

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

A public hearing of the Deep River Conservation and Inland Wetlands Commission held on Thursday, November 2, 2017 at the Deep River Town Hall was called to order at 7:39 p.m. Members present: George Atwood, Susan Board, John Dube, Ron Larsen, Tanner Steeves, Alternate Michael Tomlinson, and Alternate/WEO Mark Reyher. Absent: Carol Libby and Alan Mizejeski.
Also present: Town Attorney Jane Marsh, Nancy Howard (recording secretary); audience of citizens.
Present on behalf of Applicant: Michael Harkin, P.E., Frank Pellegrino, Soil Scientist David Lord, Mike Milano, and Attorney Tom Crosby.

Purpose: Application by BMC Land Development, LLC for the purpose of a twelve (12) lot single family residential subdivision on approximately 74 acres of land located at 67 Hoopole Hill Road (Assessors Map 19, Lot 16 and Map 26, Lots 14A, 14B & 15B).

A petition signed by 25 residents was received prompting a public hearing to be held on the application.

Presentation by Applicant: Michael Harkin, P.E. submitted copies of the green cards showing that notification was sent to all abutting property owners. He also submitted a copy of the sign that was posted on the property at the driveway of Lot 8 in a location that can be seen from Cedar Swamp Road. Mr. Harkin noted that they had difficulty with the sign being moved around like a revolving door. It was first moved to the beginning of Hoopole Hill Road, and a picture was presented showing the sign posted on the day of the hearing at the end of Cedar Swamp Road at the intersection with Route 80, with the sign altered to say the street name. Mr. Harkin noted that Hoopole Hill Road is an existing town road with 1,600 ft. of asphalt. A small crossing had been installed by the Town for the Deep River. The project consists of 74 acres which was flagged by Soil Scientist David Lord and then checked by Richard Snarski and the CIWC. The proposed open space is 9.36 acres. All lots are served by on site septic and wells. Approval has been received from the Connecticut River Area Health District for the 12 lots. The third party review for the Commission was received on Tuesday, October 31st. The report from Richard Snarski has been submitted for the record.

Public Comments:

1. Thomas Knox of 170 Cedar Swamp Road read a letter addressed to the Commission and submitted a the original for the record. Mr. Knox indicated that the 70 acres is some of the most pristine in all of Deep River; and what flows from the source of the Deep River on the property impacts downstream ecosystems. He noted that existing stone walls and andromeda have been damaged for access to proposed lots which are scars that illustrate the price paid by the physical environment when development occurs. He noted that the developer needs to protect the plant and animal life from further damage, including the breeding ground for wood frogs and spotted salamanders. Lengthy wetlands crossings and filling of wetlands will affect the homes of these creatures; felling of towering trees which play a key role in sustaining the wetland's health. He stated that the developer should avoid denigrating the pristine plot of land wherever possible and to make sure that the streams and the Deep River continue to flow naturally as they have. He also request that the developer request the oversight of the Corps of Engineers after completing with this Commission. Mr. Knox stated that the Commission should abridge the plan and deny development on Lots 4, 5, 6, 7, 8 and 12. By eliminating the lots the obtrusive habitat damaging driveway construction through wetland areas will be avoided and about 4200

s.f. of wetlands would not be filled. A neighbors pond adjacent to Lot 7 is approx. 75 feet from the proposed driveway and is a breeding ground for wood frogs and spotted salamanders. A dozen towering hemlocks destined to be felled for a driveway are the habitat of the wood frog. Wetland value will and may be negatively impacted by clearing, grading, and driveway construction. Sediment is also a concern. Denying development rights on the certain lots will remove doubt of wetland and habitat danger. The amendment to the plan to develop the six remaining lots would leave much of the property as open space which would benefit existing residents, the new residents and the native plant and animal species.

2. Gilbert Litalian of 28 Shailer Pond Road noted that the name Cranberry Bog is deceptive. There is a lot of wildlife in a beautiful area that abuts the State Forest. He expressed concern on the report from the Commission's third party review and looking at the wording on why recommending removing lots. Driveways are crossing wetlands and several other are within 50-100 feet of wetlands. Sediment to the pond is a risk. He noted concern for risk to wetlands and wildlife. He asked the Board to consider rejecting the proposal.

