

**INLAND WETLANDS COMMISSION
SPECIAL MEETING – MINUTES
MONDAY, APRIL 29, 2013 – 7:00PM
NEW HARTFORD TOWN HALL – 530 MAIN STREET**

PRESENT: Chairman James Hall, Anne Hall, Lou Moscaritolo, Jack Trumbull, Wayne Ryznar; Inland Wetlands Enforcement Officer Rista Malanca.

ABSENT: Troy LaMere and Nancy Schroder Perez.

Chairman James Hall called the meeting to order at 7:00PM. All regular members present were seated for the meeting. The proceedings were recorded digitally, and copies are available in the Land Use Office in Town Hall.

1) PUBLIC HEARINGS:

A. Eric Budney, 634 West Hill Road – Demolition and reconstruction of single-family dwelling, installation of septic system, and associated grading in the upland review area.

Ms. Malanca explained that Mr. Budney had sent her an email stating that he would not be available for this meeting; however, his engineer, Richard Calkins, PE, would be present at the meeting to represent him. She noted that Mr. Calkins was not yet at the meeting and suggested tabling this matter until his arrival.

MOTION Mr. Ryznar, second Ms. Hall, to table the matter of **Eric Budney, 634 West Hill Road – Demolition and reconstruction of single-family dwelling, installation of septic system, and associated grading in the upland review area** until the arrival of the applicant; unanimously approved.

2) NEW APPLICATIONS:

A. Nelson Sly, 57 Aquatic Road – Construction of 16-1/2' x 3-1/2' and 8-2/3' x 4' Additions to East Side of House in the Upland Review Area.

Ms. Malanca explained that Mr. Sly proposed to enlarge a bathroom and a bedroom with the two additions. The Commission then briefly reviewed the maps and plans for this application.

MOTION Mr. Trumbull, second Mr. Moscaritolo, to accept the application in the matter of **Nelson Sly, 57 Aquatic Road – Construction of 16-1/2' x 3-1/2' and 8-2/3' x 4' Additions to East Side of House in the Upland Review Area**, determine it to be nonsignificant, and schedule the matter for discussion at the May 20, 2013 regular meeting; unanimously approved.

B. Zygmunt Karoliszyn, 31 Aquatic Road – Construction of 8' x 18' Patio and Deck Repair in the Upland Review Area.

Zygmunt Karoliszyn addressed the Commission regarding this matter. Mr. Karoliszyn explained that he wished to build a small patio where a garden was currently located on his property. He stated that the patio would be constructed of blue stone with crushed stones underneath. Ms. Hall asked whether any excavation would be necessary, and Mr. Karoliszyn stated that he planned to put in 4-5 inches of crushed stone. Mr. Karoliszyn informed the Commission that he also wanted to repair a wooden dock. He said that the piers had been damaged by ice, and some had been washed away. Ms. Malanca asked whether Mr. Karoliszyn planned to pour concrete for the piers; Mr. Karoliszyn responded negatively, explaining that the piers would simply rest on the bottom of the lake.

MOTION Mr. Trumbull, second Ms. Hall, to accept the application in the matter of **Zygmunt Karoliszyn, 31 Aquatic Road – Construction of 8' x 18' Patio and Deck Repair in the Upland Review Area**, determine it to be nonsignificant, and schedule the matter for discussion at the May 20, 2013 regular meeting; unanimously approved.

C. DECLARATORY RULING: Bruce Gresczyk for Gresczyk Farms, LLC, 860 Litchfield Turnpike-Maintenance of Drainage Swales to Prevent Flooding of Agricultural Fields.

Bruce Gresczyk addressed the Commission regarding this matter. He explained he had received a declaratory ruling approximately 6 years ago for a similar sort of activity.

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Mr. Gresczyk explained that he wanted to perform maintenance work on two drainage swales. The first one was a Town swale located along Carpenter Road which led to a cross culvert. He explained that it was now filled with approximately four feet of sand and silt, and he was concerned about the possibility of flooding into his adjacent fields when it rained this spring. Mr. Gresczyk then said that the second location was along Route 202. He explained that the State constructed two retention ponds along the road near his agricultural fields; however, they had never to his knowledge actually maintained them.

