

INLAND WETLANDS & WATERCOURSES COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, SEPTEMBER 5, 2012 @ 7:00 P.M.
POMFRET SENIOR CENTER

- I. OPEN REGULAR MEETING:** J. Folsom opened the meeting at 7:02 pm.
- II. ROLL CALL: Present** – John Folsom, Chairman; David St. Martin, Vice Chairman; James Rowley, Secretary; Nancy McMerriman, Member; John Bergendahl, Alternate; and William Gould, Alternate. Staff: Ryan Brais, WEO and James Rabbitt, Designated Agent.
Absent: Paul Safin, Member; Marshall Eaton, Member; and Joseph Stoddard, Member.
- III. SEAT AN ALTERNATE AS NEEDED:** J. Bergendahl and W. Gould were both seated.
- IV. ITEMS TO BE ADDED TO AGENDA:** None
- V. PENDING APPLICATIONS:**
 - A. George Avery, Donna Sabourin, 394 Mashamoquet Road,** building put up in the wetlands review area. Jamie said the building is within 25' of a regulated area. He feels the applicant should create a riparian barrier. J. Folsom asked what the slope is. Jamie said it's 1 to 1. There is a 6' elevation down to Town property. Jamie suggested that the commission members visit the site. At this point, D. St. Martin asked Jamie if the previous area was done. Jamie said it is 80-90% complete. The commission members then discussed the slope, historic and less historic fill, and how the building was put up. J. Folsom told the commission members that when they went to visit the site to park by the barn and walk around to the building and the Town line side. J. Bergendahl asked Jamie about the riparian buffer and if it would entail putting down topsoil and seeding or something other than that. Jamie said that a 1 to 1 would require rip rap areas we can cut water away from. W. Gould asked if the conditions adjacent to the pad are the most/less extreme. J. Folsom said the closest is the most extreme. The North end is more extreme than the South as it's all gravel there. Jamie said the area will evolve with planted seed; invasives will re-grow and eventually, trees and shrubs with re-grow. D. St. Martin then reiterated that the commission members need to look at the site to see the actual conditions. W. Gould asked about the South slope. Jamie said it was 1 to 1 brought to 2 to 1. J. Folsom then asked if there were any further questions. W. Gould made a motion to table this item until the October meeting. J. Bergendahl seconded the motion and it was approved unanimously.

At this point in the meeting, J. Folsom stepped down as chair, and D. St. Martin stepped in.

- B. John Folsom, 95 Wolf Den Road,** rebuild/replace an existing 10' x 12' free standing shed. David St. Martin refreshed the commission regarding this application. Jamie had a letter dated 9/5/12 with an attached draft motion regarding this application, which included two conditions of approval. He also stated that he didn't feel that any surety was necessary for this application. D. St. Martin said that sliding a shed will not cause any serious impact. W. Gould asked how it would be attached. J. Folsom said he is going to use anchors. W. Gould then mentioned that would then be a temporary building. J. Bergendahl then made a motion to approve the application by John Folsom to install a 10' x 12' shed on his property at 95 Wolf Den Road as depicted on his sketch plan submitted to the Commission and with the following two conditions: 1) notice of installation to be sent to the Commission prior to any soil and/or vegetation disturbance on the site; and 2) that all fees associated with the review of the application are paid in full and that any unpaid inspection fees may be taken from other and all surety posted with the Town. N. McMerriman seconded the motion and it was approved unanimously with one abstention.

At this point, J. Folsom stepped back in to chair the remainder of the meeting.

- VI. CITIZEN'S COMMENTS:** None
- VII. NEW APPLICATIONS:** None.
- VIII. NO-FEE APPLICATIONS:** None
- IX. NOTICES OF VIOLATION/CEASE AND DESIST ORDERS:**

