

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, June 14, 2018 at the Deep River Town Hall was called to order at 7:36 p.m. Members present: George Atwood, Ron Larsen, Carol Libby, Tanner Steeves, Alternate Michael Tomlinson and John Voitovich. Absent: Susan Board, John Dube, and Alan Mizejeski. Also present: WEO Mark Reyher, Nancy Howard (recording secretary), Gene Robida, Eric Davison, Kevin Costello, Jodie Chase, Robert Bradway, Ross Gladstone, Roger Williams. A motion was made by George Atwood and seconded by Carol Libby to seat Alternate Voitovich for an absent member. Voted Unanimously.

Approval of Minutes: A motion was made by Carol Libby and seconded by George Atwood to approve minutes of Public Hearings of May 14, 2018 and May 17, 2018, and regular meeting of May 10, 2018 as printed. (6-0) Voted Unanimously.

Deep River Farms, 4 Bahr Road (Map 43, Lot 1): An application by Deep River Farms, LLC was accepted at the May meeting for the purpose of construction of a barn on property at 4 Bahr Road. Gene Robida, P.E. and Eric Davison were present on behalf of the application. WEO Reyher noted that Conn. River Area Health District (CRAHD) approval has not been issued for the septic system proposed for the barn and recommended tabling action until the approval is received. Gene Robida, P.E. presented the revised plan identified as Alternate C. Alternate B was the initial plan submitted with the application. Mr. Robida reviewed the changes to the plan. The current plan does not contain the seal of the engineer and will be required prior to acceptance. Mr. Robida that at the last meeting and at site walk, questions were raised regarding approval by CRAHD for the septic. He noted that the revised plan was submitted to CRAHD two weeks ago and approval should be available at the next meeting. The use of the barn was asked to be defined. The loft on the second floor is to be used for storage of hay (last season used 850 bales of hay), and machines such as tractors and attachments, ATVs, mowers, and farm truck. Mr. Robida noted that the existing barns are not functional and are severely deteriorated. Lot lines were not changed for 4 Bahr Road parcel. Mr. Robida noted that the property owner may in the future pursue Activities/Agritourism or non-agricultural activities with the Planning and Zoning Commission. Mr. Robida noted that there are two bathrooms proposed for the employees. Mr. Robida noted that the barn was moved 30 feet away from the wetlands and moved it closer to the road, making it further away from the wetlands finger that comes out. Moving it an additional 10 feet reduced the amount of grading. Minor grading will be required at the entrances and exits from the barn. The process gravel driveway was reduced by 25%; it has been reduced to 30 ft. wide. The septic system was redesigned and moved out of the 100 ft. review area. Leaching field design has been changed to concrete galleries and H-20 loaded so that lawn equipment may drive over it. The septic tank and distribution box are also H-20 loaded. Mr. Robida noted that the area is high ground water and flat. Minimum leaching spread of 60 ft. is a Health Code requirement. No gutters are proposed on the barn. When asked about the limit of disturbance around barn during construction, Mr. Robida stated that it would be minimal. A linear rain garden is proposed on the edge of the parking area adjacent to the barn on the back side. The rain garden is 120 ft. long and 7 ft. wide and 12 inches deep and will consist of native plants in accordance with the planting plan as shown on the drawing. It will pick up runoff from the gravel going towards the

wetlands. A well is also proposed. The edge of the barn is 30 feet from the wetlands. Eric Davison, Soil Scientist, flagged the wetlands and assisted in the rain garden design. Sixty percent of the barn is located in the flood plain. Mr. Robida noted that the owner is not interested in scaling back the size of barn. When asked if the barn could be moved further from the wetlands, Mr. Robida noted that it would then be too close to the house. Mr. Davison noted that they created the linear rain garden to minimize some of the increased runoff because of the increase of the gravel drive. The goal of the rain garden is to capture the flow off of the gravel drive and rainfall off a portion of that roof acting as a mini detention basin. The size of the barn is 148 ft. x 38 ft. The Commission asked that the size of the barn be added to the plan. A motion was made by Carol Libby and seconded by Mike Tomlinson to table the application until the next regular meeting to get the septic design approval, any amendments, and the stamped drawing. (6-0) Voted Unanimously.

