

**INLAND WETLAND AND WATERCOURSES COMMISSION
REGULAR MEETING
MINUTES OF MAY 4, 2011 @ 7:00 P.M.
POMFRET SENIOR CENTER**

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

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

SEAT AN ALTERNATE AS NEEDED – W. Gould was seated for the meeting.

ITEMS TO BE ADDED TO AGENDA: Jamie mentioned that the Millers were in attendance and he would like to discuss their application under Commission Business #3, but move it up to follow this item. M. Eaton made a motion to add this to Commission Business #3 and have it follow this item. D. St. Martin seconded the motion and it was approved unanimously.

Jaime received correspondence from the Paul & Diane Miller via Ryan regarding the Miller 3-lot subdivision on Tyott Road and one off of Quassett Road. Jamie walked the site today. The Millers have placed posts and tags properly along the conservation easement. The tags are on 3x5 posts and are well anchored. The cost to the Millers is between \$1,000-\$2,000. The Millers have posted a surety with the Town. Jamie is seeking authority from the commission to speak with the financial entity at the Town Hall to help relieve the Millers of this cost through a portion of their surety. D. St. Martin made a motion to allow Staff to speak with the financial entity. P. Safin seconded the motion and it was approved unanimously. Jamie then thanked the Millers for their patience.

PENDING APPLICATIONS: None.

CITIZEN'S COMMENTS: None.

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. The CRR letter sent to Mr. Daigle on 3/16/11 was returned and never signed for. Discussion was held on how to continue with this issue. A motion was made by M. Eaton to have J.

Folsom meet with Atty. Higgins to ask his advice for our next step as we proceed. J. Folsom will call a special meeting if legal action is necessary. J. Folsom will also write a letter to the Army Corps of Engineers with a summary of the situation. D. St. Martin seconded the motion. It was approved unanimously. 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 held site meeting regarding work on site. Gravel haul road is in; 80% of the vegetation is up and 20% will be reseeded in the dry season. Staff discussed remediation and potential with applicant. 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. Start date of this project was 8/27/09. The remediation date was 1/6/11. Syl Pauley, as the licensed engineer for the project, signed off on the project on 1/10/11. J. Folsom asked if anyone on the commission had noticed any consequences regarding this issue. D. St. Martin said it looked like its holding up. It was mentioned that the Old Bradley Road was overtopped during a heavy rain storm. The inlet is functioning, the outlet is constantly changing, and there is constant undermining of the plunge pool. After further discussion, J. Folsom said we would wait and see what occurs. Jamie said we would watch the long-term stability of the stream channel and monitor it over time. 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. Project will be evaluated this month. Leave on agenda.
4. **Loos, Rebecca, 40 Modock Road**, 4-lot subdivision 6/07. No activity. 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 walk was done this morning. Pre CO loaming and grading will be done in the next couple of weeks with TCO or CO possibly mid-May. The site is stable. There was a small breach but it did not break out through the silt fence. The swale needs changing because it is too deep and too steep. Leave on agenda.
7. **Pomfret School, 398 Pomfret Street**
 - A. **Remediation** – top part is functioning well; the bottom part has not been walked yet
 - B. **Turf Fields** – two small breaches with regard to the detention basins. By the end of May, it should be fully seeded, etc.

8. **Town of Pomfret Recreation Field, 576 Hampton Road**, stable through the winter. They'll be doing the bidding process for asphalt and fencing.

SUBDIVISIONS APPROVED BY PLANNING AND ZONING: None.

COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION:

1. Ongoing

- A. **Sharp Hill Vineyard/Fowler** – met with Catherine but not for violation. There are no issues pending.
- B. **Scott Lee, 585 Mashamoquet Road** – huge swale has been seeded. Leave on agenda.
- C. **Scott Lee/Knight property** – Ryan needs to go have a conversation with Mr. Lee. Prior to starting, Mr. Lee needs to speak with Staff.
- D. **Paul Hennen, 555 Mashamoquet Road** – received new correspondence from Mr. Hennen and distributed copies to commission members. J. Folsom said the sentiment hasn't changed. Nothing was pushed or ran off into the brook. Paul Hennen is concerned that material was buried on the site. If the DEP decides to have Pomfret dig at the site, we'll do so, but if the Town's records are satisfactory, digging would be unnecessary. Staff has checked out the site along with the Fire Department. Leave on agenda.
- E. **Windham 4-H Camp** – need to meet with them to discuss remediation. Chairman will contact them. D. St. Martin thought the commission should request that they file an appropriate application to this commission. Jamie said it was in an upland area and could possibly be a jurisdictional ruling. We will work with them. 100% of the remediation will occur in the upland area. Follow-up this month. Leave on agenda.

Ryan then spoke about Janice Bosworth and the Day Road situation. He sent a letter to her giving her until 6/1/11 to come up with a plan. She also needs to apply for a variance through the ZBA. Received information about 196 Kearney Road (Burns) regarding 10 yards of mulch being delivered and informing the commission that 5 yards of the mulch has been put into the wetlands. Also, someone mentioned that the John Casey property has two tri-axes on it.

NEW COMPLAINTS: None.

CITIZEN'S COMMENTS: Paul Miller wanted to let the commission know that there are new cover crops on the Audubon land and that if anyone has the opportunity to drive through the area, they should check it out. It is a cross between rye and wheat. He also wanted to let the commission know that the Rebecca Loos property had been sold. The commission told him they were aware of that.

EXTENSIONS REQUESTED:

1. **Jim River, 285 Searles Road**, permit #2009.014 for the removal of 2-48" steel culverts and #2009.016 (no fee) for the construction of a steel bridge; due to expire in August 2011. Jamie said the site is stable and he just needs to put in the bridge. P. Safin made a motion to grant the extension with the original 8 conditions of approval still in place. D. St. Martin seconded the motion and it was approved unanimously.

COMMISSION BUSINESS:

1. Updates and Report from WEO and Commission members. Discussed under complaints/concerns.
2. Approval of the *April 6, 2001 Minutes*. – P. Safin made a motion to approve the minutes as amended. J. Rowley seconded the motion and it was approved unanimously. There was one abstention.
3. Report of billing and bond releases – Miller issue was discussed earlier where added on the agenda. Clerk explained to the commission about working with the Town Treasurer to try to get all billing cleared up, including outstanding billing and bonds. Bond releases will occur when all fees have been paid by the applicant and clerk has been told that it is appropriate to release the bond. This is an ongoing issue.
4. Correspondence – John distributed correspondence regarding the Pomfret Memorial Day parade and told the commission there is a new CD on Watershed that they can borrow to look at
5. As needed – None.

ADJOURNMENT – Motion to adjourn was made by M. Eaton. P. Safin seconded. Motion was approved unanimously. Meeting was closed by the Chairman at 8:45 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date Approved: _____