

INLAND WETLAND AND WATERCOURSES COMMISSION
MINUTES OF APRIL 2, 2008 6:15 P.M.
POMFRET TOWN HALL CONFERENCE ROOM

These minutes have not been approved.

Members present were: John Folsom, Secretary and acting Chairman, Joe Travinski, Joe Stoddard, Marshall Eaton, Nancy McMerriman, Alternate, John Bergendahl, Alternate, William Gould, Alternate, James Rabbitt, Designated Agent, and Ryan Brais, WEO. Absent: David St. Martin, Chairman, Paul Safin, Vice Chairman, and James Rowley.

John Folsom opened the Public hearing for **Claudia and William Abbott, Angel Road**, to construct access crossings for a 2-lot resubdivision at 6:15 p.m. John read a letter into the record from Mr. Messier requesting that the public hearing be continued to the May 4, 2008 meeting at 6:15 p.m. Bob Blackmer was here to ask questions as an abutter. He was advised of the procedure and left. Bill Gould recused himself as an abutter. Rabbitt explained that he does not loose his right to hear about the application. There was some free time in this spot until 7:00 p.m.

OPEN REGULAR MEETING – John Folsom opened the regular meeting at 6:25 p.m. Marshall Eaton made the motion to start with Prior Applications with Conditions. Joe Travinski seconded. Approved unanimously. See below. Folsom reconvened the meeting at 7:00 p.m.

SEAT AN ALTERNATE AS NEEDED – Nancy McMerriman, John Bergandahl and Bill Gould were seated.

ITEMS TO BE ADDED TO AGENDA – None.

PENDING APPLICATIONS:

- 1. Quiet Corner, LLC, 202 and 228 Searles Road**, proposes to construct two wetland crossings providing access to the property from Searles Road and Cooney Road. A letter dated 4/2/08 requested an extension of the decision-making process for 65 days (June 12, 2008). Rabbitt explained the process from here to there. There was discussion about the lack of meeting minutes on tape of the March meeting. Rabbitt explained that this is for Attorney Zizka to handle the legalities of the error. Marshall Eaton made the motion to accept the applicant's request for an extension per state statute. Joe Stoddard seconded. Approved unanimously. Folsom asked for questions. McMerriman asked about bifracted. Rabbitt stated that it means by two or two separate, as in two applications. Marshall Eaton made the motion to table any discussion to the May 7, 2008 meeting. Joe Travinski seconded. Approved unanimously.

2. **Claudia and William Abbott, Angel Road**, to construct access crossings for a 2-lot resubdivision. This application is in public hearing. The public hearing was continued to the May 7, 2008 meeting
3. **Connecticut Audubon Society, 218 Day Road**, Proposed construction of a new educational center in place of existing barn, with driveway, parking, septic system and well. Terry Chambers was here tonight from KWP. He described the application for the education center for the Audubon. He presented a revised plan with the following information: The existing barn cannot be rehabbed, new structure in its place, the silo is to go, NDDH approval, geothermal system and solar panels to be used, added swales on uphill and downhill, really wet site, 2 swales to direct surface water around driveway into rain garden, recharge ground water, added fabric for stabilization, E&S, jute mesh with coconut leaves for the swale, it degrades over time, some pervious papers, using the well for drinking, NDDH wanted encasement of pipes, arbor area to South, trellis with pea stone, paved driveway and over fill area is load bearing, minimum of landscaping material, site of songbirds, no additional trees, grassland songbirds, low growing junipers so there will be no mowing, and the plan is going to P & Z. Rabbitt stated that his primary concern is the curtain and under drains, solar array grading, and limits of work. This site is also agricultural and residential/commercial; the driveway could be 12' wide at the entrance and exit. Chambers stated he could look at that design with the architect and come back in May with revised plans. McMerriman asked about what kind of grading for the arrays. They are tilted on poles. Gould asked about the gravel driveway. Rabbitt described the construction entrance. Rabbitt stated that Chambers could work on the driveway, limits of grading, and correct the well for the next meeting in May. Travinski asked about the septic system that is on site. It is a compact system. Marshall Eaton made the motion to table it to the next meeting. Joe Travinski seconded. Approved unanimously.

CITIZEN'S COMMENTS – None.

NEW APPLICATIONS:

1. **Judy's Kitchen DBA Pete's Drive In, Judy L. Laliberte and David Bucholtz, Jr. 405 Mashamoquet Road**, addition to building on slab (concrete). A jurisdictional ruling is requested. Margaret Washburn was present to discuss the application and she did the wetland flagging. They are proposing work in two phases. 196 sf of enhancement to remove invasives around the pond and plant indigenous plants with a silt fence. They would like to remove the building and install a gravel parking area in the area of the second building on the site. Rabbitt stated that the application is for the addition of a bathroom. He stated they must change the application. The applicant wrote in #3 also habitat enhancement to remove 2200 sf of invasive species and replant with native species, #2 also tie in new bathroom to existing septic tank. Washburn explained their

plan. Gould asked if this was for an aesthetic reason. Washburn stated yes and then described the removal of the invasives with small backhoe for minimal disturbance. They want to change the gravel area in the front, it is a safety issue with the parking area on 44, picnic tables, the trailer was removed, the building is a lot of impervious surface and the gravel area for parking will recharge aquifer. Folsom asked if the commission felt a jurisdictional ruling could be granted. Rabbitt stated that there are no additional bathrooms, the reclamation plan is in that upland area, the mechanical removal, it's a very small footprint, and it's a temporary impact for long term. Rabbitt said he could issue a jurisdictional ruling for 1, 2, 3, and they need to come back for parking lot. Gould asked about rubber tracks on the machine to use for excavator. Rabbitt explained the difference between excavator and backhoe, remediation of disturbance is less. Bruce Fitzback stated the application was for 2 phases. Folsom stated that we needed for information about the demolition, stripping, stockpiles, grading which is to be done on the parking area, more detailed plan. Marshall Eaton made the motion to allow James Rabbitt to do a jurisdictional ruling. Joe Travinski seconded. Approved unanimously.

