

**INLAND WETLAND AND WATERCOURSES COMMISSION**  
**MINUTES OF JUNE 6, 2007 7:00 P.M.**  
**POMFRET TOWN HALL CONFERENCE ROOM**

These minutes have not been approved.

Members present were: James Rowley, Alternate, Nancy McMerriman, Alternate, James Rabbitt, Duly Authorized Agent, John Folsom, Joe Stoddard and Paul Safin, Vice Chairman, Joe Travinski, Katarina Rutkowski, Alternate, and Ryan Brais, WEO. Absent: David St. Martin, Chairman, Marshall Eaton,

**OPEN THE REGULAR MEETING** – Paul Safin, Vice Chairman is Acting Chairman due to David St. Martin's absence due to a death in the family. Safin opened the regular meeting at 7:02 p.m.

**SEAT AN ALTERNATE AS NEEDED** – Nancy McMerriman, Jim Rowley and Katarina Rutkowski were seated.

**ITEMS TO BE ADDED TO AGENDA** – NONE.

**PENDING APPLICATIONS:**

- 1. Quiet Corner, LLC, 202 & 228 Searles Road**, construct two wetland crossings providing access to the property from Searles Road and Cooney Road. **A continuation of the Public Hearing is scheduled for June 20, 2007 at Pomfret Community School Cafeteria at 7:00 p.m.** The members who were not present for the first Public Hearing night needs to listen to the tape.
- 2. Rebecca Loos, 40 Modock Road**, proposed 4-lot subdivision for purpose of constructing single-family homes. Bruce Woodis was present to discuss the application. Revised plans were presented. The revisions constitute new lots from NDDH. The conservation easement is over the back of the property. It is primarily protection of the wetlands. We have proposed the easement to be delineated by the stonewall. There is no productive use of the land. They can continue to hay. There was discussion of the placement of the easement and the second easement to the left front of the property which is commonly used as yard. Rabbitt stated that with regards to this application Mr. Woodis shows the functionality of the conservation easement for hayfield and lawn. The stonewall acts as a retaining wall. There will be no dumping of lawn material over the wall. There will be a no dumping placard placed on the posts along the western line of 4.0 and 4.1. McMerriman asked about no dumping in our regulations. Rabbitt stated that there is no dumping in the swamp of leaves and grass clippings, nothing goes into the easement. They could go in a composing area on the property. There was discussion about lot 4.0 being an existing lot with people living there for several years already. The conservation easement on lot 4.0 will be removed and use will be

within the limits of the historic tree line. If there are to be other structures or other use, an application would be necessary. 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, 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 applicant shall deposit an initial \$ 200.00\_\_\_\_\_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 surety posted for the project. If the costs of inspections exceed the initial deposit, funds shall be withdrawn from the applicant's surety.
5. That the applicant shall install all conservation monumentation prior to any construction, tree clearing, grading and/or excavation activity at the site. The conservation easement, if required, to be submitted to the IWWC for review by staff before filing with Town Clerk. The map number needs to be referenced on the conservation easement along the western line including placards that say no dumping. Lot 4.0 to have the proposed conservation easement deleted from the plans.
6. 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 filling.
7. 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).
8. All conditions to be written on final plan and given to IWWC for filing before permit is issued.

\_\_Joseph Travinski\_ Member seconded the motion.

Vote: Unanimous \_\_X\_\_ Yes

**3. Great Woods Companies, 34 Wetherbee Road,** Timber Harvest according to State BMP's. Katarina Rutkowski recused herself from this application. We received a petition to have a public hearing. Rabbitt explained the process and Mr. Lussier was present with a letter dated 6/6/07 which asked for an extension to the July 9, 2007 regular meeting. Mr. Lussier presented written material on the State Statues. Mr. Lussier asked that Ryan Brais walk the property before the public hearing. Paul Safin

explained the process of the site walk. The public hearing was scheduled for 6:30 p.m. on July 9, 2007 at the Pomfret Community School Cafeteria.

**CITIZEN'S COMMENTS** – Chuck Boster from the P & Z commission started speaking about an application in front of the commission and Rabbitt stated he could not speak about the application in citizen's comments. Boster continued to discuss a process of monitoring Best Management Practices, Forestry Management, regulatory situation, and how do we look at these issues. Mr. Lussier stated that we should read the St. Statutes and he stated that the other thing was the billing. Lussier stated that they pay extra for the timber harvest and has a bill for \$127.10. Boster stated that the DEP needs to adopt regulations which they have never done. Mr. Lussier stated that he has a license from the Stated. Rabbitt stated that foresters come to the Wetlands Commission for a permit. There is a professional level of review and staff is aware of the process and we look at the work to be done.

