

INLAND WETLANDS COMMISSION
MINUTES
February 9, 2022 @ 7:30 p.m.
Council Chambers, Newtown Municipal Center
3 Primrose Street, Newtown CT

These Minutes are subject to approval by the Inland Wetland Commission

Present: Sharon Salling, Craig Ferris, Mike McCabe, Suzanne Guidera, Kendall Horsch, Stephanie Kurose

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

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

Ms. Salling stated the order of the agenda will be changed to hear the shorter presentation first.

Application IW #22-02 by TMR Realty Newtown, LLC, property located at 1 Simm Lane for a wetland violation which requires confirmation for the proper functions of the on-site drainage, the water reclamation system and the soil testing.

Lawrence LePere, PE, Solli Engineering, Monroe, CT, spoke on behalf of the applicant. Mr. LePere stated they are currently working with DEEP, who has been to the property. Mr. LePere stated soil testing has been completed onsite. Mr. LePere is planning to have a substantive conversation with DEEP regarding the results. He would like to give the formal presentation at the next IWC meeting. Ms. Salling appreciated Mr. LePere attending the meeting. Application IW #22-02 will be continued to the next IWC meeting on February 23, 2022.

PUBLIC HEARING - Application IW #21-36 by Wharton Equity Partners, LLC, property located at 10 Hawleyville Road and 1 Sedor Lane to construct a 344,880 sq. ft. warehouse building and associated site improvements including parking, stormwater management, driveway and wetland crossing.

Ms. Salling gave an overview of the Public Hearing process. Mr. McCabe read the legal notice into the record.

Thomas Cody, Attorney, Robinson & Cole LLP, Hartford CT, Matthew Bruton, Professional Engineer, BL Companies, Meriden, CT, and Eric Davison, Certified Professional Wetland Scientist, Chester, CT represented the applicant.

Mr. Bruton addressed the questions from the previous meeting with new slides. (New slides attached.)

1. Snow Management – Mr. Bruton showed a slide highlighting the onsite “snow storage” areas. Mr. Bruton stated the snow will be stored on the perimeters of the parking lots, which are convenient, functional places.
2. Hydrodynamic Separator – Mr. Bruton showed a slide detailing the hydrodynamic separator. Mr. Bruton described the “treatment train” process and the stormwater drainage system. He

stated the hydrodynamic separator will capture oil, sand and gravel as the water continues through.

3. Area Outside of Development – Mr. Bruton explained the site is 105 acres and only 30.6% is being developed, leaving 69.4% of undeveloped land. Mr. Bruton stated the majority of the lot remains a vegetative area.
4. Wetland Impact Area Cross-Section – Mr. Bruton presented an enlarged image of the cross-section of the accessway. At the previous meeting Ms. Salling had asked Mr. Bruton to describe the accessway.

Ms. Horch asked whether test holes had been done. Mr. Bruton stated yes, dozens of test holes and borings have been done.

Ms. Horch asked whether a maintenance schedule has been created. Mr. Bruton stated yes, the maintenance schedule is part of the application and has been submitted.

Ms. Horch asked whether the construction will be done in phases and whether temporary sediment basins will be installed. Mr. Bruton stated the project's goal is to be "done in one shot", so as to finish the construction, stabilize the property and move forward. Mr. Bruton pulled up the "Soil Erosion & Sediment Control" slide to better present the details of the construction process.

Ms. Kurose asked whether there were endangered or protected species present on the property. Mr. Bruton stated this was a good segue way to Mr. Davison's introduction. Mr. Davison introduced himself and passed out his resume. He stated the last time he worked on a project in Newtown was approximately fifteen years ago.

Mr. Davison gave an overview of his wetland impact assessment (please see attached). He detailed each wetland's function and location. Mr. Davison stated there are six wetlands. He stated wetlands #1, #2, and #5 are relative to the project. Wetland #1, the wetland crossing, has the least amount of impact.

The primary focus is on Wetland #5, the central wetland/stream system. This system has the most significant wetlands and is the highest quality. It drains north into a perennial stream.

Mr. Davison was pleased to see the current project pulled back the mitigation area on the northeast corner of the building.

Mr. Davison noted the southeast wetland "finger", unfortunately, will have a change in hydrology due to the location of the building. There is no solution due to the challenges of the rolling topography.

Mr. Davison addressed Ms. Kurose's question. He explained that fish and wildlife studies are not required for a wetland application or the public hearing process, unless the species is directly impacted by the wetlands. These studies are typically required for the utility companies which the CT DEEP and the Natural Diversity Data Base (NDDDB) oversee. Although, Mr. Davison stated there is the likelihood of eastern box turtles on the property. Mr. Davison will be implementing protective measures during construction.

Mr. Ferris asked whether there will be an evaluation of maintaining the wildlife. Mr. Davison stated there are no vernal pools on the property.

Mr. Maguire discussed the loss of hydrology on wetland #4 and whether the hillside seep would have enough water to maintain the wetland. Mr. Davison stated this wetland will maintain a similar amount of water because it is an isolated wetland and not directly connected to wetlands.

PUBLIC

Ray Bigelis, 80 Suzie Drive – Mr. Bigelis rejects the project. Mr. Bigelis read a letter into the record. Please see attached letter.

Donald Leonard, 38 Joal Court – Mr. Leonard rejects the project. Mr. Leonard read a letter into the record. Please see attached letter.

Tulio Lopez, 23 Franklin Court – Mr. Lopez voiced his concerns regarding contaminants on the property. He asked who the tenants will be. Mr. Lopez submitted a document for the records. Please see attached.

Terry Murphy, 105 Currituck Road – Ms. Murphy asked who takes care of oil leakage? Where does the oil go? Is there a maintenance schedule? Who guarantees the maintenance schedule is followed? Does the town get involved?

Gary Kugler, 12 Hawthorne Hill Road – Mr. Kugler asked whether a plan was in place for a toxic material spill or large oil spills? Where does the material go?

Carrie Kugler, 12 Hawthorne Hill Road – Ms. Kugler was concerned with the wildlife on the property. Ms. Kugler pointed out there are bobcats and bears. Ms. Kugler asked what happens if the wells become contaminated.

Atty. Cody responded to the questions and concerns. Mr. Cody stated the permit process was established to protect the wetlands. Mr. Cody stated there is a balance between economic development and preserving the land. Mr. Cody stated this projects minimizes direct and indirect impact and is a responsible and prudent proposal.

Mr. Ferris asked what would happen in worse case scenarios regarding toxic materials. Mr. Bruton explained the system has been designed to follow the 2004 CT Stormwater Manual as well as State and Federal Regulations and Environmental laws. The system will accommodate 100-year storms and large spills.

The Commission agreed to close the Public Hearing. Mr. McCabe moved to close the Public Hearing. Mr. Ferris seconded. All in favor.

The Commission agreed they needed more time to review the documents before voting on the application. Application IW #21-36 will be continued to the next IWC meeting on February 23, 2022.

APPROVAL OF MINUTES

Regular Meeting of January 26, 2022

Under "Approval of Minutes", add "Mr. Jackson seconded. All in favor." Mr. McCabe moved to accept the amended minutes from January 26, 2022. Mr. Ferris seconded. All in favor. Ms. Guidera, Ms. Kendall and Ms. Kurose abstained. The minutes from January 26, 2022 were approved.

