

**INLAND WETLANDS COMMISSION**  
**MINUTES**  
**Regular Meeting of January 23, 2013 at 7:30 pm**  
Council Chambers, Municipal Center,  
3 Primrose Street, Newtown, CT

*These Minutes are Subject to Approval by the Inland Wetlands Commission*

**Present:** Mary Curran, Kristen Hammar, Katja Pieragostini, Anne Peters and Sharon Salling. **Absent:** Pat Boily and Ed Bryan. **Staff Present:** Steve Maguire, Land Use Enforcement Officer and Tammy Hazen, Clerk

Ms. Peters convened the meeting at 7:34 pm.

#### **PENDING APPLICATIONS**

**IW #12-41 22 Wendover Road, Mark Edwards,** Application for disturbance within a pond area to resolve IW Violation #12-11.

Rudy and Mark Edwards were present. The commissioners reviewed a new planting plan that includes the location of existing trees and placement of 16 Hamelin grass, Iris, Lilly, shrubs (Blueberry, Juniper, Winterberry, and Holly), wild grass, ferns and wildflower seed. The wild grass currently around the pond and will not be mowed. He will plant one bag of perennial wetland wildflower mix. Eight Blueberry bushes will be planted around the back near the wetlands. Ms. Salling said it is important there is no further disturbance. Mr. Edwards agreed. He said in addition to the six foot depth of a buffer around the perimeter of the pond, the back of the pond will not be mowed at all. After a thorough discussion;

Ms. Pieragostini motioned to approve the application with standard conditions A, B, C, D, E and O; and

1. No future mowing or disturbance within six feet of the pond between the inlet and the outlet on the house side of the pond.
2. Any plants that do not grow or become established within three years will be replaced.
3. No fewer than 8 Blueberry bushes; 11 additional shrubs (including roughly equal numbers of Juniper, Winterberry and Holly); 16 Hemelin grasses; no less than 15 ferns; and one bag of Wetland Perennial Wildflower seed.
4. The plan refers to GIS Map dated January 22, 2013.

Ms. Salling seconded the motion. All were in favor and the motion was passed.

**IW #13-01 149 Taunton Hill Road.** Application for a pool/pond restoration. ITEM TABLED

#### **FOREST PRACTICES**

**FP #12-01 9 Point o' Rocks Road, Bill and Katja Pieragostini.**

Ms. Pieragostini recused herself. Commissioner Peters opened discussion on the Forest Stewardship Plan and Forestry application. She felt some items were missing based on Forest Practices regulations and found it difficult reviewing the submitted small-scaled map, i.e., where the work is being proposed relative to the wetland boundaries. She noted that the stewardship plan states that there will be no clear cutting within 20 feet of the wetlands and at least 50% of the tree canopy retained within 100 feet of the wetlands - she cannot see on the map where the wetlands are relative to the activity. The commission needs additional information on clear cutting in the area flagged for New England Cottontail habitat. Ms. Peters said it looks like it crosses a large area of wetlands so the plan to clear cut is not consistent with the stewardship plan which states there would be no clear cutting in the wetlands. She also stated the commission requires more information on skid trails and roads (location and maintenance); detailed plans for erosion and sedimentation controls; and

harvesting methods. The commission needs confirmation that there are no planned drainage structures, culverts or construction.

Mr. Pieragostini said most of the information he submitted came from the 2002 Forestry application previously approved for a timber harvest and that skid trails approved then are still on the property. He asked if the lumber being logged were to remain on the property (to be used for firewood or building a structure) would it be considered exempt; also, if they built a barn for agricultural pursuits would it be considered commercial; and would the cottontail habitat fall under an exemption.

The differences between forest practices and wetland regulations and if the activities could be exempted were discussed. Mr. Pieragostini said a state biologist and someone from NRCS advised them to get a jurisdictional review and said if they had difficulties with the wetlands commission, they would step in and exempt them from the project. Ms. Peters confirmed DEEP could take jurisdiction but the commission requires an official letter stating so. She mentioned that the commissioners received an email from Conservation Commission stating they rendered a decision. Mr. Pieragostini said they have not rendered a decision because the Town (the First Selectman) has already approved the project. The commission will consult with Town counsel and DEEP to determine if the project qualifies for an exemption.

Mr. Pieragostini then asked for Jurisdictional ruling for wetlands. The wetland regulations and state statutes were reviewed and discussed. Although the timber operations fall under an exemption, there was a question whether an application is required for the cottontail habitat portion of the project. The Pieragostini's felt that DEEP will exempt them from this project. The commission requires a signed official letter from DEEP. Application fees were discussed. It was determined that if a wetlands application is necessary, a fee is required. Ms. Peters will contact Town Counsel and DEEP regarding exemptions.

**ACCEPTANCE OF NEW APPLICATIONS:** IW #13-03 188 Mt. Pleasant Road. Richard Keiser. Correction of a violation for clear cutting and commercial logging.

**APPROVAL OF MINUTES** – Ms. Salling motioned to approve the minutes of January 9, 2013. Ms. Curran recused herself. The motion was seconded by Ms. Pieragostini. The minutes were approved as written.

**ADJOURNMENT** – Ms. Curran motioned to adjourn the meeting at 9:11 pm. Ms. Salling seconded the motion. The meeting was adjourned.

Respectfully submitted by Tammy Hazen