

**PUBLIC HEARING MINUTES**  
**TOWN OF POMFRET**  
**INLAND WETLAND AND WATERCOURSES COMMISSION**  
**POMFRET COMMUNITY SCHOOL LIBRARY**  
**JANUARY 16, 2008 6:30 P.M.**  
These minutes are not approved.

Members present were: David St. Martin, Chairman, Marshall Eaton, Nancy McMerriman, Alternate, James Rabbitt, Town Planner, Joe Stoddard, James Rowley, and Ryan Brais, WEO. Absent: Paul Safin, Vice Chairman, John Folsom, Secretary and Joe Travinski. There were many members of the public present to hear and testify at the public hearing.

David St. Martin opened the continuation of the public hearing at 6:30 p.m. He also read the call into the record for the public hearing:

**CT Real Estate Holdings, LLC, 155 & 195 Searles Road**, gravel removal within upland area. St. Martin explained the process of the public hearing and read correspondence dated 12/5/07 from the Conservation Commission which was received into the record. A correspondence from Paul Hennen dated 12/5/07 was placed into the record. Don Aubrey, Town Engineer, had recommendations of 13 items and the bond estimate dated 1/16/08. St. Martin asked for anyone from the applicant to speak in favor of the project. Terry Chambers from KWP introduced himself and Phil and Val Law were present as members of the LLC. The green cards were done, this is a small gravel removal project between Steakumms, there is a lagoon there, and White Brook which flows north. He pointed out the gravel removal area, parking area, access which is no longer available. He described the project – the access road, 24' wide antitracking, Don Aubrey and James Rabbitt are concerned that 24' is too much of an impact, it was reduced to 14' where 2 trucks could pass each other, the grading is changed substantially from 5% grade up to 12% grade, reduce footprint and impact, the project is divided into three phases, proposed trap rock or processed driveway, maintaining 100' away from wells, phase 1 is 4.2 acres, phase 2 is 2.8 acres and phase 3 is 1.9 acres, there is an exception of the 100', and there is a second exception to the 100'. There are 50-60 trees which were taken down by Mr. Sheldon, stumps are in tact, I have revised the plans as follows after being staked out by the surveyor, excavator and material will be used to reestablish and isolate that 6600 from the rest of the application. Each phase contains E & S, seeding, basins, no water will leave the site, and monitoring wells are in place and will have a series of monitoring points. Oil, gas, spills are taken care of on Sheet 7. There was discussion about the maximum depth of excavation and filling. There was discussion about the bonding of the project through the phases with \$50,000.00 being reduced or increased as each phase is completed. There are areas on the site that have been denuded. We plan to stabilize with trees and loam and seed and fully mitigate the process. James Rabbitt had his report dated 1/16/08. He spoke about the time frame of the public hearing process.

This is a significant activity and is controlled by section 7.6 of our regulations. He went through his report with italics which are concerns of the commission. He stated that someone clear cut it before. We cannot allow someone to do what they want and then beg forgiveness. You have this preexisting area and it needs to be rectified. White Brook has a 300' upland review area. I am looking at the evaluation and intrusion in wetland areas on the westerly site. If you look at the aerial photos there are systems associated with the White Brook, if the commission were to allow the applicant to go into that area which has been there for 1000s of years which has been manipulated by nature. There was discussion about the side slop, the 14' load bearing shoulders, mitigation or remediation along the road, he was fighting the topography, and the grade to enter the field has to be elevated as you enter Searles Road. The temporary access drive for access for excavation – it is not a future road. There are still additional needs that the applicant has to respond to. McMerriman has questions about the football shaped area of excavation. There was discussion about the burrow pit and the canopy which existed there which was previously cut. Gould asked about the time frame for completion. Chambers stated 2 – 6 years, the removal is market driven and small about 150,000 cubic yards, not a lot of material. Gould asked what seasons. Chambers stated construction seasons, not generally in the winter. Gould asked what would be the use of the road in the winter. Chambers stated not much and they are not allowing water to wash across. Gould asked about the trucks bringing materials from the salted highway. Chambers stated the antitracking pad is approved by DOT to take material off the wheel. Gould stated undercarriage. Chambers stated it is very light in the area. Gould stated that would wash off onto the driveway. Rabbitt stated that with regards to the additional information which is needed, the staff to formally draft a motion. McMerriman stated she would like more time to go over this information. St. Martin asked for the public to speak in favor of this project. None. St. Martin asked for the public to speak against this project. Steve Champ from Cooney Road asked about the tri-axels and processing of the gravel. St. Martin stated that there would be no processing on the site. Chambers stated there is no washing, crushing, only dry screening. Champ asked if the concerns for noise are addressed. St. Martin stated that that is not a wetland issue; it is for P & Z. There are other undertakings that they have to go through. Champ asked about the fact that there is a huge aquifer there and the bringing of foreign materials onto the side. Chambers explained the dept of excavation with 6' to ground water table, monitoring wells, no maintenance will take place on the site, refueling will take place on the pad, excavation equipment may be parked on there, there are reports on water monitoring, any spill will require notice to the Fire Marshal. Champ stated that he has lived on Cooney Road and the State has a gate and sign with no trespassing. At one time the State of Connecticut sometimes dumped paint, etc. on that site off Searles Road. People on Searles Road had there wells tested. The commission may want to look at what is further down. John McGowan of Cooney Road asked questions about the phases of operation and getting from phase 1 to phase 2 to phase 3. Chambers stated that each football shaped piece would be done and reestablished with loam and seed throughout the entire project. 2 years for each phase. McGowan asked about the bond and releasing monies. St. Martin stated

