

INLAND WETLANDS COMMISSION
MINUTES
Regular Meeting of December 12, 2018 at 7:30 p.m.
Council Chambers, Newtown Municipal Center
3 Primrose Street, Newtown, CT

These Minutes are subject to Approval by the Inland Wetlands Commission

Present: Sharon Salling, Mike McCabe, Vanessa Villamil, Suzanne Guidera, Craig Ferris

Absent: Kristen Hammar

Staff Present: Steve Maguire, Senior Land Use Enforcement Officer, Dawn Fried, Clerk

Ms. Salling opened the meeting at 7:30 p.m.

PUBLIC HEARING

Application #18-25 by Planters Choice LLC, property located at 140, 153, 155 Huntingtown Road and 23 Meadowbrook Road, for wetland mitigation and stormwater improvements to correct an Inland Wetland Violation.

Mr. McCabe read the public notice for the record. Ms. Salling welcomed the public and reviewed the Public Hearing process.

Mr. Darryl Newman and Mr. James McManus, Soil Scientist, JMM Wetland Consulting Services, LLC. spoke on behalf of Planter's Choice LLC. Mr. Newman submitted a letter titled "Planters' Choice, LLC, dated December 12, 2018" regarding water sampling (see attached). Mr. Newman will be sampling the water twice a year; late spring and late fall/early winter. Some of the sample tests will determine nitrate and nitrite levels.

Mr. Newman presented an addendum on Meadowbrook Road and explained the water flow, three stone check dams and the plunge pool. He also pointed out the locations the water enters the property and the sampling areas.

Mr. Ferris questioned how Mr. McManus came up with the run-off calculations. Mr. Ferris also questioned whether the water leaving the site will be tested and the water run-off from the pond will be tested. Mr. McManus explained yes they would like to capture the first run-off.

Ms. Guidera stated she would like assurance that the samplings will be fair and accurate. Ms. Guidera felt the samplings would be more reliable if done by a third party. Mr. Newman was agreeable to a third party but stated it would be challenging due to the timing of the rain events. There was a lengthy discussion regarding the third party. It was agreed JMM Wetland Consultants would serve as the third

party and will perform the sampling. Mr. Newman amended the previously submitted water sampling letter to state as such. Ms. Guidera questioned what the water samplings will be tested for and which contaminants. Mr. McManus stated he will create a sampling plan.

Mr. Ferris questioned whether the run-off will be captured in the basins. Mr. Newman stated yes they will be captured and treated.

Mr. Ferris had concerns that a 4" or greater rain event would run over the pond. Mr. Ferris questioned the volume of the pond and how much it can handle. Mr. Ferris doesn't feel 1/10" rain event will be significant enough to allow for accurate testing. Mr. Maguire stated he has a baseline of the pond water quality.

Mr. Ferris stated he would prefer restoration of the wetland at 153 Huntingtown Road rather than recreate a new wetland as previously discussed. Mr. Newman stated after reviewing the plan he agreed restoring the prior wetland would be the better option.

Ms. Guidera stated the project is very vast and wants assurance that all of the water channels will be addressed. Mr. Newman stated the grades will pitch to all areas in accordance with the engineer's plan and he trusts the engineer's plan.

Mr. Maguire stated that all offsite properties that are adjacent to Planters' Choice which have been impacted will be handled separately. Each property will be assessed individually with a separate application.

PUBLIC PARTICIPATION

Lisa Goosman, 15 Meadow Brook Road, stated there will be water testing done on Huntingtown Road. What about Meadowbrook? Mr. Newman stated he would be happy to sample the outflows on Meadowbrook. There was a discussion on the best locations for sampling. Mr. Newman and Mr. Maguire will take a look at the area.

Brian Fishman asked Mr. Newman if he was aware that the work he was doing was in violation. Mr. Fishman asked Mr. Maguire how often he went to the site. Mr. Maguire stated that he had visited the site a couple of years ago. Mr. Maguire explained that site visits are prompted by complaints or active projects. Mr. Fishman asked Mr. Maguire if he is working with the Army Corp of Engineers. Mr. Maguire stated he has reached out to them. Mr. McManus stated the Town and Army Corp are two separate entities and do not work together. Mr. Fishman asked Mr. Maguire his assessment of how long violations have been occurring? Ms. Salling pointed out that the questions did not pertain to the application.

Anthony Sodoski, 19 Washbrook Road, stated he was happy that Meadowbrook Road will be tested and a third party will be performing the samplings. Mr. Sodoski asked how the samplings will be measured, if baselines will be taken and whether the information be documented for the public to review.

