

CONSERVATION AND INLAND WETLANDS COMMISSION
TOWN OF DEEP RIVER, CONNECTICUT
Town Hall 174 Main Street Deep River, Connecticut 06417

*Re-Filed to correct date of meeting

*A regular meeting of the Deep River Conservation and Inland Wetlands Commission held on Thursday, **March 9, 2017** at the Deep River Town Hall was called to order at 7:34 p.m. by Chairman Steeves. Members present: George Atwood, John Dube, Ron Larsen, Tanner Steeves, and Alternate/WEO Mark Reyher. Absent: Susan Board, Carol Libby, Alan Mizejeski, and Alternate Michael Tomlinson. Also present: Nancy Howard, Paul Mikulak, John Kennedy, Janet Stone, Chuck Walker, Strickland Hyde, Robert Doane, David Lord, E. Paul Lambert, Mike Malano, Hugh Albright. Chairman Steeves seated Alternate Mark Reyher for absent member.*

Approval of Minutes: A motion was made by John Dube and seconded by Mark Reyher to approve the minutes of the January 12, 2017 meeting as printed. (5-0) Voted Unanimously.

Hugh Albright, 463 Winthrop Road: WEO Mark Reyher noted that it was brought to his attention of potential activity taking place at 463 Winthrop Road. WEO Reyher visited the property and observed stumps dumped approximately 100 feet of a wetland. Hugh Albright noted that the stumps are waiting to be chipped. He noted that someone would come grind them on the property or take offsite for grinding. He will either be working with Mike Finkeldey or Scott Papoosha. The material is estimated to be about 150-175 yards. When asked where the wood chips would be stored on the site, Mr. Albright said that if they are chipped on site, the material is chipped directly into trucks and hauled off the site. The Commission requested that silt fencing be installed around the material as soon as possible without disturbing the ground. Mr. Albright does not have a permit for the activity or for a clean wood processing facility. Mr. Albright will notify WEO Reyher when the silt fencing is installed. No action was taken.

Deep River Land Trust/George C. Lyons Preserve, Meadow Woods Road: WEO Reyher noted that he received a call from a neighbor regarding activity on the Deep River Land Trust George C. Lyons Preserve and he walked the site. Bob Doane, on a site plan of his property, identified the property and the location of a roadway and stone bridge. Mr. Doane noted that he has a right of way on the roadway and stone bridge. He noted that beavers clogged up the stone culvert, and with the help of his cousin, they removed the stone and have been removing the beaver dam. Mr. Doane noted that he contacted DEEP and they had said to keep removing the dam to try to discourage the beavers, but it did not work. Mr. Doane noted that he contacted the Deep River Land Trust. Mr. Doane noted that he is maintaining the right of way and trying to get it back to replace the stone bridge. Currently a board is over the crossing to be able to walk over it. The beavers moved upstream onto Mr. Doane's and his cousin's property and they have hired a trapper who is continuing to trap. Members of the Deep River Land Trust, Janet Stone, John Kennedy and Paul Mikulak, noted concern regarding the removal of the crossing and activity taking place in the wetlands. Bob Doane noted that the flooding caused by the beavers has caused flooding of pastures on his cousin's property. Bob Doane sent a letter to the Land Trust last year with an application to DEEP to trap beavers and asking for permission to trap beavers on the Land Trust property. Janet Stone noted that until that time the Land Trust was not aware that they owned the road. Mr. Doane stated that there has been no excavation underneath the bridge. John Kennedy presented a photo documentation of the excavation of the wood road and activities at the concrete dam. Strickland Hyde noted that he has lived there for 48 years and never had water in his yard or pasture until the problem with the beavers. He noted that he used his John Deere and picked up the stones with the bucket, and then removed the debris created by the beavers, with no digging. The activity taking place is maintaining the right of way. The question of the Land Trust members was if the activity taking place is a regulated activity requiring a permit. John Kennedy noted that the deed of the property to the Land

Trust has a restriction that they cannot allow trapping or hunting on the property or they would lose the property. Mr. Doane noted that the trapping was then done on the Doane and Hyde properties. The Land Trust is concerned about maintaining access of the woods road and the activity within the wetlands. A site walk was scheduled for Thursday, March 23, 2017 at 6:00 p.m., to view the property to determine if regulated activity has taken place. Mr. Kennedy noted that the Land Trust may be coming before the CIWC in the future to discuss improvements that they want to make on the property to improve the road and put in a trail system and parking area.