OTHER BUSINESS

The Commission welcomed the new IWC Commissioner, Stephanie Kurose.

Respectfully Submitted, Dawn Fried

ORIGINAL Received Date: 2 - 9 - 22

Received By: DF

**PROPOSED WAREHOUSE
NEWTOWN, CT**

**INLAND WETLANDS
COMMISSION**

**JANUARY 26, 2022
REVISED FEBRUARY 9, 2022**

10 Hawleyville Rd

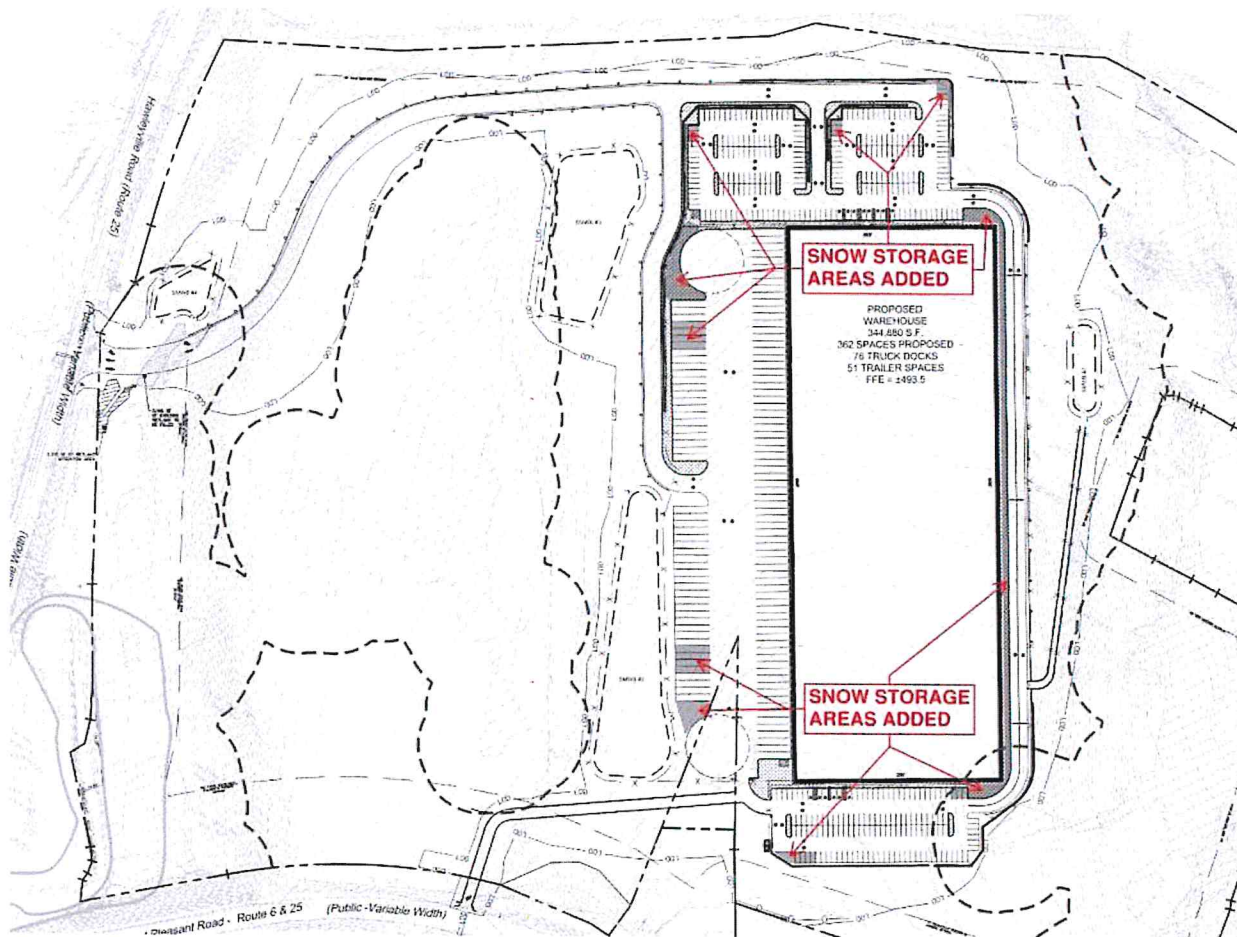


Architecture
Engineering
Environmental
Land Surveying

Employee owned. Client driven.

Overall Site Plan

(Revised Slide)



ZONING INFORMATION

LOCATION: NEWTOWN, FAIRFIELD COUNTY, CONNECTICUT				
ZONE: M-2A (INDUSTRIAL ZONE)				
USE: WAREHOUSE (PERMITTED USE)*				
ITEM #	ITEM	REQUIREMENTS	PROPOSED	VARIANCE
1	MINIMUM LOT AREA (1)	6 ACRES	4,895,718 S.F. (112.9 AC) (2)	NO
2	BULK REQUIREMENT (2)	B	<B	NO
3	MINIMUM LOT WIDTH AT STREET	250 FEET	722 FEET	NO
4	MINIMUM LOT FRONTAGE	NONE REQUIRED	780 FEET	NO
5	MINIMUM FRONT SETBACK	150 FEET FRONTING STATE ROAD/50 FEET FRONTING TOWN ROAD (4)	872 FEET	NO
6	MINIMUM SIDE SETBACK	50 FEET	190 FEET	NO
7	MINIMUM REAR SETBACK	75 FEET RESIDENTIAL	300 FEET	NO
8	MAXIMUM BUILDING HEIGHT	40 FEET / 3 STORIES	T.B.D.	NO
9	MAXIMUM IMPERVIOUS COVERAGE	70 PERCENT	18 PERCENT	NO
10	MAXIMUM BUILDING COVERAGE	35 PERCENT	7 PERCENT	NO

* WAREHOUSE, DISTRIBUTION CENTER, OR WHOLESALE BUSINESS PERMITTED BY SPECIAL EXCEPTION USE IN ZONE M-2A

(1) ZONING REGULATION 7.02.110. LOT AREA EXCLUDES WETLANDS, WATERCOURSES, VERNAL POOLS, FEMA 100-YEAR FLOOD PLANS, AND NATURAL SLOPES IN EXCESS OF 25%.

(2) LOT AREA CALCULATION:
LOT AREA: 6,011,235 S.F.
AREA OF WETLANDS: 659,213 S.F.
AREA OF STEEP SLOPES: 148,088 S.F.
AREA OF 100-YEAR FLOOD PLANS: 12,436 S.F.
OVERALL LOT AREA: 4,895,718 S.F.

