

**INLAND WETLAND AND WATERCOURSES COMMISSION
PUBLIC HEARING & REGULAR MEETING
MINUTES OF AUGUST 4, 2010 @ 7:00 P.M.
POMFRET SENIOR CENTER**

OPEN PUBLIC HEARING:

1. Pomfret School, 398 Pomfret Street, stream course erosion remediation.

J. Folsom opened the Public Hearing at 7:04 pm. M. Eaton recused himself as he works for the school. Present: J. Folsom, M. Eaton, J. Stoddard, W. Gould, and J. Bergendahl. Terry Chambers of KWP Associates spoke regarding the application. He discussed different issues about the stream. He passed out photos taken every 50' following the stream. He and Jamie walked the entire brook. He then discussed field fit remediation to the brook and stabilization so that no further erosion occurs. They will coat the channel with stone and then possibly use mini Euclid's with tailing, using the stream bed as road. This is going to be a costly venture for the school as they need to stabilize 400' to slow down the water. The optimal time to do this is during August and September. W. Gould asked if the new shaped channel will be stone to which T. Chambers replied yes. W. Gould then said he would like something to look at – changes could be made – but to see what they propose to do. He would also like the wheel spread on the Euclid. T. Chambers said the wheel spread is approximately 7', but he will find out more. J. Folsom said that he only walk part of the site. Jamie mentioned that the stream has changed over time and the brook is not rising as high as it did, so they are only lining up to the high marks. He requested that Terry and Staff be in the field so decisions that are made are within the regulations. He then stated that there may be a need for a special meeting starting with a site walk. J. Folsom polled the commission members and they felt it would be a good idea. He then said that there will be a special meeting to continue the public hearing on site at 6 pm on August 18, 2010. The commission members, staff and T. Chambers will meet at the easterly end of Paradise Road by the football field. There will be another special meeting following this one at 7 pm at the Senior Center, which will have discussion and possible action on this application.

OPEN REGULAR MEETING: J. Folsom opened the regular meeting at 7:40 p.m.

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

SEAT AN ALTERNATE AS NEEDED – W. Gould and J. Bergendahl were seated.

ITEMS TO BE ADDED TO AGENDA:

1. New application – 280 Valentine Road, George Pearce, proposed single-family home. This item will be moved under New Applications on the agenda.
2. Robert Messier, Atty. Fader and Mr. & Mrs. Abbott would like to discuss the conservation easement language for the area designated in the two approved lots

located on Angell Road. This item will be moved under Prior Applications with Conditions on the agenda.

3. Letter from Atty. Branse representing Sharpe Hill Vineyard, Inc. regarding activity on Fowler property on Wade Road. This item will be moved under Complaints/Concerns on the agenda.

J. Bergendahl made a motion that these items be moved to the appropriated areas. It was seconded by J. Stoddard and approved unanimously.

PENDING APPLICATIONS:

1. **Pomfret School, 398 Pomfret Street**, stream course erosion remediation. This item is still in Public Hearing.

CITIZEN'S COMMENTS: None.

NEW APPLICATIONS:

1. **George Pearce, 280 Valentine Road**, proposed single-family home. Normand Thibeault, Jr. of Killingly Engineering Associates was present to speak regarding the application. They are proposing building on an 8.4 acre parcel very close to the Brooklyn line that has some wetlands and an existing gravel driveway. It will be a four bedroom home with four bedroom septic. The wetlands are flagged and they are out of the 150' upland review area. There was discussion between N. Thibeault and commission members regarding the driveway, the wetlands and how the power will be brought in. M. Eaton thought that Staff should walk this property. J. Folsom mentioned that the plans should depict silt fencing. M. Eaton was concerned that this could be a significant activity and require a Public Hearing. J. Bergendahl asked if the septic had been approved yet. N. Thibeault said it had been submitted but not approved. M. Eaton said he would like feedback from staff regarding vegetation spreader. J. Folsom then said that the application was accepted and it would be tabled until the next meeting.