Greg Ladestro, 159 Huntingtown Road, voiced his concerns regarding the dam. Mr. Ladestro stated the water run-off from the dam has changed the water flow on his property and the damming of the pond has also expanded his wetlands. Mr. Ladestro questioned which part of the mitigation plan addresses the dam and how will the mitigation process bring the wetlands back to its original state.

Mr. Newman stated the dam has been there for 40 years and doesn't agree that the dam caused the larger wetland area. There was a lengthy discussion regarding whether the dam should be addressed as part of this application or if it should be reviewed separately. Mr. Salling gave an overview of the direction of the meeting and explained the off-site properties will be addressed separately. After several suggestions it was decided the Commission will concentrate on the mitigation referenced in the application so as not to delay the remediation process. The dam will be addressed separately along with the off-site properties.

Ms. Guidera was concerned that the dam was re-built without a permit and questioned if it should be removed or if it was removed would it cause reverse disturbance. It was suggested to obtain legal advice from the Town Attorney regarding the permit. Mr. Newman stated that the pond is an irrigation pond and was used for farming. Mr. McManus will analyze the dam and its effects.

Jim Demont, 22 Meadowbrook Road, wants assurance the wells will be safe. Mr. Maguire stated he contacted the Health District and wells are not the IWC's purview.

With no additional questions and no additional requested information it is recommended that the public hearing be closed. Mr. McCabe moved to close the Public Hearing. Mr. Ferris seconded. All in favor. The public hearing for **Application #18-25 by Planters Choice LLC**, property located at 140, 153, 155 Huntingtown Road and 23 Meadowbrook Road, is closed.

The Commission will comprise a list of conditions and will meet at the next regularly scheduled IWC meeting on January 9, 2019 or at a Special Meeting, time and date to be determined.

APPROVAL OF MINUTES for the Regular Meeting on November 14, 2018

Page 2, paragraph 7, change "Mr. Newman described.... regulations." to "Mr. Newman stated erosion will slow down after it runs through the rip rap swales and plunge pools. This process is in compliance with the CT DEEP." Page 3, paragraph 5 change "than" to "from". Mr. McCabe moved to accept the amended minutes from November 14, 2018. Ms. Guidera seconded. All in favor. The minutes from November 14, 2018 were approved.

OTHER BUSINESS

Ms. Salling and Mr. McCabe gave an overview of the CACIWC conference they attended on November 17, 2018. They both agreed the conference had useful information and was engaging and worthwhile.

ELECTION OF OFFICERS

The Nominating Committee prepared a slate for the Election of Officers. The Committee proposed the following:

Sharon Salling – Chairman of Inland Wetland Commission
Craig Ferris – Vice Chairman of Inland Wetland Commission
Mike McCabe – Secretary of Inland Wetland Commission

Ms. Salling moved to approve the proposed slate prepared by the Nominating Committee. Ms. Guidera seconded. All in favor.

ADJOURNMENT

With no additional business, Mr. Ferris moved to adjourn. Mr. McCabe seconded. All in favor. The meeting of December 12, 2018 was adjourned at 9:41 pm.

Respectfully Submitted, Dawn Fried.

Planters' Choice, LLC
140 Huntingtown Rd
Newtown, CT 06470
203-426-4037 Fax: 203-426-8057

496 Bunker Hill Rd
Watertown, CT 06795
860-945-6588 Fax: 860-945-9282



Newtown Inland Wetland Commission
3 Primrose St
Newtown, CT 06470

December 12, 2018

To Whom it May Concern:

This letter shall serve to specify the means and locations of water sampling on Huntingtown Road.

The samples shall be taken within a half hour of the onset of a rain event that was preceded by at least three days without rain. It will then be brought to an appropriate facility within 24 hours of that event to be sampled.

The two locations for sampling shall be at the outlet of the culvert that passes under Brushy Hill Road and enters the 140 Huntingtown Road property on its north end, and the overflow of the pond on the 155 Huntingtown Road property. Land Use Office staff is aware of both locations should the commission or any concerned parties wish to be provided with more information.

A THIRD PARTY FROM JMM WETLAND CONSULTING SERVICES, LLC WILL BE PERFORMING THE SAMPLING.

Regards,

Darryl Newman
Planters' Choice, LLC

SIMILAR SAMPLING SHALL BE TAKEN AT 23 MEADOWBROOK ROAD AT THE DISCHARGE OF THE SETTLING POND
BIORETENTION POND

IWC Mtg.
12-12-18
27