

**INLAND WETLANDS COMMISSION
REGULAR MEETING – MINUTES
MONDAY, MAY 20, 2013 – 7:00PM
NEW HARTFORD TOWN HALL – 530 MAIN STREET**

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

ABSENT: Anne Hall and Troy LaMere.

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:

No business was discussed.

2) NEW APPLICATIONS:

A. Allynda and Jeffrey Deloy, 724 West Hill Road – Demolish and rebuild single family dwelling in the regulated area.

Allynda Deloy addressed the Commission regarding this matter. Ms. Deloy explained that they wanted to tear down the existing house to rebuild a new year-round home. She stated that they planned the new house to have a single floor with walkout basement; the house and septic tank would be located more than 100 feet from the lake. Ms. Deloy explained that no changes were proposed at the present time to the existing leaching field; however, the plans depicted the location of a future leaching field to be constructed if the existing eventually failed. Both the existing and future leaching fields are located outside the 100-foot review area. Ms. Malanca informed the Commission that there would be minor grading in the upland review area; however, it was beneficial as the applicants planned to create a vegetated buffer strip along the lakefront.

MOTION Mr. Trumbull, second Ms. Schroder Perez, to accept the application in the matter of **Allynda and Jeffrey Deloy, 724 West Hill Road – Demolish and rebuild single family dwelling in the regulated area**, determine it to be nonsignificant, and schedule the matter for discussion at the June 24, 2013 regular meeting; unanimously approved.

B. Boy Scouts of America – Connecticut Yankee Council (Camp Sequassen), 791 West Hill Road – Creation of Boat Launch Area for Small Boats.

David Boyajian, Camp Sequassen Ranger, addressed the Commission regarding this matter. Mr. Boyajian explained that they were seeking approval for the creation of a larger boat launch area. He stated that they were currently using a launch area that was 11 feet wide, and approximately 100 scouts had to use this launch area every hour to get into and out of the water with their canoes and kayaks. Because this narrow launch created such a logjam, Mr. Boyajian explained that they wished to convert the existing cove into a 50-foot long boat launch area. The cove was currently strewn with large boulders; these would be moved away from the shoreline and used to make a decorative boundary to the boating area. One dying tree would also be removed from this area. Mr. Boyajian said that they would then put in pea stone along the shoreline and a few feet into the water. The pea stone would be approximately 8 inches deep. He stated that the work would take approximately a week, and it would only be done during drawdown. Mr. Boyajian stated that hay bales would be placed between the work area and the water line.

Mr. Moscaritolo questioned whether it was possible to find out exactly how deep and wide the area of pea stone would be. Mr. Trumbull asked about the size of the existing boulders; Mr. Boyajian stated that they were about the size of the conference room chairs. Mr. Trumbull questioned whether the regular drawdown would take the water out far enough for this work to be done. Mr. Boyajian stated that the cove was shallow, and was ordinarily only about 1 foot deep. He said that the regular drawdown took the water very far out from the normal shoreline. He explained that there was muck along the shoreline, but after a couple of feet, there was sand on the lake bottom; he noted that the wind blew a great deal of debris into this cove.

MOTION Mr. Ryznar, second Mr. Trumbull, to accept the application in the matter of **Boy Scouts of America – Connecticut Yankee Council (Camp Sequassen), 791 West Hill Road – Creation of Boat Launch Area for Small Boats**, determine it to be nonsignificant, and schedule the matter for discussion at the June 24, 2013 regular meeting; unanimously approved.

Mr. Hall requested that Mr. Boyajian bring additional information to the June meeting regarding exactly how much pea stone was proposed.

C. Guy LaPlante for WFL Properties, Inc., 81 Winchester Road – Driveway with 3 Wetlands Crossings, Single Family Dwelling, and Septic System in the Regulated Area.

Guy LaPlante addressed the Commission regarding this matter. He explained that he wanted to create a separate driveway for this lot at the west side of the property. Ms. Malanca then explained that the lot had been created through subdivision with a driveway on the east side of the property that was shared with 65 Winchester Road. She said that the wetlands onsite had been delineated in the early 1980s prior to the construction of the shared driveway, and there was some question about the functionality of the wetlands at the western side of the property. Mr. LaPlante said that the wetlands were going to be delineated again by Tom Stansfield. Ms. Malanca recommended that the Commission authorize review of this application by the Town's engineering consultant due to the requested stream crossings. She also recommended the Commission consider conducting a site walk in order to better understand the location and the potential impact of the proposed activities.

