

INLAND WETLAND AND WATERCOURSES COMMISSION
MINUTES OF MARCH 5, 2008 6:15 P.M.
POMFRET COMMUNITY SCHOOL CAFETERIA
These minutes have not been approved.

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

David St. Martin read the call to **OPEN A CONTINUATION OF THE PUBLIC HEARING** at 6:15 p.m. for **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. He described the process of the public hearing. Tim Gosselin was present to discuss the application. He stated that he was submitting new revised plans. The first page was the same and the second page included a couple of items that the planner asked for, RCP pipe is not plastic, and tree protection zones are on page 3. We are going to try at all costs to protect the trees in the area. Areas total 14,000 sf or 15% of the total. St. Martin asked if they could build the driveway as it is. Gosselin stated he was not an arborist, he did not know. There are alternatives which I considered on a draft. St. Martin asked about a bridge. Gosselin stated that it would cost more. We check the box culvert type and pier type of design and found it would disturb the wetland more. St. Martin stated that plan 1 and 2 are missing E & S controls. Gould asked questions about the larger driveway, and critical root areas. McMerriman stated that she was concerned about the driveway comes close to the property line. Gosselin answered her question. Safin asked about the post and markers for the conservation easement. Gosselin stated yes we are proposing that. It was supposed to be added. Rabbitt stated with regards to the layout. There is the issue of tree canopy and habitat, impacting root zones and drip line, staff needs some flexibility to change the alignment to deviate to the North and condense the outlet structure once the grading associated with the driveway is done. We need to require the applicant to reestablish the tree canopy with large enough trees to maintain the canopy. Flexibility for the by-pass area, 10' away with rear lot. St. Martin asked for anyone to speak in favor of the application. Peter Moon introduced himself as one of the owners. He stated that he had been very happy with what has been done. We have been working on this for 4 years. They have followed town regulations, State regulations and Federal regulations along with Army Corp. My family has lived here since 1945, we love the town, we are hoping you can see that this is something you can approve tonight. St. Martin asked for those who wish to speak against this application. Ralph Millar of 592 Pomfret Street stated he was concerned about the canopy trees, there are some very large trees which would change the habitat and the view. The resurvey has moved the property line and the result has been that the

driveway is extremely close to my property line that is very close, only 7' from the center line. St. Martin stated there are a couple of things we can do if we make a motion we can approve it to be staked out by a surveyor. No one else spoke. St. Martin stated we will close the public hearing and make a decision at our regular meeting. The public hearing was closed at 6:42 p.m.

David St. Martin read the call to **OPEN A CONTINUATION OF THE PUBLIC HEARING** at 6:45 p.m. for **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. St. Martin explained the format for the public hearing. Ron Oschner, Attorney for the applicant was present along with Austin Barney and Scott Young from CME. Oschner stated that he had prepared their response to the town planner and additionally some standard legal review consideration letter. Austin Barney, Applicant, read from a prepared speech. He wanted to remind us of their intent for conservation as much as possible, retain the natural features of the property, retain trees, stone walls and outcrops are key to a well designed project. We are showing a conservation easement along the brook, the restrictions on homeowners, Folly Farms with deeding easements to the State and Town was an example. He stated that his intent is to protect eh brook for land and fish and wildlife. Selection of type of bridge crossing, span bridges are much more expensive, as designed the project will be invisible from Cooney and Searles Road. Oschner stated there were a couple of questions of a technical nature. One was with respect to the owners of the land – Mr. and Mrs. Miller own 202 Searles Road, 42-A-002.00, and is 14 acres. The rear is 228 Searles Road, 42-A-002.02 is Barrette Brook Associates, LLC which is Mr. and Mrs. Miller. The second issue raised by the town planner was developing the property. From a legal standpoint there is an option to purchase the property contingent on approval of the commissions, they have a legal option on the two properties. With respect to the other issues, tree canopy and replacement, Mr. Canavan works for CME can explain. There was a question about mitigation for this particular crossing, stormwater off Searles Road. We are going to have a water quality basin for the run off in that area. Add plantings on the north side of the stream, the tree canopy is sparse and not very mature, increase planting in this area as another mitigation for this project. There will be a conservation easement submitted in a draft. Scott Young brought 3 copies of the plan which was revised on 3/5/08 to show what is in the field.

St. Martin interrupted him. He opened the regular meeting at 7:00 p.m. and immediately recessed it and reopened the public hearing.

