

**INLAND WETLAND AND WATERCOURSES COMMISSION
REGULAR MEETING
MINUTES OF MAY 2, 2012 @ 7:00 P.M.
POMFRET SENIOR CENTER**

OPEN REGULAR MEETING: J. Folsom opened the regular meeting at 7:00 pm.

ROLL CALL: Present – John Folsom; Chairman; David St. Martin, Vice Chairman; James Rowley, Secretary; Paul Safin, Member; Marshall Eaton, Member; Joseph Stoddard, Member; Nancy McMerriman, Member; John Bergendahl, Alternate William Gould, Alternate; Ryan Brais, WEO; and James Rabbitt, Designated Agent.

SEAT AN ALTERNATE AS NEEDED – J. Bergendahl was seated and then unseated when N. McMerriman arrived just after roll call.

ITEMS TO BE ADDED TO AGENDA: None

PENDING APPLICATIONS:

Before we discussed the pending applications, J. Folsom made a suggestion that we should switch the order of the items due to Mr. Hall being present. D. St. Martin made a motion to adjust the order of the items. It was seconded by P. Safin and approved unanimously.

1. **Roger Daigle, 193 Putnam Road**, re-application for the re-stabilization of a previously disturbed stream. *Skip to item #2 first then return to this item.*
2. **Richard Hall, 208 Fox Hill Road**, due to beavers raising the pond 1.5', adjacent water table prohibits water (rain from seeping into the ground; plan to fill puddle area and feather in sides as shown in plans. Mr. Hall emphasized that the map on his handout is not the actual dimensions; the square footage is not as it looks in the drawing. Jamie said he had a draft motion with seven conditions of approval (if the commission voted favorably on this application) based on the review of information supplied by Mr. Hall and a site visit he made. After discussion, P. Safin made a motion (as drafted and amended by J. Rabbitt) as follows: approve an application by Richard Hall, 208 Fox Hill Road, to fill, re-grade loam and seed an area of approximately 4,200 sq. ft. on his property just north of an un-named pond located on abutting property to the south (N/F Swift Property) per site plan sketch prepared by Mr. Hall with the following conditions: 1) pre-construction meeting be held with site contractor and Town Staff prior to any soil and/or vegetation disturbance on the site; 2) that all erosion control as directed by Staff is installed (northeast corner of activity) prior to any soil and/or vegetation disturbance on the site; 3) original grade is established with Town staff present on site to determine final grading elevations associated with disturbance area; 4) \$1,000 surety bond is posted for remediation and E&S, with additional \$250 posted for cost of construction meetings and inspection fees; 5) the applicant may also install 4" perforated pipe with in the disturbed area under the supervision of staff if site conditions warrant it as an option to the land owner; 6) 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; and 7) that all work is completed in the late spring or by October 15, 2012. D. St. Martin seconded the motion and it was approved unanimously.
1. **Roger Daigle, 193 Putnam Road**, re-application for the re-stabilization of a previously disturbed stream. The clerk previously e-mailed the prior conditions of approval for this applicant to all commission/staff members right after the last meeting. Jamie said he did site walk the area and that the conditions were not better but they were no worse. Jamie had a draft motion with eight conditions of approval (if the commission voted favorably on this application). D. St. Martin thought that a

