

**INLAND WETLANDS COMMISSION
REGULAR MEETING
MINUTES**

November 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, Scott Jackson, Stephanie Kurose, Kendall Horch, Suzanne Guidera

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

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

PENDING APPLICATION

IW Application #22-26 by Pedro Valentin, property located at 182 Boggs Hill Road, for the removal of fill and mitigation of wetlands.

The applicant, Mr. Pedro Valentin, 182 Boggs Hill Road, and Mr. James McManus, CPSS, JMM Wetland Consulting Services, LLC, Newtown, CT, gave an overview of the property. Mr. McManus explained the proposed restoration plan will focus on the affected wetland area, which is in violation due to the filling of wetlands.

Mr. McManus and Mr. Maguire visited the site on May 2, 2022. At that time Mr. McManus flagged the boundaries which are located at the edge of the retaining wall. Mr. McManus stated the goal is to “strike a balance” between mitigating the property back to its original state and also allowing the homeowner to enjoy his backyard. Mr. McManus proposes to move back the existing retaining wall between 10 and 15 feet, remove the fill, and reestablish the landscaping with shrubs and a wet seed mix.

Ms. Salling has concerns with the grade. Mr. Pedro stated the grade will be cut back to the original grade.

Ms. Salling asked whether other alternatives were considered.

Mr. Jackson asked if a contractor will be hired. Mr. Pedro stated yes.

Mr. Ferris asked if the retaining wall will be used instead of rip-rap. Mr. Pedro stated yes.

Mr. Ferris asked why stop at 15 ft. Mr. Ferris suggested going as far as you can without jeopardizing the integrity of the swimming pool.

In 2005 the previous owner was approved for a pool and shed.

Ms. Salling stated she doesn't feel comfortable with a "half-way point" that has been chosen arbitrarily. Ms. Salling stated decisions should be based off of the wetland regulations.

Mr. Jackson asked if photographs are available because photographs would give more detail. Mr. Maguire stated aerial photographs are available but it's tough to see the property due to the tree covering.

Mr. Maguire had concerns with the type of wall that would be constructed after the grade was pulled back. Mr. Maguire recommended a masonry block wall or an engineered block wall to retain the earth. Mr. McManus agreed a cinder block wall would not be substantial enough.

Mr. McCabe asked whether the loss of the wetland functionality can be replicated anywhere else on the property. Mr. McManus stated no, the wetland area is very large.

Ms. Guidera asked Mr. McManus what he meant when he stated "they can give back to the wetlands". Mr. McManus stated to take some of the existing fill and use it for the future landscaping after the original grade has been achieved.

Ms. Guidera questioned why the previous owner left an open permit for the shed. Mr. Maguire explained that the approval of the shed was based off of inaccurate information. The proposed site plans were used, not the approved asbuilt, which caused the shift in setbacks.

Ms. Horsch recommended hiring an engineer for the construction of the retaining wall. Ms. Horsch pointed out that a retaining wall that size would require drainage. Ms. Horsch stated an engineer would know the required distance from the pool to the retaining wall. Ms. Horsch wants to be sure the codes are met. The Commission concurred with Ms. Horsch.

Ms. Horsch stated a soil and erosion control plan is important. Mr. McManus stated a plan is included in his wetland restoration report.

Mr. Jackson stated it's important to know what type of structure will be built before rendering a decision. Mr. Maguire agreed.

Mr. Ferris reiterated that the applicant needs to take a hard look at how far back the wall can go. Mr. Ferris would like the property to be as close as it can be to the original state.

Ms. Salling stated all of the information requested is important such as the structure, style and base of the wall, the pool structure, the drainage, and an engineer's report.

Ms. Salling urged everyone to see the site.

The Commission agreed that IW Application #22-26 by Pedro Valentin will be CONTINUED to the next Inland Wetlands meeting. The December 14, 2002 IWC meeting will be cancelled due to its significance. A proposed Special IWC Meeting on Thursday, December 15, 2022, was discussed.

APPROVAL OF MINUTES

Regular Meeting of October 27, 2022

Add "Kurose" after Stephanie. Change "a.m." to "p.m.". Mr. Jackson moved to accept the amended minutes from October 27, 2022. Mr. Ferris seconded. All in favor. Ms. Horch, Ms. Guidera, Ms. Salling and Mr. McCabe abstained. The minutes from October 27, 2022 were approved.

Regular Meeting of October 12, 2022

The Commission found no substantive errors. Mr. McCabe moved to accept the minutes from October 12, 2022. Ms. Horch seconded. All in favor. Ms. Salling, Mr. Ferris and Ms. Guidera abstained. The minutes from October 12, 2022 were approved.

OTHER BUSINESS

CAICWC Conference

Mr. Maguire and Mr. McCabe attended the CAICWC Conference in October. It was the 50th anniversary and most of the sessions were a recap of the last fifty years. Mr. McCabe spoke about one topic that was of interest to the Commission. Mr. McCabe explained how the grass carp in Taunton Lake has done a great job of eating the milfoil. The downside is that the carp has eaten all of the vegetation.

ADJOURNMENT

With no additional business, Mr. Jackson moved to adjourn. Mr. McCabe seconded. All in favor. The Regular IWC Meeting of November 9, 2022 was adjourned at 8:19 pm.

Respectfully Submitted, Dawn Fried