

CONSERVATION AND INLAND WETLANDS COMMISSION

TOWN OF DEEP RIVER, CONNECTICUT

Town Hall

174 Main Street

Deep River, Connecticut 06417

A show cause hearing of the Deep River Conservation and Inland Wetlands Commission held on Thursday, March 28, 2019 at the Deep River Town Hall was called to order at 7:07 p.m. Members present: George Atwood, John Dube, Ron Larsen, Tanner Steeves, Alternate Michael Tomlinson, and Carol Libby (arrived at 7:15 p.m.). Absent: Susan Board, Alan Mizejeski, and Alternate John Witovich. Also present: Town Attorney Jane Marsh, Mark Reyher (Wetlands Enforcement Officer), Nancy Howard (Recording Secretary), Robert Doane, Scott Papoosha, Gary Clark, Jane Samuels, Tony Bolduc, Ben Whelan, Brett Thompson, Stanley & Hillary Rheinheimer. Mike Tomlinson recused himself on this matter.

The purpose of the Show Cause Hearing is in connection with Cease and Desist Order issued for property of Scott E. Papoosha at 199 Stevenstown Road (Map 14, Lot 3) for regulated activity that has taken place within a wetlands or watercourse or within 100 feet of a wetlands or watercourse. Chairman Tanner Steeves reviewed a summary of events on the property since the Commission became aware of the activity in 2017. Aerial maps were available back to Spring 2012.

Robert Doane, P.E., L.S., on behalf of Scott Papoosha, reported that he attended the February 8, 2018 meeting and indicated that he would be back to the Commission with a completed plan. He noted that the wetlands were flagged on February 20, 2018 by Richard Snarski and the plan was prepared. Plans were submitted to the State DEEP for Natural Diversity and for the general permit for registration of the commercial activity and there have been various plan revisions to get to the final plan. Mr. Doane apologized for not returning to this Commission to keep the Town apprised for the process. Mr. Doane noted that after the long process with the state he was told that they were ready to issue the permit, but WEO Mark Reyher had called DEEP and the permit issuance was suspended. There are wood chip berms around the pond and around the boundary of the Natural Diversity area, for which approval has been received. Mr. Doane noted that they received a letter from DEEP, Zoning permit was issued on April 9, 2018, and letter from First Selectman Angus McDonald. Mr. Doane submitted the following documents for the record: (a) three sheets of plans, which are considered to be the restoration plans; (b) copy of the DEEP Application for General Registration Form to Construct and Operate a Commercial Facility for the Management of Recyclable Materials and Certain Solid Wastes; (c) DEEP Bureau of Materials Management and Compliance Assurance Notice of Permit Authorization received on 3/15/2018 stating that the site's stormwater discharge is authorized by the general permit and permit coverage terminates on 9/30/2018; (d) Administrative Zoning Permit issued by the Zoning Enforcement Officer on 4/9/2018; (e) Email dated 5/11/2018 from First Selectman Angus McDonald to Scott Papoosha; (f) Pertinent section from CIWC minutes of 2/8/2018; and (g) proposed application to the CIWC for the clean wood processing facility with associated site stabilization. Mr. Doane stated that the material on site now is from the Town. Mr. Doane noted that notification will be made to the Town of Westbrook when the application is submitted to this Commission. The draft application is ready for submission and is awaiting completion of the final plans. Mr. Doane noted that the proposed plan is for restoring all areas outside of the activity taking place. Bob Doane noted that on the site walk the

Commission can tell them how much fill needs to be removed and they will add to the existing stock piles. Ron Larsen noted the importance that the Commission wants the natural original condition restored on the southeast corner, including removing fill and then seeding and mulching. Mr. Larsen noted that at a site visit a few years ago, spoils from a pond dug by Mr. Papoosha on another property were stored in the back corner. A Commission member noted that the property, with the prior owner, was a hay field and flat. A site walk will be scheduled during the special meeting. Mr. Doane and Mr. Papoosha noted that the activity proposed is a commercial activity in a residential area. The zoning permit issued is for part time saw mill to make tables.

Audience: Jane Samuels of Elm Street noted that she remembers that there were two ponds on the property and asked if they were still there. Mr. Doane noted that they are and no pond has been filled.

The Chairman reiterated that the violations referenced are for all of the review areas on the property and not just the southeast corner. Mr. Doane noted that he understands that there may be requirements by the Commission for other activities in the review area, which is why the CIWC application has not been signed and completed. Aspects will be defined on the site walk.

Gary Clark asked for a copy of the cease and desist order issued at an earlier time. Commission members noted that this is the first cease and desist issued.

Brett Thompson asked if the activity has stopped. WEO Reyher noted that work has stopped other than the ongoing stock piling of material from the Town. Mr. Doane noted that everything on the plan has been implemented. The erosion and sedimentation controls are in place and the stock piles have been moved. Seeding still needs to be completed. Mr. Papoosha noted that the Town continues to bring materials to the site. The Town stock pile area is outside of the 100 ft. review area.

A motion was made by John Dube and seconded by George Atwood to end the show cause hearing at 8:00 p.m. Voted Unanimously.

Respectfully submitted,
Nancy Howard
Recording Secretary