

**INLAND WETLANDS COMMISSION
REGULAR MEETING –MINUTES
MAY 23, 2011 – 7:00 PM
NEW HARTFORD TOWN HALL- 530 MAIN STREET**

PRESENT: James Hall, Anne Hall, Lou Moscaritolo, Nancy Schroeder Perez, Jack Trumbull; Land Use staff Inland Wetlands Enforcement Officer Rista Malanca, Recording Secretary Stacey Sefcik.

ABSENT: Troy LaMere, Robert Swanke; Alternate Wayne Ryznar.

Chairman James Hall called the meeting to order at 7:05PM. All regular members present were seated for the evening. The entire proceedings were recorded digitally and are available in the Town Hall.

1) PUBLIC HEARINGS:

A. Proposed Changes to the Inland Wetlands and Watercourse Regulations to include after-the-fact application fees.

Mr. Hall explained that the proposed amendment would add after-the-fact permit fees to the Inland Wetlands and Watercourse Regulations. He noted that the fees had already been approved by Town Meeting and were currently in effect; this amendment would simply be the official inclusion of this ordinance into the regulations. Ms. Malanca stated that there had been no after-the-fact fees until this ordinance had been adopted; the fee was now \$300, and if the application was determined to be significant and required a public hearing, there would be an additional \$200. Ms. Schroeder Perez noted that the after-the-fact permit fee in Torrington was \$500.

Hearing no other comments from the Commission, Mr. Hall then opened the floor to public comment; however, no one present expressed a desire to speak.

MOTION Mr. Trumbull, second Ms. Hall, to close the public hearing in the matter of **Proposed Changes to the Inland Wetlands and Watercourse Regulations to include after-the-fact application fees**; unanimously approved.

2) PUBLIC HEARINGS CONTINUED:

A. John and Kathleen Burke, applicant/owner – 23 Parsonage Drive (formerly 41 East Cotton Hill Road) – Construct a driveway and dwelling (After-the-Fact).

Mr. Burke explained that new plans had been developed and delivered to Ms. Malanca the previous Friday. He stated that the new plans would be for a processed gravel driveway without any wetlands disturbance, with the highest grade at 12%. Mr. Burke then briefly explained the changes to the plans, which included an additional pipe of the same size as the one already installed in order to double the water egress capacity. He said that the curve of the driveway had also been widened in order to allow for a more gradual decrease in slope. Mr. Burke stated that the current driveway was 17% grade, the previous plans called for a maximum of 14% grade, and the revised plans changed that to a 12% maximum grade. He said that the revised plans also included erosion protection fabric after seeding and stabilization of the slope, installation of 8 foot x 20% piers to decrease water velocity into the culvert, hay bales, and crowning of the driveway so that water flowed toward the benches in the hill.

Both Mr. Trumbull and Ms. Hall commended the Burkes for the efforts they had put in to rectifying the issues with their driveway. Mr. Hall then pointed out to the Burkes some minor errors on the revised plans, which included the reversal of contour lines pertaining to the slope of the driveway. Mr. Burke also noted that the plans mistakenly said 18 RCP piping when it should have read 24 RCP.

Mr. Hall then opened the floor to public comment; however, no one present expressed a desire to speak.

MOTION Ms. Hall, second Mr. Moscaritolo, to close the public hearing in the matter of **John and Kathleen Burke, applicant/owner – 23 Parsonage Drive (formerly 41 East Cotton Hill Road) – Construct a driveway and dwelling (After-the-Fact)**; unanimously approved.

3) **NEW APPLICATIONS: Acceptance and Determination of Significance:**

A. **Sheila Faith, 311 Ramstein Road – Install 1-1/2" water line along the driveway.**

Michael Faith addressed the Commission regarding this matter. Mr. Faith explained that he and his wife wished to connect to the Torrington water line, which ran nearby. He said that he therefore wanted to run a pipe directly adjacent to his driveway for 523 feet in order to connect into the water company's line. Mr. Faith stated that he did not plan to alter the driveway in any way, and that the pipe would be located on the north side of the driveway. Mr. Hall verified that the work would take place within the fill for the driveway, and Mr. Faith replied positively. He stated that he would be digging 5 feet down and would be replacing the fill on top of the pipe. Ms. Malanca informed the Commission that there was a watercourse within 100 feet of the proposed work area. The Commission then briefly reviewed the plans.

