

**TOWN OF POMFRET  
INLAND WETLANDS & WATERCOURSES COMMISSION  
MEETING MINUTES  
WEDNESDAY, JUNE 6, 2018  
7:00 PM – POMFRET SENIOR CENTER**

- I. OPEN REGULAR MEETING** – P. Safin opened Regular Meeting at 7:00 PM.
- II. ROLL CALL** – In Attendance: Commission Members Paul Safin, Chairman; James Rowley, Secretary; John Folsom, Member; Joe Stoddard, Member; Nancy McMerriman, Member; William Gould, Member; and Laurice Shaw, Alternate. Staff: Ryan Brais, WEO; James Rabbitt, WEO. Absent with Notification: David St. Martin, Vice Chairman; and John Bergendahl, Alternate.
- III. SEAT ALTERNATES AS NEEDED** – L. Shaw was seated for D. St. Martin.
- IV. ITEMS TO BE ADDED TO AGENDA** – None
- V. PENDING APPLICATIONS** –
  - A. Clifford Green, Jr. and Richard Green, 243 Searles Road**, application for construction of new single-family dwelling, septic system, well, driveway, utility installation, and site grading on a previously approved subdivision lot. J. Rabbitt spoke regarding the application. This is for a proposed 3 bedroom home. Jamie read his proposed comment and recommendations to the plan previously submitted. He then discussed his draft of a favorable motion which includes 11 conditions of approval. Paul Terwilliger was present for the applicant, and after hearing Jamie's recommendations, stated that he felt he could make the executive decision for his clients and agree with the changes suggested. J. Folsom made a motion to approve the application with the 11 conditions of approval as follows: (1) Driveway shall be relocated to the south approximately 15' and grades should be adjusted to accommodate minimum 35' riparian buffer between toe of slope and wetlands flags 12 and 13. This adjustment may require the house to be moved to the south by an equal distance; (2) Once the slope has been graded to accommodate the proposed driveway a minimum of 50' riparian buffer should be established; (3) The driveway shall be revised to provide snow shelf (minimum 4') to accommodate residential traffic and provide appropriate pull off areas; (4) Final driveway location requires approval from the Town and shall meet appropriate sightline requirements; (5) The applicant shall install a minimum of seven pressure treated posts 4"x4"x8'(exposed) set 25' back from edge of wetlands as permanent monuments associated with wetland delineation; (6) The applicant shall provide a restrictive conservation easement along the northern portion of the lot to protect the brook. This easement should be deeded to the Town and utilize the Town's standard restrictive easement language with the exception that development shown on the approved site plan may be installed and maintained within any easement area; (7) A pre-construction meeting shall be held with site contractor and Town Staff (i.e., Town Planner); (8) No grading and/or construction activity occurs within 25' of the wetlands area as shown on the plans (except as provided under condition 3 below); (9) That the wetlands area is identified (field staked) prior to construction/excavation activities at the site; (10) That a \$1,000 cash surety is posted for E&S with additional \$500 posted for cost of

construction meetings and inspection fees; and, (11) A final “as built” shall be submitted, reviewed, and approved by the Town Planner prior to the issuance of a Certificate of Occupancy. J. Rowley seconded the motion. J. Folsom then said he would like to discuss #6 on the conditions of approval about the restrictive conservation easement. He believes the easements are not being taken care of by the conservation commission. But, a conservation easement has teeth to it and anyone stealing/abusing the easement can be taken to court. Jamie said that any violation falls to the Town to go after. P. Safin said he would like to investigate conservation easements and where they’re recorded. Not all conservation easements have been deeded to the Town. After this discussion, a vote was taken to approve the application and it was approved unanimously.

**VI. CITIZENS COMMENTS - None**

**VII. NEW APPLICATIONS –**

- A. Sylvia Starr, 212 Covell Road, addition of a 16’ x 20’ sunroom to the back of the house. The new addition will be approximately 80’ from the stream. Ryan is going to go to the site and check it out before our next meeting.

