

# 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, January 11, 2018 at the Deep River Town Hall was called to order at 7:36 p.m. Members present: Susan Board, Ron Larsen, Tanner Steeves, Alternate Michael Tomlinson. Absent: George Atwood, John Dube, Carol Libby, Alan Mizejeski. Also present: Town Attorney Jane Marsh, WEO Mark Reyher, Nancy Howard (recording secretary); and approximately 15 audience of citizens. Present on behalf of Applicant: Michael Harkin, P.E., Frank Pellegrino, Soil Scientist David Lord, Mike Milano, 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).

### **Presentation by Applicant:**

Mike Harkin, P.E. presented a revised set of plans based on public and staff comments. Mr. Snarski met at the site with the WEO and David Lord. As requested by the WEO, Mr. Harkin noted that he calculated the fill within the 100 ft. upland review area. He submitted a copy of the report by letter dated 1/2/2018 and noted that the chart would replace the chart on the plans when approved. Mr. Harkin noted that at the last meeting they offered to remove Lot 5 and turn it into open space on shown on the revised plan. The open space is proposed to be given to the Conservation Commission.

Tanner Steeves read for the record a letter dated 1/8/2018 from Richard Snarski.

David Lord submitted and reviewed a letter dated 1/20/2018 with a wetland impact assessment since the last meeting. He attended the site walk on 12/19/17 with Soil Scientist Richard Snarski, WEO, and Mike Milano. Mr. Lord and Mr. Snarski dug a test hole approx. 40 feet off of Hoopole Road in the footprint of the new driveway proposed on Lot 4. Observation of the soil characteristics in the test hole confirmed that the area was upland and not a wetland. He noted that Mr. Snarski had rendered the opinion that it was not a high value wetland. The crossing is measured at 120 feet from the closest point of the Deep River floodplain. The driveway is 160-200 feet from the wetlands. Mr. Lord noted that the driveway and all development on Lot 12 has been removed from the upland review zone. In connection with tree cutting on Lot7, Mr. Lord noted that approximately 12 trees of 6" diameter or larger would be removed for the crossing. He noted that there are presently over 45 similarly sized trees within the 100 foot upland review zone limits for the crossing. Mr. Lord noted that the trees to be cut are a species of spruce and not cedars which was raised at the public hearing. He stated that with the short sunlight period potentially reaching the ground surface and the height and density of the remaining tree, no adverse impact will likely occur to the wetlands associated with the proposed crossing.

Ron Larsen asked about the time line for the development. Mr. Harkin stated that they estimate that the proposed lots would be sold over five years. A phasing plan will be set with Planning & Zoning. He indicated that P&Z would require fire protection, cul-de-sac and any other requirements to be completed first. Lots 7, 4, and 8 would return to CIWC for activity with review area. Lot 3 would also need to return to CIWC if the septic work needs to be done. Mr. Harkin noted that they offered to put easements on Lots 1 and 2 to prevent clearing down to the existing pond. Deed restrictions will be on all lots that have wetlands. The remaining lots they agreed to put up plaques for clearing limits. The plans include a note that the WEO will be included in the preconstruction meeting. Mr. Harkin noted that the existing owner will retain Lot 6. The access is existing and will not be

changed. No plans are proposed to change the existing bridge. If any changes are proposed in the future, it would need to go to DEEP. WEO Reyher asked that they notify the commission if any maintenance is proposed on the bridge. Mr. Harkin noted that the bridge on Lot 3 is not proposed to be upgraded during construction. Lot 3 is the existing house and the only change is the property lines. Mr. Harkin noted that the majority of the pond and dam on lot 6 are owned by the owner of the property with a small sliver on an adjacent property and some on state property. Mr. Harkin noted that three lots have wetlands impacts: Lot 7 with low functioning wetlands at the crossing; Lot 4 identified as low functioning wetlands by Mr. Snarski, and Lot 8 with no disturbance other than in the upland review zone. Attorney Jane Marsh inquired about the open space to the CIWC. Town approvals would be needed for transfer of open space to the Town.

Tom Crosby, Attorney for the applicant, thanked the Commission members for the time for the public hearings. He noted that a lot of comments were received and they have done what they can to accommodate concerns and comments. Attorney Crosby noted that the application was for a 12 lot subdivision and it is now 11 lots on 74 acres and not super-intensive. Attorney Crosby reviewed Section 10.2 of the Wetland Regulations. Testimony has been given that the impact will not have adverse effect on values and functions of the wetlands and he asked that the application be granted as revised. Mr. Harkin requested that the public hearing be closed tonight.

**Public Comments:**

Tracy Shiring thanked the engineer for addressing the concerns and doing an excellent job; noting that the neighbors will continue to follow the process.

Tom Knox asked about the low value of the wetland and how many gradations there are. Mr. Lord stated that he uses a descriptive approach by DEEP and Army Corps rather than a low, moderate or high; and spoke regarding flows. Mr. Lord noted that the Geotech fabric allows water to flow across so water will be flowing through after the driveway construction.

Tom Cost of 72 Shailer Farm noted confidence in the engineer.

Dan Kollmer also noted the positive experience of the process.

If anything changes as part of the Planning & Zoning process, the applicant would have to return to CIWC.

Laurie Giannotti of 205 Cedar Swamp Road asked if the town requires construction inspections. WEO Reyher noted that he and other town officials will be performing inspections during construction.

A motion was made by Susan Board and seconded by Ron Larsen to close the public hearing at 8:36 p.m. (4-0)  
Voted Unanimously.

Respectfully submitted  
Nancy Howard  
Recording Secretary