

INLAND WETLANDS COMMISSION

MINUTES

Regular Meeting of September 10, 2014 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, Craig Ferris, Kristen Hammar, Anne Peters and Sharon Salling;

Staff Present: Rob Sibley, Deputy Director of Planning and Land Use; Steve Maguire, Land Use Enforcement Officer; and Tammy Hazen, Clerk

Ms. Curran opened the meeting at 7:30 pm. She asked if the commission would like to change the order of the agenda, feeling the public hearing should go first. She then motioned to change the order of the agenda. Ms. Peters asked for discussion. After discussion, the motion was dropped.

PENDING APPLICATION

IW #14-17 176 Currituck Road, Daniel Knize. Application to add a gravel driveway.

Daniel Knize from 176 Currituck Road discussed his proposal to expand an existing driveway to have access to another road. The driveway would cross a small water course and wetlands. He answered questions posed by the commissioners and agreed to submit planting and mitigation plans to staff for approval. After a thorough discussion, Ms. Salling motioned to approve the application with planting and mitigation plans to be reviewed and approved by staff and with standard conditions A, B, C, D, E, M and (1) the approved plans are GIS Map showing driveway and driveway cross-section sketch dated received 8/12/14. Mr. Ferris seconded the motion, Ms. Curran abstained. The motion passed unanimously.

PUBLIC HEARING

Ms. Curran explained the process of a public hearing. Ms. Hammar read the public notice.

IW #14-11 KASL, LLC and IBF, LLC, 16 and 19 Robin Hill Road, Scudder Road, and 168 Sugar Street.

Application for a 23 lot Open Space Conservation Subdivision (OSCS) development.

Atty. Francis Collins of Danbury, representing the applicant, provided an overview of the application and introduced the team. George Trudell, 48 South Main Street, Newtown, CT the applicant's authorized, provided a brief history of the property. Daniel Kroeber, P.E., Milone and MacBroom, Cheshire, CT reviewed the site plans including topography, drainage and the watershed via an overhead. William Root, Certified Soil Scientist and Wetlands Ecologist with Milone and MacBroom, said explained that he had flagged the wetlands in April 2014, focusing on areas near the proposed development. He reviewed all wetland pockets and watercourses on the property via overhead presentation.

Mr. Kroeber explained the conservation subdivision regulations and cluster developments. He discussed soil testing and said they chose the proposed sites in order to preserve the core of the property where the most sensitive water features are. He then explained the locations of proposed developments and details of wetlands impact, storm water management, and erosion and sediment control.

Atty. Collins summarized by stating the applicant feels that the conservation subdivision approach is a careful and considerate plan that will help preserve a large tract of open space and felt it is the most appropriate proposal for the parcel.

Ms. Salling said it was difficult to match up the wetland flags with the maps. She asked what the “wet edge” delineation referred to and what the total amount of wetlands there are on site. Mr. Root said the “wet edge” flag is just a wetlands boundary. The applicant will supply the amount of wetlands acreage. The applicant felt there will be no direct wetland disturbances. The number of acres of wetlands within the 100 foot review area would be 39,315 sq. ft. in Activity #1 and 15,330 sq. ft. in Activity #2. Ms. Curran asked if there are wetlands in lot 23. The applicant answered yes.

Ms. Peters explained that the site needs to be staked more thoroughly. She shared concerns over water diversion and potential impacts on wetlands to the north and west, and if there will be any changes to the functionality of the wetlands. Mr. Kroeber explained the drainage patterns and possible changes to the watersheds. Mr. Root said he felt the vast majority of the existing hydrology will not change and there should be no impact; ground water seep and overland run-off will continue to flow in its current general direction. He doesn't feel it will affect the ecology or values to wildlife. Mr. Ferris asked if there will be any change to the groundwater flow. Mr. Kroeber said he feels there will be no change.

