

**INLAND WETLANDS COMMISSION
MINUTES**

April 13, 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, Scott Jackson, Kendall Horsch

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 is waiting for test results of soil samples, the application will be continued to the next IWC meeting.

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 #22-09 by MD57 Castle Meadow, LLC, property located at 57 Castle Meadow Road, for the removal of fill and mitigation of wetlands.

Steve Danzer, Soil Scientist, Steven Danzer, PhD & Associates, LLC, Stamford, CT, and Tracy Chalifoux, Landscape Architect, Tracy Chalifoux, LLC, Danbury, CT, represented the applicant.

Mr. Danzer gave a brief overview of the subdivision. Mr. Danzer stated in 2018 there was an environmental impact report given to the P&Z Commission. Mr. Danzer reassessed the property in 2021.

Ms. Chalifoux stated the intention is to mitigate the wetlands after the fill has been removed. There will be a 2 to 1 slope ratio that will be stabilized with biodegradable sheet mesh as well as extensive wetland plantings that will consist of three native trees, approximately 80 native shrubs and native ferns. The area around the current trees will be hand dug, barberry will be removed and a native wetlands seed mix will be planted. The objective is to bring the native woodlands back. The erosion control around the perimeter will consist of a double row of silt fencing.

Ms. Salling stated the planting plan was well done but she is concerned with the condition of the site, the standing water, the hydrology, the wood chips and the erosion control. The planting plan should come after these concerns are addressed.

Ms. Kendell questioned the pre-construction grading and whether the existing conditions are from the start of the project or are from today. Ms. Chalifoux wasn't sure but stated she thought it was pre-existing conditions, not post. She will confirm with site engineers.

Ms. Salling stated that "engineer's plans" were mentioned quite a bit when she was reading the report but has not seen the plans. Ms. Salling requested a copy of the engineer's plans.

Mr. Danzer described the area as a dry shallow system, not a swamp, with seasonal connected seeps. Large machines will need to pull up debris.

Mr. Maguire questioned whether the base of the slope has sufficient organics and if the applicant is confident the slope is stabilized. Ms. Chalifoux stated yes, there will be four inches of screened top soil as well as a conservation mix to support and take hold.

The Commission discussed having the site engineer attend the next meeting to answer questions. The engineer's plans might be sufficient.

Application IW #22-09 by MD57 Castle Meadow, LLC will be continued to the next IWC meeting on April 27, 2022.

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 stated the markers are placed around the wetlands.

Ms. Horch questioned whether the logs are staying. Mr. Manz will ask the owner.

Ms. Horch would like a limit of lawn in reference to the stream. Mr. Manz stated there will be plantings along the bank which will serve as a vegetative buffer.

Ms. Guidera also requested the limits of lawn be marked.

Ms. Salling stated more information needs to be annotated on the map:

- Whether the logs are being removed or left to decompose
- Buffer information along the brook
- Limit of lawn.

Application IW #22-07 by Lenny Manz will be continued to the next IWC meeting on April 27, 2022.

Application IW #22-10 by GRC Construction, LLC, property located at 7 Melody Lane, for the mitigation of wetlands and the relocation of the culvert under the driveway.

The applicant, Greg Carnrick, GRC Construction, LLC, Newtown, CT, gave an overview of the property. He stated the previous owner had extensive fill brought in and mitigation needs to be done. Mr. Carnrick is looking to develop the property and get it back to its previous state. Mr. Carnrick will be removing excess material and replanting trees that were removed. He stated there are currently three large piles consisting of stumps and brush. The two larger brush piles are accessible and will be removed. The smaller brush pile is deeper into the wetlands and might create more disturbance to the wetlands if removed.

Mr. Carnrick gave an overview of the three culverts; two are under the driveway and one is by the road. He stated there is only a trickle through the 12" pipes. A third pipe will be added under the driveway and the two existing pipes under the driveway will remain.

Mr. Carnrick will be removing the fill until its back to its original grade. The fill will be added to the upland area. Mr. Maguire would like the soil tested after the fill has been removed to clarify the elevations and wetland soils.

Mr. Carnrick would like to start in May.

Ms. Guidera had concerns regarding who should make the decisions regarding the removal of materials. The Commission agreed Mr. Carnrick should consult with Staff on the removal of debris.

Mr. Ferris moved to approve Application IW #22-10 by GRC Construction, LLC, property located at 7 Melody Lane, with standard conditions A, B, C, D, E, F, O & P.

