

INLAND WETLAND AND WATERCOURSES COMMISSION
MINUTES OF JANUARY 2, 2008 6:00 P.M.
POMFRET TOWN HALL CONFERENCE ROOM

These minutes have not been approved.

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

David St. Martin read the call to **OPEN A CONTINUATION OF THE PUBLIC HEARING** at 6:00 p.m. for **The Miller Family LLC, 73 Tyott Road and Quassett Road**, the Miller Family LLC is proposing improvements to an existing wetland crossing and a residential development of a house lot on 69.88 acres located on 73 Tyott Road and Quassett Road. The proposed access for the site is on Quassett Road. Activities will include construction of one four-bedroom house with utilities; supply well, septic system, a wetland crossing for driveway access and appropriate grading for the development. He opened the public hearing at 6:01 p.m. He stated the procedure for the public hearing. Scott Young was present and gave a description of the project. The letter dated 12-5-07 from Don Aubrey required a revised plan. We also received a letter dated 1/2/08 from Don Aubrey. Young stated that Don Aubrey's concerns were addressed in the revised plan. The plans show where the activities will be taking place, changes at the pasture with an added cross culvert, level spread catch basin to drain to the wetlands, 2 cross culverts were side by side, now 5' between, small bridge, high density pipe was discussed and the culvert is more practical, Army Corp requires the size, driveway treatment, processed trap rock, silt fence, pockets to get caught on, stone dyke to act as E & S, no wetland issues, and over-topping of driveway were Don Aubrey's issues. These have been addressed by the revised plan. The Bond cost is \$15,000.00. He left the plastic pipe issue up to you. Folsom asked about restoring the bottom of the pipe with natural material. Travinski asked about the cement pipe or plastic. Rabbitt stated it was his wish to go with RCP from an engineering standpoint. Young stated that the shorter length is easier to place the material in. 36" class 4 RCP for the crossing and 15" in the pasture RCP with flared ends. St. Martin asked about the discrepancy between the number of bedrooms for NDDH. The 10-22-07 NDDH approval letter stated 3 bedrooms and the plans say 4 bedrooms. This was brought to the engineer's attention last month. Young stated that it did not have any impact as long as it didn't move closer to the Wetland. Rabbitt asked for clarification and Surety to be \$15,000.00 and \$1500.00 for inspection fee, upgrade to reinforced concrete, plans to show 3 bedroom home and no further encroachment to the Southeast for the house. St. Martin asked for public comment in favor of the project. There was none. St. Martin asked for public comment against the project. There was none. Folsom made the motion to close the public hearing. Rowley seconded. The public hearing was closed at 6:20 p.m. Approved unanimously.

OPEN REGULAR MEETING – David St. Martin opened the regular meeting at 7:00 p.m.

SEAT AN ALTERNATE AS NEEDED – William Gould was seated for the meeting.

ITEMS TO BE ADDED TO AGENDA – None.

PENDING APPLICATIONS:

- 1. The Miller Family LLC, 73 Tyott Road and Quassett Road**, the Miller Family LLC is proposing improvements to an existing wetland crossing and a residential development of a house lot on 69.88 acres located on 73 Tyott Road and Quassett Road. The proposed access for the site is on Quassett Road. Activities will include construction of one four-bedroom house with utilities; supply well, septic system, a wetland crossing for driveway access and appropriate grading for the development. This application is in public hearing on January 2, 2008. The public hearing was closed this evening. Folsom made the motion to approve the application with the following universal motion conditions:

Application #2008-06 Miller Family LLC 73Tyott Road & Quassett Road single family home.

John Folsom, Member made the motion to approve the application with the conditions as follows:

1. All costs associated with the review and processing of the application are paid in full by the applicant prior to any construction, grading and/or clearing activity on the site.
2. A preconstruction meeting shall be held with town staff (i.e. Planner, Engineer) prior to any construction, tree clearing, grading and/or excavation activity at the site.
3. That all E & S is installed, site line to be cleared, and antitracking pad to be in place and inspected by staff prior to any construction, tree clearing, earthmoving and/or grading activities.
4. The application shall deposit an initial \$1500.00 for inspections with the Town of Pomfret to be used to pay the costs to oversee site work at the site regarding conformance with the approved site plan. The applicant shall be responsible for the actual costs associated with and inspection of, to insure conformance with the approved site plan. All costs shall be paid prior to the release of any security posted for the project. If the costs of inspections exceed the initial deposit, funds shall be withdrawn from the applicant's security.
5. That the security in the amount of \$11,500.00 shall be posted with the Town of Pomfret prior to any construction, grading and/or excavation activity at the site for soil and erosion control measures. In addition to the \$11,500.00 security, a \$2000.00 in cash (bank check) shall be given to the Town of Pomfret and held as an emergency contingency fund. The type of the final security shall be reviewed and approved by the Planning and Zoning Commission's legal counsel.

