

**INLAND WETLANDS COMMISSION**  
**MINUTES**  
**Regular Meeting of January 23, 2019 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, Craig Ferris, Kendall Horch

**Absent:** Kristen Hammar, Suzanne Guidera, Vanessa Villamil

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

Ms. Salling opened the meeting at 7:42 p.m.

**APPROVAL OF MINUTES for the Regular Meeting on January 9, 2019**

Mr. Ferris moved to accept the minutes from January 9, 2019. Mr. McCabe seconded. Ms. Horch abstained. All others in favor. The minutes from January 9, 2019 were approved.

**PUBLIC HEARING**

**Application #18-26 by Hawleyville Properties, LLC, Matthew D’Amico**, property located at 90 Mt. Pleasant Road, 10 Hawleyville Road and 1 Sedor Lane, for construction of a medical office building, three warehouses and associated grading.

Mr. McCabe read the public notice for the record. Ms. Salling welcomed the public and reviewed the Public Hearing process.

Mr. John Schmitz, Project Manager, BL Companies, Meriden, CT, and Mr. George Logan, Wetland Scientist, REMA Ecological Services, LLC, Manchester, CT, spoke on behalf of the applicant. Mr. Schmitz presented the abutter notices and affidavit for the record.

Mr. Schmitz gave an overview of the property and proposed project. Mr. Schmitz stated the property consists of approximately 137 acres of undeveloped land. The project consists of four buildings; one 90,000 square foot medical office building, with 452 parking spaces and three warehouses totaling 493,500 square feet with 374 parking spaces. Mr. Schmitz stated that 130,095 square feet of wetlands will be filled and two wetland areas will be directly impacted.

Mr. Logan gave an overview of the wetland assessment, impact analysis and mitigation plan. Mr. Logan stated there are four wetland areas which are labeled on the plans as “Wetland A, Wetland B, Wetland C & Wetland D”. Mr. Logan stated that over three acres of wetlands are directly impacted on Wetland A & Wetland B. The impacted wetland areas will be filled for road access, buildings and parking areas.

Mr. Logan stated that Wetland C, the largest wetland, has poorly drained soils and was used for agriculture pastures prior to the 1950's. Wetlands A, B and C are all within the watershed of Pond Brook and Wetland C is associated with a semi-perennial watercourse.

Wetland B is a manmade wetland which was created during the construction of Hawleyville Road. It is approx. 2 acres and is located in the southwestern section. Mr. Logan stated that Wetland B is a forested wetland with scrub shrub and wet meadows with a thin canopy.

Mr. Schmitz stated the project is in compliance with 2004 State Stormwater manual for up to a hundred year storm. He reviewed the underground detention systems on the property. Mr. Schmitz also stated there are two rain garden areas; one on the south side and one on the north end. There will also be retaining walls throughout the site.

Mr. Schmitz gave an overview of the stormwater "Treatment Train" attached.

Mr. Schmitz gave an overview of the three phases of the sedimentation and erosion control plan.

- Phase One consists of silt fencing, stormwater basins, swales, temporary sediment traps, wetland crossing with timber mat and wetland mitigation of eastern side of property.
- Phase Two consists of raising the grades, storm draining systems, move diversion ditches, road construction and retaining walls
- Phase Three consists of stabilization of slopes and wetland mitigation of Wetlands A and B.

Mr. Schmitz gave an overview of the Landscape Plan. The plan consists of native seed mixes, canopy trees, wetland buffer plantings, mitigation plantings and enhancement plantings.

Mr. Logan gave an overview of the Wetland functions and values chart. See attached "Table 1: Summary of Wetland Function-Value Assessment". Mr. Logan stated that there will be a net increase of the wetland values in 5 years.

Mr. Logan spoke gave an overview of the invasives on the property. He stated that a mechanical removal will be used followed by a paint and cut removal. The wooded areas are dominated by Japanese barberry as well as spicebush, multiflora rose and others.

Mr. Logan stated that one of the objectives is to create a mosaic of forested, scrub shrub and wet meadow habitats.

Mr. Schmitz stated they looked for a feasible way to avoid impacting Wetland B but due to the traffic patterns and road accessways it was not possible.