3. Jim Burns of 133 Cedar Swamp Road noted that when Hoopole Hill Road is plowed in the winter it is a driveway. The developer had said that the Town would redo the road. He noted that as soon as people move in there would be a problem with the road. He lives diagonally across from Hoopole Hill Road and has difficulty getting out of his driveway because of traffic. There has been a fatal accident and school bus accident. Chairman noted that this Commission does not have jurisdiction of the road.

4. Matthew Jamieson of 129 Cedar Swamp Road questioned the drainage and where it drains to. The road has broken pavement. A paved road and paved or gravel driveways would drain into the Deep River. To some degree there is already sediment but the proposal would compound the problem. He noted that the water turns cloudy when it rains. No drainage amendments are proposed on the road. He stated that after the houses were constructed something would need to be done and indicated that improvements should first be made to the road. Mr. Jamieson referred to negative comments in the report by Mr. Snarski.

5. Mr. Litalian noted that a majority of the report by Mr. Snarski is, for the most part, negative.

6. Michael Hutner of 39 Shailer Pond Road asked if the Commission had access to the expert once the report was completed. The Commission may contact him if necessary.

7. Tom Knox stated that the US Army Corps of Engineers and/or DEEP should be reviewing the proposal.

David Lord noted that generally, after the Commission looks at the proposal, the referral can be done to the US Army Corps of Engineers. There are no specific numbers to determine referral. Any project that impacts wetland goes through the notification process. The proposal is reviewed by State and Federal officials, including US Fish and Wildlife.

8. Mark Shiring of 7 Shailer Pond Road noted that 50 percent of the comments are negative and some of the recommendations that were made are talking about wetland functions. He noted that the residents

there know that the water table is high. He noted that there is a lot of flooding on Cedar Swamp Road. There is a big impact from water when it rains. He questioned how restrictions on homeowners are enforceable.

9. Matthew Jamieson noted concern on the new driveway cut in on the cul-de-sac. There is flooding that occurs in any rainstorm at the state forest and Hoopole Hill Road. He stated that from Chester to Deep River there is a stream that goes all the way. He stated that the water comes out of Cranberry pond. In the winter the rocky State Forest road is flooded. He said that a good portion of the year the road, where the lot is proposed off the cul-de-sac, has a collection of water.

Mr. Litalien noted that the development would seriously impact the wildlife.

David Lord spoke regarding the water flow and wetlands regulated for duration of flow.

Mr. Jamieson noted that the water is coming out of the ground and creating a watercourse.

Mike Harkin noted that he was making notes of the concerns raised. He noted that the public hearing will be left open to give them an opportunity to come back to address items. He noted that half of the lots remain undisturbed at the clearing limit. The clearing limits will be staked by the land surveyor. At the preconstruction meeting they make sure that area is flagged, trees are removed and then the WEO will review the site and the cleared area. Ten acres of land is being classified as open space which consists of the Deep River and cranberry bog. Mr. Harkin noted that they have a preliminary discussion with Planning and Zoning. The road has a 50 ft. right of way in the whole development up to the State property. Underground detention basin are added on each lot with a 24 inch concrete leaching galley. The drainage patterns are not being changed. Gravel driveways are proposed because they are environmentally friendly. An application would be required in the future if the homeowners would like to pave a driveway.

Mike Milano noted that the some of the newer stone walls were installed by the previous owner and there are stone walls that have been there for hundreds of years. A driveway may go through one of the walls. The stone walls are within the town 50 ft. right of way. After CIWC, the application would go before Planning & Zoning Commission which would trigger a review by the Town Engineer. Mr. Harking submitted a copy of the map of the Natural Diversity Data Base Areas showing that this parcel is not listed on the data base as having any endangered species such as plant or animal.

Mr. Litalien asked the Board to review the third party report.

An audience member asked about the size of homes proposed. The new homes are proposed as four bedroom homes approximately 2200 to 3200 s.f.

A motion was made by John Dube and seconded by Ron Larsen to continue the public hearing to be held prior to the next regular meeting scheduled for Thursday, November 9, 2017 at 7:30 p.m.

Hearing was continued at 8:04 p.m.

Respectfully submitted,
Nancy Howard
Recording Secretary