

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

These minutes have not been approved.

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

OPEN THE REGULAR MEETING – St. Martin opened the regular meeting at 7:05 p.m.

SEAT AN ALTERNATE AS NEEDED –Katarina Rutkowski was seated.

ITEMS TO BE ADDED TO AGENDA – None

PENDING APPLICATIONS:

- 1. Peter Mann, 125 Valentine Road**, build a 24'X44' garage – propose to use the dirt from the foundation to build height for the garage floor, and to slope grade from garage to current grade – any remaining dirt will be used to fill driveway holes. No one was present to discuss the application and Ryan Brais reported that he has looked at the site and would like to see the barn moved a little to the East. There was discussion about the position of the barn/garage. Brais reported that he did view the site. Folsom explained the topography has to be considered for placement. Can the agent do a jurisdictional ruling? St. Martin stated that No. Rutkowski asked what the barn would be used for. Brais stated that you can see the wetlands, its not swampy, it is a flat area, grading for filling and site walk to be done with applicant to be sure placement is where the commission approves it. John Folsom made the motion to approve the application with the building being located centrally midpoint of the two wetlands. The designated agent to stake out the location for the construction with E & S placement. There are to be no disturbance or access on either side of the building where the wetlands are. WEO to confirm and make final determination of site. Joe Stoddard seconded. Approved unanimously.
- 2. Gary Masiello, 130 Orchard Hill Road**, 3-lot subdivision. There was no one present to discuss the application. Mr. Masiello asked to withdraw his application which was accepted.
- 3. Reindeau and Sons Logging, 181 Orchard Hill Road**, timber harvest. James Rabbitt was not present but the Chairman read his letter and the 11 conditions of approval into the record dated 11/7/07. No one was present to represent the application. John Folsom made the motion to approve the application with the 11 conditions as listed. Marshall Eaton

seconded. There was discussion about item 1 and 2 and a deposit. Approved unanimously.

4. **The Miller Family LLC, 73 Tyott Road and Quassett Road**, the Miller Family LLC is proposing improvements to an existing wetland crossing and a residential development of a house lot on 69.88 acres located on 73 Tyott Road and Quassett Road. The proposed access for the site is on Quassett Road. Activities will include construction of one four-bedroom house with utilities; supply well, septic system, a wetland crossing for driveway access and appropriate grading for the development. St. Martin read the application into the record and he read a letter dated 11/7/07 from James D. Rabbitt into the record. Marshall Eaton made the motion to declare this a significant activity due to the wetland's crossing. John Folsom Seconded. Approved unanimously. St. Martin stated that the public hearing will be held here at the Town Hall Conference Room at 6:30 p.m. on December 5, 2007.
5. **CT Real Estate Holdings, LLC, 155 & 195 Searles Road**, gravel removal within upland area. Terry Chambers was present from KWP and asked to declare this application a significant activity. He stated that it was essentially the same application as before which was withdrawn. They are looking for a pad site for commercial and/or industrial site. St. Martin read James Rabbitt's letter into the record. Marshall Eaton made the motion to declare this a Significant Activity because of the wetlands and to go for Public Hearing. Paul Safin seconded. Approved unanimously. Clerk to get list of available dates for the school cafeteria. The public hearing will be here at the Town Hall Conference Room at 6:00 p.m. on December 5, 2007.

CITIZEN'S COMMENTS – None.

NEW APPLICATIONS: None.

NON-FEE APPLICATIONS: None.

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

1. **Roger Daigle, 193 Putnam Road, Cease and Desist. October 4, 2007.**
A letter dated 10-29-2007 was read into the record from the Lane's about the Daigle property. Eaton asked if the cease and desist was still in affect. Yes. Folsom asked about the application that Mr. Daigle should be submitting and if he doesn't are we going to place a caveat on the property. St. Martin stated yes, we should write a letter to ask what he is planning to submit a remediation application. Rutkowski asked about the bridge and the footings. St. Martin explained the property. He went out before our September meeting and the stream bed was dry. There was debris in the brook, there was a base of concrete placed in the brook by

Mr. Daigle to stop the erosion from the Lane's damming of the brook. The driftwood was removed by the Lane's and a log was placed there so cattle could not cross the brook. The remainder of the driftwood which had been removed was placed on the bank. The placing of concrete, complete relocation of stream channel, attempted construction of a bridge further back are some issues that we need to resolve. The cease and desist will remain in effect.

2. **CT Real Estate Holdings, LLC, 155 & 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). The commission received a new application for this project.
3. **Marc Tufts, 85 Searles Road**, gravel extraction and work in the regulated area. Application approved on 3/06. Leave on the agenda. There are two approved applications on this property.
4. **JASD, Orchard Hill Road**, work in regulated area. NOV issued 11/4/05. No changes. Site is stable.
5. **Seth Fortier, 194 Covell Road**, new driveway and vernal pool. 10/05 St. Martin stated that we reported to the Conservation Commission that Nancy, Jamie and I viewed the property and are satisfied with the Rip rap. The driveway needs a surface treatment.

