

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, August 9, 2018 at the Deep River Elementary School was called to order at 7:41 p.m. Members present: John Dube, Ron Larsen, Tanner Steeves, Alternates Michael Tomlinson and John Voitovich. Absent: George Atwood, Susan Board, Carol Libby, and Alan Mizejeski. Also present: Attorney Jane Marsh, WEO Mark Reyher, Nancy Howard (recording secretary), and approximately 40 audience members. Chairman Steeves seated Alternates Mike Tomlinson and John Voitovich for absent members. The Chairman noted that the meeting is a regular business meeting and not a public hearing and not open to public comment.

A motion was made by Mike Tomlinson and seconded by John Dube to alter the agenda to consider the Valley Railroad Company application first. (4-1) (Larsen opposed) Approved. After the Valley Railroad matter, the meeting will relocate to the Town Hall due to the lack of air conditioning.

Approval of Minutes: A motion was made by Mike Tomlinson and seconded by John Voitovich to approve the minutes of the regular meeting of June 14, 2018 as printed. (5-0) 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. The July meeting was cancelled due to lack of quorum and the applicant granted an extension of the application. Attorney Kenneth McDonnell, on behalf of the Valley Railroad, stated that they are present with a proposal to improve a parking lot existing over 100 years on property owned by the State of Connecticut. Plans have been submitted to and approved by DEEP. The proposal is to install guardrail fencing, light posts and regrading of existing parking lot and stormwater infiltration trench. The application proposes regulated activity within the upland review area; no regulated activity is proposed within a wetland or watercourse. Tom Metcalf, P.E., stated that the proposal was forwarded to the DEEP Natural Diversity Database. Mr. Metcalf submitted the following documents for the record:

- (a) Letter dated July 6, 2018 he received from Karen Zyko, Environmental Analyst from DEEP noting that they do not anticipate negative impacts to the State listed species resulting from the proposed activity at the site.
- (b) Letter dated June 21, 2018 from Graham J. Stevens, Office Director from DEEP acknowledging that the Valley Railroad Company leases the land from the State through DEEP for railroad and recreational purposes; and DEEP is aware of and authorized the activity proposed in the application.
- (c) List of names and addresses of adjacent property owners. Mr. Metcalf noted that the Regulations require notification to adjacent property owners only if a public hearing is held.
- (d) Letter dated August 9, 2018 from Joseph M. Dillon, P.E. of Nathan L. Jacobson & Associates, Inc., Town engineer, to the Planning & Zoning Commission.

Mr. Metcalf noted that he met with Mr. Dillon at the site. Mr. Metcalf noted that the plans have not been formally revised because he intends to incorporate the recommendations of this Commission, the Planning & Zoning Commission, and Town engineer at the same time. Mr. Metcalf noted that the lighting will only be on the east side of the property near the railroad tracks. The plan will be revised to

