

**INLAND WETLANDS COMMISSION
MINUTES**

Regular Meeting of May 11, 2016 at 7:30 p.m.
Council Chamber, Newtown Municipal Center
3 Primrose Street, Newtown, CT

These Minutes are subject to Approval by the Inland Wetlands Commission

Present: Kristen Hammar, Mary Curran, Suzanne Guidera, John Davin, Mike McCabe and Sharon Salling

Staff Present: Rob Sibley, Deputy Director of Land Use, Georgia Contois, Clerk

Ms. Hammar opened the meeting at 7:30 p.m.

PENDING APPLICATIONS

Application IW #16-11 by Town of Newtown, property located at Toddy Hill Road over Curtis Pond Brook to reconstruct existing Bridge No. 096-024 to minimize traffic interruptions during construction.

There was no representative to speak on behalf of the application. Therefore, the application was tabled to the next meeting of May 25, 2016.

Application IW #16-12 by The Natures Edge, property located at 45 Taunton Lake to remove a wetland violation, build walls and patio, level lawn area and replant native shrubs and grasses.

Justin Harding, The Natures Edge, represented the applicant and gave a brief presentation of the work that will be done on the property. An existing rock wall on the property will be extended and some soil will be brought in to extend the lawn area, however none of the work will touch the wetlands area.

Not all members of the Commission had been to the site, and were not comfortable to move ahead with the application. Mr. Sibley suggested the Commission table any action until their next meeting to allow them time to visit the site.

Ms. Hammar stated that Application IW #16-12 by The Natures Edge for a property located at 45 Taunton Lake will be tabled until the next meeting, May 25, 2016 in Council Chambers at 7:30pm.

PUBLIC HEARINGS

Application IW #16-04 by Hunter Ridge, LLC, property located at 41, 43, 45 & 47 Mt. Pleasant Road, to construct 29 single family units and associated site improvements including driveway, parking, drainage and utilities as shown on plans.

Ms. Salling read the legal notice for the record.

Larry Edwards, Edwards Associates, presented a simplified plan for the end of the walkway towards the lake. Due to expressed concerns at the last meeting, this plan showed only the walkway and plantings. Activities near the lake will need to be regulated by the Homeowner's Association, not by the Engineer at this stage in planning. Mr. Edwards made it clear that any decisions a HOA may make within a regulated wetlands area will not affect the decision of the Commission at this meeting.

Public Participation:

Robert Grossman, 49 Mount Pleasant Road, spoke against the application. He stated that besides the area of the property towards the lake, the area where the buildings are proposed gets "slushy". He also asked for details on the site grading.

Joe Draper, 39 Taunton Lake, 20 and 60 Castle Hill, was concerned about unsupervised activity and garbage on/near the lake. He urged Commissioners to look at the pump house. Mr. Draper also asked Commissioners if allowing this development on one site would encourage this development all around the lake. Lastly, he was concerned of the 75% increase in population on the lake, stating that no other town has allowed a similar development. Mr. Curran reminded Mr. Draper that the latter reasoning was a Zoning issue, not wetlands.

David Rosen, 43 Taunton Lake, Taunton Lake Associate, though the revised proposal tonight was "disingenuous" and only seeking approval. He thought this would be the first step in a long process of potential activities that will end up similar or worse to the original plan.

Tom Stickles, 65/67 Mount Pleasant, thought that this presentation was just "the cart before the horse" and was concerned of what was to come.

Jason Strano, 35 Taunton Lake Drive, was concerned about lake activities including boats, storage and garbage on the property. Without a HOA established, Mr. Strano expressed apprehension.

Patricia Barkman, 49 Taunton Lake Road, is worried about the environment and biodiversity that populates the lake. She is "weary of development", but did include that town "sewage" is a positive for the development.

Charles Dimino, 37 Taunton Lake Drive, wanted to know what measures would be taken to avoid erosion. He predicts that public/residents will make their own trails outside of the proposed walkway, and that 45' is not enough distance to control the erosion.

Gregg Reinhart, 40 Taunton Lake Drive, compared review of Application #16-04 to Application #16-12, arguing that the Commission is concerned about a rock wall in a single family residence, and should be 29 times as concerned with items for this development.

