

**INLAND WETLAND AND WATERCOURSES COMMISSION**  
**MINUTES OF SEPTEMBER 5, 2007 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, James Rowley, Nancy McMerriman, Alternate, James Rabbitt, Designated Agent, John Folsom, Joe Stoddard, Joe Travinski, and Ryan Brais, WEO. Absent: Marshall Eaton and Katarina Rutkowski, Alternate.

**OPEN THE REGULAR MEETING** – St. Martin opened the regular meeting at 7:02 p.m. St. Martin welcomed Jim Rowley as a member of the IWWC.

**SEAT AN ALTERNATE AS NEEDED** – Nancy McMerriman was seated.

**ITEMS TO BE ADDED TO AGENDA** – A complaint was added to the agenda and Jim Rivers had a concern about a public hearing bill. Paul Safin made the motion to add these two items to the agenda. John Folsom seconded. Approved unanimously.

**PENDING APPLICATIONS:** None.

**CITIZEN'S COMMENTS** – Robert Lussier was present and his letter was read into the record with questions about the commission's billing practices and other concerns. He asked for a written response to his concerns.

**NEW APPLICATIONS:**

1. **Quiet Corner, LLC, 202 & 228 Searles Road**, the applicant proposes to construct two wetland crossings providing access to the property from Searles Road and Cooney Road. There was no one present to discuss the application. There was discussion about scheduling the public hearing for the November meeting. We need to receive the deposit/fee and move to review. There was discussion about the dated and how we cannot ask the applicant to color the portion of the application which is "old" vs. new. The date will be set and the public hearing will be at the PCS cafeteria.
2. **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. Peter Mann was present to discuss the application. There were questions about a full frost wall, electric service, gutters and drainage. He was asked to stake out the 4 corners of the garage for a site walk by Ryan Brais.
2. **Abington Congregational Church, 542 Hampton Road**, proposed parking lot and driveway improvements. Pat McLaughlin from KWP was

present to discuss the application. McLaughlin explained that there is a gravel parking lot there, it gets muddy in areas and they want to pave it. The grass area will be used as overflow. The applicant would like to do this as a no fee application. St. Martin explained the process of an application if it has any impact on wetlands. John Folsom abstained from the discussion. There were questions about the septic system, curtain drains, existing grass swale, leach field, outlet protection, curbing on lower side of entrance to community building, DOT is notified, under drain and possible jurisdictional ruling. Rabbitt described the need to rotate the outlet to the curtain drain, curbing on northerly border is OK, eliminate easterly side to sheet flow by cutting the tail off, it was at their own risk to not do the B100. Paul Safin made the motion to receive revised plans from KWP with relocation of the curtain drain and other recommendations made in the field necessary to grant a jurisdictional ruling. Joe Travinski seconded. Approved unanimously. John Folsom abstained from the vote.

- 4. Keith Wilcox, 53 Tyott Road**, proposed I-lot subdivision for the purpose of construction a single-family home with driveway, well and septic system. Pat McLaughlin was present from KWP to discuss the application. There was discussion about the history of the project, the proposed house, road, the triangle pieces to be added to the deed of the lots, the new driveway, the barn, the driveway on lot 2.0 and what was constructed and not constructed. Travinski and others wanted to see where the driveway is going to go. We need to do a site walk and a plan that shows the house lot. We also need NDDH approval. Rabbitt explained the process and amending the application on two pieces of land with work on another lot. Folsom stated that he felt like they either had to approve the whole thing or deny the whole thing. A site walk should be done. The commission would like to see what is on the other lot where the new driveway is to go. There was discussion about this subdivision and the resubmission of the whole lot(s) and NDDH approval. Rough stake the area for the site walk.

#### **NON-FEE APPLICATIONS:**

- 1. Putnam B. Macdaniel, 71 Rich Road**, new shed, renew existing garage, demolish wood shed and replace with new structure. Ryan Brais was present to discuss the application and the field conditions. The area is a hay field. Where is NDDH approval? Where are spoils going to go when they create the basement? The commission requires a separate application with complete drawings, where are spoils going to go, gutters and down spouts. This application should have come before the commission. The commission would like to see the complete details and plans before construction begins.