reflect that no lighting is proposed along the wetlands. The 5 foot paved impervious area has been removed and in lieu they will use concrete wheel stops in each parking stall to identify the parking space. Mr. Metcalf noted that Mr. Dillon recommended that the proposed fencing between the parking area and the railroad tracks be a wooden guardrail to prevent someone from driving on the railroad tracks. Mr. Metcalf noted that the additional change is installing drainage along River Street. The drainage on River Street flows across the road and discharges to the wetlands on the other side of River Street. Mr. Metcalf noted that the paving from the Town sewer project was not done correctly for the drainage. Rather than installing catch basins that discharge onto the DEEP/VRR property, the proposal is to incorporate Mr. Dillon's recommendation that the proposed catch basins be connected to the existing catch basin system to the south with the discharge to the wetlands on the other side of River Street. Mr. Metcalf noted that the original submission in April included a note on the plan referring to clearing; said note will be removed from the plan. Mr. Metcalf noted that the material in the parking lot will be processed stone. Mr. Metcalf noted that the infiltration trench was incorporated along the top edge of the bank in order to protect the edge of the wetlands. The trench will consist of a 6" perf. drain pipe, approx 6" in depth from the top of the bank, in a 3/4 inch stone trench and the volume will hold in the trench until it infiltrates into the ground. The detail of the infiltration trench is shown on the plan. The trench will be constructed in accordance with DEEP Storm Water Quality Guidelines. At the current time the runoff sheet flows into the vernal pool. Only the sidewalk will be curbed. Mr. Metcalf noted that the area of the activity is approximately 8,500 square feet (two tenths of an acre). The number is included on the DEEP reporting form and the Commission requested that the area of activity be added to the plan. Mr. Metcalf noted that there is no drain from the vernal pool. The Chairman noted that a petition was received from the public for a public hearing; and in accordance with the Regulations, a petition would need to be received within 14 days of receipt of the application or a public hearing could be held if the Commission determines the activity to be a significant activity. Commission members were in consensus that the activity proposed is not a significant activity. The Commission would be able to approve with stipulations pending receipt of a final updated drawing. Mr. Metcalf noted that due to the maintenance of repairing the drainage on the Town road, the applicant will discuss with the Selectmen a proposed cost sharing with the Town for materials. Mr. Metcalf noted that there would be a reduction of sheet flow of water from the west side to the road. The opening to the parking area is currently a wide gravel expanse and will be narrowed to a 24 ft. wide entrance with landscaping. The parking area will be crushed stone rather than compacted gravel surface. Mr. Metcalf noted that the two new catch basins, one on either side of the entrance are outside of the review area. He noted that Richard Snarski has recommended leaving the existing vegetation around the vernal pool. Mr. Metcalf reviewed proposed changes as discussed which will be added or amended on the plans. He stated that he would be able to submit a revised stamped plan about a week after the Planning and Zoning Commission meeting scheduled for 8/16/18. Commission members noted that if any additional changes are made, the applicant would need to return to this Commission for amendment. A list of revisions was reviewed with Mr. Metcalf. Action by the Commission is made in accordance with plan entitled "Parking Area Improvements Valley Railroad Company at Deep River Station 152 River Street Deep River, Connecticut Scale: 1"=20' Date: 2-15-18 revised to 4-24-18 Sheet 1 of 4" and "Details Scale: As Noted Date: 2-15-18 revised to 4-24-18 Sheet 2 of 4", Details Scale: As Noted Date: 2-15-18 Sheet 3 of 4", and "Details Scale: As Noted Date: 2-15-18 Sheet 4 of 4" to be revised.

A motion was made by John Woitovich and seconded by John Dube to approve the application by Valley Railroad Company subject to the following conditions:

1. Drainage of the driveway and northern portion of the lot will be into catch basins on River Street, rather than discharging onto DEEP/Valley Railroad property. Drainage will be connected to the existing catch basin system on River Street.
 2. Lights shown on west side of parking area will be relocated to the east side of the parking area.
 3. The 5 foot paved strip along the east side of the parking area will be removed. Wheel stops will be placed in the front of the parking spaces for delineation of parking spaces.
 4. Fencing along east side of parking area will be wooden guardrail.
 5. Note 12F regarding clearing will be omitted from the plan.
 6. Six 2 inch to 4 inch caliper native trees or shrubs with 3 foot root ball will be planted on the southern side of the parking area.
 7. The material to be used in the parking lot will be 3/4 inch crushed stone.
 8. Erosion and sedimentation control measures shall be in place in accordance with the details on sheet 4 of the plans.
 9. The Wetlands Enforcement Officer shall be notified prior to the start of work.
 10. No material will be stockpiled on site.
 11. The total disturbed area of 8,500 square feet will be identified on the plan.
- (5-0) Voted Unanimously.

The meeting was recessed at this time for the purpose of relocating to the Richard H. Smith Town Hall for the remainder of the agenda.

The meeting was reconvened at 8:43 p.m. at the Richard H. Smith Town Hall.

Deep River Farms, 4 Bahr Road (Map 43, Lot 1): Chairman Steeves noted that the application by Deep River Farms, LLC accepted at the May meeting for the purpose of construction of a barn on property at 4 Bahr Road and continued at the June meeting (July meeting was cancelled) was withdrawn by the applicant. A new application was received for construction of a barn in a different location from the original proposal and outside of the 100 ft. review area. Erica Schillawski, the manager at Deep River Farms, was present on behalf of the applicant. The application and explanation of activities were reviewed. The barn is necessary for the farming operation and will be used for storage of farm equipment, farming supplies, and other material necessary for a farming operation. The barn will include a hay loft for storage of hay bales. CRAHD approval has been received. Erica noted that the existing barns may be demolished prior to construction of the new barn. Commission members noted that an application would be needed for demolition of the existing barns which are located in the 100 ft. review area. The proposed driveway and new structure are outside of the review area. The flood plain is rated as Zone X. The consensus of the Commission members was that the proposed activity does not require a wetlands permit because there is no activity in the upland review area or within a wetland or watercourse.