Mr. Sibley interjected that the Commission cannot regulate potential pollution, and will only be able to make decisions on direct impact use/activities in the regulated areas. Any specific activities within that area will need to return to the Commission. He also reminded all that Taunton Lake is a public access lake, contrary to popular belief. Tagging onto that thought, access to the lake cannot be denied to any property owners of lakefront property. He revisited some ideas that were concerns for Zoning, asking those speakers to attend the Planning and Zoning meeting for this application.

Mr. Edwards answered the remaining questions. They are balancing the cuts and fills on the site so there will be no material being brought out or in. He explained that the most of the movement will be at the backside of the houses to allow for walk-out basements. Additionally, he noted that the Lake Authority and all neighbors will have a close watch on this property, and if activities get out of line, the Commission is sure to be alerted.

Ms. Curran asked about the number of houses on the site, and Mr. Sibley clarified the number of houses will be discussed at Planning and Zoning. She also asked about the impact on the houses to the small sections of wetlands area. Mr. Edwards explained there will be no impact.

Ms. Guidera and Mr. Davin asked for clarification about drainage on neighboring properties which had been previously mentioned. Mr. Edwards declared that it will not be a condition of the application and was presented as a courtesy option for those property owners.

Ms. Guidera moved to close the hearing, Mr. Davin seconded. All were in favor. The public hearing was closed at 8:13pm. Ms. Hammar made the statement to continue the application for possible action at the next meeting, May 25th.

Application IW # 16-09 NERP Holding and Acquisitions LLC, property located at 116 South Main Street, Newtown, CT for the development of a Tractor Supply Company 19,097 sq. ft. retail building and associated site improvements.

Ms. Salling read the legal notice for the record.

Presenting for NERP were Attorney Robert Hall, 43 Main Street, George Logan of REMA, and Jim Cassidy of Hallisey Pearson and Cassidy. Mr. Cassidy gave an in-depth presentation of the property as it stands now, and what it will be once developed. He explained it as moderate topography sloping towards the watercourse, an apple grove area, and a mature growth forest

area. Secondly, Mr. Cassidy gave the background of Tractor Supply as a business. He explained that most of their products cater to farmers, like cattle and equestrian supplies, feed, and fertilizers.

The building being proposed is a 19,097 square foot 'warehouse' with an outside display on a concrete pad that will be fenced in. The driveway will have one lane in, and two lanes out (one left turn, one right turn). The accessway will circle the entire building, including a loading dock and dumpster on the back side of the building.

Mr. Cassidy gave much detail about the drainage systems that will be in place on the property:

- Two catch basins near the entrance of the driveway that will drain across the north end of the property to a Bio-Retention Swale
- The Swale will filter particulates over a rip-rap beam and will allow it to infiltrate below into the soil.
- In the case of flooding, water may be discharged from the side towards the wetlands area, again flowing over a layer of rip-rap.
- This release will be "level spread" not a "point" discharge, preventing erosion.
- The parking lot will have a block wall to be able to tuck the swale up closer to the building, and not impede on the wetlands area.
- Other catch basins will drain to an Underground Detention Basin, as will the run off from the building.
- The Underground Detention Basin's receiving end is called an Isolator Row which will filter particulates out, before passing them through additional rows.
- Once discharged through the Detention Basin, the water will also flow through the Swale.
- Both the Isolator Row and the swale will have areas to perform regular maintenance to clean debris from the systems.

Mr. Logan spoke of his findings in the wetlands areas, and referenced his report. He told the Commission that his first trips to the site were in December and January. Mr. Logan revisited the site again in May and saw growth in vegetation, noting a Red Maple swamp. Invasive plants in the area include Barberry and Multiflora Rose. He also told the Commission that there are plenty of nutrients in the brook, creating a flourishing habitat for peepers and tree frogs.

Mr. Logan felt confident that there would be no direct wetlands impact since there will be no filling of the wetlands. The application is offering plantings include species like Switchgrass that grow in moist areas but can also handle dry spells. He would like to remove an approximately 20,000 square foot area of Barberry and Multiflora Rose. This removal would allow "the good stuff" to grow in.

