

CONSERVATION AND INLAND WETLANDS COMMISSION

TOWN OF DEEP RIVER, CONNECTICUT

Town Hall

174 Main Street

Deep River, Connecticut 06417

*A **regular meeting** of the Deep River Conservation and Inland Wetlands Commission held on Thursday, July 9, 2009 at the Deep River Town Hall was called to order at 7:38 p.m. by Chairman Mizejeski. Members present: George Atwood, Carmela Balducci, Susan Board, Ron Larsen, Carol Libby, Alan Mizejeski, Alternate Michael Tomlinson and Alternate/WEO Mark Reyher. Absent: John Szymanski. Also present: Nancy Howard, Robert Doane, Pat McPherson, and Julia McPherson. The Chairman seated Alternate Tomlinson for the absent member.*

Approval of Minutes: A motion was made by Carol Libby and seconded by Susan Board to approve the minutes of the regular meeting of June 11, 2009 with the following amendment: Page 1, Richard Cooke, amend the sixth sentence to read as follows: "The initial phase is to dewater the pond by creating a pump hole; the pond would be pumped and the pond dragged to excavate the material." Voted Unanimously.

Public Business:

Richard Cooke, 215 Winthrop Road (Map 27, Lot 5): An application by Richard Cooke was received at the June 11, 2009 meeting for the purpose of excavation of sediment and organic material from an existing pond on property at 215 Winthrop Road. Robert Doane, agent for the applicant, reviewed the proposal. Mr. Doane stated that the proposal is for a drag line to excavate initially and pump out the water. Mr. Doane stated that the contractor would like to amend the language in the application to specify drag line and/or excavator. The excavator or drag line would create the sump. The excavator would be faster, depending on how firm the bottom of the pond is. The area of activity is approximately two acres; the total material to be excavated is approximately 13,600 cu. yds. and would be done in two phases. The first phase would be working from the bank for the firm material, then dewatering, working on top of the material, removing silt down to 8 feet and hauling material out by trucks. Local nurseries may be interested in the organic material. The organics would be removed first before getting into the silt and heavier soils. Mr. Doane noted that there is a stream entering into the pond on the southwest corner. Water also enters the pond from the highway. The area west of the pond is forested. Mr. Doane noted that the proposed depth is 8-10 ft., which can be reached with the drag line. The depth is below the 4-6 ft. level in order to remove the potential for emergent growth; and the 10 ft. depth would get to cool waters and have a better chance of keeping the open water. The sides of the pond will be a 4 to 1 slope. Mr. Doane noted that there is a steeper area coming in from the highway along the driveway which is proposed to be reinforced with rip rap. When the water will be pumped it will be pumped down to a spillway type area. Mr. Doane noted that the contractor would be taking the material off site and then possibly sold. An area on the south side of the pond will be used for dewatering a portion of the material. Mr. Doane noted that the contractor understands that as soon as the material is dry it would be hauled off site. The staging area can hold about 2,500 yards of material. The trees will be cleared for the proposed staging area and a stone construction entrance will be constructed. Mr. Doane noted that excavation of material will take place from the shore by excavator or drag line, placed in staging area to be dried and taken off site. The drag line will sit on the edge of the pond on the south side. Mr. Doane noted that the dam is not a registered dam. Mr. Doane stated that the elevation of the pond is 98 and it is a little deeper at the spillway. Mr. Doane noted that the integrity of the

embankment of the driveway will support the truck traffic, but may affect the blacktop surface. He indicated that water is currently flowing into the pond, but it does not run year round. Mr. Doane reviewed the watershed map. Members reviewed the Regulations pertaining to significant activities and the fee schedule. The activity appears to be residential maintenance of the existing pond. Commission members recommended that a bond be placed for protection. Mr. Doane was in agreement to placement of a bond. Mr. Doane noted that the 4 to 1 slope has to be established with material that can be graded and compacted, but not organic material. There may be 4-6 ft. of organics. The open water is 1.6 acres or 70,000 sq. ft. Chairman noted that Section 19.5 Schedule A of the Regulations sets the application fee for the regulated area activity as \$60.00 per one thousand square feet. Therefore, the application fee based on the regulated area alone is \$4,200 plus the residential use and state fee. The application fee submitted by the applicant was \$140.00. Mr. Doane noted that he would speak with his client. Section 19.7 allows that the applicant may petition to waive, reduce or allow delayed payment of the fee. Mr. Doane stated that they hope to complete the work in three or four months. He noted that the staging area would be graded off and replanted with a lawn, and not a beach. The finished grades are not shown on the plan. Mr. Doane noted that all areas not under water would be seeded and mulched; and approximately 8-12 beech or oak trees would be removed. Mr. Doane noted that the purpose of the proposal is to restore the residential pond to a healthy viable water to be used for recreational activities, fishing, and skating. Mr. Doane stated that he would prepare a recommendation of a bond amount and submit a petition for reduction of fees. Mr. Doane noted that the contractor for the project is Bob Blouin, who has not done a pond of this size before. The contractor has an excavator and backhoe, but not a drag line. A subcontractor would be used for the drag line. Upon receipt of the bond recommendation, the Commission may have the Town Engineer review the bond recommendation. A time limit could be set for the activity. A motion was made by Carmela Balducci and seconded by Carol Libby to table the application by Richard Cooke to the next regular meeting pending receipt of petition of waiver of fees and bond recommendation from the applicant. Voted Unanimously.

