

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, April 11, 2019 at the Deep River Town Hall was called to order at 7:30 p.m. Members present: George Atwood, John Dube, Ron Larsen, Carol Libby, Tanner Steeves, Alternate Michael Tomlinson. Absent: Susan Board, Alan Mizejeski and Alternate John Voitovich. Also present: Town Attorney Jane Marsh, Mark Reyher (Wetlands Enforcement Officer), Nancy Howard (Recording Secretary), Jules Reshford, Sean Papoosha, Scott Papoosha, Attorney Sylvia Rutkowska, Gary Clark, Ben Whelan, Tony Bolduc, Josh Donoghue, and Bob Doane. Chairman seated Alternate Tomlinson for an absent member.

Approval of Minutes: A motion was made by Carol Libby and seconded by John Dube to approve the minutes of the regular meeting of March 14, 2019 with the following amendments: Page 2, Enforcement, amend sixth sentence to read: "Members noted that it had been reported to the Commission that a pond behind the house had been filled." and amend sentence "Concern was raised about the commercial clean wood processing operation taking place on property classified as forest land in the area of Messerschmidts Pond and the endangered species. (6-0) Voted Unanimously. A motion was made by Carol Libby and seconded by George Atwood to approve the minutes of the show cause hearing of March 28, 2019 with the following amendment: Page 2, Audience, last paragraph, amend last sentence to read as follows: "It was stated that the Town stock pile area is outside of the 100 ft. review area." (6-0) Voted Unanimously. A motion was made by Carol Libby and seconded by Ron Larsen to approve the minutes of the special meeting of March 28, 2019 as printed. Voted Unanimously. A motion was made by John Dube and seconded by Carol Libby to approve the minutes of the site walk of April 4, 2019 as printed. (6-0) Voted Unanimously.

Josh Donoghue, 72 Spring Street: An application by Josh Donoghue was received at the March meeting for the purpose of installation of an inground pool on the property of Josh and Meghan Donoghue at 72 Spring Street (Map 50, Lot 25). Mr. Donoghue noted that he spoke with the contractor. The silt fence will be installed and the material will be removed from the site. The contractor will enter and exist the property on the west side of the house. Commission members requested that a letter be provided from the contractor that he understands the situation. A motion was made by Carol Libby and seconded by George Atwood to approve the application by Josh and Meghan Donoghue for installation of an inground pool with the following stipulations: (1) The Wetlands Enforcement Officer shall be notified prior to the start of work; (2) Erosion and sedimentation control measures shall be placed, if necessary, in accordance with direction by the Wetlands Enforcement Officer; and (3) A letter shall be submitted to the CIWC from the contractor/pool company acknowledging their understanding of access to the property. (6-0) Voted Unanimously.

Scott and Sara Connor, 189 River Road (Map 69, Lot 6): Robert Doane, engineer for the property owners, presented a proposal for construction of a 4,463 s.f. five bedroom house with garage, pool and driveway on property at 189 River Road. Mr. Doane noted that they are currently before the Planning and Zoning Commission for a special exception and is present to review the proposal with this Commission. The property is the former Chase property and is 101 feet the deck to the from the Conn. River. There are no wetlands on the property. There had been a question if the drainage pipe at the southern driveway was an intermittent watercourse, but it has been confirmed by Soil Scientist Richard Snarski that it is not a watercourse. The southern driveway will be redone to create a right angle due to site line. Mr. Doane noted that approval has been received from the Connecticut River Gateway Commission. After discussion, the Chairman noted that the proposed activity at 189 River Road does not require an inland wetlands permit.

Enforcement: Scott Papoosha, 199 Stevenstown Road: Mike Tomlinson recused himself from this matter. Chairman Steeves presented pictures taken by the Commission at the site walk held on April 4, 2019. The activities which took place on the property were unpermitted activity and remediation is required to occur. The site walk allowed the Commission to review and determine remediation. Chairman Steeves reviewed an itemized list of the unpermitted activities that might require remediation which consist of the following: (a) Grading and grubbing on the western side of the former hayfield, within upland review area; (b) Modification of stream culvert at the south central portion of the property, within a wetland or watercourse; (c) Filling within stream (gravel) near the stream culvert at the south central portion of the property within a wetland or watercourse; (d) Filling and grading along the eastern edge and southeastern corner of the former hayfield, within the upland review area; (e) Stockpiling of woody material (mulch/brush/logs) at various locations, with the upland review area; (f) Installation of cement pad north of the pond, with the upland review area. Ron Larsen asked when the CIWC's letter was sent to Westbrook. The letter from the CIWC was sent on 10/18/2017 to the Westbrook Inland Wetlands Commission. No response had been received from Westbrook. Bob Doane reported that he was in attendance at a recent Westbrook Inland Wetlands Commission meeting and the subject came up because the Enforcement Officer recently received a phone call from someone advising of activity adjacent to the town line. Mr. Doane noted that he reviewed the matter with their commission. Mr. Doane asked for a copy of the letter to Westbrook and the violation letter. Members discussed points of concern. Mr. Doane presented three sheets of a progress print dated 4/11/2019. The "brush pile area" is incorrectly labeled and should be "brush processing area". Mr. Doane noted that the area to the west side of the wood chip berm was graded off and that is the area that the town dumps brush; the brush is then processed in that area and added to the stock piles. He noted that the Town also brings the sweepings from the street sweeper to the stock pile north of the pond. Scott Papoosha stated that he does the processing of the Town material at the Transfer Station landfill. The processing is done twice a year and creates 2,000 yards of grindings each time which are then transported to his property. Mr. Papoosha stated that he received a State permit two years ago to grind the material at the Town Transfer Station. Mr. Papoosha stated that he has a Tier 3 State permit for Killingworth. In connection with the site stabilization, Mr. Doane stated that there is a 12 inch plastic pipe through it which is sufficient for that watershed. He noted that it is a groundwater pond; no surface source. Mr. Doane stated that it is a wetlands. It is treated as a wetlands crossing even though roadway is not a wetland. This area was identified at the site walk as a concern. They propose a stone berm in the upland adjacent to the head wall and put stone pad completely across the dirt area, like a tracking pad. Concrete masonry blocks could be used to strengthen the area. The Chairman noted that replacement of the culvert would have needed a wetlands permit. Mr. Doane stated that Richard Snarski, Soil Scientist, will be going out to check the area by the existing pond. The Commission noted that as to the gravel in the stream bed, it needs to be removed. The material has spread out into the stream. Mr. Doane noted there is supposed to be a sump on the north side and sump on the south side of the culvert. He had designed it that way and treating it as a pond discharge. This activity designed and installed would also need a permit. Mr. Doane presented a sketch of common practice from a 2002 manual of sedimentation and erosion controls. Mr. Doane stated that Mr. Papoosha installed the pipe, without a permit, and understands it would need to be included in the application. Mr. Doane stated that the 12 inch plastic pipe will handle the load.