Oschner stated that we have included a draft of our conservation easement. He stated that is one included in the regulations and he did not plan to usurp that. I don't know that there is a major difference. We can work with the town conservation easement. Rabbitt stated can you clarify what part of this application the easement is on. Oschner stated that he thought in the submission it would be submitted with the remainder of the conservation easement to complete it when the conservation easement is established to

monument them in the field. The conservation easement is in response to your request. St. Martin stated they were not on the plan. Scott Young, Licensed Engineer for CME, stated that these were submitted as all alternatives. First off we did Alternative A, straight shot off Cooney Road, not the ideal design, then we did Alternative B. The brook crossing under Searles Road, in reviewing this with staff, I did not like the idea. Small bridge pan to do the radius. Alternative 3 is the lolly pop with no watercourse crossing. South of brook crossing on Searles Road with a retaining wall and large cut, remove wood, land, safety issue for fire and ambulance not good. Feasible but not prudent. Alternate 5 half a crossing over the brook similar and shows full build-out off of Cooney Road and off of Searles Road were similar to Alternative B, feasible but not good. 5A limits the road crossing to one on Cooney Road and one off Searles Road. Tremendous tree cutting. Alternate 5B is the one we have gone with. We walked the site with staff, keep the road from crossing the brook off of Searles Road, no two types of structures. Feasible otherwise, we didn't present. Prudent the money and benefits of the proposed activity to clearing the highway supervisor did not like. There is a lot more earth movement in this access. From concrete bridges vs. culverts. New regs from the Army Corp, hard bottom structure, always wants spans. St. Martin asked did you look at the Alternative on the entrance and a cul-de-sac for 1000' that would have a minimum wetland affect. Young stated the 1000' did not get us into the buildable area. St. Martin stated is it a minimum disturbance on the wetland. Young it was the same whether the road goes 1000', the area of canopy removal, if you look at the shaded area, 140 sf and 1100 sf within 50' of the brook. Rabbitt stated that the stockpile is to be moved, we have Searles Road 10,700 sf of clearing up from Cooney Road and not have a shading effect on the brook. There will be some increased shading from the bridge, there are structures designed to be outside of the brook, the planting will provide shading with not many mature trees. Young stated that one of the last things was the stonewall conservation. We did not revise the plan. If we have to remove stonewalls to get toward the wetlands, this would be in the area of the next application to come before you. They are to be salvaged and rebuilt. There was a question about the soils. Loamy sands and silty sands, does not raise flags moving it from here and using it below the road base is not uncommon. Oschner stated he would like to do a brief recap. 1) this application is for 2 bridge crossings, we have made it clear in our application to do an application for residential subdivision for 680 sf of watercourse disturbance, the minimum possible. We believe we have addressed all of the regulations requirements as to the regs being our oral and written application for what we have applied for. I have provided a brief review of the substantial evidence test. The courts have looked at this issue. Basically, the courts have said that reasons for support or denial with substantial evidence. The applicant has provided substantial evidence. He has provided experts and we have consulted with the Engineer and Town Planner. We have address all of those concerns and ended up with the one before you. From an evidenceuary standpoint the application as submitted will not have an adverse impact on the watercourse or provide pollution of the watercourse. With that I would request if the Commission or the staff have any questions?

Rabbitt stated that the plan that was submitted this evening 3/5/08 shows the planting of native saplings, vegetated with mature canopy, experts to show how it is going to shade the brook. Canavan stated that planting many trees and shrubs on this side of the site. You can't plant trees in the road. There are trees along the backline of the slope, brook is shaded by the slope, this area is going to be cleared, and to say all this clearing is going to affect shading. Rabbitt stated they are proposing a mitigation planting scheme and there is a mature canopy in that area. Looking at the aerial photos with mature trees on this area. I have no idea of what you are going to plant in this area. I have no enforcement. Canavan stated he has walked this site. Rabbitt stated he will submit aerial photos which are from the 2007 Spring and Summer 2007 fly over. Canavan stated our report. Rabbitt stated plants in the field or in the tree line. Canavan stated overgrown field. Rabbitt the plan does not reflect this. They do not tell me what caliper that will be planted. They are not telling me details. I am looking at 23 dots on the map. Rabbitt stated that your experts submitted a mitigation plan without stated the type of tree or the size of trees. Canavan stated the types are in the letter. Rabbitt stated the plan says saplings and the plans get approved. I want to make it clear some of the information included in his response there were a couple of issues in the testimony from Ian Cole and the habitat in that brook. He states it may be habitat in the brook. My comments about that is that the Engineer and I have seen fin fish in that stream channel. Oschner stated that we did not state there are no fish in the brook. Some of the characterizations and all the alternatives were gone over with the Planner. The staff did state that one driveway and cul-de-sac is feasible from a regulatory standpoint. Young stated that in Mr. Cole's letter #8 fin fish and shellfish were stated in his letter. Rabbitt stated a few paragraphs before that he said none. Gould asked about the access to the property is still in flux. If one is decided how is it to be carried out? Oschner stated this particular portion will be in the next submission and will require additional crossing and submission before this commission. None of this bridge crossing will take place until IWWC and P & Z approves. If we get approval, we will do the whole project and conservation easement. Gould stated that the bridge location is moved 6 times. Oschner stated the set of engineering, the design plan illustrates exactly where those bridges will be. Rabbitt stated read from Ian Cole's report, one professional says there is coverage and one says no. There are physical barriers for fin fish. Canopy is responsible for the temperature of the water. Canavan stated the channel is well shaded, to say its not shaded is not correct. The bridge there, it may or may not inhibit fish from moving off the site.