**VIII. NON-FEE APPLICATIONS – None**

**IX. NOTICES OF VIOLATIONS AND DESIST ORDERS**

**A. Outstanding Notices of Violations**

- 1. **Deborah Simpson, 64 Hampton Road** – NOV issued 1/26/15 for work in a regulated area; nothing new (6/6/18). J. Folsom asked Jamie if the Simpsons were putting in a septic system. Jamie said they installed the system but didn’t do the remediation that had to be done.
- 2. **Gayle Champagne, 39 Bosworth Road** – NOV issued 5/2/14 for work within the upland review area; nothing new (6/6/18).

There was discussion amongst the commission members regarding how long some issues stay on the agenda. L. Shaw asked if the commission could make a ruling as to how long an item can remain on the agenda or if it would have to be done by someone else. P. Safin thought it might have to be done through the Selectmen’s office. L. Shaw felt that it makes sense to have a set time frame. W. Gould said we need some kind of enforcement if they haven’t followed through with completing the remediation that is required. It was decided that letters will be sent out to both NOV addresses above regarding the outstanding issues. The letters are to be sent via regular mail and certified return receipt mail.

**X. JURISDICTIONAL RULINGS – None**

**XI. AGRICULTURAL ACTIVITIES – None**

**XII. PRIOR APPLICATIONS WITH CONDITIONS**

- A. **Moon, Peter, et al, 596 Pomfret Street** – nothing new (6/6/18). Jamie will follow up on this issue.
- B. **Hull Forest Products, 101 Hampton Road** – Jamie walked the site and it is stable; Jamie will follow up (6/6/18)

**XIII. SUBDIVISIONS APPROVED PLANNING COMMISSION –**

**XIV. COMPLAINTS/CONCERNS RECEIVED BY COMMISSION –**

- A. Anonymous concern given to Paul regarding the properties west of Paul's house on Kearney Road. Two lots were developed by two sisters and some 4x4 posts have exceeded into the easement/buffer. The Western most lot has an encroachment issue regarding filling and grading. Ryan sent letters to both of the properties involved. He said the St. Jean property owners haven't done any grading, but they have removed the invasives. The Bastien property owners have encroached 25', graded and established a lawn. Ryan will re-contact both owners. J. Folsom said they can only move to the posts. They should probably hand prune the multi-flora rose. It was asked how we can control conservation easements. It will have to be done in a consistent manner. Jamie stated that an easement restricts placement of anything in the easement. Commission would like Jamie and Ryan to go out and see the properties and come up with a way to resolve issues and how we should move forward. J. Folsom said if the property owners were to submit a jurisdictional ruling, would the commission feel comfortable having Jamie sign off rather than have it come before the commission. J. Folsom made a motion to have Jamie and Ryan inspect both sites that are in violation, and depending on the land owners, file an application for a jurisdictional ruling or a regular application, if Jamie is comfortable with the action. J. Stoddard seconded the motion. W. Gould said that a time restraint needs to be put on the property owners. Jamie said he will discuss it with the property owners. A vote was taken on the motion and it was approved unanimously.
- B. J. Rowley mentioned that there is a skidder on the property that was Seeley Brown's old house (Babbitt Hill Road). Ryan stopped by the property and spoke to a lady there. She was to have the logger contact us.

**XV. NEW COMPLAINTS – None**

**XVI. CITIZENS COMMENTS – None**

**XVII. EXTENSIONS REQUESTED - None**

**XVIII. COMMISSION BUSINESS**

- A. **Updates and Report from WEO and Commission Members** – nothing new
- B. **Approval of the May 2, 2018 Meeting Minutes** –  
J. Rowley made a motion to approve the May 2, 2018 minutes as submitted. J. Folsom seconded the motion 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**
    - a. **Jason B. Lavallee-IWWC New Jurisdictional Ruling**
    - b. **Pomfret School-IWWC & P&Z**
- D. **Correspondence** – CACIWC winter/spring issue distributed; CT Wildlife March/April 2018 distributed
- E. **Search for Alternates for Commission** – We had Laurice Shaw start as an Alternate with the commission tonight. We still need to fill one vacancy on the commission.

**XIX. ADJOURNMENT – J. Folsom** moved to adjourn. J. Stoddard seconded and meeting adjourned at 8:08 PM.

Respectfully submitted,

Lynn L. Krajewski, Clerk

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