

INLAND WETLAND AND WATERCOURSES COMMISSION
MINUTES OF JANUARY 3, 2007 6:00 P.M.
POMFRET TOWN HALL CONFERENCE ROOM

These minutes have not been approved.

Members present were: David St. Martin, Chairman, Paul Hennen, Secretary, John Folsom, James Rowley, Alternate, Nancy McMerriman, Alternate, James Rabbitt, Designated Agent, Paul Safin, Vice Chairman, Marshall Eaton, Joe Travinski, Joe Stoddard, Katarina Rutkowski, Alternate, and Ryan Brais, WEO. Absent: No one.

OPEN PUBLIC HEARING – David St. Martin, Chairman, opened the continuation of the Public Hearing for **Paul Miller, Tyott Road**, 3-lot subdivision at 6:31 p.m. Eric Englert from CME was present to discuss the application. There were letters dated 12-26-06 with 4 comments from Donald Aubrey and 1-3-07 with 3 comments. A letter dated 1-2-07 from CME addressing Donald Aubrey's comments. Revised plans were presented dated 1/2/07 addressing Donald Aubrey's concerns. There are 2 zoning issues for 1/22/07 meeting of the P & Z. There was discussion about the catch basin on Tyott Road, the Right of Way, pipes with flared ends, underdrains for road stabilization, turf reinforcement material for swale, details of the catch basin, manhole with pipe, 2 cross culverts, rip rap, analysis of Seaward property, slide driveway tighter to property line with pull off area, expand driveway behind house for fire trucks, deliveries, conservation easement, and riparian buffer. John Folsom mentioned the zoning issues. Rabbitt stated the P & Z will be recommending widening of Tyott Road, the public safety issues, Road Foreman is part of the discussion for the permitting process, design of the road and drainage. P & Z may require changes that brings the application back to the IWWC for consideration. There was discussion about the conservation easement allowing for maintenance of the field by removing invasives. Language to reference the map and specific needs of the conditions of approval. Paul Hennen made the motion to close the public hearing. John Folsom seconded. Approved unanimously. Closed at 6:58 pm.

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

SEAT AN ALTERNATE AS NEEDED – None needed.

ITEMS TO BE ADDED TO AGENDA – None.

PENDING APPLICATIONS:

- 1. Paul Miller, Tyott Road**, 3-lot re-subdivision. The public hearing was closed Tonight. There was discussion about the very complicated site plans. Staff to draft the motion. The conservation easement needs to be well defined. There was conservation easement discussion. Rabbitt marked the areas in yellow to remove invasives and keep as pasture land. There was discussion about pulling away from wetlands of some drainage and bonding for inspections.

2. **Riendeau and Sons Logging, LLC, 5 Youngs Road, Timber Harvest.**
Rabbitt stated that we could approve the application with a pre-timber harvest meeting with staff, Best Management Practices, and a \$200.00 surety for inspections. There are cleanup difficulties on Valentine Road which is another job they are doing. Needs backblading and ruts taken care of. Paul Hennen made the motion to approve the application as presented with the following conditions: 1) pre-timber harvest meeting with staff, 2) Best Management Practices, and a 3) \$200.00 surety for inspections.
3. **Eric & Betty Lehto, Searles Road,** installation of a gravel driveway, removal of existing culverts and replacement with a concrete box culvert in wetlands and upland review area. There was a letter presented from Mr. and Mrs. Lehto requesting the withdrawal of their application. The letter was read into the record.

CITIZEN'S COMMENTS – William Wentworth presented a letter and pictures of the 34 Wetherbee Road property. The letter was dated 1-3-07 and read into the record. The town staff will investigate and the staff is asked to review the request. There was discussion about what the application entailed (a driveway and a pad). Is the gravel pad separate? Is the gravel driveway part of the gravel pad? Put on agenda for February. David Abbamonte stated that when he first moved here he moved because of the history of Wetherbee Road. Mrs. Wetherbee was a naturalist.

NEW APPLICATIONS:

1. **Town of Pomfret, Town Hall, 5 Haven Road,** driveway and parking expansion. Rabbitt gave a description of the project. Staff to work with the Board of Selectman for design of area. There are flags on the property to show limits of clearing. This is to be trail access for the airline trail. Donald Aubrey to review design with septic in front, well/cistern in back, ground water breakout, and drainage is failing. Hennen stated that the statutes allow for encroachment of wetlands for recreation. David St. Martin stated that there was a need for a Jurisdictional Ruling for stabilization. Rabbitt stated yes.

NON-FEE APPLICATIONS: None.

