

## 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, February 8, 2018 at the Deep River Town Hall was called to order at 7:39 p.m. Members present: George Atwood, Susan Board, Ron Larsen, Carol Libby, Tanner Steeves, Alternate Michael Tomlinson. Absent: John Dube and Alan Mizejeski. Also present: Attorney Jane Marsh, WEO Mark Reyher, Nancy Howard (recording secretary), Scott Papoosha, Becky Goetsch, Tom Knox, Robert Doane, Michael Harkin, Mike Milano, Theodore Batko.*

A motion was made by Carol Libby and seconded by Susan Board to seat Alternate Mike Tomlinson as a regular member. (5-0) Voted Unanimously.

Approval of Minutes: A motion was made by Susan Board and seconded by Mike Tomlinson to approve the minutes of the regular meeting of January 11, 2018 as printed. Voted Unanimously. A motion was made by Susan Board and seconded by Mike Tomlinson to approve minutes of public hearing of January 11, 2018 as printed. Voted Unanimously.

BMC Land Development: The public hearing on the application by BMC Land Development was closed prior to the last regular business meeting held on January 11, 2018. A draft list of stipulations was prepared that might be applied to a potential motion of approval, based on the discussion at the January meeting. At the previous meeting members discussed concerns regarding the wetlands impact on Lot 4 and the possible deletion of Lot 4. Lot 4 is proposed to have 2,443 sq. ft. of direct impact to wetlands and an additional approximately 28,000 sq. ft. within the upland review area. The lot was initially identified for deletion by Mr. Snarski in his first report and subsequently the applicant moved the configuration somewhat; although there is still direct impact to review zone. A motion was made by Mike Tomlinson and seconded by Susan Board to have lot 4 removed due to impact to wetlands and combine it with adjacent lots. Discussion followed. It was noted that Mr. Lord had stated that he does not describe wetlands based on a low or high quality. The proposed driveway is through the wetlands and the house and site itself are in the upland review area. The Chairman noted that in accordance with the Regulations, the Commission may consider impacts adjacent to or near a regulated activity; considering the cumulative impacts on the lot. The total area altered and disturbed is over 30,000 sq. ft., the highest of any of the lots. Members acknowledged that the applicant has worked with Commission and public with amendments to the project, but noted continued concern regarding the impact from the activity proposed on Lot 4. Sue Board noted that the Regulations contain a 100 ft. upland review area and with the proposed Lot 4 being entirely in the upland review area, plus the direct wetland disturbance, would disregard the Regulations.

Action on motion to remove Lot 4: In Favor: 4; In Opposition: 0; Abstained: 2 (George Atwood and Carol Libby) Approved.

The disturbance for the fire tank in the review area was discussed and determined to possibly be the least invasive area. Members noted concern that digging not be done after a rainstorm. The list of possible stipulated items, formalized with the assistance of Attorney Jane Marsh, were reviewed in detail and amended accordingly. Regulated activity on Lots 3, 6, 7, 8 and 10 must be presented to the CIWC with site plans for individual review and approval.

A Motion was made by Carol Libby and seconded by Michael Tomlinson as follows:

**Whereas** the Deep River Conservation and Inland Wetlands Commission (CIWC) received an application from BMC Land Development, LLC for approval of a twelve (12) lot single family residential subdivision entitled, “Cranberry Bog Estates” located at 67 HOPOLE HILL ROAD, (Assessors Map 19, Lot 16 and Map 26, Lots 14A, 14B and 15B); and

**Whereas**, the Commission has found that the proposed activity could have a significant impact in wetlands and watercourses both within the proposed development area and to adjacent areas and has held a public hearing on the application and received appropriate extensions from the applicant; and

**Whereas**, notice was provided to abutting property owners pursuant to Section 9.3 and a sign was posted pursuant to 9.4; and

**Whereas**, the applicant has made its presentations, public testimony has been received, the commission conducted a site walk and professional input was received from New England Environmental Services, R. Richard Snarski, Registered Soil Scientist and Professional Wetlands Scientist.

