

**INLAND WETLANDS COMMISSION
REGULAR MEETING
MINUTES**

March 27, 2024 @ 7:00 p.m.
Multi-Purpose Room #3, Newtown Community Center
8 Simpson Street, Newtown CT

These Minutes are subject to approval by the Inland Wetland Commission

Present: Sharon Salling, Mike McCabe, Scott Jackson, Mark D'Amico, Craig Ferris, Suzanne Guidera, Kendall Horch

Staff Present: Steve Maguire, Deputy Director of Land Use, Sebastian Velez, Land Use Enforcement Officer, Dawn Fried, Clerk

Ms. Salling opened the meeting at 7:00 p.m.

Ms. Salling welcomed the public and gave an overview of the public hearing guidelines.

PUBLIC HEARING

IW Application #24-03 by The Residence at Berkshire, LLC, property located at 296 Berkshire Road, to construct a new roadway with a stream crossing for an 11 single-family cluster-home development.

Ian Eller, P.E., of J. Edwards and Associates spoke on behalf of the applicant. Mr. Eller addressed the concerns of Trout Unlimited (see attached). Mr. Eller stated the area downhill from the construction will be protected with standard erosion controls, as well as double silt fencing at the limits of disturbance.

Mr. Eller stated a Stormwater Management & Maintenance Program was submitted (see attached).

Mr. D'Amico thanked the applicant for responding to a question he had regarding a potential wetland.

Mr. Maguire stated the wood debris should be left in the river and not removed.

Mr. Ferris asked if this project would require a DEEP permit. Mr. Maguire stated yes, it meets the threshold to require a state permit.

Mr. Ferris confirmed the project will be monitored weekly by a third party engineer and will also be monitored within one day of any significant rainfall. Mr. Eller stated that was correct.

Public

Neil Baldino, Gelding Hill Road, VP Candlewood Valley Trout Unlimited – Mr. Baldino thanked the applicant for the double silt fence. See attached follow-up letter. Mr. Baldino asked for the duration of the project. Mr. Eller said he wasn't sure at this time.

Aaron Nezvesky, 13A Phyllis Lane – Mr. Nezvesky pointed out the application should go through the NDDB process and the storm water management plan should be permitted by the State.

With no further discussion, Mr. McCabe moved to CLOSE the Public Hearing for IW Application #24-03 by The Residence at Berkshire, LLC. Mr. Ferris seconded. All in favor. The Public Hearing for IW Application #24-03 by The Residence at Berkshire, LLC is CLOSED.

Mr. Ferris moved to APPROVE IW Application #24-03 by The Residence at Berkshire, LLC, with standard conditions A, B, C, D, E, F, G, H, J, L and P. The approved plans are: The Residence at Berkshire, 296 Berkshire Road, Newtown, Connecticut, Dated Revised March 11, 2024 and all supporting documents. Mr. McCabe seconded. All in favor. IW Application #24-03 by The Residence at Berkshire, LLC was unanimously APPROVED.

IW Application #23-31 by Castle Hill Real Estate Holdings, LLC, property located at 20 & 60 Castle Hill Road, to construct a cluster-home community consisting of 117 single family units, community center and associated site improvements.

Ms. Salling stated for the record this process has been a good example of what makes Newtown a good place to live. Ms. Salling thanked the staff, the Commission, and Commissioner Horch for suggesting a peer review, which added value. Ms. Salling thanked the public for submitting thoughtful questions.

Mr. Ferris described why he felt comfortable approving this application.