JURISDICTIONAL RULINGS: None.

PRIOR APPLICATIONS WITH CONDITIONS:

1. **Donna Gauthier, 2 Clapp Road**, single-family home. 11/03
2. **Bruce Dexter, 55 Johnson Road**, single-family home. 7/04
3. **John Gagne, 61 Wade Road**, single-family home and reclamation. 9/04 extension granted 9/09.
4. **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. Revised plan submitted. Conservation Easement needs to be done. Rivers stated that there is an existing crossing on Tyott Road. This will be a joint effort to change the pipe. The work is being done. The diameter of the pipe is being increased.
5. **Pomfret School, Inc., Grosvenor Road**, timber harvest. 3/05.
6. **Mark Blakely, 138 Longmeadow Drive**, single-family home. 2/06
7. **Shane Pollock, Swedetown Road**, single-family home. 6/06
8. **Miller Family Limited Partnership, Tyott Road and Quassett Road**, 3-lot subdivision. 2/07
9. **Christian and Rachel Sarantopoulos, 325 Wrights Crossing Road**, 3-lot subdivision. 5/07 Take off agenda.
10. **Rebecca Loos, 40 Modock Road**, 4-lot subdivision. 6/07

11. Great Woods Companies, 34 Wetherbee Road, timber harvest 8/07. This application is being contested by the applicant.

SUBDIVISIONS APPROVED BY PLANNING AND ZONING: None.

COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION – Complaint from Roger Daigle about neighbor at 193 Putnam Road. The staff are working with the neighbor. A dam was created and then the drift wood was removed. Rutkowski asked about the log still in place to keep the cattle out of the stream and on the neighbor's property. St. Martin said there area is not too steep but the streambed is steep. The log is a way to keep the cattle out of the area. The water flows under it.

EXTENSIONS REQUESTED – None.

CITIZEN'S COMMENTS – None.

COMMISSION BUSINESS:

1. Report of Public Relations Standing Committee. None. The Habitat is a link on our website.
2. Report of Regulations Standing Committee – Rabbitt is still working on the regulations.
3. Updates and Report from WEO and Commission Members: Brais came late to the meeting and reported on 125 Valentine Road. Rabbitt submitted his report with each application.
4. Approval of the October 3, 2007 meeting minutes. Marshall Eaton made the motion to approve the minutes. Jim Rowley seconded. Approved unanimously. Rutkowski and Safin abstained due to absence. Approval of the October 24, 2007 Public Hearing. Marshall Eaton made the motion to approve the minutes. Jim Rowley seconded. Approved unanimously. Rutkowski and Safin abstained.
5. Report of billing, and bond releases – Bastien and St. Jean, both of Kearney Road have requested return of their \$25,000.00 bond. Marshall Eaton made the motion to reduce the bond for 257 Kearney Road owned by Bastien keeping \$500.00 till Spring 2008. John Folsom seconded. Approved unanimously. Paul Safin abstained. Marshall Eaton made the motion to reduce the bond for 239 Kearney Road owned by St. Jean keeping \$500.00 till Spring 2008. John Folsom seconded. Approved unanimously. Paul Safin abstained. James Rabbitt's recommendation was read into the record for both requests.
6. Correspondence – Was gone through and passed around.
7. As needed – 2008 Calendar, Reappointments, Nominations, Pending litigation with Lussier. Paul Safin made the motion to approve the 2008 Calendar as presented. Marshall Eaton seconded. It was prepared as it is always done. The meeting on first Wednesday with deadline for

applications the Friday before. Approved unanimously. Rutkowski asked about reappointments and the process. St. Martin explained the process of the commission historically nominating people for appointment by the Board of Selectmen. Nominations are accepted from the commission for officers annually. David St. Martin is the Chairman, Paul Safin is the Vice Chairman and Marshall Eaton is the Secretary. We are waiting for information and action on Lussier. St. Martin discussed the complaint from Mr. Fay to the Army Corp about Wolf Den Road. There has been discussion about the project with Rabbitt, Rivers, Army Corp and myself. The woman from Army Corp felt that the original person that came out to review it was very restrictive. She did author a new letter to the owners to allow them to mow and maintain it. Not with the Town as permittee. The project was not in compliance, no permanent plan, 30 days to do new plan, tear out everything there to make new plan and report every 10 years. There is a new letter.

ADJOURNMENT – Katarina Rutkowski made the motion to adjourn the meeting at 8:46 p.m. Marshall Eaton seconded. Approved unanimously.

Respectfully submitted,

Betty Morin, Clerk