St. Martin asked for anyone wishing to speak for the application. There were none. St. Martin asked for anyone wishing to speak against the application. John Bourque on Cooney Road stated that your website has the agenda and minutes and I was able to get information on this application from then till now. The minutes provided me with concerns from my neighbors. From what I have learned, I have various concerns. When I was reading through the Citizen Science and CT Audubon Inventory of vernal pools, wildlife, ecology, environmentally sensitive, state and wetland maps, there is an effort from the Conservation Commission to show where all these vernal pools might be. I feel it would be very important to know where they are. Bridges that go to no where,

citizens do not have an idea of what is next. Barrette Ledge Associates bought up a lot of land. Mr. Miller stated they are good conservators. I would agree, the fishes that live there is a wonderful, 135.54 acres plus the 14 acres are the Miller's property, there is 37 acres and another 6 acres which are contiguous to it. These were subdivided from the larger lot. My concern is that there is the ability to acquire another several acres. Without a plan of development, it is hard to feel good about it. I am going to ask the committee to hold off until the vernal pool is accounted for. I have walked this area many times. There was a resolution and we did authorize the Town of Pomfret to set aside a \$4million bond and that with other state and federal dollars to maintain it rural character. I would ask Mr. and Mrs. Miller to open up a dialogue with the Selectmen. Cheryl Kapelner-Champ from Cooney Road stated I want to say that primarily I thank Mr. Bourque for his excellent presentation. The first proposal doesn't make good ecological sense. If that land is disturbed, they reconfigure the brook, I do not want to maintain these bridges. I want to keep development at bay because this land abuts the farmhouse. In my right mind a few homes make good sense, not bridges to nowhere.

John McGeowan of 132 Cooney Road submitted a letter to the commission and he stated that he was concerned about the future development. Is there any intension of relatives to bring in other property. Oschner said no. John and Nancy McGeowan read a letter into the record.

Vincent Dooley of 165 Cooney Road stated that for the reasons stated, I will also state my opposition to this application.

Jane Blaiser of Cooney Road stated I want to also state that I do not believe we have enough information without the ultimate proposal will be so we can know what to decide on this application.

Barry Eck of 234 Searles Road stated I can't see how any of this can help. The additional houses and how many and where they will be placed, the bridges are one thing but the houses are what they want to put in there. The Commission should know what they want to do.

John Bourque reminded the Commission about the vernal pools which are protected by 100' radius. There was no one else to speak against the proposal. Young stated the stone walls indicate this was a cleared area as farmland.

Oschner, representing the applicant stated I don't know if the citizens know we included with the submission two sets of subdivision plans, crossings, 3500sf watercourse area will be impacted. We did submit with that information. As for the vernal pools, the property has been walked and there were no vernal pools in that scope of this application. Once the final plan is submitted there will be more details. The applicant has submitted substantial evidence that #1 it does not impact on watercourse and #2 does not pollute the watercourse. David St. Martin asked do we continue this public hearing or keep it open to deliberate. Attorney Mike Zizka, Attorney for the IWWC stated that it seems to me that the major legal issue that the Commission is facing is quite different from anything I have ever seen. I have known Ron Oschner for several years. There is one major issue the residents have touched upon in their statements, you have two crossings that effectively have not met the regulations until the whole subdivision is presented by the applicant to the IWWC. No work is to be done. I am not comfortable with that wording. They provide additional access to the property