Niantic Bay Group, LLC, 245 Warsaw Street (Map 45, Lot 9A): An application by Niantic Bay Group, LLC was received at the June meeting 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. Chairman noted that the Commission had determined at the June meeting that the application was not complete. Joe Wren, Jodie Chase and John Doran were present on behalf of the application. Joe Wren reviewed the proposal for the development of the lot. The property is located on Warsaw Street near the Essex Town Line. The lot is 100 feet wide and 650 feet deep. Mr. Wren noted that there is a band of wetlands across

the property and a long piece of land in the back of the wetlands. Mr. Wren noted that 50 ft. contours are added in the back. The site rises 50 to 60 feet from the wetlands. There is a 20% slope from the review area in the back. Mr. Wren noted that the site is flat behind the wetland area but then becomes steep and rocky. The proposed activity in the front of the property is within the 100 foot review area. The wetland strip starts on the South near Mitchell Terrace and goes North towards Stanwoll Hill. Joe Wren reviewed and submitted a Soils and Wetlands Report dated June 17, 2018 and letter dated August 5, 2018 from Soil Scientist Cynthia Rabinowitz, together with her Curriculum Vitae. The report substantiates that there are no alternatives that would result in no wetland impact. Mr. Wren showed an aerial photo of the existing neighborhood showing the houses near the street, which were pre-zoning, and he noted that the proposal would be in harmony with the existing neighborhood. The septic system is the farthest possible from the wetlands. The house is approximately 60 feet back. The existing grading goes towards the North to 241 Warsaw. The impervious surface is 4.4% including the driveway and house. Erosion and sedimentation control measures will be installed to protect the wetlands and on the North side. A stock pile area is proposed in the front yard on the edge of the 100 ft. review area. Silt fencing will be installed around the stock pile. CRAHD approval has been received for the septic system. Footing drains are not proposed because there is no basement. The drawing received was signed and stamped. When asked about protection of the wetlands area, Mr. Wren stated that an approximately 15-16 foot buffer is proposed to be maintained and possible installation of markers on trees. All activity proposed is in the regulated area. The recollection of the members is that no applications have been received for new homes and septic systems in the regulated area. The Commission indicated to the applicant that the landowner of the property is required to sign the application and it was not clear if Niantic Bay Group is an authorized representative of the landowner. Mr. Wren stated that the owner has given authorization. Commission members noted the need for a site walk. Jodie Chase, on behalf of Niantic Bay Group, submitted a written request for extension to the September 13, 2018 meeting. A motion was made by Mike Tomlinson and seconded by John Dube to schedule a site walk at 245 Warsaw Street for Monday, August 13, 2018 at 6:00 p.m. (5-0) Voted Unanimously. Notification will be required to the Town of Essex because the property is within 500 feet of the Town line. Action on the application will be considered at the next regular meeting. Attorney Jane Marsh left the meeting at this time.

Enforcement Report: No report.

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

Correspondence: Chairman Steeves noted receipt of the following correspondence: (a) letter dated July 12, 2018 from Susan Huybensz of 38 Fairview Avenue regarding the Valley Railroad application. (b) Letter dated August 9, 2018 from Robert Ghinder of 137 Kirtland Street asking for denial of the application by Valley Railroad Company. (c) Letter dated July 23, 2018 from Conn. River Gateway Commission regarding adoption of Gateway Standards. A public hearing will be held on 8/15/18 at the Richard Smith Town Hall at 7:00 p.m. (d) Copy of DEEP Permit Application for the Use of Pesticides in State Waters for 39 Winthrop Road, Olson property. The WEO noted that the work has been completed.

A motion was made by Mike Tomlinson and seconded by John Dube to adjourn at 10:12 p.m. (5-0) Voted Unanimously.

Respectfully submitted,

Nancy Howard

Recording Secretary