

**INLAND WETLAND AND WATERCOURSES COMMISSION  
REGULAR MEETING  
MINUTES OF JANUARY 6, 2010 @ 7:00 P.M.  
POMFRET SENIOR CENTER**

**OPEN REGULAR MEETING:** J. Folsom opened the regular meeting at 7:00 p.m.

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

**SEAT AN ALTERNATE AS NEEDED** – A motion was made by J. Stoddard to seat both J. Bergendahl and W. Gould. D. St. Martin seconded the motion. It was approved unanimously.

**ITEMS TO BE ADDED TO AGENDA:** None.

**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 was in receipt of a letter from W. McGinn requesting an extension of 65 days for this application. J. Rabbitt spoke with S. Pauley today and believes this should stay in the permitting phase because if the weather breaks, the test pits can get done. If this can't get done within the next 2-3 weeks, the application will be withdrawn. He mentioned that it is possible that a new application could be submitted in February to be ready for the March meeting. J. Bergendahl made a motion to grant the extension. J. Rowley seconded the motion. It was approved unanimously.
2. **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. D. St. Martin mentioned that R. Brais was supposed to go out and walk this area. R. Brais told the commission that he went out to the site on 12/12/09. He said that there will be clearing of the invasive species along with some dead wood but it is all outside of the wetlands. It will be done mostly by hand work and maybe some light mechanical, but no heavy equipment. J. Folsom then asked G. Pesevich if he had anything new to add. G. Pesevich said there was nothing new. D. St. Martin then asked J. Rabbitt if there should be special conditions due to the fact that this project is in a conservation easement. J. Rabbitt said there will be limited disturbance and that he should call before he digs. He felt that there should be oversight by R. Brais throughout the process. There should also be the possible allowance of mechanical devices to remove the stumps. D. St. Martin wondered

about the lines of work being done in the conservation easement. J. Rabbitt said that with regard to the conservation easement, there are limitations that this commission does not have control over. Some issues are that the area needs to be left in a semi-natural state and can't be maintained as lawn area and can only be cleared 2-3 times a year. G. Pesevich then said that this is such a large area that it is going to take some time to he's going to pick away at it as time allows, possible a couple of years to complete. J. Folsom then said that Mr. Pesevich would probably cut it three times a year. G. Pesevich then said that he had spoken to colleagues and that when you cut this down, it resprouts and the most effective way to keep at it is to cut it down again right away. He will be using a string trimmer and possibly a small brush cutter. He will only use the brush cutter where it is practical. J. Rabbitt then said we should define the parameters of the permit because the issue is that the area has to be maintained as pasture/meadow. There should be an understanding between staff and the applicant regarding staying within the permit parameters. J. Folsom then asked how long it would take to draw up the conditions and whether we would need one set for the area and one set for the easement. D. St. Martin then said that he would give it a shot and write up the conditions now. N. McMerriman then asked how long the permit lasts. J. Folsom told her up to five years. At this point, G. Pesevich spoke up and said that one thing we had talked about at the end of the last meeting was using herbicides. He has done some herbicide research since then and has found out that herbicides can be pretty effective if you paint the cut piece ( it translocates down or prohibits growth). Originally he didn't want to use herbicides due to broadcasting areas, but he thinks he will use it to paint the cut edges. J. Rabbitt then told G. Pesevich that Staff has no problem with him using the spot treatment. D. St. Martin then made a motion to approve this application with the following special conditions: 1) applicant will contact the Town Staff prior to starting the project; 2) this project will be done using hand-held machinery, not heavy machinery; 3) allow possible leeway to use mechanical means with oversight of the Town Staff if applicant deems that as a viable option; 4) areas within the conservation easement shall be maintained in the natural state per the easement document with the exception of being allowed to remove the invasive species only under Staff supervision as in the initial meeting; and, 5) use of herbicide (Crossbow) in hand application only. The motion was seconded by N. McMerriman. It was approved unanimously.

**CITIZEN'S COMMENTS:** None.

**NEW APPLICATIONS:**

1. **Sara Kivela, 6 Cherry Hill Road**, resubdivide land to three new lots and convey to children. J. Folsom asked if there was anyone present to speak for this application. No one responded. J. Rabbitt then spoke and said that this application involves a triangle between Cherry Hill Road, Brooklyn Road, and Wade Road. It is a little over 15 acres and will be divided into three lots. There is no proposed work inside the wetlands area but the septic system on lot 3 is in the upland review area. Lot 1 has no wetlands, lot 2 has wetland area but there will be no activity within the area, and lot 3 has wetlands in two areas and there will be activity in the upland review area. He assumes that Staff will walk the site and establish a demarcation line as to what can

