motion and it was approved unanimously. There were three abstentions.
- C.** Report of billing and bond releases – discuss printout from Town Treasurer regarding outstanding monies. After discussion, D. St. Martin made a motion to write off the unaccounted for fees on page one of letter dated 4/22/15 from the Town Treasurer. P. Safin seconded the motion. At the vote, there were 7 in favor and 1 opposed. P. Safin requested someone to define “old accounts”, i.e., aged, activity, etc. Maybe the First Selectman has the answer.
 - 1. *List of Bonds being held with Town of Pomfret (Escrow Agent) and Putnam Bank:***

Jason B. Lavalley (IWWC)

Pomfret School (IWWC and P&Z) – working on release

2. *List of Bond(s) being held with Liberty Mutual Insurance Company:*

Bruce & Kerry Dexter (IWWC) – letter sent to insurance company to release the bond (leave on until we know if bond has been released)

D. Correspondence – distributed CT Wildlife; information about the Algonquin Gas Line

E. Search for Alternates for Commission – still looking to fill two alternate positions

XIX. ADJOURNMENT: D. St. Martin made a motion to adjourn. N. McMerriman seconded the motion and it was approved unanimously. The Chairman closed the meeting at 8:30 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date approved _____