and the access is needed for the subdivision. In your regulations, evidence for approval can be found in Connecticut General Statutes 22a-41, you have it in Section 10.2 and subsection c, d, and f. Section 7.5g – site plan showing and identifying any activity associated with the application is the concern that I have and the one that has been stated. What are the impacts and map that impact. His substantial evidence memo is correct. When it gets to the end how that applies here without knowing what is inevitable. They cannot do their job. If you look at the entire subdivision is to have done something different in the beginning it forces the commission to accept what has been done. The Commission has to know what those impacts are and the Commission can't do it without a plan. I understand the costs. The Commission needs to know what is made inevitable. Oschner stated have you looked at the plan. Zizka stated you cannot tell the impact from the conceptual plans. Oschner stated we have submitted one or town plan buildouts. Sheet 16, we have submitted two conceptual buildouts. Zizka asked have you given the Commission all the impact. Oschner stated not part of this application. Safin asked to repeat what is on the application – it is for two wetland crossing. Oschner stated this information was submitted. Zizka stated why not just apply for that and ask for it now? Oschner stated that our original application was for two bridge crossing. Staff asked for a buildout plan for the Commission. The purpose is to get to that remainder property. That information is going to be on the next application. Zizka asked if all that information is available. Rabbitt stated that with regard to what they showed Attorney Zizka was important and not fully designed or engineered beyond crossings. Zizka stated the Commission needs to be given information about the subdivision. Rabbitt stated that with regards to Attorney Oschner, staff in essence told him to prepare those maps. Staff said that without that information, the Commission could not begin to evaluate it. Significant Activity item with short term and long term impact that showed on one. Staff directed them to supply this information and this is what they chose to supply. Oschner stated that in working with the staff we attempted to take their input and put it in the plan. In providing street layouts and watercourse crossing information, we have provided a significant amount of information. Safin stated that back in December 2007 he remembered asking for information about the back property – the subdivision. Gould stated that our obligation is to address what is in this proposal. Are we obligated to evaluate downstream. St. Martin stated. Yes. Cheryl Kapelner-Champ stated the bridges that are being proposed and we do not know the volume of traffic is it 40-60 vehicles and that would be significant as to ecology. David St. Martin stated the options as a Commission is to approve or deny this operation. John Folsom made the motion to close the public hearing at 8:25 p.m. The public hearing was closed.

OPEN REGULAR MEETING – David St. Martin opened the regular meeting at 8:35 p.m.

SEAT AN ALTERNATE AS NEEDED – Nancy McMerriman and Bill Gould were seated.

ITEMS TO BE ADDED TO AGENDA – NONE.

PENDING APPLICATIONS:

- 1. 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. The public hearing was closed this evening. St. Martin asked what the Commission would like to do. Rabbitt stated that we have procedural and technical issues. Eaton asked the time frame for this application. Zizka stated 35 days to approve or deny. Eaton stated he had not heard the tapes of the February meeting. Safin stated same. Stoddard asked about the vernal pool request. St. Martin stated that the applicant provided to us that they identified all the wetland and no vernal pools at the bridges. On the development side we don't know and that is something we would like to see. It is not normal procedure for us to receive a partial application. Zizka stated that CGS 22a-36 states you need to balance the wetland against the need and development. The larger the potential impact when you are not given information as to what is made inevitable, you will not know if the overall impact is major or minor. Even if this bridge makes it minor, they feel did give you information to make that final determination. Have you been given information on those other crossings? What is to be inevitable? The one crossing is less than the two, it is still possible that you may make inevitable more wetland findings. These two vs. this one without knowing what the entire plan would be. I don't know that the applicant has given you information on what is made inevitable. You must consider what is to be done in the rear. You need to decide if you have been given enough information of the inevitable. The conceptual plans are not part of this application. St. Martin stated it is hard to decide because we don't know what is going in there. Safin asked again what is on the application. Attorney Zizka stated we have not been provided with information of the impact in that area. There is no reason to make a decision tonight. Everyone needs to be comfortable with the information you have. They make a decision that is not grounded in the fact. I have never seen a case like this. It is unusual and some judgement may say you don't have to worry about that. You have to decide. Eaton stated that the Commission can make the decision to condition this application. Zizka stated you can. This approval is not good without the road system. St. Martin stated if we approve this, they can build them tomorrow. Zizka stated that is why I was worried about what was presented to you. The complete plan may make you go over a wetland for safety issues. Eaton stated based upon closing the public hearing tonight, has he reviewed everything to date. Rabbitt stated all information given by the applicant can be considered. Safin stated that these are proposed lots and how can we make a decision. That study of vernal pools has not been completed and that should be in the plan. Rabbitt stated that their application have the two crossing and the graded road section. They did evaluate the wetlands with no vernal pool identified. I have no testimony for vernal pools in the rest. St. Martin

stated that the house, septic, well information is needed. Gould stated there is no way to say 28 houses. St. Martin stated all members need to listen to the tapes and review the information received.

