

**INLAND WETLANDS COMMISSION
MINUTES**

Special Meeting of March 1, 2019 at 9:00 a.m.
Health Conference Room, 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, Kristen Hammar, Vanessa Villamil

Absent: Kendall Horch, Suzanne Guidera

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

Ms. Salling opened the meeting at 9:00 a.m.

PENDING APPLICATION

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.

The Commission had a discussion regarding the application before they voted. For the record Mr. McCabe stated that alternatives to develop this property did not involve eliminating Wetland A. The applicant had an opportunity to speak at the last hearing but the applicant stated that the development as proposed would not have a large enough economic return. Mr. McCabe felt that other considerations that would not eliminate Wetland A were not considered like developing the site in a different way, a smaller sized development, eliminate some buildings and develop the other side of the property. Mr. McCabe doesn’t feel comfortable knowing other feasible options were not considered. Mr. Hammar and Mr. Ferris concurred with Mr. McCabe. Mr. Ferris also stated that the applicant made a comment that implied he could eliminate a building but chose not to.

Ms. Salling pointed out that a previous application was approved and that application did not infringe on the wetlands. Also, an extension was offered to the applicant to give the Commission additional information to investigate additional alternatives and look into other kinds of mitigation. The applicant declined the extension which precluded the Commission from the opportunity to receive any additional information. Ms. Salling stated that it is prudent to move forward and rule on the application.

Ms. Hammar moved to DENY 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 based on Connecticut General Statue 22a-41 (b) (1) which reads as follows:

“A finding by the inland wetlands agency that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the commissioner [sic] finds on the basis of the record that a feasible or prudent alternative does not exist.”

Specifically:

1. The applicant has failed to demonstrate the absence of feasible and prudent alternatives to the proposed development that would have a less adverse impact on wetlands or watercourses.

The applicant’s original alternative proposed a larger impact to the wetland. The second alternative proposed a minor reduction in paved area on one section of the property resulting in a negligible amount of alteration relative to the scope of the entire project.

The commission has identified and proposed the following possible alternatives and requested the applicant to look into and return with information which they failed to do.

- A reduction in size, configuration and / or number of buildings
- Access and development on the eastern section of the property on Mt. Pleasant Road
- Consideration of a different commercial use that would not generate the claimed traffic volume on Mt. Pleasant Road
- Construct a crossing on the central wetland to access the eastern portion of the property for development resulting in less wetland impact

2. The applicant has stated in a December 12, 2018 letter that the full development program is necessary to balance development costs to construct the necessary on and off site infrastructure and earthwork improvements. This statement was further supported by the applicant’s verbal testimony during the public hearing that the cost of the land and development costs were the driving factors and other options did not make economic sense.

A mere showing of expense will not necessarily mean an alternative is imprudent.

Mr. Ferris seconded. All in favor. Application #18-26 by Hawleyville Properties, LLC, Matthew D’Amico is DENIED.

APPROVAL OF MINUTES for the Regular Meeting on February 13, 2019

Mr. Ferris moved to accept the minutes from February 13, 2019. Ms. Villamil seconded. The minutes from February 13, 2019 were approved.

OTHER BUSINESS

The Housatonic Valley Association (HVA) will be attending the IWC meeting on March 13, 2019.

ADJOURNMENT

With no additional business, Ms. Hammar moved to adjourn. Ms. Villamil seconded. All in favor. The meeting of March 1, 2019 was adjourned at 9:13 am.

Respectfully Submitted, Dawn Fried.