

INLAND WETLANDS & WATERCOURSES COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, MAY 4, 2016 @ 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; Nancy McMerriman, Member; William Gould, Member; and John Bergendahl, Alternate. Staff: Ryan Brais, WEO; and Jamie Rabbitt, Designated Agent.
Absent: Paul Safin, Member.
- III. SEAT AN ALTERNATE AS NEEDED:** J. Bergendahl was seated for P. Safin.
- IV. ITEMS TO BE ADDED TO AGENDA:**
- V. PENDING APPLICATIONS:**
- A. Kenneth Corbin, 351 Mashamoquet Road,** request to remove invasives. Application was accepted and it was recommended that staff look at the property and request a sketch map. Mr. Corbin was present and explained to the commission that he was going to use the same people who help Mr. Peservich remove the invasives from his property a few years back. He said all the work will be done by hand and the project will probably take place in the winter. D. St. Martin made a motion to approve the application as submitted. Jamie then spoke and reminded the commission that he worked with Mr. Peservich (usually have staff involved in this type of project). D. St. Martin then added to his motion that the approval reflect the same 5 conditions of approval that Mr. Peservich received when his application was approved, which are as follows:
1) applicant will contact Town Staff prior to starting the project; 2) this project will be done using hand-held machinery, not heavy machinery; 3) allow possible leeway to use mechanical means with oversight of Town Staff if applicant deems that as a viable option; 4) areas within the conservation easement shall be maintained in a natural state per the easement document with the exception of being allowed to remove invasive species only under Staff supervision; and, 5) use of herbicide (Crossbow) in hand application only. J. Bergendahl seconded the motion and it was approved unanimously.
- B. Raja Fattaleh, 62 Angel Road,** re-new expired permit. Re-new application with same specs as previously approved. Staff will review. Exact same driveway location and the site of the crossing haven't changed. Mark Mazzolla was present and spoke for the applicant. He was asked if there were any changes from the originally approved application, to which he said no. Ryan Brais spoke up and said he looked at the property and that the trees with white on them are limits of clearing for the driveway. The wetlands crossing has been disturbed and needs to be repaired. Jamie mentioned that his concern is that if their permit was still valid, they're in violation due to not having a pre-construction meeting. D. St. Martin said we should have prints for this application but none came in with the application. Jamie was given a copy of a revised map dated 1/10/11 by Mr. Mazzolla on 5/4/16. D. St. Martin said he feels we need at least one full size map for the file. The commission asked the clerk to check with the Town Treasurer regarding bond and inspection fees paid for 62 Angel Road (Abbott subdivision). Jamie found a draft letter from the prior approval of shared driveway, which had 11 conditions of approval. Jamie read the letter to the commission. There was a copy of the recorded Mylar dated 2/9/11

signed by the IWWC/P&Z Chairmen but it did not contain the conditions of approval on the map as required by the conditions of approval. He would like the commission to move forward with the previous conditions of approval from 2008. D. St. Martin made a motion to approve the application including the original 11 conditions plus 2 more, as follows: 1) this approval shall also give the right to the applicant to construct a shared driveway wetlands crossing as detailed on plans prepared by Messier and Associates dated 10/07 and revised to 6/8/08 (Alternative Plan 1 dated 10/07 and revised to 6/8/08 and Alternative Plan 2 dated 10/07 and revised to 6/8/08); 2) all costs associated with the review and processing of the application are paid in full by the applicant prior to any construction, grading and/or clearing activity on the site; 3) a preconstruction meeting shall be held with town staff (i.e., Planner, Engineer) prior to any construction, tree clearing, grading and/or excavation at the site; 4) that all E&S is installed, site line to be cleared, and anti-tracking pad to be in place and inspected by staff prior to any construction, tree clearing, earthmoving and/or grading activities; 5) the applicant shall deposit an initial amount of \$1000.00 for inspections with the Town of Pomfret to be used to pay the costs to oversee site work at the site regarding conformance with the approved site plan. All costs shall be paid prior to the release of any security posted for the project. If the costs of inspections exceed the initial deposit, funds shall be withdrawn from the applicant's security; 6) the applicant shall make available a security in the amount of \$35,000.00 (\$17,500.00 per driveway) to be posted with the Town of Pomfret prior to any construction, grading, and/or excavation activity at the site for soil and erosion control measures. In addition to the \$35,000.00 security, \$5,000.00 in cash (bank check) shall be given to the Town of Pomfret and held as an emergency contingency fund. The type of the final security shall be reviewed and approved by the Planning and Zoning Commission's legal counsel. The Planning and Zoning Commission security may be held in concert with the Inland Wetlands Commission's required security upon receipt of written confirmation from the applicant that the funds may be withdrawn by either entity for permit compliance (i.e., inspections, stabilization, closure and/or enforcement). If the driveways are constructed as a shared wetlands crossing, the security may be reduced from \$35,000.00 to \$30,000.00; 7) that the applicant shall install all conservation monumentation prior to any construction, tree clearing, grading and/or excavation activity at the site. The conservation easement, if required, to be submitted to the IWWC for review by staff before filing with Town Clerk. The map number needs to be referenced on the conservation easement. Posts shall be placed a minimum of 50 feet on center and a maximum of 150 on center based on the line of sight. Monumentation to be reviewed and approved by town staff prior to installation and shown on site development maps; 8) all conservation easements are submitted to the Commission and reviewed by staff prior to any construction, tree clearing, grading, and/or excavation activity at the site or filing; 9) minor filed adjustments may be made during the construction process to ensure the integrity of the original design based on field conditions during construction upon written approval by staff (Town Planner/Town Engineer); 10) final as-built shall be submitted to the town to determine compliance with the approved plans. As-built shall include final grades and drainage. As-built shall be reviewed for conformance to approved site plan before any surety is released. As-built may include additional information deemed necessary by town staff to determine compliance with approvals; 11) all conditions to be written on final plan and given to IWWC for filing before permit is issued; 12) any damage done to wetlands area associated with old stone crossing area shall be restored prior to new work; and 13) file new copy of plans with conditions. J. Stoddard seconded the motion and it was approved unanimously.