Ms. Guidera questioned the quality of the water that will be discharged to the wetlands given the potential oils from cars and road salt. Mr. Cassidy said that the catch basins will start off the

process by capturing “floatables” before arriving at the underground filtration isolator row, which is wrapped in media. After finishing the underground system, water will be directed to the swale, the rock wall, and vegetation before being able to reach the wetlands area. Mr. Cassidy is confident that this system provides ample filtration, given both systems are thought to catch 99% of solids (fine sands, silt and clay).

He moved along to say that all potentially hazardous materials like fertilizers and pesticides are kept inside the building. There will be no drain in the store where these chemicals could potentially discharge. Spill sheets (MSDS) and a hotline for accidents are available to employees for educational and cleanup purposes. Tractor attachments and ride along mowers that are stored on the outside pad will not be oiled until purchase. A bailer will be used for all cardboard, so only one 6 cubic yard dumpster will be necessary.

Ms. Curran asked if all materials will be packaged. Mr. Cassidy confirmed yes. Mr. McCabe’s question about rain fall prompted Mr. Cassidy to respond that the Swale is rated for the 100 year storm. Ms. Hammar asked for a description of the site grading. Mr. Cassidy explained that the driveway will be at a 4-6% grade. The difference in elevation on the area where the store and parking lot are proposed is about 10 feet above the road. He explained that this plan would require 10,000 cubic yards of fill to be removed from the site, much less than the 30,000 cubic yards in other models.

Ms. Salling asked how long the construction process typically lasts. Mr. Cassidy said 160 days. Currently the start date is in question. Mr. McCabe wanted to be sure that the boundary line would be marked on the site. Mr. Cassidy assured him that it will be flagged and the Commissioners are more than welcome to join them on site to go over those details.

Public Participation:

Brian Nadro, 112 South Main Street, was concerned about his septic system which is at a lower elevation than the proposed site. He has activities in his yard that are near his border to Tractor Supply. He is also concerned for the wildlife in the wetlands area.

Duncan Morris, 4 Stone Ridge and 115 South Main Street, was nervous that drainage issues will wash out his landscapes and drop silt on his property.

Chris Russo, Q & R Associates, LLC, came representing 111 South Main Street and made a presentation to the Commissioners. Mr. Russo used a GIS map and site plans to illustrate his ideas. He questioned the elevation facts that Mr. Cassidy had previously offered. Mr. Russo also did not like the fact that the dumpster and loading dock were on the side of the building towards the wetlands. He compared the plans for Tractor Supply to “a box” saying that no matter the location, all the plans work the same.

Mr. Sibley reminded the Chairman that there had been a previously established time limit for public participation and the Commission could request a written document with any new information.

Matthew Darling, representative of NERP Holding and Acquisitions, presented the certified mailing slips to the clerk.

Mr. Cassidy took time to rebut Mr. Russo's presentation. He clarified that the elevation of the current lot will be different than the elevation once the site is graded for the building and parking lot. This will decrease the change in elevation from the building to the wetlands.

With no further questions from the Commissioners, Ms. Hammar stated that the Public Hearing for Application 16-09 will be continued to the next Inland Wetlands meeting, May 25, 2016, 7:30pm at Council Chambers.

APPROVAL OF MINUTES for April 27, 2016.

Changes requested are as follows: Page 5, paragraph 6, change "turns" to "turn". Page 6, paragraph 1, "Pilchards" to "Pilchard", and "under growth" to "undergrowth".

Ms. Guidera presented a motion to accept the minutes with the above changes. Mr. Davin seconded. Ms. Hammar abstained as she was not at the meeting, and Mr. Ferris abstained as he was not currently present. All else were in favor. The Minutes of April 27, 2016 were approved.

ACCEPTANCE OF APPLICATIONS

Application IW #16-14 by Lambert and Barr, property located at 148 Hanover Road, to construct a wetland crossing to a residential lot.

ADJOURNMENT

With no additional business, Mr. Davin made a motion to adjourn. Ms. Guidera seconded. All were in favor.

The meeting of May 11, 2016 was adjourned at 10:05pm.

*Respectfully Submitted,
Georgia Contois, Clerk.*