

**INLAND WETLANDS COMMISSION
DRAFT MINUTES**

Regular Meeting of February 8, 2012 at 7:30 pm

Shared Meeting Room #3, Municipal Center, 3 Primrose Street, Newtown, CT

Commissioners Present: Peters, Boily, Curran, Pieragostini, Salling.

Staff Present: Rob Sibley, Deputy Director of Land Use and Planning, Steve Maguire, Wetlands Enforcement Official, Ann Mazur, Clerk.

Commissioner Peters convened the meeting at 7:30 pm.

PENDING APPLICATIONS

IW #11-45, Marlin Road, Application by **Blakeman Construction**, application for resubdivision of Rollingwood Subdivision, Lots 65, 103, 104, 105, Marlin Road. Bill Carboni, Spath Bjorklund Associates represented Blakeman Construction. There are four lots and twelve acres of continuous open space. A portion of the common driveway that was approved in 2001 has been constructed. During the grading some springs were encountered which came up onto the ground through fissures. A curtain drain is proposed to pick up the water. Cross laterals will be installed if any more water is encountered. Lot 65 will have drains discharging into dissipaters. On Lot 103 grading has been changed from 2/1 to 1/1 with a rip rap protected slope with an extended swale. A demarcation boundary of single boulders is proposed. Lot 105 is not part of the common driveway but is between the road and the wetlands. A retaining wall will be the demarcation boundary. A one foot high berm is proposed that would create an energy dissipating basin. A conservation easement would go around the wetlands and would include the vernal pool. The drainage has been recalculated to add the under drain that goes under the driveway.

Commissioner Peters asked if the driveway will be staked to prevent damage to the wetlands; Mr. Carboni agreed that this would be a good condition of approval. He also noted that it should be a condition that In the grading for the surface drainage the phragmites should be removed and property disposed of.

Commissioner Salling moved to approve the application with standards conditions A, B, C, D, E, F, G, H and

1. The approved plans are "Rollingwood Section," Newtown, CT., dated 12/12/2011 with associated support documents.
2. Recommendations for the protection of the vernal pool as contained in the wetland evaluation report dated 11/28/2011, must be followed for a certificate of occupancy on any lot.
3. Quarterly reports on forms provided on the Town of Newtown website or available in the Land Use office will be submitted to the Commission until the project is complete.
4. When grading to install the surface drainage the invasives will be removed and disposed

of properly.

5. The construction of the rip rap at the terminus of the existing drainage is to be constructed prior to the rest of the driveway

6. Stake and elevate the driveway.

Second by Commissioner Pieragostini and unanimously approved.

IW #11-51, 81 Birch Hill Road, Application by **Ronald and Dees Auriana**, application for a drain installation and to correct a violation. Culver Bolmer, 38 Berkshire Road, represented the applicant. Mr. Bolmer monitored the water flow and reported that a quart a minute runs out of the four inch pipe and four gallons a minute out of the six inch pipe.. Rip rap will be placed to prevent splash. The six inch pipe will be picking up the water table and the four inch pipe is below the water table. The six inch pipe is below the basement and the basement is dry. The water will be draining into rip rap and will work by gravity. He will hook the four inch pipe into the six inch pipe with a "T." The pipe is perforated with stone around it to pick up the water. Mr. Bolmer presented plans with measurements. Commissioner Peters feels that the water table will rise and is at a low point at this time of the year. She is concerned about possible future flooding to the wetlands. Mr. Bolmer feels that the piping is sufficient. Commissioner Peters would like to see dimensions on the plans. The Commissioner needs to know that the rip rap is engineered to be sufficient. Mr. Bolmer said that pipe is level for the most part. Commissioner Peters said that four gallons a minute is a large amount. Mr. Bolmer said that the lot is mostly clay with a restricted layer that required fill. He installed the curtain drain. This water does not go into the pipe but goes into the ground. He feels that the water is probably going under the house. Commissioner Curran asked if the water going into the street has been resolved; Mr. Bolmer said there is no longer water in the street. Commissioner Peters would like assurances that the plan will work and that further work will not be required. She does not feel that there is enough information to be sure that this plan will continue to protect the wetlands. Mr. Maguire noted that the center piece off the curtain drain is now part of the plan. He asked what kind of water this will pick up and where will it go. Commissioner Salling noted that many of the questions raised previously were addressed but there appear to be more concerns. Commissioner Peters noted that everything must be written down, including calculations, not just an oral report and also that this must protect the wetlands.