**Therefore**, the Commission has determined to grant the application as filed and as amended by the applicant during the public hearing process, as shown on the following:” Site Location: “Cranberry Bog Estates” Hoopole Hill Road & Cedar Swamp Road Deep River, Connecticut Prepared for BMC Land Development, LLC Owner and Applicant BMC Land Development, LLC Engineer: Harkin Engineering, LLC, Michael P. Harkin, P.E.; Land Surveyor: Gesick & Associates P.C., Donald L. Gesick, Jr. L.S.; Soil Scientist: Soil Resource Consultants, David H. Lord,

Sheet #1-Title Sheet Date: August 2, 2017, Revised Nov. 28, 2017

Sheet #2-Overview & Lot Data Sheet Date: August 2, 2017, Revised Nov. 28, 2017

Sheet #3- Property Survey Date: February 6, 2017 Revised 5/5/17

Sheet #4- Record Subdivision Map Date: August 1, 2017, Revised Nov. 28, 2017

Sheet #5- Site Development Plan Date: August 2, 2017, Revised Nov. 28, 2017

Sheet #6- Site Development Plan Date: August 2, 2017, Revised Nov. 28, 2017

Sheet #7- Site Development Plan Date: August 2, 2017 Revised Nov. 28, 2017

Sheet #8- Site Development Plan Date: August 2, 2017

Sheet #9- Site Development Plan Date: August 2, 2017, Revised Nov. 28, 2017

Sheet #10- Site Development Plan Date: August 2, 2017, Revised Nov. 28, 2017

Sheet #11- Site Development Plan Date: August 2, 2017, Revised Nov. 28, 2017

Sheet #12- Site Development Plan Date: August 2, 2017, Revised Nov. 28, 2017

Sheet #13- Site Development Plan Date: August 2, 2017, Revised Nov. 28, 2017

Sheet #14- Plan and Profile Date: August 2, 2017, Revised 9/6/17, Revised Nov. 28, 2017

Sheet #15- Plan and Profile Date: August 2, 2017, Revised 9/6/17, Revised Nov. 28, 2017

Sheet #16- Soil Erosion & Sediment Control Plan Date: August 2, 2017, Revised Nov. 28, 2017

Sheet #17- Details Date: August 2, 2017, Revised Nov. 28, 2017

Sheet #18- Septic System Details & Notes Date: August 2, 2017, Revised Nov. 28, 2017

Sheet #19- Misc. Construction Details & Notes Date: August 2, 2017, Revised Nov. 28, 2017

And also shown on “Inland Wetland Boundary Amendment Map of 67 Hoopole Hill Road Deep River, Connecticut Prepared for BMC Land Development LLC Wetland Delineation by David H. Lord 5-16-2017 Sheets 1 and 2 of 2”;

Said approval being upon the following terms, conditions, limitations and modifications necessary to carry out the purposes of the Inland Wetlands and Watercourses Act:

1. General conditions as set forth in Section 11.9 and 11.10 of the Deep River CIWC.
2. The posting of a bond in an amount deemed satisfactory by the commission in consultation with the town engineer reviewing the project for the Deep River Planning and Zoning Commission.

3. The receipt by this commission of an updated set of plan documents showing all revisions required by the terms of this approval within 30 days.
4. If changes are made to plans as a result of the P & Z review and approval process, the applicant will submit an updated set of plans to the commission; if any changes have a potential impact on matters over which this commission has jurisdiction, the commission reserves the right to reopen consideration of this approval.
5. A copy of an "as built" site conditions map, including contours at 2-foot intervals, shall be submitted to the CIWC prior to the issuance of a certificate of occupancy for any lot.
6. Open Space as shown on the final approved plan shall be accepted and approved by the Town of Deep River and deeded to the Town, subject to any reservations, exceptions or limitations that it deems advisable.
7. All deed restrictions to be included in any deed pursuant to the conditions hereof shall be subject to the prior review and approval of the commission's counsel.
8. This approval shall be effective from February 8, 2018 for a period of five (5) years.
9. Lot 5 shall be deleted as a building lot and merged with the Open Space shown on the plan together with rights of public access.
10. Lot 4 shall be deleted as a building lot and merged with any adjacent proposed lot. There shall be no driveway or any encroachment activity into the wetlands in the area of this former lot.
11. Lots 1 and 2 shall each contain a deed restriction that prohibits the clearing of trees or other vegetation or grading or grubbing of the existing substrate within a 100 wide foot buffer from Cranberry Pond at the rear of said lots.
12. Any proposed regulated activity on Lots 3, 6, 7, 8 and 10 must still be presented to the Deep River CIWC with site plans for individual review and approval.
13. No trees shall be removed on Lot 7 other than the twelve (12) identified on the plans as necessary for the construction of the driveway.
14. Lot 3 has no proposed Regulated Activity, but any changes to the existing septic system, bridge or dam structures shall require review and approval of the CIWC.
15. During construction, no clearing of trees, vegetation, grading or grubbing of existing substrate shall occur outside of the Limits of Disturbance shown on the approved plans, regardless of the proximity to wetlands.
16. A preconstruction meeting shall be held prior to work at all lots where Regulated Activity will occur.
17. If any work is planned or proposed to any dam or bridge structures within the development site, the owner(s) shall alert the CIWC and its enforcement officer for review prior to the commencement of any work.
18. Deed restrictions shall be included on all lots containing wetlands that state, "Within this parcel, removal or deposition of material, clearing of vegetation, grading, excavating or clear-cutting of trees shall not occur within 100 feet of inland wetlands."
19. Pine trees or other appropriate deer-resistant shrubs shall be planted along the cul-de-sac to provide a vegetated buffer.
20. Informational plaques shall be installed at all lots that include wetlands along the upland edge of the Review Area, that state: "No clearing of vegetation, grading, excavating or clear-cutting of trees shall occur within 100 feet of inland wetlands."
21. The fee for this application shall be calculated based upon all proposed Regulated Activity.

