

# CONSERVATION AND INLAND WETLANDS COMMISSION

## TOWN OF DEEP RIVER, CONNECTICUT

Town Hall

174 Main Street

Deep River, Connecticut 06417

### LIST OF MOTIONS

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 7:30 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.
- 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. (6-0) 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. (6-0) Voted Unanimously.
- BMC Land Development: 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. Action on motion: (4-0-2) Libby & Atwood abstained. Approved.

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 T 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)

- 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.
- A motion was made made by Carol Libby and seconded by Mike Tomlinson to adjourn at 10:15 p.m. (5-0) Voted Unanimously.

Respectfully submitted

Nancy Howard

Recording Secretary