

INLAND WETLAND AND WATERCOURSES COMMISSION
MINUTES OF JUNE 4, 2008 6:15 P.M.
POMFRET TOWN HALL CONFERENCE ROOM
These minutes have not been approved.

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

St. Martin opened the Public hearing for **Claudia and William Abbott, Angel Road**, to construct access crossings for a 2-lot resubdivision at 6:16 p.m. St. Martin explained the process of the public hearing. Bob Messier was present with Bill Abbott Sr. and Jr. Mr. Messier presented the revised prints. He explained the revised plan, 40 scale and 60 scale measurements, conservation easement of 8 acres off the lot of 20 acres, we want to eliminate one crossing to have one driveway, using recommendation of the soil scientist for driveway placement, reduce disturbance to 2500 sf, garage is flipped, and there was conversation with Rabbit, Pauley about the plans before the commission. Messier asked for a continuance and signed the request. St. Martin stated the driveways cannot be that close for P & Z. Bergendahl asked about the property abutter's concern about the septic. Folsom stated that 3600 sf will be increased when driveways are moved. Messier stated that he will be coming back with the plan to meet the requirements of zoning. Two are approved and one is actually done. St. Martin asked if there would be enough time with NDDH. Messier stated it should not be a problem. Rabbitt stated just for clarification for P & Z to allow a development of any building lots must have frontage to two driveways. You have to look and evaluate the driveway scheme must comply with P & Z, 1600 – 2000 sf of disturbance or it will be 5200 sf, you have to look at the regulatory ramification of design. Folsom stated you need us to approve the two driveways and the one is what you want us to do. Messier stated there will be two sets next month. Ed Pawlek stated he did the NDDB on 5-9-08 and there are no records of endangered species. No one spoke in favor and no one spoke against the project. The public hearing will be continued to July 2, 2008 at 6:15 p.m.

St. Martin opened the Public Hearing for **Bruce and Donna Smith, 133 Clapp Road**, construction of single family house, well and septic system. Driveway will require crossing a small stream at 6:36 p.m. St. Martin explained the process of the public hearing. David Held from Provost and Rovero was present along with Mr. Smith for the discussion of the application. St. Martin read Syl Pauley, Engineer's letter of May into the record. Held described the project of a single family residence with access off Clapp Road, there was a picture of the crossing area. St. Martin stated that one of the major issues is the crossing. Held stated the development is on 36 acres off Clapp Road. We also submitted an assessment done by Joe Theroux, we would like to highlight the summary.

There is nothing out of the ordinary with wetlands with regard to the crossing, box culvert vs. countersunk pipe. Mr. Theroux gave his opinion. The construction impact does not warrant that. More potential impact is the house site, it might be a good idea to get rid of the fill pile and move house to NE to pull grading back there are site restriction. Septic System, do not shift the house, do a retaining wall. With regard to the alternatives I discussed this with Rabbitt. I have 5 copies of the alternative assessment, following historic access, no feasible and prudent plans, and installation of bridge with abutments that are there. We also looked at concrete arch structure, hydraulic, long-term impacts and construction. There was discussion about the different kinds of crossings and their costs, short term construction, low flow period of construction, E & S if a significant storm, long-term impacts, open bottom structure, minimum cost of small span. We looked at the width of the 5' natural stream bed, counter sinking a 60" PCV culvert, natural invert and natural bed – cost \$10,000 or less with wing wall and back fill being common costs. Construction sequence is on the plan. John Folsom stated he would recuse himself from the vote. There was discussion about doing this. Folsom stated he had some questions which might be common knowledge. There was discussion about the abutter and Folsom's position.

The last detail sheet had more information about the driveway, additional detail, stone headwall, size of stones, and limitation for geotextile. Gould asked about the intermittent stream. Held stated it probably dries up. Gould stated that construction should be done in the driest part of the year. Rabbitt discussed the alternative of a closed box, the size, the stream bottom, do not restrict the stream channel, countersinking, and the revegetative stream bed. There was no one to speak in favor and no one to speak against the application. There was further discussion about the closed box vs. pipe, the abutments, hydraulically both would work, water has gone over, no overtopping for a 50 year storm it would come close in a 100 year storm. There was discussion about the construction sequence. Joe Stoddard made the motion to close the public hearing. Bill Gould seconded. Approved unanimously with John Folsom abstaining.

OPEN REGULAR MEETING – St. Martin opened the regular meeting.

SEAT AN ALTERNATE AS NEEDED – All Alternates were seated.

ITEMS TO BE ADDED TO AGENDA – Add and Executive Session before the Notice of Violations. John Folsom made the motion to add this to the agenda. Joe Stoddard seconded. Approved unanimously.