Ms. Salling questioned Mr. Logan's statement of gaining back functionality values and a net increase after five years. Mr. Logan felt confident the wetlands will be greater in value and will be fully replaced. See attached "5.0 Mitigation and 6.0 Conclusion".

Mr. McCabe questioned why the previously approved project was changed. Mr. McCabe also questioned how the invasives will be removed in Wetland A.

Mr. Ferris wanted an explanation as to why the approved road was removed at the northern part of the property and why that road is not being considered as an alternative at this time. Mr. Ferris also questioned how the invasives, like Japanese stiltgrass, would be kept out. Mr. Logan explained it would take five years of spring and fall treatments.

Ms. Horch had the following questions:

- Where on the site plans are the rain gardens marked?
- Are there vernal pools on the property? Mr. Logan stated there are no vernal pools.
- Requested a copy of the drainage report.
- Is there a nutrient analysis? Or a baseline?

Mr. Maguire noted the plans submitted to the office were different than the plans presented at the meeting. Mr. Maguire would like the applicant to submit updated plans. Mr. Maguire stated that the project seems aggressive for the size of the property. Mr. Maguire stated that financial reasons cannot be the sole reasoning for not considering prudent alternatives.

Mr. Maguire also stated that the mitigation is normally expected to be 2 to 1. This project is proposing 3 acres of wetland loss with only 2.4 acres of wetland recreation.

Mr. Maguire had the following questions:

- Has DOT recommended the alignment of the road?
- Has a size reduction of the project been considered?
- Can the parking lots be reconfigured?
- Will the grading and clearing on-site be staggered in stages?
- Have the erosion control details been submitted?

## **PUBLIC PARTICIPATION**

Mary Wilson, 12 Whipoorwill Hill, stated “kudos” to Phil Clark for keeping the neighbors apprised of the project. Ms. Wilson stated there are almost 3 acres of wetlands. Ms. Wilson questioned why the original plans were changed and that the newly proposed plans were extensive and complex. Ms. Wilson stated the wetland mitigation is required to be 2 to 1. Ms. Wilson would like the plan to be reworked.

The Public Hearing will remain open and be continued to the next regularly scheduled IWC Meeting on February 13, 2019 at 7:30 pm in the Council Chambers, Newtown Municipal Center 3 Primrose Street, Newtown, CT.

## **OTHER BUSINESS**

Ms. Salling welcomed Commissioner Horch.

The Commission reviewed the submission of a subdivision in Monroe which is within 500 ft. of Newtown. They are hopeful Monroe will take precautions with the grading and silt fences.

