

CONSERVATION AND INLAND WETLANDS COMMISSION
TOWN OF DEEP RIVER, CONNECTICUT

Town Hall 174 Main Street Deep River, Connecticut 06417

2009 APR 16 P 1:19

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DEEP RIVER, CT.

A *regular meeting* of the *Deep River Conservation and Inland Wetlands Commission* held on Thursday, April 9, 2009 at the Deep River Town Hall was called to order at 7:40 p.m. by Chairman Mizejeski. Members present: George Atwood, Susan Board, Ron Larsen, Carol Libby, Alan Mizejeski, Alternate Michael Tomlinson, and Alternate/WEO Mark Reyher. Absent: Carmela Balducci, John Szymanski. Also present: Barbara Scholes, Bob Brimley, Sr., Leroy Holdmeyer. Chairman seated Alternate Tomlinson for the absent member.

Approval of Minutes: A motion was made by Carol Libby and seconded by Michael Tomlinson to approve the minutes of the regular meeting of March 12, 2009 as printed. (6-0) Voted Unanimously. A motion was made by Susan Board and seconded by Carol Libby to approve the minutes of the site walk of March 10, 2009 as printed. (6-0) Voted Unanimously.

Public Business:

Barbara Scholes, 73 Rattling Valley Road (Map 64, Lot 5A): Barbara Scholes and Bob Brimley, Sr. were present. Mr. Brimley submitted a copy of the plan on file in the Town Clerk's office dated August 1977 with sketches and notes added for the activity taking place. Ms. Scholes presented a brochure on buffer gardens which she is using as a guideline. She noted that she has done a lot of raking on the site. She indicated that a satisfactory number of plants and mulch will be placed in order to hold the soil. Mr. Brimley noted that the silt fencing is being doubled and additional hay bales are going to be placed on site. He indicated that no debris has been entering the brook. Mr. Brimley noted that they would like to use a small dozer for grading by the stream in order to level the area prior to planting grass seed. He noted that they would like to use the flat stone on the site for a retaining wall, but the stones would need to be moved by machine. Members noted that no digging activity may take place in the wetland or watercourse. Ms. Scholes noted that there is no stream in the quarry area to the south and they propose to place additional fill. Commission members noted that it appears as though it was a watercourse. Mr. Brimley stated that the silt fence held during the last storm but repairs had to be made to the fencing. Chairman noted that the vegetative cover should be in place in April and May. The Chairman reviewed the letter sent by the Commission to the applicant. Mr. Brimley noted that a two car garage is proposed in the location of the sheer cut into the embankment. Ms. Scholes stated that she will be planting trees such as dogwoods, red oaks, and birch. She noted that they will install additional silt fence to divide the yard in order to protect the stream while they are working in the area. Mr. Brimley, a contractor by trade, noted that the area where the stones are piled will be graded. Mr. Brimley noted that in the past the crossing was wider than it is now. He noted that he cut and removed a seven foot pipe from the crossing. Mr. Brimley noted that they had the rocks placed on the stream crossing for the Commission to cross the brook at the site walk. Mr. Brimley noted that they intend to cut fire wood on the properties on the other side of the stream. The stream crossing would be for vehicle and foot traffic. Ms. Scholes stated that she would like to have a tree farm on the other side of the brook. Mr. Brimley noted that the ends of the existing approx. 2 ft. in diameter pipe at the crossing are crushed. Ms. Scholes stated that she would like to put in a new pipe at the crossing with a process and gravel driveway. Discussion took place regarding the location of the stream crossing, which is in the right of way and appears to be owned by the applicant's mother, Gloria Niebler, requiring her signed authorization. Mr.