MOTION Mr. Trumbull, second Ms. Schroeder Perez, to accept the application in the matter of **Sheila Faith, 311 Ramstein Road – Install 1-1/2" water line along the driveway**, determine it to be nonsignificant, and set the matter for discussion at the June 27, 2011 regular meeting; unanimously approved.

B. **John King, 54 Timberline Road – Addition within the regulated area.**

Mr. King addressed the Commission to explain that he wished to construct a 20-foot addition to the south side of his house, which would put the work within the regulated area. He stated that the addition would be 68 feet from the wetlands. Mr. King said that the addition would have a walkout basement and an 8-10-foot deck built on piers. He then explained that there would not be a great deal of excavation due to the steep slope at this side of the property. Ms. Malanca stated that she did not believe the proposed work was significant.

MOTION Mr. Moscaritolo, second Mr. Trumbull, to accept the application in the matter of **John King, 54 Timberline Road – Addition within the regulated area**, determine it to be nonsignificant, and set the matter for discussion at the June 27, 2011 regular meeting; unanimously approved.

4) **PENDING APPLICATIONS:**

A. **John and Kathleen Burke, applicant/owner – 23 Parsonage Drive (formerly 41 East Cotton Hill Road) – Construct a driveway and dwelling (After-the-Fact).**

Ms. Malanca stated that she did not believe additional conditions were necessary as all pertinent information was already stated on the plans.

MOTION Mr. Trumbull, second Mr. Moscaritolo, to approve the application in the matter of **John and Kathleen Burke, applicant/owner – 23 Parsonage Drive (formerly 41 East Cotton Hill Road) – Construct a driveway and dwelling (After-the-Fact)** as per the plans dated May 16, 2011; the motion carried 4-0-1 with Ms. Schroeder Perez abstaining.

B. **Patrick Gallagher, 604 West Hill Road, Breaking and removing rock outcrops in West Hill Pond.**

Ms. Malanca informed the Commission that Mr. Gallagher planned to use a liquid fracturing agent as discussed at the previous meeting. Mr. Trumbull asked what would happen if the liquid agent did not perform the job to Mr. Gallagher's satisfaction; Mr. Hall and Ms. Malanca both stated that Mr. Gallagher would then have to come back before the Commission.

MOTION Ms. Schroeder Perez, second Ms. Hall, to approve the application in the matter of **Patrick Gallagher, 604 West Hill Road, Breaking and removing rock outcrops in West Hill Pond**, with the following conditions:

1. The applicant is required to use a nonexplosive fracturing agent such as Crackamite.
2. The proposed work is only to be performed during the deep drawdown of West Hill Pond, while rocks are fully exposed.
3. No heavy equipment is permitted on the site.

The motion was unanimously approved.

C. Michaelangelo's Restaurant, 256 Main Street – Construct a 12x40 patio within 100 feet of the Farmington River.

Ms. Malanca informed the Commission that she had not received a remediation plan as requested by the Commission at their previous meeting. She said that she had sent the applicant, Peter Anastasopoulos, a letter dated May 5, 2011 requesting his presence at this meeting. She then asked the property owner what he believed would happen if the stone pillars and fencing were removed. Mr. Anastasopoulos explained that cars had been driving through the back of the property close to the river and that they were now no longer able to do this. He also stated that there had been erosion into the river, but that this had also been resolved.

Mr. Trumbull asked Mr. Anastasopoulos why he had put down grass at the back, and he explained that this was the location of the propane tank that he had been given approval to remove with his original permit, and that he wanted to level the area after it was removed. Mr. Trumbull then asked why he constructed the pillars and fencing and not the planters and picket fence as stated in the original permit. Mr. Anastasopoulos explained that it was for landscaping and aesthetics. Mr. Trumbull then asked how much material had been put down on the site. The applicant explained that dump trucks had brought in 2 loads of fill, ½ load of topsoil, and 1 load of gravel.