Mr. Trumbull questioned whether Mr. Gresczyk planned to use any equipment, and Mr. Gresczyk said that he would be using a mini-excavator. Mr. Trumbull asked whether Mr. Gresczyk would be adding or changing any drainage onsite; Mr. Gresczyk responded negatively. He reiterated his concern that any storm events this spring could lead to spillover from these drainage areas into his adjacent agricultural fields.

MOTION Mr. Ryznar, second Mr. Trumbull, to determine that the activities described in the matter of **Bruce Gresczyk for Gresczyk Farms, LLC, 860 Litchfield Turnpike- Maintenance of Drainage Swales to Prevent Flooding of Agricultural Fields** represent a permitted use as of right under Section 4.1A and 4.1F of the Town of New Hartford Inland Wetlands Regulations; unanimously approved.

1) PUBLIC HEARINGS:

A. **Eric Budney, 634 West Hill Road – Demolition and reconstruction of single-family dwelling, installation of septic system, and associated grading in the upland review area.**

Noting the arrival of Richard Calkins, PE, the applicant's engineer, the Commission agreed to proceed with this matter. Ms. Malanca informed the Commission that since the previous meeting in March, she had met Mr. Calkins, the Town's planning consultant, and the Town's engineering consultant onsite to further discuss this proposal.

Mr. Calkins then addressed the Commission to explain that he had since performed analysis of the source of the runoff coming onto Mr. Budney's property. He stated that much of it was from the property across the street from Mr. Budney's, not the Town road as they originally surmised. To address the runoff, Mr. Calkins modified the plans to include a stone infiltration trench along the front of the property and around the parking area. He explained that the trench would be 60 feet long, 2 feet wide, and 5 feet deep; it would be capable of storing approximately 600 cubic feet of water, which was far in excess of the storage that would likely be needed. Mr. Calkins said that Mr. Budney would be able to maintain the trench himself. Ms. Hall questioned whether the water would instead come onto the property at Mr. Budney's driveway. Mr. Calkins said that the driveway had been there for a long time and appeared to be quite stable. He said that the only issues with the driveway were when water travelled across Mr. Budney's property and crossed the driveway; the proposed trench would resolve this issue as it would prevent water from reaching Mr. Budney's driveway.

Mr. Calkins stated that they had also changed the location of the septic system such that the leaching field was entirely outside of the 100-foot setback; the tank and pump chamber were still within the regulated area. Mr. Calkins said that they had designed two raingardens at the east and west sides of the property at the front of the new house; however, Roger Hurlbut, the Town's engineering consultant, had recommended changes. Mr. Hurlbut recommended moving the raingardens to the ends of the drainage swales. The Commission then discussed the possibility of moving one of the raingardens to the end of the driveway. Mr. Calkins stated he had no problem with the raingarden by the driveway; however, he was concerned about additional excavation so close to the lake for the second raingarden. Mr. Calkins explained that, because of the modifications to the drainage plan such as the new trench by the parking area, they proposed to eliminate the drainage swale on the southeast side of the house, which lessened the disturbance to that area of the property. Mr. Hall stated that, if the drainage swale was eliminated from the eastern side of the property, a raingarden might no longer be needed in that location since there would no longer be concentrated flow through that area. Mr. Ryznar, expressing concern about additional excavation so close to the lake, questioned whether a second raingarden was even needed.

Ms. Hall questioned what vegetation was present along the driveway. Mr. Calkins stated that there were a few spruce and hemlock trees currently, but they would be removed as a part of the construction. Mr. Ryznar asked whether these trees were healthy or diseased, and Mr. Calkins stated they were somewhere in the middle. Ms. Malanca stated that the site was currently very stable. Ms. Hall then asked about footing drains for the new house. Mr. Calkins explained that the footing drains would be connected to an existing pipe that led to the lake through a stone wall on the Budney's lakefront. Mr. Moscaritolo questioned the condition of the existing pipes; Mr. Calkins stated that he did not know but they would be inspected when hooked up in order to ensure they worked. Mr. Calkins stated that there would be no gutters or downspouts on the new house. Energy dissipaters would be installed.

Mr. Calkins then briefly reviewed the plans for the proposed deck at the back of the property, which would require 3-4 piers. He noted that it was 16 feet from the lake to the deck, and 26.5 feet from the lake to the actual house. Mr. Calkins also explained that the proposed basement of the house would have a frost wall.