The Commission has arrived at this decision based upon the standards set forth in Sections 10.2a through 10.2g, inclusive of its regulations to minimize the disturbance of inland wetlands and

watercourses on or near the site, to maintain and improve water quality, to prevent damage from erosion, turbidity and siltation, to deter and inhibit the dangers of flooding and pollution and to protect the quality of the inland wetland resources and watercourses and bodies of water on the site for all their values as set forth in Section 22a-36 of the Connecticut General Statutes. The Commission finds that the approval of the proposed Lots 4 and 5 would result in Regulated Activity that would cause irretrievable and irreversible loss of wetland resources (Section 10.2.d of our regulations). The approval of Lots 4 and 5 would result in Regulated Activity that would cause negative impacts to the Deep River riparian system. (Section 10.2.g)

In Favor 5; in Opposition 0; Abstained 1 (George Atwood)

Invoices were received from the Commission's third party reviewer, New England Environmental Services, in the total amount of \$2,400.00. The applicant is responsible for payment to the third party reviewer.

Scott Papoosha, 199 Stevenstown Road: Robert Doane, P.E., on behalf of Scott Papoosha presented a preliminary plan to address concerns of the Commission and DEEP. The proposal is to stabilize the area within 100 feet of wetlands and further for the storm water management plan on the site. Mr. Papoosha stated that the plan has to be submitted to DEEP by February 27, 2018. The area on the property was an open field and it now is an area for wood processing products. Some of the material on site is from grinding trees at the transfer station and storing the material on his property. The log timber operation slices logs for slabs. Mr. Doane noted that they are proposing to circle the existing pond with silt fencing backed with hay bales and will regrade and plant the area in accordance with 2002 SCS standards for stabilization. Mr. Doane stated that the area needs to be stabilized in order to continue with the activities, including wood processing, on the site. Mr. Doane noted that they are going through a deep tier three clean wood processing proposal. The activity and recent inspections has been the catalyst for storm water pollution plan. Mr. Papoosha still proposes to stock pile and grind on the site; stock pile logs and processing of the wood slabs, and saw on a concrete slab. The activity is all within the review area. Once the plan is complete, an application will be submitted to the CIWC to stabilize the site. Referral will be required to be made to the Town of Westbrook once an application is received by the CIWC because the property borders the Town line. Mr. Doane noted that the runoff will not be increased. Commission members advised Mr. Papoosha that the wetlands will be required to be flagged on site. A site walk will be held during the application process.

OLD BUSINESS: A motion was made by Susan Board and seconded the Mike Tomlinson to add Ted Batko to the agenda for discussion. (6-0) Voted Unanimously. Mr. Batko stated that the remains of the beaver dam on the Larimar Farm property on Bahr Road were breached by the rainfall. Some material is going downstream and should be removed. He requested a policy from the Town and the State for maintenance of the design of the Deep River quarry. Chairman Steeves provided material to Mr. Batko from his conversations with a representative of DEEP. Mr. Batko stated that he would like to meet with the representative from DEEP and a representative of the Commission to clarify concerns and provide information gained over the years. Chairman Steeves will coordinate a meeting.

NEW BUSINESS:

Ron Larsen noted that he was approached with concerns regarding the demolition of the Plattwood Farm house at 121 Winthrop Road (Map 33, Lot 6). He contacted WEO Reyher and confirmed that a demolition permit was issued. The question was raised if lead abatement was done which is required for any building built before 1978. Concerns have been expressed regarding the demolition taking place at

the top of the hill and the potential of lead seeping into the ground and water running down the hill into the culverts on Route 80 and into the ponds and if all precautions had been taken. Chairman Steeves will contact the Building Official, Richard Leighton, to inquire if the testing was done for lead or asbestos before the house was torn down. [Susan Board left the meeting at this time.]

Enforcement Report: No Report.

A motion was made by Carol Libby and seconded by Mike Tomlinson to adjourn at 10:15 p.m. (4-0)  
Voted Unanimously.

Respectfully submitted,  
Nancy Howard  
Recording Secretary