be and can't be developed. He said that the entire area is forested, based on aerial photography. J. Rowley asked if there would be construction on all three lots at the same time. J. Rabbitt said he didn't know. J. Folsom said that he thought they were going to break it up and give it to the children. J. Rabbitt said that there is no B100 in the file, as of yet. D. St. Martin made mention that the plans weren't signed by the soil scientist. J. Rabbitt said that it wasn't signed by the surveyor, soil scientist or PE and we clearly require the signature of the soil scientist. D. St. Martin thought that Staff and commission members should go out and walk the site. J. Rabbitt said he felt comfortable calling the surveyor and letting them know that the commission won't review this application until the plans are complete. J. Folsom asked what our options were. J. Rabbitt said it could either be an incomplete application or kept in the queue. J. Folsom thought the commission should accept the application and that it should be kept in the queue, but there will be a tight time line. J. Rabbitt said that the commission will not begin to review this application until the commission receives signed and sealed plans. D. St. Martin said that the clock is ticking and that they should know our regulations. J. Rowley asked if site walks would be performed. J. Rabbitt thought the commission members should walk the site if they had the time. W. Gould asked if anyone lived in the area and if you needed to ask anyone to walk the area. J. Rabbitt said it is all raw land and you can get in and out without anyone noticing.

**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 12/2/2010. 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.

**AGRICULTURAL ACTIVITIES:** None.

**PRIOR APPLICATIONS WITH CONDITIONS:**

1. **Town of Pomfret, Grosvenor Road,** remove old culverts and replace with two new ones. S. Pauley was not in attendance. D. St. Martin said that he thought S. Pauley and G. Postemski were to go out and do some remedial action needed around the area of the tree as a temporary fix and then go back and do a permanent fix at a later date. S. Pauley was supposed to report back this month with photos on this issue. J. Rabbitt spoke to S. Pauley earlier in the day and Syl never mentioned this to him. Leave on agenda.

2. **Donna Gauthier, 2 Clapp Road**, single-family home. Letter was sent 7/1/09. There still has been no contact. Leave on agenda.
3. **CT Audubon Society, Day Road**, new building 5/08. Nothing new.
4. **Sarantopoulous, 325 Wrights Crossing Road**, subdivision 5/07. Land in the wood line has been sold or is currently being sold to the Town and they are building a home on the remaining area. 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**

J. Folsom mentioned the tree house at the junction of Route 44 and Babbitt Hill Road. R. Brais spoke of the complaint of the staircase encroaching the neighbor's property. He said that they were informally instructed to take down the stairs. J. Folsom said that the staircase has been taken down. J. Stoddard then mentioned the addition to Baker's Dozen and asked if they had come in for the permit. R. Brais explained that they had to go through ZBA for a variance, and got the proper permits, but they didn't need to come through this commission because there are no wetlands involved.

At this point, Sara Kivela came in with her daughter. They had gone to the Town Hall and were sitting there for a while. J. Rabbitt explained to S. Kivela that the commission received the application tonight but they can't act on it the same night it is received. He told her that it had been tabled until next month's meeting. He also explained that the surveyor submitted plans without signatures required by State law and the commission's regulations. The commission directed him to contact the surveyor and let him know that the commission will not undertake a review until he submits plans that are signed and sealed by him. S. Kivela asked if she needed a list to give to the surveyor. J. Rabbitt told her that she didn't need a list as he would be contacting the surveyor and giving him the list directly.

**COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION: None.**

**CITIZEN'S COMMENTS: None.**

**EXTENSIONS REQUESTED:** Pomfret Recreation Park Development Committee c/o Walter McGinn requested a 65 day extension tonight.

**COMMISSION BUSINESS:**

1. Updates and Report from WEO and Commission Members: J. Rabbit said he had spoken to J. Gagne (Wade Rd.) who told him that he had installed the water bar and had used boulders instead of Jersey barrier. J. Rabbitt hasn't had the opportunity to get out there to see the work yet.
2. Approval of the *December 2, 2009 Minutes*. D. St. Martin made a motion to approve the minutes as amended. J. Bergendahl seconded the motion. It was approved unanimously. There were two abstentions.
3. Report of billing, and bond releases. None.

4. Correspondence – J. Folsom read the monitoring report submitted by the conservation commission. It was decided to establish a separate file for the IWWC regarding these monitoring reports. J. Rabbitt said that he thought we should also track them digitally, by spreadsheet. J. Folsom then read the letter from the First Selectman regarding the use of the Town Attorney.
5. As needed – N/A.

**ADJOURNMENT** – Motion to adjourn was made by D. St. Martin. J. Bergendahl seconded. Motion was approved unanimously. Meeting was closed by the Chairman at 8:05 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

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