Discussion returned to the grading and grubbing on the western side. The Chairman noted that remediation needs to be done in that area and asked if the area can be seeded and mulched as a field. Mr. Doane stated that it could not, and noted that it is not actively eroding or causing damage to the wetlands. The Chairman noted that the Commission may not consider that an appropriate activity in that location. Mr. Doane stated they may be able to do a planted buffer in that upland review area that would mitigate some of the activity. Mr. Doane stated that there is permit pending for a commercial operation for wood processing. Mr. Doane acknowledged that an application for permit is required by the CIWC. Commission members asked for alternatives to be presented with the application. Commission members asked if the stock pile could be smaller and Mr. Doane noted they would consider it. Carol Libby asked how large the area is on the east side of the wood chip berm and Mr. Doane stated that it is 1.27 acres of disturbed area. Ron Larsen asked for the name of the DEEP representative who

visited the site and Mr. Papoosha stated that he will provide the name. Commission members noted to remediate the area as much as possible. WEO Reyher noted that the state applications lists 4.12 acres for wood processing.

As to the filling and grading along the eastern edge and southeastern corner, Mr. Doane stated that he added topography/contours on the plan where they are within the 100 ft. review area. He noted that he went back to the USGS topography maps and tried to gain what he thought was the original topo in that area and put on the plan. In the field they will encounter natural soils. Mr. Doane noted that when beyond the 100 ft., they will put in silt fence to protect that small area and establish a work limit area. On the field side of the 100 ft. they will place topsoil and seed with a proposed meadow mix for a permanent vegetative growth which would not need to be mowed more than once or twice a year. The silt fence will be removed on the east side once the permanent vegetative growth is established. On the west side the embankment will be built up to the field with approximately 2,100 cubic yards. WEO noted that the activity that would take place east of the wood chip berm would need to be included in the DEEP permit. The wetlands is not checked on the DEEP application. Mr. Doane stated that the debris pile would be removed from the site and processed accordingly. Mr. Doane noted that he will speak with Scott and about moving material off site because it is tight already in order to reduce stockpiles. Mr. Doane stated that the wood chip berm is only delineating the limit of the Natural Diversity area. As to the stacked wood and stockpiles, the Chairman asked if they can be pushed out of the review area. Mr. Doane stated that he would look at that. Chairman noted that the piles of logs should be removed and not be located in the review area. Mr. Papoosha stated that the road was existing and has been touched up with process gravel. Mr. Doane noted that the road may be maintained without a permit. Mr. Papoosha stated that all the logs on site came from the Town. The Chairman asked if DEEP asked them to put in the berm. Mr. Doane stated that he chose the berm around the pond over a less permanent silt fence. DEEP asked them to stabilize the area. Removal of the berm would cause problems in removing. A member asked for documentation that it is an approved method with leaching from the material.

As to the installation of the cement pad north of the pond for the saw mill, including a generator that holds 45-50 gallons of fuel, there were concerns raised that there is nothing to contain the fuel and it should be removed. Ron Larsen asked if approval was received from the Messerschmidt Wildlife Management area. Mr. Doane indicated no. Members were not aware if there is any setback area, but expressed concerns regarding the fuel. Mr. Doane stated that he hopes to have a revised plan and application for remediation for the next meeting. The Chairman will check with the ZEO regarding the Cease and desist issued by Planning and Zoning in April 2017. The Chairman noted that the cease and desist will remain in place until remediation is addressed with an application.

Finance Report: Carol Libby reviewed the current financial report.

Conservation: George Atwood noted that he will get the lumber to build a walkway in Canfield Woods.

A motion was made by George Atwood and seconded by Carol Libby to adjourn at 9:30 p.m. (6-0) Voted Unanimously.

Respectfully submitted,
Nancy Howard
Recording Secretary