BMC Land Development, LLC, 67 Hoopole Hill Road Subdivision: An application was received from BMC Land Development, LLC for a 12 lot subdivision on property on Hoopole Hill Road (Map 19, Lot 16, Map 26, Lots 14A, 14B, 15B). David Lord (Soil Scientist), E. Paul Lambert (engineer), and Mike Malano were present on behalf of the application. Commission members initially noted that the drawings received do not include the imprinted seal and the driveways need to be shown in order to identify regulated activity. Mr. Lambert reviewed the proposal for the 12 lot subdivision. Mr. Lambert reviewed a color coded map of the proposed subdivision showing the entire subdivision, including the identification of wetlands and driveways. The color coded map will be added to the application. Mr. Lambert noted that the total site is 74 acres. Hoopole Hill Road divides the property. The northern side of the street consists of 45 acres and the other side consists of 29 acres. The surrounding properties to the north are Shailer Pond Road and to the south, the State Forest. A 54 foot frontage on Cedar Swamp Road is dominated by wetlands. Hoopole Hill Road is a town road all the way to the entrance of the State Forest. Mr. Lambert noted that Lot 1 is the only lot beyond the end of the existing road. The developer will be extending the road 300 feet. He noted that the First Selectman has indicated that resurfacing was projected to be done on Hoopole Hill Road but it was postponed due to proposed construction. Lot 2 is the existing stone house. The new section of the road is shifted over in order to allow the 20 foot frontage from the existing house. The open space area has access all along the road. A 30,000 gallon water tank is proposed in one of two possible locations along the road in the proposed open space and in the review area. The first location, just beyond Lot 12, was tested and approved by the Fire Department. The second possible location would need to be presented to the Fire Department. Mr. Lambert reviewed each of the lots, the access and wetlands on the property and regulated areas. Lot 6 is a rear lot consisting of 25 acres, is the sole owner of the Cranberry Pond, and would be responsible for the dam. An existing barn is on Lot 3. The right side of the proposed street is currently wooded. Lots 1, 2 and 3 have no proposed regulated activity. Lot 3 is the existing house located near the road. Lots 1, 2, 3, and 9 do not have proposed regulated activities for construction of houses. The existing wood plank bridge on the driveway to Lot 6 would not accommodate an emergency vehicle. The driveway to Lot 7 is along the property line to the west and in a regulated area. Commission members asked that the application include the amount of disturbance in the summary. The driveway for Lot 8 is in the review area. Lot 9 has no regulated activity. The driveway on Lot 10 is in the review area. Lot 11 has a small area in the review area; the proposed house and septic are outside of the review area. Each home will have underground utilities in the footprint of the driveway. Mr. Lambert noted that the developer will put down crushed stone on the driveway; paving would be up to the owners. Commission members questioned if the existing road is wide enough for the amount of traffic and emergency traffic. The existing road is 20 feet wide. WEO Reyher noted that the width does not conform to current regulations. Mr. Lambert and Mr. Malano noted that the construction would be in two phases. The five lots on the right and the three lots on the end of the street would be Phase I. The water tank would be installed first and then the road would be built. The wetlands approval would not be phased. Soil Scientist David Lord reviewed the wetland flagging done initially in the Fall of last year and additional sites on Lots 6, 7 & 8 done this year. There is an intermittent watercourse associated with the Deep River that runs down from the North. The flow is from the northwest and down through. The cranberry pond meets the channel. No development is proposed in the deep muck area in the back of Lot 6. The Chairman inquired about the total amount of disturbance. The DEEP

reporting form indicates that the upland area altered is 2.75± acres. Lot 10 has activity on the plan which is not included in the total. Commission members noted the need for a site walk. Commission members asked that alternatives be presented. The representatives noted that no decision had been made yet on what entity would receive the open space. The agents for the applicant noted that the amount of the fee would be high and noted that there is a provision in the regulations for a waiver. The Commission noted that any request for waiver would need to be submitted with the application. The Commission and agents for the applicant agreed that the application would not be accepted at this meeting to allow the applicant to complete information needed for the application.

Commission members noted that the following documentation would need to be included in the application:

- (a) The total area to be altered/disturbed by regulated activity needs to be provided in the application. The proposed disturbed area should also be itemized by each Lot. Indicate the amount of area proposed to occur within a wetland or watercourse, and the amount of area proposed to occur within the upland review area for each lot, and total those values across the entire project.
- (b) Include the total area to be disturbed within Lot 10. This information was missing from the application.
- (c) Signed/stamped plan
- (d) Driveway locations for all lots to be shown on the plans.
- (e) Details to be provided for each lot as to water runoff from roofs, down spouts and paved surfaces.
- (f) Where the catch basins are draining.
- (g) Alternatives considered
- (g) Location of underground utilities on each lot and excavation associated with installation.

A motion was made by Mark Reyher and seconded by George Atwood to not accept the application at this time until a more complete application may be completed and submitted. (5-0) Voted Unanimously.

Conservation: Tanner Steeves noted that he looked at Towns with separate Conservation Commissions. Only some of them have Bylaws which are brief and they pertain to how to run a meeting. Members discussed meeting with the First Selectmen to discuss the separation of the Commissions, and also the maintaining of Hoopole Hill Road.

Enforcement: Mark Reyher reported on the following matters:

- (a) Hugh Albright matter was discussed earlier in the meeting.
- (b) WEO spoke with John O'Rourke at the end of Cedar Swamp Road regarding sedimentation caused by hundreds of stumps dumped at the end of the runway at Chester Airport. WEO met with the Chester First Selectwoman and Wetlands Enforcement Officer. DEEP Wetlands and Forestry Divisions have been to the airport and the Airport is now in the process of cleaning up the site. Machines are not allowed to be used for the cleanup. WEO Reyher will attend the next Wetlands meeting in Chester.
- (c) Two stump grinding operations are taking place in town. There is only one existing clean wood processing facility listed with CT DEEP for the town of Deep River, located at the industrial park.

A motion was made by George Atwood and seconded by Ron Larsen to adjourn at 10:50 p.m. (5-0) Voted Unanimously.

Respectfully submitted
Nancy Howard
Recording Secretary