

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, May 14, 2009 at the Deep River Town Hall was called to order at 7:36 p.m. by Chairman Mizejeski. Members present: George Atwood, Carmela Balducci, Carol Libby, Alan Mizejeski, Alternate Michael Tomlinson and Alternate/WEO Mark Reyher. Absent: Susan Board, Ron Larsen, John Szymanski. Also present: Barbara Scholes, Leroy Holdmeyer. Chairman seated Alternate Michael Tomlinson for absent member Ron Larsen and seated Alternate Mark Reyher for absent member Susan Board.

Approval of Minutes: A motion was made by Carol Libby and seconded by Carmela Balducci to approve the minutes of the regular meeting of April 9, 2009 as printed. (6-0) Voted Unanimously.

Public Business:

Barbara Scholes, 73 Rattling Valley Road (Map 64, Lot 5A): An application by Barbara Scholes was received at the March meeting for activity taking place in the regulated area and replacement of the pipe at the stream crossing. Barbara Scholes was present. A signed authorization was received from Ms. Scholes' mother, Gloria Niebler, for the replacement of the pipe at the stream crossing. WEO Reyher noted that he inspected the site on May 13, 2009 and the site was stable. The WEO will continue to visit the property to verify that the silt fencing is being maintained. The application fee was received. A motion was made by Mike Tomlinson and seconded by George Atwood to approve the application by Barbara Scholes as presented subject to the following conditions: (a) the work on the crossing of the brook shall be done at the time of low water; (b) The Wetlands Enforcement Officer shall be notified prior to the start of work; (c) erosion and sedimentation control measures shall be maintained; and (d) Additional erosion and sedimentation control measures shall be placed, if necessary, in accordance with direction by the Wetlands Enforcement Officer. (6-0) Voted Unanimously.

Leroy Holdmeyer, Westbrook Road (Map 30, Lot 4A), Bushy Hill Road (Map 30, Lot 2)/
Agricultural Exemption: An application was received from Leroy J. Holdmeyer for an agriculture exemption for farming on property on Westbrook Road (Map 30, Lot 4A) and Bushy Hill Road (Map 30, Lot 2) (a/k/a 47 Deer Lane, Ivoryton). Leroy Holdmeyer was present. The Commission held a site walk on May 13, 2009. Chairman noted that members observed the water as it leaves the site and flows directly into Wrights Pond and concerns were raised about the quality of water going off site. The Chairman noted that a small holding pond upland of the outlet with some wetlands plantings would help to slow down the water. Plantings would help with the nitrogen. The Chairman indicated to Mr. Holdmeyer that the recommendations of the Commission would encourage the best management practices on the site for protection of the wetlands. Mr. Holdmeyer noted that the cows drink from the small area of water collected before it flows into Wrights Pond. Mr. Holdmeyer stated that the on-going farming operation is exempt and it will take time for better grass to grow. The Chairman noted that there are rushes growing in the wetlands. Mr. Holdmeyer noted that the grass has taken a foothold on its own; he has not done any planting. There is continual flow through the site due to ground water. A motion was made by Carol Libby and seconded by Mark Reyher that the request by Leroy Holdmeyer for agricultural exemption for the modifications and filling of existing wetlands in order to accommodate the farming operation on

properties on Westbrook Road and Bushy Hill Road is in compliance with Conn. General Statutes Section 22a-40 and Commission Regulations Section 4.1(a) as an as of right activity. (6-0) Voted Unanimously. Mr. Holdmeyer stated that he is in the process of combining the two contiguous parcels. He noted that a new survey will be completed to combine the lots.

A motion was made by Carmela Balducci and seconded by Carol Libby to recess the regular meeting at 7:58 p.m. to address the show cause hearing for Leroy Holdmeyer. (6-0) Voted Unanimously. The regular meeting was reconvened at 8:08 p.m.

Leroy Holdmeyer, Westbrook Road (Map 30, Lot 2)/Cease and Desist: The show cause hearing was held immediately prior to this matter. A motion was made by Mark Reyher and seconded by Carol Libby that the Commission withdraw the cease and desist order issued to Leroy and Michelle Holdmeyer at Westbrook Road, Deep River (a/k/a 47 Deer Lane, Ivoryton) (Assessors Map No. 30, Lot 4A) dated August 27, 2007, based on the agricultural exemption status. (6-0) Voted Unanimously.

Mr. Holdmeyer made a statement to the Commission after the items were addressed.

[George Atwood left the meeting at 8:15 p.m.]

WEO Reyher noted that Mr. Holdmeyer notified him at the site that he will be constructing a garage by the house in the upland area. The CIWC permit for the house has expired. WEO noted that he will be able to handle the garage proposal administratively.

Enforcement: WEO Reyher reported on site inspections of the following properties: (a) Barbara Scholes, Rattling Valley Road: A site inspection was made on May 13, 2009; (b) Barbara and Jan Deutsch, 70 Book Hill Road: Construction is proceeding. The silt fencing is in good condition. (c) John Dube, 280 West Elm Street: The silt fencing is in good condition. (d) Chuck Burdick, West Elm Street, has submitted plans to the Building Dept. for construction of a garage. WEO noted that the activity is outside of the 100 ft. regulated area. The area has been flagged recently. WEO noted that the proposal can be addressed administratively.

Payment of Bills: The following bills were received: Nancy Howard, clerical services, 17 hours; and Howard and McMillan, legal services, \$46.50. A motion was made by Carol Libby and seconded by Mike Tomlinson to approve payment of the bills as presented. (5-0) Voted Unanimously.

Conservation Matters: Canfield Woods: Discussion took place regarding the signage at Canfield Woods and the inclusion of the Deep River Land Trust on the signs. The Chairman suggested forming a conservation subcommittee consisting of volunteers to assist with Canfield Woods. Carmela Balducci suggested that a notice be placed in the kiosk looking for volunteers. Discussion will continue at the next meeting.

A motion was made by Carol Libby and seconded by Mark Reyher to adjourn at 8:33 p.m. (5-0) Voted Unanimously.

Respectfully submitted,

Nancy J. Howard

Recording Secretary