

**INLAND WETLANDS COMMISSION**  
**MINUTES**  
**Regular Meeting of March 11, 2020 at 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, Mike McCabe, Suzanne Guidera, Craig Ferris

**Staff Present:** Steve Maguire, Senior Land Use Enforcement Officer, Steve Hnatuk, Land Use Officer, Dawn Fried, Clerk

Ms. Salling opened the meeting at 7:32 p.m.

**PUBLIC HEARING**

**Application IW #20-04 by James F. Walsh**, for a property located at 32 Berkshire Road, Newtown, CT, for the proposed development of a 14,000 sq. ft. building for retail use and a restaurant.

Mr. McCabe read the legal notice in to the public record.

Ms. Salling gave an overview of the guidelines for the public hearing process.

Mr. Lawrence LePere, Director of Operations, Solli Engineering, Monroe, CT represented the applicant. He introduced Russ Cyr, PE, Solli Engineering, Monroe, CT and James McManus, MS, CPSS, JMM Wetland Consulting Servies, LLC, Sandy Hook, CT.

Mr. LePere handed in the abutter postal notices for the record.

Mr. Cyr described the existing property as being 3.066 total acres and will be combined with an additional .112 acres which is currently owned by the CT Dept. of Transportation (DOT). Curtis Pond Brook runs through the southern portion of the property and passes through a culvert under Toddy Hill Road. There are .56 acres of wetlands and 2.52 acres of upland area. The proposed commercial building is 14,000 sq. ft. and will have 88 parking spaces. The two proposed driveways will be off of Toddy Hill Road and Berkshire Road.

Mr. Cyr stated there will not be any direct impacts to the wetland area but there will be disturbance to the upland area.

Mr. Cyr gave a brief description of the CT DOT realignment that will be taking place on Berkshire Road and Toddy Hill Road.

The property will have a septic and well. The septic system will be located in the front parking lot.

The stormwater management plan is for the rain water, from the impervious areas, to flow to catch basins through pipes to a low point in the back of the building to a hydrodynamic separator that will handle water quality flow. The water will then drain into an infiltration basin which will flow into a level spreader into the wetlands.

During construction they are proposing a silt fence along the wetlands and the infiltration basin will serve as a sediment basin which will be cleaned out after construction.

Mr. McManus first delineated the wetlands in November 2018 and revisited the site in February 2020. The wetlands are located along the southern portion of the site and the western property line which extends off-site. Both wetlands are associated with Curtis Pond Brook. On the west side of the property there is a small box culvert over Curtis Pond Brook. The southern wetland is a wooded swamp which has a flood plains associate with it. Typical vegetation was red maple, dogwood, spicebush, autumn olive and others.

The entire upland area will be disturbed. The upland soils disturbed and undisturbed are part glacial out-wash materials.

The four principal functions and values of the wetlands are: 1. groundwater recharge/dishcharge 2. floodflow alteration 3. sediment/toxicant/pathogen retention 4. nutrient removal/retention/transformation.

Mr. McManus spoke about the indirect impact to the wetlands which are the erosion and sediment controls. He stated there are no issues because there is a robust plan that follows guidelines set by DEEP. There will be no native or habitat loss because the site is already cleared. Also, there will be minimal tree removal.

Mr. LePere reiterated that the existing site is already disturbed and will not be disturbed any more than it already is. The design conforms to all state and town regulation and is "robust".

Mr. McCabe asked where the 100 year flood plain was located on the map and where it intersected with the run-off before it enters the brook. Mr. Cyr showed the location of the flood plain and explained the hydraulic study done downstream of the bridge. Mr. Cyr stated he spoke with the town engineer and both were in agreement to use the elevation of 291.79. Mr. Cyr stated the disturbance is outside of the flood plain and wetlands. Mr. Ferris asked whether the downstream culvert affected the wetlands. Mr. Cyr stated no.

Ms. Guidera asked what the percentage of the pervious surface will be on the proposed plan compared with the current conditions. Mr. Cyr stated the percentage from the pervious surfaces, including the building, is 41%.