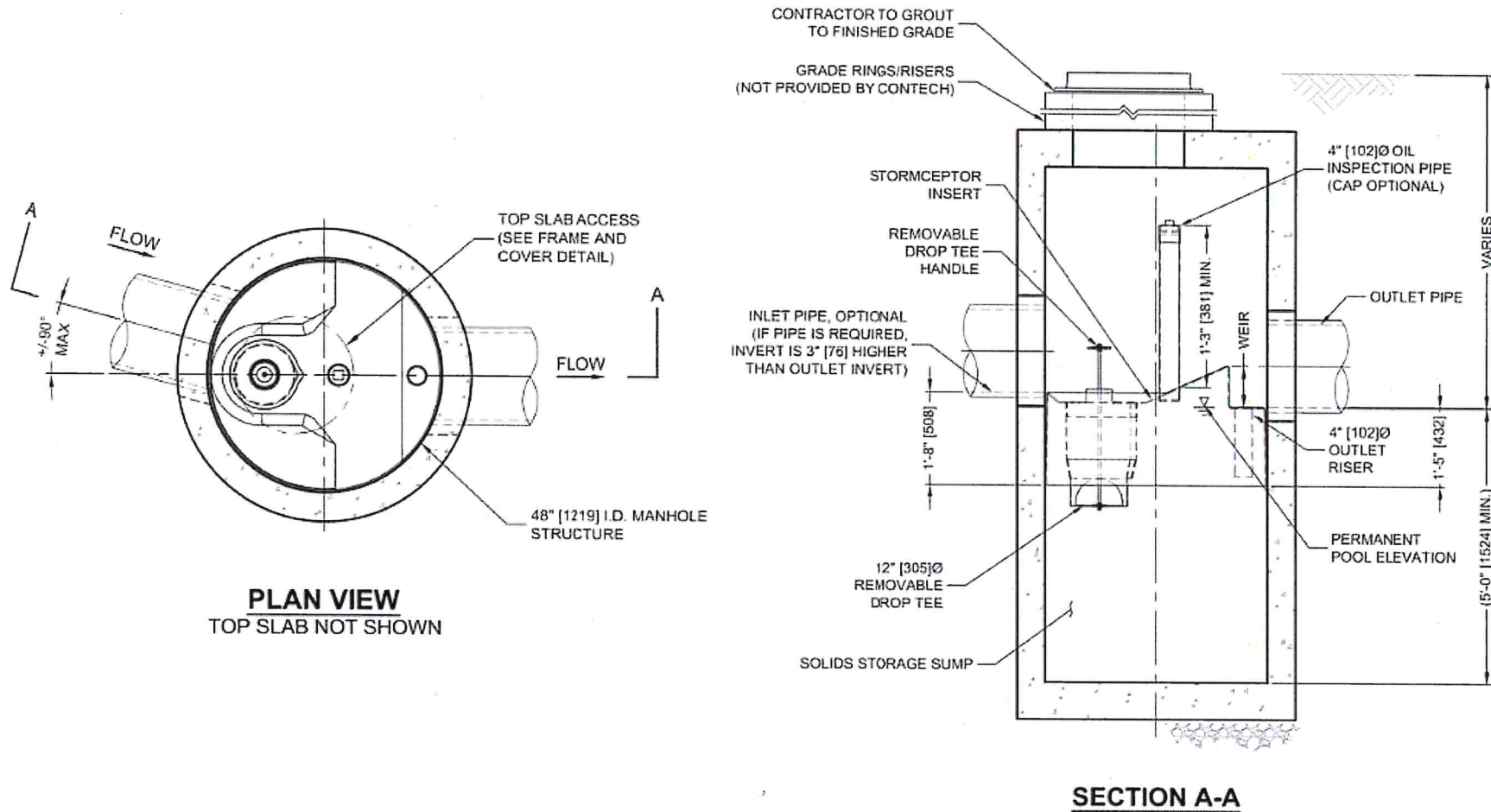
(3) BULK IN CUBIC FEET OF ALL BUILDINGS, STRUCTURES & MATERIALS STORED OUTDOORS SHALL NOT EXCEED THE SQUARE FOOTAGE OF LOT AREA TIMES B.

PARKING INFORMATION

ITEM #	ITEM	REQUIREMENTS	PROPOSED	VARIANCE
1	BUILDING SIZE	10,000 S.F. GFA	344,880 S.F.	NO
2	PARKING REQUIRED	COMMERCIAL/INDUSTRIAL 1 SPACE PER EMPLOYEE ON THE LARGEST SHIFT PLUS 1 SPACE PER INDUSTRY OR BUSINESS VEHICLE ON THE PREMISE TOTAL REQUIRED = 300	362 SPACES	NO
3	MINIMUM HANDICAPPED PARKING SPACES REQUIRED	6 SPACES	14 SPACES	NO
4	MINIMUM PARKING DIMENSIONS	9 FEET X 20 FEET	9 FEET X 20 FEET	NO
5	MINIMUM AISLE WIDTH	20 FEET - 2-WAY 12 FEET - 1-WAY	24 FEET - 2-WAY	NO
6	MINIMUM FRONT SETBACK	150 FEET FRONTING STATE ROAD/25 FEET FRONTING TOWN ROAD (4)	410 FEET	NO
7	MINIMUM SIDE SETBACK	50 FEET	438 FEET	NO
8	MINIMUM REAR SETBACK	75 FEET RESIDENTIAL	68 FEET	NO
9	MINIMUM INTERIOR LANDSCAPING	225 S.F. PER 10 PARKING SPACES (11,003 S.F.)	>11,003 S.F.	NO

Hydrodynamic Separator

(New Slide)



