

**INLAND WETLANDS COMMISSION
REGULAR MEETING
MINUTES**

August 9, 2023 @ 7:30 p.m.
Council Chambers, Newtown Municipal Center
3 Primrose Street, Newtown CT

These Minutes are subject to approval by the Inland Wetlands Commission

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

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

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

PENDING APPLICATION

IW Application #23-16 by Selmani Properties, LLC, property located at 91 South Main Street, for the remediation and mitigation of wetlands.

Alan Shepard, Professional Engineer, NOK Associates, Shelton, CT, represented the applicant. Mr. Shepard gave an overview of the information that was requested at the last IWC meeting.

- The construction sequence was added.
- The project will be completed in a dry period.
- Plantings and large trees will be added.
- Concrete blocks will serve as a barrier along the stream bank.

Mr. Shepard stated a 4-inch drain pipe will be added to the rain garden. The pipe will be capped at the end with 1-inch holes drilled to regulate flows. Mr. Shepard will reevaluate the rain garden after a rain event.

Ms. Salling stated this site is difficult because every inch is being used. Ms. Salling has concerns with the truck traffic causing erosion on the steam bank.

Ms. Horch asked Mr. Shepard where the silt fences were marked on the site plans. Mr. Shepard replied on the limit of disturbance line. He stated boulders will be used along the stream bank instead of silt fencing. The boulders will be placed immediately after the work is completed.

Ms. Horch asked whether curbs will be added to the driveway. Mr. Shepard responded no, the sloped area will allow the water to drain.

Ms. Horch asked whether a perc test was completed and if the soils in the rain garden were compacted. Mr. Shepard stated no perc tests were done recently but test holes were dug years

prior. Mr. Shepard is very familiar with this property and is confident he will know whether the soil is compacted. If needed, he will resolve the issue as the work begins.

Mr. Horch noted a typing error on the site plans regarding the elevation calculations of the rain gardens. Mr. Shepard will make the correction.

The Commission was concerned the rain garden would fail. Mr. Shepard stated he will monitor the rain garden every six months for the next two years. The Commission appreciated the suggestion and will add it as a condition to the approval. Mr. Shepard will submit the reports directly to the Land Use Staff.

Mr. Ferris stated these issues have been going on for a long time. If the issues are not addressed at this time the Commission will request that the entire wetland area be taken out and replaced. This is the last chance for remediation. Mr. McCabe concurred.

Ms. Horch asked whether the impervious calculations included the gravel area. Mr. Shepard stated yes.

Mr. McCabe asked at what point a wetland violation is considered done. Mr. Shepard stated after the corrective action is completed and the wetland is functioning properly.

Mr. McCabe asked how the wetlands were delineated. Mr. Shepard stated they used an older site plan, but the delineations are still accurate.

Mr. Jackson asked when the work will begin. Mr. Shepard stated as soon as the appeal period is over. He would like to complete the work when it's dry and plant in the fall.

Ms. Horch was concerned with the site being exposed this winter. The Commission agreed to add a condition of approval that the site not be exposed.

With no further discussion, Mr. Ferris moved to APPROVE Application IW #23-16 by Selmani Properties, LLC, property located at 91 South Main Street, with standard conditions A, B, C, D, E, F, O and P.

With the following additional conditions:

- Submission of a rain garden maintenance report every six months for a minimum of two years.
- An infield assessment will be done in lieu of a percolation test. The assessment will determine whether the soils are compacted or not. If the soils are compacted a resolution will be decided at that time.
- Site will not be exposed during the winter.
- Typing error regarding elevations in the rain garden will be corrected on the site plan.
- Prior test hole data information will be added to the site plan.

The approved plans are: Modified Site Plan prepared for Selmani Properties, 91 South Main Street, Newtown, Connecticut, dated August 8, 2033 and all supporting documents. Mr. McCabe seconded. All in favor.

APPROVAL OF MINUTES

Regular Meeting of July 26, 2023

Change "Mr. Salling" to "Mrs. Salling". Mr. McCabe moved to accept the amended minutes from July 26, 2023. Mr. Ferris seconded. All in favor. Ms. Horch abstained. The minutes from July 26, 2023 were approved.

ACCEPTANCE OF APPLICATIONS

Application IW #23-20 by Yilson Guzman, property located at 150 Berkshire Road, to remove fill and restore wetland.

OTHER BUSINESS

The Commission had a discussion on the upcoming review of the wetland regulations. They tossed around ideas regarding the format they would follow. One suggestion was to concentrate on one subject matter at time. They agreed the pricing structure needs to be reviewed. Ms. Horch compared Newtown's fees to other local towns. She noted the fees in other towns were higher on some items and lower on others. The Commission would also like a check list for applicants to follow when they submit an application. The review of the regulations will start in September.

Ms. Maisonet stated that Sebastian Velez has joined the Land Use Agency and will be attending meetings in the future.

ADJOURNMENT

With no additional business, Mr. Ferris moved to adjourn. Mr. Jackson seconded. All in favor. The IWC Meeting of August 9, 2023 was adjourned at 8:26 p.m.

Respectfully Submitted, Dawn Fried