

**INLAND WETLAND AND WATERCOURSES COMMISSION  
REGULAR MEETING  
MINUTES OF SEPTEMBER 7, 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; Paul Safin, Member; Marshall Eaton, Member; Joseph Stoddard, Member; Nancy McMerriman, Member; William Gould, Alternate; John Bergendahl, Alternate; Ryan Brais, WEO; and James Rabbitt, Designated Agent.

**SEAT AN ALTERNATE AS NEEDED – N/A**

**ITEMS TO BE ADDED TO AGENDA:**

1. **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.

P. Safin made a motion to move this item under New Applications #3 on the agenda. D. St. Martin 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. A letter from Bob Messier was read into the record requesting a 35 day extension. Jamie informed the commission that the owner originally submitted an application but she now wants to take a free split and have two building lots as she feels this will rectify the NOV. He told the commission they can do one of three things: 1) keep the application; 2) modify the application; or 3) have applicant submit a new application. After discussion, J. Folsom asked why they don't just submit a new application. Jamie said that their day of withdrawal would be the day they submit the new application, but the NOV will still remain. D. St. Martin recommended that the applicant withdraw the current application and submit a new one. J. Folsom said he would accept the letter for the 35 day extension but a letter should be sent to Bob Messier regarding submitting a new application for a two lot division. P. Safin made a motion to table the item and approve the 35 day extension. J. Stoddard seconded the motion and it was approved unanimously.

**CITIZEN'S COMMENTS:** John Carter asked the commission where he would go to file a complaint.

**NEW APPLICATIONS:** None.

1. **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". The commission received a letter from the civil engineer working with the applicant and he couldn't attend tonight's meeting. Jamie explained to the commission regarding the application. During the past six months, the owner has tried to repair the dam and spillway. He used a small Kubota but it wasn't big enough, so he brought in an excavator to do the work but didn't contact staff or the commission. He has been advised what E&S needed to be put in place. DEP may need to be called because the dam is over 5'. The applicant got a PE on board to help with the repairs and was told that if the work didn't stop, a Cease & Desist/NOV would be issued. The applicant has been cooperative. J. Folsom said the DEP needs to be notified immediately. Jamie said he'd call the DEP.

2. **John & Kathryn Casey, 89 Orchard Hill Road**, placement of a 12” culvert w/collar and end walls; also 18” x 20’ culvert sure loksmooth inside w/welded on coupling; also have small tractor, dozer to remove and re-establish turf and pasture. J. Folsom read a letter from the Casey’s into record. They feel that what they did was “as of right” and feel that they shouldn’t have to pay a fee and that the Cease & Desist should be removed. Jamie site walked with the Casey’s last Thursday. The pasture and removal of vegetation could be viewed by the commission as exempt, but the commission decides that issue, not the landowner. The placement of fill in two areas was regulated activity. The side slopes are bare gravel that needs re-vegetation. There may be modifications and field decisions made. D. St. Martin said that this being a new application, the commission can’t act on it tonight, they can only accept it. He believes that John’s (Casey) thinking is flawed. P. Safin asked if there was a sketch of the work in the file. Jamie said not yet. P. Safin then said it is an incomplete application. J. Folsom said there is a map in the file showing the location of the work. D. St. Martin asked Jamie for his opinion on how the pipe was installed. Jamie said the fill material was placed on undisturbed soil and the pipes aren’t counter-sunk. J. Folsom asked if Jamie would contact John Casey. P. Safin would like more info on Casey’s plan. J. Folsom would like a sketch of the culvert to show what’s already been done. D. St. Martin said a formal letter should be sent back to the Casey’s. J. Folsom said a letter had already been drafted and he had Jamie look at it today. Jamie will review letter and advise Chairman on how to respond to the Casey’s letter. W. Gould wonders if Mr. Casey believes his application is complete. J. Bergendahl said it was prudent to give Mr. Casey the info in writing regarding the sketch and area disturbed. P. Safin said the application is not complete and it can be denied. J. Folsom was concerned that the applicant wasn’t present tonight regarding this application.
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. Norm Thibeault from Killingly Engineers was present to speak for the application. He said how they had previously gone before the Planning & Zoning Commission and had 12.73 acres re-zoned to commercial and while doing so, found an error back to the 1800’s regarding the lot lines. He said they were before this commission back in January regarding a log storage area, which was going to be very pricey. Their new proposal is for log storage/laydown. There is only five acres of usable property out of the 12.73 acres. They are creating gravel areas and utilizing gravel driveways. His concern is that the commission needs to decide if this is a significant activity and needs a Public Hearing. P. Safin asked if there will be any equipment or cutting in this new area. N. Thibeault said no, none. W. Gould asked how long the lease is for. N. Thibeault said it’s a 10-year renewable every year. P. Safin then asked when they would start with the project. N. Thibeault said at best, maybe cut some timber this winter. P. Safin then asked if there would be electricity at the site. N. Thibeault said no. J. Folsom then said that the applicant asked if it’s a significant activity. D. St. Martin said that in his opinion, it is not. Jamie then said that the prior application and this one are two separate issues. He said he will site walk the area within the next month. Jamie asked if there was any soil testing on site. N. Thibeault said no, but this area is mostly Woodbridge. J. Folsom said he is in agreement with D. St. Martin that this is not a major impact.

