Town of Canaan

Inland Wetlands/Conservation Commission

Minutes of Regular (Zoom) Meeting, January 19, 2021

Members Present: Mark Burdick, Felicia Jones, Ellery Sinclair, Susan Kelsey

Others Present: Danilo Scepanovic

Meeting was called to order at 7:03 by Chairman Burdick. Jones made motion to adjust order of agenda to allow Scepanovic application to be first item on agenda; seconded by Sinclair; passed unanimously.

**Public Input:** none.

**New Business:**

**1. Tina and Danilo Scepanovic, 200 Music Mountain Road:** An application and check were received from Tina and Danilo Scepanovic. Sinclair made a motion to accept application for review; seconded by Jones; passed unanimously. Scepanovic explained his two-fold proposed activity: 1) to improve a small (man-made?) impounded area that collects water from upslope and 2) to enlarge a drainage ditch that also collects drainage from upslope, redirecting said drainage to existing culvert under Music Mountain Road. To improve the “pond”, it is proposed to pour a concrete retaining wall on the downslope side of the impoundment and to reduce the number of invasive yellow iris. To improve the drainage ditch, they propose to widen, deepen and extend the ditch to enable the ditch to drain into the culvert under Music Mountain Road. Members discussed the application in depth and Jones made a motion to approve the application with the following findings and conditions:

**Findings:**

1. The Scepanovic property is situated near the top of the Flat Brook watershed, subject to a large amount of drainage.

2. There is an existing, small impounded area that collects drainage from upslope. Said impounded area appears to be man-made.

3. This wet area currently is subject to small mammals tunneling the berm at the downslope edge of the “pond”, causing the water to drain from the impoundment.

4. The area is overgrown with invasive yellow iris.

5. The area of the proposed activity is several hundred feet upslope from Flat Brook and the area between the “pond” and Flat Brook is forested.

6. The size of the impounded area will not be significantly enlarged.

7. The current drainage ditch paralleling the driveway is inadequate to contain the surficial waterflow coming from the forested area above the ditch.

8. There is significant riprapping at inlet to culvert under Music Mountain Road that currently receives water running along the side of Music Mountain Road.

9. It appears that the culvert under Music Mountain Road could accommodate additional drainage from the proposed widening and deepening of the ditch

10. Neither proposed activity occurs within mapped wetland soils.

**Conditions:**

1. All work will be done during a relatively dry period.

2. The soils removed from the impounded wet area are to be removed off-site.

3. A silt fence or hay bales will be installed both below the impounded area and below the entire length of the altered drainage ditch prior to beginning of work.

4. Riprapping will be positioned at outlet of “pond” drainage pipe to prevent any erosion.

5. The timing of the activity will consider the ecology of frogs to ensure minimal impact on their population.

6. Hay bales should be placed in and across the drainage ditch in the area where it intersects the other drainage ditch at the edge of Music Mountain Road.

7. All disturbed areas will be seeded and mulched.

8. The Commission will be notified prior to beginning of project. (Mark Burdick: (860) 824-0677; Susan Kelsey: (860) 480-6826.

Motion was seconded by Sinclair; approved unanimously.

**Old Business:**

**1. Route 7 Fuels:**

Kelsey informed members that the Commission had been given a copy of a letter sent by the CT DEEP (Waste Engineering and Enforcement Division) to Henry Todd, First Selectmen. The letter authorized the stockpiled soil from Route 7 Fuels to be disposed of at the Canaan Landfill; said authorization was based on the application and chemical analysis submitted by the Town of Canaan and Falls Village Gas and Deli. The letter also stated “…It is the responsibility of the Town of Canaan and Falls Village Gas and Deli to make a hazardous waste determination for the soil prior to disposal.” It was unclear to Commission members what factors are considered in the making of said determination. Consensus of members was that caution should be exercised in the disposition of the formerly contaminated soil in the landfill. Consensus was also that it appears at this point our Commission has no say in the disposition of the soil.

**2. Pawezka Hemp Farm, Stein Lane:**

Kelsey reported she had spoken again with soil scientist Ralph Stanton who said he would be willing to test the soil at the site of the hemp farm and that it could be done even in the winter. He said that the cost of an excavator, which he would require, would be between $250 and $500 and that his fee could be an additional $500. Burdick posed the question to members: “What would the Commission have done if the owner had come to us prior to beginning his farming activity, knowing that farming is an exempted activity?” It is probable that the activity would have been allowed, provided no wetlands were filled. If wetlands have actually been filled in, then enforcement action may be required. The question is, how do we determine if wetlands were filled in? The Commission is in the position of 1) having the USDA soil map showing the land in question being of the non-wetland soil Hero and 2) having a map filed with the town clerk showing the land in question to be wetlands. Burdick will consider calling the DEEP for their interpretation of the matter. He will also contact Todd to see if the town would consider providing the services of a backhoe; Garrett Scavotto is another possibility regarding providing a backhoe/excavator.

**3. Housatonic Railroad Herbicide Spraying:** No update.

**4. Northwest CT Rod and Gun Club:** Kelsey reported she had contacted the Club and was informed that their activity with the equipment noted on the property was limited to brush cutting along the exterior of their properties north of the intersection of Johnson Road and Route 126.

**5. Sustainable CT:** Jones informed members of an opportunity to participate in a partnership involving The Nature Conservancy regarding community resilience. It would involve a 3 hour zoom meeting, for which our town would receive credit under Sustainable CT. Members were receptive to the idea but decided to postpone participation in the project until a time when members had more time available.

**Routing Sheets:**

**1. M&L Properties, 151 Undermountain Road:** 71’ x 12’ deck.

**Election of Officers:** Sinclair made a motion that officers for 2021 remain the same as those for 2020 (Burdick: Chairman, Sinclair, Vice Chairman, Kelsey, Secretary); seconded by Jones; passed unanimously.

**Budget (2021-2022):** Sinclair made a motion that the Commission’s budget for 2021-2022 remain the same as current fiscal year ($2,500.00); seconded by Jones; passed unanimously.

**Meeting Schedule:** Commission meetings will continue to be on the third Monday of the month, except when said Monday is a holiday which would move the meeting to the third Tuesday of the month. The next Commission meeting will be Tuesday, February 16th.

Jones made a motion to adjourn at 8:55 p.m.; seconded by Sinclair; passed unanimously.

Respectfully submitted,

Susan Kelsey, secretary