Eaton stated that the April meeting is very close to the 35th day. Zizka stated they may ask for an extension. Rabbitt asked is there anything for us to look at. St. Martin stated that Rabbitt and Aubrey need to make a final review. Safin asked for Zizka to review also.

- 2. 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. St. Martin seated John Bergandahl for this application.

Bill Gould made the motion to approve the application with the following conditions:

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 the driveway must be staked out and must be approved and inspected by staff prior to any construction, tree clearing, earthmoving and/or grading activities.
4. The application shall deposit an initial amount \$ 1000.00 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 \$ 15,000.00_ 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, culverts, geotextile, and Don Aubrey will refine that number.
6. 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 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.
7. All conservation easement 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.
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).
9. Street trees will be 30' on center on North and South side and a straight run to driveway before curb.
10. All conditions to be written on final plan and given to IWWC for filing before permit is issued.

Joe Stoddard, Member seconded the motion.

Vote: Unanimously ___X___ Yes _____ Abstained – Marshall Eaton and Paul Safin.

3. Juanita Cristina, and Sheila Nabozny, 23 Woods Hill Road, 1-lot subdivision. Mark Sullivan was present to discuss the application. It is a 5 bedroom house. Not proposing anything in the wetlands or 100' from the wetlands. Rabbitt stated that there is no mature vegetation it is regeneration. St. Martin asked about the posts for the conservation easement. Rabbitt stated that Sullivan is proposing to place iron pins at the turns. The commission prefers 4X4 posts with trees and placards. This should prevent lawn creep. There should be 8 markers placed on site as discussed with Sullivan. These markers and easement should be drawn on the map. Marshall Eaton made the motion to approve the application with the following conditions:

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 conservation monumentation prior to any construction, tree clearing, grading and/or excavation activity at the site. The conservation easement, 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. There should be 8 conservation easement markers.
5. All conservation easement 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.
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. Amend the number of bedrooms on the plan to 5.
8. Garage is on a slab.
9. All conditions to be written on final plan and given to IWWC for filing before permit is issued.

The motion was seconded by Joe Stoddard. Approved unanimously.

4. Dennis Hopkins, 160 Valentine Road, single-family residence. Dennis Hopkins was present to discussion the application. Rabbitt read from his report of the site walk. Joe Stoddard made the motion to approve the application with the following conditions:

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. The Town's IWWC is contacted one week in advance of any planned activity on the site relating to the application.
3. That all E & S is installed on site line and inspected by staff prior to any construction, tree clearing, earthmoving and/or grading activities.
4. Limits of clearing are clearly shown on the plans.
5. DEP Best Management Practices are followed.
6. Wetland buffer tags are added to small wetlands area in field and wood line.

Paul Safin seconded the motion. Approved unanimously.

- 5. Nicholas & Allison Gardner, 190 Modock Road,** propose to construct a three-bedroom residence with associated site amenities on a 12.9 acre parcel. James Rabbitt presented his report to the IWWC with conditions of approval. Marshall Eaton made the motion to approve the application with the following conditions:
 1. All costs associated with the review and processing of the application are paid in full by the applicant prior to any construction activities.
 2. The Town's Inland Wetlands and Watercourse Commission is contacted one week in advance of any planned activity on the site relating to the application.
 3. All erosion and sedimentation control is installed on site and inspected prior to any grading and or excavation activities.
 4. Limits of clearing are clearly shown on the plans.
 5. DEP Best Management Practices are followed.
 6. Wetland buffer tags are added to small wetlands area in field and wood line to the rear of the property.

There was discussion about not showing the entire property in the plan. Jim Rowley seconded. Approved unanimously.
- 6. Hull Forest Products, Inc., Taft Pond Road,** timber harvest of storm damaged tree to protect integrity of intermittent streams and salvage down timber. Marshall Eaton made the motion to approve with the following 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 any harvest activities.
 3. The applicant shall deposit an initial \$100.00 for inspections with the Town of Pomfret to be used to pay the cost to oversee the operation.
 4. The Town's IWWC is contacted one week in advance of any planned activity on the site relating to the application.
 5. 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.
 6. The property owner to re-remediate areas that are disturbed/impacted by work that occurs as a result of a harvest activity on their property per best management practices.