**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. Jamie has left a message for Mr. Daigle. 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. Work is underway. The culvert is replaced and they're now working on the catch basin. 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 will continue to monitor. This is an ongoing situation. Leave on agenda.
3. **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. This is in bond release status. Leave on agenda until bond is released.
4. **Sarantopoulos, 325 Wrights Crossing Road**, subdivision 5/07. CO has been issued. Landscaping and E&S are stable. Leave on agenda.
5. **Loos, Rebecca, 40 Modock Road**, 4-lot subdivision 6/07. No activity. The four parcels have been bought. No activity. Leave on agenda.
6. **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.
7. **CT Audubon Society, 218 Day Road**, construction is done. CO has been issued. Site is new and they are on-site. Leave on agenda.
8. **Pomfret School, 398 Pomfret Street (10/6/10)**
  - A. **Remediation** – ongoing. Staff will check in spring.
  - B. **Turf Fields** – site is stable but utility trench may need re-seeding
9. **Town of Pomfret Recreation Field, 576 Hampton Road, (10/6/10)** The site was stable pre-storm.
10. **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 has calls in to Gino. There is no activity. Leave on agenda.

**SUBDIVISIONS APPROVED BY PLANNING AND ZONING:** None.

**COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION:**

**1. Ongoing**

- A1. **Sharp Hill Vineyard/Fowler – (9/1/10)** Sharp Hill is working with Town for re-paving of road.
- A2. Mr. Fowler was issued a NOV 7/15/11. Staff has been in contact with the site contractor. The contractor is supposed to visit the Town Hall for a permit next week and has been told he needs to maintain the existing topography.
- B. **Scott Lee, 585 Mashamoquet Road – (9/1/10)** Nothing new since last month. 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)** no new correspondence from Mr. Hennen. Leave on agenda.
- E. **Windham 4-H Camp – (4/6/11) (Cease & Desist issued 3/16/11)** application was approved 8/3/11 with conditions. 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. Leave on agenda.
- G. James & Linda Byrne, 196 Kearney Road, (5/4/11)** information received that 10 yds. of mulch were delivered and 5 yds. of the mulch has been put into the wetlands. Ryan re-checked this property and did not find a violation.
- H. John Casey property – (1/5/11)** it was mentioned that there are two tri-axes on the property. Ryan had checked the property and hasn't seen anything or any disturbance. After further inspection, a NOV was issued 8/10/11. An application is before the commission regarding this issue. Leave on agenda.

**NEW COMPLAINTS:** John Carter said that there is fill in the wetlands at the Senior Center. The commission is aware of the issue. It was said that the contractor did it and it will be removed.

**CITIZEN'S COMMENTS:** None.

**EXTENSIONS REQUESTED:** None.

**COMMISSION BUSINESS:**

1. Updates and Report from WEO and Commission members. Ryan had nothing to add and neither did Jamie.
2. Approval of the *August 3, 2011 Minutes*. – P. Safin made a motion to approve the minutes as submitted. D. St. Martin seconded the motion. An error was found on page 2. The minutes were approved unanimously with an amendment. There was one abstention. Approval of the *August 17, 2011 Minutes* – J. Rowley made a motion to approve the minutes as amended. D. St. Martin seconded the motion. Motion was approved unanimously with four abstentions.
3. Report of billing and bond releases – nothing to report
4. Correspondence – very little correspondence this month
5. As needed – None.

**ADJOURNMENT** – Motion to adjourn was made by D. St. Martin. P. Safin seconded. Motion was approved unanimously. Meeting was closed by the Chairman at 8:30 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date Approved: \_\_\_\_\_