

**INLAND WETLAND AND WATERCOURSES COMMISSION
MINUTES OF NOVEMBER 5, 2008 7:00 P.M.
POMFRET TOWN HALL CONFERENCE ROOM**

These minutes have not been approved.

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

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

SEAT AN ALTERNATE AS NEEDED – John Bergendahl was seated.

Marshall Eaton asked about Wetherbee Road and he was reminded it is on the agenda.

ITEMS TO BE ADDED TO AGENDA: None

PENDING APPLICATIONS:

1. **Travis and Kristen Paine, 17 Johnson Road**, proposed construction of single-family residential house to include areas of fill and excavation, driveway access, on-site septic, and on-site well. There was discussion about the brook that runs under Johnson Road. Brais reported that there was no impact. St. Martin asked how far away the project was from the wetland. Brais looked it up – 900'. Notification was sent to the Town of Woodstock. Neither NDDH approval was received yet nor the watershed information. We have 65 days to approve the application. It was explained to the applicants that we couldn't approve it without approval from NDDH or the Watershed. There were no other concerns about the application.

CITIZEN'S COMMENTS: None

NEW APPLICATIONS:

1. **Town of Pomfret, 13 Railroad Street**, landscaping a future site for airline trail access and information kiosk. Work proposed is to level the northern section of property and restore original grade prior to railroad bed construction. Jim Rivers was present to discuss the new application. John Folsom recused himself from the application. Rivers explained that a STEAP grant was received to work on possibly leveling the St. land on Railroad Street to connect the Wyndham Land Trust, Audubon and PCS. There is a kiosk information center to go there, an existing pad to be used, no septic system, and grown over. The Airline Trail is steep there and needs to be more accessible. The Town Road Foreman and the crew will work on the project.

The silt fence is installed and there will be 1/3 of an acre of disturbance to do the leveling. St. Martin reminded the commission about the drainage ditch that is there which goes under 169 and deposits in the brook. There is impact to protect against. Permit is required. There was discussion about the project concerning E & S, runoff, leaving the silt fence up till stabilized. Hay bales can be used as water dams. There was discussion about the declaratory ruling. Marshall Eaton made the motion to call it a Declaratory Ruling and no permit is required. Paul Safin seconded. The Motion carries. John Folsom abstained.

NON-FEE APPLICATIONS: – None

Marshall Eaton made the motion to move #8 “Forestry Procedures” up on the agenda. Paul Safin seconded. Approved unanimously.

St. Martin explained that we had scheduled a workshop. We have a new clerk who made the error of not posting the workshop. We called it off. James Rabbitt, Jim Rivers and St. Martin stayed and had discussion about agriculture, declaratory ruling form, which would have the information, we require. The way those questions are answered will drive the permit process. There are two or three items such as clear cutting, building a building and “the road” which are being questioned of the Attorney. Rabbitt is getting the answers together for the next workshop. He created a list for Mike Zizka to review for correct wording. Bergendahl stated that our regulations require they fill out a form. Safin explained the forms that have been used or not used. There is a fee for that type of activity. Rivers stated that we could talk about the legal envelope when it comes to the fees. Brais would go out and do the inspections. St. Martin stated that some of the questions are spelled out. Roads vs. existing cart path. Is that use regulated by our commission? What activity can you do to that path to make it a regulated activity, filling, and corduroy? Brais stated that corduroy is a BMP. Fraser stated that there is no definitive answer. What is going to come up in a lot of this is a case-by-case judgment. You are then going to have to look at it as a commission. You will have people who say this is exempt but they are not. It doesn't make it so just on their say so. St. Martin stated if we can get a form and ask the question, the right way is it considered regulated by the commission. What is a regulated crossing? We are trying to get an opinion to come up with the form. Safin stated that it is important to streamline the form. People are worried about clear cutting next to them. How do we know the logger is certified? If we do identify a violation what is the next step. What are other towns doing? How to change our regulations? Folsom stated that under the agricultural thing, there are ways to squirm around the regs. A logger cannot clear-cut nevertheless. There was further discussion about the process and about how to check on the projects. St. Martin stated that the questions have been submitted to Mike Zizka.

There will be a workshop here at 7:00 p.m. on November 19, 2008. This needs to be posted and send agenda with notice. Safin asked if we have broached this with the DEP.

NOTICES OF VIOLATION/CEASE AND DESIST ORDERS:

1. **Roger Daigle, 193 Putnam Road**, Cease and Desist. 10/4/07 – Alison Aleman is to do the application. Nancy Fraser to call her and have him meet with her.
2. **CT Real Estate Holdings, LLC, 195 Searles Road**, Cease and Desist in effect as of 3/16/05. Certificate of NOV placed on land records on 5/19/06. (gravel extraction) Leave on agenda until complete restoration is done. No new activity. The property may be for sale and remediation follows with the owner.
3. **JASD, Orchard Hill Road** - work in regulated area. NOV issued 11/4/05.
4. **Seth Fortier, 194 Covell Road**, – new driveway and vernal pool. 10/05 We need to write him a letter.

