

**INLAND WETLAND AND WATERCOURSES COMMISSION  
PUBLIC HEARING AND REGULAR MEETING  
MINUTES OF OCTOBER 7, 2009 @ 6:30 P.M.  
POMFRET TOWN HALL CONFERENCE ROOM**

**PUBLIC HEARING:** David St. Martin opened the Public Hearing at 6:30 pm.

1. **Roger Daigle, 193B 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. Chairman St. Martin asked if there was anyone present regarding this application. Before anyone spoke up, Nancy Fraser, a commission alternate, recused herself from the Public Hearing. At this point, Atty. Alison Aleman introduced herself and said that she is Mr. Daigle's legal counsel and that Terry Chambers from KWP would do a presentation along with Mike Schaefer, Certified Soil Scientist. Atty. Aleman requested that the commission refrain from sitting William Gould as an alternate during this Public Hearing. D. St. Martin stated that it would be up to the commission member whether he felt he could make a fair decision regarding this issue. Mr. Gould stated he could be fair. Atty. Aleman then asked if she could question Mr. Gould. D. St. Martin said that that is not proper procedure. T. Chambers then took over and stated that Mr. & Mrs. Daigle were present. They know there is a NOV on the land records and their purpose tonight is to satisfy the commission and have the NOV lifted. T. Chambers then distributed new maps to the commission members. He then spoke regarding the four items listed in the application and noted above. At this point, M. Schaefer took over the presentation. He stated that he know the property fairly well. He agrees with T. Chambers regarding the work that needs to be done. He discussed the types of soils he found and suggested that the Japanese knot weed be removed to eradicate it, as it grows wildly. At this point, the presentation concluded. D. St. Martin asked if anyone had any questions. J. Rabbitt, Town Planner and WEO, stated that he received the revised plans today and needs to confer with T. Chambers regarding this. He also said that T. Chambers mentioned D. Morrissette, and J. Rabbitt stated that Mr. Daigle had told him that D. Morrissette had dug the whole channel. T. Chambers responded by saying that D. Morrissette said he only dug the abutments. There was further discussion regarding how the stockpile was to be moved, erosion issues, concrete in the stream bed, and volume and velocity of stream. After this discussion, D. St. Martin asked if there was anyone present wishing to speak in favor of this application. Mark Cunningham of 4 Longmeadow Drive said that the ditch was there when he met Mr. Daigle. He was unsure of what putting rip rap on the slope would do. D. St. Martin then asked for anyone present wishing to speak against this application. Bob Davis of Freedly Road spoke up regarding how the area looked back in 1937-1948. He said the brook went through the stone wall, between two stones with a stone on top, about 100' North from where it is now. It was just a drainage ditch with the brook being only 8-12" deep. In 1948, when the snow melted, debris blocked the flow, but it never channeled. It just stayed flat. He said that Mr. Daigle dug a trench 2-3' deep and the water started going over his dad's property and Mr. Daigle built a bridge to go across. A backhoe then came in and dug 6-8' deep

and the brook was destroyed on his dad's property. This allowed the gravel to wash down through from the Daigle property. Mr. Daigle has completely destroyed the whole area. He would like to see the Town force Mr. Daigle to fill in the brook. Also, the Town didn't give him permission to build a bridge. The next person to speak against this application was Larry Lane of 161 Putnam Road. He stated that D. Morrissette was previously at that site digging and filling in the wetlands. He said that since 2001, Mr. Daigle has done a lot to the brook. B. Davis then spoke up again and said that the area was always flat and could drive a pick up across because there was no ditch. He is very upset with the changes made to the brook. Maureen Lane of 161 Putnam Road then asked the commission to consider what Mr. Daigle will do once he reaches the other side. If the stockpiles are being removed, where are they going? D. St. Martin asked if that was all she had to say. M. Lane then said that if the commission needed an impartial witness to Denny digging out the brook, he dug it out during their first summer of haying. Their field was being hayed by F. Serrine at the time, who saw the equipment and his comment to the Lanes was, "There goes Roger digging in the brook again." He knows, he saw it and he's not related to us. D. St. Martin then stated that unfortunately the commission can only deliberate/act on verbal and written testimony received at the Public Hearing both against and for the application. B. Davis then begged the commission not to give Mr. Daigle permission. He feels that if Mr. Daigle hadn't dug the ditch, he wouldn't need a bridge. At this point, Roger Daigle of 193B Putnam Road spoke to the commission. He stated that everything that was said against him was completely false. T. Chambers then asked R. Daigle if he or someone else dug out the stream. R. Daigle said he didn't do it, but D. Morrissette did. He said the bridge was always there and that Mr. Lane had put 3 boulders in the stream. D. St. Martin then asked if there were any more questions or discussion. He said that J. Rabbitt and T. Chambers will get together out in the field to go over the revised map and that the Public Hearing will be continued until next month. J. Rabbitt stated that he had a conflict on the date of the commission's next meeting. It was decided to hold the regular meeting on the 4<sup>th</sup> of November and have a special meeting on the 9<sup>th</sup> of November, which J. Rabbitt will be able to attend. T. Chambers made mention of his concern regarding people asking questions during the site walks on the Daigle and Lane properties. J. Rabbitt said that the discussion should be limited to what is legitimate. D. St. Martin then stated that the Public Hearing would be continued to November 9, 2009, at 6:30 pm at the Town Hall, with discussion to follow immediately afterwards.

