

**INLAND WETLAND AND WATERCOURSES COMMISSION
PUBLIC HEARING & REGULAR MEETING
MINUTES OF APRIL 7, 2010 @ 6:30 P.M.
POMFRET SENIOR CENTER**

OPEN PUBLIC HEARING: J. Folsom opened the Public Hearing at 6:34 p.m.

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

1. 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. Walter McGinn was present, but Syl Pauley, Jr. of NECCOG and who is the Town Engineer, spoke regarding this application. He submitted another set of plans. He mentioned the test pits that were dug and witnessed by S. Pauley, J. Rabbitt and J. Rivers. The water tables were at the levels they thought they would be, between 2-2.5'. In the wetlands, it was 1'. They are putting in two basketball courts, two tennis courts, a multi-purpose practice field and a sand volleyball court. There will be a generous amount of parking (110 spaces). They are asking to eliminate a portion of the wetland (4860 sq. ft. of grassed wetland). They will use a double silt fence. They are asking for a relocation of an existing wetland. W. McGinn stated that this project will be phased by the funds available, starting with the basketball and tennis courts. J. Folsom asked J. Rabbit what should be done first. J. Rabbitt handed out a one-page document regarding wetlands restoration/mitigation. As phase one, they should muck out the area first, remove all woody debris, etc., remove soils and then do the basketball and tennis courts and parking. J. Bergendahl asked if the restoration/mitigation information should be placed on the plans. J. Rabbitt said that maybe it should, but as a condition of approval. There was further discussion regarding drainage and stockpiles. J. Folsom then asked if there was anyone from the public who wished to speak for or against this application, to which there was no response. He asked if any commission members had any questions and there was no response. J. Folsom then said he would accept a motion to close the public hearing. M. Eaton made a motion to close the public hearing. It was seconded by J. Stoddard and approved unanimously. The public hearing closed at 7:12 pm.

OPEN REGULAR MEETING: J. Folsom opened the regular meeting at 7:14 p.m.

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

SEAT AN ALTERNATE AS NEEDED – M. Eaton made a motion to seat both alternates (W. Gould and J. Bergendahl). It was seconded by J. Rowley and approved unanimously.

ITEMS TO BE ADDED TO AGENDA: New application submitted by New England Forestry Consultants and an extension requested by the CT Audubon Society. J. Stoddard made a motion to accept these new items. J. Rowley seconded the motion and it was approved unanimously.

PENDING APPLICATIONS:

1. **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. J. Rabbitt said that staff needs time to draft a motion so that everything regarding this application is covered. He mentioned the possibility of having a Special Meeting in April before the next P&Z meeting. J. Folsom asked the commission what they thought about a special meeting. Everyone agreed to the meeting and it was set for April 21, 2010 at 7 pm. J. Folsom asked if there was anything the commission would like to give to Jamie regarding this application. J. Bergendahl said that he would like to add the restoration/mitigation information on the plan or as a condition of approval. J. Folsom said his preference would be to have it on the plans. There was some discussion regarding the length of the project and how the site would be left. J. Bergendahl then made a motion to table this item until the Special Meeting on April 21, 2010. M. Eaton seconded the motion and it was approved unanimously. J. Folsom then asked the clerk to make sure the agenda was done and to e-mail it to the commission members.
2. **Gregory & Beverly Peservich**, construction of a single-family home with attached garage, porch and retaining walls. J. Rabbitt read from a draft the conditions of approval for this application: “Motion to approve the application by the Peservich’s to conduct a regulated activity which would allow the applicant to construct a house, driveway(s), outbuildings (including paddock area) within a regulated area as detailed on plans prepared by Messier and Associates (dated 11/2009); 1) a preconstruction meeting shall be held with town staff (i.e., WEO/Planner) prior to any construction, clearing, grading and/or excavation activity at the site; 2) all erosion and control material required by staff is installed prior to any activity at the site regarding work associated with the permit; 3) all costs associated with the review and processing of the application are paid in full by the applicant prior to any construction, grading, and/or clearing activity on the site. The applicant shall deposit an initial \$150 for inspections with the Town of Pomfret to be used to pay the cost to oversee conformance with the approved site plan. The applicant shall be responsible for the actual costs associated with and inspection to insure conformance with the approved site plan. All costs shall be paid prior to the release of any surety posted for the project. If the cost of inspections exceed the initial deposit, funds shall be withdrawn from the applicant’s surety; 4) that surety in the amount of \$500 shall be posted with the Town of Pomfret prior to any construction, grading and/or excavation activity at the site for soil and erosion; and, 5) final as-built shall be submitted to the Town to determine compliance with the approved plans. As-built shall include final grades

