

INLAND WETLAND AND WATERCOURSES COMMISSION
MINUTES OF SEPTEMBER 6, 2006 6:30 P.M.
POMFRET TOWN HALL CONFERENCE ROOM

These minutes have not been approved.

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

OPEN PUBLIC HEARING – David St. Martin, Chairman, opened the Public hearing for **Lloyd Davies and Hilda Moseley, 176 Paine Road**, 4-lot subdivision at 6:35 p.m. Scott Young from CME was present to discuss the application. Lloyd Davies and Hilda Moseley were present also. There were revised plans given to the members and there was discussion about the last meetings concerns about the wetlands, feasible and prudent alternatives, driveways, old wood road there for 35 years, drainage, French drains, ditches, and Ian Cole's letter. St. Martin asked about the width of the wetland's buffer. Young stated it was 50' and part of the conservation easement. Limits of clearing would be outside of the area with the exception of minor intrusions. Rutkowski asked about additional clearing for the old path. Young stated it would need pruning. There was discussion about the width needed for a driveway and Rabbitt stated that this is an existing fill area. If the commission did entertain work in this area, this area does have impact, everything drains from South to North and East to West this is the headwater for the wetlands. This will have significant impact. You will have lower areas in the driveway and nature takes its course. He described how water flows, the driveway construction, utilities, and channels that cause disturbance. There was discussion about the material in that area. Rabbitt stated that he cannot support a driveway that goes through and splits the watercourse. Paul Hennen presented pictures of the site. Hennen asked about the functionality of the area. Young stated it is a red maple swamp, with groundwater discharge, and recharge, ferns, typical of swamp. Rutkowski asked about the quality of the wetland to the south. Channeled waterways have water entering the ponds, and vernal pools. Rutkowski described the site walk with Hennen. Rabbitt stated that the project has impact on the wetlands. St. Martin asked for the public who wish to speak in favor of the project. None. St. Martin asked for the public who wish to speak against the project. None. There was more discussion about the driveway(s), protecting the vernal pools that exist. The public hearing will be continued to the October 4, 2006 meeting at 6:30 p.m. at the Pomfret Town Hall Conference Room.

OPEN THE REGULAR MEETING – St. Martin opened the regular meeting at 7:03 p.m.

SEAT AN ALTERNATE AS NEEDED – Paul Safin made the motion to seat Rowley. Paul Hennen seconded. Approved unanimously. Rowley was seated.

ITEMS TO BE ADDED TO AGENDA – Correct address to 75 Quassett Road for Travinski application. 2 non-fee approvals.

PENDING APPLICATIONS:

1. **Lloyd Davies and Hilda Moseley, 176 Paine Road**, 4-lot subdivision. This application is continued in Public Hearing for October 4, 2006.
2. **Great Woods Companies, 195 Fay Road**, timber harvest. Bob Lussier was present to discuss the application. James Rabbitt stated that he granted a jurisdictional ruling for the project with conditions.
3. **Robert O. Lussier, Jr., 34 Weatherbee Road**, 2nd driveway with parking for 2 log-trucks. Bob Lussier was present to discuss the application. Mr. Lussier asked for and was granted an extension of his application.
4. **Hull Forest Products, Inc., 79 Cherry Hill Road**, timber harvest. James Rabbitt stated that he granted a jurisdictional ruling for the project with conditions.
5. **Paul Miller, Tyott Road**, 3-lot subdivision. Erik Englart from CME was present to discuss the application. It is a re-subdivision. He discussed the wetlands being reflagged by the soil scientist and coordinated with the GPS. They staked out the house and septic system. NDDH approval was received. There was discussion about blasting, ledge 48-56” deep, 350 cubic yards of rock excavation, and 800 – 900 cubic yards to be removed for foundation which covered the information needed from the last meeting. It is a significant activity. What is the next part of this process? Rabbitt stated that he was on the perimeter of the property and given the extent of the impact on the wetlands a public hearing is needed. Hennen stated that he and Rutkowski did a thorough site walk and because of the density of the homes a public hearing is required. The property is very thorny. Folsom asked if it met the significant impact criteria. The wetlands are substantially different, public hearing is to voice opinions about blasting, NDDH requirements, headwater to the Wappaquoia Brook issues, conservation easement and riparian buffer issues.
St. Martin set the public hearing to open on October 4, 2006 at 6:00 p.m. at the Pomfret Town Hall Conference Room.
6. **Riendeau Sons Logging, Valentine Road**, Timber Harvest. James Rabbitt stated that he granted a jurisdictional ruling for the project with conditions.
7. **Keith Wilcox, 34 Tyott Road**, 2-lot subdivision. Terry Chambers from KWP was present along with Keith Wilcox. He described the division of the parcel and presented the application with Soil Scientist report and NDDH testing criteria. There was discussion about wetland pockets, the upland review area, ledge from 40 – 41”, creation of 2 lots and the 3rd lot will have a separate application. St. Martin stated that there are 3 operations – 2 for houses and one for filling in an area for a house. There was discussion about NDDH approving the septic system(s). A site walk