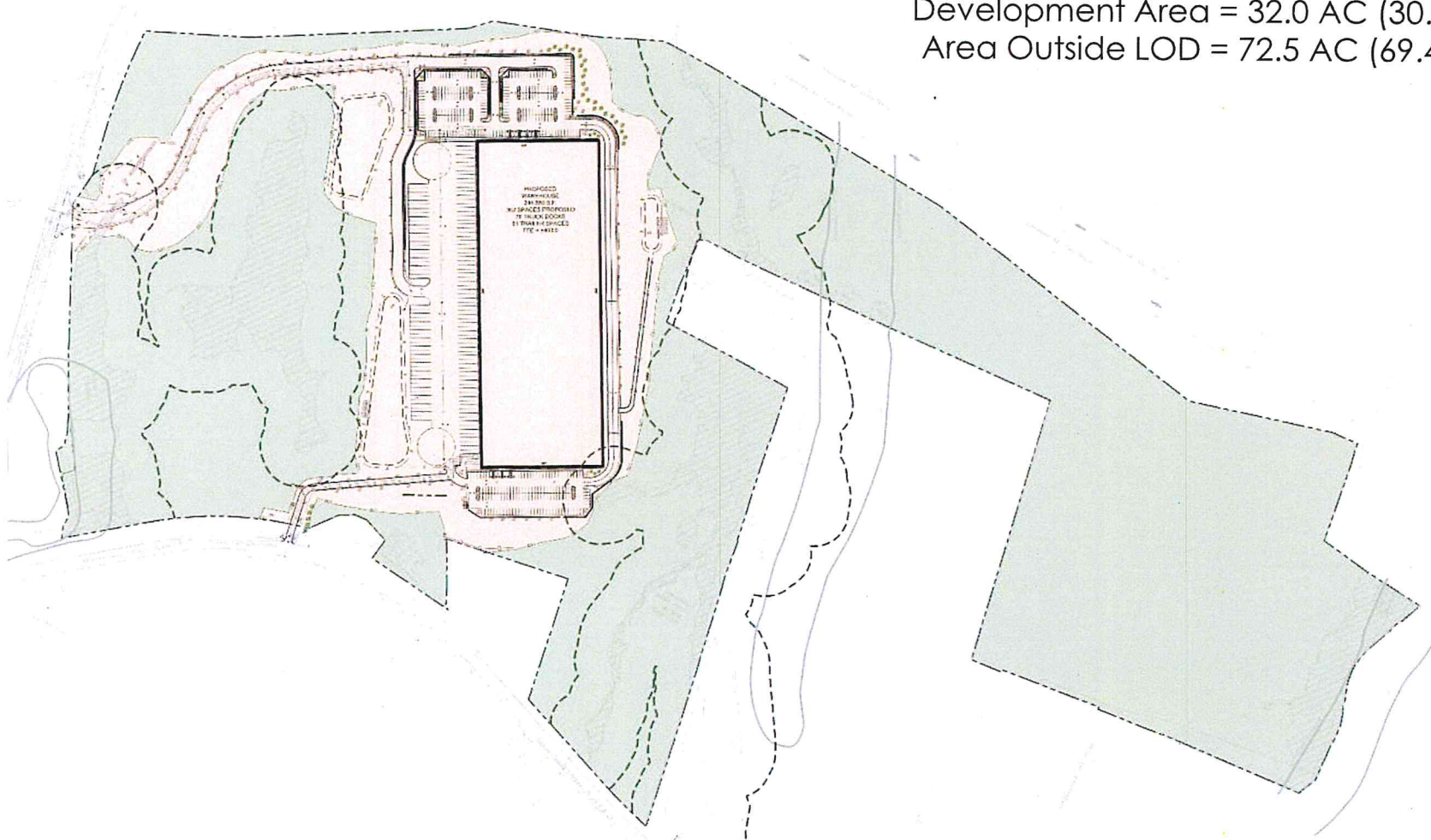
Stormceptor®

FOR PATENT INFORMATION GO TO WWW.CONTECH-USA.COM

Area Outside LOD (No Contours)

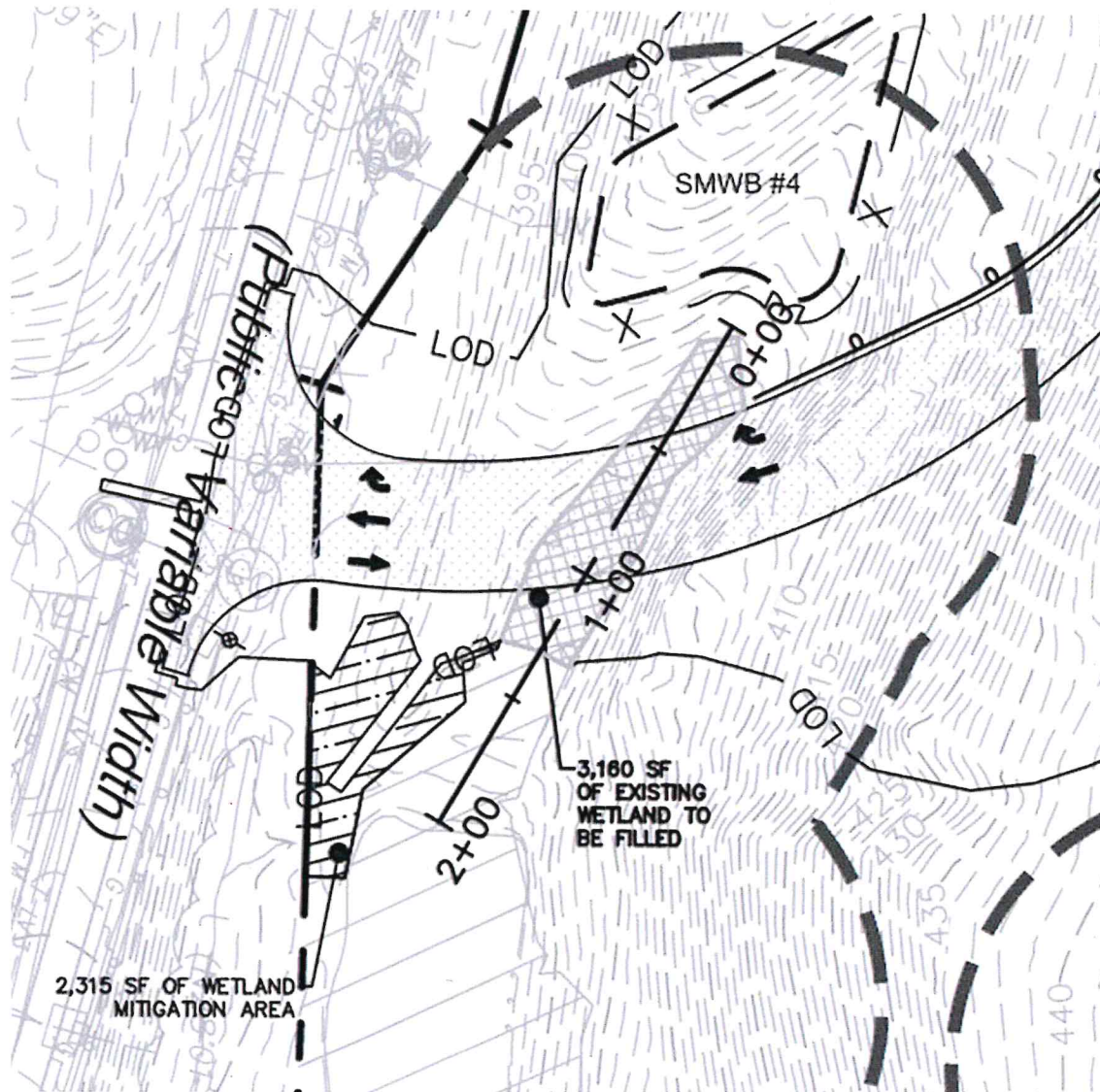
(New Slide)

Site = 104.5 AC
Development Area = 32.0 AC (30.6%)
Area Outside LOD = 72.5 AC (69.4%)