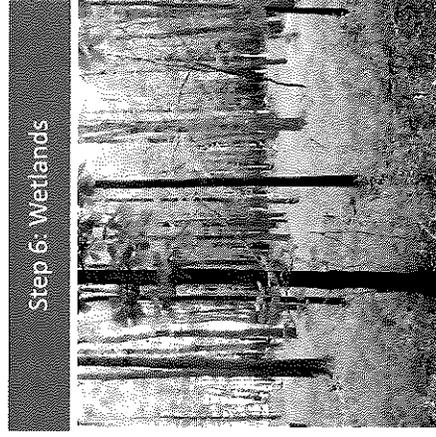
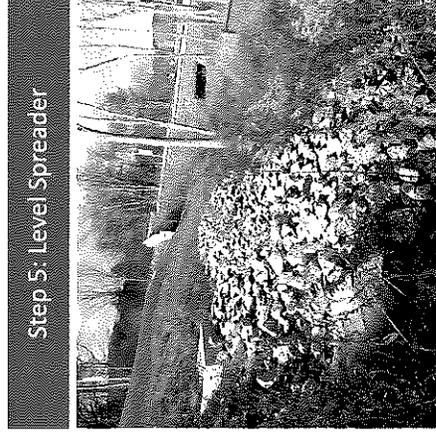
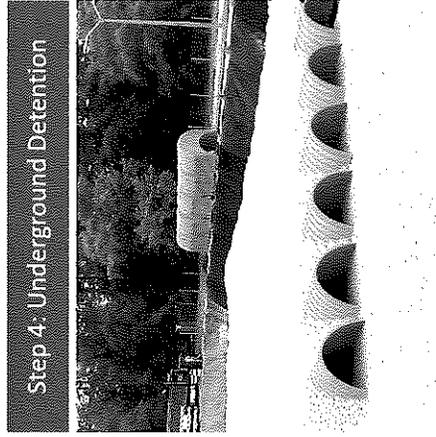
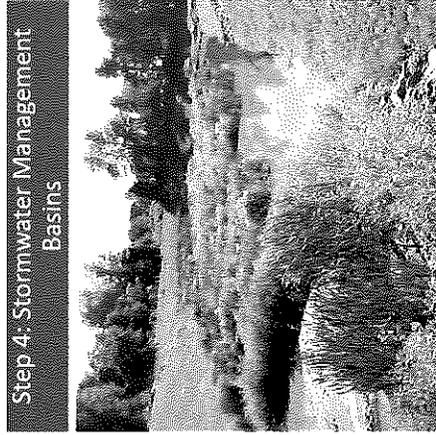
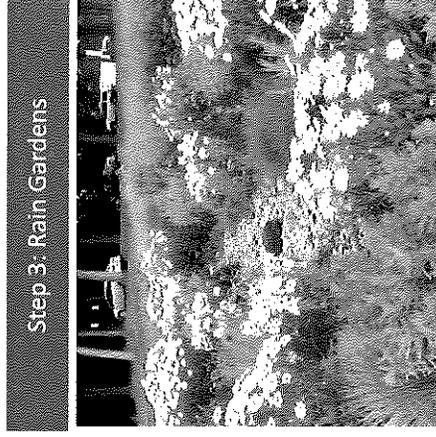
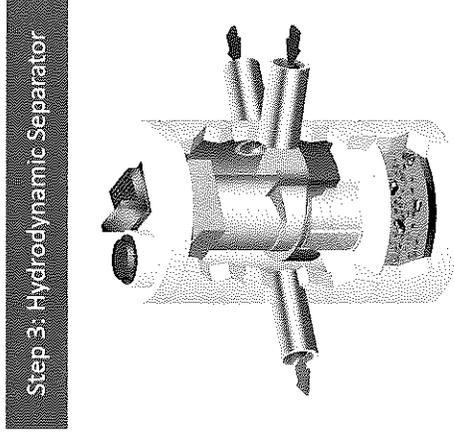
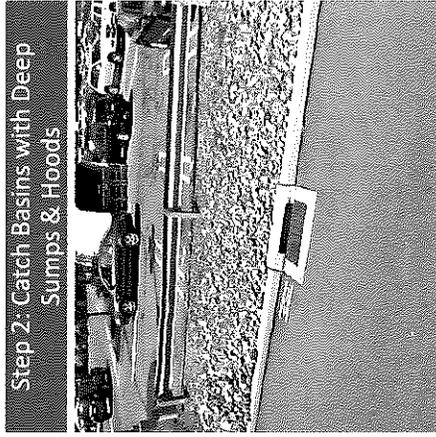
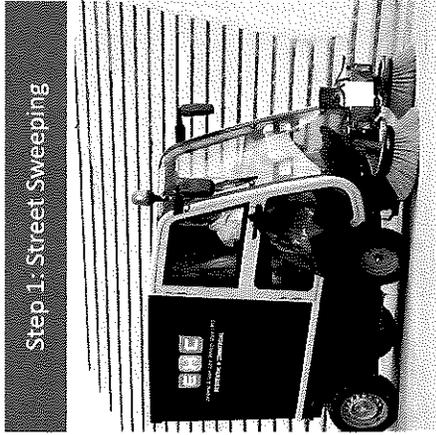
The Commission discussed the Housatonic Valley Association (HVA) attending the IWC meeting on February 27, 2019.

## **ADJOURNMENT**

With no additional business, Mr. McCabe moved to adjourn. Mr. Ferris seconded. All in favor. The meeting of January 23, 2019 was adjourned at 9:39 pm.