NOTICES OF VIOLATION/CEASE AND DESIST ORDERS:

1. **Brian and Marie Sheldon, 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 18, 2006. (gravel extraction) Rabbitt reported that there has been no contact with the property owner. On-going.
2. **Brian and Marie Sheldon, 195 Searles Road,** regarding court ordered injunction. 8/06. The court injunction is still in effect and proceeding through the system. St. Martin asked what we can do to insure our

interest in the property. The commission will write him a letter about his plans for remediation and what his plans are for the original work. On-going.

3. **Dr. Richard Lefebvre, 85 Searles Road**, gravel extraction and work in the regulated area. NOV 4/05. This will be kept in force. Nothing at this time. The area is stable. Site is stable, no danger to brook, trees planted on birm. We need to take pictures when work is done.
4. **JASD, Orchard Hill Road**, work in regulated area. NOV 10/05. This will be kept in force. Rabbitt stated a DOT permit for driveway was received in 2003 and done in 2006. All permits were received and approved. Trees that were cut were approved. The area is fully stabilized and we would have permitted it. The piece in the back is stable, not part of the plan.

JURISDICTIONAL RULINGS:

1. **Marjolaine Currier, 131 Killingly Road**, demo and removal of existing house and foundation to construct a new 3bedroom residential home. A jurisdictional ruling is requested. Rabbitt reported the house is gone. Conditions issued to remove and remediate from staff will be accomplished before Certificate of Occupancy is issued.
2. **William D. Uhlán, 13 Longmeadow Drive**, single-family home. Rabbitt reported that both he and Ryan Brais walked on Saturday. NDDH approval was granted.

PRIOR APPLICATIONS WITH CONDITIONS:

1. **Keith and Erin Wilcox, 127 Tyott Road**, single-family home. Installing plunge pool and sedimentation basin. Approved 9/05. There were revised plans sent to us and reviewed, driveway is done and E&S at intersections of Tyott Road. Conditions still need to be met.
2. **Mark Blakely, 138 Longmeadow Drive**, single-family home. No activity. 2/06
3. **Pomfret School, Inc., Grosvenor Road**, timber harvest. Approved 3/05. No activity.
4. **Shane Pollock/John Dilorio, Swedetown Road**, single-family home. Rabbitt stated everything is stabilized and CO was issued. Pollock is still vacant, no work being done.
5. **Walter Held, Kearney Road**, 2-lot subdivision. Approved 1/04. This applicant has not met the conditions of approval. No new activity.

SUBDIVISIONS APPROVED BY PLANNING AND ZONING: None.

COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION –

Neri Holzer has a new barn, New barn on Paine Road near Rt. 44 end, Tyott Road log pile, a question was asked about beaver girdled trees for possible dead fall.

EXTENSIONS REQUESTED – None.

CITIZEN'S COMMENTS – None.

COMMISSION BUSINESS:

1. Report of Public Relations Standing Committee and By-laws. Paul Hennen stated that Wetlands Demystified is done. There was discussion about the article. The By-laws are done and Betty needs to publish.
2. Report of Regulations Standing Committee – Hennen reported that he has completed the update. They are ready for discussion at meeting on the 11th.
3. Updates and Report from WEO and Commission Members: Ryan Brais stated that Bill Wentworth made a complaint on the 26th about the gravel pad and Mr. Lussier was parking trucks on it. Brais stated that the trucks were parked in front of the garage and he saw no issue with the driveway portion. Rutkowski asked if it was unclear and we need to make it clear. We need to determine what is applied for and what was granted. Joe Travinski asked where the gravel came from. Rabbitt and Brais will do another site walk to clear up the issues.
4. Approval of the December 6, 2006 Meeting Minutes – Paul Safin made the motion to approve the minutes as presented. Paul Hennen seconded. Approved unanimously. Marshall Eaton, Joe Travinski and Joe Stoddard abstained.
5. Report of billing, and bond releases. Billing is in good order.
6. Correspondence – Town of Eastford application for a single-family home. Edward Thompson. Mr. Thompson sent a set of plan. We need to send a letter to the Town of Eastford. It is not a wetland issue unless the road is to be developed by the wetlands. Road improvements go to the Selectmen and Road Foreman. Conservation Easement for Colonial Federal Development, LLC for 249 Mashamoquet Road lots 1, 2, 3 was received and approved.
8. As needed – Conservation Commission Conservation Easement Oversight proposal. State of Connecticut Department of Public Health, Public Act 06-53 Notification Process and Packet. Paul Hennen spoke about the Public Water Supply application. Hennen spoke about the Conservation Commission working for oversight of the conservation easements in town. They would like to manage the oversight. Involve an enforcement officer or a volunteer, contact easement owners, do a review, if a violation is found, notify proper commission for further action was explained as part of the process.

ADJOURNMENT – Marshall Eaton made the motion to adjourn the meeting at 8:55 pm. Joe Stoddard seconded. Approved unanimously.

Respectfully submitted,
Betty Morin, Clerk