Wetland Mitigation Area

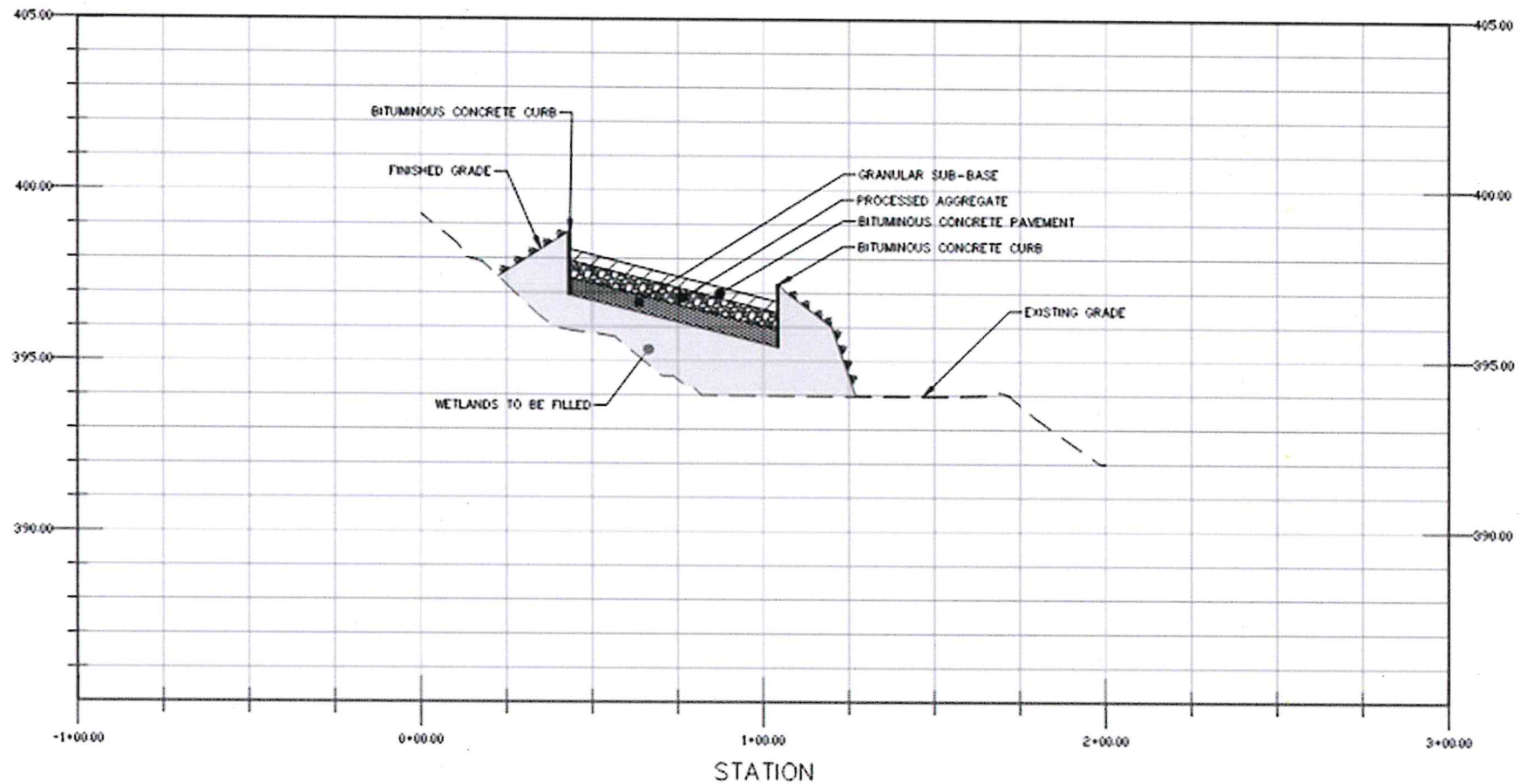
(Revised Slide)



Wetland Impact Area Cross-Section

(New Slide)

PROFILE VIEW OF WETLAND ALIGNMENT





INLAND WETLANDS COMMISSION
ORIGINAL DOCUMENT

1 - 2 5 - 2 2

Biodiversity Studies • Wetland Delineation & Assessment • Habitat Management • GIS Mapping • Permitting • Forestry

Received Date:

Received By:

07

January 18, 2022

Liz Ennis
BL Companies
355 Research Parkway
Meriden, CT 06450



ORIGINAL

RE: Wetland Impact Assessment
Proposed warehouse development
10 Hawleyville Road, Newtown

Dear Ms. Ennis,

Wharton Industrial is proposing to construct a 344,880 square foot warehouse building on the above-referenced 136.44-acre site. On December 30, 2021, I provided an initial review of the site plans dated November 12, 2021 prepared by BL Companies. Prior to that review, the *Wetland Delineation and Functional Evaluation* report generated by Davison Environmental for a previous project proposal at the subject was updated to reflect the current project. I also re-submitted to the Project team the *Wetlands and Watercourses Delineation Summary Report* drafted in 2017, which remains accurate.

This letter documents Davison Environmental's review of the revised site plans dated January 12, 2022. These revised plans incorporate design changes based on my December 30, 2021 review comments submitted to BL Companies.

This is a large project that requires significant land disturbance to accommodate a large building footprint. Such a project presents significant challenges on the Connecticut landscape that consists of rolling topography interspersed with an abundance of wetlands. Our review up to this point in the process has been aimed at the minimization of secondary impacts that result from large-scale site grading, and I believe the project design has matured substantially towards that goal with these revised plans.

I offer the following findings and recommendations regarding wetland and watercourse impact associated with the proposed project:

Direct Wetland Impacts

Direct wetland impacts have been restricted to the access road only, where a fill crossing that will result in 3,175 square feet of direct wetland impact to Wetland 1 is required. Per their regulations, the Inland Wetlands and Watercourses Agency requires that no direct impacts to wetlands or watercourses occur unless it can be shown that no *feasible and prudent alternative* exists to avoid such impacts. As we have discussed during our plan review sessions, the road alignment requires this direct impact as an alignment further to north (upslope of the wetland) was not possible due to site line issues. Given that direct wetland impacts cannot be avoided, this is an appropriate location for the wetland crossing due to the degraded nature of the wetland, and the resulting low functions the wetland currently provides.

The area of proposed wetland impact is a degraded upper perennial wetland that has been significantly impacted by uncontrolled runoff and sediment discharge from I-84. This has resulted in deep sediment deposits that have accommodated the spread invasive non-native autumn olive which now dominates the vegetation in this area. The current condition of the wetland at this location negates consideration of a bridge to span the wetland and thus avoid direct wetland impacts, in my professional opinion.

During the installation of the road crossing, basin #4 and the wetland creation area, it is recommended that any observed sediment plumes be removed to the maximum extent practicable. This can be accomplished using a skid-steer or other small front loading bucket equipment that can scrape off the deposited sediment to expose the native soil surface. During that process, any areas of autumn olive should be removed. This can be accomplished with a small machine that pulls the shrubs from the main stem, which should result in the full removal of the shrub and its root mass. Any disturbed areas of soil created during this process that are not noted on landscaping plans should be seeded with the wetland seed mixes noted on the landscaping plans.

The inclusion of basin #4 upslope of the road crossing, with a sediment forebay that will capture the runoff from the highway, particularly the road sand that has impacted Wetland 1, will prevent further degradation of this wetland area from highway runoff, as the basin will allow for capture and removal of sediment prior to discharge to the wetland.

Indirect Wetland Impacts – Hydrologic and Construction Related Impacts to Wetland 5

During the previous review session, I raised concerns regarding the indirect hydrologic impacts to Wetland 5 (the central wetland/stream system). This is a forested headwater wetland and

stream system that drains north to Pond Brook. Headwater wetland/streams are important resources for protecting downstream water quality and aquatic habitat for lower-order perennial watercourses. Therefore, it is important to maintain an appropriate undisturbed forested buffer, and limit disruption of the contributing watershed of headwater streams. The revised site plans are vastly improved with respect to minimizing the alterations of the contributing watershed to Wetland 5. The revised plans better mimic the pre- and post-construction watershed drainage area of Watershed DP-3 (i.e., Wetland 5). Under existing conditions, there is 3,488,244 square feet of contributing watershed, with the post-construction contributing watershed being reduced to 3,378,202 square feet, resulting in only a 2% reduction. With respect to the overall watershed impacts to the Pond Brook Basin (CT DEEP Local Basin #6018-00) which encompasses 590-acres¹, this is a small overall watershed alteration.

