

CONSERVATION AND INLAND WETLANDS COMMISSION

TOWN OF DEEP RIVER, CONNECTICUT

Town Hall

174 Main Street

Deep River, Connecticut 06417

A special meeting of the Deep River Conservation and Inland Wetlands Commission held on Thursday, September 20, 2018 at the Richard H. Smith Town Hall was called to order at 6:30 p.m. Members present: George Atwood, Susan Board John Dube, Tanner Steeves, Alternate Michael Tomlinson and Alternate John Voitovich. Absent: Ron Larsen, Carol Libby, Alan Mizejeski. Also present: Town Attorney Jane Marsh, Nancy Howard (recording secretary), Mark Reyher (WEO), Joe Wren, Jodie Chase, John Doran. The Chairman seated Alternate Tomlinson for an absent member.

Niantic Bay Group, LLC, 245 Warsaw Street (Map 45, Lot 9A): The purpose of the special meeting is for action on an application by 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.

Chairman Steeves noted that at the regular meeting held on September 13, 2018 the motion on the floor to deny the application by Niantic Bay Group was tied two to two. The motion did not carry. To resolve the matter, a motion to approve the application may be entertained with action on that motion. Jane Marsh noted that she spoke with the Attorney for the property owner and recommended that he make a statement to the Commission.

Attorney Michael Cronin stated that he is the attorney for the property owner, Mr. Bedell, and not the applicant. Attorney Cronin stated that his client has become aware of the possibility of losing his building lot which he has been paying taxes on for many years and he is very concerned about this situation. He noted that he cannot see any specific basis for the Board to find that it will result in unacceptable adverse affect upon the wetlands. He noted that there is nothing on the record indicating that the proposal will adversely affect the wetlands. Attorney Marsh noted that a public hearing should be held if the Commission decides that any activity proposed in the review area would have significant impact on the wetlands.

Joe Wren, P.E., on behalf of the applicant, noted that additional commission members were present and asked if they are able to vote. Chairman Steeves noted that members present at the last meeting were George Atwood, John Dube, Mike Tomlinson and himself. Susan Board noted that has listened to the recordings and familiarized herself with the matter and will be voting on the application. John Voitovich will not be voting. Mr. Wren noted that the entire buildable area is between the wetlands and the road; and the reports from the Soil Scientist say that there is no impact and the proposal is the best and most prudent alternative. There is no professional testimony on the record that there would be an impact.

A motion was made by George Atwood and seconded by John Dube to approve the application subject to the following conditions:

- (1) All of the wetlands and land east of the wetlands will be identified as a Conservation Easement, restricting any activity from taking place.
- (2) Three placards will be placed evenly across the property at the border of the wetlands to identify the conservation easement.

(3) Planting of shrubs shall occur in the 15-16 foot wide buffer. The shrubs shall be native and a maximum height of 3 to 5 feet.

(4) Storm water infiltrators will be installed on roof drainage on the southeast corner.

(5) Erosion and sedimentation control measures shall be installed. Silt fencing will be installed together with hay bales and/or wood chips.

(6) The Wetlands Enforcement Officer shall be notified prior to the start of work;

Discussion took place on the motion. Joe Wren noted that the driveway apron would be paved and the remainder of the driveway would be crushed stone. He owner of the property granted an easement to the neighbor for the garage and driveway encroaching on the property. The applicant agreed to the infiltrators. The southwest corner will discharge to the ground. Sue Board referred to Regulations Section 10.2f and 10.4 for reasonable and prudent alternatives. Joe Wren noted that the alternates were discussed at the last meeting. A variance would be needed if the house is moved closer to the road, which would move the well and septic closer to the wetlands. He noted that there are no other feasible alternatives for the proposal.

Action on motion on floor:

In Favor: Atwood, Dube, Board

Opposed: Steeves, Tomlinson

(3-2) Application approved.

The application fee of \$110.00 will be submitted by the applicant.

A motion was made by Susan Board and seconded by Mike Tomlinson to adjourn at 7:05 p.m. (5-0)
Voted Unanimously.

Respectfully submitted,
Nancy Howard
Recording Secretary