- The applicant has avoided the majority of impacts to wetlands. Only three minor impacts to wetlands.
- The most important water resource, Taunton Lake, is being protected with a conservation easement on the entire wooded slope leading down to the wetland.
- The vernal pool and the associated wetland corridor that runs from north to south is being protected with additional restrictions.
- Maximum use of the existing open space will limit the amount of clearing.
- Two of the impacted wetlands are associated with an accessway to a roadway which will have minimal impacts. One crossing is at the existing farm road which is at the narrowest portion. The other crossing is at the entrance of Johnnie Cake Lane. That wetland is a man-made drainage ditch that has been vegetated over the years. The impacts are limited to improving the accessway. The Commission routinely approves accessways as long as the impacts are minimized.
- The third wetland is a minor sidehill seep. The impact to this wetland will be a reasonable trade off when compared to the protection of the existing wetlands. The proposed

stormwater and groundwater management system will mitigate the minor groundwater discharge function of the wetland.

- In regards to the Nettleton property, both the third party engineer and the applicant's engineer agreed that peak runoff volumes will be reduced following construction, which will reduce the erosive capability.
- Contaminants from the roadways are infinitesimal and not an issue.
- The applicant has done an admirable job protecting the existing wetlands with a minimal amount of impact.

Mr. McCabe concurred with Mr. Ferris. Mr. McCabe stated he was satisfied with the third party peer review. The third party gave 60 recommendations which 58 of those were incorporated into the application. Mr. McCabe suggested adding the remaining 2 recommendations into the conditions of approval. Mr. McCabe stated the application and the crossing were much improved and the public hearing process was effective. Mr. McCabe appreciated the input from the community, the peer review, the staff, and the Commission for improved results.

Ms. Horch appreciated the applicant's responses to the peer review, but ultimately did not see alternatives. Ms. Horch stated the detention basins and the test pits needed to be larger and the expansion areas were located in the regulated areas, the buffer areas and in the upland review. Ms. Horch stated this was the applicant's chance to give alternatives to relocate things out of upland review area and get further away from the wetlands, but instead they took more of that. Ms. Horch stated she agreed with everything else that was said.

Mr. D'Amico stated he echoed what everyone said. Mr. D'Amico stated he appreciated the applicant's changes, and he is thankful for the peer review, which he stated definitely yielded a much better result. Mr. D'Amico agreed the wetland crossings were improved but did so at a cost of going further into the upland review area. Mr. D'Amico stated complete removal of "wetland 3" is significant and no concessions were made.

Mr. D'Amico is concerned with setting a precedent regarding not assessing the entirety of the property. Mr. D'Amico pointed out the property is being reviewed as one parcel but the wetland delineation was only done on 20 Castle Hill. Mr. D'Amico feels strongly that the entire property should have been delineated. Mr. Ferris pointed out there are no impacts to wetlands on 60 Castle Hill, therefore no assessment was needed. Mr. Maguire stated this will not set a precedent because the Commission can request the level of details at any time and can ask for specific areas to be delineated. Mr. D'Amico stated he feels this application is incomplete. Ms. Salling stated not by the standards of our regulations. Ms. Salling stated this is not a legal proceeding, therefore there are no precedents.

With no further discussion, Mr. Ferris moved to APPROVE IW Application #23-31 by Castle Hill Real Estate Holdings, LLC with standard conditions A, B, C, D, E, F, G, H, J, L and P. Additional conditions are as follows:

1. Test pits to determine groundwater presence shall be conducted prior to obtaining building permits for homes. If groundwater is present basements shall be constructed above groundwater grade or waterproofed.
2. Detailed construction sequencing shall be submitted and approved by the Land Use Agency once a contractor has been selected and prior to work commencing.

The approved plans are: Castle Hill Village Residential Open Space Development, 20 and 60 Castle Hill Road, Newtown, Connecticut, Dated Revised March 7, 2024 and all supporting documents. Mr. McCabe seconded.

The Commission voted as follows:

Mr. Ferris – Aye

Mr. McCabe – Aye

Ms. Salling – Aye

Ms. Guidera – Aye

Ms. Horch – Nay

Mr. Jackson – Nay

Mr. D'Amico – Nay

The vote carried 4-3. IW Application #23-31 by Castle Hill Real Estate Holdings, LLC was APPROVED.