There remains the issue of localized hydrologic impacts to a portion of Wetland 5 likely to result from the construction activities at the southwest corner of the building. At this location, there is a westerly extension of Wetland 5 (ending at wetland flags 174-175, see Sheet SD3) that extends west from the lower stream valley. Due to the proposed elevation of the cut slope (ca. elevation 492'-493') to the west and north, the proposed grades will be lower than the elevation of the adjacent wetland. This is likely to reduce flows to this portion of the wetland as the cut slope will occupy all of the contributing watershed to this segment of the wetland. The reduced flows will affect wetland hydrology within this portion of the wetland. Whether the hydrologic impact would be limited to areas up to the corresponding wetland elevation of 492'-493' or extend through the entire wetland finger until it confluences with the mainstem of the wetland is uncertain. Such an analysis would require more detailed examination of the contributing watershed and modeling of groundwater flows through the glacial till. The change in flow is not anticipated to alter the wetland plant community significantly, as this area consists of typical red maple-dominated forested wetland that includes transitional plant species that inhabit a range in hydrology. You might expect a reduction in the density of obligate wetland species (e.g., skunk cabbage) in favor of facultative species (e.g., cinnamon fern).

Another positive revision to the site plans is the reduction in extent of the large, graded slope northeast of the northeast building corner (see sheet GD-2). This would have resulted in significant grading and forest removal within 100-feet of the wetland/stream. The previously

¹ Source: CTDEEP hydrography GIS datalayer

proposed LOD extended well into the 100-foot Upland Review Area (URA). The revised proposal utilizes a retaining wall to minimize URA activity at this location, resulting in a 100-foot no disturbance zone at this location.

With respect to wildlife habitat impacts, If this wetland finger receives a decreased amount of groundwater seepage, this wetland area may become unsuitable for species dependent upon forested groundwater seeps (e.g., dusky salamander).

Another potential impact at this location is that the separation distance between the LOD and the wetland is five feet at its closest point. Such a narrow separation distance is difficult to maintain during construction, increasing the potential for un-intended direct wetland impacts, albeit minor in extent (i.e., less than 100 square feet). In looking at Plan Sheet EC-3.3, the proposed erosion control barrier crosses to the other side of the proposed wall at this pinch point, which of course would not practicable be constructed in such a way. Additionally, the tree clearing required at this location would result in a localized albeit minor change to the wetland plant community due to the removal of the tree canopy immediately adjacent to the wetland.

Stormwater Treatment

The stormwater treatment system consists of a treatment train that includes:

1. Deep sump (4-foot) catch basins with hoods to capture floatables
2. Hydrodynamic separators (total 5) that capture sediment and hydrocarbons, and achieve 80% total suspended solid removal (TSS) using an in-line flow placement
3. The final treatment is provided in 4 infiltration basins

Infiltration basins are the primary means of treating the stormwater at this site. These basins are classified as a *Primary Treatment Practice* according to the 2004 Connecticut Stormwater Quality Manual². As noted in the manual: "*Primary stormwater treatment practices are capable of providing high levels of water quality treatment.*" The stormwater treatment system has been designed according to industry standard best management practices. The system will effectively treat stormwater pollutants including nutrients (e.g., phosphorus, nitrogen), sediment (e.g., road sand) and hydrocarbons. The system has been designed to attenuate peak flows for all storm

² This presumes that the design engineer has performed the necessary analysis to confirm that the soils and groundwater separation distance are adequate.

events modeled. Therefore, I do not anticipate adverse secondary impacts to wetlands resulting from untreated stormwater pollutants.

One location where Low Impact Development practices could be incorporated would be to modify the 10 proposed parking lot islands to rain gardens, as opposed to the curbed ornamental planting beds currently proposed. While these would function effectively to capture, treat and infiltrate stormwater close to the source, there would likely be only a small net benefit given the scale of the project.

Box Turtle Protection Plan

Although no CT DEEP NDDB areas overlap the Site, there is high likelihood for the presence of one State-listed reptile, the eastern box turtle (*Terrapene c. carolina*). This species is widespread in the region and is known to occur throughout the Town of Newtown. Additional, suitable habitat occurs throughout the Site for this species. Therefore, it is recommended that the box turtle protection measures that Davison Environmental provided be implemented during construction to prevent incidental mortality of box turtle.

Erosion and Sedimentation Control

The site is steeply sloping, and broad graded slopes are proposed near wetlands. Due to the moderately-well drained glacial till soils which have periods of temporary high groundwater, there is increased risk of erosion and sedimentation during construction. Diligence on the part of the contractor to inspect and maintain the erosion control measures throughout construction will be critical at this site to prevent erosion and sedimentation events during construction.

Wetland Mitigation

An approximate 2,315 square feet wetland creation area is proposed which would expand Wetland 1 in an effort to offset impacts associated with the proposed road crossing. This creation area will also provide for additional stormwater polishing and to dissipate flow discharges from stormwater basin #4.

The creation area represents a smaller than typical 2:1 ratio between creation and filling. However, additional suitable areas for wetland creation were not identified due to the site constraints. While a larger area of wetland creation was originally proposed within the southern portions of Wetland 1, that location was problematic, as it is well beyond the construction disturbance limits and consists of a steep slope where wetland creation is not advised due to the slopes and presence of mature forest that would require significant additional soil disturbance to remove the existing forest.

The proposed plantings within the wetland creation area include two species - ground hug chokeberry and blueberry delight juniper (see Sheet LL-2). These are ornamental non-wetland plants that are not appropriate for these conditions. I would recommend utilizing the planting schedule noted in the attached *Wetland Creation Area Construction Sequence and Monitoring Plan*. These notes also detail the typical recommended construction sequence, which should also be incorporated, with the design engineer making any modifications deemed necessary to fit the proposed construction methods.

If you have any questions regarding my findings, please feel free to contact me.

Respectfully submitted,

A handwritten signature in cursive script that reads "Eric Davison".

Eric Davison
Wildlife Biologist
Certified Professional Wetland Scientist
Registered Soil Scientist

Wetland Creation Area Construction Sequence and Monitoring Plan
Proposed warehouse development
10 Hawleyville Road, Newtown

Construction Sequence

1. The Town of Newtown Inland Wetlands official shall be notified five business days in advance of any phase of the wetland creation area construction.
2. A qualified wetland scientist responsible for this planting design shall be notified 48 hours prior to any phase of the planting to monitor implementation of the construction.
3. The wetland creation area will be excavated and formed to the limits shown on the Project Plans (Sheet GD-1). Initial grading may require a berm to be maintained between the existing wetland boundary and the creation area to minimize the potential for erosion and the dislodging of plants prior to establishment. That allows for hydrologic discontinuity until plantings within the newly created creation area are established. Upon establishment the berm will be removed and a surface water connection between the existing and new wetland area established. This decision should be made based on field conditions at the time of construction.
4. The wetland area should be graded to match the bordering wetland elevations, allowing for the final grade to include the proposed topsoil mixture note below in #6.
5. The creation area will be cleared of existing trees, shrubs, and other woody vegetation. Roots and stumps will be grubbed out and deposited outside of the creation area. The area will be excavated approximately 12 inches below final grades to allow for the placement of a wetland topsoil layer to achieve final grades.
6. Minor modifications to this grading plan may be made in the field by the wetland scientist in response to observed subsurface hydraulic conditions in order to achieve the proper hydrology conditions for the created wetland habitat.
7. Wetland topsoil consisting of a 1:1 mixture (or equal volumes) of organic and mineral materials that contains at least 12 percent organic carbon content by weight will be placed over the bottom of the creation area. Clean leaf compost or commercially available compost (well to partially decomposed) is the preferred amendment to achieve this standard, though other materials may be used if approved by the supervising wetland scientist. Materials should be uncontaminated and void of any woodchips. The contractor shall ensure that proper soil compaction levels (loose to friable) are maintained and appropriate corrective measures (e.g., rototilling) may be necessary.
8. The qualified wetland scientist may determine that dewatering is needed during the grading and planting of the creation area. If necessary, excess water will be discharged into a temporary sediment trap. The need for dewatering and any specific method for dewatering is site specific and may be modified by the Contractor to accommodate field conditions. The Contractor shall provide the means and methods of dewatering consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control.

