

INLAND WETLANDS COMMISSION
MINUTES
Regular Meeting of November 14, 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, Kristen Hammar

Absent: John Davin, Craig Ferris

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

Ms. Salling opened the meeting at 7:32 p.m.

PENDING APPLICATIONS

Application IW #18-23 by Daniel Furphy, property located at 28 Bridge End Farm, for ramp access on waterfront property for jet skis.

Mr. Edward Lundblad represented the applicant and gave an overview of the proposed project. Mr. Lundblad read from a document title "Sequence of work". (see attached)

Mr. McCabe was concerned with the run-off and the velocity of water coming from the slope. Mr. Lundblad explained that the seven degree slope is a long easy slope and the ground will absorb the water.

Ms. Salling was concerned with the large machinery. Mr. Lundblad explained the yard is level and will not have a negative impact.

With no further questions Ms. Hammar moved to approve Application IW #18-23 by Daniel Furphy, property located at 28 Bridge End Farm, for ramp access on waterfront property for jet skis with standard conditions A, B, C, D, E, F, O & P.

With the additional conditions:

- Sediment and erosion controls shall be approved on site by The Land Use Agency prior to any site work
- Approval from First Light shall be obtained prior to any site work
- Work near water shall only occur when the lake has been drawn down

The approved plans are: three drawings including a cross section and site plan titled Daniel Furphy, 28 Bridge End farm Lane, Sandy Hook, CT, Dated received October 8, 2018, Sediment and Erosion plan dated received November, 2, 2018, Sequence of work dated received November 14, 2018 and all supporting documents. Ms. Guidera seconded.

Ms. Villamil – Aye Ms. Salling - Abstained
Ms. Hammar – Aye Mr. McCabe - Nay
Ms. Guidera – Aye

Application IW #18-23 was approved.

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 in to the record. Ms. Salling welcomed the public and reviewed the Public Hearing process.

Darryl Newman and Mr. James McManus, Soil Scientist, JMM Wetland Consulting Services, LLC. spoke on behalf of Planter's Choice LLC. Mr. Newman submitted the abutters' notices and affidavit.

Mr. Newman gave an overview of the site plans titled "Mitigation Plan, 23 Meadowbrook Road". Mr. Newman described the water which will run through the rip rap swales into the plunge pools that will slow down the erosion controls which is in compliance with the CT DEEP regulations. Mr. McManus handed out a letter to the Commissioners titled "Mitigation Plan – Supplemental", dated November 13, 2018 (attached).

Mr. McManus stated he visited the property in June 2018. Mr. McManus stated he delineated the wetlands within the impact area that will be mitigated and enhanced. Mr. McManus pointed out a stone wall that serves as a boundary for the wetlands that runs into the woods. On October 23, 2018 Mr. McManus visited the site to determine how much sediment went into the wetlands. He explained that some of that sediment will be removed by hand and basins will be installed. Mr. McManus stated he will go back in the spring to review the boundaries and if he finds more than 4 inches of sediment in a regulated area it will be removed by hand.

Mr. McCabe has concerns that the existing wetlands were filled in on the section of the site plan labeled C19-C30. Mr. McCabe questioned whether the pre-existing wetland boundary could be determined. Mr. McManus stated that he could not answer that precisely but he stated that the area Mr. McCabe was referring to was not filled in. Mr. McManus stated that he is aware of section C1-C10 which is the Northern most part of the delineated wetlands. The sediment at C1-C10 will be removed and a sediment basin will be installed.

Ms. Guidera stated that she has concerns with the enormity of the project. With the soil being stripped and the topography and wetlands being altered over such a widespread area Ms. Guidera doesn't understand how the overall mitigation process will be accomplished. Ms. Guidera asked Mr. Maguire if each problem will be addressed separately. Mr. McManus explained that the goal of the project was to address all of the issues.

Mr. Newman gave an overview of the site plans titled "Mitigation Plan, 153 & 155 Huntingtown Road". Mr. Newman stated that approximately 2,075 sq. ft. of wetlands have been filled. Mr. Newman is proposing a 2 to 1 replacement creating approximately 4,150 sq. ft. of wetland area. Mr. Newman described the silt fencing and the erosion control plans during construction as well as the rip-rap drainage swales. Mr. Newman also gave details of the irrigation pond located on the northeast corner of the property, the two 24" flat-top catch basins, the 24" corrugated plastic pipe and the plunge pools that will be implemented in several areas for sediment control.

Mr. McManus stated that he didn't "think" the area at 155 Huntingtown Road was a wetland area. Ms. Salling questioned how Mr. McManus made his determination. Mr. McManus stated it was too deep for a typical soil sample but he looked at old aerial photographs through the years which seemed to be showing an upland area. Mr. McManus stated regardless if it was a wetland area or not they are still proposing an engineered swale and restabilization of the area with native plantings and seeds.

