

**INLAND WETLANDS & WATERCOURSES COMMISSION  
PUBLIC HEARING/MEETING MINUTES  
WEDNESDAY, AUGUST 3, 2016 @ 7:00 P.M.  
POMFRET SENIOR CENTER**

- I. PUBLIC HEARING:** Before starting, JK. Bergendahl was seated for D. St. Martin.
- A. Weston & Sampson (engineers) for the Town of Pomfret, 5 Haven Road,** installation of forced main associated with Pomfret sewer project creating significant impact to wetlands. Ingrid Jacobs was present for Weston & Sampson (project manager of the sewer project). J. Stoddard asked if there would be any tree removal. I. Jacobs said that there would be none. Jamie wanted information on what was going to happen with stockpile/excess material. I. Jacobs said that the contractor will move the material and get rid of excess at the end of the project. The stockpile areas have not been identified yet. P. Safin asked if there would be multiple contractors. Jamie said there would be two; one for the pump stations and one for the installation of the force main. P. Safin made a motion to close the public hearing. It was seconded by J. Bergendahl and approved.
- II. OPEN REGULAR MEETING:** opened meeting at 7:10 pm.
- III. ROLL CALL: Present** – John Folsom, Chairman; James Rowley, Secretary; Paul Safin, Member Joseph Stoddard, Member; Nancy McMerriman, Member; William Gould, member; and John Bergendahl, Alternate. Staff: Ryan Brais, WEO; and Jamie Rabbitt, Designated Agent. **Absent** David St. Martin, Vice Chairman.
- IV. SEAT AN ALTERNATE AS NEEDED:** done before public hearing opened.
- V. ITEMS TO BE ADDED TO AGENDA:** J. Bergendahl said he'd like to educate the commission as to what has been going on at Longmeadow regarding the roads. This item will be placed under Section XIX A. J. Rowley seconded and it was approved.
- VI. PENDING APPLICATIONS:**
- A. Weston & Sampson for the Town of Pomfret, 5 Haven Road,** installation of forced main associated with Pomfret sewer project creating significant impact to wetlands. Jamie said he would like 2 conditions of approval for this application. P. Safin made a motion to approve the application with the following conditions: 1) preconstruction meeting to be held with Town Staff prior to any grading and/or excavation activity; and 2) need to address final location of excess material.
- VII. CITIZEN'S COMMENTS:** Kim Bergendahl was present spoke regarding an issue she and other Longmeadow residents have with which the roads were treated. The coal tar derivative used was carcinogenic. The storm drains were not covered so substance could get into water. What happens when a Town takes on a project and doesn't follow rules like everyone else? J. Folsom said that if someone had a legal permit and an issue occurred, the operator is self-mandated to report to DEEP and then try to do whatever he can do to clean up. Applicator should've known the catch basins needed to be covered/protected. They should've self-reported and brought in someone to clean the basins. The commission only has the same say as any citizen. (J. Folsom said he will call DEEP and report it as a hazardous spill). K. Bergendahl said she is looking for the name of the company who put the material down on the roads. J. Rowley asked if it was a liquid that was sprayed on and the citizen's present said yes. He then asked if any of the material went on the lawns and the citizen's again replied yes. S. Galant said that he has had 10 years of hazmat training. He watched people in full hazmat suits spray over the open drain. The next day they covered the basins with tape and cardboard. Afterwards some people came and painted the drains, etc. that were missed during the spraying. He doesn't feel that the material is sealed and doesn't know if it will.

**VIII. NEW APPLICATIONS:** none

**IX. NO-FEE APPLICATIONS:** none

**X. 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 (8/3/16). 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 caveat for the land records for this property was placed on the land records 6/2/16 with an effective date of 6/1/16 (8/3/16). Leave on agenda.
3. **Pomfret School, 398 Pomfret Street**, wetlands disturbance. NOV/Cease & Desist was issued 9/14/12. Hope to be able to take this off the agenda soon. Still in process (8/3/16). Leave on agenda.