Brimley stated that he would like to cut back a little further behind the house and level it off creating a 4-5 ft. high retaining wall so that trees may be planted; and the fill would be placed in the low spot behind the sheer cut. Members expressed concern for filling in the low area because it appears to be a wetlands or vernal pool area. No additional filling of wetlands shall take place on the site. The WEO will visit the site and inspect the area. Ms. Scholes stated that the pool area in the brook was existing and had not been changed. She noted that there will be no additional digging in the stream. The WEO noted that he had advised the applicant during one of the initial site visits to stop digging in the stream. The WEO will meet with the applicant at the site to review the plan and will report back to the Commission. Ms. Scholes will obtain her mother's signature authorizing the activity in the right of way. Ms. Scholes submitted a written agreement for extension of the application until May 14, 2009 in order to obtain her mother's agreement for the application. A motion was made by Susan Board and seconded by Ron Larsen to extend the application to the next regular meeting as agreed to by the applicant. (6-0) Voted Unanimously. The application fee for the proposal is \$100.00.

Leroy Holdmeyer, Westbrook Road (Map 30, Lot 2): An application was received from Leroy J. Holdmeyer for an agriculture exemption for farming on property on Bushy Hill Road (47 Deer Lane, Ivoryton). Chairman noted that the stipulations of the court case were that a new show cause hearing would need to be held on the cease and desist order. The request for agricultural exemption may not be considered until action has been taken on the cease and desist order. Leroy Holdmeyer stated that all information previously presented to the Commission would be re-presented as part of the request. It was determined that a separate agenda has to be filed for the show cause hearing, therefore, no action may be taken at this meeting. The Commission members discussed holding a site walk on the property. Mr. Holdmeyer noted that there is always activity on the property with the farming operation and he is looking for an exemption. Mr. Holdmeyer was in agreement to holding a site walk. The Show Cause Hearing will be held on Thursday, May 14, 2009 at 7:00 p.m., prior to the regular monthly meeting. A site walk will be held on Wednesday, May 13, 2009 at 6:00 p.m.

Water Pollution Control Authority: A motion was made by Carol Libby and seconded by Susan Board to add to the agenda review of the proposal by the Water Pollution Control Authority. (6-0) Voted Unanimously. A preliminary plan was received from the Water Pollution Control Authority for an anticipated extension of the sanitary sewer lines in the area of River and Kirtland Streets. A CIWC permit may be required.

Enforcement: WEO Mark Reyher noted that he inspected the Scholes and Dube properties. A couple complaints have been received regarding tree cutting by the water on Falls Landing Road. He noted that activity is behind the house but from the road it appeared to be tree trimming. The rules of the Falls Landing Association stipulate that trimming activity be done with a hand saw to cut material less than four inches in diameter.

Payment of Bills: Carol Libby reviewed the status of the current budget. A bill was received from Nancy Howard, clerical services, 12 1/2 hours; Mark Reyher, enforcement, 53 hours, 73.5 mileage; and Hartford Courant, legal advertising, \$23.76. A motion was made by Carol Libby and seconded by Ron Larsen to approve payment of the bills as presented. (6-0) Voted Unanimously.

Conservation Matters: Canfield Woods: Discussion took place regarding the Commission's authority and restrictions for Canfield Woods. The Conservation and Inland Wetlands Commission (CIWC) was granted the regulatory authority over Canfield Woods by Town Ordinance. The Chairman recommended forming a committee to bring other citizens aboard toward maintaining Canfield Woods. Additional discussion will take place at the next meeting. The secretary will prepare an article for the Town newsletter seeking volunteers for the conservation committee. George Atwood noted that the kiosks will contain an enlarged map and additional information may be added on the sides. The sign installed lists the Deep River Land Trust, which has no authority for Canfield Woods, and not the CIWC. George Atwood will investigate the signage.

Correspondence: Susan Board noted receipt of copies from the DEP of the Status and Trends Report and Training Summary Report for 2005.

A motion was made by Carol Libby and seconded by Ron Larsen to adjourn at 9:15 p.m. (6-0)
Voted Unanimously.

Respectfully submitted,
Nancy J. Howard
Recording Secretary