

**INLAND WETLANDS COMMISSION
MINUTES
Special Meeting of August 26, 2020 at 7:30 p.m.**

Zoom Meeting

Website link:

<https://zoom.us/j/99198186389?pwd=cIFCeXNXV3BnTHg1VjF3ZkpuTm1oUT09>

Call-in Number: 1 (646) 558-8656

Meeting ID: 991 9818 6389

Passcode: 223824

These Minutes are subject to Approval by the Inland Wetland Commission

Present: Sharon Salling, Mike McCabe, Suzanne Guidera, Craig Ferris, Kendall Horch

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

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

PUBLIC HEARING

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.

Ms. Salling stated the public hearing was closed and no new material will be allowed. Ms. Salling asked the Commission whether they needed clarification of the application or had any questions. Mr. Ferris and Mr. McCabe were satisfied with the presentation and had no questions.

Mr. McCabe moved to approved Application IW #20-04 with standard conditions A, B, C, D, E, F, L, & P. The approved plans are: Walsh's Corner, 32 Berkshire Road, Sandy Hook, Connecticut, dated revised April 7, 2020 dated received April 20, 2020 and all supporting documents.

And the following additional conditions:

- Stormwater maintenance schedule to be submitted to wetland agent prior to Certificate of Occupancy issuance.
- Snow removal and storage plan to be submitted to wetland agent prior to Certificate of Occupancy issuance.
- Supplemental planting plan along Curtis Pond Brook and revised limit of disturbance to be submitted to and approved by wetland agent.
- Surface water monitoring plan to be submitted to and approved by wetland agent. Monitoring shall occur for 2 years after the building is fully occupied and operational. Parameters to be included are temperature, nitrogen, phosphorous and E.coli.

- If sampling results are deemed by a third party environmental professional to adversely impact the wetland/watercourse, a remedial plan for thermal and or nutrient loading shall be submitted, including additional plantings to reduce thermal impact and or pretreatment at the septic tank for nutrients.

Mr. Ferris seconded. All in favor. **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 was approved.

Mr. Walsh thanked the Commission for their due diligence, input and work on this project.

Application IW #20-21 by Artel Engineering Group, LLC, property located at 1 Pocono Road for the restoration of the existing wetlands to its natural condition.

Mr. Dainius Virbickas, Artel Engineering Group, LLC, Brookfield, CT, spoke on behalf of the applicant. Mr. Virbickas stated he was asked by the applicant to “correct his fillings”. Mr. Virbickas gave an overview of the site plans. Mr. Virbickas stated that approximately 300 cubic yards of material needs to be removed from the site. After the debris is removed they will recreate the channel that was preexisting. Mr. Virbickas stated that the loss of wetlands and the wetland functions need to be recaptured. Hay bales and silt fences will be installed along the wetland areas. They will remain in place until the slopes are stabilized. The heavy equipment can easily access the site and get to the debris. The debris will be hauled off of the site. The proposed 2:1 slope will be planted with native bushes and trees. Mr. Virbickas stated with the additional plantings in place the swamp will less likely be disturbed again.

Mr. Ferris asked whether they will excavate down to the native soil and whether Jim McManus (soil scientist) or staff will guide them regarding this determination. Mr. Maguire stated yes they will monitor during construction. Mr. Maguire stated he will request Mr. McManus to approve the final grades at the completion of the project.

Mr. McCabe questioned whether there were plantings or natural soils in the wetlands. Mr. Maguire stated there is 2-ft. of standing water and not much vegetation.

Ms. Salling questioned whether the invasives will be removed. Mr. Virbickas replied that the focus at this time is on the wood chips, debris and junk removal. Mr. Virbickas will refer to Jim McManus regarding the invasives.

Mr. Maguire questioned whether the applicant was doing the work himself. Mr. Virbickas suspects yes but hasn’t discussed it with him. Mr. Maguire would like Artel to oversee the project if the applicant does the work.

Mr. Ferris questioned whether the state was aware of the project. Mr. Virbickas stated he didn’t think so and it’s best to just get it done.

Ms. Guidera questioned whether there was any contaminants on the property. Mr. Virbickas stated not to his knowledge but he will certainly monitor as the debris is being pulled out. He will also keep an eye out for a sheen on the water from any potential oils.

Ms. Guidera questioned whether the project will be monitored on a daily basis. Mr. Maguire stated he will request the engineering firm to go out daily.

Mr. Ferris questioned whether a time frame should be imposed. Mr. Maguire stated they can add a time frame as a condition.

Mr. Virbickas agreed that imposing a deadline with weekly checks should be stated as a condition.

Ms. Salling questioned whether the Commission is allowed to condition a third party oversight.

Mr. Maguire would like a silt fence installed at the new slope once the slope is stabilized. Staff will decide when it should be removed.

Ms. Horch concurred that a time frame should be implemented.

The Commission discussed the following conditions: addition of silt fence at new slope, time frame of project with construction schedule, oversight of the project, and an elevation confirmation at the completion of project by a soil scientist.

Mr. McCabe moved to approved Application IW #20-21 with standard conditions A, B, C, D, E, F, O & P. The approved plans are: Wetlands Restoration Plan, 1 Pocono Road, Newtown, Connecticut dated March 15, 2020, dated received April, 28, 2020

And the following additional conditions:

- Silt fence to be installed at the toe of new slope once fill has been removed and remain until stabilized and directed by wetland agent.
- Completion of project 60 days from approval.
- Construction sequence shall be reviewed and approved by wetlands agent and determination will be made if 3rd party inspections will be required.
- A certified soil scientist shall verify final grades for wetland restoration area.