**XI. JURISDICTIONAL RULINGS:**

- A. Weston & Sampson for the Town of Pomfret, 5 Haven Road**, installation of pumping stations associated with Pomfret sewer project creating significant impact to wetlands

**XII. AGRICULTURAL ACTIVITIES:**

- A.** 4H doing a selective thinning operation  
**B.** Intermediate thinning on Searles Road near Cooney

**XIII. 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. The property was sold to Joan Dash as noted on the warranty deed. Staff will contact new owner (8/3/16). Leave on agenda.
- B. Pomfret School, 398 Pomfret Street (10/6/10)**
1. **Turf Fields** – still closing out; stable (8/3/16)
  2. **Eaton property** – still closing out; stable (8/3/16)
- 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**). Waiting for growing season (8/3/16).
- D. Raja Fattaleh, 62 Angel Road**, re-new expired permit. Vehicles went in and did some work prior to approval. The site is under construction. They wanted to go from pre-case to cast-in-place box culvert, but that isn't on the plans. They would have to submit new plans, etc. The owner of the property, Dr. Fattaleh, gave Jamie permission to use the surety bond to pay inspection fees, etc. There was equipment on the west side again without a culvert, so they crossed the stream channel. Ryan and Jamie both verified the equipment was over there again. They will reach out to owner regarding the fixing of this issue and how it needs to be restored. The site contractor manager says one thing and does another. The commission expects full restoration of stream channel. P. Safin asked at what point do we issue a Cease and Desist. Jamie said it is repairable now because there is low volume in the stream now. The culvert is in now and the bridge is passable. P. Safin made a motion to have staff talk to the owner regarding compliance and restoration. N. McMerriman seconded the motion. W. Gould asked if there were 2 crossings in the same area and Jamie said yes. The previous motion was then approved.

**XIV. SUBDIVISIONS APPROVED BY PLANNING AND ZONING: None**

**XV. 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. No contact with Mr. Kulzyck (8/3/16). 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. Staff will work with him during the cutting season. Site is stable (8/3/16). Leave on agenda.

**XVI. NEW COMPLAINTS:** It was mentioned that while driving on Rt. 97 east of the Little League Field, in the 2<sup>nd</sup> field just north of the tree line, it appeared that there was about 50" of laydown. Jamie said that what they saw was the laydown area for Wappoquia bridge work. Will reach out to DOT to see what's going on.

**XVII. CITIZEN'S COMMENTS:** none

**XVIII. EXTENSIONS REQUESTED:** none

**XIX. COMMISSION BUSINESS:**

- A. John Bergendahl regarding Longmeadow. He said that the area needed pavement for a long time. The Selectmen looked at a rejuvenator instead of replacement. A meeting was held on 7/6/16 with the citizens of Longmeadow to notify them of laydown of material. The rejuvenator contains coal tar which is an industrial by-product (known carcinogen). It was sprayed on the roads and into open drains. The EPA is concerned about storm water. USGS has a lot of information on this product and its toxicity. CT. Dept. of Health had a technical brief regarding the health point of view. Many citizens have been to the Selectmen meetings to voice their displeasure regarding this product that was used and how it was used. J. Stoddard asked what the position of the Selectmen is. J. Bergendahl said he's not sure that there is one. P. Safin asked how the product was adhering. J. Bergendahl said it is adhering in some places, and in others, it's not. J. Stoddard wanted to know if the product was picked up on car tires. J. Bergendahl said yes it was. P. Safin thought they should have a meeting with the Selectmen to discuss all of this. J. Folsom will call DEEP and report this as a hazardous spill. The commission thought that maybe this was an improper application. J. Bergendahl said the company maybe had an obligation to call. Some residents saw the application when it was happening. EPA/USGS/CT Dept. of Health are all aware of this issue in this Town and neighborhood. USGS is going to sample the product. J. Rowley said maybe the product was mixed improperly. J. Bergendahl said it was supposed to rejuvenate the pavement. This can affect aquatic life. This needs to be on the agenda to inform citizens. J. Bergendahl made a motion to place this issue under complaints/concerns. J. Stoddard seconded the motion and it was approved unanimously.
- B. Updates and Report from WEO and Commission Members. Nothing new.
- C. Approval of July 6, 2016 meeting minutes. J. Rowley made a motion to approve the minutes as submitted. P. Safin seconded the motion and it was approved. There were three 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) –
  - 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 – Towne Engineering, Inc. bill to be paid through Dr. Fattaleh's surety
- F. Search for Alternates for Commission – still looking to fill two alternate positions

**XX. ADJOURNMENT:** P. Safin made a motion to adjourn. J. Bergendahl seconded the motion and it was approved unanimously. The Chairman closed the meeting at 8:15 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date approved\_\_\_\_\_