that we accept the bond, the area is staked out, pre-construction meeting, completion, final inspection by planner and engineer. Then may be returned on their recommendations. Ron Sweat from Cooney Road has lived here for 29 years. I want to know what is on Cooney Road, getting onto Cooney Road. The cars come from either direction and the road curves the wrong way. Accidents and walking it – how much more traffic is going to be created by that project on Cooney Road. Chambers stated that there has been a traffic report submitted to P & Z. St. Martin stated that there are many P & Z issues. Cheryl Kapelner-Champ of Cooney Road stated she has lived there 30 years. The issue of the aquifer. Take the recommendations of the Town Planner for the impact on the environment, water and animals. We are in a rural town community. Chambers stated that the White Brook and the aquifer are environmentally important. There have been 3 on-going gravel operations done there by Dr. Lafevre, Lawrence, and the Town of Pomfret. There were no environmental spills during their operations. St. Martin stated as you know there was a previous operation which caused a violation. We asked for a mitigation plan from that applicant. There was total disregard in the swamp, threw the tops into the wetland, there has been a caveat placed on the record. What are you doing to rectify this illegal operation. Chambers stated that there is specific re-vegetation of the areas previously damaged and he would like time to go out there with Rabbitt and Aubrey to see what needs attention. There were photos from the summer 2006 and spring 2007. The ERT was done in April 2006. St. Martin stated that we need to continue this public hearing to allow us time to review and allow the applicant time to identify the mitigation.

The continuation of this public hearing will be at our regularly scheduled meeting of February 6, 2008 and the **Pomfret Community School Cafeteria at 6:30 p.m.**

David St. Martin opened the public hearing for **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 at 7:00 p.m. at 7:50 p.m. He explained the process. Austin Barney, Simsbury CT read a letter into the record. It gave his background and a description of the project for two wetland crossings. Ron Oschner, Attorney, gave a brief overview of the project with Barrett Ledge Brook and Barrette Brook Associates, the conceptual subdivision plan, watercourse crossing, the application is limited to 2 watercourse crossings and the extended conceptual portion. Scott Young of CME Associates, Chuck Eaton, and Rick Canavan were present to discuss the power point. There were photos of the area, existing crossing, wide span bridge of 40' with very little impact, wooded wetland, and not a lot of good vegetation. He described the project page by page with Alternative "A" and "B". There was discussion about engineered roads and drainage and existing conditions. Rick Canavan was present to answer these questions. Chuck Eaton spoke about E & S, catch basins, overland flow, clean out basin, ½" rain storm, and the road being turned over to the Town. St. Martin was in receipt of Don Aubrey's letter of January 16, 2008 and James Rabbitt's letter of January 16, 2008. St. Martin asked for questions from the commission. We did receive drainage calculations. St. Martin stated that he did not see the conservation easement on the plan to

