

INLAND WETLAND AND WATERCOURSES COMMISSION
MINUTES OF AUGUST 2, 2006 6:30 P.M.
POMFRET TOWN HALL CONFERENCE ROOM

These minutes have not been approved.

Members present were: Paul Hennen, Secretary, John Folsom, Paul Safin, Vice Chairman, Marshall Eaton, Joe Stoddard, James Rowley, Alternate, Katarina Rutkowski, Alternate, James Rabbitt, Designated Agent, and Ryan Brais, WEO. Absent: David St. Martin, Chairman, and Joe Travinski.

OPEN PUBLIC HEARING – Paul Safin, Vice Chairman, opened the Public hearing for **Lloyd Davies and Hilda Moseley, 176 Paine Road**, 4-lot subdivision at 6:30 p.m. Tim Gosslin and Ian Cole were present to discuss the application. Lloyd Davies and Hilda Moseley were present also. The green cards were received, all fees are paid to date, and there was discussion about the Part 2 Significant Activity part of the application. There was a discussion about the soils on site, there would be no wetland disturbance, and there would be grading in the upland review area for septic grading and house grading. There was discussion about the driveways, E & S controls, and the potential of impact to wetlands checklist was gone through – 1) site plan with E & S, 2) no activity that is proposed in the wetlands, 3) Ecological report and 4) feasible and prudent alternatives on the last page of the report. NDDH approval was received tonight with letter dated 6-20-06; each lot is an engineered system.

Paul Hennen questioned Ian Cole about a GPS being used for the survey. Hennen asked about a field report. Cole stated the flags were located by the GPS. There was a question about the boring log. Cole stated that his professional judgment in the file helps with the delineation. This is not put in writing. Hennen asked when the borings were done. Cole stated December. There was discussion about the narrow strip for a driveway. Marshall Eaton asked if it was a 4-lot or 5-lot subdivision. Gosslin stated that one lot would be proposed for open space to the town, access may be needed or they could ask for a fee-in-lieu of.

Hennen stated to Cole that he had read the report and asked about the discharge to the wetland, the recharge because it gets really wet at certain times of the year, and the intermittent areas of water. Cole explained the mapping of this area, it is not a main headwater, and it provides seasonal runoff. Hennen asked what the value to the major wetlands is. Cole replied 1) for ground water discharge, 2) general wildlife because it is located near the forest and 3) hydrology. Hennen asked if he read the requirement for a vernal pool. Cole stated that he could not see that there is habitat assessment. Hennen stated that on the site walk he made he saw woodland frogs on the property. Hennen asked how they were planning to protect that area to keep it pristine. Katarina Rutkowski asked about limits of clearing and defining the area(s) by color coding the legend.

James Rabbitt, Designated Agent asked if they evaluated feasible and prudent alternatives for 100' and 50'. Gosslin stated that he would add this to the plan. Rabbitt stated that there is a cart path that they breached with fill to allow the area to drain. Is there an alternative to this driveway? What is the functionality of the watercourse in the last years?

There were further questions about Mr. Cole's credentials, vernal pools, wildlife habitat assessment, soils and actual field auguring procedure. Rutkowski read the vernal pool definition from the regulations into the record.

Safin then asked for the public to speak for the subdivision or against. Paul Matty, across the street neighbor, stated that he did not have a problem with the project. He described how the water moves across Paine Road down a depression and then goes into his driveway and into Maple Swamp. He described how water flows across Paine Road on the east side and goes into the pond. The Town may need to address these issues.

Safin stated that we would continue the Public Hearing to September 6, 2006 at 6:30 p.m.

OPEN THE REGULAR MEETING – Safin opened the regular meeting.

SEAT AN ALTERNATE AS NEEDED – Rutkowski and Rowley were seated.

ITEMS TO BE ADDED TO AGENDA – 34 Tyott Road subdivision as #3 under new application.

PENDING APPLICATIONS:

- 1. Lloyd Davies and Hilda Moseley, 176 Paine Road**, 4-lot subdivision. This application is continued in Public Hearing for September 6, 2006.
- 2. Great Woods Companies, 195 Fay Road**, timber harvest. Bob Lussier was present to discuss the application. James Rabbitt stated that he had not done the site walk yet. Will schedule with Mr. Lussier and may do a jurisdictional ruling.
- 3. Robert O. Lussier, Jr., 34 Weatherbee Road**, 2nd driveway with parking for 2 log-trucks. Bob Lussier was present to discuss the application. Paul Hennen stated that the application is in a rural residential zone and this is a commercial project. Hennen asked if the Planning and Zoning Commission has resolved this issue. Rabbitt stated that the zoning issue is not resolved at this time. Hennen stated that this is a commercial project and the plan may not be adequate for commercial needs. Stormwater drainage to be looked at by Donald Aubrey. Rabbitt was asking about the trucks being parked there. There was discussion about all the vehicles that would be parked there. There was discussion about the plan of 11-18-87 by Mr. Messier who delineated approximate wetlands. There are no determined wetlands on the map. The GIS printout shows wetlands very clearly in the southern part of the property. There were questions about the project being in the upland review area. It is unclear as to the wetlands. Rabbitt stated he will give Mr. Lussier information on what information is needed for the application for a

