

INLAND WETLANDS COMMISSION

MINUTES

Regular Meeting of October 9, 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

Commissioners Present: Mary Curran, John Davin, Kristen Hammar, Anne Peters and Sharon Salling; **Staff Present:** Steve Maguire, Land Use Enforcement Officer and Tammy Hazen, Clerk. **Also Present:** Atty. David Grogins.

IW #09-15 William H. Joyce, Sherman Road & Berkshire Road. Public Meeting to Discuss and Potentially Act Upon a Proposed Settlement Pursuant to 8-8(n) CGS.

Ms. Peters convened the meeting at 7:30 pm and asked if the commissioners felt an Executive Session was necessary. They did not feel one was necessary so Ms. Peters proceeded to explain the process of the meeting and a history of this application. Atty. Grogins added that if they decide to approve the settlement, they must state on the record, in terms of a vote, the reasons why they support it.

Atty. Matthew Willis with Branse, Willis & Knapp, LLC, Glastonbury, introduced himself as representing the applicant, William Joyce. Larry Edwards, PE, from Easton, provided a history of the original application and detailed the new proposal. He stated the property contains a total of 158 acres and the proposed cluster subdivision will be accessed from Toddy Hill Road with an emergency exit/entrance onto Still Hill Road. The emergency entrance will be gated and inaccessible except for emergency purposes only.

The site contains a large wetlands and watercourse system (pond) that passes through the property from Still Hill Road flowing through the site with other smaller isolated pockets of wetlands. The center of the property consists of open meadows, previously pasture land, with the remainder of the site woodland. The new plans required additional soil testing. Overall the area proposed to be developed is in the meadow area where the soils are mostly sand and gravel. The plans show a 42 lot cluster subdivision with two of those lots being the two existing homes. Therefore, there will be an addition of 40 homes all planned on lots averaging 40,000 sf (builder one acre lots).

Mr. Edwards noted the previous application proposed 47 acres of the property protected as open space. The current proposal totals 106 acres (or 67%) of the property that will be maintained as open space. There was an independent review by Land Tech which will be provide to the commission before the next meeting.

Mr. Edwards noted that the development will be completed in three phases and that there is a wetlands crossing for the emergency access road, required per zoning regulations. The applicant will mitigate and restore a section of wetland impacted by an area that was previously used as a farm road. The mitigation will be within the area that is slated as open space.

Ms. Peters was concerned over the parcel not being staked. Mr. Edward said that because of the federal government shutdown, GPS was not working. The commissioners felt it was important to at least demarcate the entrances and stake the margins of development and the wetlands crossing. Also suggested was a permanent boundary (i.e., boulders and plantings) to demarcate the open space and wetlands. Mr. Maguire noted that lots 2, 3, 4, 15, 16, 17, 24, 25, 38 and 39 should have a ten foot buffer from the wetlands. Mr. Edwards showed a proposed parking area long Sherman Street as a point of access to open space and the pond.

Ms. Curran asked about responsibility over water quality maintenance. Mr. Edwards was also asked whether the proximity of the homes on the plans will remain or will there be adjustments of the house locations allowed. He explained that the homes in close proximity to wetlands will have less variability. Mr. Edwards then provided an overview of the storm water quality systems and that every house will have a rain garden. Mr. Maguire asked for clarification of the buffers in the southern portion and the around the pockets of wetlands. He asked if there could be boulders as well as a vegetative buffer. He also asked if they will keep the general topography or bulldoze it flat. Mr. Edwards said they will be keeping the existing topography and contours. Mr. Maguire asked for more detail on the wetlands crossing and the mitigation of the farm path. Mr. Edwards explained the culvert system and agreed they could provide a seepage envelope to allow water to flow underneath. The mitigation will include removing the pipe and having the waterway open up with plantings on both sides. Ms. Peters then opened the meeting to comments from the public.

Mr. Kitterman from 22 Sugar Street asked if the pond will be open to the public and will the town be responsible for the dam or any damages. Ms. Peters said it will be open to the public but that the responsibility of the dam, etc., is not within the commission's purview. Mr. Kitterman then shared concerns about small children near the pond. Ms. Peters said the commission's jurisdiction is with the functionality of wetlands and watercourses and other questions need to be brought before Planning and Zoning. He then asked how large the parking lot will be on Sherman Street. Mr. Edwards said it will hold five cars.

Jason Petrelli, 16 Still Hill Road, asked for more information about the access driveway, if they intend to stake the property and if there would be access to the pond. The access driveway will be gated and access to the pond will depend on the deed. The open space will be overseen by the Conservation Commission.

Ellen Adriani, 18 Sherman Street, asked about the protection of wildlife. Ms. Peters suggested that open space questions should be addressed to the Conservation Commission.

Joe Hovious, 3 Leopard Drive, asked if the Land Tech review meet or exceed all requirements, what is the change to the impact of impervious surfaces, and what percent of open space are wetland and watercourses as opposed to the upland area. The applicant will return with detailed answers.

Bart Smith, 15 Great Hill Road, VP of Newtown Forest Association, stated that the NFA would like to go on record to express interest in having the open space deeded to the NFA. They have dams on other NFA properties and feel they can support what is needed to protect the parcel.

It was then noted that the meeting will continue to October 23, 2013. The applicant will work on staking the property.

APPROVAL OF MINUTES – Ms. Salling motioned to approve the minutes of September 11, 2013. The motion was seconded by Ms. Hammar. It was noted that the minutes of the August 28th meeting had been deferred. They will be approved at the next meeting.

OTHER BUSINESS – Ms. Peters said a letter to The Bee will be sent regarding the open positions on the commission.

Ms. Hammar discussed an industry developing around the Autumn Olive fruit. She said the fruit is very nutritious and that some people have found a responsible way to use the fruit while controlling the invasive. She said there is one person on the West Coast that promotes the health benefits of the fruit and another person in New York who is trying to make the product of the fruit commercially viable.

ACCEPTANCE OF NEW APPLICATIONS – Mr. Maguire discussed a Forest Practices application by Cross Cut Tree Management for 27 Dug Hill Road.

ADJOURNMENT – Mr. Davin motioned to adjourn the meeting at 9:30 pm. Ms. Hammar seconded the motion. The motion was approved unanimously and the meeting was adjourned.

Respectfully submitted by Tammy Hazen