

**INLAND WETLANDS COMMISSION
MINUTES**

May 11, 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, Kendall Horch, Scott Jackson, Stephanie Kurose

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, Alex Magoulas, Civil Engineer, Solli Engineering, Monroe, CT, and Kimberly Walsh, L.E.P., Eolas Environmental, Southbury, CT represented the applicant.

Mr. LePere thanked the Commission for their patience.

Mr. LePere stated DEEP is onboard.

Ms. Salling stated the discussion should be centered on the wetland impacts.

Ms. Walsh gave an overview of the soil report. Ms. Walsh explained that the car wash industry uses compounds that contain a containment called Pfas. The test results for Pfas at 1 Simm Lane showed elevated levels in the detention basin. Ms. Walsh stated that removing the contaminated soil would present a challenge since no locations in Connecticut accept the contaminated soil.

Ms. Walsh stated a plan has been presented to DEEP to encapsulate the impacted soil, which they are referring to as the "soil isolation system". The goal would be to isolate the Pfas in the detention basin. DEEP was in agreement with this approach.

Ms. Salling asked whether the Pfas will ever break down. Ms. Walsh stated the information regarding Pfas is evolving. There is currently a study being done by the combined efforts of the State of CT and UConn to understand the impacts of Pfas. Ms. Walsh stated that Pfas are ubiquitous and the acceptable levels are not known at this time.

Ms. Kurose asked if this process of encapsulation has been done before. Mr. LePere stated yes, for other contaminants though, not for Pfas.

Ms. Salling agreed that disturbing the Pfas would be more problematic.

Ms. Horch asked whether sufficient testing had been done in all affected areas in addition to the testing within the basin. Ms. Walsh stated there were no samples taken off-site but assumes the off-site impact is low.

Mr. Ferris asked whether other car wash products will be considered that do not contain Pfas. Mr. LePere did not know.

Mr. LePere stated that stabilization is in place and is the best solution. This concept has been around for a long time.

Mr. LePere stated the invasive vegetation and trash will be removed from the site and fine particle clay will be utilized to stop the water from passing through.

Ms. Horch asked whether a maintenance plan will be in place. Mr. LePere stated DEEP will most likely require an annual maintenance plan.

Mr. LePere asked the Commission to close out the wetland violation. In addition, he will confer with DEEP regarding a remediation plan to be submitted to the Land Use Agency at a later time. The Commission and Staff agreed to close out the violation.

Mr. McCabe moved to approve Application IW #22-02 by TMR Realty Newtown, LLC, property located at 1 Simm Lane, with standard conditions A, B, C, D, E, F, O & P. The approved plans are: Eloas Environmental Report recommendations, soil isolation system (Attachment D) dated May 10, 2022 and all supporting documents and recommendations. Mr. Ferris seconded. All in favor. Ms. Horch abstained.

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

James McManus, MS, CPSS, JMM Wetland Consulting Services, LLC, Sandy Hook, CT represented the applicant.

Mr. McManus stated he visited the site in September 2021 and came up with a restoration plan. Mr. McManus delineated the wetlands with the depth of fill ranging from 16 to 36 inches. Four 4-ft trenches were dug to determine the extent of the wetlands. Mr. McManus marked the wetland boundaries.

It was noted that no mention of the swale was in the report.

The Restoration Plan is as follows:

1. The fill will be moved back 10-ft from edge of wetland boundary.
2. Silt fence will be installed.
3. Upland soils will be stabilized with landscape seed mix.

4. Sediment in the wetlands will be removed with hand-held tools.
5. Berry shrubs will be planted in the affected areas. They will create a thick buffer.

Mr. McManus would like to monitor the project for two growing seasons.

Ms. Salling would appreciate the silt fencing to be monitored. Ms. Salling would also like to see a landscape seed mix rather than a lawn mix for stabilizing the landscape.

Mr. Ferris moved to approve Application IW #22-05 by Paul Hilario, property located at 15 Cider Mill Road, with standard conditions A, B, C, D, E, F, O & P. The approved plans are: Figure 2 Proposed Planting Plan, 15 Cider Mill Road, Newtown CT, Dated received March 22, 2022 and all supporting documents. Mr. McCabe seconded. All in favor.

APPROVAL OF MINUTES

Regular Meeting of April 27, 2022

The Commission found no substantive errors. Mr. McCabe moved to accept the minutes from April 27, 2022. Mr. Ferris seconded. Mr. Jackson, Ms. Horch and Ms. Kurose abstained. All others in favor. The minutes from April 27, 2022 were approved.

ADJOURNMENT

With no additional business, Mr. Ferris moved to adjourn. Ms. Horch seconded. All in favor. The Regular IWC Meeting of May 11, 2022 was adjourned at 8:19 pm.

Respectfully Submitted, Dawn Fried