Mr. Ferris seconded. All in favor. **Application IW #20-21 by Artel Engineering Group, LLC**, property located at 1 Pocono Road for the restoration of the existing wetlands to its natural condition was approved.

Application IW #20-20 by Donna and Roger Ball, property located at 20 Saw Mill Road for pond dredging.

Ms. Donna Ball and Mr. Norman Nagy spoke on behalf of the project. Ms. Ball gave a brief overview of the property. She described it as an historic property dating back to the late 1600's. Ms. Ball stated over the years the property was used for a saw mill, a grist mill and a cider mill. Mr. Maguire asked Mr. Nagy to describe the project. Mr. Nagy referred to his letter titled "Pond Dredging at 20 Saw Mill Road, Newtown, CT, dated June 29, 2020" (see attached).

Ms. Horch questioned if there would be dumping by the stream.

Mr. McCabe questioned the location of the wetlands and whether the materials are being dumped near the wetlands.

Mr. Ferris was concerned that the materials were being dumped into the flood plain. Mr. Ferris also questioned whether the silt fence would be at the toe of the slope.

Ms. Horch recommended using a USGS soils map to determine the soil matter. Ms. Horch also questioned whether another alternative location was considered to dump the materials.

Ms. Ball reviewed the property and could not think of another alternative.

Ms. Guidera was also concerned the materials and debris would enter the brook. Ms. Guidera suggested possibly applying for 2 applications; one for dredging, one for dumping.

The Commission had a discussion about the 2 applications.

The Commission also requested a letter from the property owners approving the dumping area.

Ms. Guidera requested more information on the soils and the dumping area.

Mr. Nagy suggested reaching out to Fred Hurley, Town Engineer, to haul off the silt and possibly reuse for topsoil. It might be an added expense to the applicant.

The Commission suggested to the applicant to explore other options to haul off the debris.

Mr. McCabe requested a flood plain map. Mr. Maguire will supply one.

Mr. Ferris questioned where the cross section of the toe of the slope was and where the material would go.

Ms. Guidera questioned whether any precautions were taken regarding the aquatic life. Ms. Ball responded the pond has sunny fish, blue gills and snapping turtles. The Commission discussed the immediate regeneration of wildlife due to the incoming and outgoing waterways.

The Commission agreed they cannot make a decision on the application due to insufficient information on the dumping area surrounding the brook. The Commission requested a continuation of Application IW #20-20. Ms. Salling asked Steve Maguire if staff would help the applicant with any questions they may have. Mr. Maguire stated yes.

APPROVAL OF MINUTES for the Regular Meeting of March 11, 2020

Under "Application IW #20-04" change "Servies" to "Services" and change "plains associate" to "plain associated", change "dishcharge" to "discharge". Mr. Ferris moved to accept the amended minutes from March 11, 2020. Ms. Guidera seconded. All in favor. The minutes from March 11, 2020 were approved.

APPROVAL OF MINUTES for the Regular Special Meeting of August 19, 2020

Under "Application IW #20-04" change "rain fall" to "rainfall", do not capitalize riparian, change question marks to periods, change "leech" to "leach", change "gpm" to "mpl", add "plan will included" after monitoring, add "if there are thermal impacts" after fountain, change "convergence" to "construction", "water shed" to "watershed", do not capitalize aquifer. Mr. McCabe moved to accept the amended minutes from August 26, 2020. Mr. Ferris seconded. All in favor. The minutes from August 26, 2020 were approved.

ADJOURNMENT

With no additional business, Ms. Guidera moved to adjourn. Ms. Horch seconded. All in favor. The meeting of August 19, 2020 was adjourned at 9:20 pm.

Respectfully Submitted, Dawn Fried. (Due to a technical error these minutes were not recorded.)



Donna Ball <kernball1@gmail.com>

Re: Pond Dredging

1 message

Norman Nagy <nagbro@aol.com>
Reply-To: Norman Nagy <nagbro@aol.com>
To: kernball@gmail.com, kernball@charter.net

Mon, Jun 29, 2020 at 8:43 PM

Pond Dredging at 20 Saw Mill Rd. Newtown, Ct

Dredging will be done with a Caterpillar 330 excavator and load the material onto a dump truck. The dredging will be done during a low flow time of the brook. There is approximately 1650 cubic yards of silt to be removed. The material will be trucked and deposited at a neighbors property at 1 Hawthorne Hill Rd. The material will be graded off, landscaped and seeded.

The pond has an old mill dam with a valve that will be opened to drain the pond. It should take 2-3 weeks for the silt to drain to a consistency that can be loaded onto a truck to be removed.

Access to the pond will be off Saw Mill Rd where there is an opening between the trees. A tracking pad will be installed the distance needed for the truck to back in to be loaded.

The flowing water of the brook will be bypass pumped from a point on the east side of the Saw Mill Bridge box culvert. We will sand bag a 2 foot high dike, just enough to pool the water in front of the box culvert for a centrifugal remote hydraulic drive pump with a capacity of up to 2500 gallons per minute if needed. A slow idle speed of about 500 GPM should be all that is needed.

Total project time will be about a week including restoration and landscaping of disturbed areas. We dredged this pond in 2007 at the same time we built and installed the new bridge.

Norman Nagy
Nagy Bros. Const. LLC
550 Main St.
Monroe, Ct.