

Inland Wetlands Agent's Report

July 13, 2021

Public Hearings

041321D Pomfret Landing Road/Church Street – Andrew Kausch.

Date submitted: 4/7/21.

Date of receipt: 4/13/21.

Deadline to hold a Public Hearing if no extensions granted: 6/19/21.

A 30-day extension was granted on 6/30/21 because the 6/8/21 meeting was cancelled.

Date Public Hearing opens: 7/13/21.

Deadline to close public with 30-day extension granted: 7/17/21.

If the hearing does not close on 7/13 the Commission needs another extension of 24 days until the 8/10 meeting date.

Deadline to close public hearing if maximum extensions are granted: 8/21/17.

NECCOG review engineer's unaddressed comments:

"The revised note on Sheet 2 of 4 leaves out the mention of topsoil depth. Nevertheless, topsoil depths are noted along the proposed driveway where the test pits were dug and remain the same as noted in the previously submitted drawing. Furthermore, the term "seasonal high groundwater" has been incorporated into the former note, most likely due to observing mottles. Accordingly, I recommend that driveway construction be carefully inspected concurrently by the Applicant's engineer and a member of town staff, especially where wetland crossings occur with variable depths (0" - 16") to seasonal high groundwater levels, to ensure that the engineer's driveway design is adhered to and minimize the impact this could have on the long-term functionality of the driveway."

"Even though USDA NRCS soils types with boundaries are included in the wetlands report, they should also be included on the project plans."

“An overall plan showing the “new” lot lines should be included in the plan set. As it is presented now, it is difficult to see how the proposed subdivision relates to the existing lot configurations.”

Old Business

041321D Pomfret Landing Road/Church Street – Andrew Kausch.

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Deadline to close public with 30-day extension granted: 7/17/21.

If the hearing does not close on 7/13 the Commission needs another extension of 24 days until the 8/10 meeting date.

Deadline to close public hearing if maximum extensions are granted: 8/21/17.

041321B 40 Almada Drive - Paul Lehto. Proposed 2-lot residential subdivision.

Date submitted: 4/5/21.

Date of receipt: 4/13/21.

Deadline to act on the application if no extensions granted: 6/17/21.

A 30-day extension was granted on 7/7/21 because the 6/8/21 meeting was cancelled.

Deadline to act on the application with only a 30-day extension: 7/17/21.

If the Commission does not act on 7/13 the Commission needs another extension of 24 days until the 8/10 meeting date.

NECCOG review engineer's unaddressed comments:

Sheet 2/10 – Existing Conditions Plan

“Note No. 3 under “Notes” states that “topographic information was obtained by actual field measurements, datum assumed.” The note needs to define the accuracy that the topographic survey meets and who performed the survey.” (The plan has been changed to define the accuracy but not changed to state who performed the survey).

The wetlands delineations on the plan have been certified as being delineated by R.C. Russo with his “signature” on the plan. When did Mr. Russo flag the wetlands as no flags were visible from Paradise Drive for the 7-X line when a site visit was made on April 30, 2021?

181 Paradise Drive – Shane O’Connor. Show Cause Hearing for wetlands violation.

I inspected on 4/15 in response to a complaint about fill being dumped and trees being cut. I issued a Cease & Desist (C&DO) that day, followed up by a more formal C&DO. I re-inspected on 5/6. A show-cause hearing was held on 5/11/21. Joe Theroux submitted a wetlands delineation report on 5/24.

From the 5/11/21 meeting minutes:

Chairman Arends asks Mr. O’Connor if he has any plans for the property, to have them drawn out and bring in with an application. Mr. O’Connor understands.

Shane O’Connor failed to submit a plan or a wetlands permit application as requested by Chairman Jeff Arends at the 5/11/21 meeting.

Scheduling a site walk is recommended.

35 Kara Road – Deborah Love. Show Cause Hearing for wetlands violation.

I inspected on 4/21 in response to a request from Rick Ives. I met Les Philips, inspected and took photos. I issued an abbreviated (C&DO) on 4/21, followed up by a more formal C&DO on 5/6. A show-cause hearing was held on 5/11/21.

At the 5/28 site walk, only Rich Oliverson attended. He did not walk down to see the area where recent wetland filling was observed on my 4/21 site inspection.

Scheduling a second site walk is recommended.

95 Bunny Lane – David Jarvis. Complaint about cutting trees near wetlands.

I inspected and took photos on 6/10 in response to an anonymous complaint about tree cutting near wetlands. I met Mr. Jarvis, who kindly showed me the work he has done recently. Jeff Page cut several large pines which had had branches snapping off and at trimmed at least one hardwood that was leaning over the pool. One of the pines had fallen and hit the above-ground swimming pool. Mr. Jarvis wants to make a picnic area. He has cut up fallen trees. He has used a small tractor to push around piles of debris and organic matter. Moving the piles of debris will finish his work.

The lot is steeply sloping. The wetlands map appears to show wetlands closer to the house than I observed. The wetland resource are I observed on the lot is the pond between the Jarvis' property and the FCR gravel pit. There is a natural berm at the toe of the slope near the pond that will prevent any soil from washing into the pond during a storm.

Vegetation has been removed and piles of organic matter/debris pushed around in the upland review area to the pond.

Mr. Jarvis agreed to draw a plan of the work and submit it before the 7/13 meeting. Mr. Jarvis agreed to attend the 7/13 meeting at 6:00 pm.

143 South Street – Loni Decelles. Request to fence in lawn to pasture 2 horses and construct 2 temporary carports for shade.

Please refer to the inspection report and site photographs. I am seeking input from Commission members as to whether you want Ms. Decelles to apply for a declaratory ruling. I believe the proposed work would be considered agriculture.

11 Kathleen Drive – Derek and Lisa Lindia. Complaint about site work near a property line.

Please refer to the inspection report and site photographs.

Day Street -Jeffrey Weaver. 4-lot subdivision request for jurisdictional ruling

The Commission must vote and a legal notice following the vote must be published in the newspaper. Please refer to Section 4.4 from the Brooklyn IWWC regulations:

“4.4 To carry out the purposes of this section, any person proposing a permitted operation and use or a non-regulated operation and use shall, prior to commencement of such operation and use, notify the Commission on a form provided by it, and provide the Commission with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or non-regulated use of a wetland or watercourse. The Commission shall rule that the proposed operation and use or portion of it is a permitted or non-regulated operation and use or that the proposed operation and use is a regulated activity and a permit is required.”

Schedule Site Walks:

181 Paradise Drive – Shane O’Connor.

35 Kara Road – Deborah Love.