condition should be added regarding routine maintenance. Jamie adjusted/amended COA #7 to include this. D. St. Martin made a motion (as drafted and amended by J. Rabbitt) as follows: approve an application by Roger Daigle, 193 Putnam Road, to restore and stabilize stream channel disturbed during prior excavation and grading operations per plans prepared by KWP Associates and dated 8/28/09 and revised 12/2/09 with the following conditions: 1) the applicant shall complete all work associated with the project by October 15, 2012. The permit shall be valid until November 1, 2012; 2) the applicant shall post a \$9,000 surety with the Town of Pomfret to insure compliance with the approval. Inspection fees of \$1,000 shall be posted. If the cost to review and inspect exceeds the initial \$1,000 deposit, funds may be withdrawn from the \$9,000 surety in order to reimburse the town for costs incurred on the project; 3) a pre-construction meeting is held with town staff (Town Planner) prior to any construction and grading activity on the site. The surety shall be submitted to the Town prior to the pre-construction meeting; 4) the existing abutments shall be allowed to remain during the reconfiguration of the stream channel but not ramps or decking; 5) Staff shall determine the need for an erosion control mat/fabric based on the time of year in which vegetation is planned to be installed/planted; 6) the applicant shall pay all costs associated with the review and process of their application; 7) invasive species on north and south side of stream channel can be removed as part of his permit as agreed to between applicant and Staff. The areas associated with the removal and regarded of invasive species may be maintained as lawn area by land-owner; and 8) check dam construction can be reviewed during construction regarding number and location upon agreement between Town Staff and applicant. M. Eaton seconded the motion and it was approved unanimously.

CITIZEN'S COMMENTS: None

NEW APPLICATIONS: None

NO-FEE APPLICATIONS: None

NOTICES OF VIOLATION/CEASE AND DESIST ORDERS:

1. **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. This is now the subject of a new application (8/3/11) with the commission. Application 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 at the time of approval of an 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. Commission received new application on 3/7/12. This application was approved on 5/2/12. Leave on agenda.
2. **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. Leave on agenda.
3. **George Avery, Donna Sabourin, 394 Mashamoquet Road**, grading and filling of wetlands. NOV issued 12/12/11. Application accepted at 1/4/12 meeting. Application was approved 2/1/12 with nine conditions. Awaiting the \$150 deposit to release permit. Final permit has not yet been issued. No new activity. Leave on agenda.
4. **Elaine Malchman, 321 Killingly Road**, fill piles placed along bank of brook. NOV issued 12/12/11. Maurice Godbout filed an application for the 2/1/12 meeting, but application was incomplete and was withdrawn. New application was submitted 3/7/12. Application was approved tonight with conditions (4/4/12). Nothing new. Leave on agenda.

5. **Robert Fowler, Wade Road**, was issued a NOV 7/15/11. Still under NOV. Jamie said that the work on the property will be done in the late spring/early summer. He said he spoke with Mr. Fowler and that they are trying to contact a stone wall person. Jamie will follow-up through the spring. Leave on agenda.

JURISDICTIONAL RULINGS:

1. **Pomfret School, 106 Grosvenor Road**, 10 proposed stream crossings within Grosvenor Road to install 8" diameter gas transmission main. Jamie reviewed the information and wrote a letter to Pomfret School on 4/24/12 telling them this was exempt from IWWC regulations. He also told Tony Malagrino that the school needs to write the commission a letter withdrawing their request for a jurisdictional ruling.

AGRICULTURAL ACTIVITIES: None.

PRIOR APPLICATIONS WITH CONDITIONS:

1. **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. We are just waiting for full growth. Leave on agenda.
2. **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, as the licensed engineer for the project, signed off on the project on 1/10/11. Staff is continuing to observe the situation. He will be out in that area due to new construction going on. Nothing has changed. Leave on agenda.
3. **Sarantopoulos, 325 Wrights Crossing Road**, subdivision 5/07. CO has been issued. Landscaping and E&S are stable. Minimal landscaping left to complete. Planning a site visit within the next week or so (5/2/12). Leave on agenda.
4. **Loos, Rebecca, 40 Modock Road**, 4-lot subdivision 6/07. No activity. The four parcels have been bought. No activity. This will be removed from the agenda in June. Leave on agenda.
5. **Moon et. Al., Peter, 596 Pomfret Street**, single-family home 3/08. Application was approved with 10 conditions. Lot is advertised for sale with all approvals in place. No activity. Leave on agenda.
6. **Pomfret School, 398 Pomfret Street (10/6/10)**
 - A. **Remediation** – final site visit soon
 - B. **Turf Fields** – final site visit soon
7. **Town of Pomfret Recreation Field, 576 Hampton Road, (10/6/10)** the site is stable. Natural grasses (weeds) are flourishing. Leave on agenda.
8. **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 land records on 5/19/06. (gravel extraction) Actual date of permit is 11/07. Deposit date of surety/bond monies was 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 have 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. No new activity. Leave on agenda.
9. **Shane Pollock, 131 Orchard Hill Road**, formerly owned by R. Canning, was approved with conditions through IWWC. This was originally approved 4/12/11. Shane Pollock submitted letter and deposited surety/fees. Permit has been signed. Site is re-graded and the silt fence is up.