VI. CITIZEN'S COMMENTS: none

VII. NEW APPLICATIONS: none

VIII. NO-FEE APPLICATIONS:

- A. **Pomfret School, greenhouse**, originally near Paradise Lane but now has a new site; it is behind the main building and there is no wetland impact

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 (5/4/16). Leave on agenda
2. **Gayle Champagne, 39 Bosworth Road**, - NOV issued 5/2/14 for work within the upland review area. No new information from landowner. Still waiting to hear from Army Corps of Engineers. The Town Treasurer asked the clerk to mention to the commission that there should probably be a caveat place on the land record because nothing has been done and there will be fees associated with this. After discussion, J. Stoddard made a motion to place a caveat on the land records for this property. It was seconded by W. Gould and approved unanimously (5/4/16). Leave on agenda.
3. **Pomfret School, 398 Pomfret Street**, wetlands disturbance. NOV/Cease & Desist was issued 9/14/12. Jamie met with Brenda and talked about all of their projects. They should be closed out this spring. Site is stable (5/4/16). 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. Possible permit transfer due to sale of property. Letter with original signature was received requesting to transfer the permit on this property to the new owners. D. St. Martin made a motion to transfer the permit with the Conditions of Approval, once the sale of the property is completed. It was seconded by J. Stoddard and approved. Once the name on the permit is changed, it needs to be changed on this item of the agenda. Nothing new (5/4/16). Leave on agenda.
- B. **Pomfret School, 398 Pomfret Street (10/6/10)**
1. **Turf Fields** – see Item IX 3 (5/4/16)
 2. **Eaton property** – see Item IX 3 (5/4/16)
- 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**). Sam contacted Jamie regarding work that was done prior to the expiration of the permit. If the work is not complete, he will submit a supplemental application (5/4/16).
- D. **Windham 4-H Camp, Taft Pond Road, (4/6/11)** dining hall, parking and drainage. Waiting for a follow-up from the applicant. They have no CO. Jamie was asked to inspect the project because they raised the level of the parking lot. Staff has signed off on this project and it can now be removed from the agenda (5/4/16).

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. Jamie went to look at property. Site is stable. There will be a spring follow-up. Nothing new (5/4/16). Leave on agenda.

- B. Lance Sistare, Wolf Den Road, field is stable. Jamie wants to walk the site in the spring. Possibly have him create a buffer near the wetlands due to grading being so close to wetlands. Nothing new (5/4/16). Leave on agenda.

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.
- B. Regulatory updates – nothing new
- C. Approval of April 6, 2016 meeting minutes. Need to move J. Rabbitt from present to absent. J. Rowley made a motion to approve with the one correction. N. McMerriman seconded the motion and it was approved unanimously. There were two abstentions.
- 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 – CT Wildlife was distributed; information regarding a natural gas generator in Killingly; information on on-line training session for commission members; John Folsom also mentioned that he called DEEP to find out who does permitting for solar arrays but hasn't received a response yet
- F. Search for Alternates for Commission – still looking to fill two alternate positions

XIX. ADJOURNMENT: D. St. Martin made a motion to adjourn. J. Bergendahl seconded the motion and it was approved unanimously. The Chairman closed the meeting at 7:58 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date approved _____