

**INLAND WETLAND AND WATERCOURSES COMMISSION
REGULAR MEETING
MINUTES OF NOVEMBER 2, 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; Nancy McMerriman, Member; William Gould, Alternate; Ryan Brais, WEO; and James Rabbitt, Designated Agent. Absent - Paul Safin, Member; Joseph Stoddard, Member; and John Bergendahl, Alternate.

SEAT AN ALTERNATE AS NEEDED – W. Gould was seated.

ITEMS TO BE ADDED TO AGENDA:

J. Folsom asked that the item Nomination/Election of officers in December be placed under Commission Business. D. St. Martin made a motion for this item to be moved under Commission Business on the agenda. M. Eaton seconded the motion and it was approved unanimously.

PENDING APPLICATIONS:

1. **Janice Bosworth, 13 Day Road**, relocation of existing house trailer on the property and associated land disturbance. Bob Messier was present and asked that this application be withdrawn due to a new application being submitted. The money from this application should transfer to the new application.
2. **Greg & Tracie Bristow, 806 Hampton Road**, repair underground piping issue created by rock fill in area west of dam; issue had created a “cave-in” and then a “wash-out”. No one was present to speak for this application. There is the potential for a 65 day extension, but no written request came in for an extension. Therefore, Jamie said that the commission needs to act on this tonight. The soil testing can’t be done due to the wet weather. This application was submitted in reaction to a violation. D. St. Martin made a motion to deny the application without prejudice due to the lack of information from the consulting engineer and under the condition that the applicant be notified the NOV will still be in effect, a caveat may be place on the land records, and there is a potential for fines. M. Eaton seconded the motion and it was approved unanimously.
3. **Sam Hull, Hull Forest Products, 101 Hampton Road**, proposal to utilize a 12.73 acre lease area for the purpose of round log storage/laydown area. N. Thibeault from Killingly Engineering was present for the applicant. He spoke regarding the items Jamie brought up at last month’s meeting. He also said that he had no objection to any of the conditions of approval that Jamie showed him regarding a draft motion of approval for this application. There was discussion regarding E&S and elevation. Jamie then went over his letter dated 11/2/11 regarding his draft motion containing 11 conditions of approval. J. Folsom asked N. Thibeault how quickly Phase 2 will be implemented. N. Thibeault said it’s hard to say. It could be a couple of years. J. Folsom then asked if staff would want another pre-construction meeting prior to Phase 2 starting, to which Jamie replied yes. J. Folsom then mentioned that typically permits are three years, but an extension of two more years can be requested. M. Eaton made a motion to approve the application with the conditions of approval as stated in Mr. Rabbitt’s letter dated 11/2/11. D. St. Martin seconded the motion and it was approved unanimously.

CITIZEN’S COMMENTS: None.

NEW APPLICATIONS:

1. **Janice Bosworth, 13 Day Road**, split the premises into two parcels with one to include the existing septic system. Bob Messier was present for the applicant. He mentioned withdrawing the previous application with the commission. He has a discussion with the applicant and it was determined that she wishes to split one lot into two. They will be splitting 11+ acres into two 5+ acre parcels. The soil testing has been done. According to the plans, the existing trailer will be removed, trailer to the east will be removed, and shed will be removed. Neither of the two parcels will have their driveway off of Rte. 169, but off of Day Rod. There is already an existing driveway; this will be utilized and create a second driveway. J. Folsom asked if the movement of material in upland review area would be moved. B. Messier said they would restore the area. D. St. Martin thought there should be a notation on the plans regarding topography (loam and seed as it sits today). J. Folsom then asked the commission members if they thought this was a significant impact. D. St. Martin that in his opinion, it is not a significant impact as they will be further away from the wetlands. He felt this shouldn't be deemed a significant activity. J. Folsom then asked if there were any further questions. D. St. Martin asked if they had received NDDH approval. B. Messier said that hadn't received it yet. Ryan then asked how this was going to work with the house set into the hill. B. Messier said that it would be raised by three feet. Jamie then suggested that the house be moved back. M. Eaton wanted to know if the Wappoquia has a specific upland area. Jamie said it is 300' and that entire Lot A is in the 300' upland area. W. Gould said he didn't feel comfortable with all of this until he hears from staff regarding a site walk of the property. After further minimal discussion, D. St. Martin made a motion to refund any unused/refundable monies from the previous Janice Bosworth application. N. McMerriman seconded the motion and it was approved unanimously. It was established that the new fee for this current application is \$360. Application was accepted.