Valley Railroad Company, 152 River Street (Map 62, Lot 58): An application by Valley Railroad Company was accepted at the May meeting for the purpose of parking and access way improvements to an existing parking/storage area at 152 River Street. Rob Bradway was present on behalf of the application. Mr. Bradway submitted a copy of letter dated June 12, 2018 to the Commission from R. Richard Snarski, Soil Scientist, with his report on the proposed activity. The total activities in the upland review area is 8,500 sq. ft. Mr. Bradway noted that the goose neck lamp posts are proposed on the railroad side of the parking lot. The plan before the Commission shows the lamp posts on the edge of the wetlands. A revised plan will need to be submitted. Mr. Bradway noted that the additional clearing is necessary to allow for the 35 parking spaces required to handle 70 persons access for the boat charters. The purpose of the proposal is to allow smaller charters access directly from the site. The updated parking area will bring definition to the parking. Mr. Bradway noted that the Valley Railroad has allowed use of the parking for overflow from the Town Landing and boat trailers. The parking area would be closed off in advance of a charter or a Town event at the Landing. The opening to the parking area will be 24 ft. with a driveway apron. Ron Larsen asked that documentation in writing from the State Forester be submitted acknowledging their approval of the activity. The Chairman noted that the property is located in the Natural Diversity Database and should be checked accordingly on the application form. In addition to a revised plan reflecting the location of the lamp posts, the Commission asked that the engineer provide an updated calculation for regulated activities. A motion was made by John Voitovich and seconded by George Atwood to table action on the application to the next regular meeting. (6-0) Voted Unanimously.

Kevin & Amy Costello, 372 Main Street (Map 59, Lot 1F): An application by Kevin and Amy Costello was accepted at the May meeting for the purpose of adding on to the existing deck to encompass half of the 15 ft. x 30 ft. above ground pool at 372 Main Street. Mr. Costello noted that the deck will not extend beyond the retaining wall. The size of the deck is 12 ft. by 10 ½ ft. by 4 ft. on each side of the pool. No heavy equipment will be used.. The holes will be dug with a mini skid steer with 12 inch auger. The total area of disturbance is 336 sq. ft. The application fee was submitted by the applicant. A motion was made by Carol Libby and seconded by Mike Tomlinson to approve the application as submitted. (6-0) Voted Unanimously.

Niantic Bay Group, LLC, 245 Warsaw Street (Map 45, Lot 9A): An application was received from Niantic Bay Group, LLC for construction of a new 26 foot x 44 foot home with 12 ft. by 12 ft. deck and

two car under garage on property of Roger A. Bedell Trust at 245 Warsaw Street. Jodie Chase from Niantic Bay Group and Ross Gladstone from Indigo Engineering were present on behalf of the application. Ms. Chase reviewed the application for the new home, with paved driveway and septic. The septic system is approximately 16 ft. from the wetlands; the deck on the back of the house is approximately 30 feet. The entire house and majority of the activity is located in the 100 foot review area. WEO Reyher inquired about the possibility of installing a wetlands crossing and constructing a home on the rear of the parcel, outside of the review zone. The parcel is approximately 646 ft. deep. Ms. Chase noted that a band of wetlands crosses behind six or seven houses. Ms. Chase noted that a crossing of the wetlands would create a huge impact to the wetlands and she would be opposed to the impact of filling wetlands for a crossing. The wetlands is a forested wetland and not a body of water. Members noted that the plan submitted with the application does not contain the seal of the engineer. A motion was made by John Voitovich and seconded by Mike Tomlinson to not accept the application at this time as it is incomplete and pending a stamped plan and additional information. (6-0) Voted Unanimously. George Atwood left the meeting at this time (8:50 p.m.)

Old Business:

A letter noting acceptance of the open space for the BMC Subdivision is being sent to the Planning and Zoning Commission.

Winthrop Construction, 121 Winthrop Road (Map 33, Lot 6): The Chairman noted that he has attempted to contact Richard Leighton regarding the demolition permit inquiring if the permit was filed with the State of Connecticut and if all required steps were followed. Commission members noted concern regarding drainage to wetlands downstream. A motion was made by Ron Larsen and seconded by Mike Tomlinson to send a letter to Richard Leighton requesting documentation of the demolition permit noting the Commission's concern regarding lead and asbestos. (5-0) Voted Unanimously.

Enforcement: Scott Papoosha, 199 Stevenstown Road, Deep River (Map 14, Lot 3): WEO Reyher noted that new material is still being brought on to the property. A letter of violation had been issued and no further response has been received from the property owner. The Chairman will follow up with the Town of Westbrook to confirm their receipt of the letter from this Commission regarding the activity taking place. The property owner has failed to address remediation as he indicated would be done. A motion was made by Ron Larsen and seconded by Carol Libby to issue a cease and desist order to Scott Papoosha for the ongoing unregulated activity. Tomlinson recused. (4-0-1) Approved.

Finance Report: The Finance report was not available and no bills were received.

Correspondence: A memo was received from the Town of Lyme regarding a hearing scheduled on proposed amendments to Inland Wetlands Regulations.

A motion was made by Mike Tomlinson and seconded by Carol Libby to adjourn at 9:06 p.m. (5-0) Voted Unanimously.

Respectfully submitted,
Nancy Howard
Recording Secretary