MOTION Mr. Ryznar, second Ms. Schroder Perez, to accept the application in the matter of **Guy LaPlante for WFL Properties, Inc., 81 Winchester Road – Driveway with 3 Wetlands Crossings, Single Family Dwelling, and Septic System in the Regulated Area**, determine it to be significant, and schedule the matter for public hearing at the June 24, 2013 regular meeting subject to the following conditions:

1. The Inland Wetlands Enforcement Officer is to arrange review of and report on this application by the Town's engineering consultant.
2. New plans which include updated wetlands delineation are to be submitted to the Land Use Office prior to the public hearing.
3. A site walk is scheduled for June 24, 2013 at 6PM.

The motion was unanimously approved.

At the request of Andrea Messenger DuBois, the Commission agreed to discuss item 2E prior to item 2D.

E. DECLARATORY RULING: Andrea Messenger & Stephen DuBois, 161 Reservoir Road – Maintenance of Agricultural Pastures and Placement of Brush in Regulated Area.

Andrea Messenger DuBois addressed the Commission regarding this matter. Ms. Messenger DuBois explained that many trees had fallen down into the pasture land where their beef cattle grazed due to the past few years' storms as well as invasive beetles. Because of this, there were areas of the pasture that could not be used for grazing, which necessitated purchasing hay. As this had proven costly, Ms. Messenger DuBois stated that they wished to windrow the brush and fallen branches to the sides of the pasture, some areas of which were within 100 feet of a small intermittent watercourse. Ms. Malanca stated that she had walked the site and believed that the proposed activities qualified for exemption as per Sections 4.1A and 4.1D of the Inland Wetlands Regulations. She stated that no brush would be placed in the intermittent watercourse; it would be placed uphill of the stream in the upland review area. Ms. Messenger DuBois then pointed out the area to the Commission on a map of her property, which she submitted for the record.

MOTION Ms. Schroder Perez, second Mr. Moscaritolo, to determine that the activities described in the matter of **Andrea Messenger & Stephen DuBois, 161 Reservoir Road – Maintenance of Agricultural Pastures and Placement of Brush in Regulated Area** 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.

D. DECLARATORY RULING: Andrea Messenger & Stephen DuBois, 161 Reservoir Road – Placement of Drainage Pipe to Prevent Erosion of Agricultural Pasture.

Andrea Messenger DuBois again addressed the Commission regarding this matter. She explained that they wished to lay approximately 16-20 feet of 12-inch diameter concrete pipe in a small intermittent watercourse that was perpendicular to their fence line. Ms. Messenger DuBois explained that they needed to be able to travel along the fence line with their tractor in order to make repairs; installing the pipe would ensure they could do so without damaging the stream bank and creating erosion. Mr. Hall questioned whether they planned to relocate the stream, and Ms. Messenger DuBois responded negatively. Mr. Trumbull asked whether fill would be necessary to cover the pipe. Mr. DuBois then addressed the Commission to state that some fill would likely be needed to protect the pipe and ensure the approach to the crossing was safe for their tractor to travel over.

MOTION Mr. Ryznar, second Ms. Schroder Perez, to determine that the activities described in the matter of **Andrea Messenger & Stephen DuBois, 161 Reservoir Road – Placement of Drainage Pipe to Prevent Erosion of Agricultural Pasture** represent a permitted use as of right under Section 4.1A of the Town of New Hartford Inland Wetlands Regulations; unanimously approved.

F. DECLARATORY RULING: Town of New Hartford – Brodie Park, 580 West Hill Road – Beach Maintenance (Placement of Sand) at Brodie Park Beach.