Hearing no further comments or questions from the Commission, Mr. Hall opened the floor to public comment. David Boyajian of 791 West Hill Road addressed the Commission in support of the application. He stressed the importance of maintenance for the raingardens and infiltration trench.

Mr. Trumbull expressed concern about approving the proposed trench and raingarden in light of their need for ongoing maintenance. Mr. Calkins suggested that the Commission could require Mr. Budney to submit yearly maintenance reports as a condition of approval if they so chose. Ms. Malanca also explained that, as a part of the low-impact development regulations adopted last year, the Land Use Office would be keeping a list of properties with these types of structures so that they could send out a maintenance reminder letter to property owners once a year. Mr. Moscaritolo questioned whether the new property owner would also be responsible for this maintenance in the event the property was ever sold; Ms. Malanca responded affirmatively. Mr. Ryznar asked if there were any alternative drainage techniques that would accomplish the stated objectives that would not require yearly maintenance. Mr. Calkins responded negatively, explaining that any drainage system would require some level of maintenance. Ms. Hall asked how much sediment was likely to accumulate in the drainage swales and raingarden. Mr. Calkins stated he did not believe it would be a sizable amount, particularly if the Town periodically conducted street sweeping. Mr. Hall noted that road sand was coarse and would not plug up the drainage system the same way finer material would. Mr. Hall reiterated that the Commission could require as a part of any approval that the drainage structures onsite be inspected yearly and a report confirming this be sent to the Land Use Office. Ms. Malanca stated that the Department of Energy and Environmental Protection had affirmed that Inland Wetlands Commissions could attach this type of condition to an approval.

The Commission then discussed the erosion and sedimentation control measures for the site, which included a silt sock and hay bales at the end of the driveway. Mr. Calkins stated that orange construction fencing would be used around the septic system construction area. He also noted that the plans explicitly stated that only slow-release fertilizer could be used onsite; however, he stated that Mr. Budney had already indicated he did not wish to use any fertilizer at all. Mr. Calkins also explained that since the drainage swale to the east of the property was no longer going to be installed, turf reinforcement matting was no longer required in that location. Ms. Hall questioned whether the applicant had obtained approval from the Farmington Valley Health District, and Mr. Calkins stated that they had not yet received final approval. He noted that the leaching area would be outside the 100-foot upland review area.

MOTION Mr. Trumbull, second Ms. Hall, to close the public hearing in the matter of **Eric Budney, 634 West Hill Road – Demolition and reconstruction of single-family dwelling, installation of septic system, and associated grading in the upland review area**; unanimously approved.

3) **PENDING APPLICATIONS:**

A. **Eric Budney, 634 West Hill Road – Demolition and reconstruction of single-family dwelling, installation of septic system, and associated grading in the upland review area.**

Mr. Trumbull expressed concern about the intensity of use of this site, noting that there were two houses and two septic systems on this property. Mr. Hall and Ms. Hall both stated that as this was a legal nonconforming lot, the applicant had a right to the second house on the lot. Ms. Malanca acknowledged Mr. Trumbull's concerns, but stated that the applicant's proposal was in fact improving the site in several ways. She explained that the new septic system would be code compliant and very likely far better for the lake than the current septic system. She also noted the benefits to the lake of the new drainage system proposal. Mr. Trumbull acknowledged the Commission's limitations in terms of the second house on the site, but he agreed that the applicant had put together as good of a plan as possible for this site. Mr. Hall concurred that it was an intense use of the site; however, the applicant's proposal would certainly not create worse conditions than what currently existed.

Mr. Ryznar questioned whether the Commission wanted to require only one raingarden at the base of the driveway. Ms. Malanca stated that any erosion and sedimentation issues onsite would likely come from the driveway, so the best location for installation of the raingarden was in fact at the base of the driveway. Mr. Moscaritolo also asked whether a second raingarden was needed. Mr. Hall noted that there was a tradeoff between the impact on the lake from the additional excavation for a second raingarden, versus the benefits of having a second raingarden present onsite. Ms. Hall expressed the opinion that perhaps it would be better to make the one raingarden at the base of the driveway bigger. Several members concurred with this idea.

