

**INLAND WETLANDS & WATERCOURSES COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, OCTOBER 7, 2015 @ 7:00 P.M.
POMFRET SENIOR CENTER**

I. OPEN REGULAR MEETING: David St. Martin 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; Nancy McMerriman, Member, William Gould, Member; Staff: Ryan Brais, WEO; and Jamie Rabbitt, Designated Agent. **Absent:** Paul Safin, Member; and John Bergendahl, Alternate.

III. SEAT AN ALTERNATE AS NEEDED: n/a.

IV. ITEMS TO BE ADDED TO AGENDA: New application from Roger Daigle, 193 Putnam Road to install deck on existing bridge beams; also, request for release of caveat on 261 Valentine Road. D. St. Martin motioned to move Mr. Daigle under Section VII of the Agenda and the caveat release issue to Section XVIII C. It was seconded by J. Stoddard and approved unanimously.

V. PENDING APPLICATIONS:

A. Robert Higgins, 125 Youngs Road, new home construction, attached garage, septic, well and driveway. Mr. Higgins was present and spoke to the commission regarding solar installation (need a more southerly exposure for solar) so the house depicted on the plans will be turned approximately 30 degrees (face out). It will still have the same footprint as shown on the map. All development will be north of the small rubble wall. He needs to have surveyor submit plans to NDDH. Jamie stated that we are within the first 30 days of the application. We will need the NDDH report to continue. D. St. Martin motioned to continue this item to the Nov. meeting NDDH input. J. Rowley seconded and it was approved.

A request was made by the Town Planner to have Item IX 2 moved to this position in the agenda as Mr. Franklin is present and has another meeting to get to. D. St. Martin moved to do so. It was seconded by J. Rowley and approved. **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. Jamie walked the site. It is stable and in compliance (9/2/15). Jamie stated that the site is stable and in compliance. The landowner is present and there are no issues with the work that was done. Jamie said this item could be removed from the agenda. D. St. Martin made a motion to remove this item from the agenda. It was seconded by W. Gould and approved.

VI. CITIZEN'S COMMENTS: None.

VII. NEW APPLICATIONS:

A. Roger Daigle, 193 Putnam Road, application to install deck on existing bridge beam/abutments. Mr. Daigle and his wife were present. He stated that a map was included with the application. Jamie showed photos of the stream remediation that is now completed, and the abutments for the bridge. Mr. Daigle said he would be using oak for the decking on the bridge, or whatever the commission feels is feasible. The application was accepted tonight.

D. St. Martin then made a motion to move agenda Item IX 4 to this position. J. Rowley seconded the motion and it was approved. **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. Jamie brought in photographs of the construction being done. They are in the Daigle file in the office. The owner is responsible for 3 check dams, but if a few boulders are placed in the stream, the check dams wouldn't be necessary. Abutments can stay per the permit and there is a possibility of a deck on the bridge in the future but there would need to be a new application for it as it's not included with this application. The deck would only be used to get to the other side of the stream to maintain the invasive species. All work is to be completed by October (9/2/15). The commission wanted to know what Jamie's thoughts were on this issue. He said that there is already germination on the north side of the stream. His opinion is that the project is completed per the plans. At this point, Mr. Daigle when he could get back some of his \$9,000 surety. D. St. Martin asked Jamie just how much should be kept for E&S. Jamie said we should keep \$1,000 and the rest can be released only after Mr. Daigle has met all of his financial obligations regarding this application. R. DiBonaventura asked when the caveat could be released from this property. Jamie said that once all the accounting is done, the caveat can be removed. D. St. Martin made a motion that any outside fees be paid personally or through the surety and that the caveat can be removed once all financial obligations have been met. W. Gould seconded the motion and it was approved unanimously. This item can now be removed from the agenda.

VIII. NO-FEE APPLICATIONS: follow-up for Jamie's signature re: First Congregational Church, 13 Church Road

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. Application was approved with conditions (7/1/15). Nothing new (10/7/15). 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. Jamie walked the site. It is stable and in compliance (9/2/15). **Remove from agenda (10/7/15)**.
3. **Gayle Champagne, 39 Bosworth Road**, - NOV issued 5/2/14 for work within the upland review area. No new information from landowner. Staff will reach out to ACOE and do a CC to the landowner (10/7/15). Leave on agenda.
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. See prior discussion. **Remove from agenda (10/7/15)**.
5. **Elaine Malchman, 321 Killingly Road**, fill piles placed along bank of brook. NOV issued 12/14/11. The piles were used to fill in the pool. There is nothing in the flood plain. Everything is back to its existing state. **Remove from agenda (10/7/15)**.
6. **Pomfret School, 398 Pomfret Street**, wetlands disturbance. NOV/Cease & Desist was issued 9/14/12. The school is in transition because both Tony Malagrino and Arthur Diaz have left. Tony has not been replaced yet. They do have a new Headmaster and Financial Officer in place. Staff needs to reach out to Pomfret School (10/7/15). Leave on agenda.

X. JURISDICTIONAL RULINGS: none

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 (10/7/15). Leave on agenda.
- B. Pomfret School, 398 Pomfret Street (10/6/10)**
 - 1. Turf Fields** – see Item IX 6 (10/7/15); stable
 - 2. Eaton property** – see Item IX 6 (10/7/15); stable
- 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 needs to evaluate in the coming weeks. Should close out in the spring (10/7/15). Leave on agenda.
- D. Windham 4-H Camp, Taft Pond Road, (4/6/11)** dining hall, parking and drainage. They are looking for a CO. They are operating under a Temporary CO. Staff hasn't received any correspondence from them yet. They are supposed to contact the commission in October. Commission would like Staff to touch base with them regarding the swale. Commission wants Staff to also follow-up on the issue of compliance with the commission's approval (10/7/15). Leave on agenda.

XIII. SUBDIVISIONS APPROVED BY PLANNING AND ZONING: None

XIV. COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION:

- A. Stephen Kulzyck, 128 Holmes Road.** There is a new man-made pond that has been created; there is erosion affecting wetlands downstream, and there is a dumping area. Staff has not had the opportunity to visit the site. He will try to visit this month because the issue needs to be evaluated. The commission would like Staff to contact Mr. Kulzyck and get permission to go on site (10/7/15).
- B. J. Rowley** mentioned that he noticed the pond on Tyott Road, Fire Dept. Watershed #30, has erosion going into the pond. It is eroding down from the Quasset Road side. The commission decided to give this information to Glen Postemski, the Road Foreman. J. Folsom will speak with Glen. J. Rowley mentioned that the tree is still in the stream on Grosvenor Road. The commission mentioned that the area is Pomfret School property and at their discretion.

XV. NEW COMPLAINTS:

- A. Encampment** regarding the brook off of Holmes Road. Bark mulch has been put down. A ring of stones was set up for campfires. There appears to be no soil disturbance.

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 September 2, 2015 meeting minutes. W. Gould found an error on page 1. D. St. Martin made a motion to approve the minutes as corrected. W. Gould seconded the motion and it was approved unanimously. There was one abstention.
- C. Request** for release of caveat on 261 Valentine Road. Clerk showed commission paperwork from the Town Treasurer that all fees had been paid on that property. D. St. Martin made a motion to release the caveat. It was seconded by W. Gould and approved.
- D. Report** of billing and bond releases – nothing new
 - 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)

E. Correspondence –

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

XIX. ADJOURNMENT: J. Stoddard made a motion to adjourn. D. St. Martin seconded the motion and it was approved unanimously. The Chairman closed the meeting at 8:17 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date approved _____