Ms. Malanca asked whether a blockage was required around the patio for the applicant's liquor license, and Mr. Anastasopoulos responded affirmatively. Mr. Hall also noted that people used to drive through the back of the property, and Ms. Malanca said that fisherman also used to walk through the area as well. Ms. Hall asked information regarding the construction of the fence and pillars, and Ms. Malanca stated that it was performed okay.

Mr. Trumbull expressed concern about people walking through the grass or the applicant putting tables out in the grass. He stated that there should be a clear delineation between the patio and the grass. He also expressed frustration with applicants who performed work without a permit and were then allowed by the Commission to keep what they illegally built. Ms. Hall suggested removing the pillars by the river, keeping the fencing perpendicular to the river, and installing a fence along the patio as well. Ms. Malanca suggested keeping the fencing along the river in order to keep the fisherman from walking through the area. The Commission then discussed the type of fencing to be used by the patio, noting that the applicant would need access in order to mow the grass area. Mr. Moscaritolo stated he had been at the restaurant recently and expressed concern with the downspouts; Ms. Malanca stated that a level spreader could be required as a part of this permit.

MOTION Ms. Hall, second Mr. Moscaritolo, to approve the application in the matter of **Michaelangelo's Restaurant, 256 Main Street – Construct a 12x40 patio within 100 feet of the Farmington River** as per the plans dated May 13, 2009 and revised through February 28, 2011 as per the following conditions:

1. The landscaping plan dated May 13, 2009 and revised June 15, 2009 is to be modified so that the entrance to the patio be placed on the east side for handicap access, and a separate maintenance access to the grass area be located to the north of the patio
2. A dissipater is to be placed at the outflow of all downspouts.

The motion carried 4-0-1 with Ms. Schroeder Perez abstaining.

D. Jane Whitney, 714 West Hill Road – Landscaping, retaining wall, and patio.

Mark Bussolini of the Kenmark Company, addressed the Commission on behalf of the applicant. Mr. Bussolini briefly reviewed changes to the plans, which included the relocation of the steps from one side of the property to the other, a shortened wall, and the elimination of the proposed fire pit. Mr. Moscaritolo read into the record a letter from Kenmark Company, which stated that they only proposed to use a mini excavator and a dump truck.

MOTION Mr. Trumbull, second Ms. Hall, to approve the application in the matter of **Jane Whitney, 714 West Hill Road – Landscaping, retaining wall, and patio** as per the plans dated March 23, 2011 and revised May 10, 2011; unanimously approved.

E. Proposed Changes to the Inland Wetlands and Watercourse Regulations to include after-the-fact application fees.

MOTION Ms. Schroeder Perez, second Mr. Moscaritolo, to adopt the proposed changes to the Inland Wetlands and Watercourse Regulations to include after-the fact application fees; unanimously approved.

5) MINUTES OF PREVIOUS MEETINGS:

A. April 25, 2011 regular meeting.

MOTION Mr. Moscaritolo, second Ms. Hall, to accept the minutes of the April 25, 2011 regular meeting as written; unanimously approved.

6) INLAND WETLANDS OFFICER'S ENFORCEMENT REPORT:

Ms. Malanca reviewed with the Commission her enforcement report for the period from April 25, 2011 through May 23, 2011.

7) CORRESPONDENCE:

A. Report submitted by Yale School of Forestry & Environmental Studies – Town of New Hartford Land Use.

Ms. Malanca advised the Commission that she had received a report regarding land use in the Town of New Hartford from a study performed by the Yale School of Forestry and Environmental Studies. She encouraged all members to review it. Mr. Hall offered to scan the report and maps in color into his computer and email it to all members. Ms. Malanca also stated she would email the link to the study as well.

8) OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

No business was discussed.

MOTION Mr. Trumbull, second Ms. Hall, to adjourn at 8:40PM; unanimously approved.

**Respectfully submitted,
Stacey M. Sefcik**