

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 9, 2017 at the Deep River Town Hall Auditorium was called to order at 7:40 p.m. Members present: George Atwood, Susan Board, John Dube, Ron Larsen, Carol Libby, Tanner Steeves, Alternate Michael Tomlinson, and Alternate/WEO Mark Reyher. Absent: Alan Miezejeski. Also present: Town Attorney Jane Marsh, Nancy Howard (recording secretary); and approximately 15 audience of citizens. Present on behalf of Applicant: Michael Harkin, P.E., Soil Scientist David Lord, Mike Milano, and Attorney Tom Crosby.

Purpose: Continuation of Public Hearing on 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).

Correspondence: Chairman read into the record a letter dated November 9, 2017 from John Schiavone of 92 Shailer Pond Road in opposition of any violation of wetlands regulations resulting from the development.

Public Comments:

1. Gilbert Litalien, 28 Shailer Pond Road, submitted two photoboards of the property and the wildlife showing how unique it is in the area. He noted that Alan Miezejeski has told him that wood ducks have been spotted in the area.
2. John Woitovich, 222 Cedar Swamp Road, noted that he has seen a lot of wildlife in the proposed area, including coyotes, wood ducks by the stream where the water floods and other migratory animals. He noted that changing the characteristic of the area is not for the better.
3. Tom Knox, 170 Cedar Swamp Road, noted that the pond is going to be owned by someone as proposed in the plan. He asked about the percentage of the open space proposed which is undevelopable because it is the Deep River. He noted that there is opportunity for the developer to offer the pond as open space. Chairman noted that the open space percentage is set by Planning and Zoning.
4. Dan Kollmer, 77 Shailer Pond Road, asked what the purpose is of the 100 foot regulated area. He referenced the runoff and buffer to that area. He noted that there are six endangered species in Middlesex County that require protection. One change in the environment will have an affect. The number of houses proposed will encroach on the fragile habitat in the big picture. He noted concern about signs for limits of cutting and ability to be enforced during construction and in the future.
5. Tom Knox spoke regarding the large trees on lots 6, 7, 3 & 4 going through wetlands. Removal of the large trees will have an affect on the wetlands. The wetland impact of 2,100 s.f. is a serious amount.
6. Patrick Collins, 76 Shailer Pond Road, moved to town four months ago. He noted that the third party review states that two of the lots should not be built on. He urged the commission to reject the proposal because it is significantly flawed. The land possesses some unique environmental attributes which need to be preserved.

7. Sage Novak, 77 Shailer Pond Road, noted that she lives on the pond in her development and they consider themselves stewards to protect the pond. She noted concern of what a future land owners would think. She asked that the commission protect what is a jewel in the town.

8. Gilbert Litalien noted that there is a lot of wet area surrounding the pond and a lot of amphibians.

9. Dan Kollmer submitted paperwork obtained on the DEEP website on endangered species and plants that are special or endangered. Some identified were the spottle turtle, spotted salamander and white fringed orchid. Some species may exist on the property.

10. Matthew Jamieson, 129 Ceder Swamp Road, asked when the decision would be made and the criteria used.

11. Tom Knox asked at what point the state and US Army Corps of Engineers would get involved.

David Lord, Soil Scientist for the applicant, stated that all applications that impact any wetlands are submitted by the applicant to DEEP and Army Corps of Engineers. State and federal agencies will be reviewing the application after the local commissions have reviewed and rendered decisions.

12. Gilbert Litalien asked if the Commission considers impacts beyond the 100 foot buffer.

WEO Mark Reyher asked if they have revised any lot lines. Mr. Harkin noted that they have not as they were waiting for additional public comment.

Gilbert Litalien noted that in the early morning it is a wilderness. Concern is development of this magnitude would destroy that enigma.

Matthew Jamieson noted that he would prefer no development but recognized that the developer has a right and that the decision be made on a scientific basis.

Tom Knox noted that wood ducks and salamander are animals that a hidden and count in the ecosystem.

Mike Harkin, engineer for the applicant, asked that the public hearing be left open. He has been listening to the public concerns and taking notes.

Questions by Commission:

Mike Tomlinson asked about the open space and possibility of the cranberry pond be designated as open space. Mr. Harkin noted that the owner of the lot with the pond would be responsible for the pond and the dam. Mr. Harkin will look to see if the dam is registered with the state.

Carolyn Cone, 39 Shailer Pond Road, asked who is monitoring the dam. DEEP monitors dams.

WEO Reyher asked the applicant on their thoughts on the report by Mr. Snarski. Mr. Harkin discussed and commented on the recommendations from the third party review. The property owner is not interested in eliminating lot 6. Lot 2 is the existing house which is remaining.

Mr. Harkin noted that the right of way of the road now is 30 ft and it will widened to 50 ft. Beyond the cul-de-sac will be gravel. Mr. Harkin noted that he does not yet have a proposed bond amount for sedimentation and erosion controls. The Town Engineer will set the bond amount. Mike Milano noted

that the land owner and his family use the pond for kayaking and fishing. The homeowners association is not being proposed. Deed restrictions may be recommended.

Mr. Harkin noted that the wetlands on Lot 7 are pristine. Wetlands are a low value on Lot 3 and the proposal is the smallest amount of impact. The possibility of endangered species was discussed. Mr. Harkin noted that the plan is to intent for house. They would be back with detailed site plan to include specifics and sheet flow to side and the road. Detailed site plans will be prepared for each lot showing foundation when grade out driveways. Swales will be located on the properties for drainage off the road. There would be no increased runoff on the town road. Ron Larsen asked for the nitrogen levels for each lot. Mr. Harkin noted that they can be provided when they apply for a building permit. [Sue Board left the meeting at 9:11 p.m.] Discussion and questions continued with Commission members. The application fee has not yet been paid by the applicant pending final changes for calculation.

A motion was made by Mike Tomlinson and seconded by George Atwood to continue the public hearing to the next regularly scheduled meeting on December 14, 2017 at 7:30 p.m.

The public hearing was continued at 9:30 p.m.

Respectfully submitted,
Nancy Howard
Recording Secretary

(A recording of the hearing is on file.)