will be done by James Rabbitt, KWP, and Keith Wilcox. The site is to be staked out.

CITIZEN'S COMMENTS – None.

NEW APPLICATIONS:

1. **David and Katarina Rutkowski, 199 Paine Road,** Maintain aquatic environment of pond less than 100 square feet. Rutkowski was present to discuss the application. Cattails are on one side of the pond and they are going to lose the pond. There will be E & S on site. The applicant asked for a jurisdictional ruling. The Commission stated to Rabbitt that if a jurisdictional ruling was warranted, it could be granted after a site walk.
2. **Sandra Travinski, 75 Quassett Road,** Create small stone filled trench (36' long X 24" wide X 16" deep) to divert water runoff from Quassett Road which temporarily accumulates in rock garden before making its way through soils to detention pond. Mrs. Travinski was present to discuss the project. Mr. Travinski recused himself. There was discussion about the application. There is drainage on the property which ponds in a rock garden area. The drainage comes off the road. He will be using small equipment and hand working a drain to the detention pond to keep the water flowing from the road into that area. He requested a jurisdictional ruling if appropriate. Ryan Brais reported that he was at the site this evening. The Commission stated to Brais that if a jurisdictional ruling was warranted, it could be granted after a site walk.
3. **Brian and Marie Sheldon, 155 & 195 Searles Road,** wetlands remediation. Brian Sheldon and Janet Blanchette were present and Janet described the plan.

NON-FEE APPLICATIONS: 57 Anderson Road, deck addition and 354 Pomfret Street, garage and family room addition.

NOTICES OF VIOLATION:

1. **James Dean, 862 Pomfret Street,** activity within 150' of a wetland. 3/3/04. Rabbitt did the site walk with Dr. Dean. He drew the project on the white board. He has some purple loosestrife. He wants to spread spoils to keep the invasives down. He wrote a letter to the commission. Rabbitt will write a clarifying letter as to what he needs to do on the site. He needs to do a permit to get a jurisdictional ruling and pay the fees.

2. **Town of Pomfret, Bus parking and Town Garage, Mashamoquet Road, NOV 11/04.** Rabbitt reported that the site is relatively stable at this time. We may require some regrading in the area.

CEASE AND DESIST ORDERS:

1. **Brian and Marie Sheldon, 195 Searles Road,** cease and desist in effect as of March 16, 2005. The Cease and Desist will be kept in force. Katarina Rutkowski asked how to proceed with the NOV. James Rabbitt stated that there are a host of issues for wetlands and Planning and Zoning. There are 2 cease and desist notices on the property. One for the gravel extraction and Second for the removal of the stonewall on the northern part of the site for which we have a court ordered injunction. The court ordered him to do some steps that he has not paid attention to under the town's order and he may have ignored the judge's order to be moving forward with an application to the commission. The attorney is on vacation. Hennen asked if staff would take care of this issue or is the commission to handle it. Who is ultimately responsible? Rabbitt explained that he now has enforcement issues that may result in arrest, he has to submit a plan/application in a timely manner to the commission, and staff is working with counsel to go through the process. John Folsom asked if the first remediation plan is done. Rabbitt stated that the status of that is unknown at this time.
2. **Kenneth Cardinal, 90-96 Wrights Crossing Road,** bridge construction. This application was received on 10/5/05. This will be kept in force. Rabbitt stated that the posts are in, the material is in the pipe and the easement still needs verification for correctness.
3. **Dr. Richard Lefebvre, 85 Searles Road,** gravel extraction and work in the regulated area. NOV 4/05. This will be kept in force. Rabbitt stated that they have started work on that. They have a valid permit and have ceased activity on the property. Ryan Brais stated they have built a berm and it needs to be completed to the North. There is no opportunity to contaminate the White Brook. 5000 cubic yards of loam is being removed slowly.
4. **JASD, Orchard Hill Road,** work in regulated area. NOV 10/05. Mr. Rose will come back to the commission in April. This will be kept in force. Rabbitt placed a phone call into District 2 to John DeCastro. I need information to proceed. The site is stable.