- A. Roger Daigle, 193 Putnam Road,** Cease and Desist. 10/4/07; Received new application 9/2/09. Application was approved with conditions 12/2/2009. Work to be done in July. Permit has been approved awaiting payment. Mr. Daigle submitted a new application on 8/3/11 and it was approved with conditions on 8/17/11. Mr. Daigle submitted a letter (1/4/12) wanting to extend the permit. A new letter was sent 1/4/12 informing Mr. Daigle that he needs to submit a new application with the \$160 fee by 3/6/12 so it can be accepted at our 3/7/12 meeting. He was also told that any additional bonds or surety are determined by the Commission the time of approval of the application. This letter was re-sent to Mr. Daigle on 2/9/12 via CRR to both his CT and FL addresses for verification of receipt. New application received 3/7/12. This application was approved with 8 conditions on 5/2/12. Staff spoke with D. Morrisette and he is supposed to start work in July. There were questions regarding the amount of the surety and whether it could be reduced. The commission discussed this issue and the consensus was there is a history with the applicant and they are not in favor of reducing the surety. J. Folsom told J. Rabbitt to let Mr. Daigle know that the surety is not being changed (6/6/12). Jamie called D. Morrisette who said that Mr. Daigle would contact Jamie the next day. That day has passed. He suggested sending a letter to refresh Mr. Daigle on the last day of the work to be done (9/5/12). Leave on agenda.
- B. JASD, Orchard Hill Road,** work in regulated area. NOV issued 11/4/05. Nothing new. Ryan did mention that Jim Rose, owner of the property, spoke to him about looking to put a

- new building on the property but he has not heard back from him. J. Folsom wondered if he would be back to solve the NOV issued in 2005. Nothing new (9/5/12). Leave on agenda.
- C. **George Avery, Donna Sabourin, 394 Mashamoquet Road**, grading and filling of wetlands. NOV issued 12/12/11. Application was accepted at 1/4/12 meeting. Application was approved 2/1/12 with nine conditions. \$150 deposit was paid and permit was issued/dated 5/21/12. Jamie had a few calls with the applicant and site work is to be initiated on Tuesday, 7/17/12. Applicant was supposed to submit a new application by 7/10/12 for this meeting but it wasn't done. Donna was in the office today regarding this new application. Jamie said he made multiple site visits during July and they had a pre-construction meeting. Mr. Avery wanted Staff to sign off on section that was not completed (vehicle left there). D. St. Martin asked if there was a valid reason for not moving the vehicle. D. Sabourin said they had no chain to move it. D. St. Martin mentioned that the vehicle doing the work would be able to move it. D. Sabourin said that she felt a chain was necessary. J. Folsom received a call on 7/30/12 because the applicant wanted a sign off. Jamie is going to stop by to see if the vegetation is up. D. Sabourin said the grass is now growing. J. Folsom said that Jamie will look at site and inform the commission of what he found. D. St. Martin mentioned that he is not in favor of the applicant doing any less work than the permit states. The commission then directed Staff to check the vegetation growth and work done (8/1/12). Jamie will go out and see if things are going as expected (9/5/12). Leave on agenda.
- D. **Elaine Malchman, 321 Killingly Road**, fill piles placed along bank of brook. NOV issued 12/14/11. Maurice Godbout said that he would file an application the week of the 1/4/12 meeting. Mr. Godbout filed an application for the 2/1/12 meeting, but the application was incomplete and was withdrawn. New application was submitted 3/7/12. Application was approved 4/4/12 with conditions. Work is being done on the house and one of the piles has been reduced (7/11/12). The site is contained (8/1/12). Pile is getting smaller and Jamie will follow-up within the next two weeks (9/5/12). Leave on agenda.
- E. **Robert Fowler, Wade Road**, was issued a NOV 7/15/11. Still under NOV. Jamie said the work on the property will be done in the late spring/early summer. Mrs. Fowler called Jamie saying she was unable to contact/coordinate with Tom Hoffa (6/6/12). Staff will follow-up on this issue, but the commission expects the property owner to correct the issues (6/6/12). Nothing new. Need to check to see if there is a caveat on the land record for this applicant (8/1/12). The clerk reported that there is no caveat on the land record. D. St. Martin asked if Jamie had any more contact with them. Jamie said no and suggested that the commission send a letter and a date for possible placing a caveat on the land record (9/5/12). Leave on agenda.
- F. **George Avery, Donna Sabourin, 394 Mashamoquet Road**, structure built in set-back with no permits, etc. Staff met with contractor from American Drywall who is helping Donna with this situation. They went over the remediation needed. This NOV was for Planning & Zoning, not IWWC, but as there is already a NOV with IWWC, this structure shouldn't have been put up. Nothing new. A new application was submitted (8/1/12) and accepted. This item was tabled for now (9/5/12). Leave on agenda.