and drainage. The applicant may submit an as-built for a particular phase or phases for review for reduction of surety, as each phase is completed. As-built may include additional information deemed necessary by town staff to determine compliance with approvals.” J. Folsom then asked if there was any discussion regarding this draft and then said he would entertain a motion. M. Eaton made a motion to approve the application using the conditions of approval submitted by J. Rabbitt. W. Gould seconded the motion and it was approved unanimously.

- 3. Pomfret School, Inc., 398 Pomfret Street, turf field.** T. Chambers was present to speak regarding this application. His first statement was that at the culmination of his presentation, he would be requesting this be put on the agenda for the Special Meeting of April 21, 2010. He then said that the plans have changed and the field has been moved. They are going to get rid of the house, move the field and reintroduce the football field into the permit. There will be no alteration to the detention basin system. They will armor plate the existing swail. They have continued to measure the ground water, which has been at vernal high levels due to the rain of the past two weeks. The change to this application occurred late last week. He then asked to be placed on the agenda for the special meeting of April 21, 2010. He said that they need approval by the IWWC on 4/21 so they can then get approval from the P&Z on 4/26. J. Folsom then stated for the record that the commission voted on this application and that it does not need a public hearing. J. Rabbitt said there is no significant activity, therefore a public hearing isn’t necessary. J. Folsom then asked if there was any discussion. J. Rowley asked about how the retention ponds drain and W. Gould asked if the football field surface was manmade. T. Chambers responded to both questions and said he would bring samples to the meeting on 4/21. J. Folsom then read into record a letter from a soil scientist and T. Chambers submitted a hydrological analysis. J. Bergendahl then made a motion to add this to the agenda of 4/21. It was seconded by J. Stoddard and approved unanimously.

CITIZEN’S COMMENTS: None.

NEW APPLICATIONS:

- 1. Town of Pomfret, Airline Trail, 5 Haven Road.** J. Rivers spoke regarding this resubmission of an already approved application. This is probably going to become the project for a scout. The original flags are still in place. There are a few trees to be removed. This application has actually been submitted for a jurisdictional ruling.
- 2. New England Forestry Consultants, 202 Wolf Den Road,** timber harvest with two crossings and some work in wetland areas. R. Brais spoke regarding this application. He signed off on the original no-fee ruling. J. Folsom recused himself regarding this application. J. Stoddard will act as Chair. J. Rabbitt said that this application to work in the wetland should be tabled until next month. J. Stoddard asked if there was any questions or discussion. M. Eaton thought it should be tabled until next month. W. Gould would like the applicant to submit a drawing of what is being done and where. J. Rivers wanted to know why we were discussing this again. J. Rabbitt told him it was because of the wetlands disturbance. J. Bergendahl then asked if the forestry documents forced this application, to which J. Rabbitt replied yes because it is going to require placement of some material in the wetlands. It was decided that the

forester should come prepared next month for our meeting. This application was tabled but accepted.

NON-FEE APPLICATIONS: R. Brais said there was one logging application.

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 12/2/2010. Work to be done in July. Permit has been approved awaiting payment. 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. The commission is postponing writing a letter because the attorney for the applicant is looking into this. 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.

AGRICULTURAL ACTIVITIES: None.

