

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, July 14, 2011 at the Deep River Town Hall was called to order at 7:36 p.m. by Chairman Mizejeski. Members present: Carol Libby, Alan Mizejeski, Michael Tomlinson, Ron Larsen, Alternate John Dube, and Alternate/WEO Mark Reyher. Absent: George Atwood, Susan Board. Also present: Nancy Howard, Tanner Steves, Donald Carlson, Richard and Jennifer Kollmer, Scott Papoosha, and Bethany St. Marie. The Chairman seated Alternate John Dube for an absent member.

Approval of Minutes: A motion was made by Mike Tomlinson and seconded by Carol Libby to approve the minutes of the regular meeting of May 12, 2011 as printed. (5-0) Voted Unanimously. No meeting was held in June due to lack of quorum because of weather.

Public Business:

Frederick and Susan Reyher, 160 Rattling Valley Road (Map 64, Lot 22): An application was received from Frederick and Susan Reyher for the purpose of creation of a building lot involving regrading the existing drive to access a rear parcel. Mark Reyher is recused from this matter. Don Carlson was present on behalf of the application. Mr. Carlson noted that the Planning and Zoning Commission requires approval of the access prior to review of the subdivision application. Mr. Carlson noted that erosion and sedimentation control notes and details for the silt fence have been added to the plan. The proposal is to re-grade portions of the existing driveway because it cannot exceed 12% and put a stable surface on the driveway. Mr. Carlson noted that the driveway will be 10 feet wide when completed; it is currently 8 feet wide and in some places 12-14 feet wide. Rather than paving, the applicant proposes a processed stone surface. The amount of wetlands or watercourse being altered is .056 acres and activity in the upland is .22± acres. Mr. Carlson stated that there would be approximately 83 yards of processed stone placed on the driveway. Mr. Carlson noted that no material is proposed to be removed from the property. It will be used for fill in an upland area. Due to the conflict of interest of the WEO, the Commission agreed that the Chairman will be the Acting WEO on this project. The existing culvert is not proposed to be changed and no additional culverts are proposed. The application, dated June 4, 2011, was submitted to the Commission prior to the June meeting. The Commission noted that due to the circumstances of the weather on the night of the June meeting, there was no quorum present to receive the application. Pursuant to the Conn. General Statutes, the date of receipt of an application is the day of the next regularly scheduled meeting or thirty five days after submission, whichever is sooner. Based on that, the Commission agreed to consider action on the application. A motion was made by Carol Libby and seconded by Mike Tomlinson to accept the application by Frederick and Susan Reyher. (5-0) Voted Unanimously. After further discussion, Mr. Carlson amended the application to include installation of underground utilities. Mr. Carlson noted that the trench in the driveway for the utilities will be three feet deep. The conduit will be kept above the existing stone culvert. Mr. Carlson noted that approximately a third of the driveway is 8% grade; approximately 600 feet of the driveway is steep and will need to be leveled off. Mr. Carlson noted that the water will sheet flow off the

driveway. A motion was made by Carol Libby and seconded by Ron Larsen to approve the application as submitted subject to the following conditions: (1) The Commission or Acting Wetlands Enforcement Agent shall be notified at the start of work and when the conduit for the underground utilities has been installed in the open trench; (2) Additional erosion and sedimentation control measures shall be placed, if necessary, in accordance with direction by the Commission or Acting Wetlands Enforcement Officer. (5-0) Voted Unanimously.

Richard Cooke, 215 Winthrop Road, Permit #4-09: An application was received requesting an extension of Permit #4-09 which expires on August 13, 2011. Scott Papoosha of Running Brook Farms was present on behalf of the request for extension. The Commission noted that the signature of the property owner is required on the application. Mr. Papoosha noted that there would be no problem obtaining Mr. Cooke's signature as he is on board with the proposal. Mr. Papoosha noted that there was a meeting a couple months ago with all parties involved and was under the impression that everything was straightened out until a lawsuit was filed by Robert Blouin against Mr. Papoosha, Running Brook Farm, and the Town. Mr. Papoosha noted that Mr. Blouin had asked him to help with the work, however a proposed contract was never signed. WEO Reyher noted that Mr. Cooke is in favor of the project. Mr. Papoosha was present as Mr. Cooke's agent. Mr. Papoosha noted that his attorney will be contacting the Town attorney to attempt to rectify the situation with all parties. Mr. Papoosha stated that Robert Doane is still involved and will be preparing the as-built plans. Mr. Papoosha noted that the meeting that was held a few months ago with WEO Reyher was a result of Mr. Blouin working on the site when it was not dry. A motion was made by Carol Libby and seconded by John Dube to approve the request for extension of Permit #4-09 subject to receipt of signature from Mr. Cooke and application fee in the amount of \$160.00. (5-0) Voted Unanimously.

Rich and Jen Kollmer, 32 Woodland Road (Map 49, Lot 32A): An application was received from Rich and Jen Kollmer for the purpose of a residential building addition on property at 32 Woodland Road. Mr. Kollmer noted that the southwest corner of the garage encroaches the 50 ft. mark from the wetlands. Photographs were submitted showing the location of the proposed building and wetlands. The wetlands are located on the boundary of the Huckel property. A letter was submitted from Peter and Evelyn Huckel indicating that they have no objections to the proximity of the proposed addition to their property line or to the wetlands on their property. Mr. Kollmer noted that the dirt will be used as fill around the foundation and to level off the back yard. The wetlands are located below the boulders. The boulders will be leveled off. The Kollmers noted that they are ready to proceed with the project as soon as possible. After review of the proposal, the Commission members determined that the activity would fall under an minor activity authorization issued by the WEO.

Enforcement Report: WEO Reyher noted that there was no activity to report.

Report on Finances/Payment of Bills: A current finance report was not available. The following bills were received: Nancy Howard, clerical services, 9 hours; CACIWC, annual membership, \$50.00. A motion was made by Carol Libby and seconded by Mike Tomlinson to approve payment of the bills as submitted. (5-0) Voted Unanimously.

Chairperson's Report: Chairman Mizejeski noted that he met with Ryan Quick at Canfield Woods to review the work he has completed. He noted that there are two wooden log bridges over wetlands, a boulder used as a stone bridge creating a drainage channel, five water bars, and rip rap in the spillway. There is also an informational sign about vernal pools. He noted that the area looks very nice.

Correspondence: The following correspondence was received: (a) letter dated 6/27/11 from DEP Inland Water Resources Division to Kelsey Falls Homeowners Association classifying the work needing to be done to repair the deteriorated concrete spillway cap at the right abutment contact at the Pratt Read Reservoir Dam as maintenance items. The Association will retain the services of a professional contractor to restore the deficiency by restoring the section of missing concrete and to seal minor concrete cracks along the concrete spillway structure; (b) letter dated 5/19/11 from Inland Water Resources Division to Haynes Materials Company with permit for approval to divert the waters of the State at 24 Woodbury Road in order to supply process water to an existing quarrying operation.

Other Business: Brief discussion took place about separating the roles of the Commission.

Executive Session: A motion was made by Carol Libby and seconded by John Dube to enter into executive session at 9:15 p.m. regarding pending litigation. (5-0) Voted Unanimously. The Chairman noted that the Executive Session ended at 9:29 p.m. where no votes or actions were taken.

A motion was made by Carol Libby and seconded by Ron Larsen to adjourn the meeting at 9:29 p.m. (5-0) Voted Unanimously.

Respectfully submitted,
Nancy J. Howard
Recording Secretary