

**INLAND WETLAND AND WATERCOURSES COMMISSION
SPECIAL HEARING MEETING
MINUTES OF JULY 25, 2011 @ 6:00 P.M.
POMFRET SENIOR CENTER**

I. OPEN SPECIAL HEARING: J. Folsom opened the meeting at 7:00 p.m.

II. 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; and James Rabbitt, Designated Agent. Absent - Paul Safin, Member; and Ryan Brais, WEO.

III. CEASE AND DESIST ISSUED

A. Robert Fowler, 132 Wade Road – Cease and Desist was issued on 7/15/11. Mr. Fowler was not present at the hearing. Jamie spoke regarding this issue. He said there had been some complaints about this property. Ryan walked the site on 7/14/11 and called Jamie and asked him to walk the site. Jamie walked the site on 7/15/11 and the activity that had taken place constituted a violation. Jamie read into record the Cease and Desist order letter to Mr. & Mrs. Fowler regarding their rock removal project. This letter was hand delivered to Mr. Fowler. Approximately 20-30 tons of stone were moved and two primary stone walls were removed. Jamie met with Tom Hoffa (contractor) today regarding the permits he needs and how to rectify the issue. Jamie said it could be done three ways: 1) as a no-fee; 2) as a jurisdictional ruling; or 3) as a full application to the commission. Staff said that he felt comfortable with a jurisdictional ruling on this issue. There will need to be remediation and no more removal of stone. They need to make sure the topography remains. Jamie said that Mr. Hoffa appeared cooperative. Jamie is willing to do the jurisdictional ruling route as long as Mr. Hoffa is cooperative and posts the surety; if not, it will go to full application to the commission. At this point, Jim Rivers spoke about there being a lot of discussions regarding stone walls during the past year. There was no ordinance written by the Selectmen regarding stone walls. Mr. Fowler was allowed to remove the deteriorating wall along the road. He said a letter was received 5-6 weeks ago in the Selectmen's office seeking permission to remove the walls. He sent a letter back saying that the Selectmen had no jurisdiction over the stone walls, but they needed to check with the other commissions regarding their regulations. J. Folsom then asked about the application process. Jamie said the application will be for Fowler but probably processed by Hoffa. J. Folsom then said that when the application was submitted the commission would see it. Jamie said that a jurisdictional ruling would go directly to Staff and not the commission. W. Gould then asked if they applied for a jurisdictional ruling, could they still go to a full application. Jamie said that if the jurisdictional ruling is denied, then they have to go to a full application through the commission. M. Eaton asked if there were plans for more stone removal. Jamie said they are already close to the 200 cubic yards that are allowed to be removed in one calendar year. D. St. Martin stated that the existing work has done minimal damage with minimal remediation needed. Would the surety be low? Jamie said the surety would be \$2500 with \$500 cash. D. St. Martin then said he was fine with this being done as a jurisdictional ruling. W. Gould asked if the steps would be explained to Fowler. Jamie said he had done that today and they are aware of no more removal of stone except that on the Town right-of-way and the landing area they created. J. Bergendahl asked if they understand micro topography. Jamie stated that the contractor understands it. J. Folsom asked how many days of work it would take to complete the remediation. Jamie said two days using a bobcat or mini-excavator. J. Folsom then stated that the Cease and Desist was legitimately issued. M. Eaton then made a motion that the Cease and Desist remain in effect. D. St. Martin seconded the

motion and it was approved unanimously. It was the consensus of the commission that Jamie will do a jurisdictional ruling.

IV. ADJOURNMENT – Motion to adjourn was made by M. Eaton. D. St. Martin seconded. Motion was approved unanimously. Meeting was closed by the Chairman at 6:32 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date Approved: _____