

INLAND WETLANDS COMMISSION
MINUTES
Regular Meeting of February 26, 2020 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, Suzanne Guidera, Craig Ferris, Kendall Horch, Megan Thorn

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

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

PENDING APPLICATION

Application IW #20-03 by 5K Enterprises, Inc., property located at 3 Edmond Road, for construction of a concrete box culvert for a driveway crossing.

Mr. John Mack and Mr. Charles Spath, Engineers and Surveyors, Stuart Somers Co, LLC, Southbury, CT, and Mr. William Kenny, Wetland and Soil Scientist, William Kenny Associates, LLC Fairfield, CT spoke on behalf of the applicant. Mr. Mack reviewed the plans and described the project. He pointed out the silt fence, erosion controls and stone apron. He also pointed to a stonewall which will be partly removed and the extra stone used in the project. Mr. Mack stated the stream will remain the same and will not be affected.

Mr. Kenny described the history of the property. He stated the slopes will be a 1 to 1 ratio with a steep slope by the road with minimum impact. Mr. Kenny stated the stream will go thru the culvert and there will be a loss of 2,700 sq. ft. of wetlands. The project proposes the creation of a new wetland area to compensate for the loss. The grade will be dropped lower to create the new wetland system which will be twice as much as the wetlands lost. Appropriate soils and vegetation will be added along with native trees and shrubs.

Mr. Kenny spoke about mitigation and described the storm water runoff and the storm water treatment system. There will be catch basins for storm water that will lead to the wetlands that will enter the stream.

Ms. Salling questioned the soil type and stated that the vegetation was not typical. Mr. Kenny stated the soil testing was not done by his company therefore he did not have an answer regarding soil type.

Mr. Ferris questioned whether creating a new wetland was worth it since there was minimal wetland impact. Mr. Ferris suggested just treating the water and not do the grading?

Mr. Salling was concerned with the water treatment.

Mr. McCabe understands Mr. Ferris's concerns but thinks it would be positive to create a new wetland.

Ms. Guidera questioned whether it made sense to change the mitigation area. Mr. Spath stated after much consideration it was decided the crossing is in the best location with the least amount of disturbance. Mr. Spath feels it's sufficient where it is.

Mr. Hnatuk questioned the criteria used to choose this area? Mr. Spath responded the area was previously disturbed and it's better to be next to the wetland to match the existing hydrology. Also the area has excellent access.

Mr. Maguire questioned whether there would be a temporary diversion over the stream. Mr. Spath responded they will do the work during the dry season or bypass if needed.

Mr. Hnatuk pointed out that the silt fence and erosion controls were not shown in the legend and he asked where they were on the map. Mr. Mack pointed to the area located on page D1 of the site plans showing the silt fence on the upstream side and downstream side of the proposed driveway.

Ms. Horch questioned the location of the soil stock piles. Mr. Spath responded they will add them to the plans to the left of the proposed driveway.

Ms. Horch questioned the size of the culvert. Mr. Mack responded it was sized for a hundred year storm and the culvert was 6 ft by 8 ft.

Mr. Horch questioned when the wetland flagging was done. The response was in 2006.

With no additional questions Mr. Ferris moved to APPROVE Application IW #20-03 by 5K Enterprises, Inc., property located at 3 Edmond Road, for construction of a concrete box culvert for a driveway crossing with standard conditions A, B, C, D, E, F, O and P. The approved plans are Site Plan Depicting Proposed Wetland Crossing, 3 Edmond Road, Prepared for 5K Enterprise, INC, Dated June 1, 2017, dated revised January 27, 2020 and all supporting documents with the following conditions:

- Soil stock pile location and the associated sediment and erosion controls will be submitted to and agreed upon by Land Use Staff.
- Temporary diversion plan for stream and/or construction being done in the dry season shall be reviewed and approved by Land Use Staff prior to box culvert installation.

Mr. McCabe seconded. All in favor.

APPROVAL OF MINUTES for the Special Meeting of February 11, 2020

Mr. McCabe moved to accept the minutes from February 11, 2020. Ms. Thorn seconded. Ms. Guidera and Ms. Horch abstained. The remaining Commissioners were in favor. The minutes from February 11, 2020 were approved.

OTHER BUSINESS

Complex Application Fees

Mr. McCabe discussed the Inland Wetland Regulations and the absence of the third party review fees. After attending the CAIWC conference and having a break-out legal discussion, Mr. McCabe learned of the importance of having the language added to the regulations. Mr. Hnatuk stated that he and Mr. Maguire have been reviewing the IW Regulations and believe the information is in the regulations. They have also been reviewing the fee schedule and will make modifications in the next month or so on both the regs and fee schedule for the Commission's review and approval.

Election of Officers

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

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

The IWC Commission was unanimously in favor.

ACCEPTANCE OF APPLICATIONS

The Commission discussed whether or not to hold a Public Hearing on Application IW #20-04. Mr. Ferris was concerned that since there was no significant impact on inland wetlands the public would be asking questions directed more towards the Planning and Zoning Commission. Ms. Salling agreed the public would become frustrated with the IW Commission's answers. Ms. Guidera commented that it would in the public's interest to be apprised that there is no significant impact on inland wetland but rather an indirect impact. Mr. Maguire stated it was better to air on the side of caution. After a lengthy discussion the Commission unanimously agreed to hold a Public Hearing.

Mr. McCabe moved that due to the application being in the public interest a Public Hearing will be held on March 11, 2020 at 7:30 pm in the Council Chambers at the Newtown Municipal Center located at 3 Primrose Street, Newtown, CT for Application IW #20-04 by James F. Walsh, for a property located at 32 Berkshire Road, Newtown, CT, for the proposed development of a 14,000 sq.ft. building for retail use and a restaurant. Mr. Ferris seconded. All in favor.

ADJOURNMENT

With no additional business, Mr. McCabe moved to adjourn. Ms. Horch seconded. All in favor. The meeting of February 26, 2020 was adjourned at 8:39 pm.

Respectfully Submitted, Dawn Fried.