JURISDICTIONAL RULINGS: None

PRIOR APPLICATIONS WITH CONDITIONS:

1. **Donna Gauthier, 2 Clapp Road**, single-family home. Syl Pauley to look at the project.
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. No new activity. Take off agenda.
3. **Mark Blakely, 138 Longmeadow Drive**, single-family home. 2/06. No new activity. Take off agenda.
4. **Shane Pollock, Swedetown Road**, single-family home. 6/06. Nothing new to report. Stable. Take off agenda.
5. **Great Woods Companies, 34 Wetherbee Road**, timber harvest. 8/07. Take off agenda.
6. **Abbott, William and Claudia, Angel Road**, dam repair per order of DEP. Nothing for IWWC to decide. This is just a periodical routine inspection of dams by DEP. This has nothing to do with the subdivision. Some of the activity they are requested to do would require permits from this commission. Take off agenda.
7. **Hull Forest Products**, inspection deposits, 130 Orchard Hill Road, 325 Wrights Crossing Road, 422 Brooklyn Road, 640 Pomfret Street, Searles Road, and Raynham Taft Pond Road. The subcommittee met here tonight and what we recommend for Hull Forest Products is to return their \$200.00 and they will be notified of any additional inspections fees, which they will have to pay. Marshall Eaton made the motion to accept the recommendation of the Hull Forest Products subcommittee. John Folsom seconded. Approved unanimously.
8. **CT Audubon Society, Day Road**, new building 5/08. Nothing new.
9. **Tim McNally, 60 Chase Hill Road**, timber harvest 6/08. There was discussion about McNally wanting all fees returned. Needs letter to say condition is not needed. Application and inspection fees are not to be returned.
10. **Brian Riendeau, Taft Pond Road**, timber harvest 6/08. Needs letter to say condition is not needed.

11. **Sarantopoulous, 325 Wrights Crossing Road**, subdivision 5/07. Needs letter to say condition is not needed.
12. **Loos, Rebecca, 40 Modock Road**, 4-lot subdivision 6/07. Nothing new.
13. **Moon et. Al., Peter, 596 Pomfret Street**, single-family home 3/08. Nothing new.

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 – Not ready yet. Holding off for modification of regulations.
2. Report of subcommittee on Registry. Take off agenda.
3. Updates and Report from WEO and Commission Members:
Brais had nothing to report.
4. Approval of the October 1, 2008 Minutes. Marshall Eaton made the motion the minutes as corrected. Folsom seconded. Paul Safin abstained.
Approved unanimously.
5. Report of billing, and bond releases. None.
6. Correspondence – Was gone through. Parkes asking for bond back. Paul Safin made the motion to return the bond after approval by James Rabbitt. John Folsom seconded. Approved unanimously.
7. As need – 34 Wetherbee Road, court decision. There was discussion about fees pertaining to the Wetherbee Road court decision. Eaton stated that they had asked for their fees back in the appeal. St. Martin stated that the commission is not required to return the fees because there was no request in the appeal for return of fees. There were no public hearing fees charged to the applicant and the applicant has not paid the inspection fees which were charged to project. The subcommittee recommended that there would be no refund of the application fee. John Folsom made the motion to accept the subcommittee recommendation. John Bergendahl seconded. Marshall Eaton stated that they are requesting the fees be refunded. The motion should be along the lines of the request. John Folsom withdrew his motion and John Bergendahl seconded.

John Folsom made the motion to refund the fees. John Bergendahl seconded. Folsom spoke against returning the fees. Eaton stated that the commission made a mistake. Folsom stated that he did not appeal for the fees. St. Martin asked for comments about this matter. The vote will be yes to give back the fees and no not to. Folsom withdrew the motion. Bergendahl seconded.

John Folsom made the motion that the fees collected and retained by the Town of \$102.00 will be returned and those fees billed but not paid, of \$127.10 for inspections, will be waived. The machine was then knocked off the table. We reconvened the meeting at 8:45 p.m. Marshall Eaton seconded. A roll call vote was taken as follows: Paul Safin, Yes; John Folsom, No; Marshall Eaton, Yes; Jim Rowley, Yes; Nancy McMerriman, Yes; John Bergendahl, Yes; and St. Martin announced that the vote was 5 to 1 and the motion passed to give back the application fee.

Calendar for 2009. Jim Rowley made the motion to have the meetings at the Senior Center starting January 2009, and the calendar is correct. John Bergendahl seconded. Approved unanimously

ADJOURNMENT – Motion to adjourn was made by Marshall Eaton, John Bergendahl seconded. Approved unanimously at 8:46 pm.

Respectfully submitted,

Betty Morin, Substitute Clerk