PENDING APPLICATIONS

IW Application #23-33 by Azeez Bhavnagarwala, Muslim Society Greater Danbury, property located at 115 Mt. Pleasant Road for the extension of the east building, the extension of the foundation of the west building, milling the surface of the parking lot and to regrade 113 Mt. Pleasant for soccer field.

Alan Shepard, PE, Nowakowski, O'Bymachow, Kane & Associates, Howe Ave, Shelton, CT spoke on behalf of the applicant. Mr. Shepard distributed a drawing of the cross section that was requested by the Commission (see attached).

Mr. Shepard state Mr. McManus submitted his soil report. Mr. Maguire stated he reviewed the planting plan and was satisfied.

With no further questions Mr. McCabe moved to APPROVE IW Application #23-33 by Azeez Bhavnagarwala Muslim Society Greater Danbury, with standard conditions A, B, C, D, E, F, O and P. The approved plans are: Alternative Plan, prepared for Muslim Society of Greater Danbury, INC. 115 Mt. Pleasant Road, dated received February 23, 2024, Wetland Mitigation / Restoration Plan dated February 25, 2024, and all supporting documents. Mr. Ferris seconded. All in favor. IW Application #23-33 by Azeez Bhavnagarwala, Muslim Society Greater Danbury was unanimously APPROVED.

OTHER BUSINESS

The Commission would like to discuss the following at a future meeting:

- Continuing education opportunities
- Review the IW Regulations
- Review the revised CT Stormwater Manual
- Invite a guest speaker to a IWC meeting

APPROVAL OF MINUTES

The Commission found no substantive errors. Mr. Jackson moved to accept the minutes from March 13, 2024. Mr. McCabe seconded. The minutes from March 13, 2024 were approved.

ADJOURNMENT

With no additional business, Ms. Horch moved to adjourn. Mr. Jackson seconded. All in favor. The Regular IWC Meeting of March 27, 2024 was adjourned at 7:56 pm.

Respectfully Submitted, Dawn Fried



J . E D W A R D S & A S S O C I A T E S , L L C

March 25, 2024

Steve Maguire
Town of Newtown
Land Use Agency

Re: 296 Berkshire Road.

Dear Steve;

Below are responses to the written comments made by Trout Unlimited and received on 3/13/2024

- Minimize the amount of forest and canopy being cut to maintain shade cover in the valley.

The current design provides 25 acres of open space along the river. Additionally, the design provides multiple conservation easements and minimal impact to the upland review area.

- Ledge blasting and ground disruption -This site has very steep grades - Concerns with runoff, during and after construction which can lead to unwanted silt, sediment and heated stormwater thermal shocks entering the watercourse.

Erosion control plans are included in the plan set. These include double rows of silt fence throughout the project.

- Maintenance of the stormwater catch basins and rain gardens (both during and after construction). Bioretention basin #2 now appears to be located partially on lot #8 and partially on the Open Space. There does not appear to be access for maintenance of the basin. Who will maintain it? How will they gain access?

The maintenance responsibility will be decided during PZC review. Generally, it would be done by DPW. During PZC review the access path will be determined in conjunction with town staff.

- Is the device located between the driveways at the end of the entrance road a rain garden or a bioretention basin. Who will maintain it?

This is a rain garden. Maintenance would likely be the responsibility of the homeowners. This BMP does not collect water from the roadway.

- Several of the lots will require fill with very steep slopes, building lots #4- #7. What will be done to minimize erosion and runoff during construction for those sites?

See response to item 2 above.

- What are the plans for containment of biohazards during construction; Diesel fuels, grease, oils, building materials...

A stormwater maintenance and spill protection plan has been provided.

INLAND WETLANDS COMMISSION
ORIGINAL DOCUMENT

Received Date: 3-25-24

Received By: 07



J. E D W A R D S & A S S O C I A T E S L L C

THE RESIDENCE AT BERKSHIRE
296 BERKSHIRE ROAD
NEWTOWN CONNECTICUT
STORMWATER MANAGEMENT & MAINTENANCE PROGRAM
March 16, 2024

General plan information

_____ is responsible for the implementation of this program. The current site plant manager, _____ telephone _____ is the onsite company representative responsible for implementing this program.