Mr. Maguire asked if the applicant plans to demarcate the two wetland pockets with barrier to prevent lawn creeps. Mr. Kroeber said they are open to do what the commission prefers.

Mr. Sibley explained Newtown's regulated activity review area (100 feet from wetlands, other activities located within an upland review area, or other wetlands or watercourse that is likely to be impacted). He asked how the storm water systems will affect the wetlands. Mr. Sibley explained regulations for vernal pools and asked for more detail and to provide staking of lot corners associated with the activity and road center lines for a reference point. Mr. Kroeber agreed.

Mr. Sibley said the resource maps were mostly in the northern portion of the property, the commission does not have information on southern end. He asked for details regarding whether the proposed activity is “significant” or “not significant.”

Ingrid McCauley of 8 Rock Ridge Road shared concerns over the water supply and the frequent low levels of her well; she asked what the difference is between an aquifer and a wetland and information on impervious surfaces. Mr. Sibley explained the definitions of aquifer and wetlands and that questions regarding wells should be brought before Planning & Zoning.

Aida Kiernan of 34 Scudder Road read a statement written by her husband, Edward Kiernan, expressing concerns over potential effects to the wetlands and watercourses in the area. There have been changes to an existing brook. The statement was not submitted for the record.

Robert Shohet of 51 Scudder Road read a statement against the application due to lack of notification and the legal standing of the applicant. Ms. Peters said legal questions will be deferred to the Town Attorney.

Jodi Klein of 36 Scudder Road discussed potential issues with the water and wildlife off the site. She encouraged neighbors to submit any information they have regarding wetlands and watercourses not shown on the maps.

Gene Eames of 10 Ferris Road, shared concerns over notification, blasting, and the effects of more wells and septic systems being added in the area and how it will affect neighbors.

Bart Rasmussen of 55 Scudder Road shared concerns over notification. Mr. Sibley explained statutory requirements by the State, which requires legal notification placed twice in a local paper. Newtown's regulations add that that the applicant should provide private notifications. It is one of several determinations of whether an application is approval. This question will be brought forth to the Town Attorney. Mr. Rasmussen asked if a 21 lot regular subdivision would be approved. The commission will review this and ask for alternatives if necessary. Mr. Rasmussen then asked why Lot 23 is so large and why they didn't include this as open space. Mr. Sibley said there is no requirement on lot sizes for this type of subdivision.

Robert Zupko of 5 Ferris Road discussed a history of well problems on his road. His well is 197 feet deep and recently ran out of water. He is concerned over the maps not showing the properties adjoining the proposed activities. He said there were neighbors who did not receive notification.

Laura Terry, 64 Robin Hill Road, shared concerns about access to open space, vernal pools, and a wetlands and watercourse on her property. She asked if widening the road and additional impervious surfaces will affect wetlands and watercourses. She wants adjacent property owners shown on the maps.

Robert Shohet, 51 Scudder Road, said there's been a physical change in the character of the land in the area and asked the commission to verify the accuracy of the wetlands delineation.

Atty. Collins said the list of adjoining property owners was derived from the Town's GIS system.

Mr. Sibley recapped what the commission needs for further review, i.e., updates to IW reporting, updates to resource maps, statements regarding significant or not significant impacts, staking, and responses to the public comments.

Ms. Curran said answers will be deferred to the next meeting. Mr. Sibley said next public hearing date is scheduled for September 24, 2014 but since several members of the public requested the hearing be postponed due to Rosh Hashanah, **the next public hearing for this application will be held on October 8, 2014.** The public was encouraged to submit letters to the staff.

APPROVAL OF MINUTES – Ms. Peters motioned to approve the minutes of August 27, 2014. Mr. Ferris seconded the motion and all were in favor.

ACCEPTANCE OF APPLICATIONS – None

ADJOURNMENT – Mr. Ferris motioned to adjourn the meeting at 10:10 pm. Ms. Hammar seconded the motion an all were in favor.

Respectfully submitted by Tammy Hazen