

**INLAND WETLANDS COMMISSION  
REGULAR MEETING  
MINUTES**

February 22, 2023 @ 7:30 p.m.  
Meeting Room #3, Newtown Municipal Center  
3 Primrose Street, Newtown CT

These Minutes are subject to approval by the Inland Wetland Commission

**Present:** Sharon Salling, Mike McCabe, Scott Jackson, Kendall Horch, Craig Ferris

**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 APPLICATIONS**

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

Mr. Maguire stated the applicant requested an extension until the IWC meeting on March 8, 2023. March 8<sup>th</sup> will be the last meeting for the Commission to vote on the application. Mr. Maguire is waiting on revised plans. Application IW #22-26 by Pedro Valentin will be continued to the next IWC meeting on March 8, 2023.

**Application IW #20-27 (Modification) by Negreiro & Sons Construction LLC**, for a property located at 203 & 211 Berkshire Road, Newtown, CT, to construct 15 single family homes and a 1,550 ft. road with associated improvements.

Mr. Maguire gave an overview. Mr. Maguire stated Mr. Michael Lambert, P.E., Lambert Civil Design, LLC, has been contracted as a third party site monitor and has started submitting weekly reports. Mr. Maguire stated that 90% of the erosion controls are in place and everything is on par.

Jason Edwards, Engineer, J. Edwards & Associates LLC, Easton, CT spoke on behalf of the applicant. Mr. Edwards stated since the last IWC meeting the main focus has been site stabilization. Double silt fences, rip rap, hay bales, barriers and swales have been added where necessary. Mr. Lambert recommended installing silt socks in specific areas, which will provide a similar function as silt fencing but is better for the wetlands.

Mr. Edwards stated they are unable to see the bottom of the basin due to the water. Ms. Horch asked whether the water will be pumped out. Mr. Edwards stated they would like to wait until the dry season to assess and develop a plan. At this time the water is running clear and the basin is functioning properly.

The Commission had a discussion with Mr. Edwards regarding Mr. Lambert's qualifications and duties. Mr. Ferris suggested that Mr. Lambert visit the site before a significant rain event to ensure the site is prepared. Mr. Edwards agreed and recommended adding that condition to the permit.

Mr. Edwards stated the temporary swales will be filled in and the existing farm swale will be replaced with a curtain drain. The curtain drain will have a pipe wrapped with stone. The water will discharge into the brook by the crossing. The existing corrugated steel pipe will be removed and the banks will be restored and replanted.

Ms. Salling asked if the sequencing of the restoration has been considered. Mr. Edwards stated the goal was to stabilize the ground first, which has been accomplished. He also noted the majority of the silt fences are installed and additional protections will be added as needed.

The Commission had a discussion on the timing of inspections. Ms. Horch asked when the inspections will stop. Mr. Ferris recommended weekly inspections until the site is stabilized. Mr. Jackson asked when the project will be completed. Mr. Negreiro stated by the end of this year.

Mr. Maguire read the conditions (see below). The Commission also added the previously discussed condition regarding inspections by the site inspector and staff prior to major rain events.

Ms. Horch asked if the gravel in the curtain drain will be covered with soil. Mr. Edwards stated no, it will be up to the property owner to cover and create a lawn.

With no additional comments, Mr. Ferris moved to approve Application IW #20-27 (Modification) by Negreiro & Sons Construction LLC, for a property located at 203 & 211 Berkshire Road with standard conditions A, B, C, D, E, F, L and P.

With the following additional conditions:

- Wetland creation area as depicted on original approved plans dated October 27, 2020, WP-1 and WP-2 shall be completed prior to certificate of occupancy issuance for Lot 1
- Rip rap channel protection shall be installed prior to Certificate of Occupancy for Lot 1
- Environmental swale shall be installed prior to Certificate of Occupancy for Lot 1
- Environmental swale shall be installed prior to Certificate of Occupancy for Lot 3
- Curtain drain shall be installed prior to development of Lot 3, 4 and 5
- Extended rip rap pad on outlet of main basin shall be constructed prior to Certificate of Occupancy for Lot 12
- Main basin shall be cleaned out, inspected and certified by engineer prior to Certificate of Occupancy for Lot 11
- A Certified Environmental inspector will inspect the site prior to a significant rainfall event to make sure all appropriate soil erosion control measures are in place and working.

The approved plans are:

Holly Estates 203-211 Berkshire Road Erosion Control Plan Road Construction EC-1 and EC-2 Dated received February 8, 2023 and all supporting documents including Suggested remediation completion

path and basin pump out sequence. Mr. Jackson seconded. All in favor. Application IW #20-27 (Modification) by Negreiro & Sons Construction LLC, for a property located at 203 & 211 Berkshire Road, APPROVED.

**Application IW #23-01 by Negreiro & Sons Construction LLC**, for a property located at 10 Holly Lane, for the remediation of wetlands impacted by storm runoff and the construction of a single family house.