NON-FEE APPLICATIONS: None.

At this point, Jamie said that due to the long nature of the agenda, we should go to prior applications with conditions and speak with Atty. Fader. Atty. Fader spoke to the commission regarding two ten-acre lots previously approved with a common driveway crossing a brook. There was a conservation easement of approximately 6 acres, 3 acres per lot, which was a condition of the approval. Jamie sent Atty. Fader the conservation easement form which Atty. Fader revised for combining the driveway. He had a 2nd revision regarding the physical construction of a temporary construction easement on each side of the driveway for workers, materials, etc. J. Folsom then asked if there were two separate plans, one for 2 driveways and one for one driveway. Jamie responded saying that 2 single driveways were approved. He then asked Atty. Fader about minimizing the footprint. He thought that Atty. Fader should do up a plan with the correct wording. Atty. Fader said that copies of the proposed revision can be submitted tonight. J. Folsom said that Atty. Fader can channel, submit new revisions to Jamie and Jamie can decide if they are appropriate. J. Folsom looked to the commission regarding whether they would allow Jamie to make a decision outside of the commission. J. Stoddard made a motion that Jamie could decide. J. Bergendahl seconded the motion. It was approved unanimously. W. Gould recused himself. Atty. Fader then mentioned that he would like to

submit a written request for an extension of the permit to go to 5 years. J. Folsom mentioned that if the permit was absent of an expiration date, it would automatically go to 5 years. Atty. Fader then submitted a written request for the extension of the permit. J. Folsom said it should be placed under Extensions Requested on the agenda. J. Bergendahl made a motion to place the item under Extensions Requested. M. Eaton seconded the motion and it was approved unanimously. At this point, we went out of order to Complaints/Concerns.

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. Nothing has been heard from Mr. Daigle and his payment has not been received yet. J. Rabbitt has a call in to Atty. Bourne and has spoken with T. Chambers, who has not heard from Mr. Daigle. A letter will be drafted which will have two options: either start construction or it is out of our hands. Leave on agenda.
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. J. Rabbitt had a pre-construction meeting. The owner is posting an \$80,000 surety and a letter of credit. Construction should begin within 2-3 weeks. The driveway has been bush hogged and cleared. The new owner wants staff to look at the area regarding the white pines. Through P&Z, it was approved to remove 80,000 cubic yards of material. 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. **Warren Knight, 585 Mashamoquet Road**, selective timber harvest
2. **Hull Forest Products, Tyott Road**, selective timber harvest for Travis Serrine.

AGRICULTURAL ACTIVITIES:

1. **Warren Knight, 585 Mashamoquet Road**, selective timber harvest
2. **Hull Forest Products, Tyott Road**, selective timber harvest for Travis Serrine.

PRIOR APPLICATIONS WITH CONDITIONS:

1. **Town of Pomfret, Grosvenor Road**, remove old culverts and replace with two new ones. S. Pauley had handed out a plan at the special meeting of 4/21/10 as a solution to minimize erosion. This work will be done in a time of low flow. Jamie spoke with the 1st Selectman who will get back to Jamie when this is slated to start. The road crew foreman needs to call Syl Pauley and the 1st Selectman regarding the schedule. Leave on agenda.
2. **Donna Gauthier, 2 Clapp Road**, single-family home. Letter was sent 7/1/09. Letter received from D. Gauthier requesting return of bond. J. Rabbitt spoke regarding this and said that the issues were addressed and resolved and that the bond can now be released. Working on having the bond released.

3. **Sarantopoulous, 325 Wrights Crossing Road**, subdivision 5/07. The site is well under construction and the site is stable. Leave on agenda.
4. **Loos, Rebecca, 40 Modock Road**, 4-lot subdivision 6/07. Leave on agenda. D. St. Martin mentioned a new barn/shed built behind the previous one, closer to the wetlands. W. Gould said that this property belongs to Robert & Lois Hall, as they are the new owners of this parcel of property. This will be looked into.
5. **Moon et. Al., Peter, 596 Pomfret Street**, single-family home 3/08. Mr. Moon's application was approved at the meeting tonight with 10 conditions. Nothing new. Lot is for sale. Leave on agenda.
6. **William & Claudia Abbott, Angell Road**, Atty. Fader to speak regarding conservation easement language on the two approved 10 acre lots. This dialogue took place under no-fee applications on the agenda.