Upon site development, there will be a need to periodically maintain the various elements of the stormwater facilities onsite. The stormwater system consists of rip rap swales, flood storage/water quality basins, rip-rap splash pads, catch basins, and storm drainage piping.

In order to ensure optimal pollution prevention to receiving waters, the following stormwater maintenance and operations program has been established.

A. Spill of fuel or other hazardous material

Any spills require reporting to the DEEP Emergency Spill Unit at 1-866-337-7745. Immediate response to be conducted by trained personnel using the approved Company Spill Plan

Storm outfalls and riprap protection areas shall be maintained to ensure their function as energy dissipaters. Quarterly Inspection shall be carried out in these areas.

- Rip-rap aprons at pipe discharge points
- Inlet and outlet conveyance pipe

Maintenance of problem areas shall be carried out as needed or at least once every year. Excess sediment and debris shall be removed so that the structures function effectively and aesthetics are maintained.

INLAND WETLANDS COMMISSION
ORIGINAL DOCUMENT

Received Date: 3-25-24

Received By: 07

B. Water Quality basins

- 1) Inspection Schedule
 - a. Visual Inspections shall be conducted monthly, particularly after heavy runoff, to ensure proper functioning of the swale, flood storage area, (i.e. no pooling or blockages)
 - b. Detailed inspections shall be conducted at least twice annually with inspections occurring;
 - i. At the end of the wet season to schedule maintenance.
 - ii. Before major fall runoff in preparation for winter.
 - iii. After periods of heavy runoff.

Detailed Inspections are meant to identify erosion, damage to vegetation, grass or plant height, debris, litter, areas of sediment accumulation and pools/standing water.

- 2) Maintenance Activities
 - a. Routine or preventative maintenance is intended to ensure the basin/swales and flood storage area are in proper working order. This includes debris removal, silt and sediment removal, and clearing of vegetation around flow control devices to prevent clogging. Also included is maintenance of a healthy vegetative cover.
 - i. Erosion: Areas of erosion and slope failure shall be repaired and replanted as soon as possible. Eroded areas near the inlet or outlet may also need to be lined with riprap, which will be determined on a case by case basis.
 - ii. Damage to Vegetation: If the basin/ swale or flood storage area has ruts or holes, it shall be repaired utilizing a suitable soil that is properly tamped and seeded. The grass or plant cover should be thick; If not, it shall be replanted with in-kind plants, as necessary.
 - iii. Grass or plant height: The sides of the basin/swale, flood storage area, shall be mowed twice annually. Remove cuttings and dispose/compost. The bottom of the basin/swales which have been planted with wetland plants shall remain undisturbed. Plants are to be replaced as may be needed to perform nutrient uptake function.

- iv. Debris/Litter; Remove all litter or debris within the basin/swale and flood storage area, prior to mowing and as Inspections warrant. Keep basins free of debris.
- v. Areas of sediment accumulation: Remove sediment by hand with a flat-bottomed shovel whenever sediment covers vegetation or begins to reduce the capacity of the basin, flood storage area, Sediment accumulating near Inlets should be removed when It builds up to 3 Inches at any spot or covers vegetation.
- vi. Pools and standing water: Observe soil at the bottom of the basin. If portions of the swale or flood storage area do not drain within 5 days after the end of a storm, except in cases where the ground is frozen, the area shall be scheduled for corrective action including. Tilling the soil, regraded and replanted with a seed mix similar to those originally planted in the swale. The above described maintenance activities may require additional IWWC permitting, as such, prior to the commencement of any work the Environmental Planner is to be contacted regarding the proposed scope of work for a determination. Additionally, before any work Is started erosion controls (silt fence and/or hay bales) must be installed down gradient of the area to be Impacted.
- vii. Remove accumulated sediment and gross solids from forebay, per "Stormwater Wet Pond and Wetland Management Guidebook" of the United States Environmental protection Agency.
- viii. Pesticides and Fertilizers: Application of pesticides and fertilizers shall be minimal.