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 process as part of this permit. There was discussion about the conditions. Joe Stoddard seconded. Approved unanimously.

7. Hull Forest Products, Inc., Taft Pond Road, timber harvest as per forest stewardship plan. No anticipated impact on wetlands. Marshall Eaton made the motion to approve with the following 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 any harvest activities.
3. The applicant shall deposit an initial \$100.00 for inspections with the Town of Pomfret to be used to pay the cost to oversee the operation.
4. The Town's IWWC is contacted one week in advance of any planned activity on the site relating to the application.
5. The property owner to re-mediate areas that are disturbed/impacted by work that occurs as a result of a harvest activity on their property per best management practices.
6. Best management plans are followed (specifically the harvest should take place in frozen and or dry conditions).
7. All material associated with the harvest is removed a minimum of 100 feet from a regulated area.
8. That the proposed landing area is limited to the area shown on the map.
9. 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 process as part of this permit.
10. A cable system will be used to remove the tree in the stream.

There was discussion about the conditions. Jim Rowley seconded. Approved unanimously.

CITIZEN'S COMMENTS – None.

NEW APPLICATIONS:

- 1. Claudia and William Abbott, Angel Road**, to construct access crossings for a 2-lot resubdivision. Bob Messier was present to discuss the application. Bill Gould recused himself from the discussion. John Bergandahl was seated again. Bill Abbott spoke to his application. He gave a history of the Lloyd and Karin Saunders ownership, Claudia his wife, and how over time the property has been subdivided to make up Angel Road. Bob Messier discussed the two crossing and two house lots. There is a stone foundation and an lane that goes to the road, upgrade both crossings, this completes the build out on Angel Road. St. Martin asked what is entailed in the crossings. Messier said 3300 sf., a significant impact activity for Public Hearings at your April meeting. St. Martin asked what mechanism are you going to use for preservation, the conservation easement. Messier stated the NDDH is to come. St. Martin asked how far away to wetlands in the rear. Messier said 150'. Marshall Eaton made the motion to deem this a significant impact activity and have a public hearing. Paul Safin seconded. Approved unanimously. The public hearing will be on April 2, 2008 at 6:15 p.m. in the Pomfret Town Hall Conference Room. There was discussion about sending this to the Regional Engineer, Syl. Clerk to work on bill.
- 2. Connecticut Audubon Society, 218 Day Road**, Proposed construction of a new educational center in place of existing barn, with driveway, parking, septic system and well. Terry Chambers was here tonight from KWP. We are here for two things tonight – the demo of existing

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 in April or May 2008. The letter was dated January 14, 2008. A caveat was placed on the land records on January 10, 2008.
- 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. The public hearing was closed this evening.
- 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. **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.
3. **Keith and Erin Wilcox, 127 Tyott Road**, single-family home. 9/05. Revised plan submitted. Conservation Easement needs to be done.
4. **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.
5. **Mark Blakely, 138 Longmeadow Drive**, single-family home. 2/06
6. **Shane Pollock, Swedetown Road**, single-family home. 6/06
7. **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.
8. **Rebecca Loos, 40 Modock Road**, 4-lot subdivision. 6/07 Trees were cut down for site line for P & Z.
9. **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: NONE.

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. He thanks us for our patience.
2. Updates and Report from WEO and Commission Members: Rabbitt had none. Brais had none.

4. Approval of the January 2, 2008 Minutes. Jim Rowley made the motion to approve the minutes as amended. Joe Stoddard seconded. Safin abstained. Approved unanimously. Jim Rowley made the motion to approve the January 16, 2008 minutes. John Bergandahl seconded. Safin, Folsom and Travinski abstained. Approved unanimously.
5. Report of billing, and bond releases – Bond release for Weeden, Rabbitt needs to do the site walk and approve the partial release if appropriate.
6. Correspondence – was gone through
7. As needed – Budget discussion and approval. The budget is within the 3% increase as requested by the Selectmen. Pending litigation with Lussier there was no new information. Attorney Mike Zizka will be requested to attend the Quiet Corner Public Hearing of March 5, 2008 to render legal advice if needed. There was no engineer difference of opinion because issues were ironed out and impact on the environment issues was discussed.

ADJOURNMENT John Folsom motioned to adjourn at 9:50 p.m. John Bergandahl seconded. Approved unanimously.

Respectfully submitted,

Betty Morin, Clerk