protect the brook. Young stated that they would be willing to provide something. Gould stated that he found it interesting that the town needs to maintain anything. Rabbitt stated that their proposal does not allow private roads in Pomfret. They would be turned over to the town. There are P & Z public improvement requirements. St. Martin asked for people to speak in favor of the application. Bob Miller, owner of the property read from a letter. My wife and I are very conscious about environmental beauty. We have been careful stewards of the property since 1983. When we decided to put the property on the market we want to see the land preserved in the best way. Quiet Corner, LLC will take good care of the land while developing this project. There were no more speakers in favor. St. Martin asked for people who wish to speak against. Phyllis Eck of 234 Searles Road. The project will be right on the edge of the property. I have people wanted to buy my land and surveyors on my property. What kind of impact will we have. John Mcgown of 132 Cooney Road. I am not sure when it becomes significant impact. This is well beyond with 7 crossing, 24-25 houses all sloped to the brooks, typical average crossing and I live there. I can't believe this is 24 houses and 7 bridges. Cheryl Kapelner-Champ of Cooney Road stated that they purchased the property from Queenie Searles when they were selling large lots on a dirt road up in the woods. Environmental issues make me speak out because I am concerned. I walk on this road and can understand the beauty. This is an extremely delicate area. With 24 houses the stuff gets into the water. Mr. Miller is sensitive to this land, is this the best legacy, to be remembered as the developer of Pomfret. Ron Sweat of Cooney Road stated he was concerned with the moving of gravel, the trucks on Cooney Road, lots of teenagers, and lots of wildlife on the Miller property. They have built many houses on Cooney Road. The area is beautiful to just wipe it out. Ron Oschner answered with respect to the Eck property. Initially, I don't know of any surveyor's going on her property. They were there to find wetlands adjacent to here property. The original plan included a plan that avoided a stream crossing. The decision was made to move down further. The canopy would not be removed and there would be more of a buffer. The density is beyond our current application. That whole issue with respect to placement of lots and available resources on site. As regards to the use of the area, it is zoned as residential and that is the use to which we intend to use the property in an environmentally sensitive manner. Wildlife will be a design issue for critter crossing. I live in an area that abuts a wooded area and all the animals go through my yard regularly. Transport of the cuts and ills as pointed out on the Cooney Road side. There is a cut on Searles from there and transported across the bridge and deposited. There is a close balance as to the amount. St. Martin stated 680 sf and based on the information we had before us it would be a significant activity. That is how we got to the Public Hearing. There are two plans put before the IWWC and it is unusual for the IWWC to approve an application with crossing that go nowhere. We need you to provide a complete roadway and housing design. Young stated that no work is approved on this site without an application. St. Martin stated we will continue this public hearing. Ron Oschner stated that we were requested by staff to do illustrations of what is expected to go in. We were asked to illustrate that. We did some conceptual drawings of lots and topo in that area. That is not part of this application. It is not a complete design. Rabbitt stated that we received the application in December.

The next regular meeting is February 6, 2008. There are issues with NDDB on the easterly edge of the property, we need to look at a – g of my letter which the applicant needs to address, and there may be a formal review by counsel. There was a 5 minute recess to look at the schedule for the School. Canavan stated that the American Kestrel is the species we are dealing with. Steven Champ asked if the commission is making an exception for this applicant to make an open ended application. Can you allow this to happen? St. Martin stated that the Town Engineer, Town Planner, Staff and legal counsel would be involved. The continuation of the Public Hearing will be at **PCS cafeteria on February 6, 2008 at 6:45 p.m.**

David St. Martin opened the public hearing for **Peter Edward Moon, ET AL, C/O Christopher Moon, 596 Pomfret Street**, proposes to construct a wetland crossing and a 4-bedroom home on 23.3 acres with construction activities proposed within the wetlands and the 150' upland review area of the subject property at 8:00 p.m. at 10:00 p.m.