NO-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 12/2/2009. Work to be done in July. Permit has been approved awaiting payment. This is now the subject of a new application (8/3/11) with the commission. Application was approved with conditions on 8/17/11. A letter from Mr. Daigle dated 10/27/11 was read into record to the commission. D. St. Martin said to send a letter in response that his application was approved at a special meeting due to the short growing time. Jamie said he spoke with Mr. Daigle today (11/2/11) and Mr. Daigle is still very committed to do the work. Mr. Daigle's track record with this commission is not very good. His letter was dated 10/17/11 but was walked into the Town Hall on 11/2/11. Jamie then stated that the permit expired 11/1/11. This now requires a new application. No fees were attached to the letter, which doesn't show any good intent. Discussion regarding sending a letter stating the permit expired 11/1/11 and the commission expects a new application forthright. Use of Atty. Higgins language will be used to see that the project is brought to fruition. J. Folsom said he would notify Atty. Higgins regarding this issue. Jamie then said a motion should be made to send a letter to Mr. Daigle that the expiration date of his permit was 11/1/11. His letter was received by the commission on 11/2/11. The commission has no other recourse but to note permit was expired and expect new permit. M. Eaton said so moved. D. St. Martin seconded the motion and it was approved unanimously. Leave on agenda.
2. **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. **Paul Miller, Tyott Road**, culvert replacements, road widening, catch basin, and installation of a couple of pipes regarding the four lot subdivision. The work is ongoing, with approximately 85-95% of the work done. Leave on agenda.
2. **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. Staff is continuing to observe the situation. Leave on agenda.
3. **Sarantopoulos, 325 Wrights Crossing Road**, subdivision 5/07. CO has been issued. Landscaping and E&S are stable. This could possibly be removed next month. Leave on agenda.
4. **Loos, Rebecca, 40 Modock Road**, 4-lot subdivision 6/07. No activity. The four parcels have been bought. 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. **Pomfret School, 398 Pomfret Street (10/6/10)**
 - A. **Remediation** – still functioning well
 - B. **Turf Fields** – northerly run needs stabilization
7. **Town of Pomfret Recreation Field, 576 Hampton Road, (10/6/10)** The site is stable. The basketball and tennis courts are done. The funds have been expended.
8. **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. There is no activity. Leave on agenda.
9. **Shane Pollock, 131 Orchard Hill Road**, formerly owned by R. Canning, was approved with conditions through IWWC. There has been no request for transfer of the permit as of this date. Ryan is to write a letter to the current owner regarding this information and we need to find out if any fees are due. This was originally approved 4/12/11. Ryan spoke with Shane and he is willing to do whatever is necessary.

SUBDIVISIONS APPROVED BY PLANNING AND ZONING: None.

COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION:

1. **Ongoing**
 - A1. **Sharp Hill Vineyard/Fowler – (9/1/10)** regarded their driveway
 - A2. Mr. Fowler was issued a NOV 7/15/11. Still under NOV. Jamie made numerous attempts to reach Tom Hoffa and has not received a call back. He is going to speak with counsel and send letter regarding the placement of a caveat on the land records. He is going to recommend that the Fowlers address this issue with the commission as we've missed the 10/1511 seed date due to weather. We need an application for remediation. The letter should reflect the dates of the issues involved. D. St. Martin made a motion directing staff to write a letter to the Fowlers. M. Eaton seconded the motion and it was approved unanimously. Leave on agenda.
 - B. **Scott Lee, 585 Mashamoquet Road – (9/1/10)** Too wet to do anything. Leave on agenda.
 - C. **Scott Lee/Knight property – (1/5/11)** same as above. Leave on agenda.
 - D. **Paul Hennen, 555 Mashamoquet Road – (1/5/11)** new letter received 10/31/11 regarding 555 Mashamoquet Road. J. Folsom read the letter into record. Mr. Hennen says he is the messenger not the perpetrator. Attached to Mr. Hennen's letter was a letter from the State of Connecticut, Department of Public Health. J. Folsom read this letter into record also. This letter was the last item the Town was waiting for regarding this issue. This item can now be removed from the agenda.

- E. Windham 4-H Camp – (4/6/11) (Cease & Desist issued 3/16/11)** application was approved 8/3/11 with conditions. This is ongoing. Leave on agenda.
- F. Janice Bosworth – (5/4/11)** Day Road mobile home, camper and water/stream problem. Application was submitted to commission 8/3/11. Ongoing. Leave on agenda.
- G. John Casey property – (1/5/11)** a NOV was issued 8/10/11. Application was approved with conditions on 10/5/11 but NOV has not been lifted. Leave on agenda.

NEW COMPLAINTS: None.

CITIZEN’S COMMENTS: The clerk informed the commission members of a get together for Betty on 11/3/11 at 4pm at the Senior Center.

EXTENSIONS REQUESTED: None.

COMMISSION BUSINESS:

1. Updates and Report from WEO and Commission members. Everything was covered during the meeting.
2. Approval of the *October 5, 2011 Minutes*. – J. Rowley made a motion to approve the minutes as amended. M. Eaton seconded the motion and it was approved unanimously.
3. Report of billing and bond releases –
 - A. Rectory School bond was released on 10/18/11
 - B. ***List of Bonds being held with Town of Pomfret (Escrow Agent) and Putnam Bank:***
 - Jason Lavallee (IWWC)
 - Donna Smith (inspection fees) (IWWC)
 - Rose Construction (IWWC)
 - Bruce Dexter II (IWWC)
 - Pomfret School (IWWC and P&Z)
 - Miller Family, LLC (IWWC and P&Z)
 - Town of Pomfret and James Rivers (inspection fees) (IWWC)
 - Ridgewood Farm LLC (P&Z)
 - C. ***List of Bond(s) being held with Liberty Mutual Insurance Company:***
 - Bruce & Kerry Dexter (IWWC)
4. Correspondence – very little correspondence this month
5. As needed – Nomination/election of officers in December at our next meeting. J. Folsom asked that the commission please give due consideration to this issue.

ADJOURNMENT – Motion to adjourn was made by D. St. Martin. J. Rowley seconded. Motion was approved unanimously. Meeting was closed by the Chairman at 9:07 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date Approved: _____