Ms. Hall then expressed concern about the swale along the driveway and the fact that trees were going to be cut down in that location. Mr. Hall suggested that the Commission include a condition as part of any approval requiring the applicant to monitor that location and install reinforcement matting if necessary. Mr. Ryznar questioned whether the Commission needed FVHD approval in order to act on this matter. Ms. Malanca explained that it was not typical for applicants to have FVHD approval in hand in time for Inland Wetlands approval. She noted that FVHD approval would be required before she could issue a zoning permit for the project.

MOTION Mr. Moscaritolo, second Ms. Hall, to approve the application in the matter of **Eric Budney, 634 West Hill Road – Demolition and reconstruction of single-family dwelling, installation of septic system, and associated grading in the upland review area** subject to the following conditions:

1. The proposed drainage swale on the east side of the property is to be eliminated from the plans.
2. The condition of the drainage swale on the west side of the property is to be monitored regularly by the property owner and reinforcement mats are to be installed in the event of any future erosion.
3. The two raingardens shown on the maps and plans are to be eliminated. In their place, one larger raingarden is to be constructed at the bottom of the driveway. The design and plantings of this larger raingarden are to be reviewed and approved by the Town's engineering consultant prior to construction.
4. The stone trench at the front of the property, the swale, and the raingarden are to be inspected every spring by the property owner, and the results of this inspection are to be submitted to the Inland Wetlands Enforcement Officer on a yearly basis.

The motion was approved 4-0-1 with Mr. Ryznar abstaining.

4) **MEETING MINUTES:**

A. **March 25, 2013 regular meeting.**

MOTION Mr. Trumbull, second Ms. Hall, to approve the minutes of the March 25, 2012 regular meeting as written; unanimously approved.

5) INLAND WETLANDS ENFORCEMENT OFFICER'S REPORT:

No business was discussed.

6) CORRESPONDENCE:

No business was discussed.

MOTION Ms. Hall, second Mr. Moscaritolo, to amend the agenda to add item 7C – Informal Discussion with Dave Boyajian, Ranger of Camp Sequassen, Regarding Possible Expansion of Boat Launch Area; unanimously approved.

7) OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Informal Discussion with Guy LaPlante Regarding Construction of New Driveway to Serve Existing Building Lot at 81 Winchester Road.

David Whitney, PE addressed the Commission on behalf of Guy LaPlante. Mr. Whitney explained that an 8.2-acre lot had been created as result of a first cut off in 1986. That lot was then subdivided to create an approximately 4.9-acre lot at 61 Winchester Road, and a 3.26-acre lot at 81 Winchester Road. He said that 61 Winchester had already been developed, but 81 Winchester had not yet been. Ms. Malanca then reminded the Commission that approximately a year or so ago Mr. LaPlante had obtained an Inland Wetlands Permit to construct a house on this site. At that time, the lot was to be served by a driveway shared with 61 Winchester Road.

Mr. Whitney explained that Mr. LaPlante had a buyer for the lot; however, the potential buyer did not want a shared driveway. He explained that they had contacted the owner of 61 Winchester Road to offer constructing them their own driveway at no cost to them in order to make the current shared driveway the private driveway for 81 Winchester Road; this would result require crossing 95 feet of wetlands. However, the owner of 61 Winchester had no interest in this idea. The second alternative was to build a separate driveway on 81 Winchester Road adjacent to the current shared driveway, which would require crossing 165 feet of very wet wetlands area. The third alternative would be to create a driveway for 81 Winchester along the northwest corner of the property, which would require crossing approximately 80 feet of uplands wetlands. Mr. Whitney explained that a soil scientist would be needed to delineate the wetlands in this area more precisely and to assess their functionality.

Mr. Whitney explained that he had met onsite with Ms. Malanca and the Town's engineering consultant, and there was preliminary agreement that option 3 appeared to be the best alternative of the three presented. Mr. Whitney explained that before Mr. LaPlante proceeding with further professional design and review, he wanted to discuss this matter with the Commission and get their opinion of this possible proposal. Ms. Malanca explained that, as each of these choices involved filling of wetlands to varying degrees, they would all likely be a significant activity. Therefore, she explained that the Commission would have to determine whether feasible and prudent alternatives existed, and if so, was one of those feasible and prudent alternatives to stay with the shared driveway in its current location.

