

**INLAND WETLAND AND WATERCOURSES COMMISSION
PUBLIC HEARING & REGULAR MEETING
MINUTES OF DECEMBER 2, 2009 @ 6:30 P.M.
POMFRET TOWN HALL CONFERENCE ROOM**

OPEN PUBLIC HEARING –D. St. Martin opened the Public Hearing at 6:30 p.m. stating that this is a continuation of the Public Hearing for R. Daigle and he would like to keep the normal format. The commission will hear from the applicant or his representative and then from the public audience.

1. Roger Daigle, 193A Putnam Road, remove previously stockpiled material, install deck on previously constructed bridge, install riprap slope protection in existing stream, and install tailings in eroded areas. Terry Chambers from KWP spoke on behalf of the applicant. He apologized because he has to leave this hearing by 7:00 p.m. to be at another meeting. He distributed new plans which had been revised significantly. He stated that there is a sequence of operations noted on the left side of the new drawing. The material that was previously excavated will be reinstalled and compacted. He said that there is approximately 350' of disturbance. They will be placing a coating of modified riprap over the bottom of the stream and while doing this they will also be bringing the side slopes to 31 (stable slope). There will be three riprap erosion checks (dams) at about 100' intervals. All disturbed areas will be seeded with mix. There is an area that will be allowed to revert back to a vegetative state. There are a couple of items that were eliminated from this new plan. They eliminated the tailing crossing and there will be no improvements to the bridge. All erosion issues should be completed by October 2010. J. Stoddard asked about the bridge as to whether they would have to come back again to work on it. T. Chambers said that he believes that's up to the commission to either approve or disapprove, but his recommendation, if allowed, would be to limit the width of the bridge. D. St. Martin asked if there was a plan for the stock piles located on the north side. T. Chambers responded by saying that is precisely the material they are using to fill into the stream bed. D. St. Martin asked if there would be special treatment given along the stone wall due to the steepness because he felt that there would need to be some level of field adjustment. T. Chambers said that in the E&S notes, it states that before any construction starts, the commission agent will be notified to do his inspections. D. St. Martin said that he thought the bottom should be brought up a little higher. J. Rabbitt then said that at the Lane's property, there is a significant change in elevation. The topography both North and South of the stream channel is relatively gentle, 1-2%, maybe 3% tops. The intent is that once the stream channel is repaired, it will match the topography of the surrounding land and the channel will be relatively flat. D. St. Martin then asked if there were any other questions. J. Folsom stated that the bridge itself is not a concern, but if a vehicle used the dirt path to the bridge, then vehicle operation is of more concern. He thought maybe it should be strictly pedestrian. His other concern was because some of the area was almost lawn like doesn't mean that it will just revert back to nature. There will be invasives involved. D. St. Martin said that the commission could have something worded similar to a conservation easement such as two mowings per year to keep the invasives down but not to a lawn status. D. St. Martin then asked if there was anyone who wished to speak for this application. There was no response. He then asked if there was anyone who wished to speak against this application.

Again, there was no response. He then said he would entertain question from the commission. W. Gould mentioned that the 350' will be protected with rip rap and the soil will be pushed back into the stream. T. Chambers said that the 350' goes beyond what's shown on the plan. The total length of disturbance is approximately 350'. The intent is to restabilize what was disturbed. J. Rabbit then said that based on the spoil piles to the easterly edge of the disturbance, there is a fairly clear demarcation line where man manipulated the stream channel. P. Safin then asked how much rip rap will be used and what travel path will be used to get it there. T. Chambers said that they planned to use the existing dirt path, which is open and clear. D. St. Martin then asked T. Chambers if he had come up with an estimation for a surety bond due to the amount of work being done in the stream bed. T. Chambers said he hadn't but stated that they'll be using rip rap for about 50 cubic yards at approximately \$50 per cubic yard, which is \$2500. His next guess would be the use of an excavator (\$150 hr.) for a day or two along with a skid steer (\$50 hr.) for another \$3200. The cost for inspections and seeding would probably be at least another \$1000, so around \$10,000 with inspections. D. St. Martin then mentioned the completion date of 10/15/10. J. Rabbitt made a comment that if they seeded on/after 15th of October, there would be a problem with turf establishment. If the seeding was done by August 15th, it could be done according to plan. If the seeding is done after October 15th then staff can require the installation of an erosion control mat. J. Folsom then said that if the excavator came in for two days, or a week tops, that reasonably starting at the 1st of August, this could be done by mid-August. T. Chambers then said that weather permitting, it could get done by August 15th. J. Rabbitt then mentioned that if there was a large storm event, it doesn't take much for the stream to go from dry to overflowing. D. St. Martin then asked if there were any other questions. He then asked if the commission felt they had enough information to close the Public Hearing. J. Rabbitt then said that the intent is to get this work done within the next year. If this doesn't get done in the next year, then it goes back to a violation standpoint but their only other recourse is to re-permit and then go to a different enforcement level with other state and federal agencies. D. St. Martin then said that he believes it stays in violation until the work is completed. At this point J. Folsom made a motion to close the Public Hearing. M. Eaton seconded the motion. It was approved unanimously. The Public Hearing closed at 6:53 p.m.