PENDING APPLICATIONS:

- 1. Claudia and William Abbott, Angel Road**, to construct access crossings for a 2-lot resubdivision. This application is in public hearing. The public hearing was continued to the July 2, 2008 meeting at 6:15 p.m.
- 2. Bruce and Donna Smith, 133 Clapp Road**, construction of single family house, well and septic system. Driveway will require crossing a small

stream. The public hearing was closed this evening. Bill Gould made the motion to approve the application. Jim Rowley seconded the motion for discussion. There was discussion about the possible 10 conditions which should be applied to this application. Rowley asked about the issues with the ledge. Rabbitt stated there would be a substantial amount to be blasted and there is an existing outcrop which may be blasted off and skim coated over it. Rabbitt read the 8 conditions into the record.

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 amount \$ 300.00 _____ 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 \$3000.00 _____ 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 \$3000.00 _____ cash 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. The applicant shall revise the plans as follows: sheet 1 – add note that native material shall be placed in countersunk 60" pipe as 8' sections are placed. Sheet 3 revise note #4 to reflect placement of native material within 60" pipe as 8' sections are placed. And Driveway detail/pipe section add note as stated above.
8. All conditions to be written on final revised plan and given to IWWC for filing before permit is issued.

Bill Gould made the motion to amend the motion with 8 conditions. Jim Rowley seconded the motion. Approved unanimously with Folsom recusing himself from the vote.

3. Hull Forest Products, Inc. – Eric Johnson, 422 Brooklyn Road,
timber harvest. Rabbitt read the recommended Conditions of Approval he gathered from the site walk he did. James Rowley made the motion to approve the application with the following 11 conditions.

1. The removal of material from the site shall be limited to one operator/contractor. The name of the operator and contact information shall be filed with the Commission.
2. All costs associated with the review and processing of the application are paid in full by the applicant prior to harvest activity on the site.

3. The applicant shall deposit an initial \$200.00 for inspections with the Town of Pomfret to be used to pay the cost to oversee operation.
4. A pre-harvest meeting shall be held with town staff (i.e., WEO, Planner) prior to any tree clearing, ground disturbance (grading and/or excavation) activity at the site.
5. The property owner to remediate areas that are disturbed/impacted by work that occurs as a result of the harvest activity on their property per best management practices.
6. The Town's Inland Wetlands and Watercourse Agency is contacted one week in advance of any planned activity on the site relating to the application.
7. Best management plans are followed (specifically the harvest should take place in frozen and/or dry conditions).
8. All material associated with the harvest is removed a minimum of 100 feet from a regulated area.
9. That the proposed landing area is limited to the area shown on the map.
10. That the proposed skid trail where it crosses the wetlands/watercourses are protected with erosion control devices during the harvest process. That vegetation is re-established over the crossing and minimum 50' of the crossing on the approaches.
11. Equipment may be stored on the site during harvest activities only. If the harvest activity ceases then equipment must be relocated off the site. The permit is for a timber harvest, and associated processing of the harvest material from the site. No off site material shall be processed and/or brought to the site for storage and/or processing as part of this permit.

Nancy McMerriman seconded. Approved unanimously.

- 4. Brian Riendeau, 172 and 211 Taft Pond Road, timber harvest.** Rabbitt read the universal timber harvest motion into the record with 10 conditions. Joe Stoddard made the motion to approve the application with the following 10 conditions.

1. The removal of material from the site shall be limited to one operator/contractor. The name of the operator and contact information shall be filed with the Commission.
2. All costs associated with the review and processing of the application are paid in full by the applicant prior to harvest activity on the site.
3. The applicant shall deposit an initial \$200.00 for inspections with the Town of Pomfret to be used to pay the cost to oversee operation.
4. A pre-harvest meeting shall be held with town staff (i.e., WEO, Planner) prior to any tree clearing, ground disturbance (grading and/or excavation) activity at the site.
5. The property owner to remediate areas that are disturbed/impacted by work that occurs as a result of the harvest activity on their property per best management practices.
6. The Town's Inland Wetlands and Watercourse Agency is contacted one week in advance of any planned activity on the site relating to the application.
7. Best management plans are followed (specifically the harvest should take place in frozen and/or dry conditions).
8. All material associated with the harvest is removed a minimum of 100 feet from a regulated area.
9. That the proposed landing area is limited to the area shown on the map.
10. Equipment may be stored on the site during harvest activities only. If the harvest activity ceases then equipment must be relocated off the site. The permit is for a timber harvest, and associated processing of the harvest material from the site.