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

- 1. William R. Edwards, 413 Valentine Road**, Notice of Violation for activity within a wetlands review area. Ryan Brais reported that he

- reviewed the aerial photos to match what is there today. He described the photos (one from Google in summer and State in winter). The notice of violation was issued for the 4-wheeler in the wetland. There is a stream there which is dry and the 4-wheelers have stopped. Brais reported that he investigated the area and there are no stumps or grading which has been done recently. No trees were cut recently. There is a right-of-way. The reseeding is done. James Rowley made the motion to remove the violation. John Folsom seconded. Unanimously approved.
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) No changes. The property has been sold?
  3. **Dr. Richard Lefebvre, 85 Searles Road**, gravel extraction and work in the regulated area. Application approved on 3/06. The new owner is aware of on-going remediation. 80% of the project is done.
  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 The Conservation Commission has requested a written report. The commission will provide one.

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.
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. **Catherine Pritchard, 94 Hampton Road**, 3/07
10. **Christian and Rachel Sarantopoulos, 325 Wrights Crossing Road**, 3-lot subdivision. 5/07
11. **Rebecca Loos, 40 Modock Road**, 4-lot subdivision. 6/07
12. **Great Woods Companies, 34 Wetherbee Road**, timber harvest 8/07

**SUBDIVISIONS APPROVED BY PLANNING AND ZONING:** None.

**COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION** – Complaint from Roger Daigle about neighbor at 193 Putnam Road. A letter from Mr. Daigle's attorney was read into the record. The letter was dated 8/27/07. St. Martin and Rabbitt went out to the property today, the stream is dry and there was a large portion of drift wood up against the property line. There is a steep drop off on the neighbor's side. The neighbor placed concrete in the stream bottom. Rabbitt explained the problem that Mr. Lane was dealing with when he made an application for an erosion problem. There was armoring of the stream bed done at that time. The water overflows in the spring and goes into secondary low spots. The debris has been removed from the stream channel and the complaint goes away. Mr. Daigle can look at the stream channel to assess its status. The complaint is now a moot point. Staff will continue to do due diligence and proceed as needed. A letter will be written to Attorney Aleman. Leave on Agenda.

**EXTENSIONS REQUESTED** – None.

**CITIZEN'S COMMENTS** – None.

**COMMISSION BUSINESS:**

1. Report of Public Relations Standing Committee. We need to work on replacing Wetlands Demystified.
2. Report of Regulations Standing Committee – We had a subcommittee meeting with St. Martin, Safin, and Rutkowski. The regulations were reviewed with Mike Zizka using the Model Regulations and Paul Hennen's information. Fees were a problem and we are still working on the regs and they will be ready for the next meeting.
3. Updates and Report from WEO and Commission Members: Brais spoke about the Daigle property and the history of the property to spoils, Army Corp and possible violation of bridge. Railroad Street has to have the silt fence repaired because they are removing sand from the site. Rivers reported he spoke to the contractor. Clerk call owner to remind him to repair the silt fence. It will be repaired.
4. Approval of the August 1, 2007 meeting minutes. Paul Safin made the motion to approve the minutes as amended. John Folsom seconded. Approved unanimously.
5. Report of billing, and bond releases – There will be a subcommittee meeting about billing at 6:00 here.
6. Correspondence – Was gone through and passed around.
7. As needed – Robert Lussier, Jr., and Ronald Champany, 34 Wetherbee Road, Summons. Executive Session. The executive session was closed at 11:15.

8. Jim Rivers wanted discussion about Public Hearing fee Ordinance and the costs associated with Public Hearing Notices. Rivers asked why should the applicant pay the public hearing fees if petitioned by the public. At the Selectmen's meeting there was discussion about this issue and we did conclude that the public should pay the expense. The people are the taxpayers should pay the costs. There was discussion about the petition process and what happened with other commissions and boards. Rabbitt stated that this needs to be worked into the by-laws. It doesn't happen often enough and this is the first time. The burden of the cost is on the taxpayers and in the wetland budget. There was discussion about errors made by the Town, abutter notices, technical advice that is hired, attorney fees, and we should not subsidize that. Rabbitt will research statutes around the public hearing and work into the by-laws for no fee for a petition. He will also see if it should go into the regulations.

**ADJOURNMENT** – Paul Safin made the motion to adjourn the meeting. John Folsom seconded. Approved unanimously at 11:16 p.m.

Respectfully submitted,

Betty Morin, Clerk