- commercial parking lot. Rabbitt will be doing a site walk of the property to further advise Mr. Lussier.
4. **Erin Darigan, 125 Tyott Road**, to build a barn where one corner of the barn will be 90-100 feet of wetland. A jurisdictional ruling is requested. This application was granted a jurisdictional ruling and should not have been on the agenda. Clerk's error.
 5. **Hull Forest Products, Inc., 79 Cherry Hill Road**, timber harvest. A site walk will be done by James Rabbitt. Due to the storms we have had lately Rabbitt was unable to do the site walks. He will do as soon as possible.

CITIZEN'S COMMENTS – None.

NEW APPLICATIONS:

1. **Paul Miller, Tyott Road**, 3-lot subdivision. Erik Englart from CME was present to discuss the application. It is a re-subdivision. There was discussion about the 43 acres and how the plan for the present application was developed. There is no NDDH approval at this time. There is disturbance inside the 100' buffer for a driveway. There is grading within the 100' – 150' buffer area. There needs to be signature for the wetlands delineation and Mr. Russo will not sign the plan. Katarina Rutkowski asked about direction of flow. There is more information needed. Ian Cole was present and stated that more testing would be done. Paul Hennen asked if this was a significant activity. This application should go to public hearing for public interest because of the density of housing. There are headwaters for the Wappoiqua Brook. We will schedule it at the next meeting and decide on the significant activity issue. The public hearing process was discussed by James Rabbitt along with part 2 of the application. Rabbitt read from Ian Cole's report that there are non-existent wetland issues. Paul Hennen stated that the Commission may need to get its own Soil Scientist for delineation, value of the headwaters and the several encroachment issues on the lots. We are going to need additional information. The lot will be staked out for a site walk. Rutkowski asked about feasible and prudent alternatives, depth of bedrock and blasting issues.
2. **Riendeau Sons Logging, Valentine Road**, Timber Harvest. Brian Riendeau was present to discuss the Capozzi lot on Valentine Road. The property was logged 25 years ago. There are skid trails, landing, and a temporary bridge crossing. The trees are marked for the cutting. Rabbitt described the process of a tree harvest. A pre-harvest meeting will be held in the field. Hennen asked for a complete report be given to the commission if a jurisdictional ruling is given. John Folsom made the motion to do a jurisdictional ruling with a full report to the commission. Paul Hennen seconded. Approved unanimously.
3. **Keith Wilcox, 34 Tyott Road**, 2-lot subdivision. John Bartolomei of KWP was present to discuss the application. He described the project with

activity in the upland review area and the two major wetlands on the lots with no pond but there is a swamp. Rabbitt asked about the remaining land lot, feasible and prudent alternatives, and this is a three lot subdivision. There needs to be more details in the plan, it is incomplete, functionality assessment needs to be done, watershed information and additional delineation of the wetlands is needed.

NON-FEE APPLICATIONS: None

NOTICES OF VIOLATION:

- 1. James Dean, 862 Pomfret Street,** activity within 150' of a wetland. 3/3/04. Rabbitt did the site walk with Dr. Dean. He drew the project on the white board. He has some purple loosestrife. He wants to spread spoils to keep the invasives down. He wrote a letter to the commission. Rabbitt will write a clarifying letter as to what he needs to do on the site. He needs to do a permit to get a jurisdictional ruling and pay the fees.
- 2. Town of Pomfret, Bus parking and Town Garage, Mashamoquet Road,** NOV 11/04. Rabbitt reported that the site is relatively stable at this time. We may require some regrading in the area.

