

**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, August 13, 2009 at the Deep River Town Hall was called to order at 7:38 p.m. by Chairman Mizejeski. Members present: Susan Board, Carol Libby, Alan Mizejeski, Alternate Michael Tomlinson and Alternate/WEO Mark Reyher. Absent: George Atwood, Carmela Balducci, Ron Larsen, John Szymanski. Also present: Nancy Howard, Robert Doane, Rolf and Cathy Thorsen. The Chairman seated Alternates Tomlinson and Reyher for absent members.

Approval of Minutes: A motion was made by Carol Libby and seconded by Susan Board to approve the minutes of the regular meeting of July 9, 2009 as printed. (5-0) Voted Unanimously. A motion was made by Susan Board and seconded by Carol Libby to approve the minutes of the site walk of July 11, 2009 as printed. (5-0) Voted Unanimously.

Public Business:

Richard Cooke, 215 Winthrop Road (Map 27, Lot 5): An application by Richard Cooke was received at the June 11, 2009 meeting for the purpose of excavation of sediment and organic material from an existing pond on property at 215 Winthrop Road. Robert Doane, agent for the applicant, submitted a letter dated August 13, 2009, together with revised maps. The letter requests a waiver of application fees pursuant to Section 19.7 of the Regulations. He notes that the proposed activity is being carried out on residential property, defined by the regulations as residential use and not a commercial use. Pursuant to Schedule A of the Regulations, the application fee for a project with 70,000± s.f. of activity in a regulated area would be in excess of \$4,200.00. He indicates that the project would substantially benefit the environment with the continued enjoyment and use of the residential property and feels that the fee is excessive in relation to the cost to the Town. Mr. Doane suggested a fee of \$500.00 to cover the cost of the inspections by the Wetlands Enforcement Officer or other designated agents. Mr. Doane also suggests that after six months, that the Commission review the project and if additional fees are required to cover the cost to the Town then the fee can be adjusted appropriately at that time. Mr. Doane reviewed the changes made to the plans. In response to comments by the Commission, an area has been specified for the topsoil stockpile, where trees will be removed, chipped, and used for wood chip berms on each side of the stone construction entrance. A section detailing the staging area has been added to Sheet 3 of the plans. A construction sequence has been added to the plans, which follows the 2002 SCS details. The beginning of the construction sequence is site specific; starting with cutting down trees, excavating the topsoil, stock pile and excavate the material that goes off site. Mr. Doane stated that the stock pile will be seeded if it exceeds a certain number of days. Included in the letter to the Commission, Mr. Doane recommends a bond of \$5,000.00 to cover the cost of stabilizing the areas disturbed above the pond water level. He indicated that he does not feel that the pond activity would need to be covered by a bond, because if the project was not completed, the pond would fill in and would not be any more detrimental that is currently existing. If the contractor defaults on the project, the bond would be for restoration of the approximate 7,500 s.f. staging area, which would involve regrading, placement of topsoil with seeding and mulching. Mr. Doane submitted a color photograph of red slime currently on the site which is seeping out of the bank on the downstream side of the dam. He noted that the red slime is iron bacteria. A narrative on iron bacteria was submitted for the record.

Mr. Doane noted that as the water comes up through the iron bearing soil, it dissolves the soil, oxidizes, and creates a slime. Mr. Doane noted that the iron bacteria is not a health hazard, but potentially could clog well water systems. Evidence of the iron bacteria is usually seen in the spring. Mr. Doane noted that the organics in the pond may be causing the bacteria. There are mats of grass and roots floating in the pond. Mr. Doane noted that the water is clear but there is a metallic odor. Discussion was held on the watershed of the area. Mr. Doane noted that the watershed is the same as Plattwood Swimming Park. The site is approximately 2,500 feet from the swimming pond. The elevation at the proposed site is approximately 240; 199 at Bushy Hill; and 150 at the Olson ponds on Route 80. Mr. Doane explained the dewatering process. He noted that the water can be lowered about 3 feet by lowering the boards in the spillway. Mr. Doane noted that the water stays on the same side of the street and meanders down to the industrial park. Mr. Doane noted that, if necessary for best management practices, one option for dewatering is to pump water into a large filtration sack, a Dirtbag, which can then be disposed of. Information on the Dirtbag Pumped Sediment Removal System was received for the record. Mr. Doane indicated that the schedule for starting the activity is weather related, but they would like to be ready for when the contractor could start. He noted that he visited the site on this day and observed the water seeping through the cracks in the boards at the dam. No visible water was flowing. Commission members discussed limiting the term of the permit, in addition to the six month review with the applicant's engineer. A motion was made by Carol Libby and seconded by Susan Board to approve the application by Richard Cooke as submitted subject to the following conditions: (1) acceptance of the additional fee of \$500 in accordance with Section 19.7 of the Regulations; (2) a \$5,000 bond shall be posted to cover the cost of stabilizing the areas disturbed above the pond water level; (3) the permit shall be valid for two years; (4) the permit shall be subject to a six month review by the Applicant's engineer to the Commission and at such time the fees could be adjusted appropriately if additional fees are required to cover the cost to the Town; (5) the best management practices shall be observed during the project; (6) activity shall be in conformance with the revised plans as submitted; (7) The WEO shall be notified prior to the start of work; (8) The WEO will make regular inspections of the site; and (9) Additional erosion and sedimentation control measures shall be placed, if necessary, in accordance with direction by the Wetlands Enforcement Officer. (5-0) Voted Unanimously.