6. Minor field adjustments may be made during the construction process to ensure the integrity of the original design based on field conditions during construction upon written approval by staff (Town Planner/Town Engineer).
7. This approval is for a 3bedroom house. If the applicant receives approval from NDDH for a 4bedroom house a 4 bedroom can be built so long as any additional disturbance is no closer to the wetlands than currently shown.
8. All pipes will be #4 RCP and flared openings.
9. All conditions to be written on final plan and given to IWWC for filing before permit is issued.

Jim Rowley, Member seconded the motion. Marshall Eaton and Joe Travinski abstained

Vote: Unanimously approved on January 2, 2008.

2. **CT Real Estate Holdings, LLC, 155 & 195 Searles Road**, gravel removal within upland area. This application is in public hearing on January 16, 2008 at 6:30 at PCS.
3. **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. This application is in public hearing on January 16, 2008 at 7:00 p.m. at PCS.
4. **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. This application is in Public Hearing on January 16, 2008 at 8:00 p.m. at PCS.
5. **Oak Knoll Builders, LLC, 57 Murdock Road**, single family residential. Mike Madden, builder was present to discuss the project. He described the property. The setback for a State Road is 75' and the plan shows that. Brais stated there is a water course which is a dry stream bed. NDDH has a 4 bedroom. Folsom made the motion for approval of the application with the following universal motion conditions:

Application # 2008-013 Oak Knoll Builders LLC, 57 Murdock Road, Single family home.

John Folsom, Member made the motion to approve the application with the conditions as follows:

1. All costs associated with the review and processing of the application are paid in full by the applicant prior to any construction, grading and/or clearing activity on the site.
2. A preconstruction meeting shall be held with town staff (i.e. Planner, Engineer) prior to any construction, tree clearing, grading and/or excavation activity at the site.
3. That all E & S is installed, site line to be cleared, and antitracking pad to be in place and inspected by staff prior to any construction, tree clearing, earthmoving and/or grading activities.

4. That the applicant shall install all wetland monumentation prior to any construction, tree clearing, grading and/or excavation activity at the site. Wetland monumentation from 1A - 4A on either 4X4 post or tree within 4' of flag.
5. Minor field adjustments may be made during the construction process to ensure the integrity of the original design based on field conditions during construction upon written approval by staff (Town Planner/Town Engineer).
6. All conditions to be written on final plan and given to IWWC for filing before permit is issued.

Joe Stoddard, Member seconded the motion. Eaton and Travinski abstained.

Vote: Unanimously approved on January 2, 2008.

CITIZEN'S COMMENTS – Ann Hennen, Chairman of the Conservation Commission was present to discuss the vernal pool project and funding of same. She gave a brief overview of the project. It has been on-going for three years and asked for the IWWC to write a letter to the Selectmen for funding of the project for \$2500.00 for the spring of 2009. Paula Coughlin was present and presented statistics of the project and a map of vernal pools. She spoke about the 70 volunteers and the 685 hours of data collection. She has a UCONN intern helping with the information gathering. They have found wood frogs, salamanders, etc. and gave the commission a copy of the report. The database is growing. There are approximately 62 pools which need to be revisited. Other towns are using Pomfret's Study as a model. St. Martin asked what the money would cover. Coughlin stated training and administration. Eaton asked about how close the project is to completion. Coughlin stated that there is nothing to compare too. Two more years would give us a 5 year project. McMerriman mentioned that there are not 62 pools on the map. Coughlin stated that they have to organize the data for mapping. St. Martin stated that she was asking for a recommendation to the Selectman along with the Conservation Commission's recommendation. We will put under commission business for discussion.

NEW APPLICATIONS:

1. **Hull Forest Products, Inc., 640 Pomfret Street**, Selective Timber Harvest. Eric Johnson was present to discuss the application. He stated that this was the Patenaude land with a culvert which will be corduroy and bridged. It will be summer cut for 2 weeks and then firewood harvest. We will do a site walk. Folsom asked if the firewood is contracted out. Johnson stated yes.
2. **Hull Forest Products, Inc., 113 Cherry Hill Road**, Selective Timber Harvest. Eric Johnson was present to discuss the two crossings along Cherry Hill Road, Corduroy will be used. This is a summer harvest in May and in the winter to cut firewood. Once across the wetlands, fairly dry. Site walk to be scheduled.
3. **Hull Forest Products, Inc., 285 Searles Road**, Selective Timber Harvest. Eric Johnson was present to discuss the project. The end

culvert is in poor shape, add material to the top. Site walk to be done for crossing over White Brook. James Rabbitt will do the site walk. Folsom stated that any material added to the top will go down stream. Rabbitt stated that temporary bridges to be used. It will get overtopped. St. Martin stated there will be no Jurisdictional Ruling.