9. Creation area plantings will take place once the above listed tasks have been completed. The species, size and quantity of the plantings will follow the Wetland Creation Area Planting Schedule shown below. Select a minimum of six species from the list below, based on availability, in order to have sufficient plant diversity. Note that amendments may be made at the time of construction based upon the location of groundwater.

Wetland Creation Area Planting Schedule

Botanical Name	Common Name	Size	Spacing
<i>Carex comosa</i>	Bearded sedge	2" plugs	2FT-O.C.
<i>Sparganium americanum</i>	Burreed	2" plugs	2FT-O.C.
<i>Carex stricta</i>	Tussock sedge	2" plugs	2FT-O.C.
<i>Juncus effuses</i>	Soft rush	2" plugs	2FT-O.C.
<i>Iris versicolor</i>	Blue flag iris	2" plugs	2FT-O.C.
<i>Scirpus atrovirens</i>	Green bulrush	2" plugs	2FT-O.C.
<i>Scirpus cyperinus</i>	Woolgrass	2" plugs	2FT-O.C.
<i>Pontederia cordata</i>	Pickerelweed	2" plugs	2FT-O.C.
<i>Sagittaria latifolia</i>	Northern arrowhead	2" plugs	2FT-O.C.
<i>Schoenoplectus tabernaemontani</i>	Soft-stem bulrush	2" plugs	2FT-O.C.

Wetland plugs to be provided by New England Wetland Plants, Inc. (413-548-8000), or approved nursery.

10. All plantings to be spaced equidistant to provide a dense planting bed
11. The contractor hired to build the creation area shall be responsible for the careful installation, maintenance (including watering if necessary), and establishment of the plant material in the basin area. All plants shall be guaranteed by the contractor to remain alive and healthy for a full twenty four (24) month period.
12. A weed free chopped straw mulch should be used as needed to stabilize the planting area and retain soil moisture during plant establishment.

Post-Construction Monitoring

- Monitoring of the wetland creation area will be conducted as follows. The area will be monitored for the first three growing seasons following construction. Monitoring reports will be submitted to the Town of Branford no later than December 15 of each year. The reports will provide details on the success standards described below with the goal being that these standards are satisfied by year three. Monitoring reports shall include the percent survival of plantings, extent of herbivory and observations of vegetation development. Remedial actions recommended and/or completed will also be provided. The first year of monitoring will be the first year that this area has been through a full growing season after completion of construction and planting. For monitoring purposes, a growing season starts no later than May 31. If the success standards are not met, recommendations for additional monitoring/corrective actions will be required.
- The wetland creation area will be assessed using the following success standards: Standard 1: At least 75% of the surface area of the mitigation area shall be established with indigenous species within two growing seasons. Standard 2: The mitigation area is properly stabilized.

My name is Ray Bigelis. I am a retired scientist, and I am not beholden to Wharton Industrial or any other company, I am here to defend Newtown wetlands.

What are my credentials? I am a Ph.D. Biologist-- early in my career I worked in the Environmental Sciences with eminent plant ecologist Elmer B. Hadley at the University of Illinois and as an assistant to eminent forest ecologist Alton A. Lindsey at Purdue University, before getting a Ph.D. degree in microbiology-biochemistry. I am a published retired industrial microbiologist who has worked 40 years in academia and the biotechnology industry, finally working for 15 years with soil bacteria and fungi at Wyeth Pharmaceuticals and Pfizer. I have held faculty positions at Cornell University, Cold Spring Harbor Laboratory (Long Island), and Wake Forest University.

First, I want to very briefly remind attendees about the importance of wetlands.

<https://www.epa.gov/wetlands/why-are-wetlands-important>

According to the EPA, "wetlands are among the most productive ecosystems in the world, comparable to rain forests and coral reefs."

<https://www.epa.gov/sites/default/files/2016-02/documents/wetlandfunctionsvalues.pdf>

According to the National Park Service, "wetlands are highly productive and biologically diverse systems that enhance water quality, control erosion, maintain stream flows, sequester carbon, and provide a home to at least one third of all threatened and endangered species."

My statement to the Wetlands Commission.

I am surprised that this proposal to desecrate Newtown wetlands has gotten beyond the first review.

This project is in direct opposition to wetland protection and preservation based on science. The words "76-truck terminal" and "wetlands" don't even belong together in the same sentence or paragraph, let alone together in a Newtown project proposal. Nor does "345,000 sq ft distribution center." This project violates the fundamental principles of wetlands maintenance. It also violates the need to protect essential wetlands from a variety of potential threats and unforeseen hazards. Hazards and accidents associated with a truck terminal, fuels, chemicals, and toxic waste. It violates the notion that nature is to be protected and protected wisely. It violates the notion that all of us owe it to future generations to preserve Newtown wetlands, green spaces, wildlife, and ecology. I reject this unsound project proposal and strongly recommend its rejection by the Town of Newtown.

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Wharton Equity Partner's proposal before this Commission is to build a massive distribution center on the pristine property off I-84 Exit 9.

According to their website, Wharton is an investor/developer of warehouse distribution facilities with enormous centers scattered across the entire country. The company's focus is the development of **big box distribution facilities** and "**last mile**" **warehouse properties**. You might ask what last mile warehouse properties are. The answer is they are the final leg of delivery for goods ordered online—the last leg of a supply chain.

Think Amazon mega-site in the middle of our backyard.

The company's mission statement is to "generate superior returns." Nowhere on their website does Wharton devote **a single word** to protecting the environment where they build, or their responsiveness to a community and its needs. It's all about optimizing profit. "Environment and community" are notoriously absent from their corporate vocabulary.

Before going further, I'd like to remind the Commission of several important points from Chapter 510 of the

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207

State of Connecticut's Inland Wetlands Watercourses regulations.

1. The inland wetlands and watercourses of the State of Connecticut are an **indispensable, irreplaceable, fragile natural resource** to which the citizens of the state have been endowed. Wetlands and watercourses are an **interrelated** web of nature, **essential** to an adequate supply of surface water and underground water; **essential** to hydrological stability and the control of flooding and erosion; **essential** to the recharging and purification of groundwater; and **essential** to the existence of many forms of **animal, aquatic and plant life**.

2. Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the **deposition, filling or removal** of material, the **diversion or obstruction** of water flow, **the erection of structures** and other uses, all of which have **despoiled, polluted and eliminated** wetlands and watercourses. The preservation and protection of the wetlands and watercourses from **random, unnecessary, undesirable and unregulated** uses, **disturbance or destruction** is in the public interest

and is essential to the health, welfare and safety of the citizens of the state.

3. It is, therefore, the purpose of these regulations to protect the citizens of the state by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution.

With that said, Warton's proposal calls for a total of **3,100 square feet** of fragile wetlands to be **filled in** to create an entrance drive to the property. Their proposal **also** states it's the **only** possible location for an entrance, and therefore the need to fill in the wetlands. Curiously, the proposal also states there will be an exit drive to Mt. Pleasant Road, with no mention of **its** environmental impacts. If there can be an exit drive, with no apparent impact to wetlands, why is it relegated only to an exit drive, and not also an entrance drive? This seems odd, and I ask this commission to dig into this issue. The public needs to understand what's behind these assumptions.

In addition to filling in natural wetlands, 345,000 square feet of hilly land will be **disturbed** and/or leveled to construct the warehouse, and an **unspecified** amount of land will be paved over to accommodate 76 truck docks,

parking for 50 trailers, and 360 automobiles. Then, there's an additional **44,800 square feet** of land to be disturbed for the construction of a **pseudo wetland** and storm runoff facilities to compensate for the loss of natural wetlands. How does that sit with the State of Connecticut and Newtown's regulations regarding wetlands, and disturbances to them?

The property in question is entirely wooded -- nearly all if it will be cleared for construction. Because this commission ~~is~~ also bears responsibility for aquatic organisms, and for wildlife and the destruction of natural habitats associated with wetlands, I humbly ask this commission if all 100 acres of this property ~~has~~ ^{have} been surveyed to determine how many trees there are, and exactly how many will be cut down in the course of construction?

If you haven't done the homework, I have. Typically there are 170 trees per acre of forest. That suggests we stand to lose as many as 17,000 trees

I ask what affect will the loss of these trees ~~will~~ ^{have} on the air we breath^e, and what will be the impact on drainage to the wetlands? How many animal habitats will be lost? These things don't stand in isolation, they're all connected, and they are serious points to consider

because we are well aware of how human activity is destroying our environment and how the loss of trees and green space contributes to global warming.

Make no mistake, our irreplaceable wetlands will be damaged or destroyed if this proposal is approved, along with the significant environmental impact from traffic, pollution and the loss of green space.

The engineer assisting with the January presentation stated that the areas identified in Wharton's proposal were reviewed with a wetland scientist to **minimize** impacts. Who is the scientist? What are his credentials? The key operative word here was to "**minimize**" impacts. The obvious implication is that there **will be irreparable** damage done to wetlands, and to the ecology of the area, and to animal habitats.

This Commission is being asked to balance the need for economic growth in this community against the need to protect the environment and ecology of the wetlands system in order to forever guarantee their safety for their benefit of this generation and for generations still unborn.

The residents of Newtown gathered here have big issues with the Warton proposal.

The attorney representing Wharton Equity Partners began his presentation on January 26th by stating his client's proposal is far smaller than one previously approved by this Commission, **as if that's really relevant.** What is relevant is the amount of disturbance to the property, not what was approved for another proposal.

Let me reprise the language from the 2nd paragraph of Newtown's IWC regulations: **Many inland wetlands and watercourses have been destroyed or are in danger of destruction by reason of the deposition, filling, or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses.**

With regard to the above, and the impact to the wetlands by the Wharton proposal, I call your attention once again to the statement made by attorney Cody at the January hearing. In addition to the **3,100 square feet** of natural wetlands to be filled for an access road to the property, **three** other wetland areas adjacent to the proposed warehouse building will be covered over or otherwise negatively **disturbed** to accommodate the 345,000 square foot warehouse. To the best of my knowledge, Wharton's proposal did not address the **unspecified** amount of square footage that will be paved over to accommodate the maneuvering area for 76 truck

docks and 51 trailer spaces, and parking for 360 employee vehicles.

What this proposal **does** address is the need for **2,300 square feet** of pseudo wetlands that will need to be created to replace the **natural** areas lost to construction. The proposal also requires a substantial amount of land to be displaced for the creation of a stormwater management system, including **14,000 square feet by the loading docks, 2,500 square feet east of the property, and 26,000 square feet at the southeast corner** of the property. All of these disturbed areas are an **intricate and indispensable** part of the natural wetlands on the property, and they will be lost forever.

The disruptions for storm water mitigation alone amounts to a total of 44,800 square feet, and that's in addition to the 345,000 square feet of disturbed land devoted to the warehouse.

The point simply is that once the acreage is **scalped, and filled in, and paved over**, it will be lost forever. The paved areas will accumulate dirt, debris and toxic spillage from the trucks and cars. The pavement will be covered by salt and grime in winter, some of which will eventually find its way into what remains of the natural wetlands.

Beyond that, the environmental impacts will not be insignificant. In response to a question from this Commission, the attorney representing Wharton stated that it will be up to the **future** owners of the warehouse to mitigate the runoff, not the developer. Good luck with that. Wharton and their law firm partner will be gone by the time new owners occupy the facility, and they will have no knowledge or awareness of the sensitivity of their surroundings.

Let's not kid ourselves about the frailty of mankind. Things will happen.

For example, in 2019, a wide range of environmental violations were discovered at Planter Choice Nursery in Newtown from uncontrolled erosion and sedimentation. There were unauthorized activities on the properties, including land clearing, earthen filling, grading, and the deposition of earthen material within the regulated wetland areas.

More recently QuiXpress Car Wash in Newtown violated IWC regulations by modifying multiple footing drains, and by altering the stormwater basin overflow and gray water collections into an adjacent stream.

These examples demonstrate the disconnect between developers, property owners and the IWC safeguards.

With all due respect to the law firm representing Warton, they could care less about what happens here. They're from Hartford. They don't live here and when they walk out the door, they won't feel the pain or suffer the consequences of **their** actions or those of the **developer**. Once this project is approved, there's no going back.

It was once said, you can't make a silk purse out of a sow's ear and this proposal **reeks** with environmental danger, not only for the wetlands in question but for all the people who live in the residential areas surrounding the property. How would any of you like to be living next door to an enormous distribution warehouse, with cars and trucks operating 24/7/365. I'd guess you wouldn't, neither would any of the people attending this meeting.

I encourage this Commission to dig deep into the facts and potential outcomes this proposal represents before providing a final position. The IWC is entrusted by the State not only to consider impacts to our wetlands and waterways, but also to the sensitive woodlands, ecology, and to animal life and their habitats as stated in Chapter 510 of the wetlands regulations as they pertain to this proposal.

It's inevitable that something will eventually be approved for this property. My neighbors and I hope that whatever

it is, it will be far more in harmony with the natural surroundings than will an enormous distribution center that rightly belongs in a commercial zone, not in the middle of a beautiful forest, a wetland and a residential neighborhood.

Is a massive distribution center really the direction we want to take our lovely, rural, historic Newtown? I think not and I hope you don't either. Thank you for listening.