*Respectfully Submitted, Dawn Fried.*

# TREATMENT TRAIN



PROPOSED MEDICAL OFFICE BUILDING & WAREHOUSE DEVELOPMENT  
MOUNT PLEASANT ROAD, HAWLEYVILLE ROAD & SEDOR LANE



quantify, to some extent, the relative functional value of a wetland, water body, or watercourse in regard to these functions to design environmentally sensitive site plans, predict with some confidence the potential impact of a proposed activity, and where unavoidable wetland impacts are to occur, be able to design suitable mitigation.

A formal assessment of the major functions and values was conducted of Wetland A, using the standardized evaluation procedure typically used in our region (i.e., US Army Corps of Engineers' Descriptive Approach). For Wetlands B and C, physical and biological wetland characteristics as well as landscape setting were taken into account in providing an assessment based on best professional judgment. A formal assessment was not conducted. Table 1 provides a summary of both the formal assessment and the one based on best professional judgement. Attachment D provides the rationales for the formal assessment of Wetland A.

A formal assessment of Wetland A was deemed prudent, since Wetland A will be impacted. This also allows us to have better data in formulating a wetland mitigation plan that will result in at least a "functional equivalency" between the impacted wetland and the wetland habitats that would be created that would off-set the lost functions and values of Wetland A.

**Table 1: Summary of Wetland Function-Value Assessment**

Function/Value	Wetland A	Wetland B	Wetland C
1. Groundwater Recharge/ Discharge	P	P	P
2. Floodflow Alteration	Y	P	Y
3. Fish and Shellfish Habitat	N	P	Y
4. Sediment/Toxicant/ Pathogen Retention	Y	P	Y
5. Nutrient Removal	P	P	P
6. Production Export	Y	Y	P
7. Sediment/Shoreline Stabilization	N	P	Y
8. Wildlife Habitat	Y	P	P
9. Recreation (Passive, Active)	N	N	Y
10. Educational/Scientific Value	N	N	Y
11. Uniqueness/Heritage	N	N	N
12 Visual Quality/Aesthetics	Y	Y	Y
13. Endangered Species Habitat	N	N	N
14. Fish & Shellfish habitat (Marine)	n/a	n/a	n/a

Notes: P = Principal function; Y = function present; N = function not appreciably present

The soils, hydrology, topography and landscape position of Wetlands A, B, and C provide appreciable *groundwater recharge/discharge* function, a principal function, but low



it. The design does not discharge any untreated) runoff to any of the site's wetland and watercourse resources, and an effort has been made throughout to infiltrate water back into the groundwater regime.

According to the site engineer the runoff generated from the proposed roadway is treated in appropriately sized stormwater quality basins. That is, they provide storage and attenuation of the water quality volume (WQV), and would, therefore, sufficiently treat stormwater before discharge, and protect the water quality of regulated areas, both on-site and off-site (downstream).

## 5.0 MITIGATION

In addition to the wetland buffer enhancement plantings proposed for the 3:1 slopes within the 100-foot upland review area to Wetland C (see submitted plan set), compensatory mitigation is proposed that would at a minimum replace the functions and values that would be lost by the direct impacts to Wetlands A and B.

Four separate areas were selected (i.e. Wetland Mitigation Areas A through D, WMA-A, WMA-B, WMA-C, and WMA-D), which together would at a minimum allow for the creation of 104,550 square feet (i.e., 2.4 acres) of viable and productive wetland habitat. This will be achieved by shallow excavation, averaging 2-3 feet<sup>8</sup>, to reach the shallow groundwater regime in the existing moderately well drained hardpan soils.

As discussed in a previous section of this report the principal functions provided by Wetland A and B, at the areas of the proposed impacts are *groundwater recharge/discharge* and, to a lesser extent, *nutrient removal/attenuation*. Both of these functions will be fully replaced and the second one will be enhanced by virtue of the fact that the *opportunity* for this function will be enhanced, since three of these mitigation areas (i.e., WMA-A, WMA-B, and WMA-C) will further polish, sufficiently treated runoff that will be discharged via level spreaders to these areas.

