

INLAND WETLAND AND WATERCOURSES COMMISSION
MINUTES OF MAY 2, 2007 6:45 P.M.
POMFRET TOWN HALL CONFERENCE ROOM

These minutes have not been approved.

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

David St. Martin, Chairman, read the call to **OPEN THE CONTINUATION OF THE PUBLIC HEARING** to allow all interested persons to speak and to receive written communications regarding the Commission's comprehensive revisions to the Town's existing Inland Wetlands and Watercourses Regulations. The Commission has proposed to adopt revised regulations to comply with changes in State Statutes and to comply with the intent of the State's Department of Environmental Protection model regulations at 6:45 pm. A fourth draft was given out to the members. St. Martin stated that the subcommittee went over the information for the fee structure. Our current base fee does not come close to covering what it costs for an application. The committee is recommending that a fee of \$200.00 be received for larger applications for inspections, review and site visit. A smaller application would be 1 hour or less. St. Martin asked for a motion to the fact that there would be a level of review. There was discussion and questions about the way this fee schedule would work. If Rabbitt is needed for the review the fee will be collected and the unused fees will be refunded. Hennen then spoke to other changes in the draft 4 model. Definitions were discussed, 12.1 allowing staff to sign off on an application, the process was explained, and the by-laws have the procedures. Paul Safin made the motion to continue the public hearing at the end of notices of violations. Marshall Eaton seconded. Approved unanimously. The public hearing was picked up again after the Jurisdictional Rulings section. There was further discussion about the regulations at to the sections being questioned. There was also discussion about the fee schedule. Morin stated that the amounts of expenses to March 30, 2007 far outweighed the revenues for the same period. This means we are subsidizing all applications for about \$500.00 - \$600.00 (this is for every applicant. Morin further explained that Rabbitt usually is asked to go to the site of a violation, difficult applications, and to follow through with an application that was started by him. There is a charge for this and the applicant was billed for these services since 2003. The commission decides who they want to do the site walk due to the complexities of the application. Paul Safin made the motion to close the public hearing. Marshall Eaton seconded. Approved unanimously. Marshall Eaton made the motion to put the Regulations on the June agenda so the clerk can prepare an up-dated copy for the members to review before the final vote. Joe Stoddard seconded. Approved unanimously.

OPEN THE REGULAR MEETING – St. Martin opened the regular meeting at 7:20 p.m.

SEAT AN ALTERNATE AS NEEDED – Jim Rowley was seated.

ITEMS TO BE ADDED TO AGENDA – NONE. THERE IS A NEW SECOND PAGE ON THE AGENDA.

PENDING APPLICATIONS:

1. Christian and Rachel Sarantopoulos, 325 Wrights Crossing Road, a 3-lot resubdivision, with 2 new homes, each with septic systems, driveways, and wells. No activities within 250' of any wetland areas. St. Martin stated there was an intervention petition received, a letter from Suisman Shapiro withdrawing the above petition, a letter from the Sarantopoulos's purchase of the property, Joe Theroux, Soil Scientist's report and a conservation easement all dated May 2, 2007 received. Bob Messier stated that the commission had requested to show the topo with soil, they changed the lot lines around 2-3, 2-2 with a conservation easement around entire pond, and the house was moved slightly. The conservation easement document was reviewed with exemption language which was revised and refers to the man made pond and earthen dam, the need to keep vegetation off it through proper maintenance. There is a trail system that is well defined which can be brush hogged and maintained. If the applicant wants to improve them, a new application must be made to the commission. There was discussion on how to delineate the easement, monumentation, stonewall, posts, flush to the ground. Buffer from top to bottom. Messier stated that applicant did not want to put posts out there. An explanation was given as to the reason for the posts. Sarantopoulos stated that the lot line was changed to satisfy the commission's concern and his intention was to do nothing in the wetlands. He stated he understood the commission's concern. There was concern by the commission about horses and sheep. St. Martin stated that 3 or 4 posts would provide some visual warning for the buffer zone. Rabbitt marked the placement of the posts on the plan in the Northerly area, at the stone wall to delineate the area of 150' from wetlands. 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 application 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 surety in the amount of \$1000.00 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 \$1000.00 surety a \$1000.00 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. 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. Additional monumentation will be placed around the conservation easement with 3 wetland buffer tags, 1 to the North to denote 150', 1 into the stone wall at 150' and one on the property line of lot 2-3 for a total of 3 on the easterly side, 3 on the westerly side and 1 on the northern side.
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. Draft was submitted this evening on May 2, 2007.
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. All conditions to be written on final plan and given to IWWC for filing before permit is issued.