C. Driveway & Parking Area Sweeping

All parking areas and sidewalks shall be swept clean of sand and litter at least twice per year, once between November 15 and December 15 (after leaf fall) and once during the month of April (after snow melt) and at other times as may be necessary.

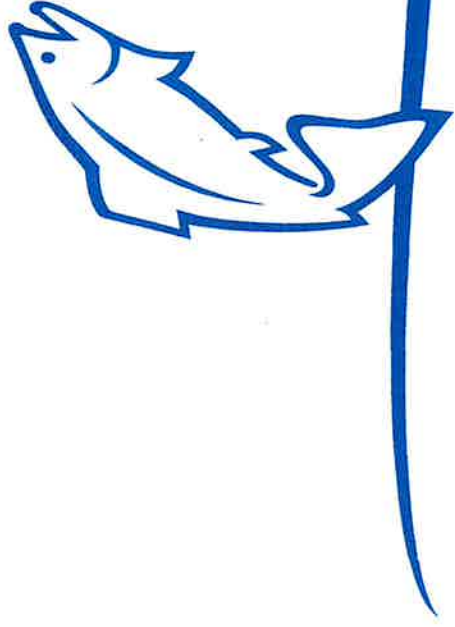
D. Catch Basins

Catch basins contain sumps that will require periodic maintenance. Each catch basin on the property shall be inspected quarterly for the first two years, and the frequency of such monitoring in subsequent years shall be adjusted based on observation in the first two years. Sediment and debris shall be removed at least once a year, during the month of April and more frequently, if needed.

E. Halfway River

Each spring a visual inspection of the river shall be completed. Any fallen trees or other obstruction that may impede flow shall be removed. Coordination with owners on the other side of the river may be required.

IWC mtg
3/27/24
P7



Concerns with Erosion Control, Deforestation and Biohazards Follow Up

Newtown Inland Wetlands Commission Public Hearing

Regarding IW Application #24-03 – The Residence at Berkshire, LLC, property located at 296 Berkshire Road