X. JURISDICTIONAL RULINGS:

- A. Pomfret School, 398 Pomfret Street,** for the remediation and stabilization of existing stockpile. This application was just submitted. Jamie said that with regard to this application, he has been on-site 4-6 times in the last month and he had photos he had taken, which he distributed to the commission members. After looking at the photos, D. St. Martin asked Jamie how this is not a violation. Jamie said that the commission could issue a violation. After discussion of this issue, D. St. Martin asked if all this is in an upland area. Jamie said yes. D. St. Martin said that his concern is that the commission be proactive and the have issued violations for issues less than this one. J. Folsom said it might have been different had they come to the commission before Staff discovered the issue. Jamie stated that he will not approve anything without a large bond, surety and fees. J. Bergendahl said that he felt that this is a violation. Jamie then said that a NOV will go out. They are aware that something might be coming. D. St. Martin said that we can equate this with the level of damage on Searles Road. Jamie will do the letter and send it to the clerk. The clerk will go about setting up a special meeting for this special hearing on the violation.

XI. AGRICULTURAL ACTIVITIES: Tom Davis is about 80% done with his pond.

XII. PRIOR APPLICATIONS WITH CONDITIONS:

- A. Paul Miller, Tyott Road,** request for reduction of surety. The area has been seeded and stabilized. Surety was released on 3/29/12, leaving \$1,500 for possible additional fees. Staff said he felt we could release the rest of the surety. D. St. Martin made a motion to release the surety. He was seconded by M. Eaton and approved unanimously. Leave on agenda until bond is released (9/5/12).
- B. Town of Pomfret, Grosvenor Road,** remove old culverts and replace with two new ones. Start date of this project was 8/27/09. The remediation date was 1/6/11. Syl Pauley, licensed engineer for the project, signed off on the project on 1/10/11. Staff is continuing to observe the situation. Staff will be out in that area due to new construction going on. Nothing has changed. Leave on agenda through hurricane season. This is ongoing (9/5/12).
- C. Sarantopoulos, 325 Wrights Crossing Road,** subdivision 5/07. CO has been issued. Landscaping and E&S are stable. Minimal landscaping left to complete. Staff visited the site and said the surety can now be released. M. Eaton made a motion to release the surety. It was seconded by D. St. Martin and approved unanimously. Leave on agenda until bond is released (9/5/12).
- D. Moon et. al., Peter, 596 Pomfret Street,** single-family home 3/08. Application was approved with 10 conditions. New application was approved 7/7/10. Lot is advertised for sale with all approvals in place. No activity. Correspondence dated 5/31/12 requesting extension of permit. Extension was granted on 6/6/12 for three more years. Nothing new (8/1/12). This remains the same (9/5/12). Leave on agenda.
- E. Pomfret School, 398 Pomfret Street (10/6/10)**
- 1. Remediation** – stable; watch through hurricane season; this is the same (9/5/12)
 - 2. Turf Fields** – trying to button-up this project (9/5/12)
- F. Ridgewood Farms, LLC formerly CT Real Estate Holdings, LLC, 195 Searles Road,** Cease and Desist in effect as of 3/16/05. Certificate of NOV placed on the land records on 5/19/06. (gravel extraction) Actual date of permit is 11/07. Deposit date of surety/bond

monies is 8/15/10. Site is stable. Jamie met with Gino (owner) and discussed the existing permit for gravel extraction and looked at alternatives to excavation knocking the 210 elevation to 166. Jamie said this is going to be more of a landscaping operation than a gravel extraction. D. St. Martin said he would need a revised site plan and application. Jamie said he is still tied to the restoration, but could possibly have an amendment to his current permit. P. Safin asked if Jamie knew what the end use of the parcel is going to be. Jamie said that in the near term, it is for fishing and hunting. It will all depend on possible future development (3/7/12). Staff spoke with Gino and they are going to sit down and discuss things. He is seeking bids on the value of gravel. He said he may let the permit lapse or possibly amend/re-apply (6/6/12). Nothing new as Gino has not made a decision (8/1/12). Jamie received an e-mail from Gino and will discuss it with the chairman (9/5/12). Leave on agenda.