Jason Edwards, Engineer, J. Edwards & Associates LLC, Easton, CT, spoke on behalf of the applicant. Mr. Edwards stated this application is for the restoration of the area that was affected by the silt plume near Lot 12. Mr. Edwards recapped the situation and explained stormwater ran around frozen hay bales which caused 4 to 6 inches of silt to spill into the wetlands.

Tracy Chalifoux, Landscape Architect, Danbury, CT, stated the best method to remove the sediment is to shovel out by hand. The sediment will be transported by wheel barrows, distributed and reused throughout the site. After the sediment is removed the area will be hand-raked and a wetland seed mix will be applied. The seed mix has 15 various plant species that will eventually fill in the area with new plants. The entire area should be monitored for a minimum of one year by a wetland scientist or landscape architect to make sure everything is revegetating properly.

Ms. Chalifoux stated another area of concern was a small channel approximately 20-30 sq. ft. The small channel should be cleaned out by hand.

Ms. Chalifoux stated a pipe on the west side of the site will be removed and a wetland will be restored. The original cross section of the stream will be restored as well.

Mr. Ferris asked when the site will be seeded. Ms. Chalifoux stated it should be seeded as soon as possible. The wet mix will fill the gaps and a thin layer of straw will hold the seed in place.

Mr. Jackson asked whether the Newtown Forest Association (NFA) had any comments. Mr. Maguire stated the NFA is comfortable with the applicant executing the work on their property as long as the Commission is comfortable. The NFA was originally going to contract the work themselves but chose not to.

Mr. Maguire asked whether the Commission is comfortable leaving the sediment plume in the small channel.

Steven Danzer, Soil Scientist and Wetland Scientist, Simsbury, CT gave an overview of two separate areas with sediment. He explained one of the smaller areas was reclaimed by Mother Nature and was "done in a beautiful fashion". Mr. Danzer stated the smaller area no longer needs attention.

Ms. Salling stated the work should begin as soon as possible.

With no further questions, Mr. Ferris moved to approve Application IW #23-01 by Negreiro & Sons Construction LLC, for a property located at 10 Holly Lane with standard conditions A, B, C, D, E, F, O and P.

With the following additional condition:

Wetland restoration on Lot 12 shall be completed prior to any development of the site.

The approved plans are:

Wetland Restoration Plan WP-3, Holly Estates dated February 9, 2023 and all supporting documents. Mr. McCabe seconded. All in favor. Application IW #23-01 by Negreiro & Sons Construction LLC, for a property located at 10 Holly Lane, APPROVED.

Ms. Horch asked whether fines were issued. Mr. Maguire stated fines have been issued but the fines have not been paid.

Ms. Horch asked whether the Commission will be able to see the individual sites before the approvals. Mr. Maguire stated it is up to the Commission. Ms. Horch is concerned with the drainage basins and rain gardens. Ms. Salling and Ms. Horch concurred that rain gardens are never maintained and end up causing more trouble. Ms. Horch spoke about using a Cultec system, which may be used as an underground detention system. Ms. Horch stated Cultec systems work well if you do not have a high groundwater table.

Ms. Salling stated the Commission should be able to speak with Mr. Lambert regarding a list of recommendations. Mr. Maguire stated the Commission can create a list. He also stated that sometimes things may happen in the moment. The lot with the basin will be coming to the commission for review before approval.

Mr. Maguire stated the cease and desist will be lifted after the restoration is completed and before any building permits are issued. He is fine with waiting until a dryer time of year to clean out the catch basin.

The Commission would like to be notified when the hand digging begins. Mr. Maguire will send out an email. The Commission would like to visit the site.

Ms. Salling thanked the Commission for their due diligence.

## **ACCEPTANCE OF APPLICATIONS**

**Application IW #23-02 by GRC Construction LLC**, property located at 48 Pine Tree Hill Road, to install a pipe to cross existing watercourse was accepted. IW Application #23-02 will be heard at the next Regular meeting on March 8, 2023.

**Application IW #23-04 by Teton Capital Company, LLC**, property located at 6 & 8 Commerce Road, for construction of a 171-unit multifamily housing development was accepted. The Commission will decide at the next Regular meeting on March 8, 2023 whether Application IW #23-04 will be heard as a Public Hearing.

## **APPROVAL OF MINUTES**

### Regular Meeting of February 8, 2023

The Commission found no substantive errors. Mr. Ferris moved to accept the minutes from February 8, 2023. Ms. Horch seconded. All in favor. The minutes from February 8, 2023 were approved.

## **ADJOURNMENT**

With no additional business, Ms. Horch moved to adjourn. Mr. Jackson seconded. All in favor. The Regular IWC Meeting of February 22, 2023 was adjourned at 8:38 pm.

*Respectfully Submitted, Dawn Fried*