

**INLAND WETLANDS COMMISSION  
MINUTES**

**March 23, 2022 @ 7:30 p.m.**

Community Center, Multi-Purpose Rm #3  
8 Simpson Street, Newtown, CT

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These Minutes are subject to approval by the Inland Wetland Commission

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**Present:** Sharon Salling, Craig Ferris, Mike McCabe, Suzanne Guidera, Stephanie Kurose, Scott Jackson

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

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

**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.

The applicant, Nick Walters, TMR Realty Newtown, LLC, Lawrence LePere, PE, Solli Engineering, Monroe, CT, and Alex Magoulas, Solli Engineering presented the application.

Mr. LePere gave a brief history of the property. The car wash started in 1994 as a full service business and is now currently running as an express-style car wash. Mr. Walters has owned it for four years. Mr. LePere gave an overview of the car wash operation. He stated a violation was given by Newtown's Land Use Agency due to discharge from the tanks overflowing and draining into the wetlands. Mr. LePere stated they needed to address three issues. At this time two of the issues have been rectified.

The wetland violation was in regards to the following:

1. The drainage system was allowing water to drain into the wetland. Currently, the outlet structure has been patched and the discharge of water no longer exists.
2. Overflow discharge from the tanks. Mr. Walters stated the day of the violation the pump truck was not on time and the tanks overflowed. Usually the water from the pump trucks would have been taken to the waste treatment station to be recycled before overflowing. This has been rectified by installing water level alarms.
3. Soil testing. Some soil tests have been completed but others are still needed. The Pfa, metals and hydrocarbons tests needs to be completed, as well as DEEP testing the area on the outlet of the pipe near the easement into the wetlands. An LEP is also needed on-site to complete the soil test.

Mr. LePere continues to have discussions with the DEEP and is hoping to have more information by the next IWC meeting.

Ms. Salling questioned whether a monitoring system is in place.

Mr. Ferris questioned how often the tanks are emptied. Mr. Walters responded as needed or by the bi-weekly pump-out schedule. They also installed a water level alarm which will alert them prior to the tank overflowing.

Mr. McCabe questioned what course of action is taken if the alarm goes off. Mr. Walters stated there is a cushion of over 100 cars before the critical point. At that time a pump truck would be called.

After the violation was issued the business was closed for a few days.

Mr. LePere stated currently there is no discharge from the carwash running into the wetlands. The runoff is solely from the stormwater.

Mr. Maguire clarified that this was not a one-time incident but multiple times with multiple discharges into the gutters.

Mr. Walters stated the down spouts and gutter systems have been replaced.

Mr. Maguire questioned the threshold levels and whether the LEP will review. Mr. LePere stated there are different standards and he wasn't sure, but will stay in compliance.

The applicant is waiting on soil assessments. The application will be continued to the next IWC meeting on April 13, 2022.

**Application IW #22-03 by Pennington Grey, LLC**, property located at 71 Sugar Lane, for a pond dredging.

Mr. Ryan Egan, Pennington Grey, LLC, Brooklyn, NY, represented the applicant. Mr. Egan presented the application at the previous meeting. He asked the Commissioners if they had seen the site and if they had questions.

Mr. Ferris asked how long it will take to excavate. Mr. Egan stated the project will take two to three weeks to complete. The pumps will remain turned on the entire time with back-up pumps in place in case of pump failure. Mr. Egan is targeting August which should be the lowest flow and impact time.

Mr. Ferris is concerned with 2" rain and flooding. Mr. Ferris questioned whether there will be siltation dewatering bags. Mr. Egan stated the water will be filtered through a coarse gravel system before it goes down stream.

Mr. Maguire questioned the intent of the hay bales. Mr. Egan stated the hay bales will line the bank to stop erosion from increased water flow.

Mr. Ferris asked whether they will be doing work on the dam. Mr. Egan stated no.

Ms. Salling asked whether planting will be done. Mr. Egan stated yes, there will be full restoration of the site post dredging.

Mr. McCabe moved to approve Application IW #22-03 by Pennington Grey, LLC, property located at 71 Sugar Lane, with standard conditions A, B, C, D, E, F, O & P.