CEASE AND DESIST ORDERS:

- 1. Brian and Marie Sheldon, 195 Searles Road,** cease and desist in effect as of March 16, 2005. The Cease and Desist will be kept in force. Katarina Rutkowski asked how to proceed with the NOV. James Rabbitt stated that there are a host of issues for wetlands and Planning and Zoning. There are 2 cease and desist notices on the property. One for the gravel extraction and Second for the removal of the stonewall on the northern part of the site for which we have a court ordered injunction. The court ordered him to do some steps that he has not paid attention to under the town's order and he may have ignored the judge's order to be moving forward with an application to the commission. The attorney is on vacation. Hennen asked if staff would take care of this issue or is the commission to handle it. Who is ultimately responsible? Rabbitt explained that he now has enforcement issues that may result in arrest, he has to submit a plan/application in a timely manner to the commission, and staff is working with counsel to go through the process. John Folsom asked if the first remediation plan is done. Rabbitt stated that the status of that is unknown at this time.
- 2. Kenneth Cardinal, 90-96 Wrights Crossing Road,** bridge construction. This application was received on 10/5/05. This will be kept in force. Rabbitt stated that the posts are in, the material is in the pipe and the easement still needs verification for correctness.
- 3. Dr. Richard Lefebvre, 85 Searles Road,** gravel extraction and work in the regulated area. NOV 4/05. This will be kept in force. Rabbitt

stated that they have started work on that. They have a valid permit and have ceased activity on the property. Ryan Brais stated they have built a berm and it needs to be completed to the North. There is no opportunity to contaminate the White Brook. 5000 cubic yards of loam is being removed slowly.

4. **JASD, Orchard Hill Road**, work in regulated area. NOV 10/05. Mr. Rose will come back to the commission in April. This will be kept in force. Rabbitt placed a phone call into District 2 to John DeCastro. I need information to proceed. The site is stable.

JURISDICTIONAL RULINGS: Rabbitt stated he did the jurisdictional ruling for the Pomfret Community School and they are to repair/reinstall the plunge pool as a condition.

PRIOR APPLICATIONS WITH CONDITIONS:

1. **Keith and Erin Wilcox, 127 Tyott Road**, single-family home. Installing plunge pool and sedimentation basin.
2. **Mark Blakely, 138 Longmeadow Drive**, single-family home. No activity.
3. **Pomfret School, Inc., Grosvenor Road**, timber harvest. No activity.
4. **Shane Pollock/John Dilorio, Swedetown Road**, single-family home. NDDH approval was received. There was discussion with Mr. Dilorio about placing the wetland tags on the site. This is a condition of approval and must be done before a permit can be issued.
5. **Walter Held, Kearney Road**, 2-lot subdivision. Ryan Brais submitted his report with this project in it. Rabbitt stated that the lot is stable; skidder will place the silt fence.

SUBDIVISIONS APPROVED BY PLANNING AND ZONING: RLB/PAB LLC, Route 44 and Covell Road, 5-lot subdivision.

COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION – on Weatherbee Road the complaint about tree cutting. Held on Kearney Road - Antitracking pads need to go down. They did not comply with our conditions of approval. Hennen expressed his concern about the general amount of subdivisions that the conditions of approval are not noted on the plans and they are approved. This needs to be tracked. Rabbitt stated there are wood chips on the eastern edge and he discussed the work on the road.

EXTENSIONS REQUESTED – None.

CITIZEN'S COMMENTS – None.

COMMISSION BUSINESS:

1. Report of Public Relations Standing Committee and By-laws. Paul Hennen reported he has not written wetlands demystified and they are in limbo. David St. Martin, Paul Safin and Paul Hennen need to review the by-laws because they are ready. Can meet before next meeting? Changes will be made.
2. Report of Regulations Standing Committee – Hennen reported that he has downloaded the new model regulations. They will be reviewed and new regulations and changes will be made and then we have to discuss options we have to incorporate into the regulations.
3. Updates and Report from WEO and Commission Members: The Eaton house at Pomfret School is in the process of being relocated to the North. It will take 3-4 weeks.
4. Approval of the June 7, 2006 Meeting Minutes – John Folsom made the motion to approve the minutes as amended. Marshall Eaton seconded. Approved unanimously.
5. Report of billing, and bond releases. Billing is in good order. There is one long past due bill on Valentine Road. The commission asked the clerk to bill the landowner. There are some very old bonds, Rabbitt to review with clerk.
6. Correspondence – mail was passed around. There was correspondence from Ford Fay about the updates of Freedom of Information dated July 20, 2006.
7. As needed – Paul Hennen attended the P & Z meeting about the corner of 101 and 169 (Bosworth's House). A person went to them with a conceptual view for a shopping center and bank with parking within 25' of a wetland. The House is a Historical Home. Hennen suggests caution if speaking to anyone about this project. Rabbitt stated that this applicant requested a preliminary discussion about the size of the project coming into town. Under the statutes, you can say thank you for your comments with no positive or negative response.

ADJOURNMENT – John Folsom made the motion to adjourn the meeting at 10:00. Paul Hennen seconded. Approved unanimously.

Respectfully submitted,

Betty Morin, Clerk