OPEN REGULAR MEETING: D. St. Martin opened the regular meeting a 7:00 p.m.

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

SEAT AN ALTERNATE AS NEEDED – None.

ITEMS TO BE ADDED TO AGENDA: New application from Gregory Pesevich, 339 Mashamoquet Road. Motion made by P. Safin to move this item under new applications. M. Eaton seconded. It was approved unanimously.

PENDING APPLICATIONS:

- 1. Roger Daigle, 193A Putnam Road,** remove previously stockpiled material; install deck on previously constructed bridge; install riprap slope protection in existing stream; and install tailings in eroded areas. The public hearing ended earlier this evening and J. Folsom asked J. Rabbitt if he had drafted a proposal regarding this item. J. Rabbitt said he was working on something. J. Folsom then made a motion to approve the permit for discussion purposes. It was seconded by M. Eaton. D. St. Martin said that the general consensus is regarding the bridge. He'd like to get a general consensus of the commission regarding this. J. Rowley thought the bridge should be limited to a 4' width so you couldn't drive across. W. Gould said that someone would still attempt to drive across. J. Folsom then asked which is worse, driving through the stream or over the bridge. W. Gould thought the abutments should be broken up and used as rip rap. J. Stoddard thought the bridge should be 4' wide. J. Bergendahl said that either way, there would be damage. M. Eaton said he was OK with a 4' width. D. St. Martin then asked the commission if there were any other outstanding issues. There was no response. J. Rabbitt then said that there would be no problem leaving the abutments and a width standard could be set for the deck. He also mentioned that the size/horse power of equipment to cross the bridge could be limited. A 4' width sufficiently limits the ability to get across the bridge in an easy manner. It could also be stated that it be used only as a pedestrian bridge and not an equipment bridge. There was some minor discussion among the commission members and then D. St. Martin temporarily suspended item 1 to later in the meeting and went on to item 2.
- 2. Pomfret Recreation Park Development Committee, c/o Walter McGinn,** addition of basketball courts, tennis courts, and parking for the courts at the existing recreation park. Syl Pauley was in attendance to speak regarding this issue. He went over the new plans he passed out showing the proposed development of the land at the park. At the south most end, there will be a multi-purpose practice field and gravel parking area; to the north of that is a provision for two basketball courts with a hard surface, possibly asphalt, and a 10' vinyl coated chain link fence; further to the north is the provision for the two tennis courts, which will also have a hard surface, possibly asphalt, and it will also have a chain link fence surrounding it; and to the east, there is a provision for a volleyball court which will have a sand pad. There was discussion regarding the under drains and the parking areas. S. Pauley stated that this will be mostly a fill job and the fill will be brought in to the site. He said this project will be done in stages and not all at once due to finances. D. St. Martin asked if each set can be done on its own merit without impacting the overall grading due to funding not being available to do it all at once. S. Pauley said yes. J. Stoddard asked if there would be lighting. S. Pauley said it was his understanding that there would be no lighting. J. Folsom asked about handicapped parking because he knew that there is a certain percentage recommended for parking lots. S. Pauley said that there would be handicapped spaces, three in fact, based on the formula that's used for parking areas. J. Rabbit then mentioned that the ADA pushes for an all weather surface for these handicapped spaces. There was then some discussion regarding the sequence of the project and S. Pauley said that it could be a 5 or 10 year project. D. St. Martin mentioned that underground drainage will be built with each field/section. The

permit is only good for 5 years maximum, so if all the work is not done, they will have to file for a new permit. There was then discussion regarding J. Rabbit doing a site walk with S. Pauley and W. McGinn to go over everything in detail. S. Pauley mentioned that this item is taking a lot of his time, but he recommended that they start in July/August when the groundwater table is low. D. St. Martin then said that he thought they should do test pits because based on the results, it could alter the drainage or change the grading. It was decided that S. Pauley and J. Rabbitt would get together with G. Postemski and do the test pits in the next few weeks. They will do approximately 10 holes on the site. The commission will await the test data at next month's meeting. At this point, D. St. Martin returned to pending item 1, which had been suspended for a short while.