With the following additional conditions:

- Land Use Staff will be consulted regarding removal of brush pile to the right.
- Soil scientist will be consulted after fill on-site has been removed.
- Three existing pipes will remain. One additional pipe will be installed as shown on plans.

The approved plans are: Topography Survey, 7 Melody Lane, prepared for GRC Construction LLC, dated March 17, 2022 and all supporting documents. Mr. McCabe seconded. All in favor.

Permit #20-27 by Negreiro & Sons Construction LLC, property located at 203 & 211 Berkshire Road, for a permit revocation hearing.

Jason Edwards, Engineer, J. Edwards & Associates LLC, Easton, CT, represented the applicant. Mr. Edwards stated newly submitted erosion and control plans are intended to mitigate the problems and create long term solutions.

Mr. Edwards described the different ways the site will be improved. There will be additional hay bales, checked dams and temporary sediment traps and the site needs to be maintained better.

Ms. Salling stated the hay bales look sparse, even with the additional bales, the silt fence is not functional and the farmer's trenches are eroding.

Mr. Ferris noted that Staff sent out several emails to Mr. Negreiro with no response. Mr. Ferris questioned how the applicant will respond to issues in the future if he doesn't respond to his emails. Mr. Negreiro apologized for not responding to emails but explained that his responses were through the conversations with Staff on the job site.

Mr. Negreiro stated he wants to protect the wetlands. There is both surface water and ground water.

Ms. Salling stated the new plan needs to be acted on with due haste. The issues with wetlands have been going on for a long time and there needs to be a committed plan and it needs to be taken seriously.

Mr. McCabe noted that significant silting has occurred and the cleanup of silt needs to be addressed.

Mr. Negreiro feels confident that going forward the work will be done the way it should be done. He also added better weather, seeding and more hay bales will help.

Mr. Maguire stated the IWC application was approved in 2020 and since that time has had issues throughout the years. Mr. Maguire reiterated multiple times that there was extensive erosion issues. Mr. Maguire doesn't have confidence that the work will be improved. Weekly reports were not submitted and sediment basin weren't installed.

Mr. Negreiro stated it was a slow process due to soil and rain conditions. He will start sending weekly reports.

Ms. Salling stated in all her years as a Commissioner she has never seen a site like this before.

Mr. Ferris doesn't want to order a work stoppage but he has concerns whether the site can handle the water. He suggested staging it more.

Mr. Maguire stated that "band-aids" won't work anymore and hard infrastructures are needed.

Mr. Edwards stated the final catch basin will hold all the water. It's designed to handle the water.

Ms. Horch concurred with Mr. Ferris and does not want a stop work order or doesn't see the necessity to start a new wetland application.

Ms. Horch stated that the plan needs to be implemented immediately and the sediment basin should have been installed first. Ms. Horch would also like to see the check dam details on the plans which will make it easier to enforce.

Mr. McCabe questioned whether the basins will be completed in days. Mr. Edwards stated yes the swales will be built and the basins will be installed in days.

Mr. Ferris questioned whether the plan will be implemented in two weeks, prior to the next IWC meeting.

Ms. Salling stated she was comfortable with administrative approval and suggested Mr. Negreiro take pictures and email to staff rather than staff “babysit” site.

Ms. Salling honors Mr. Negreiro’s commitment to have the plan implemented in two weeks and trusts Mr. Negreiro will do what he says he will do.

Ms. Guidera moved not to revoke the existing wetlands permit for Permit #20-27 by Negreiro & Sons Construction LLC, property located at 203 & 211 Berkshire Road. Mr. Ferris seconded. All in favor. **Commission will reconvene in two weeks to review progress.**

APPROVAL OF MINUTES

Regular Meeting of March 23, 2022

Mr. McCabe moved to accept the minutes from March 23, 2022. Ms. Guidera seconded. All in favor. Ms. Horch abstained. The minutes from March 23, 2022 were approved.

OTHER BUSINESS

The Commission discussed that one Commissioner and Staff can go on site walks at the time. The Town Attorney is still researching whether two or more people is permissible.

ADJOURNMENT

With no additional business, Ms. Horch moved to adjourn. Mr. Jackson seconded. All in favor. The Regular IWC Meeting of April 13, 2022 was adjourned at 10:05 pm.

Respectfully Submitted, Dawn Fried