SUBDIVISIONS APPROVED BY PLANNING AND ZONING: None.

COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION: Catherine Vollweiler from Sharpe Hill Vineyard, Inc. was present regarding a problem with Mr. Fowler. J. Folsom read into record a letter received from Atty. Branse, who is representing Sharpe Hill Vineyard. The issue is that Mr. Fowler recently removed approximately 160' of stone wall running along the frontage of his property, without appearing before the IWWC commission or any prior authorization from the Inland Wetlands and Watercourses Enforcement Officer. The complaint also states that Mr. Fowler has undertaken a clear cutting of a significant portion of his property. The concern is that these activities have caused serious disturbance to soils on-site as well as created the risk of significant erosion on both Mr. Fowler's property and property owned by Sharpe Hill Vineyard, Inc. C. Vollweiler submitted folders containing photos and a copy of Atty. Branse's letter in them to the commission. She said that there was serious damage being done. J. Folsom said that the letter and photos submitted to the commission will be looked at and a decision will be sent by letter. C. Vollweiler asked how soon this could be. J. Folsom said they just received the complaint, but they commission will try to make a decision ASAP and respond within a week. At this point, we returned to Notices of Violation.

There was further discussion regarding Sharpe Hill Vineyard when we reached this point in the agenda. J. Folsom stated that the preliminary course of action is to have staff look at the property and speak with Ryan about it. J. Folsom received a phone complaint regarding the stone wall removal at the Fowler property. He also received two complaints regarding the Mr. Scott Lee timber harvest, of which one of the complaints was anonymous. It was discussed that complainants should be willing to come in and file a written complaint. The discussion then led to the articles in the Norwich Bulletin and the Woodstock Villager regarding the timber harvest that Mr. Lee is doing and supposed wetlands damage. It was decided to have Ryan report to the commission with a follow-up on this situation.

CITIZEN'S COMMENTS: Ann Hennen of the Conservation Commission spoke up regarding how the commission tried to get a wall ordinance. She stated that the P&Z Commission wrote a letter supporting the ordinance and that the Conservation Commission is going back to the Selectmen with a request for the ordinance. She wondered if the IWWC could support this ordinance as well, and if so, could they possibly write a letter. She asked the members to think

about this and then let the Conservation Commission know their decision. Paul Hennen then spoke and thought this meeting was quite useful, especially the part regarding the complaints discussion. These complaints should be looked into and reported back to the Chairman. He then mentioned that after having looked at the jurisdictional rulings for Mr. Lee that work had been going on prior to the application mode. It also states on the worksheet, that every commission member can go onto the property to check what is going on.

EXTENSIONS REQUESTED:

1. William & Claudia Abbott, Angell Road, request extension to five years. Atty. Fader submitted a written request for this and it was accepted by the commission. M. Eaton made a motion to extend the permit to five years. It was seconded by J. Bergendahl and approved unanimously.

COMMISSION BUSINESS:

1. Updates and Report from WEO and Commission Members. Copy of Ryan's report was read by J. Folsom. Jamie said he had nothing to add.
2. Approval of the *July 7, 2010 Minutes*. J. Rowley made a motion to accept the minutes. J. Stoddard seconded the motion and it was approved unanimously. There was one abstention.
3. Report of billing, and bond releases. N/A
4. Correspondence – Nothing of importance.
5. As needed –

ADJOURNMENT – Motion to adjourn was made by M. Eaton. J. Rowley seconded. Motion was approved unanimously. Meeting was closed by the Chairman at 9:19 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date Approved: _____