

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, January 8, 2009 at the Deep River Town Hall was called to order at 7:38 p.m. by Chairman Mizejeski. Members present: Carmela Balducci, Susan Board, Ron Larsen, Alan Mizejeski, Alternate Michael Tomlinson, and Alternate/WEO Mark Reyher. Absent: George Atwood, Carol Libby, and John Szymanski. Also present: Norman Bouchard, Barbara Scholes. Chairman seated Alternates Reyher and Tomlinson for the absent members.*

Approval of Minutes: A motion was made by Susan Board and seconded by Mark Reyher to approve the minutes of the regular meeting of December 11, 2008 as printed. (6-0) Voted Unanimously.

Public Business: None

New Business: None

Old Business: Mark Reyher noted that Leroy Holdmeyer picked up an application form. No further response has been received.

Enforcement: Barbara Scholes, 73 Rattling Valley Road (Map 64, Lot 5A): A Notice of Violation was sent to Barbara Scholes for work taking place with an excavator in the brook which flows toward Pratt Cove on property at 73 Rattling Valley Road. The Commission asked Barbara Scholes to describe the activity that has taken place. Barbara Scholes stated that she and the excavator operator were not aware of the 100 foot requirements or the wetland regulating process. She noted that there was a crushed pipe in the watercourse which has now been removed as part of the activity; and she plans on leaving the existing crossing and does not intend to install a bridge. The site is currently stone and dirt. Ms. Scholes noted that the flow in the watercourse in the summer is a trickle. She indicated that her house is within 100 feet from the brook. Ms. Scholes stated that her intention was to remove the large amount of brush and create a yard with grass. The brush has been removed. WEO Reyher noted that the area is currently a sandy material. Ms. Scholes noted that the excavator operator is a friend of hers and is a licensed excavator. She stated that she does not plan any more activity near the brook with the excavator. The excavator is still located on the property, and she indicated that it is being used on the other side of her house. She indicated she is creating a new driveway. Ms. Scholes noted that the existing crossing accesses her mother's property in the back. She noted that one pipe still remains existing for the crossing and the crushed pipe has now been removed. Members noted concern for the sensitive wetland area. When asked about the current status of her project, Ms. Scholes stated that the property is cleared and a silt fence has been installed. The area is sandy and is not established with grass. Commission members informed Ms. Scholes that there should be a buffer between the proposed grass and the watercourse. Ms. Scholes was notified that a permit is required for the activity that has taken place. WEO Reyher noted that the silt fence is in place but he has not inspected it yet to determine if it was installed properly; he had driven by the property upon receipt of a call that additional work was taking place in the brook with the excavator. Commission members informed

Ms. Scholes that in order to protect the watercourse and the areas downstream, the work should be done in the spring. When asked how long the work has been taking place, Ms. Scholes stated that they have had the excavator since before Christmas, for well over a month. A couple members noted that the excavation has been taking place for a while. Ms. Scholes indicated that she would submit an application for permit at the next meeting.

Payment of Bills: Bills were received from the following: Nancy Howard, clerical services, 9 3/4 hours, reimbursement for postage \$16.13; and Mark Reyher, enforcement, 75.5 hours and 185 miles from September through December. A motion was made by Carmela Balducci and seconded by Michael Tomlinson to approve payment of the bills as presented. (6-0) Voted Unanimously.

Correspondence: Susan Board noted receipt of the following correspondence: (a) The Habitat newsletter from CACIWC; and (b) notification from Northeast Utilities that they will be applying herbicides to clear the power lines near Route 9 through town.

Other Business: Chairman noted that John Szymanski may be resigning from the Commission. In accordance with the Bylaws, a letter of resignation needs to be submitted to the Commission and the First Selectman.

The workshop with Jim Gibbons will be held on January 22, 2009 at 6:00 p.m.

Executive Session: Discussion took place about going into Executive Session. The Bylaws and Regulations were reviewed regarding reasons for entering into Executive Session. Pursuant to Section 8.5(b) of the Commission Bylaws, as specified in the state Freedom of Information Act, executive sessions may be held for discussions on strategy relating to negotiations regarding pending claims and litigation. A motion was made by Ron Larsen seconded by Mark Reyher to enter into Executive Session at 8:05 p.m. to discuss the enforcement matter on Rattling Valley Road. (6-0) Voted Unanimously. The Executive Session ended at 8:15 p.m.

There being no further business, a motion was made by Susan Board and seconded by Ron Larsen to adjourn at 8:20 p.m. (6-0) Voted Unanimously.

Respectfully submitted,

Nancy J. Howard

Recording Secretary