Mr. Bolmer noted that the applicant said if the application is not approved tonight, their attorneys would take over. The Commission advised Mr. Bolmer that they will be happy to talk to the attorneys. The application will be tabled until the next meeting.

IW #-11-56, 10 Ox Hill, Kevin Grover, application to allow dredging a pond.

Commissioner Pieragostini moved to approve the application with standard conditions A, B, C, and D and

1. The approved plans are "Pond Drawing Cross Section," 10 Ox Hill Road, Newtown, CT., dated 1/04/2012, with associated support documents.

2. The applicant will contact the Inland Wetlands Agent one week prior to their annual maintenance being performed.
3. Quarterly reports on forms provided on the Town of Newtown website or available in the Land Use office will be submitted to the Commission until the project is complete.
4. This permit is valid only for the applicant's property and is valid until 2/7/2022.

Commissioner Curran seconded the motion which was unanimously approved with Commissioner Peters abstaining.

IW #11-58, 10 Abbotts Hill Road, application by **John Zaharek** to build a barn. George Johansson of Allied Engineering represented the applicant. The property is 5.025 acres. The edge of the wetlands has been flagged. A code complaint reserve is proposed and has been approved by the Health Department. There is a wetland that overflows during heavy rain; the applicant dug a ditch across the property so that the water would not drain onto his lawn. The barn would be 37 by 27 feet for storage only. There are many mature trees. The planned driveway would go into and out of the wetlands.

An alternate plan would keep the driveway and barn out of the wetlands but the applicant would have to remove ten the large trees. Mr. Johansson presented photos of the preferred driveway location which would be between the trees. The applicant is asking to place the driveway in the wetlands so that he is able to preserve the trees. Commissioner Salling noted that many trees did come down and the stumps were grayed and old. It looked as though the area had been prepped. Mr. Johansson noted that the applicant does not want to remove any more trees. Commissioner Peters noted that the intermittent stream did have water in it this past week; Mr. Johansson noted that this was not flagged because it was not wet. The driveway would be a gravel driveway. There will be no gutters on the barn. Mr. Johansson reported that the wetlands disturbed by both plans is similar.

Mr. Sibley noted that a mitigation plan must be presented if the driveway is proposed in the wetlands. Replacement of wetlands that are disturbed or improvement to the existing wetlands should also be presented to the Commission. Mr. Sibley said that one and a half to one replacement or improvement is acceptable but two to one is preferred.

Mr. Johansson will discuss the application with a soil scientist who will prepare a report. The condition of the area around the pond will be reviewed by Mr. Johansson also. Commissioner Peters suggested something attractive that would limit damage to the wetlands.

Commissioners Peters and Salling visited the site. The other commissioners will visit the site next week. The application will be tabled until the next meeting.

IW #11-57, 17 Sweet Meadow Road, application by **Jacob Schwartz** for disturbance in a regulated area and to correct a violation. The applicant has provided new maps and a report by Dr. Danzer. The wetlands have been flagged. The plan is to remove the fill from the wetlands and mitigation will be done. Fill will remain in the upland portion and

plantings will be provided there. Mr. Maguire said that the mulch is on the boundary of the wetlands now and he is concerned that it could migrate into the wetlands. Mr. Schwartz proposed to put up trees or stones to keep the mulch from the wetlands. Commissioner Peters is concerned that this could harm the upland area. The Commissioners will visit the site and review the submitted maps and report. The application will be tabled until the next meeting.

ACCEPTANCE OF NEW APPLICATIONS.

IW #06-11, 9 Butterfield Road, application by **Kenneth R. Petrucci dba F & P Construction LLC** for a modification to an approved application to construct a single family residence. Commissioner Peters will review the application.

APPROVAL OF MINUTES. Commissioner Salling moved to approve the minutes of January 25, 2012 as presented. Second by Commissioner Curran and unanimously approved. Commissioners Peters, Boily and Pier abstained.

Commissioner Peters will thank the Economic Development Commission for inviting the Inland Wetlands Commission to meet with them to discuss their Strategic Plan of Development and will advise them that Inland Wetlands will be following the progress of the plan.

Mr. Sibley noted that the next meeting may be held in the Council Chamber if the budget meeting that is scheduled is cancelled.

ADJOURNMENT. Commissioner Salling motioned to adjourn the meeting. Commissioner Curran seconded the motion. The motion was approved and the meeting was adjourned at 9:10 pm.

Ann M. Mazur, Clerk Pro Tem