No off site material shall be processed and/or brought to the site for storage and/or processing as part of this permit.

John Bergendahl seconded. Approved unanimously.

5. Timothy McNally, 60 Chase Hill Road, timber harvest. Rabbitt read the 11 conditions in the record. John Folsom made the motion to approve the application with the 11 conditions.

1. The removal of material from the site shall be limited to one operator/contractor. The name of the operator and contact information shall be filed with the Commission.
2. All costs associated with the review and processing of the application are paid in full by the applicant prior to harvest activity on the site.
3. The applicant shall deposit an initial \$200.00 for inspections with the Town of Pomfret to be used to pay the cost to oversee operation.
4. A pre-harvest meeting shall be held with town staff (i.e., WEO, Planner) prior to any tree clearing, ground disturbance (grading and/or excavation) activity at the site.
5. The property owner to remediate areas that are disturbed/impacted by work that occurs as a result of the harvest activity on their property per best management practices.
6. The Town's Inland Wetlands and Watercourse Agency is contacted one week in advance of any planned activity on the site relating to the application.
7. Best management plans are followed (specifically the harvest should take place in frozen and/or dry conditions).
8. All material associated with the harvest is removed a minimum of 100 feet from a regulated area.
9. That the proposed landing area is limited to the area shown on the map.
10. That the proposed skid trail where it crosses the wetland/watercourse are protected with erosion control devices during the harvest process. That vegetation is re-established over the crossing and minimum 50' of the crossings on the approaches.
11. Equipment may be stored on the site during harvest activities only. If the harvest activity ceases then equipment must be relocated off the site. The permit is for a timber harvest, and associated processing of the harvest material from the site. No off site material shall be processed and/or brought to the site for storage and/or processing as part of this permit.

Joe Stoddard seconded. There was discussion about the use of corduroy to cross streams, hence the need for a wetland permit. Approved unanimously.

6. Pomfret Fire Department, 67 Hampton Road, 3 dry hydrant installations. Rabbitt stated there he would do a jurisdictional ruling on two sites which will require revegetation of the area with a possible hay bale check dam. With regards to Brayman Hollow, little more conscientious and they need to be aware of how it is going to be done. There was discussion about how the dam would be constructed without risking the integrity of the dam. The hydrant should be put in on the side of the dam through the soil not the dam. John Folsom made the motion to approve the application with the following 4 conditions:

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

1. A preconstruction meeting shall be held with town staff (i.e. Planner, Engineer, Road Foreman) prior to any construction, tree clearing, grading and/or excavation activity at the 439 Brayman Hollow site. The other two sites are designed well.
2. That all E & S is installed, to be in place and inspected by staff prior to any construction, earthmoving and/or grading activities.
3. 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).
4. A final as-built to be given to the IWWC for the record on 439 Brayman Hollow.

_James Rowley_____ Member seconded the motion.

Vote: Unanimously Yes _____ No Abstained _____

7. Hull Forest Products, 325 Wrights Crossing Road, timber harvest. Rabbitt read the recommended 12 conditions of approval into the record. John Bergendahl made the motion to approve the application with the 12 conditions.

1. The removal of material from the site shall be limited to one operator/contractor. The name of the operator and contact information shall be filed with the Commission.
 2. All costs associated with the review and processing of the application are paid in full by the applicant prior to harvest activity on the site.
 3. The applicant shall deposit an initial \$200.00 for inspections with the Town of Pomfret to be used to pay the cost to oversee operation.
 4. A pre-harvest meeting shall be held with town staff (i.e., WEO, Planner) prior to any tree clearing, ground disturbance (grading and/or excavation) activity at the site.
 5. The property owner to remediate areas that are disturbed/impacted by work that occurs as a result of the harvest activity on their property per best management practices.
 6. The Town's Inland Wetlands and Watercourse Agency is contacted one week in advance of any planned activity on the site relating to the application.
 7. Best management plans are followed (specifically the harvest should take place in frozen and/or dry conditions).
 8. All material associated with the harvest is removed a minimum of 100 feet from a regulated area.
 9. That the proposed landing area is limited to the area shown on the map.
 10. That the proposed skid trail where it crosses the wetland/watercourse are protected with erosion control devices during the harvest process. That vegetation is re-established over the crossing and minimum 50' of the crossings on the approaches.
 11. Equipment may be stored on the site during harvest activities only. If the harvest activity ceases then equipment must be relocated off the site. The permit is for a timber harvest, and associated processing of the harvest material from the site. No off site material shall be processed and/or brought to the site for storage and/or processing as part of this permit.
 12. Conservation easement provisions are not violated.
- Joe Stoddard seconded. Approved unanimously.