St. Martin gave an overview of the procedure. The green cards were received. Tim Gooselin was present to discuss the application. There is a wetland crossing along the 50' strip that fronts 169, proposing a boulder retaining wall, pipes along the wetlands in this area, heavy water and pond in this area, continual flow, the design is for a 50 year storm, driveway retaining structure 2.5' tall, 3800 sf of disturbance of wetlands, the 20,000 sf of the house is outside the review area. NDDH letter dated today stated that their review of site and septic design and we have sent to Don Aubrey for his review and design recommendation. We want to preserve larger trees, storm flow to the pond, sediment basins during construction, maintain integrity, down gradient wetland, and there is a significant activity report which was delivered to the town hall. St. Martin received into the record the green cards, the referenced report of 1/2/08 from CME, Rabbitt's letter of 1/16/08 and Don Aubrey's letter of 1/16/08. Rabbitt stated that when he looked at the analysis with the lot configuration that they are showing is not the same as it has been in the past, and feasible and prudent access to 169. Don Aubrey alludes to it. We are concerned about the 3800 sf of disturbance and there are associated upland disturbance on East and West side. There is no analysis of the wetland cross section – 2" of muck or 3' of muck, what is the structural integrity of the crossing, float about unstable material, and the placing ton after ton of material each year. We are asking for more auger and test pit information. The other aspects of hydrology of the man made pond. We are interested in breaking subsurface flow. We want to make sure we account for subsurface and overflow. Is there an alternative. No feasible or prudent access to the site. A lot will be determined in our review, identifying existing vegetation to save canopy, structural integrity of the crossing, several layers. Gooselin stated we will make every effort to fulfill these requests, soils are not mucks on the site. St. Martin asked if they could get the additional information before 2/6/08. Gooselin stated it may take an extension letter at the next meeting. There were more questions about the property line. Gooselin explained the Millars property and the free split which made this configuration.

David Patenaude 640 Pomfret Street stated he was not for or against the project but would like clarification of the 3800 sf of the area of wetlands being disturbed. The other number is area within 150' upland review area. Gooselin stated there is the upland portion of this driveway. John Dash 90 Quassette Road asked about the 12 green flags on the other side of the huge area. There is a driveway coming out with green flags. St. Martin stated that the flags are red, pink or orange. John Dash asked how are you going to do an auger testing. Canavan stated that Ian Cole will do the testing. St. Martin explained the process. Rabbitt stated it is typical that they do not completely freeze. It is not just the much or organic, at what point do you reach suitable surface, it will be additional testing. Ralph Millar 592 Pomfret Street had the town map #9. I have reviewed the CME drawing in the town hall in December. There is a temporary road that the property owner has put in. The utility pole is North of where they went through and this area has a lot to do with the area being disturbed. We need some surveying marks for the proposed roadway going in. I cannot not see any pegs. Where is this proposed roadway going to run. I don't know what they determined the height of my pond. 6" drop to the tubes in the driveway. If higher the tubes may not be able to carry the water out. I am also curious about the muck in that area, some of it is very soft and deep. I hope that will be determined. In that little map I gave you, Hart's property is not shown on this map. This would not be necessary if they provided access, they are looking for you to relieve that. I am concern that they will build more houses there. Gooselin stated they will look at the soils. They need to do more field work to stake the center line and house. On the elevation of the pond, locate the high water the best they can. We are not proposing to impede the water. Our pipes are going to take that water away. The letter we received from Aubrey addressed that also. The frontage of Hart's, 40' strip of land, no common driveway is allowed, that leaves us with a 50' strip, that is the access, 4 lots were the most they could get out of that lot, we looked at 2 driveways and 5 lots, 500' between them, zba to deny it, one access strip for a driveway, I can't see any road through there. Lisa Hart 590 Pomfret Street – I'm that piece that was cut out. When they had this for sale, we walked this property and there is a foundation full of junk and if they are planning to put the house on the knob this foundation is there. How will that be addressed. The perc testing was done 20' back from our garden. CME pipe on perc test was done on my property. This is the ridge, everything flows through. This is the sunniest part and everything is up in raised beds, all the water come from that ridge and goes down. With regard to the applicant, a couple of years ago, my understanding was that it was proposed and they said no and now they are trying to come back to the commission to say that this is the only way through. I would say this is a dangerous precedent. Mary Patenaude 640 Pomfret Street and 630 Pomfret Street stated the wetlands directly flow into a pond behind the red house into our pond into a much larger pond. Gooselin stated that the foundation will be excavated out. We need to field locate the septic system, groundwater and stormwater are not being redirected. NDDH has approved our design. Precedent set, I don't have an opinion on that. We did not create this lot, not out of the ordinary. St. Martin stated as a commission we will be concerned about acting on each application to each circumstance. We try to be consistent with

what we have done in the past. There are issues to be discussed. We will continue this **Public Hearing to February 6, 2008 at 6:15 at the school.**

Respectfully submitted,

Betty Morin, Clerk