Fred & Julia McPherson, 44 Cedar Swamp Road: A motion was made by Carol Libby and seconded by Ron Larsen to add to the agenda an application received by Fred & Julia McPherson for an addition to an existing house. Voted Unanimously. Pat McPherson and Julia McPerson were present. Mr. McPherson stated that the proposal is for a one bedroom addition to the existing house. Mr. McPherson noted that a new septic system has already been installed. The addition is located in the upland review area, approximately 50 feet from the wetlands. The location of the activity is approximately 3 feet higher in elevation from the wetlands. WEO Reyher noted that the wetlands is a cranberry bog. Filter fencing should be installed. Mr. McPherson stated that they would like to start as soon as possible. After review of the proposal, Commission members agreed that there is a low potential for impact on the wetlands and agreed that the WEO could handle the permit administratively by issuing a minor activity permit. A motion was made by Carol Libby and seconded by Susan Board to accept the application fee of \$55.00 for the administrative permit for Mr. and Mrs. McPherson. Voted Unanimously.

Enforcement: WEO Mark Reyher reported on the following matters:

(a) Mathias & Amelia Radomski, Westbrook Road (Map 20, Lot 22): WEO noted that no application has been received from the Radomskis. He indicated that they had previously indicated that they would be submitting an application for a wetlands crossing. No further activity has taken

place in the wetlands. A tractor and truck had crossed the wetlands in order to collect firewood from the site.

(b) Robert Garthwaite, 7 Main Street: A Notice of Violation was sent to Robert Garthwaite for activity taking place in the wetlands. Robert Garthwaite was present. Mr. Garthwaite stated that a large ash tree fell across the bottom of the Deep River stream during the winter and it has remained there. He stated that the neighbors across the stream had started cutting portions of the tree. Mr. Garthwaite noted that a couple months ago he and his son cut the tree and removed it from the brook. The material has been pushed to the tidal wetlands. Mr. Garthwaite noted that there had been deep water until the dam broke in 1982. Mark Reyher stated that the water in the stream was dirty when he visited the site, indicating signs of erosion. Mr. Garthwaite stated there is no water where the brush is now located. Mr. Garthwaite noted that Eugene Robida installed filter fencing from where the tree was tracked out and north to where the brush pile is located. A caterpillar was used to remove the tree and create the brush pile. The caterpillar was driven over the material to assist in helping in deterioration over the years. The WEO noted that it appears that the material was pushed 25-30 ft. into the tidal wetlands, which would fall under the jurisdiction of DEP. WEO recommended that the Commission hold a site walk. Mr. Garthwaite stated that he seeded the site three weeks ago and it has washed away. A site walk was scheduled for Saturday, July 11, 2009 at 9:00 a.m. Mr. Garthwaite stated that for personal reasons he may not be able to do any further activity on the site right away and any further activity would be with heavy machinery. Chairman noted that activity with heavy machinery would require a permit.

(c) WEO presented copies of the reports received from Deep River Oil as a result of the oil spill a few years ago.

(d) Ron Prisley, Cedar Lake Road: WEO noted that a portion of the filter fence was down and the owner was asked to repair the fence and install additional silt fencing.

(e) Barbara Scholes, Rattling Valley Road: WEO noted that the filter fence is being maintained.

Payment of Bills: The following bills were received: Nancy Howard, clerical services, 10 hours; and Connecticut River Coastal Conservation District, allocation for services for FY 2009/2010, \$1,577.00. A motion was made by Carol Libby and seconded by Carmella Balducci to approve payment to Nancy Howard as submitted; and to request further explanation of services from Conn. River Coastal Conservation District. Voted Unanimously.

Chairman Report: Chairman Mizejeski recommended that the WEO have a digital camera which would allow him to take pictures of activities and/or violations on sites to assist in presenting to the Commission. A motion was made by Ron Larsen and seconded by Susan Board to research cost and capabilities of purchasing a digital camera for use by the WEO. Voted Unanimously.

A motion was made by Carol Libby and seconded by Carmela Balducci to adjourn at 9:45 p.m. Voted Unanimously.

Respectfully submitted,
Nancy J. Howard
Recording Secretary