#### Enforcement

(a) Rolf Thorsen, 70 Woodland Road (Map 49, Lot 22A): A letter of violation was sent to Rolf Thorsen on July 29, 2009 regarding concerns of sedimentation and erosion control measures not being implemented or adequately maintained. WEO Mark Reyher stated that the plans submitted to the Building Department called for sedimentation and erosion control measures for water runoff, but they have not been installed as shown on the plan. He noted that the filter fence that was installed is full and is blown out in some areas. WEO Reyher noted that the activity may be within 100 feet of the wetlands. Rolf and Cathy Thorsen were present. Mr. Thorsen stated that the excavation activity has been taking place for almost two years. Mr. Thorsen noted that he walked the site prior to the activity with the Wetlands Enforcement Officer at the time, Wayne Addy, who had indicated to him that a permit was not required. The Commission reviewed Mr. Thorsen's copy of the site plan. Mr. Thorsen noted that the filter fence may be located within 100 feet of the wetlands. An area of concern is located to the right of the driveway as you enter the site from Woodland Road. Commission members noted that the area is fairly steep and activities beyond 100 feet from the wetlands may be a regulated activity due to the steepness of the site. Mr. Thorsen noted that the driveway is approximately 1,500 feet long and it needs to be widened in some areas. Additional water may be being diverted to the wetlands. Mr. Thorsen stated that he has installed culverts on the

original road. Mr. Thorsen noted that he has started putting in a rip rap channel on the hill. WEO Reyher noted that it appears that sediment has reached the wetlands. Commission members requested that new filter fencing and staggered hay bales be installed and that the sediment in the filter fencing be removed because it is not stable. The direction of the flow needs to be moved away from the wetlands. Mr. Thorsen agreed to install new sedimentation and erosion control measures and remove the material to another area on the property. The Commission requested that Mr. Thorsen contact the WEO when the filter fencing will be installed. The WEO will continue to monitor the site.

(b) Robert Garthwaite, 7 Main Street: WEO noted that he visited the site. Some of the grass seed that was placed was successful, but some areas were not.

(c) Barbara Scholes, Rattling Valley Road: WEO noted that there is some growth in the soil and it is starting to be stabilized.

Payment of Bills: The following bills were received: Nancy Howard, clerical services, 14 ½ hours and reimbursement of postage \$11.96; and CACIWC, annual fee, \$50.00. A motion was made by Carol Libby and seconded by Susan Board to approve payment of the bills as submitted. (5-0) Voted Unanimously.

Chairman Report: Chairman Mizejeski recommended that the Commission place articles regularly in the Town's quarterly Newsletters. Susan Board will work on preparing an article for the next newsletter. Carol Libby noted that she looked into pricing of a digital camera and printer for the WEO. The approximate cost would be \$350.00. The purchase may be delayed until the Fall for any possible sales that may be taking place. A motion was made by Susan Board and seconded by Carol Libby to authorize Mark Reyher to purchase a camera and printer in an amount not to exceed \$350.00. Voted Unanimously.

Correspondence: A letter dated July 16, 2009 was received from the Connecticut River Estuary Regional Planning Agency (CRERPA) regarding a Regional Land Trust Collaboration meeting sponsored by CRERPA and the Connecticut River Gateway Commission which will be held on September 16, 2009 at the Chester Meeting House.

Information was received from the Selectman's Office dated July 29, 2009 indicating that the Board of Selectmen voted on June 9, 2009 to create a Design Advisory Board which would be available to provide guidance to developers and property owners wishing to submit plans for development in Deep River. They are seeking candidates to fill the seven seats on the board.

A motion was made by Carol Libby and seconded by Susan Board to adjourn at 8:55 p.m. Voted Unanimously.

Respectfully submitted,

*Nancy J. Howard*

Recording Secretary