2. **Bruce and Donna Smith, 133 Clapp Road**, construction of single family house, well and septic system. Driveway will require crossing a small stream. David Held from Provost and Rovero were present to discuss the application. Held stated that the application is for a single family home on 36.3 acres. He described the application, Clapp Road is an abandoned road, gravel surface-woods road, area is logged with a small stream, 145 acres drains into the crossing side, our proposed crossing is stone abutments, it was historically a path into the Cunningham property, the stone abutments that are there are not suitable, propose to install concrete pipe 12" for natural invert, site is rocky and boulders, crossing disturbance is 1200 sf. Is it a significant activity? No NDDH and we do have activity within the 150' regulated area, the majority of the house is in the 150' area. Rabbitt stated that the significant activity would be the displacement and placement of materials. Eaton stated that the stream has year round flow of water there. Eaton made the motion to deem this a significant activity and a public hearing is required. Bill Gould seconded. Held asked about the site walk, if the members go out, engineering review, Syl Pauley, and clerk to make the bill and send to Applicant. Approved unanimously. The Public Hearing will be on May 7, 2008 at 6:30 p.m. at the Pomfret Town Hall Conference Room. Bruce Smith stated it was logged in 1990.
3. **Town of Pomfret, 576 Hampton Road**, bog bridges are proposed for 3 sites along the blue trail at the Pomfret Recreation Park. Rabbitt stated that he went out there and the Blue Trail is extremely wet and muddy. They are asking for a temporary bridge for foot traffic. The Pomfret School uses similar bridges and the DEP has used them. Joe Travinski made the motion to allow James Rabbitt to grant a jurisdictional ruling. Marshall Eaton seconded. Approved unanimously.

NON-FEE APPLICATIONS: None.

NOTICES OF VIOLATION/CEASE AND DESIST ORDERS:

1. **Roger Daigle, 193 Putnam Road**, Cease and Desist. 10/4/07 A letter from Atty. Aleman was read into the record stating that Mr. Daigle is doing an application in April or May 2008. The letter was dated January 14, 2008. A caveat was placed on the land records on January 10, 2008.
2. **CT Real Estate Holdings, LLC, 195 Searles Road**, Cease and Desist in effect as of March 16, 2005. Certificate of Notice of Violation placed on the land records on May 19, 2006. (Gravel Extraction). Leave on the agenda until complete restoration is done.
3. **Marc Tufts, 85 Searles Road**, gravel extraction and work in the regulated area. Application approved on 3/06. No activity in winter. Rabbitt to check in spring.
4. **JASD, Orchard Hill Road**, work in regulated area. NOV issued 11/4/05. No activity in winter and not until he gets the need to build a second building. Rabbitt reported demolition material on the property to Ryan Brais to bring to the DEP.
5. **Seth Fortier, 194 Covell Road**, new driveway and vernal pool. 10/05 The driveway needs to come out to Covell Road and the surface treatment needs to be done. Site is stable. We are waiting for him to finish out to the road.

JURISDICTIONAL RULINGS: None.

PRIOR APPLICATIONS WITH CONDITIONS:

1. **Donna Gauthier, 2 Clapp Road**, single-family home. 11/03. Nothing new to report. Nora Johnson asking about surety release.
2. **John Gagne, 61 Wade Road**, single-family home and reclamation. 9/04 extension granted 9/09. May get release in the spring 2008. Buttoned up.
3. **Mark Blakely, 138 Longmeadow Drive**, single-family home. 2/06.
4. **Shane Pollock, Swedetown Road**, single-family home. 6/06
5. **Great Woods Companies, 34 Wetherbee Road**, timber harvest. 8/07.

SUBDIVISIONS APPROVED BY PLANNING AND ZONING: 23 Woods Hill Road, 1-lot subdivision was approved.

COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION: None.

CITIZEN'S COMMENTS: None.

EXTENSIONS REQUESTED: None.

COMMISSION BUSINESS:

1. Report of Regulations Standing Committee – Final Draft of the regulations for discussion and possible approval. Attorney Zizka has the regulations for review. He thanks us for our patience. They are not ready yet.
2. Report of subcommittee on Registry. There was no meeting for the logger registry. The committee is made up of John Bergandahl, Paul Safin, and David St. Martin. Joe Stoddard asked to be on that committee. Joe Travinski made the motion to add Joe Stoddard to the committee. Marshall Eaton seconded. David St. Martin to do notice of meeting because there are 4 members on the committee.
3. Updates and Report from WEO and Commission Members: Rabbitt stated that Pete's Drive in is looking to get a Jurisdictional Ruling. Brais reported that he responded to a complaint on Wolf Den Road. Joe Travinski reported excavation on Route 169, Holzer. Brais stated they have a permit for a barn.
4. Approval of the March 5, 2008 Minutes. Marshall Eaton made the motion to approve the minutes as amended. Joe Stoddard seconded. Approved unanimously.
5. Report of billing, and bond releases – no new requests. The list was gone through and there is no request or work being done.
6. Correspondence – was gone through. Bill Gould brought in some downloads that he felt would be of interest to the commission. The clerk will copy for all.
7. As needed – Recess till 7:00 p.m. Reconvened the meeting again at 7:00 p.m.

ADJOURNMENT Joe Travinski motioned to adjourn at 8:31 p.m. Marshall Eaton seconded. Approved unanimously.

Respectfully submitted,

Betty Morin, Clerk