Mr. McManus suggested creating a new wet meadow at 153 Huntingtown Road. Mr. McManus feels that if the hydrology is correct it will be a successful wetland area. Ms. Hammar and Ms. Guidera questioned why create a new wetland rather than remove the fill from the existing wetland. Mr. McManus said it would be easier to create a new wetland area rather than tear out the existing fill, re-top the soil and re-plant the old wetland. Ms. Guidera questioned if a pre-existing wetland would be more likely to succeed if restored back to its natural state. Ms. Hammar questioned the impact of the surrounding environment if a pre-existing wetland is restored. Mr. Maguire questioned if the replacement of a new wetland would be equal to the pre-existing wetland. Mr. McManus stated he can create a wet meadow by next spring alongside the old wetland area. Ms. Salling asked Mr. McManus to take one more look at the wetland area to satisfy the Commissioners.

Mr. McManus stated that this property should be treated differently than a sub-division and that Planters Choice should be treated as a farm and has agricultural exemptions. Mr. Maguire disagreed.

Ms. Villamil questioned whether all the plastic debris will be removed. Mr. Newman stated all the debris will be removed.

Mr. Newman gave an overview of the site plans titled "Mitigation Plan, 140 Huntingtown". Mr. Newman described the watersheds, forebay, bio-swale, the rip rap along the existing irrigation pond and the berm.

Ms. Salling questioned the plan for wetland buffers. Mr. Newman stated typical native wetland plants will be used. Mr. Maguire questioned if storm water sampling plans are in place. Mr. Newman said the tests will be done twice a year in June and December (or November). Mr. Maguire questioned if the forebay plantings will be high nutrient removing species.

PUBLIC PARTICIPATION

Lisa Goosman, 15 Meadow Brook Road. Ms. Goosman wanted to see the site plans and asked for the orientation.

Don Hammalian, 26 Washbrook Road, asked what will be done to the surrounding properties that have been affected.

Sean Murphy, 139 Huntingtown Road, asked the following questions: What is the end goal of the permit? Restore? Correct? He would like clarification. Will new wetlands serve the same purpose? Is there a farming exemption? Rectify or significantly rectify? Are the applicants required to fill wetlands? Mr. Maguire responded to the farming exemption question. Mr. Maguire responded that a farming exemption was not applied for. The application came in as a regulated activity.

Greg Ladestro, 159 Huntingtown Road, asked the Commissioners if they had walked 159 Huntington Road. Mr. Ladestro spoke about an irrigation pond and asked if there had been permits taken out for the damming? Mr. Ladestro stated the water run-off has changed the water flow on his property and the damming of the pond has expanded his wetlands. Mr. Ladestro also stated the turtles and brook trout are gone and the original brook no longer exists. Mr. Ladestro questioned how the remediation plan will address the damage to his property and how will the inland wetland violations be handled. Mr. McManus stated for the record that he would like to thoroughly investigate the property if permitted.

Janice Nezvesky, 136 Huntingtown Road, stated that there have not been brook trout in the stream since the late 1960's, way before Planter's Choice came in to business. Ms. Nezvesky stated it's very difficult to do business in this town.

Sharon Siwik, Green Knolls Lane, questioned if a berm will be created to divert the water away from the brook. Ms. Siwik stated there have been significant changes over the years.

Cathy Monckton, 17 Diamond Drive, stated she spent a lot of time around the brook in the 1980's and remembers fish and turtles. Ms. Monckton stated there have been significant changes since that time.

The Public Hearing will remain open and be continued to the IWC Meeting on December 12, 2018.

APPROVAL OF MINUTES for the Regular Meeting on October 24, 2018

Ms. Villamil moved to accept the minutes from October 24, 2018. Mr. McCabe seconded. Ms. Salling and Ms. Guidera abstained. All others in favor. The minutes from October 24, 2018 were approved.

OTHER BUSINESS

Ms. Salling discussed the process of selecting IWC officers for 2019. The nominating committee, who are currently the IWC officers, will create a nominating slate to be voted on at the next IWC meeting. Ms. Salling told the Commissioners to reach out to her if they would like to be added to the slate.

ADJOURNMENT

With no additional business, Ms. Hammar moved to adjourn. Mr. McCabe seconded. All in favor. The meeting of November 14, 2018 was adjourned at 9:21 pm.

Respectfully Submitted, Dawn Fried.