- H. Shane Pollock, 131 Orchard Hill Road, (11/2/11)** formerly owned by R. Canning, was approved with conditions through IWWC. This was originally approved 4/12/11. Shane Pollock submitted letter requesting transfer and deposited surety/fees. Permit has been signed (1/4/12). Site is re-graded and the silt fence is up (2/1/12). House is completed (3/7/12). It appears that the area has been seeded and hayed (4/4/12). Staff to check vegetation this month (5/2/12). This will be watched through the fall. Site is stable. Posts and buffer tags are being put up (9/5/12). Leave on agenda.
- I. Janice Bosworth (5/4/11)** - relocation of an existing house trailer on the property and associated land disturbance. Ryan spoke with Bob Messier on 6/29/11 and 7/3/11. Application was submitted to the commission on 8/3/11. Extension granted on remediation application. New application submitted on 11/2/11. Original application was withdrawn. This new application for two single-family homes was approved 1/4/12 with 11 conditions. Jamie said he received revised plans from B. Messier with the COA on the plans. Jamie went to the test site and a couple of test pits were done. The junk trailer has been removed from the site. There are no issues with erosion. There is still a trailer on site. Vegetation is coming up and site is stable. This will be tracked through the fall. This remains the same (9/5/12). Leave on agenda.

XIII. SUBDIVISIONS APPROVED BY PLANNING AND ZONING: None

XIV. COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION:

A. Ongoing

- 1. Sharp Hill Vineyard (9/1/10)** – The road was paved (6/8/12). Jamie made a site visit last week and the shoulders are stable with no erosion problems (7/11/16). Conditions have not changed (8/1/12). There is no change. Jamie spoke with G. Postemski who said that loaming and seeding will be done after Labor Day (9/5/12). Leave on agenda.
- 2. Scott Lee, 585 Mashamoquet Road (9/1/10)** – the site is a mess (4/4/12). There are trees down and Scott has been talking to DEEP about putting in a couple of ponds. Site is healing nicely. Ryan will check site (8/1/12). Ryan said the site is healed up and the trench is completely vegetated although Mr. Lee is still working around the property (9/5/12). Leave on agenda.
- 3. Scott Lee/behind Benway's (1/5/11)** – very stable. Road is stabilized and Mr. Benway has been removing the tree tops/butts out of the area (4/4/12). Site is healing nicely.

Ryan will check site (8/1/12). Ryan said the site is stable. The road is in place and there is nothing going on as the project is done. This can now be removed from the agenda (9/5/12). Leave on agenda.

4. **Windham 4-H Camp, Taft Pond Road (4/6/11)** (cease and desist was issued 3/16/11) application was approved with conditions on 8/3/11. Nothing new. Work should be done in late spring/early summer. Jamie returned a call to them but had to leave a message (5/2/12). (8/1/12) - They are supposed to call Jamie before starting work once the campers leave. Jamie said that they should be contacting us this month now that camping season is over (9/5/12). Leave on agenda.
5. **Greg & Tracie Bristow, 806 Hampton Road, (9/7/11)** an application was submitted in reaction to a violation. Application was denied without prejudice on 11/2/11 due to lack of information from consulting engineer and under the condition that the applicant be notified the NOV will still be in effect, a caveat may be placed on the land records, and there is a potential for fines. An excavator is still stuck where the applicant tried to repair the dam and spillway, without consulting staff or the commission. Apparently some non-permitted work has been done at the site and Staff will be going to check it out (7/11/12). Jamie will check the site out, contact the owner and give the commission an update (8/1/12). Jamie said that he is waiting for a call back from Anchor Engineering. Depending on the discussion they have, there is a possibility that other regulatory agencies may become involved (9/5/12). 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. Ryan and Jamie had nothing new to add.
- B. Approval of the *August 1, 2012* meeting minutes. J. Rowley made a motion to approve the minutes as submitted. J. Bergendahl seconded the motion and it was approved unanimously.
- C. Report of billing and bond releases – release requests for Miller and Sarantopoulos have been submitted to the Town Treasurer. We will be getting into another audit session this month.
 1. **List of Bonds being held with Town of Pomfret (Escrow Agent) and Putnam Bank:**
 - Jason B. Lavallee (IWWC)
 - Donna Smith (inspection fees) (IWWC)
 - Rose Construction (IWWC)
 - Bruce Dexter II (IWWC) – look at status of their permit; need to check perimeter to see if it is stable; Jamie will check the site and report at next month's meeting
 - Pomfret School (IWWC and P&Z)
 - Miller Family LLC (IWWC and P&Z)
 - Town of Pomfret & James Rivers (inspection fees) (IWWC)
 - Ridgewood Farm LLC (P&Z)

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

Bruce & Kerry Dexter (IWWC)

D. Correspondence – it was stated that the DEEP has decided that permits can be seasonal

E. As needed –FYI: there are a number of items on this agenda and at no time should any of these items be discussed with anyone outside of a meeting

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 8:15 pm.