CITIZEN'S COMMENTS – None.

NEW APPLICATIONS:

1. **Carol R. Parke, William Reeves, Jr. and Ann C. Reeves, 91 Carter Road**, proposed dam improvement by way of extending dam a short distance and building up ground around terminus and protecting ground with riprap material. Terry Chambers from KWP was present with William Reeves and Ann Reeves. He described the property that has the dam on it. The original house burned down and they rebuilt a small cape in 1963. The Blackwell brook has a big watershed with this dam, a dam further up let go years ago, they used SCS TR20 methodology, 100 year storm, it's a concrete pour with field stone, spillway, 16' in length with an intake structure, boards to lower water, 6" of water may go over the dam in a 100 year storm, we witnessed a two year storm, no emergency spillway, water is going around to the east, and we would like to extend the physical structure of the dam by 8' and build up ground around that and force water to go over the dam. The west is OK. There were questions about dredging, 72" pipe that goes under Carter Road, bad elevation, water going around the culvert and across the road, the Beaver Act, regulated area, DEP and the timing for doing repairs. Site walk to be done.
2. **Hull Forest Products, Inc. 130 Orchard Hill Road**, timber harvest. There was discussion about a bill being owed. Clerk to send letter.

NON-FEE APPLICATIONS: None.

St. Martin tabled the next part of the agenda to have an Executive Session from 8:36 – 9:07. There was no decision made about the pending litigation with Lussier. St. Martin reconvened the regular meeting at 9:10p.m.

NOTICES OF VIOLATION/CEASE AND DESIST ORDERS:

1. **Roger Daigle, 193 Putnam Road**, Cease and Desist. 10/4/07. Nothing new to report. Letter to be sent requesting application to Attorney Aleman and CC to Attorney Higgins, Town Attorney.
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). Leave on the agenda until complete restoration is done. Nothing new to report.
3. **Marc Tufts, 85 Searles Road**, gravel extraction and work in the regulated area. Application approved on 3/06. Rabbitt to check in spring. He planted trees on the south side. Brais to do inspection. Brais brought some pictures and stated that it was stabilizing well. The E& S needs to stay in place until September 2008. John Folsom made the motion to remove this from the agenda. John Bergendahl seconded. Approved unanimously.

4. **JASD, Orchard Hill Road**, work in regulated area. NOV issued 11/4/05. Nothing new to report.
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. Nothing new to report.

JURISDICTIONAL RULINGS:

PRIOR APPLICATIONS WITH CONDITIONS:

1. **Donna Gauthier, 2 Clapp Road**, single-family home. 11/03. Nothing new to report. Nora Johnson asking about surety release. Nothing new to report.
2. **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. Nothing new to report.
3. **Mark Blakely, 138 Longmeadow Drive**, single-family home. 2/06. Nothing new to report.
4. **Shane Pollock, Swedetown Road**, single-family home. 6/06 Nothing new to report.
5. **Great Woods Companies, 34 Wetherbee Road**, timber harvest. 8/07. There was discussion during the Executive Session.

SUBDIVISIONS APPROVED BY PLANNING AND ZONING: None.

COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION: None.

CITIZEN'S COMMENTS: None.

EXTENSIONS REQUESTED:

1. **Rectory School Recreational Fields, Route 44**, current permit expires March 2009. Marshall Eaton made the motion to move this up on the agenda. Joe Stoddard seconded. Approved unanimously. Scott Young from CME was present to discuss the request. He stated that the project was started in 2004 and the permit will expire in 2009 (5 years). They are asking for an extension of this permit. There was discussion about what was approved and the minutes/conditions were read into the record. Rabbitt stated that our regulations approve applications for 5 years maximum. The only avenue is to reapply. We will table this item for further review. There was discussion about the water monitoring of the property.

COMMISSION BUSINESS:

1. Report of Regulations Standing Committee – Final Draft of the regulations for discussion and possible approval. Attorney Zizka is working on the final draft.
2. Report of subcommittee on Registry. There will be a special meeting on 6/18/2008 at 7:00 p.m. at the town hall conference room.
3. Updates and Report from WEO and Commission Members: None.
4. Approval of the May 7, 2008 Minutes. Jim Rowley made the motion to approve the minutes. Bill Gould seconded. Approved unanimously.
5. Report of billing, and bond releases. Charles Weedon has requested his bond be released.
6. Correspondence – Was gone through.
7. As needed – None.

ADJOURNMENT – Jim Rowley motioned to adjourn at 9:23 p.m. John Bergendahl seconded. Approved unanimously.

Respectfully submitted,

Betty Morin, Clerk