Paul Safin, Member seconded the motion. Vote: Unanimously approved on May 2, 2007.

- 2. Town of Pomfret, 5 Haven Road, driveway parking expansion.** Jurisdictional Ruling is requested. Rabbitt explained the application to expand the existing parking at the Town Hall. The wetlands were flagged by a certified soil scientist. St. Martin asked about the breakout of ground water. Rabbitt stated that the area will be stabilized with the debris from farming and seeded and there will be a cleanup of what the road crew did. Safin asked about the parking for emergency vehicles. Rabbitt explained that the plan has a 25% improvement now. If it needs to be enlarged an application would be needed. St. Martin asked about two wetland pockets that need to be crossed. Rabbitt explained the filling from construction of the railroad bed and we are going around. A walking bridge will be used similar to the recreation park. Native boulders to help block vehicle passage. There is no need for a jurisdictional ruling. Marshall Eaton made the motion to approve the application with staff oversight and a

preconstruction meeting with staff and road crew. Paul Hennen seconded. Approved unanimously.

- 3. Quiet Corner, LLC, 202 & 228 Searles Road**, construct two wetland crossings providing access to the property from Searles Road and Cooney Road. **A Public Hearing is scheduled for May 16, 2007 at Pomfret Community School at 7:00 p.m.** No revised plans have been received and no payment of bill.

CITIZEN'S COMMENTS – Tom Garrett of Modock Road was present and stated that some of us have been asked to attend more meetings. This room is crowded. PCS is a better place. The second thing is to have a second citizen comment on the agenda. He was reminded that we had a second citizen comment section all ready. St. Martin stated that when an application is a significant activity we move the meeting to the school. Garrett asked if the IWWC regulates lawns and how do we go about stopping that. St. Martin described the process about the regulations concerning encroaching on a regulated area and that would require a permit. Call the clerk and make a complaint when you see that being done. Bev Champany of Fay Road asked about how many meetings are there going to be when a subdivision comes to the commission. St. Martin explained the process for subdivision, significant activity and the public hearing process. The complete process can take no longer than 7 months depending on the completeness of the application. Champany asked about the P & Z process.

NEW APPLICATIONS:

- 1. Nathan and Eleonora St. Jean, 239 Kearney Road**, driveway, 3-bedroom home, septic and well. The St. Jeans were present to discuss the application and Nora explained that this is the Held subdivision which was approved and had expired. Everything on the application approval is the same. Rabbitt stated that he would do a staff review and grant a jurisdictional ruling if appropriate. St. Martin asked about the surety bond. St. Jean stated that an irrevocable letter of credit would be forthcoming. The boundary is marked. Joe Stoddard made the motion to grant a Jurisdictional Ruling if appropriate. Marshall Eaton seconded. Approved unanimously.
- 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. He described the property, hayfield, wall, wetland delineation and the 3 existing lots. We advised her that the lots were narrow. No disturbance within 300' of the flagged wetlands nearest is 100' from the wetland. NDDH is notified. Conservation easement on brook is fine with applicant. Site walk will be done and there is a bar way on 4.1 at the actual opening. Clerk to notify Putnam.
- 3. Great Woods Companies, 34 Wetherbee Road**, Timber Harvest according to State BMP's. Mr. Lussier was present and read from a letter dated May 1, 2007. He spoke about the commercial selective timber harvest,