Ms. Guidera asked what will be the quality of the water that is being discharged into the brook. Mr. Cyr stated that because they are in the aquifer protection zone they are using a hydrodynamic separator which removes 80% of the solids and floatables (which contain most of the pollutants) which

will then pass into an infiltration basin which will make the water “pristine”. Ms. Guidera asked if other controls can be put into place being that the direct discharge flows right into the brook. Mr. McManus stated that it meets all the DEEP requirements and there will be a significant difference between what is currently happening on the site and what is being proposed.

Ms. Salling asked what is included in the impervious surfaces. Mr. Cyr stated parking lot, sidewalks and roof.

Mr. Ferris asked what will be the retention time in the infiltration basin. Mr. Cyr stated he didn't know what the time would be but the ground is gravel and very pervious. The percolation test showed approx. 1 inch every four minutes. Mr. Ferris asked what would be the flow that will cause it to overflow. Mr. Ferris asked if thermal impacts were considered. He pointed out that there will need to be sufficient retention time so the water doesn't cause a thermal shock on the stream. Mr. Cyr stated the thermal impact is the first flush of water, which has the highest temperature. Flows following that wouldn't be as high. Mr. McManus stated that the hot water will sit in the basin and mix with other waters to make cooler water prior to the discharge into the brook.

Mr. McCabe noted the fencing around the dumpsters. Mr. McCabe pointed out the absence of fencing along the south side of the property. Mr. McCabe suggested adding fencing and stated that fencing would help stop the debris from going down the steep slopes into the wetland areas. Mr. Cyr said they had not considered a fence. Mr. Cyr suggested a maintenance plan and Mr. McCabe stated he would rather have the debris caught in the driveway area before it ever gets into the wetlands.

Ms. Salling asked whether or not another parking configuration was considered. Mr. LePere stated yes they considered other options but there are tight limitations and restrictions on the property which gave them few alternatives.

Ms. Guidera asked what the distance was between the development and the brook. Mr. Cyr stated the wetlands are 60 ft. from the corner of the building and 30 ft. from the edge of the parking lot.

Mr. McCabe asked where the septic system is located. Mr. Cyr pointed out the septic system on the map and described that it is located in the front parking lot away from the wetlands. It will handle 2,900 hundred gallons of water per day.

Mr. Ferris asked how far down is the water table. Mr. Cyr stated 12 ft.

Ms. Guidera asked if there were feasible alternatives to reconfigure the layout of the project. Mr. LePere stated there were physical limitations on the property and not many alternatives.

Ms. Salling requested a buffer if possible to keep debris from going in to the stream. Ms. Salling suggested a fence.

Mr. Ferris asked if native soils were being used on the bottom of the septic system or other materials. Mr. Ferris voiced concerns that the high volume of water and high hydraulic conductivity would affect

water quality. Mr. Cyr stated native soils. He also explained that the state regulations will be reviewed and addressed by the town sanitarian and CT Department of Public Health.

Mr. Hnatuk asked for the applicants to elaborate on the design for the infiltration basin. Mr. Cry stated the water will discharge through the pipe which will flow to the catch basin into the level spreader then finally into the wetland. Mr. Cyr stated the pipe is below grade so the water will go through the soil first which will help clean it.

Mr. Hnatuk asked what the calculations are for the discharge out of the pipe from the infiltration basin. Mr. Cyr couldn't give a clear calculation but stated that the water will be flowing out of the pipe even though the basin wouldn't be full.

Mr. Hnatuk asked about the salt application on the parking lots during the winter and how that will affect the water quality. Mr. LePere will get clarification on salt treatment. Mr. Hnatuk asked if the infiltration system or the separator will dissolve the solids. Mr. LePere stated that treating dissolved solids is always an issue.

Ms. Guidera asked what will be done with motor oils coming from the parking lots. Ms. LePere stated the hydro carbons will be treated.

Mr. Hnatuk asked about alternative de-icing treatments. Mr. LePere stated he will look in to that.

Mr. Ferris stated an option is hauling the snow away rather than using salt or de-icing treatments.

Ms. Salling asked what will be done with the snow. Ms. Salling requested a snow removal plan.

Mr. Hnatuk asked where the roof run-off goes. Mr. Cyr stated that the roof run-off will be channeled into the storm water system.