**OPEN REGULAR MEETING** –D. St. Martin opened the regular meeting at 7:50 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; Nancy Fraser, Alternate; Ryan Brais, WEO and Jamie Rabbitt, Designated Agent. Absent: None.

**SEAT AN ALTERNATE AS NEEDED** – None.

## **ITEMS TO BE ADDED TO AGENDA:**

### **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. This application is under Public Hearing and will continue on November 9, 2009, at 6:30 pm.

**CITIZEN'S COMMENTS:** None.

**NEW APPLICATIONS:** None.

**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. It is possible that in a few months, this issue could be taken off of the agenda. 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. Nothing new. Still need to send a letter to the new owner of the property. Leave on agenda.
3. **JASD, Orchard Hill Road** - work in regulated area. NOV issued 11/4/05. Nothing new. Leave on agenda.

### **JURISDICTIONAL RULINGS:**

1. **Wayne Orlowski, Windham Interiors, for Bruce Dexter, 460 Brayman Hollow Road**, construction of a 24' by 30' two-story addition; no encroachment beyond any existing structures to property lines or wetlands.

### **PRIOR APPLICATIONS WITH CONDITIONS:**

1. **Town of Pomfret, Grosvenor Road**, remove old culverts and replace with two new ones. D. St. Martin stated that a lot of the work was not done per plan. The 1<sup>st</sup> flaw was the culvert under the road with the flared end. The North end is fine but they did not do the South end per the plan. The 2<sup>nd</sup> flaw is they deviated from the 24" supplemental pipe South to North to tie into upstream side; instead, they used 15" pipe and did not place to North but to South side of road. They are going to have a meeting between D. St. Martin, J. Rabbitt, J. Rivers and G. Postemski to discuss why they paid money for a design plan and then have the road foreman do as he wished. The plan should have been followed as sited. W. Gould asked if S. Pauley had submitted a letter to the commission. D. St. Martin said not as of yet, but that S. Pauley had been in touch and will be at the November meeting. J. Rabbitt then said he would answer questions from the commission. J. Rowley asked J. Rabbitt to see the photos he took of Grosvenor Road. P. Safin mentioned that this is the 2<sup>nd</sup> time the Town has messed up a permit and that obviously, communication is an issue. J. Rabbitt then showed the photos to the commission

members and told them that the plans are available for them to look at. This will remain an agenda item.

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. 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:** A letter has been sent to Donald Aubrey regarding the Carol Parke issue of billing. We are awaiting a response from Mr. Aubrey at this time.

**CITIZEN'S COMMENTS:** None.

**EXTENSIONS REQUESTED:**

1. John Gagne requested to extend his permit for two more years and to release his bond. J. Rabbitt walked this site and has called R. Messier regarding the plans and the work that's been done. He saw some sediment transport and evidence of a water bar, but the house site is stable. He found no evidence of path/lawn creep. His recommendation is to release the bond money minus any fees due to the Town. D. St. Martin asked for a motion on this issue. P. Safin made the motion to release the bond once J. Rabbitt gets J. Gagne to complete necessary work. M. Eaton seconded the motion. It was approved unanimously.

**COMMISSION BUSINESS:**

1. Report of Regulations Standing Committee – Received the final document and clerk will have it posted to the website. This item can now be removed from the agenda.
2. Updates and Report from WEO and Commission Members: R. Brais said that he had site walked the Wolf Den Road property and the fence posts have been removed and that everything has been cleaned up. J. Rabbitt mentioned he'd been to Pomfret School regarding them re-establishing an outdoor skating rink. He said this is exploratory in nature.
3. Approval of the *September 2,, 2009 Minutes*. J. Stoddard made a motion to approve the minutes with minor corrections. J. Rowley seconded the motion. It was approved unanimously. There were five abstentions.
4. Report of billing, and bond releases. The bond for Judy's Kitchen dba Pete's Drive-In was released on 9/29/09. We have received written requests from J. Gagne (release to be done as soon as all fees are paid) and D. Smith to release their bonds. J. Rabbitt will follow-up on the D. Smith bond release.
5. Correspondence – D. St. Martin went over the small amount of mail received.

M. Eaton mentioned that he saw some heavy equipment near the brook at Rucki's (right behind the store). D. St. Martin said that J. Rabbitt would check out the site. M. Eaton also said that he saw a new shed standing in the middle of a field on Grosvenor Road. Some of the commission members said that it is probably just a temporary shed for the Hunter Pace coming up that weekend. J. Rabbitt will do a drive by.

**6. As needed – 2010 Meeting Schedule**

J. Rabbitt suggested that we table this for tonight and keep it on the agenda for next month. We have to have the correct location of the meetings on the schedule. Hopefully, the Senior Center will be completed and we can approve the calendar.

D. St. Martin mentioned that the elections are coming up soon and that the members should think about it. Perhaps a new chairman would be in order at this time.

**ADJOURNMENT** – Motion to adjourn was made by P. Safin. M. Eaton seconded. Motion was approved unanimously. Meeting was closed by the Chairman at 8:37 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date Approved: \_\_\_\_\_