

**INLAND WETLANDS COMMISSION
MINUTES**

April 27, 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

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.

Lawrence LePere, PE, Solli Engineering, Monroe, CT, and Alex Magoulas, Civil Engineer, Solli Engineering, Monroe, CT, represented the applicant.

Mr. LePere stated in addition to working with the Newtown Land Use Agency and the Inland Wetlands Commission, the applicant is also working with DEEP. Mr. LePere explained that Kim Walsh, the Licensed Environmental Professional (LEP) for the applicant, couldn't be in attendance.

Mr. LePere received the test results from the soil samples. He noted the Pfas were above normal levels, which, he stated, is concerning. Mr. LePere explained that the EPA's research on Pfas are in the early stages and there is no definitive answer as how serious Pfas are to the environment or how to treat it.

Mr. LePere reviewed the test results for the remaining soil samples. He stated the results are at acceptable levels for an industrial site and DEEP is not concerned.

Since more time and research is needed to understand Pfas, Mr. LePere suggested closing out the violation but continuing the commitment with DEEP on a remediation plan.

Mr. Maguire asked whether laboratory data was charted showing permissible thresholds and if the State has limits for industrial discharge. Mr. Maguire also asked whether downstream testing was recommended by DEEP. Mr. LePere stated Ms. Walsh will prepare an analysis report.

Ms. Salling asked whether DEEP has a reference guide or specific standards that should be followed by the car wash industry. Mr. LePere stated levels vary for different commercial businesses.

Mr. Ferris questioned whether DEEP has a case number, and if they will follow up with the issues on the site. Mr. LePere stated yes, DEEP has a case number and DEEP will monitor the situation.

Mr. Ferris stated the DEEP should handle the soil contamination.

Mr. LePere stated that Ms. Walsh will attend the next meeting to answer additional questions. He will also reach out to DEEP to obtain written confirmation regarding the case file.

Application IW #22-02 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.

Application IW #22-05 will be continued to the next IWC meeting.

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.

Ms. Salling asked Mr. Manz to address the details that were omitted at the last meeting. Mr. Manz submitted a revised site map showing the details of the project. The limits of lawn, the brush and log piles and the proposed plantings were added to the map.

Mr. Manz stated after speaking with the owner, the brush piles and logs will be removed rather than left to decompose.

Mr. McCabe was concerned with potential erosion on the slope after the logs are removed. Mr. Manz stated the area is hard, rocky and intact. Staff will review after the logs are removed.

The Commission appreciated the updated map and had no more questions for the applicant.

Mr. McCabe moved to approve Application IW #22-07 by Lenny Manz, property located at 62 Bennetts Bridge Road, with standard conditions A, B, C, D, E, F, O & P. The approved plans are: Mitigation Plan Prepared for The Nottingham Trust, 62 Bennetts Bridge Road, Newtown, CT, dated April, 2022 and all supporting documents. Mr. Ferris seconded. All in favor.

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.

Jason Edwards, Engineer, J. Edwards & Associates LLC, Easton, CT and Tracy Chalifoux, Landscape Architect, Tracy Chalifoux, LLC, Danbury, CT, represented the applicant.

Mr. Edwards addressed the Commission's questions from the previous IWC meeting. One concern was water coming from the top of the slope during construction. Mr. Edwards responded that there will be a temporary conversion swale in place during construction which will add stabilization. Also, a

permanent riprap swale will be added after the completion of construction that will flow into a level spreader. The long term intention is to provide a place for the water.

Ms. Chalifoux also addressed the prior concerns regarding the methods of construction. Machines will be used to remove the fill. The fill will be loaded into dump trucks and removed from the site. The majority of the fill will be removed. The remaining fill will be used on the property for site grading, construction of the house, and to fill voids if necessary. The work around the trees will be done by hand. There will be 2 inches of top soil brought onto the property and a double row of silt fencing will be installed around the perimeter. The duration of time for the removal of fill should be approximately a week. It will be done during low flow times and not during rain events. There will also be removal of invasive vegetation.

Mr. McCabe stated the temporary swale will be helpful.

Ms. Salling stated the presentation was quite complete and the questions were addressed.

Mr. Ferris moved to approve Application IW #22-09 by MD57 Castle Meadow, LLC, property located at 57 Castle Meadow Road, with standard conditions A, B, C, D, E, F, O & P. The approved plans are: Wetland Mitigation Plan, Lot 3 Sunset Ridge, prepared for MD 57 Castle Meadow, dated April 26, 2022 and Proposed Site Plan, Lot 3 Sunset Ridge, dated revised April 4, 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.

Ms. Salling asked Mr. Maguire to give an update. Mr. Maguire stated there are still small issues with check dams but they are currently being installed.

Mr. Edwards stated 4 inspections have been done since the last IWC meeting.

Mr. Edwards gave a presentation showing recently taken photos of the site.

The following observations were made:

- Anti-tracking aprons are clean, functioning and refreshed.
- Sediments basins have been installed.
- Hay bales and silt fencing are functioning and have been cleaned up.
- Shoulder area and other areas have been seeded.
- Check dams are functioning.
- Everything looks good.

When a property is sold, the new property owner is responsible for the site and is required to submit a site stabilization bond with the Land Use Agency.

Ms. Salling appreciated the applicant taking the violation seriously and making efforts to clear up the site.

Mr. Ferris stated the site looks much better and the grass will help.

Mr. Edwards will continue inspecting the site on a weekly basis.

Ms. Salling stated it is in everyone's best interest to keep maintaining the site.

At this time the site improvements have been met. Mr. Maguire will keep monitoring the site. If there are issues in the future the applicant will be asked to return to the IW Commission.

APPROVAL OF MINUTES

Regular Meeting of April 13, 2022

Change "Ms. Kendall to Ms. Horch" and change "checked dams" to check dams". Mr. Ferris moved to accept the amended minutes from April 13, 2022. Mr. McCabe seconded. All in favor. The minutes from April 13, 2022 were approved.

ADJOURNMENT

With no additional business, Mr. McCabe moved to adjourn. Mr. Ferris seconded. All in favor. The Regular IWC Meeting of April 27, 2022 was adjourned at 9:45 pm.

Respectfully Submitted, Dawn Fried