- 1. Continued - Roger Daigle, 193A Putnam Road,** remove previously stockpiled material; install deck on previously constructed bridge; install riprap slope protection in existing stream; and install tailings in eroded areas. D. St. Martin opened the floor to J. Rabbit, who was working on a set of conditions for this permit. The potential conditions were: 1) applicant shall complete all work by 10/15/10; 2) \$10,000 surety bond shall be placed with the Town of Pomfret; 3) a pre-construction meeting will be held with Town Staff and the surety has to be deposited before this meeting; 4) the bridge will be limited to a 4' width with only pedestrian movement; and 5) staff will need to determine the need for erosion control based on time of seeding/planting. At this point, W. Gould asked about the dam or material on the Lane's property. D. St. Martin said that this permit is for R. Daigle and the commission can't address anything on the Lane property, per se. D. St. Martin then asked the commission how they felt regarding the bridge issue; should it be 4' wide and pedestrian use only or should the abutments be removed. W. Gould thought the commission should be polled. J. Rabbit said that the commission members could vote on draft items and amend them as necessary. We then had three members recuse themselves due to absences during the public hearing. The members were P. Safin, M. Eaton, and J. Stoddard. J. Rabbitt said that an alternate could be seated in place of the members who recused themselves. J. Folsom made a motion to seat W. Gould. J. Rowley seconded and it was approved unanimously. D. St. Martin then said the people eligible to participate in the discussion are J. Rowley, N. McMerriman, W. Gould, J. Folsom and D. St. Martin. At this point J. Rabbit re-read the conditions, with a modification to number 2. D. St. Martin then asked the members to vote on item 1 and it was approved by all, as were items 2, 3, and 5. When voting on item 4, 2 members voted yes and 3 voted no. At this point, the commission amended item 4 stating that the abutments of the existing bridge are to be removed entirely. D. St. Martin asked the members to vote on this amended item and it was approved by all. J. Folsom made a motion to approve the 5 conditions as voted on by the members. W. Gould seconded and it was approved unanimously. The final conditions of approval for R. Daigle are as follows: 1) The applicant shall complete all work associated with the project by October 15, 2010. The permit shall be valid until November 1, 2010; 2) The applicant shall post a \$9,000 surety bond 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 exceed 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/WEO) 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 removed during the reconfiguration of the stream channel and disposed of off site; and 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.

CITIZEN'S COMMENTS: None.

NEW APPLICATIONS:

1. **Gregory Pesevich, 339 Mashamoquet Road**, activities to include cutting and removal of invasives, pruning of trees and shrubs and removal of existing deadwood standing and fallen. This is expected to be an ongoing project with monthly/yearly cutting of re-growth required. G. Pesevich spoke to the commission regarding his wish to remove the invasives, mostly multi-flora rose and oriental bittersweet from his property. He will not be using heavy equipment or herbicides for this project. His main concern is to cut the new growth on a regular basis possibly using a walk behind brush cutter. There was discussion regarding the length of the permit and whether the property should be brush hogged twice a year in the spring and fall. D. St. Martin then said that seeing this is a new application, it can't be approved tonight. The consensus is to have R. Brais site walk the area where the major activities will take place and report back to the commission at next month's meeting

NON-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 tonight. Leave on agenda for now.
2. **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. Leave on agenda.
3. **JASD, Orchard Hill Road** - work in regulated area. NOV issued 11/4/05. Nothing new. Leave on agenda.

JURISDICTIONAL RULINGS: None.

PRIOR APPLICATIONS WITH CONDITIONS:

