



# TOWN of BETHEL LAND USE DEPARTMENT

Clifford J. Hurgin Municipal Center  
1 School Street  
Bethel, Connecticut 06801

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## MEMORANDUM

To: Inland Wetlands Commission  
From: David McCollum, *Inland Wetlands Agent*  
Re: Inland Wetlands Application – IWC-2023-10 – #7 Rockwell Road *DM*  
Staff Report  
Date: November 20, 2023

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To the Inland Wetlands Commission (“Commission”):

This Staff Report regards an Application for Regulated Activities that was accepted by the Commission during their October 23, 2023 Regular Meeting, which is the subject of an active Site Plan Review. The proposed Regulated Activities proposed indicated on the submitted Application include, but are not specifically limited to, the following:

“The completion of the area started bank remediation to prevent further erosion and undercutting by the use of a mixture of rock and soil to fill in the undercutting and loss of soil as well as to cover any exposed tree roots within the affected area”

I offer the following comments for the Commission’s review and consideration:

1. A State of Connecticut Department of Energy and Environmental Protection (“DEEP”) State Inland Wetlands & Watercourse Activity Reporting Form (“SIWWARF”) has not been received. Please submit this document to the Land Use Department.
2. Please submit a Remediation Site Plan that indicates the following:
  - a. Total on-site Regulated Upland Review Area (square footage)
  - b. Total on-site Wetlands Area (square footage)
  - c. Remediated Regulated Upland Review Area (square footage)
  - d. Remediated Wetlands Area (square footage)
  - e. Volume of Disturbed Earth Material (cubic yards)
3. This Application for Regulated Activities was originally prompted by a Zoning Complaint (“Complaint”) dated August 1, 2023 received from an abutting property owner. Said complaint states: “moving rocks in water way / Altering flow of water course”.
4. A “Verified Petition to Intervene” dated and received September 21, 2023 states: “...The activities proposed involve direct and substantial alteration of a watercourse through the removal and deposition of rocks from the stream course and onto the banks, along with the direction disruption of the riparian habitat which in turn impairs the hydraulic profile of the watercourse and causes erosion of the stream banks.”
5. Based on my observations made during a site walk conducted by the Commission on November 19, 2023, the “Approximate Location of JMM Study Area (in pink)” as shown on Figure 1 of a “Restoration Plan” prepared by JMM Wetland Consulting Services, LLC does not appear to reflect the full extent of unpermitted activity undertaken by the Applicant. Please clarify.

6. As noted in a “Notice of Violation” letter dated August 9, 2023 addressed to the property owner, the Regulated Activities appear to have occurred within a Regulatory Floodway (Zone “AE”) as shown on Flood Insurance Rate Map Panels #09001C0144F and #09001C0163F. The Applicant shall demonstrate that neither the flood stage nor the flood capacity for this section of Lime Kiln Brook has been or will be permanently adversely impacted by the conducted and/or proposed activities.
7. The Applicant should indicate any protective measures to be implemented during the eroded bank repair work.
8. The Applicant shall include a description of the post-implementation review to be conducted by the soils/wetland scientist.

The Commission will have another Regular Meeting on December 11, 2023 before the standard review period for this Application expires on December 27, 2023. The Applicant may consent to provide any period of extension up to 65 (sixty-five) days for the Commission to review this Application in accordance with §4.5.3 of the Bethel Inland Wetland and Watercourse Regulations. It is advised that the Commission verify all comments in this review, and any other review comments provided to the Commission, are addressed appropriately by the Applicant before the Commission renders their decision.