- 4. Juanita Cristina, and Sheila Nabozny, 23 Woods Hill Road,** 1-lot subdivision. Donna Navarro was present to discuss the project along with Juanita Cristina. They did the zone change in 2004. The original piece is 9 acres with a house and two small pieces. The plan is to make conforming and split off 2.8 acre lot. There is a conservation easement. NDDH was applied for on 12-18-07 for a 4bedroom or 5 bedroom. 4bedroom has been applied for. St. Martin stated the plan should say 4 bedroom. Rabbitt stated he would talk to Mark Sullivan and table this till next months meeting. Jurisdictional ruling was asked for. This is not typical for a subdivision. Are the wetland flags and pins there? The conservation easement should be looked at in the field. St. Martin asked for any other concerns – 1) correct applicant's name, 4or 5 bedrooms, and conservation easement. A site walk will be scheduled.

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. St. Martin stated that a letter was sent to Atty. Aleman in November. She stated the application would be coming this month. We are not in receipt of it. Folsom made the motion to place a caveat on the record for 193 Putnam Road. Eaton seconded. Approved unanimously.
- 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) This application is in Public Hearing.
- 3. Marc Tufts, 85 Searles Road,** gravel extraction and work in the regulated area. Application approved on 3/06. No activity in winter.
- 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.
- 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
2. **Bruce Dexter, 55 Johnson Road**, single-family home. 7/04 Member reported that he has been working over there. Rabbitt to do a site walk.
3. **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.
4. **Keith and Erin Wilcox, 127 Tyott Road**, single-family home. 9/05. Revised plan submitted. Conservation Easement needs to be done.
5. **Pomfret School, Inc., Grosvenor Road**, timber harvest. 3/05. We will send note to the school that this application has expired and they will need a new one if they plan to do anything in the future.
6. **Mark Blakely, 138 Longmeadow Drive**, single-family home. 2/06
7. **Shane Pollock, Swedetown Road**, single-family home. 6/06
8. **Miller Family Limited Partnership, Tyott Road and Quassett Road**, 3-lot subdivision. 2/07. Preparing application for filing of mylars. Bills need to be paid. Language to review for this application.
9. **Rebecca Loos, 40 Modock Road**, 4-lot subdivision. 6/07 Trees were cut down for site line for P & Z.
10. **Great Woods Companies, 34 Wetherbee Road**, timber harvest. 8/07. Attorney requested copies of agendas. Will be sent.

SUBDIVISIONS APPROVED BY PLANNING AND ZONING: NONE.

COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION:

Complaint from abutter about a timber harvest on Orchard Hill Road. Rabbitt to do a site walk.

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. These will be ready for final draft and review in February 2008.
2. Updates and Report from WEO and Commission Members: Rabbitt had none. Brais had none.
4. Approval of the November 7, 2007 Minutes. Jim Rowley made the motion to approve the minutes as amended. John Folsom seconded. Approved unanimously. Joe Travinski and Marshall Eaton abstained.
5. Report of billing, and bond releases – Bond release for Weeden, Rabbitt reported he needed to treat the surface of the driveway and with snow and ice we need to do final inspection in the Spring after spring compaction.

Bond release for L & H Village, LLC. A letter dated 11/10/07 requesting return of the funds was received. Rabbitt stated he looked at the completed shoulder work and the seeding needs to be done in the Spring condition. Don Aubrey reduced the surety. Rabbitt stated he wanted to keep \$5000.00 for spring. Staff will evaluate paved leak off and seeding. Some of their funds were returned through P & Z. St. Martin stated that \$5000.00 should be adequate. John Folsom made the motion that staff may release the necessary monies. Marshall Eaton seconded. Approved unanimously.

6. Correspondence – The DEP letter dated 12/10/07 for changes in the regulations was reviewed and we already have in our regulations. The rest was passed around.
7. As needed – Pending litigation with Lussier there was no new information. This evenings request for a vernal pool support letter to the Selectmen.’ Joe Travinski made the motion to send a letter to the Selectmen to support the Conservation Commission’s request for funding of the vernal pool project. Marshall Eaton seconded. Approved unanimously.

ADJOURNMENT Joe Travinski motioned to adjourn at 8:13 p.m. Marshall Eaton seconded. Approved unanimously.

Respectfully submitted,

Betty Morin, Clerk