Several members of the Commission stated that they did not have enough information currently before them to make an informed decision on this matter. Mr. Ryznar stated that even in option three, the driveway would be crossing wetlands; whether the wetlands were highly functional or not, he expressed concern that allowing this activity would set a bad precedent. He said that it appeared to him that, in creating a shared driveway, it was the Commission's intention at the time of the original approval to protect the wetlands. Mr. Moscaritolo concurred with Mr. Ryznar's statement. Ms. Hall agreed but reiterated that since this was not a complete application the Commission really did not have sufficient information before them to give an opinion.

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Mr. Hall informed Mr. LaPlante and Mr. Whitney that he could appreciate Mr. LaPlante's constraints; however, it was really not possible for the Commission to give a definitive answer at this time since a full and complete application had not been submitted. He suggested that Mr. LaPlante could file an application and provide information to explain why the use of the shared driveway was not in fact a feasible and prudent alternative. Ms. Malanca also informed Mr. LaPlante that an application would also require fully engineered plans as well as a soil scientist's report.

Mr. Trumbull exited the meeting for the evening at 8:29PM.

B. Commission Discussion Regarding Regular Sand Maintenance at Brodie Park Beach.

First Selectman Dan Jerram then addressed the Commission and read into the record a letter he wrote dated April 29, 2013. Mr. Jerram explained that summer beach season began Memorial Day Weekend, and the Town wished to place 36 cubic yards of fine masonry sand on the beach at Brodie Park. He explained that it would be delivered by truck and spread with a York rake. No machinery was to be used, and no sand would be placed directly into the water.

Ms. Malanca explained that while it had been discussed in depth, the Commission had never resolved how they wished to handle the issue of beach sand at the lake. Mr. Hall stated that he believed a full application for an Inland Wetlands permit was necessary; he questioned whether the beach could function as is until such an application was heard and acted upon. Mr. Jerram explained that part of the need for the sand was to cover areas of rocky terrain at the beachfront. He also said that the Town's risk management consultant recommended that 36 inches of sand be placed beneath each lifeguard chair in order to minimize risk of injury when the lifeguard jumps down. Ms. Malanca said that the Town had used silt fencing over the previous winter to minimize erosion of sand into the lake. She said she visited the beach that day, and there were no rills present. She said that she agreed there were several rocks exposed.

Ms. Hall questioned whether this activity might qualify for a declaratory ruling as regular maintenance. Ms. Malanca stated that the Town had a general permit for maintenance activities. She explained that the Commission had approved similar activity under the general permit last year but requested the Town come before the Commission again this year. She noted that a declaratory ruling would mean the activity is exempted from Commission review permanently; handling this activity under the general permit would have the activity come back before the Commission every year for review. After a brief discussion, members of the Commission then agreed that this activity could be handled as a declaratory ruling under Section 4.2B of the Inland Wetlands Regulations.

Mr. Jerram then asked whether the Commission would be willing to consider an application where the Town reclaimed beach sand in the lake. Mr. Hall said that this was a very good idea. The Commission then briefly discussed with Mr. Jerram possible removal of sand from the lake bottom during drawdown. Mr. Jerram also informed the Commission that an application would be coming within the next few months regarding repair or replacement of the boat launch.

C. Informal Discussion with Dave Boyajian, Ranger of Camp Sequassen, Regarding Possible Expansion of Boat Launch Area.

Dave Boyajian, Ranger of Camp Sequassen, addressed the Commission about the possible expansion of the boat launch area. Mr. Boyajian explained that during the summer camp season, they typically had 100-150 boys per hour attempting to enter and exit the water via an 11-foot boat launching area. Referencing a drawing he created, Mr. Boyajian explained that he wanted to find out if the Commission would be willing to consider an application to expand the boat launch area around the 50-foot curve of shoreline near the current launch area. Members of the Commission stated that they would likely not have objections if the area was covered with rounded pea stone rather than sand. The Commission then discussed with Mr. Boyajian the use of 3/8-inch pea stone rather than beach sand. Mr. Boyajian stated that they would likely want to put it a foot or so into the water to allow the boys a place to stand before getting into their boats. The Commission agreed that Mr. Boyajian should submit a full application; however, engineered plans would likely not be necessary. Ms. Malanca questioned whether the Commission would require engineering review, and Mr. Hall said that a full official review would likely not be needed.

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MOTION Ms. Hall, second Mr. Moscaritolo, to adjourn at 8:59PM; unanimously approved.

Respectfully submitted,

Stacey M. Sefcik
Recording Secretary