1. **Town of Pomfret, Grosvenor Road**, remove old culverts and replace with two new ones. S. Pauley was present to speak on this issue. S. Pauley handed out letters and photographs describing what he found on a site visit on 10/17/09 of the completed project on Grosvenor Road. He thought the contractor that the Town hired did an admirable job. D. St. Martin mentioned that there are three concerns the commission has: 1) the absence of a flared end section on the down stream side; 2) realignment of the cross culvert; and 3) an outstanding issue regarding the uproot

of an already uprooted tree, which could potential cause damage. S. Pauley said that he went out and saw the area a couple weeks ago. The water was flowing nicely through the rip rap. Near the tree, the water plunges down nearly vertical. S. Pauley made a recommendation to fix the issue that wouldn't cause major disturbance using a fabric lined ditch (staked down geo-textile) with substantial stone rip rap place on top. It will probably need a pipe, but that can't go in now. D. St. Martin asked him about the tree. S. Pauley said he didn't look too closely at the tree. There was discussion regarding S. Pauley's recommendation as to who was going to do the work. Of course, the time of year is also a major concern. J. Rabbit thought it would only take approximately ½ a day of work, if the plans were followed because the installation would be a primary factor. D. St. Martin thought that this project needs to be overseen and coordinated well. J. Rabbitt thought that it's not so much oversight but detailed directive on how it's to be completed that's necessary. D. St. Martin then said that the road crew didn't follow the original plans, so he feels they need overseeing. W. Gould asked if the commission could request photo documentation. D. St. Martin said yes, and follow-up could come from S. Pauley. S. Pauley said he would call G. Postemski tomorrow and enforce the directions. D. St. Martin asked S. Pauley to join the commission in January. S. Pauley he would be there and he'll do the inspection. D. St. Martin again asked that he stress the importance of following the directions and that if there is a problem, that they should call Syl. Keep this item on the agenda until January.

2. **Donna Gauthier, 2 Clapp Road**, single-family home. Letter was sent 7/1/09. There still has been no response regarding the letter that was sent. Leave on agenda.
3. **CT Audubon Society, Day Road**, new building 5/08. Nothing new.
4. **Sarantopoulous, 325 Wrights Crossing Road**, subdivision 5/07. A building permit was recently pulled for this property. Leave on agenda.
5. **Loos, Rebecca, 40 Modock Road**, 4-lot subdivision 6/07. Leave on agenda.
6. **Moon et. Al., Peter, 596 Pomfret Street**, single-family home 3/08. Nothing new.

SUBDIVISIONS APPROVED BY PLANNING AND ZONING: None

COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION: N. McMerriman had a concern regarding Rucki's and the outside furnace. Ryan will check it out and report back to the commission.

CITIZEN'S COMMENTS: None.

EXTENSIONS REQUESTED: None.

COMMISSION BUSINESS:

1. Updates and Report from WEO and Commission Members: J. Rabbit said he had spoken to J. Gagne (Wade Rd.) who is looking to button up his project and get his bond back. He's having a problem with the guardrails, so he is installing Jersey barriers. There is some evidence of sediment transport and J. Gagne explained that this was due to

neighbor blockage (neighbor was away for a period of time) so he cleared the blockage. He is going to fix the water bar and then contact J. Rabbitt to seek release of surety bond.

2. Approval of the *November 4, 2009 Minutes*. M. Eaton made a motion to approve the minutes as amended. J. Rowley seconded the motion. It was approved unanimously. There were two abstentions. Approval of the *November 9, 2009 Special Meeting/Public Hearing minutes*. J. Rowley made a motion to approve the minutes. J. Folsom seconded. It was approved unanimously. There were four abstentions.
3. Report of billing, and bond releases. D. St. Martin read into record a letter received from C. Parke regarding the situation with the D. Aubrey billing. C. Parke paid the bill due to the Town and her bond was released.
4. Correspondence – D. St. Martin went over the small amount of mail received.
5. As needed – Election of officers
D. St. Martin said he would entertain a nomination for Chairman. J. Stoddard thought the Vice Chairman should move up. P. Safin said that with all of his duties at work, he doesn't feel that he can fulfill the necessary duties of being Chairman. D. St. Martin then said that he would be willing to be the Vice Chairman. Numerous people then said J. Folsom's name. J. Folsom asked D. St. Martin how much time outside of meetings it entails. D. St. Martin told him that it doesn't take much time at all. J. Folsom said he would be willing to try it out and be the Chairman for a year. J. Stoddard made a motion to nominate J. Folsom as Chairman. M. Eaton seconded. It was approved unanimously. M. Eaton made a motion to nominate D. St. Martin as Vice Chairman. J. Stoddard seconded. It was approved unanimously. M. Eaton made a motion to nominate J. Rowley as Secretary. P. Safin seconded. It was approved unanimously. D. St. Martin then said that the newly elected officers are John Folsom, Chairman; David St. Martin, Vice Chairman,; and James Rowley, Secretary.

ADJOURNMENT – Motion to adjourn was made by P. Safin. M. Eaton seconded. Motion was approved unanimously. Meeting was closed by the Chairman at 9:38 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date Approved: _____