

**INLAND WETLAND AND WATERCOURSES COMMISSION
SPECIAL MEETING
MINUTES OF DECEMBER 19, 2011 @ 7:00 P.M.
POMFRET SENIOR CENTER**

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

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

NOTICE OF VIOLATION:

1. George Avery, Donna Sabourin, 394 Mashamoquet Road

G. Avery came to the Town Hall today, 12/19/11, and received application paperwork and information. Jamie handed out a print of the area where wetlands are being pushed. He made note that you could see in the print below the pipe run, the prior fill from 10-15 years ago. In the print, J. Folsom is standing on the new material. There is encroachment on Town property but we're only dealing with the wetlands. D. St. Martin said we need to know his plan to resolve the issue. Jamie said that once the application and fee are submitted, the commission can decide on how to handle the issue, whether it is the regulatory process or a jurisdictional ruling. Donna Sabourin arrived at the meeting at 7:12 pm and told the commission that she was unaware that they were filling the wetlands. Jamie then spoke regarding his conversation with Mr. Avery and explained that the purpose of the hearing is for the landowner or their representative to give their side of the story. He said that no E&S was in place right now and he told Mr. Avery to hold off until they meet in the field. D. Sabourin said that the silt fence had been put up. Jamie said he proposes to re-establish the historic fill (following the DEP 202 manual). D. St. Martin then said that if it is a wetland, it should come before the commission for the 1/4/12 meeting and shouldn't be a staff decision. At this point, M. Eaton made a motion to allow the Cease & Desist order to remain in place. D. St. Martin seconded the motion and it was approved unanimously.

2. Elaine R. Malchman, 321 Killingly Road

J. Folsom read the letter (to the commission) that was sent out regarding the violation. R. Brais then spoke regarding three tri-axle load of fill right at the edge of the brook. As no one was present for this issue, J. Folsom asked Ryan to write a note and tape it to the building at 321 Killing Road. D. St. Martin then made a motion to maintain the Cease & Desist. M. Eaton seconded the motion and it was approved unanimously.

ADJOURNMENT – Motion to adjourn was made by D. St. Martin. J. Stoddard seconded and the motion was approved unanimously. Meeting was closed by the Chairman at 7:45 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date Approved: _____