PRIOR APPLICATIONS WITH CONDITIONS:

1. **Town of Pomfret, Grosvenor Road**, remove old culverts and replace with two new ones. The letter was not written. The Selectman spoke to Syl Pauley and there are some issues regarding an unauthorized change of moving the drainage which drains in a steep manner. S. Pauley has some ideas to go over with Glenn out in the field and will come up with some solutions. J. Rabbitt submitted some photos he took 3/31/10 of this area. W. Gould also submitted some photos he took on 3/6/10 and 3/30/10. J. Rabbitt said he is concerned regarding the lack of design for the plunge pool. J. Rivers said we will look for a recommendation from S. Pauley for our next meeting.
2. **Donna Gauthier, 2 Clapp Road**, single-family home. Letter was sent 7/1/09. Letter received from D. Gauthier requesting return of bond. Culvert was wrong size and has been replaced with 18” pipe. Discussion about returning bond. Needs to be inspected to release bond. Leave on agenda.
3. **CT Audubon Society, Day Road**, new building 5/08. (P&Z approved an amended application on 2/22/10 to replicate present barn structure for use as a nature center.) They are moving forward with their new building and have requested an extension on their permit.
4. **Sarantopoulous, 325 Wrights Crossing Road**, subdivision 5/07. The site is stable and currently under construction. 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. J. Rabbitt said that he attempted to reach Mr. Moon, but had one digit off in the phone number. He will attempt to reach him again. He stated that Mr. Moon’s previously approved

application wasn't a no-fee or jurisdictional ruling. He asked if the commission wishes to see a full formal application from Mr. Moon or let staff approve a jurisdictional ruling with the same conditions as previously approved. The Commission agreed with the jurisdictional ruling.

SUBDIVISIONS APPROVED BY PLANNING AND ZONING: J. Rabbitt stated that the P&Z had approved the Sara Kivela application, but it actually was not approved and is still under Public Hearing.

COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION: M. Eaton mention a concern regarding what appeared to be a stone wall harvest in a field near Ragged Hill Road and Sumner. R. Brais will go and check it out. J. Rabbitt said that if they were in the drink, they would need a permit. They'd also need a special permit for excavation should it be more than a set amount of cubic feet. W. Gould then submitted another photo he took on 3/30/10 of a culvert on Grosvenor Road which is past the other work that was done and shows a lot of erosion. It was decided to have staff look at it and add this to the agenda for the special meeting. M. Eaton then made the motion to add it to the special meeting agenda. J. Rowley seconded the motion. It was approved unanimously.

CITIZEN'S COMMENTS: None.

EXTENSIONS REQUESTED: CT Audubon Society sent a letter requesting a two-year extension on their permit. M. Eaton asked if we could give them three years instead of two, as a permit can be five years total. J. Rabbitt thought they'd be done in two years. M. Eaton then made a motion to grant the extension up to three additional years. It was seconded by W. Gould and approved unanimously.

COMMISSION BUSINESS:

1. Updates and Report from WEO and Commission Members. Nothing additional.
2. Approval of the *March 3, 2010 Minutes*. M. Eaton made a motion to accept the minutes as amended (page 4 - changing Recreation Department to Pomfret Recreation Park Development Committee). A correction was noted on page 3 number 2 – changed the word passed to handed. M. Eaton then amended his motion to include this change. It was seconded by J. Bergendahl. J. Folsom then asked if there were any other changes. J. Rowley then said we need to correct page 2, fifth line regarding the Peservich application. M. Eaton then amended his motion again to include this correction. J. Bergendahl seconded. It was approved unanimously.
3. Report of billing, and bond releases. Nothing.
4. Correspondence – J. Folsom looked through the file. He read a Timber Harvest Notification Form that came in the mail. He wants to have Jamie check it out and see how it differs from what the Commission came up with. Then we could possibly replace our forms with this new one. CT Wildlife renewal came in. M. Eaton made a motion to renew CT Wildlife for three years. It was seconded by J. Stoddard and approved unanimously.
5. As needed – N/A.

ADJOURNMENT – Motion to adjourn was made by M. Eaton. J. Rowley seconded. Motion was approved unanimously. Meeting was closed by the Chairman at 8:50 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date Approved: _____