**NEW APPLICATIONS:** None.

**NON-FEE APPLICATIONS:** None.

**NOTICES OF VIOLATION/~~CEASE AND DESIST ORDERS:~~**

1. **William R. Edwards, 413 Valentine Road**, Notice of Violation for activity within a wetlands review area. Brais stated that Mr. Edwards was supposed to be here tonight. The trees are not from the property. Trees are going to be used for construction. He did remove underbrush and was advised to come before the commission. An ATV was run through the intermittent stream. He needs to rake it and put grass seed to remediate. There is no potential impact to the area. The son has stopped riding. Rivers asked about how much underbrush was cut. Brais stated 2 cubic yards. Rivers stated this was trimming. Brais stated that it was being done in the upland review area. People who want to work in the upland review area need to ask about the process and then it can be decided on the level of permit needed or none. Safin asked Ryan to report on NOV.
2. **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 19, 2006. (Gravel Extraction)
3. **Dr. Richard Lefebvre, 85 Searles Road**, gravel extraction and work in the regulated area. Application approved on 3/06.
4. **JASD, Orchard Hill Road**, work in regulated area. NOV issued 11/4/05.

**JURISDICTIONAL RULINGS:** None.

**PRIOR APPLICATIONS WITH CONDITIONS:**

1. **Keith and Erin Wilcox, 127 Tyott Road**, single-family home. Installing plunge pool and sedimentation basin. Approved 9/05.
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, Swedetown Road**, single-family home. Pollock is still vacant, no work being done.
5. **Catherine Pritchard, 94 Hampton Road**, re-subdivision. Approved 3/07. The conservation easement that was submitted had several additions to it that were not allowed by the commission. There was agricultural use, pesticide application, grazing and growing of crops. The members expressed concern about grazing, pasturing of animals, maintenance, and the pesticide. Rabbitt stated that in reviewing the language the issues they have will need to come back to the commission for a permit and future approval. There was discussion about multifloral road and autumn olive being routine maintenance.

**SUBDIVISIONS APPROVED BY PLANNING AND ZONING:** 325 Wrights Crossing Road, Christian and Rachel Sarantopoulos, 3-lot subdivision. Rabbitt stated the particulars of the application - the rear lot, conservation of some acres, and the Tudor house that is there.

**COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION – 5 Youngs Road, Reindeau/Marquis, timber harvest.** The owner called to complain that the timber harvest was undertaken without his approval.

**Seth Fortier, 194 Covell Road, vernal pool complaint,** A letter from the Conservation Commission was read into the record. Rabbitt stated that staff has been trying to take action and the vernal pool is on DEP property. He described how the drainage is not working in the area. There is an issue with stabilizing the new driveway and completing the permit. There were pictures with the letter to show the deterioration of the area. The commission is to do a letter to DEP to respond after our investigation.

**EXTENSIONS REQUESTED – None.**

**CITIZEN'S COMMENTS – None.**

**COMMISSION BUSINESS:**

1. Report of Public Relations Standing Committee. Paul Hennen was not present this evening.
2. Report of Regulations Standing Committee – Fourth draft of regulations for discussion or approval. There were two letters received, one from Paul

- Hennen and one from Katarina Rutkowski about the regulations. Rabbitt reported that he has spoken to David St. Martin, Chairman, (who was not present at the meeting tonight due to a death in his family). St. Martin asked Rabbitt to a redline of the regulations. He asked that the approval be tabled till the July meeting so the redline can be done and discussed. Paul Safin stated that he spoke with David St. Martin and the decision was to do as stated above. There was discussion about the new draft, the fourth draft, the model regulations, changes that need to be made, and the need for the redline comparison. The draft will not be approved tonight.
3. Updates and Report from WEO and Commission Members: Ryan Brais spoke about the Bush Hill and Valentine Road timber harvest. Trowbridge was the logger and there is a lot of cleanup to be done, there is corduroy to be removed, a mucky area, and generally back blading to be done. Brais stated that he does not know where the Pomfret/Brooklyn town line is and he needs to research the land records. It is quite a long distance in from the Pomfret side. We need to find out who the property owners are. We then need to speak to Trowbridge. Nancy McMerriman and John Folsom talked about the new changes to the State Statutes. There was a handout about the changes for all members. There was discussion about site walks, expert testimony, burden of proof is on the commission, and how to proceed with this information.
  4. Approval of the May 2, 2007 Meeting Minutes – Paul Hennen sent in some information about the minutes. There was discussion as to what was said in the meeting. The clerk is to listen to the tape and report on the minutes' possible discrepancy for the July 9 meeting. Approval of the May 16, 2007 public hearing minutes was postponed to the July 9 meeting.
  5. Report of billing, and bond releases. Nothing new to report.
  6. Correspondence – there was a question about the ERT request for the Quiet Corner, LLC. Property application. There was a letter from Andy Rzeznikiewicz which was read into the record. John Folsom made the motion to do a letter of support for the conservation of the Buttner's property on Wrights Crossing Road. Katarina Rutkowski seconded. Clerk to use previous letter of support for Chairman to sign. Approved unanimously. Safin stated that in Hennen's correspondence he stated his intent to resign effective today. It should be noted that he did a super job.
  7. As needed – Chuck Boster of the P & Z gave the commission some written material on conflict of interest, bias, and predetermination from Attorney Wolf. Boster stated that this information may be of interest to the members.

**ADJOURNMENT** – Jim Rowley made the motion to adjourn the meeting. John Folsom seconded. Approved unanimously.

Respectfully submitted,

Betty Morin, Clerk