House is completed. It appears that the area has been seeded and hayed. Staff to check vegetation this month. Leave on agenda.

10. **Janice Bosworth – (5/4/11)** Day Road, relocation of an existing house trailer on the property and associated land disturbance. Application was submitted on 8/3/11. Extension granted on remediation application. New application submitted on 11/2/11. Original application was withdrawn. This 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. We are waiting for the bond. Jamie went to the site and a couple of test pits were done. B. Messier needs to know if the bond/fees are not paid, the permit cannot be signed. The junk trailer has been removed from the site. Jamie was on site approximately five times in the past month. Two tri-axes of debris were removed. There are no issues with erosion. Leave on agenda.

SUBDIVISIONS APPROVED BY PLANNING AND ZONING: None.

COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION:

1. Ongoing

- A. **(1) Sharp Hill Vineyard/Fowler – (9/1/10)** this is potentially being undertaken in late April/early May. Jamie met with K. Vollweiler to go over the proposed leak-offs. Leave on agenda.
- B. **Scott Lee, 585 Mashamoquet Road – (9/1/10)** the site is a mess. There are trees down and Scott has been talking to DEEP about putting in a couple of ponds. Nothing new. Leave on agenda.
- C. **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. Nothing new. Leave on agenda.
- D. **Windham 4-H Camp – (4/6/11) (Cease & Desist issued 3/16/11)** application was approved 8/3/11 with conditions. Nothing new. Work should be done in late spring/early summer. Jamie returned a call but had to leave a message. They have not returned his call as of yet. Leave on agenda.
- E. **John Casey property – (1/5/11)** a NOV was issued 8/10/11. Application was approved with conditions on 10/5/11 but NOV has not been lifted. No new activity. Staff stopped at the site the Saturday before Easter. Most of the work is done. Leave on agenda for one more month.
- F. **Greg & Tracie Bristow, 806 Hampton Road,** 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. No new activity. Leave on agenda.

NEW COMPLAINTS: None

CITIZEN'S COMMENTS: None.

EXTENSIONS REQUESTED: None.

COMMISSION BUSINESS:

1. Updates and Report from WEO and Commission members. Nothing new.
2. Approval of the *April 4, 2012 minutes* – M. Eaton made a motion to approve the minutes as amended. J. Rowley seconded the motion and it was approved unanimously.

3. Report of billing and bond releases – KWP requested a release of bonds for Pomfret School. Jamie will be doing a final site visit soon. Gino DeFeudis requested a release of his bond. There is still remediation work to be done on this property. We should probably keep the bond posted and send a letter to the applicant. J. Folsom will draft/send letter.

A. *List of Bonds being held with Town of Pomfret (Escrow Agent) and Putnam Bank:*

Jason Lavallee (IWWC)
Donna Smith (inspection fees) (IWWC)
Rose Construction (IWWC)
Bruce Dexter II (IWWC)
Pomfret School (IWWC and P&Z)
Miller Family, LLC (IWWC and P&Z)
Town of Pomfret and James Rivers (inspection fees) (IWWC)
Ridgewood Farm LLC (P&Z)

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

Bruce & Kerry Dexter (IWWC) – Staff is scheduling a meeting with Bruce next week.

4. Correspondence – handed out/distributed

5. As needed – N/A

ADJOURNMENT – Motion to adjourn was made by J. Stoddard. P. Safin seconded. Motion was approved unanimously. Meeting was closed by the Chairman at 8:20 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date Approved: _____