

INLAND WETLAND AND WATERCOURSES COMMISSION
MINUTES OF JULY 5, 2006 6:30 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, Paul Safin, Vice Chairman, Marshall Eaton and Joe Travinski. Joe Stoddard, James Rowley, Alternate, Katarina Rutkowski, Alternate, and Ryan Brais, WEO. Absent: James Rabbitt, Designated Agent.

OPEN PUBLIC HEARING – David St. Martin, Chairman, opened the continuation of the public hearing at 6:30 p.m. for: **RLB/PAB LLC, Route 44 and Covell Road**, 5-lot subdivision. Two letters were received for the file – one from Donald Aubrey and the other from James Rabbitt dated 7/5/06. Both were read into the record. Bob Messier and Steve Smith were present to discuss the application. Messier stated that they were still waiting for the language of the Riparian Rights for the Conservation Easement. There was discussion about the single driveway or double driveway, the conservation easement on the plan, the plan going to Planning and Zoning, runoff was discussed along Route 44, and the grass swale with stone at the end of it. St. Martin asked for comments from the public. There were none. Paul Hennen made the motion to close the public hearing. Joe Travinski seconded. Approved unanimously with Rutkowski abstaining. St. Martin closed the public hearing.

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

SEAT AN ALTERNATE AS NEEDED – All were present, no Alternate was seated.

ITEMS TO BE ADDED TO AGENDA – None.

PENDING APPLICATIONS:

- 1. RLB/PAB LLC, Route 44 and Covell Road**, 5-lot subdivision. Public Hearing Continued to July 5, 2006 at 6:30 p.m. The public hearing was closed this evening. John Folsom 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 and inspected by staff prior to any construction, tree clearing, earthmoving and/or grading activities, 4) The applicant shall deposit an initial \$2,000.00 for inspections with the Town of Pomfret to be used to pay the cost 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 to insure conformance with the approved site plan. All costs shall be paid prior to the release of any surety posted for the project. If the cost of inspections exceed the initial deposit, funds shall be withdrawn from the applicant's surety, 5) That the surety in the amount of \$20,000.00 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 \$20,000.00 surety, a \$2,000.00 in cash (bank check) shall be given to the Town of Pomfret and held as an emergency contingency fund. The type of the final surety shall be reviewed and approved by the Planning and Zoning Commission's legal counsel, 6) That the applicant install all conservation monumentation prior to any construction, tree clearing, grading and/or excavation activity at the site, 7) All conservation easements are submitted to the Commission and reviewed by staff prior to any construction, tree clearing, grading and/or excavation activity at the site or filing, and 8) 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). Paul Hennen seconded. Approved unanimously with Paul Safin abstaining.

2. **Town of Pomfret, Pomfret Community School**, expansion of bus turnaround parking area. Paul Hennen made the motion to refer this application to James Rabbitt for a Jurisdictional Ruling. John Folsom seconded. We need final plans to be presented to the commission. Approved unanimously.
3. **Town of Pomfret, North Road**, washout and drainage repair. Paul Hennen made the motion to refer this application to James Rabbitt for a Jurisdictional Ruling. Joe Travinski seconded. Rabbitt needs to work with Postemski and present a final plan to the commission. Approved unanimously.
4. **Lloyd Davies and Hilda Moseley, 176 Paine Road**, 4-lot subdivision. There was a letter from CME dated 7/5/06 requesting a public hearing with significant activity. Paul Hennen made the motion that this application be referred to a public hearing under Section 9.1 of the IWWC regulations in that the proposed regulated activity is a significant activity as defined in Paragraph 4 and 6 Section 2 of said regulations. The Agency authorize the Pomfret Town Engineer and Pomfret Town Planner (Agent) to obtain advisory consultants necessary to evaluate applicant's findings and recommendations to this agency and such expenses to be deducted from the applicant's deposit as required under Section 19.5 of Pomfret's IWWC regulations. Marshall Eaton seconded. Approved unanimously. The public hearing was scheduled for August 2, 2006 at 6:30 pm.
5. **Town of Pomfret, Wolf Den Drive**, washout and drainage repair. Paul Hennen made the motion to refer this application to James Rabbitt for a Jurisdictional Ruling. Joe Stoddard seconded. A final plan is to be presented to the commission. Approved unanimously.

