

**INLAND WETLAND AND WATERCOURSES COMMISSION
REGULAR MEETING
AMENDED MINUTES OF MARCH 2, 2011 @ 7:00 P.M.
POMFRET SENIOR CENTER**

OPEN REGULAR MEETING: J. Folsom opened the regular meeting at 7:02 p.m.

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

SEAT AN ALTERNATE AS NEEDED – J. Bergendahl and W. Gould were both seated for P. Safin and N. McMerriman respectively.

ITEMS TO BE ADDED TO AGENDA:

PENDING APPLICATIONS:

- 1. Hull Forest Products, 101 Hampton Road,** install 12' gravel drive and round log storage area; will require filling of 4, 035 sq. ft. of wetland soils. J. Rabbitt read into record a letter regarding the significant activity by Hull Forest Products, which included 23 recommendations. After reading the letter, commission members asked questions. D. St. Martin asked when they would do a water quality sample. Jamie said they would set a date and time when the brook is clean up and down the stream. J. Bergendahl asked what they would test for. Jamie said they'd test for hydrocarbons. D. St. Martin noted #11 regarding site markers and thought that all of these recommendations/conditions should be placed on the site plan. W. Gould then asked if they would test for sediment. Jamie said it would be considered under E&S control, but working in the stream channel is going to cause some sediment movement. D. St. Martin said he thought that under the pre-construction meeting, it should be stated when the activity could commence. Jamie said he would add that it should be scheduled during the dry season. J. Folsom then asked for a motion on the application. D. St Martin made a motion to approve the application with the 23 conditions, as amended. J. Bergendahl seconded the motion. It was mentioned that #20 should be removed and that all conditions of approval be placed on the site plan which becomes #23 with the removal of #20. D. St. Martin then said that this activity is deemed a significant activity. There were a number of multiple alternatives presented both by the applicant and the abutters but there was no feasible/prudent alternative. Therefore, there will be a remediation area of 1 ½ times the size of the activity area. M. Eaton agreed with what D. St. Martin stated. M. Eaton then asked about the letter to the commission from Paul Hennen. J. Folsom then read Mr. Hennen's letter dated 12/12/10 into the record. There was a question of concern regarding the wood chips. Jamie said there is a 1-3% slope, which is not steep, and they will be used purely for sediment control, not weed control. M. Eaton asked what the purpose of the landing site is. J. Folsom said it is to store logs. M. Eaton then said, regarding Mr. Hennen's letter, that the dialogue in quotes has been altered, the information in the brackets is fabrication, and has been deviated from the actual wording. J. Folsom then asked if there were any more comments regarding the letter, to which there was no response. Jamie then said that in #5 of the conditions, the remediation area should be 6,450 square feet. J. Folsom then said that there is a motion on the table. A vote will be taken and those who approve say aye, and those who wish to deny say no. The voting went as follows: David St. Martin – aye; James Rowley – aye; Marshall Eaton – aye; Joseph Stoddard – aye; John Bergendahl – aye; and William Gould – aye. The application was approved and included the conditions of approval in the motion.

- 2. Ray Canning, 131 Orchard Hill Road**, new single-family residence, septic system, well, driveway and minor grading. Bruce Fitzback was present to speak for the application. He said this is a single residential lot with a small band of wetlands as a result of an under drain from the town road on the corner of Orchard Hill and Youngs Road. Ray Canning spoke to the commission regarding how the wetland was created by the large culvert on each side of the road. Jamie said he attempted to conduct a site visit, but couldn't due to the snow coverage. He has no definitive answers at this time without seeing the property. He thought the applicant should ask for a possible extension. J. Folsom asked the applicant if he was willing to give a 35 day extension to the commission. R. Canning said he would definitely be willing to do so. J. Folsom asked the commission members if they would be comfortable with waiting until next month for this to continue. M. Eaton said he felt it would be fine as long as the extension is requested and granted and the site is reviewed with staff in the field. R. Canning submitted a request to the commission for a 65 day extension. M. Eaton made a motion to accept the application for extension. D. St. Martin seconded the motion and it was approved unanimously.

CITIZEN'S COMMENTS: William Hull just wanted to thank the commission for their approval of his application.

NEW APPLICATIONS: None.