Mr. Hnatuk asked if there were any site plans in the southwest corner. Mr. Cyr stated there will be no work in the southwest corner.

Mr. Maguire is concerned there isn't enough retention time for the water. He asked if underground galleries will be implemented. Mr. Cyr pointed out that flooding could possibly occur if water was detained and retention times were longer.

Mr. Maguire voiced concerns with the water temperature and asked if more treatment options will be implemented. Mr. LePere stated they can't add more treatment options because of the limitations on the property.

Mr. Maguire pointed out that the limit of disturbance is the wetland boundary resulting in a loss of a 30 foot buffer with no enhancement or plantings proposed. Mr. Cyr stated he will look in to a better buffer.

Mr. Maguire had questions for Mr. McManus regarding the last paragraph of the wetlands report. Mr. Maguire noted that only certain wetland quality aspects were identified as having no significant impact. Mr. Maguire asked Mr. McManus if there were other impacts. Mr. McManus stated there are no impacts if the development follows the plan.

### **Public Participation**

Mr. Michael Long, 35 Poplar Drive voiced his concerns regarding the debris in the watercourses stemming from the CT DOT project along Toddy Hill Road. Mr. Maguire stated that this project did not pertain to the application and Mr. Long can call the Land Use Agency to discuss.

Mr. Larry Goldman, 5 Bristle Lane questioned whether this application has been approved by other Commissions. Ms. Salling stated that the IWC is the first Commission hearing the application and it will go to the P&Z Commission next

Mr. Ryan Knapp, 11 Jerimiah Road voiced concerns regarding the water shed and thermal quality. He also questioned if the solvents will dissolve and questioned the capacity of rain water. Mr. Cyr stated the basin holds 4,700 cubic feet of water and there is one inch of run off from pervious areas. The thermal quality was not a concern because more rain water means lower temperatures and cooler water.

Ms. Keisha Gusman, Toddy Hill Road, voiced concerns over water quality and asked whether her property will be impacted. Mr. LePere stated the water discharge is going to the western side of the proposed project and will not affect her house.

The Commission had a brief discussion as to whether or not to close the Public Hearing. The Commission agreed to keep the Public Hearing open due to requested material which will be reviewed and discussed at the next meeting.

Mr. McCabe moved the public hearing remain open and be continued to the next regularly scheduled meeting of the Inland Wetland Commission on March 25, 2020 at 7:30 PM in Activity Room A at the Newtown Community Center, 8 Simpson Street, Newtown, CT. Mr. Ferris seconded. All in favor.

Mr. Maguire stated that if the Public Hearing date changes due to COVID-19 the public will be notified accordingly.

### **APPROVAL OF MINUTES for the Regular Meeting of February 26, 2020**

Under "Application IW #20-03" change "thru" to "through" and change question marks to periods. Under "Acceptance of Applications" change "air" to "err". Mr. McCabe moved to accept the amended minutes from February 26, 2020. Mr. Ferris seconded. All in favor. The minutes from February 26, 2020 were approved.

## **OTHER BUSINESS**

Ms. Salling shared an email from the Office of the First Selectman. The email stated that only meetings that have urgent, time sensitive business be held due to the COVID-19 virus. Mr. Maguire will reach out to the First Selectman regarding the upcoming Public Hearing scheduled for March 25, 2020. The Commission spoke briefly on the Coronavirus and how the Town should be proactive on keeping the public safe.

### **Complex Application Fees**

Mr. McCabe questioned the Staff as to the status of the third party review fees. Mr. Hnatuk explained that he and Mr. Maguire had reviewed the IW regulations and found the language. They will continue to review the IW regulations and will propose adding the language to the fee schedule, as well. Mr. Hnatuk and Mr. Maguire will also be updating the fees in the fee schedule and adding definitions. Mr. McCabe recapped that they will be adding the language that he proposed. Mr. Hnatuk and Mr. Maguire will present the modifications to the Commission for their review and approval at a future date.

## **ADJOURNMENT**

With no additional business, Mr. Ferris moved to adjourn. Mr. McCabe seconded. All in favor. The meeting of March 11, 2020 was adjourned at 9:26 pm.

*Respectfully Submitted, Dawn Fried.*