Wednesday, March 27, 2024

Concerns with 296 Berkshire Road Project

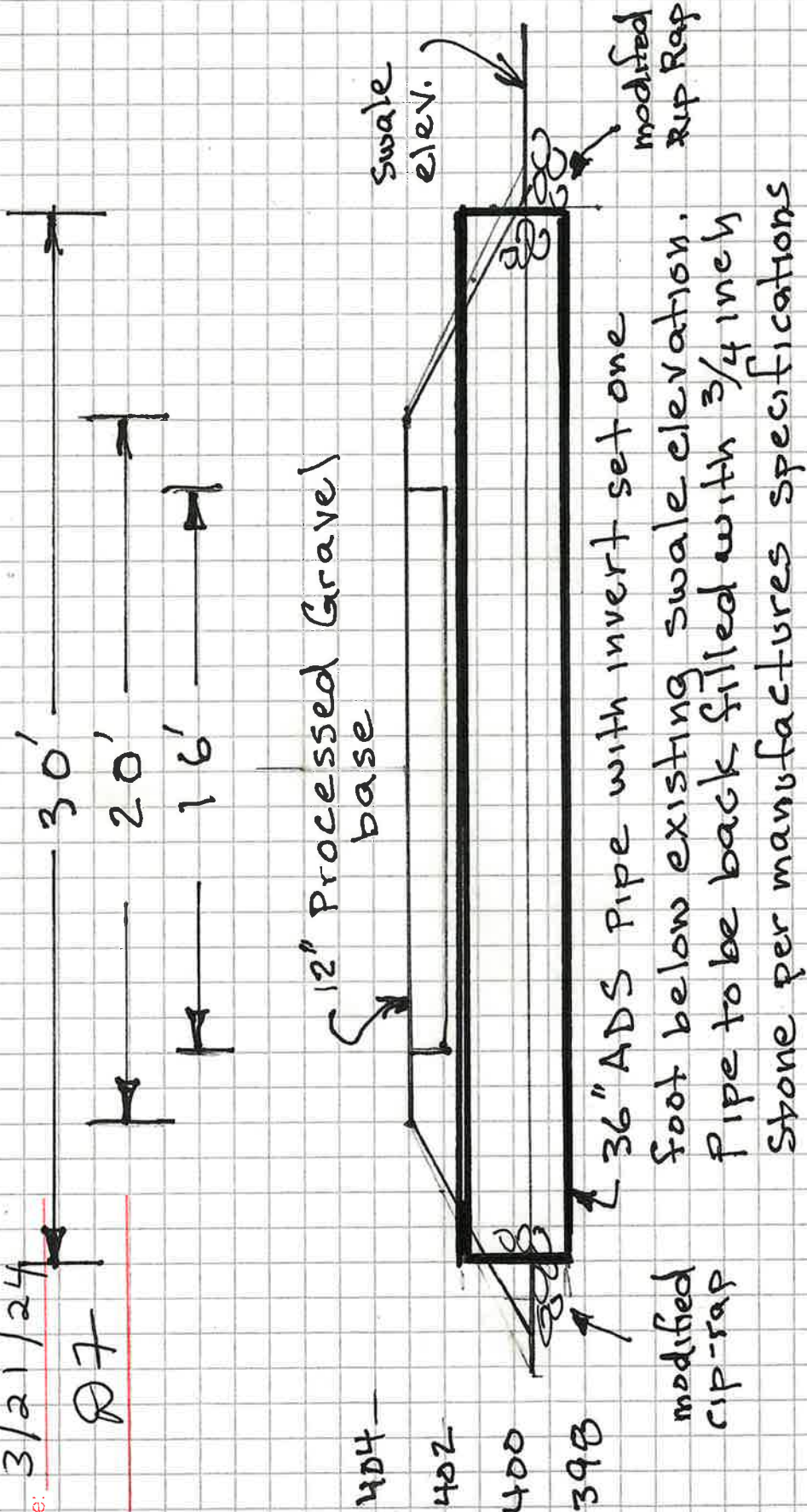
Follow up to Erosion/Stormwater Control, Deforestation and Biohazards Questions



- Minimize amount of forest and canopy removal;
 - What is the plan for minimize deforestation and select cutting?
- Maintenance and Inspections of Erosion Control Measures;
 - “Storm Water Management & Maintenance Program” - Is this a plan for during construction and after the project is complete?
 - There seems to be a contradiction between the site drawings and the program;
 - Drawings state inspections at least every 7 calendar days and within 24hrs after a 1” storm event. The Storm Water Management and Maintenance Program states “periodic” inspections on a monthly basis and a detailed inspection at least twice per year. Also, “Maintenance of problem areas shall be carried out as needed or at least once every year”.
 - Who is the responsible overseer for this plan? Who will take accountability of the plan?
 - It states that that every Spring, an inspection of the Halfway River will be conducted and any fallen trees, impeding flow will be removed. There's a term used for fishing habitat, “Wood is Good”. Please keep the wood debris in the river – Thank you
- Biohazards Containment;
 - Drawings don't show a designated fueling area with containment
 - The “Storm Water Management & Maintenance Program” ONLY mentions who to call and no containment protocols
- What is the expected duration for this project, start to finish?

Received Date: 3/21/24

Received By: R7



115 MT. PLEASANT RD.
Newtown CT
Muslim Society of Greater
Danbury, Inc.

1" = 40 ft Horiz.
1" = 4 ft Vert.
March 20 2024