removal of poor timber, an intermittent stream that has a bridge over it, using the gravel area, and using previously existing skid roads. He is requesting a jurisdictional ruling. 900 trees are marked. Hennen asked about the landing area. Rabbitt described the process, delimiting at landing, no tops, and tops to be chipped. Is there any access to not disturb Wetherbee Road residents? Great Woods does not want to go along Fay Road. Eaton asked where the bridge was. Hennen asked about the timetable. Lussier stated he wanted to start as soon as possible. St. Martin asked about the south side on the easterly side of the pond. Lussier stated there are not trees marked within 150' of the pond. There was discussion about a jurisdictional ruling and the site walk. Senior staff member will be doing the review. Marshall Eaton made the motion for a jurisdictional ruling to be granted if appropriate. Joe Stoddard seconded. Approved unanimously. Rabbitt will call Mr. Lussier for site walk. Mr. Lussier also spoke about the Notification of Town Timber Harvest. Lussier stated that he would like the commission's input on the form. St. Martin stated that we have an application process that works well for our town and we do not want to change the application. The members will look it over for their comments.

NON-FEE APPLICATIONS: Michael and Sandra Lemoine, 158 Garyschool Road, addition of a 6' X 32' corner porch on front of house. The commission asked for a sketch of the project to accompany the form. It was supplied.

NOTICES OF VIOLATION/CEASE AND DESIST ORDERS:

1. **William R. Edwards, 413 Valentine Road**, Notice of Violation for activity within a wetlands review area. The letter Ryan Brais sent to him was read into the record. There was no receipt received by the commission for delivery of the letter. This will remain on the agenda for the next meeting.
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. There were revised plans sent to us and reviewed, driveway is done and E&S at intersections

of Tyott Road. Conditions – conservation easement still needs to be met. Rabbitt to review with clerk to make sure the conditions are met and application is complete.

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. **Walter Held, Kearney Road**, 2-lot subdivision. Approved 1/04. This is now the property of Bastien and St. Jean (2 sisters bought the two lots). A letter of credit to be received and the application of St. Jean to be reviewed and all conditions should be met along with a pre construction meeting with Rabbitt in the field.

SUBDIVISIONS APPROVED BY PLANNING AND ZONING: NONE

COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION – There was a complaint about siltation going into a certified vernal pool on Covell Road which is in the airline trail. Rabbitt will be looking into the problem and Brais will contact landowner about completion of his application for stabilization of the area. McMerriman asked about Valentine Road logging as well as Youngs Road. She also asked about the Ed Thompson, Eastford project.

EXTENSIONS REQUESTED – None.

CITIZEN'S COMMENTS – Tom Garrett would like to see formal complaints documented.

COMMISSION BUSINESS:

1. Report of Public Relations Standing Committee. Paul Hennen stated that Wetlands Demystified is done. The article was on Timber Harvests and the Protection of Wetlands and Watercourses, Part II.
2. Report of Regulations Standing Committee – The public hearing was closed this evening. To be on agenda for June meeting for discussion and approval.
3. Updates and Report from WEO and Commission Members: Ryan Brais submitted his written report. Hennen complimented the report.
4. Approval of the April 4, 2007 Meeting Minutes – Paul Safin made the motion to approve the minutes as amended. Paul Hennen seconded. Approved. Hennen complimented the minutes. Approved unanimously.
5. Report of billing, and bond releases. Request from Paul Lehto for return of bond amount of \$1915.15 Plus interest for February 2007 on Searles Road Project. John Gagne, 61 Wade Road, Rabbitt stated that the application is not complete at this time. There was further discussion about the fees billed out. Hennen stated that the fees are to be

- reasonable. The staff can negotiate their rates. There was discussion about when Rabbitt goes to a site walk his inspection bill will be paid by the applicant. Brais does not submit inspection bills. Marshall Eaton made the motion that the fees are to be paid by the applicant. Paul Safin seconded. Hennen stated that we are not complying with our own regulations. Motion carries with Paul Hennen voting no.
6. Correspondence – was passed around and gone through.
 7. As needed – Lussier's request for billing explanation. We need to respond to his request now that the commission has decided what to do.

ADJOURNMENT – Jim Rowley made the motion to adjourn the meeting. Paul Safin seconded. Approved unanimously.

Respectfully submitted,

Betty Morin, Clerk