Moreover, several additional functions will be enhanced, and become principal, by the creation of these wetland habitats, in part due to the diversification of wetland habitats by native plantings and a variety of cover types, the lack of invasive plant species, which currently dominate the wetland impact areas, and, finally, the favorable juxtaposition of

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<sup>8</sup> This is before 10-12 inches of topsoil is laid down to achieve the final grades.



these newly created wetlands to both existing wetlands, and to the proposed development. There will be a *net increase* for following functions and values at the site through wetland creation: *wildlife habitat, nutrient removal, sediment/toxicant/pathogen retention, educational/scientific value, and visual quality/aesthetics.*

In addition to compensatory wetland mitigation, wetland restoration/enhancement is proposed both in Wetland A and in Wetland C, through the removal of invasive shrubs, which include Japanese barberry, multiflora rose, Morrow's honeysuckle, and firebush.

The roughly 0.45-acre portion of Wetland A, and its outlet intermittent watercourse, that would not be directly impacted, as well as an additional area of roughly 0.34 acres of adjacent uplands, will be restored through the removal of invasive shrubs. Also, at Wetland C, roughly 3.95 acres of wetlands and adjacent uplands will be similarly restored. If in the restoration areas it is determined, after removal of invasives, that vegetative cover is insufficient and/or propagules of natives are not plentiful to revegetate the area, further enhancement shall take place through the planting of understory native wetland shrubs and ferns, and the use of specialized seed mixes.

Specific protocols for the removal of invasive shrubs will be developed just prior to the actual work, following protocols that are put forth by the Connecticut Invasive Plant Working Group (CIPWG) or the Nature Conservancy. In all likelihood, the first treatment will be mechanical, through manual cutting and the use of a weed wench. Follow up treatment could rely on both mechanical and chemical treatments. If chemical treatment with an herbicide is to be used, only the cut-n-paint technique shall be used, with 8% triclopyr. Broadcast spraying shall be prohibited. Also, for Japanese barberry, the directed flame technique could be used with propane torches, by individuals that are specifically trained.

One of the objectives of the compensatory wetland mitigation is to create a mosaic of forested, scrub shrub, and wet meadow habitats. This type of habitat provides much higher initial functional values, typically within the first or second growing season. These habitats would then be allowed to mature, while monitored for five years, and trend to scrub-shrub, and eventually forested habitats.

As can be seen in the plan set, WMA-A, WMA-B, and WMA-C each contains a depression area, which would pond up to 2 feet of water at WMA-A, up to 1 foot at



MWA-B, and up to 2 feet at WMA-C. There were several reasons for this particular design feature: (1) seasonally flooded areas may attract breeding amphibians, (2) shallow marshes may develop, diversifying the wetland cover types, and (3) additional control of stormwater shall take place, while vegetation matures, protecting downgradient slopes.

Detailed compensatory wetland mitigation, implementation notes, as well planting materials tables are provided in Attachment G. These call for the planting of 150 trees, 380 shrubs, and 2,050 herbaceous plants, in addition to several specialized seed mixes, one of which also includes seeds of several native shrubs.

## 6.0 CONCLUSION

In conclusion, it is REMA's professional opinion that the proposal, if constructed as designed and shown on the plans, and with the full implementation of the proposed mitigation strategies, will *not* result in long-term loss of wetland functions and values. In fact, we fully expect that the compensatory wetland mitigation will result in the net increase of several functions and values, compared with existing conditions. In the short-term (construction phase) it is important that diligence be exercised to minimize the risk for sedimentation into on-site and off-site wetlands and watercourses.

Please feel free to contact us if you have any questions.

Respectfully submitted,

REMA ECOLOGICAL SERVICES, LLC

George T. Logan, MS, PWS, CSE  
Certified Professional Wetland Scientist  
Registered Soil Scientist/Certified Senior Ecologist

- Attachments:
- A: Figures (1 to 8)
  - B: Annotated Photographs (1 to 21, B1 to B7, C1 to C9, U1 to U3, M1 to M6)
  - C: Wetland Delineation & Characterization Field Form (Wetland A)
  - D: Functions & Values Assessment Rationales (Wetland A)
  - E: USDA-NRCS Web Soil Survey
  - F: Wetland Characterization and Classification Definitions
  - G: Wetland Mitigation Implementation Notes and Planting Materials Tables (1 - 4)