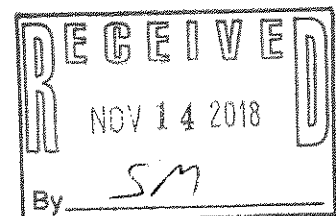
Daniel Furphy
28 Bridge End Farm Lane, Sandy Hook

Sequence of work

1. Clear trees in immediate area approximately 55 feet wide at the widest part at the top of the lawn areas within the yellow caution tape
2. Removal of tree stumps. Add bales of hay at water's edge to catch any run off.
3. Remove the top soil along the south side of the lawn and stockpile on site to be reused. Install siltation fence around pile.
4. Place a gravel area near the front to remove the soil off the truck tires before they re-enter the road area.
5. Install siltation fence along the down gradient side where required
6. Remove fill as to create a smooth slope beginning at the south end of the house parallel with the property line.
7. Harden the left and right slopes with boulders to stabilize the embankment.
8. Install a gravel swale along the south edge of the incline slope to contain the runoff and terminate before the lake edge with a catch area of rap rock to prevent washout into the lake.
9. 7 degree slope of the drivable area with top soil and lawn for final surface.
10. Remove the gravel pad, replace the top soil and seed the disturbed areas.
11. At waters edge add a second concrete mooring block for the floating dock.
12. Level patio area between the mooring blocks with a suitable surface that is compliant with the Shoreline Management policy of First Light.



ORIGINAL



JMM WETLAND CONSULTING SERVICES, LLC

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*IWC mtg
11-14-18
07*

November 13, 2018

Town of Newtown
Inland Wetlands and Watercourse Commission
3 Primrose Street
Newtown, CT 06470

Re: *MITIGATION PLAN - SUPPLEMENTAL*
Huntington Road & Meadowbrook Road, Newtown, CT
JMM Job #: 18-2284-NWT-4

Dear Commissioners:

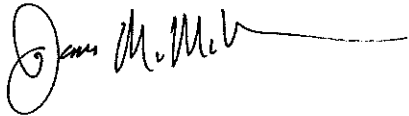
On October 23rd, 2018, JMM Wetland Consulting Services, LLC (JMM), conducted a joint site visit to review three (3) on-site areas at the two above-referenced sites. The major objective was to obtain additional information to assist in the planning of mitigation/enhancements to impacted wetland areas. This is in response to a Cease and Correct Order issued to the property owner by the Town of Newtown Land Use Office on May 8th, 2018. Mr. Steve Maguire, Town of Newtown Senior Land Use Enforcement Officer, and Mr. Darryl Newman, Owner of Planters Choice, joined JMM on the October 23rd site visit.

- 1) **155 Huntingtown Road Study Area #1:** This area, located in the southern portion of the overall site (JMM-#-Series), was reviewed to determine the extent, if any, of previously filled regulated wetlands. JMM reviewed archived aerial photos and determined that with the exception of the man-made pond constructed sometime between 1970 and 1984, no discernible wetland areas were filled. However, it was agreed upon during the site visit that a ditched swale located to the east of the

Please call us if you have any questions on the above or need further assistance.

Respectfully submitted,

JMM WETLAND CONSULTING SERVICES, LLC

A handwritten signature in black ink, appearing to read "James M. McManus", with a long horizontal flourish extending to the right.

James M. McManus, MS, CPSS
Certified Professional Soil Scientist (No. 15226)

subject area, as well as a portion of this eastern section, which is up-gradient of the #-series wetland will be pulled back to the original soil surface and the area stabilized and planted with native shrub species.

- 2) **23 Meadowbrook Road Study Area #3:** Two areas were reviewed at this location to determine the amount of sediment eroded into the regulated wetlands. It was determined that between JMM wetland boundary markers JMM-C-1 to JMM-C-10, excess sediment must be removed by hand tools, and the area stabilized, which includes the proposed items outlined in the plans prepared by A2 Land Consulting, LLC. It is worth noting that the wetland areas to the south (i.e., JMM-C-11 to JMM-C-30) will be evaluated at a later date and any areas found to have greater than 4-inches of eroded sediment will also be removed by hand. The second area is located in the northern portion of the site. It was noted during the joint site visit that an eroded swale that receives runoff from points north may be eroding into an adjacent potential wetland area. Subsequent to the joint site visit, JMM re-visited the site on November 5th, 2018 to further review this specific area. It was determined that the aforementioned eroded swale drains to regulated wetlands. JMM placed wetland boundary markers in the field (i.e., JMM-AA-1 to JMM-AA-6) to delineate the extent of wetland adjacent to the swale. JMM, with the use of a hand-held soil auger and spade determined that between 8 to 20-inches with an average of 12 to 16-inches of sediment has accumulated in the affected wetland area over the years. As a mitigation strategy the swale will be engineered to have a forebay to collect any sediment in runoff, and to reduce velocities, prior to entering the wetland. The accumulated sediment will be removed by hand to original topsoil horizon.

In conclusion, it is JMM's opinion that with the proposed mitigation strategies outlined in our September 19th, 2018 report, as well as the additional actions mentioned in this report, will improve upon existing conditions by trapping sediment and filtering pollutants prior to discharge within regulated wetlands. Moreover, wetland buffers will be enhanced with the addition of the proposed native planting materials.