JURISDICTIONAL RULINGS: Rabbitt stated he did the jurisdictional ruling for the Pomfret Community School and they are to repair/reinstall the plunge pool as a condition.

PRIOR APPLICATIONS WITH CONDITIONS:

1. **Keith and Erin Wilcox, 127 Tyott Road**, single-family home. Installing plunge pool and sedimentation basin.
2. **Mark Blakely, 138 Longmeadow Drive**, single-family home. No activity.
3. **Pomfret School, Inc., Grosvenor Road**, timber harvest. No activity.
4. **Shane Pollock/John Dilorio, Swedetown Road**, single-family home. NDDH approval was received. There was discussion with Mr. Dilorio about placing the wetland tags on the site. This is a condition of approval and must be done before a permit can be issued.
5. **Walter Held, Kearney Road**, 2-lot subdivision. Ryan Brais submitted his report with this project in it. Rabbitt stated that the lot is stable; skidder will place the silt fence.

SUBDIVISIONS APPROVED BY PLANNING AND ZONING: RLB/PAB LLC, Route 44 and Covell Road, 5-lot subdivision.

COMPLAINTS/CONCERNS RECEIVED BY THE COMMISSION – on Weatherbee Road the complaint about tree cutting. Held on Kearney Road - Antitracking pads need to go down. They did not comply with our conditions of approval. Hennen expressed his concern about the general amount of subdivisions that the conditions of approval are not noted on the plans and they are approved. This needs to be tracked. Rabbitt stated there are wood chips on the eastern edge and he discussed the work on the road.

EXTENSIONS REQUESTED – None.

CITIZEN'S COMMENTS – None.

COMMISSION BUSINESS:

1. Report of Public Relations Standing Committee and By-laws. Paul Hennen reported he has not written wetlands demystified and they are in limbo. David St. Martin, Paul Safin and Paul Hennen need to review the by-laws because they are ready. Can meet before next meeting? Changes will be made.
2. Report of Regulations Standing Committee – Hennen reported that he has downloaded the new model regulations. They will be reviewed and new regulations and changes will be made and then we have to discuss options we have to incorporate into the regulations.
3. Updates and Report from WEO and Commission Members: The Eaton house at Pomfret School is in the process of being relocated to the North. It will take 3-4 weeks.
4. Approval of the June 7, 2006 Meeting Minutes – John Folsom made the motion to approve the minutes as amended. Marshall Eaton seconded. Approved unanimously.

5. Report of billing, and bond releases. Billing is in good order. There is one long past due bill on Valentine Road. The commission asked the clerk to bill the landowner. There are some very old bonds, Rabbitt to review with clerk.
6. Correspondence – mail was passed around. There was correspondence from Ford Fay about the updates of Freedom of Information dated July 20, 2006.
7. As needed – Paul Hennen attended the P & Z meeting about the corner of 101 and 169 (Bosworth's House). A person went to them with a conceptual view for a shopping center and bank with parking within 25' of a wetland. The House is a Historical Home. Hennen suggests caution if speaking to anyone about this project. Rabbitt stated that this applicant requested a preliminary discussion about the size of the project coming into town. Under the statutes, you can say thank you for your comments with no positive or negative response.

ADJOURNMENT – John Folsom made the motion to adjourn the meeting at 10:00. Paul Hennen seconded. Approved unanimously.

Respectfully submitted,

Betty Morin, Clerk