With the following additional conditions:

- Work shall be completed in the month of August
- The Land Use Enforcement Officer shall be notified once dewatering complete, erosion controls installed and bypass has been completed.
- If a significant rain event is expected during dredging, contractor shall be on site with additional erosion controls and install as needed in event of water entering the excavated area.

The approved plans are Pond Dredge Landscape Plan, Killin Property 71 Sugar Lane, Newtown, CT dated revised February 8, 2022 and all supporting documents. Mr. Ferris seconded. All in favor. Mr. Jackson abstained.

**Application IW #22-05 by Paul Hilario**, property located at 15 Cider Mill Road, for restoration and mitigation of filled wetlands.

Due to the soil scientist not being available, the application will be continued to the next IWC meeting.

**Application IW #22-06 by the Zencey's & Colares's**, property located at 21 & 23 Baldwin Road, for reconstruction of a driveway crossing.

Carl and Susanne Zencey, the applicants at 21 Baldwin Road, gave an overview of the project. They explained there are twin driveways that cross over Deep Brook. The driveways developed sink holes due to stormwater backing up in the culverts.

The bridge will not be replaced. They will be installing a concrete footer and a retaining wall with a concrete slab to cap over the disturbed areas.

The sediment and erosion plan will include stone rip rap to go along the base of the wing walls to deter scouring by storm water. Hay bales to retain silt runoff will also be utilized.

Mr. Maguire asked if there was a diversion plan. Mr. Zencey stated there will be sand bags with plastic sheets placed on the stream bed.

Mr. Ferris asked about the dewatering process. Mrs. Zencey stated in August the brook goes down to a trickle but they will need to pump out the remaining water.

Mr. McCabe was concerned with additional portions of the bridge collapsing. He questioned the amount of overflow of water during conversion.

Ms. Salling was concerned that the plans were not done by a professional engineer. Mr. Maguire responded that as it pertains to wetlands it is not a concern since the project is only replacing the wing wall, they are not replacing the existing culverts.

Mr. Ferris moved to approve Application IW #22-06 by the Zencey's & Colares's, property located at 21 & 23 Baldwin Road, with standard conditions A, B, C, D, E, F, O & P. The approved plans are 23 and 21 Baldwin Road, Dual Driveway Brook Crossing Emergency Repair dated January 2022 and all supporting documents. Mr. Jackson seconded. All in favor.

**Application IW #22-07 by Lenny Manz**, property located at 62 Bennetts Bridge Road, for the construction of a deck and extension of the lawn.

Mr. Manz represented the owner. Mr. Manz described the project. The property has been cleaned up since the storm damage. Mr. Manz is proposing to plant along the brook.

Mr. McCabe would like the area flagged. At this time there is no delineation of the wetlands.

Mr. Maguire explained to the Commission that trees were cleared due to the storm damage. Healthy trees were also cleared which led to the loss of the buffer.

Mr. Maguire asked how close the plantings will be to the wetland boundary. Mr. Manz stated 20 – 25 ft. will be a no-mow area with native Mt. Laurels.

Mr. Ferris asked if the upper dam will trap the sediments and whether that was okay. Mr. Manz stated yes the dam is substantially silted but continues to flow.

The Commission requested the area be flagged no later than April 10<sup>th</sup> to visit the property. The application will be continued to the next IWC meeting on April 13, 2022.

## **APPROVAL OF MINUTES**

### **Regular Meeting of February 23, 2022**

Mr. McCabe moved to accept the minutes from February 23, 2022. Ms. Kurose seconded. All in favor. The minutes from February 23, 2022 were approved.

## **OTHER BUSINESS**

Mr. Jackson questioned whether individual site walks can be changed to include more than one person. The Commission agreed they would rather meet Mr. Maguire on-site than go individually. Mr. Maguire will inquire whether this is permissible with the Town Attorney.

## **ADJOURNMENT**

With no additional business, Mr. Ferris moved to adjourn. Mr. McCabe seconded. All in favor. The Regular IWC Meeting of March 23, 2022 was adjourned at 8:43 pm.

*Respectfully Submitted, Dawn Fried*