

**INLAND WETLAND AND WATERCOURSES COMMISSION
MINUTES OF OCTOBER 1, 2008 7:00 P.M.
POMFRET TOWN HALL CONFERENCE ROOM**

These minutes have not been approved.

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

OPEN REGULAR MEETING – St. Martin opened the regular meeting at 7:02. p.m. and had roll call taken. He then entertained a motion to move “items added to the agenda” to “commission business”. A motion was made by Eaton and seconded by Folsom. Motion was approved unanimously.

SEAT AN ALTERNATE AS NEEDED – Gould was seated.

ITEMS TO BE ADDED TO AGENDA – Discussion of future procedures of forestry operations. This item was moved to “Commission Business” through prior motion.

PENDING APPLICATIONS:

1. **DuBois Forestry Mgmt. LLC, River Road**, timber harvest. Brais stated due to a site-walk done on the area, the feasible answer was to have a temporary bridge put in. A 20’ pre-fab bridge will be dropped into place for the harvest and removed once the harvest is completed. He stated that there were no other special measures necessary regarding the regulatory standpoint. Motion was made by Folsom to approve the application using BMP. Seconded by Stoddard. Motion was approved unanimously. Eaton and Gould abstained.

CITIZEN’S COMMENTS: Ann Hennen on behalf of the Conservation Commission issued an invitation to the commission to attend an Easement Workshop to take place on Thursday, October 9, 2008, at the Old Town House at 7pm. It will be presented by Ruth Cutler from the Green Valley. The workshop is basically to present to those commissions that are involved (i.e. IWWC, Conservation, P&Z, and the Selectmen) whether we wish to have a storage program for our easements. This is a continuing workshop from last year.

NEW 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. After discussion, this was continued until the next meeting as the commission is awaiting revised plans. St. Martin asked Brais to walk this site within the next month or so.

NON-FEE APPLICATIONS: None.

NOTICES OF VIOLATION/CEASE AND DESIST ORDERS:

1. **Roger Daigle, 193 Putnam Road**, Cease and Desist. 10/4/07. Brais will be contacting Nancy Fraser to schedule a site-walk on the property.
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). Leave on the agenda until complete restoration is done. No new activity.
3. **JASD, Orchard Hill Road**, work in regulated area. NOV issued 11/4/05. Nothing new to report. Mr. Rose would have to write a request to receive his bond money back.
4. **Seth Fortier, 194 Covell Road**, new driveway and vernal pool. 10/05 No new activity. After discussion, a motion was made by Folsom that since the permit has expired it should be noted in a letter, and that the situation as it stands now is stable, and notation under NOV's can be lifted. Motion was seconded by McMerriman. Approved unanimously.

JURISDICTIONAL RULINGS:

1. **James Delsanto, 43 Tyott Road**, new single-family home.

PRIOR APPLICATIONS WITH CONDITIONS:

1. **Donna Gauthier, 2 Clapp Road**, single-family home. Draft letter dictated by St. Martin prior to meeting to be sent to Gauthier.
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.
3. **Mark Blakely, 138 Longmeadow Drive**, single-family home. 2/06. No new activity.
4. **Shane Pollock, Swedetown Road**, single-family home. 6/06. Nothing new to report. Stable.
5. **Great Woods Companies, 34 Weatherbee Road**, timber harvest. 8/07. Special meeting to discuss this on September 29, 2008. The history was that this application was approved with conditions. Applicant appealed IWWC decision to Superior Court. Court decision was handed down on August 5th. The Commission met to decide what the future options would be. Based on executive discussion, our counsel's opinion was to have a two-sentence declaration stating that this activity is approved without a permit, no permit required, due to the nature of what he was doing there. Also, contained in a letter from Lussier, there was a request that he receive a refund of his application fees. Our counsel stated that this was not necessary as it was not part of the court decision. It was stated that a letter will be written to Lussier restating the court decree. Jamie created the following resolution that's needed for this particular situation. **"DUE TO THE NATURE AND SPECIFICS ASSOCIATED WITH THE APPLICATION SUBMITTED BY GREAT WOODS COMPANIES FOR A TIMBER HARVEST AT 34 WEATHERBEE ROAD RECEIVED BY THE COMMISSION ON 5/1/07, THAT THE PROPOSED ACTIVITY DOES NOT REQUIRE A PERMIT SINCE THE PROPOSED ACTIVITY AS SUBMITTED IS PERMITTED BY RIGHT."** A motion to adopt the resolution was made by Folsom and seconded by Stoddard. After discussion, Eaton requested that the motion be amended to rescind the fees. Folsom made a motion to approve the

original motion of resolution as written and read into record. Stoddard seconded this motion. Motion was approved unanimously. Motion of resolution as read into record to satisfy the court order. This discussion will be carried on under commission business.

