

INLAND WETLAND AND WATERCOURSES COMMISSION
MINUTES OF SEPTEMBER 3, 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, James Rowley, Nancy McMerriman, John Bergendahl, Alternate, James Rabbitt, Designated Agent, and Ryan Brais, WEO.
Absent: Marshall Eaton, Joe Stoddard, William Gould, Alternate, and Syl Pauley.

David St. Martin opened public hearing for:

Clough Harbour and Associates, Covell Road Bridge, removal of old and installation of bridge on Covell Road at 6:30 pm. No one was present to discuss the application, so St. Martin left meeting open until regularly scheduled meeting time. Meeting reconvened at 6:45 when applicant's representative, Peter Perkins, arrived. Discussion entailed replacement of bridge and abutments, slight shift of road to the east, wider span and slight raising of road. A pre-cast structure will be dropped over the top of the river with no work on the banks. Existing abutment will be pushed back; level platform will drop off to stream. St. Martin asked for anyone who wished to speak for the application. Joe Mariello of 6 Stoddard Road spoke in favor of the plan but had concerns regarding speed control. Perkins stated that the bridge is designed for specific speed, but doesn't allow features to control speed. Charles Franklin of 114 Covell Road approves of bridge getting done ASAP but wants to know when it will be built. Selectman Rivers stated it will probably start in the spring. Franklin asked why it would take a year for a pre-fab bridge. Perkins stated that they are anticipating certification from DEP this fall, and then they need to review bids, report to the state that they've chosen, fabricator does drawings, but they can't excavate while the ground is frozen, so they wait until the thaw. Franklin asked if his driveway would be blocked. Perkins stated that he wouldn't be blocked but that he would need to drive over some gravel until paving is done. At this point the public hearing was suspended.

OPEN REGULAR MEETING – St. Martin opened the regular meeting at 7:05 p.m. and suspended to reconvene the public hearing meeting.

St. Martin asked if anyone else wished to speak for the application. No one responded. St. Martin asked if anyone wished to speak against the application. No one responded. St. Martin asked the Commission if they had enough information on this issue.

Rabbitt recommended to the commission that Clough Harbour is following E&S provisions under BMPs, jurisdiction is local with state using Federal funds, the documents prepared were significant and well done. Hearing was closed at 7:07 p.m.

Regular meeting reconvened at 7:08 p.m.

St. Martin introduced Lynn Krajewski as the new clerk and said thank-you to Betty for all her years of service. Rivers added that there are other new personnel to be introduced. Nancy McMerriman will be taking over Joe Travinski's position and the Board of Selectman appointed Nancy Fraser as an alternate.

SEAT AN ALTERNATE AS NEEDED –

ITEMS TO BE ADDED TO AGENDA –

PENDING APPLICATIONS:

- 1. Judy's Kitchen, DBA Pete's Drive In, 405 Mashamoquet Road,** remove an existing building and build gravel parking lot. Due to a possible zoning violation, may have to change rectangular shape of lot to an L-shape for proposed parking area. As additional info was received today there could be no jurisdictional ruling, and it is back before the commission. St. Martin recommended a condition prior to final plan to have a pre-site meeting to see what they're going to build. Motion made by John Folsom to approve application with conditions that prior to any construction, the wetlands agent is to be consulted on site as to exact location and that a print be submitted as to that exact location of the parking lot and that all E&S and whatever measures the agent feels necessary be in place. Paul Safin seconded. Approved unanimously.
- 2. Clough Harbour and Associates, Covell Road Bridge,** removal of old and installation of bridge on Covell Road. This issue was discussed earlier in the Public Hearing. Motion by John Folsom to approve application. John Bergendahl seconded. Discussion about a pre-construction meeting. Motion was modified by John Folsom to have agents attend a pre-construction meeting and have periodic inspections to insure plans are being followed as submitted. John Bergandahl seconded. Approved unanimously.
- 3. Hull Forest Products, Inc. Eric Johnson, 50 Railroad Street,** selective timber harvest. No one was present to discuss the application.
- 4. Town of Pomfret, Wolf Den Drive,** replace bridge decking. Motion by John Bergandahl to approve application as submitted. John Folsom seconded. Approved unanimously.

CITIZEN'S COMMENTS : None.

NEW APPLICATIONS:

- 1. DuBois Forestry Mgmt. LLC, River Road,** timber harvest. DuBois distributed a letter to all of the commission members detailing all aspects of the timber harvest. Discussion was held by commission members. St. Martin stated that as a new application, it can't be approved tonight, but

- may be eligible for a jurisdictional ruling. Brais will do a site-walk for the jurisdictional ruling. Brais will call DuBois to schedule the site-walk.
- 2. James Delsantos, 43 Tyott Road**, new single family home. Change in plans to make the home 15' longer and 6' wider. St. Martin thought this could be handled by a jurisdictional ruling. Motion by John Folsom to have wetlands agent do a site-walk. Paul Safin seconded. Approved unanimously.

NON-FEE APPLICATIONS: None.

NOTICES OF VIOLATION/CEASE AND DESIST ORDERS:

- 1. Roger Daigle, 193 Putnam Road**, Cease and Desist. 10/4/07. Applicant's attorney was present and is setting up a time to meet with Rabbitt on the property to go over what the remediation of the violation may be so she can react to it on behalf of her client.
- 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. Nothing new to report.
- 3. JASD, Orchard Hill Road**, work in regulated area. NOV issued 11/4/05. Nothing new to report.
- 4. 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. Nothing new to report.

JURISDICTIONAL RULINGS: None.

PRIOR APPLICATIONS WITH CONDITIONS:

- 1. Donna Gauthier, 2 Clapp Road**, single-family home. 11/03. Discussion of 15" pipe being used instead of 18" pipe as originally on plan. Letter to be written by staff 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. Nothing new to report.
- 3. Mark Blakely, 138 Longmeadow Drive**, single-family home. 2/06. Nothing new to report. Rabbitt or Brais to follow up.
- 4. Shane Pollock, Swedetown Road**, single-family home. 6/06 Nothing new to report.
- 5. Great Woods Companies, 34 Wetherbee Road**, timber harvest. 8/07. Letter from town attorney dated 8/8/08 was read to commission regarding the court decision that this application was exempt from regulations. Issue remanded to the commission for action. St. Martin contacted Atty. Higgins

regarding this decision and as to how the commission will comply. There was discussion and it was decided to have a Special Meeting of the Commission along with Rivers, Rabbitt, Atty. Higgins, and Atty. Zizka. This is tentatively scheduled for September 15, 2008 at 7 p.m. at the Senior Center/Grange Hall at 407 Mashamoquet Road (Route 44). It was suggested that the two agenda items be: (1) Open discussion and (2) Executive session discussion.

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 is working on the final draft.
2. Report of subcommittee on Registry. Committee is waiting for resolution of litigation.
3. Updates and Report from WEO and Commission Members: Brais mentioned Peter Mann on Valentine Road. There is an approved plan for a barn to be constructed on the property. There is a site-walk scheduled for 9/13/08 to finalize location of the barn. Rabbitt had nothing new to report.
4. Approval of the August 6, 2008 Minutes. Jim Rowley made the motion to approve the minutes as presented. Bergandahl seconded. Approved unanimously. Nancy McMerriman and Paul Safin abstained.
5. Report of billing, and bond releases. Billing is current as of 9/3/08.
6. Correspondence – Was gone through.
7. As needed – None.

ADJOURNMENT – John Folsom motioned to adjourn. Paul Safin seconded. Approved unanimously.

Respectfully submitted,

Lynn L. Krajewski, Clerk