First Selectman Dan Jerram addressed the Commission regarding this matter. Mr. Jerram read into the record a letter he submitted to the Commission dated April 29, 2013. He stated that as a part of the Town's annual beach maintenance, they wanted to spread 36 cubic yards of beach sand at Brodie Park Beach. Two truckloads of sand would be required. Mr. Jerram explained that the Town's risk management consultants advised placement of 36 inches of sand beneath both lifeguard chairs in order to minimize risk of injury if the lifeguards were to jump down. Mr. Hall noted that 36 cubic yards of sand equaled approximately 3 inches of sand over the entire beach area. Mr. Trumbull asked whether the Town had considered reclamation of sand that had eroded into West Hill Pond. Mr. Jerram stated that the Town was open to this possibility, and suggested that they would be able to look into this issue further during drawdown. Mr. Hall expressed a desire for the Town to research whether it would be possible to install the sand in such a way as to minimize future migration of sand into the lake. Ms. Malanca suggested that she could visit Brodie Park Beach in October after drawdown in order to be able to better determine where exactly the sand migrated.

MOTION Mr. Trumbull, second Mr. Moscaritolo, to determine that the activities described in the matter of **Town of New Hartford – Brodie Park, 580 West Hill Road – Beach Maintenance (Placement of Sand) at Brodie Park Beach** represent a permitted use as of right under Section 4.2B of the Town of New Hartford Inland Wetlands Regulations with the recommendation that the Town research ways to minimize migration of beach sand into West Hill Pond; unanimously approved.

3) PENDING 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.

The Commission briefly reviewed the application for this matter. Ms. Schroder Perez questioned whether any digging would be required for foundation, and Ms. Malanca stated that the two additions would be constructed on piers.

Hearing no further comments or questions from the Commission:

MOTION Mr. Trumbull, second Mr. Ryznar, to approve 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** as per all oral and written testimony; unanimously approved.

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

Zygmunt Karolyszyn addressed the Commission regarding this matter. He explained that he wished to construct an 8' by 18' patio in the location of an existing garden. He said that he would remove approximately 1 foot of soil, install processed stone, and then place blue stone. Ms. Malanca questioned what Mr. Karolyszyn planned to do with the soil removed; he stated that he planned to use it throughout his property filling in holes and uneven areas created by his dog.

Mr. Karolyszyn then stated that he wanted to repair two existing decks at the water's edge. He said that approximately 4 or 5 wooden piers would need to be replaced; this would not require digging or concrete, as the piers rested on the lake bottom. Mr. Karolyszyn explained that this work would be done during drawdown. Mr. Moscaritolo asked how deep the water was at the end of the dock, and Mr. Karolyszyn responded that it was approximately 4 feet deep. Mr. Hall questioned whether this was a safety issue where there was danger of imminent harm; if so, the Commission could potentially approve the work to be done immediately particularly since the piers only rested on the lake bottom. Mr. Karolyszyn stated that it would probably be best if he could repair the deck prior to the start of the summer season.

The Commission briefly discussed this issue, noting that they normally require this type of work to be performed during drawdown. However, given the safety issue of a potentially unstable deck, members agreed that it would be prudent to permit these repairs as soon as possible. The Commission decided that they would not place any conditions on this permit with regard to when the deck work could be completed.

MOTION Mr. Trumbull, second Mr. Ryznar, to approve the application in the matter of **Zygmunt Karolyszyn, 31 Aquatic Road – Construction of 8' x 18' Patio and Deck Repair in the Upland Review Area** as per all oral and written testimony; unanimously approved.

4) MEETING MINUTES:

A. April 29, 2013 special meeting.

MOTION Mr. Moscaritolo, second Mr. Ryznar, to approve the minutes of the April 29, 2013 special meeting as written; unanimously approved.

5) INLAND WETLANDS ENFORCEMENT OFFICER'S REPORT:

Ms. Malanca briefly updated the Commission regarding her activities over the previous month. She reviewed with the Commission the Floor Area Ratio amendments that had recently been approved by the Planning and Zoning Commission (PZC), and she noted that as a result of public hearing testimony, the PZC was considering developing amendments to their stormwater management regulations for the R-4 Zone.

6) CORRESPONDENCE:

No business was discussed.

7) OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

No business was discussed.

MOTION Mr. Trumbull, second Mr. Moscaritolo, to adjourn at 8:11PM; unanimously approved.

Respectfully submitted,

Stacey M. Sefcik, Recording Secretary