6. **Mountain Hill Properties, LLC., 155 and 195 Searles Road**, gravel extraction. John Bartolomei from KWP was present to present a letter of withdrawal of this application.
7. **Pomfret School, Pomfret Street**, Tennis Courts and house moving. John Bartolomei was present from KWP to discuss this application. Marshall Eaton recused himself. Mike Ballard was also present. St. Martin read Rabbitt's letter dated 7/5/06 into the record. Bartolomei explained the plan to the commission. Paul Hennen made the motion to approve the project with the following conditions: 1) 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, 2) That all E & S is installed and inspected by staff prior to any construction, tree clearing, earthmoving and/or grading activities, 4) The applicant shall deposit an initial \$1000.00 for inspections with the Town of Pomfret to be used to pay the cost 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 to insure conformance with the approved site plan, and 4) 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). John Folsom seconded. Approved unanimously.

CITIZEN'S COMMENTS – Ford Fay was present and presented two letters dated 7/5/06 for the commission's consideration. One was about Preliminary presentation prior to a public hearing by an applicant and the other was about the Powers and Duties of the Inland Wetlands Agency. There was discussion about his correspondence dealing with wetland mapping issues and public hearing procedures.

NEW APPLICATIONS:

1. **Great Woods Companies, 195 Fay Road**, timber harvest. Bob Lussier was present to discuss the application. He stated there is no activity within 100' of the stream bed. James Rabbitt to do site walk, and trees are marked.
2. **Robert O. Lussier, Jr., 34 Weatherbee Road, 2nd driveway** with parking for 2 log-trucks. Bob Lussier was present to discuss the application. The driveway is in an old field area where a barn was. There will be a site walk done by James Rabbitt. Mr. Lussier said there is a small pond on site.
3. **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. A site walk will be done by James Rabbitt. Clerk to check if application is being done correctly. This will be continued to next meeting.

- 4. Hull Forest Products, Inc., 79 Cherry Hill Road,** timber harvest. A site walk will be done by James Rabbitt.

NON-FEE APPLICATIONS: 81 Fox Hill Road, single-family home. This non-fee was accepted by the commission.

NOTICES OF VIOLATION:

- 1. James Dean, 862 Pomfret Street,** activity within 150' of a wetland. 3/3/04. There will be a site walk with Jamie Rabbitt to consider status on July 14, 2006 at 8:00 a.m.
- 2. Town of Pomfret, Bus parking and Town Garage, Mashamoquet Road,** NOV 11/04. The work has improved the area substantially but it is not vegetated.

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. The commission went into Executive Session to discuss legal strategies. Paul Hennen made the motion to go into Executive Session. Joe Stoddard seconded. Approved unanimously. David St. Martin ended the executive session at 9:52 pm. with only discussion and no motion was made during the executive session.
- 2. Kenneth Cardinal, 90-96 Wrights Crossing Road,** bridge construction. This application was received on 10/5/05. This will be kept in force. The two outstanding issues of the culvert, the conservation easement and tags. James Rabbitt will do a site walk to determine status of project. A conservation easement was submitted and the correct deed needs to be verified.
- 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 to check the status of this NOV with conditions. Howard Smith sent a letter asking for the opinion of the wetlands commission about an easement on the property to prevent 4-wheels from damaging the wetlands.
- 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. There were two large trees taken down on the road side of his property. Rabbitt to check the status of the April application that was not submitted by Mr. Rose.

JURISDICTIONAL RULINGS: None.

PRIOR APPLICATIONS WITH CONDITIONS:

1. **Keith and Erin Wilcox, 127 Tyott Road**, single-family home. No new information.
2. **Mark Blakely, 138 Longmeadow Drive**, single-family home. No new information.
3. **Pomfret School, Inc., Grosvenor Road**, timber harvest. No new information.
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. **Charles Weedon/Dudley, Hampton Road**, single-family home. The project is ready to go. James Rabbitt has inspected and approved.
6. **John Gagne, Wade Road**, reclamation. Rabbitt reported that he was working within his permit.

SUBDIVISIONS APPROVED BY PLANNING AND ZONING: None.

COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION – Paul Safin reported that they are working on the two sites at Kearney Road – there are no anti-tracking pads, they are working right near a wetland marker tag, there were conditions to be met. Ryan Brais reported that two sisters bought the properties. There was discussion about the 195 Fay Road detention basin, and Seth Fortier on 194 Covell 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. Hennen handed out a report on Segment II of the DEP training course he attended. It was very informative and several questions the commission had were answered. Katarina thanked Paul for his very informative report and bringing information back to the commission.
2. Report of Regulations Standing Committee – New model regulations was received from DEP and they need to be incorporated into the regulations.
3. Updates and Report from WEO and Commission Members: None.

4. Approval of the June 7, 2006 Meeting Minutes – Paul Hennen made the motion to change the minutes as amended. John Folsom seconded. Approved unanimously. Marshall Eaton and Paul Safin abstained.
5. Report of billing, and bond releases. Billing is in good order.
6. Correspondence – mail was passed around.
7. As needed –

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

Respectfully submitted,

Betty Morin, Clerk