

**INLAND WETLANDS & WATERCOURSES COMMISSION
MEETING MINUTES (AMENDED)
WEDNESDAY, DECEMBER 7, 2016 @ 7:00 P.M.
POMFRET SENIOR CENTER**

I. OPEN REGULAR MEETING: opened 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:** P. Safin, member.

III. SEAT AN ALTERNATE AS NEEDED: na

IV. ITEMS TO BE ADDED TO AGENDA: New Application- Steve Gilman, 198 Covell Road, new home. D. St. Martin made a motion to move this item to Section VII New Applications. J. Bergendahl seconded and it was approved.

V. PENDING APPLICATIONS: none

VI. CITIZEN'S COMMENTS: none

VII. NEW APPLICATIONS:

- A.** Steve Gilman, 198 Covell Road, application/jurisdictional ruling for new home. Mr. Gilman spoke regarding the changes he made to his originally approved plans. W. Gould thought that maybe Jamie should look at it for a jurisdictional ruling. D. St. Martin agreed, feels it's not a big deal. D. St. Martin made a recommendation that we give this application to Jamie as a jurisdictional ruling. Jamie is concerned about the regulatory requirement; minimal setbacks, etc. Only the commission can change that, not Staff. D. St. Martin then said we need to treat this as a new application; not an issue but procedural.

VIII. NO-FEE APPLICATIONS: none

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 (12/7/16). 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 (12/7/16). Leave on agenda.
- 3. Pomfret School, 398 Pomfret Street,** wetlands disturbance. NOV/Cease & Desist was issued 9/14/12. Met with B. Bullied; site walked the area. Final inspections were done. Inspections are to be done in March and September. Jamie authorized the release of their money after the balancing of the books. D. St. Martin made a motion to remove this from the agenda. J. Rowley seconded and it was approved.

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. The property was sold to Joan Dash as noted on the warranty deed. Staff is still in process of contacting Joan Dash (12/7/16). Leave on agenda.
- B. Pomfret School, 398 Pomfret Street (10/6/10)**
 - 1. Turf Fields** – see IX A3 (12/7/16)
 - 2. Eaton property** –) see IX A3 (12/7/16)
- 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**). Jamie did a follow-up site visit. Everything is done for the season. Will check in the spring (12/7/16). Leave on agenda.
- 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-cast 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. Jamie said that the silt fence has the site intact but they still need to restore the stream. Staff is still tracking project; ongoing (12/7/16). 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. It was brought to the commission's attention that this property is going into foreclosure and discussion of a caveat was done. D. St. Martin stated that since a NOV was ever issued, a caveat can't be place. Ryan explained to the commission that the outflow out of the lower pond is causing erosion and it needs a plunge pool. Jamie went to the property to site visit but no one was home (12/7/16). 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 and staff is tracking project. Will check in the spring (12/7/16). Leave on agenda.
- C.** Longmeadow – new developments; CT Dept. of Public Health gave alternative to coal tar based products used in Pomfret. EPA came out with a letter saying they issued a Cease & Desist to manufacturers of the product and the contractor who applied the project (manufacturer went bankrupt). The manufacturer said they had EPA approval when the EPA never approved coal tar products.
- D.** Rt. 97 east of Little League Field – has been re-graded and seeded. After discussion, D. St. Martin made a motion to remove this item from the agenda. It was seconded by W. Gould and approved (11/2/15). REMOVE FROM AGENDA.

XV. NEW COMPLAINTS: none

- XVI. CITIZEN'S COMMENTS:** Kim Bergendahl asked the commission for an explanation of what the IWWC does and what their role is in this issue in Longmeadow. She also wanted to know if it is within the interest of the commission to take a stance on coal tar products. J. Folsom said that if we took a stance and someone brought specs on coal tar, we have no one expert in coal tar issues so we wouldn't have the ability to evaluate any products. K. Bergendahl then said that as a Town, we need to be more concerned about the

products that are being used. Jamie said we don't know what is acceptable/not acceptable. Many products contain coal tar. It would be more effective if the Town had an ordinance on products not to be used. K. Bergendahl says she keeps running into a brick wall with the Selectmen. There was talk of a possible petition to be brought to a public meeting. N. McMerriman then asked if anything had been decided regarding the storm drains. J. Folsom said he heard that the engineer that was hired has his license lapse (actually his firm's license). N. McMerriman asked if we have the authority to see what's going on. Jamie said there are two groups: one group says it was a spill and the other group says it was an application. We weren't involved in the process. J. Bergendahl said that spraying the product down on the road and spraying it down a storm drain are different things. K. Bergendahl asked if there is anything in the regulations regarding hazardous spills in a wetlands area. R. Brais said no, that DEEP handles those issues.

XVII. EXTENSIONS REQUESTED: none

XVIII. COMMISSION BUSINESS:

- A. Updates and Report from WEO and Commission Members. Nothing new.
- B. Approval of November 2, 2016 meeting minutes. J. Rowley made motion to approve as submitted. D. St. Martin seconded and it was approved. There was one abstention.
- C. 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. Lavallee (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)
- D. Correspondence – The Habitat and CT. Wildlife magazine were distributed
- E. Election of officers for 2017 – J. Stoddard nominated J. Folsom for Chairman. J. Bergendahl seconded. J. Folsom nominated D. St. Martin for Vice Chairman. J. Stoddard seconded. D. St. Martin nominated J. Rowley for Secretary. J. Bergendahl seconded. A vote was taken, approved unanimously, and the slate remains the same
- F. POCD – still being worked on
- G. Search for Alternates for Commission –considering placing a notice in the Pomfret Times regarding the vacancies

XIX. ADJOURNMENT: D. St. Martin made a motion to adjourn. W. Gould seconded the motion and it was approved unanimously. The Chairman closed the meeting at 7:50 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date approved _____