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. 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. The commission is prepared to seek alternative enforcement actions against him for the wetlands disturbance that occurred on his property. A letter will be re-sent to Mr. Daigle via CRR. Clerk will re-type and have ready for Chairman. Leave on agenda.
- 2. Ridgewood Farms, LLC, formerly 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. Deposit date of surety/bond monies was 8/15/10. Staff is monitoring through the winter and spring. No work on site. 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. Some repairs have been done since the meeting but Staff was not called and notified of the work. 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 said the site is as stable. Leave on agenda until the bond is released.
- 3. Sarantopoulos, 325 Wrights Crossing Road**, subdivision 5/07. CO has been issued. Final seeding/grading will be done in the spring. Leave on agenda.
- 4. Loos, Rebecca, 40 Modock Road**, 4-lot subdivision 6/07. Nothing new. Leave on agenda.

5. **Moon et. Al., Peter, 596 Pomfret Street**, single-family home 3/08. Application was approved with 10 conditions. Lot is advertised for sale with all approvals in place. No activity. Leave on agenda.
6. **CT Audubon Society, 218 Day Road**, under construction. Site walks were taken and the site is stable for winter. Still working on construction of the building. Will be evaluated during spring conditions. Leave on agenda.
7. **Pomfret School, 398 Pomfret Street**
 - A. **Remediation** – the stream channel on the south side of property hasn't been walked since December. Will do an evaluation during rain run-off conditions. Site was stable in December.
 - B. **Turf Fields** – four acres are wide open with no vegetation and no turf. The pond should be monitored every month to every two weeks. Under drains are fully functioning. Artificial turf failed inspection and has been shipped off-site.
8. **Town of Pomfret Recreation Field, 576 Hampton Road**, additional drainage for basketball and tennis courts has been added. Now under winter conditions with no activity. Staff had a recent conversation with the First Selectman regarding budget constraints and how to best finish the project. They will explore different alternatives and Staff will inform the commission regarding what can and can't be completed.

SUBDIVISIONS APPROVED BY PLANNING AND ZONING: None.

COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION:

1. Ongoing

- A. **Sharp Hill Vineyard/Fowler** –
- B. **Pixie Ray** – nothing new. Remove from agenda.
- C. **Scott Lee, 585 Mashamoquet Road** – Ryan will monitor this situation. Leave on agenda.
- D. **Paul Hennen, 555 Mashamoquet Road** – regarding incident of a demolition by fire in a wetlands and watercourses regulated area; states hazardous materials were ignored and for the most part buried after the fire was extinguished. This was discussed at the January meeting. Based on the information the First Selectman received from the DEP via a telephone conversation, they are not going to issue a report regarding this complaint. This issue is being deemed closed unless further information is disclosed. Members asked if this item should be removed from the agenda. R. Brais stated that the town addressed this issue. There was nothing in the water or buried at the site; everything was taken away in dumpsters; the foundations were shoveled out; the buildings were burned almost completely; some water was put in the basements for possible flare-ups; and the only water that made it into the swamp was what was sprayed on the foliage/trees prior to starting the fire. Members decided that this issue will be removed from the agenda.
- E. **Scott Lee/Knight property**. A complaint was issued about logging where the skidder got stuck. It disappeared and required an excavator to work it out. No sign of water flowing in and out of hole. Leave as is. Ryan was asked to walk the site as he issued the permit.

NEW COMPLAINTS: None.

CITIZEN'S COMMENTS: None.

EXTENSIONS REQUESTED: None.

COMMISSION BUSINESS:

1. Updates and Report from WEO and Commission members. Nothing new.

2. Approval of the *January 5, 2011* and *February 9, 2011 minutes*. - J. Rowley made a motion to approve the January 5, 2011, minutes as amended. D. St. Martin seconded the motion and it was approved unanimously. There were two abstentions. M. Eaton made a motion to approve the February 9, 2011, minutes as submitted. J. Bergendahl seconded the motion and it was approved unanimously. There was one abstention.
3. Report of billing and bond releases – Ongoing.
4. Correspondence – J. Folsom read a letter from Syl Pauley regarding Grosvenor Road into the record.
5. As needed – None.

ADJOURNMENT – Motion to adjourn was made by D. St. Martin. M. Eaton seconded. Motion was approved unanimously. Meeting was closed by the Chairman at 8:27 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date Approved: _____