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.
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. St. Martin read Hull letter addressed to Lynn into record. Due to a billing error, Jamie asked how he could do a credit back to Hull and Jim Rivers stated that Jamie should write a check to the Town and the Town would then issue a check to Hull. A letter should be written to Mr. Bartlett with a bill for outstanding inspection fees asking if he'd like to pay us or have it withdrawn from an existing surety.

This opened up a bigger discussion regarding surety bonds/passbooks with insignificant amounts of money in them. Rivers stated that there are better ways to go after the money. The cost to the Town to track the statements for these accounts really adds up. In the case of small surety bonds, he just doesn't want to bother with them. St. Martin doesn't think this will be a problem going forward. We need to sit down and do an accounting of the ones that are complete. We should have Nora generate a list so we can what state they're in and then we'll know what to do. A sub-committee was created of McMerriman and Folsom, who will meet on 10/22/08 at 6:00 pm to go over this list of deposits still being held and all the files that coincide with such deposits.

8. **CT Audubon Society, Day Road**, new building 5/08. Jamie believes that they are going through bid process at this time.
9. **Tim McNally, 60 Chase Hill Road**, timber harvest 6/08. Letter read into record asking for the conditions to be removed and the fees returned. Per commission's counsel, the opinion is far-reaching and that the court ruling has no bearing on this particular timber harvest. Letter to be written to Great Woods stating that they are not getting their fees back. It was mentioned that there will, more than likely, be more instances like this one.
10. **Brian Riendeau, Taft Pond Road**, timber harvest 6/08. Ongoing.
11. **Sarantopoulous, 325 Wrights Crossing Road**, subdivision 5/07. Nothing.
12. **Loos, Rebecca, 40 Modock Road**, 4-lot subdivision 6/07. Nothing.
13. **Moon et. Al., Peter, 596 Pomfret Street**, single-family home 3/08. Nothing.

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. Jamie will work with Attorney Zizka on the final draft and hopefully will be ready for the November meeting.
2. Report of subcommittee on Registry. Sub-committee hasn't met in a couple of months.
3. Updates and Report from WEO and Commission Members:
Braiss stated that the only inspection he did was for DuBois; Jamie stated he did a pre-construction, E&S inspection and post-construction inspection on the dam on Carter Road.
4. Approval of the September 3, 2008 Minutes. Rowley made the motion to approve the minutes as presented. Folsom seconded. Approved unanimously. Eaton, Stoddard and Gould abstained.
5. Report of billing, and bond releases. Jamie submitted his billing at the beginning of the meeting tonight.
6. Correspondence – Was gone through.
7. As need – 34 Weatherbee Road, court decision. Continue the discussion about the returning of the fees. Rivers was in court with Atty. Higgins. Judge found Lussier exempt, and it doesn't matter about the good intent of the commission. Rivers said that the word exempt kept being mentioned. All further discussion didn't matter after that. DEP had promised to bring out some more regulations, but they never did. St. Martin asked Rivers if there was any discussion of the returning of fees. Again, Rivers stated that the word exempt kept coming up and if it's a by "right" activity, Jamie wouldn't have had to go out and have inspection fees. St. Martin stated that idea was based on information as we know it now, not then. It was decided that the commission should speak with counsel and not do anything tonight. All members gave their opinion regarding returning the fees on the Great Woods situation. This item will remain on the agenda.
8. Discussion of future procedures of forestry operations. Commission needs to develop a form and a list of criteria. If these items were met, it would go as a declaratory ruling. There are still a lot of gray areas. Concensus of opinion led to the decision to have a workshop to discuss the potential creation of a forestry process moving forward. This workshop will be held on October 22, 2008, at 7 pm at the Pomfret Town Hall. Commission will list what they wish to do initially and send it to Atty. Higgins and have him tear it apart. Then the commission will have another meeting with Atty. Higgins to get final answers and how we can work it into our regulations. This workshop will be open to the public with no counsel at this meeting. There will be no votes taken at this workshop. Therefore, it will not be required to have detailed minutes for this workshop.

ADJOURNMENT – Nancy McMerriman motioned to adjourn. John Folsom seconded. Approved unanimously. St. Martin closed the meeting at 9:28 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk