

**INLAND WETLANDS COMMISSION
REGULAR MEETING – MINUTES
MONDAY, JUNE 24, 2013 – 7:00PM
NEW HARTFORD TOWN HALL – 530 MAIN STREET**

PRESENT: Chairman James Hall, Anne Hall, Troy LaMere, Lou Moscaritolo, Nancy Schroeder Perez, Jack Trumbull, Wayne Ryznar; Inland Wetlands Enforcement Officer Rista Malanca and Recording Secretary Stacey Sefcik.

ABSENT: None.

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

The Recording Secretary read into the record the legal notice for this public hearing. Guy LaPlante addressed the Commission to submit proof of notice to abutting neighbors. David Whitney, PE, engineer for the applicant, then addressed the Commission regarding this matter.

Mr. Whitney explained that in July 1986, the wetlands were delineated for the original property of approximately 8.2 acres. In 1986-1987, the previous owner had done a free cut and created two lots; Lot 1 was 3.26 acres and Lot 2 was 4.9 acres. At that time, the property owner had gotten approval from the Inland Wetlands Commission to improve an existing wood road to create a shared driveway for the two new lots. Mr. Whitney explained that the driveway as created may not have met the shared driveway requirements of the Zoning Regulations in existence at that time. Lot 2 (65 Winchester Road) was subsequently developed; however, Lot 1 (81 Winchester Road) had remained vacant. Mr. Whitney explained that 81 Winchester Road was eventually purchased by Mr. LaPlante, who was now attempting to develop the site and sell it. He stated that Mr. LaPlante had a potential buyer for the lot; however, they did not want a shared driveway. Because of this, Mr. LaPlante was attempting to obtain approval for a new driveway elsewhere on the site.

Mr. Whitney explained that the applicant had submitted a site plan dated May 2013 showing the new driveway on the west side of the property. The proposed new driveway would require 2000 square feet of wetlands disturbance; however, it appeared to be the driest area on the site. Mr. Whitney said that the wetlands had been re-delineated by Tom Stansfield in May 2013 and subsequently located on the plans by Ronald McCarthy; this new delineated revealed additional wetlands at the front of the property. With additional wetlands located, additional wetlands crossings would now be required. Because of this new information, Mr. Whitney submitted revised plans dated June 21, 2013 showing the additional wetlands area; the driveway, house, and septic system remained the same. He explained that Roger Hurlbut of Lenard Engineering, the Town's engineering consultant, had submitted a letter dated June 24, 2013 stating that the revised plans were incomplete; a further revised plan was then submitted to the Land Use Office later that day. Ms. Malanca informed Mr. Whitney and the Commission that an updated letter had been received from Roger Hurlbut at 5:30PM that afternoon.

Mr. Whitney explained that virtually the entire lot was located within the regulated area. He stated that most of the water would be coming onto the site from 91 Winchester Road through the 3rd culvert under the proposed driveway. The water from 91 Winchester Road went down a drainage ditch along the property line and through a 12-inch culvert before it then came onto this property. Mr. Whitney said that their design used culverts instead of drainage ditches as they did not want to dry up the wetlands onsite. Mr. Whitney then briefly reviewed erosion and sedimentation control measures for the proposal, which included anti-tracking pad, a soil stockpile area, and silt fencing.

Mr. Whitney then reviewed and commented on the report received from Roger Hurlbut earlier that evening. He stated that Mr. Hurlbut was correct that some of the required driveway pulloffs would potentially be located in wetlands areas. He concurred with Mr. Hurlbut's second point regarding geotextile fabric, explaining that there was a note on the plans reflecting this. Mr. Whitney concurred with the third point, stating that he could supply Mr. Hurlbut the requested detail information regarding the inlet and outfall riprap areas. He explained that approval of the septic system was on file with the Farmington Valley Health District, and he would send a copy of it to the Commission. Mr. Whitney concurred with the fifth point on the report, and he explained that he was in the process of trying to answer the sixth point as to whether the project would also be under the jurisdiction of the Army Corps of Engineers.

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Mr. Whitney then explained that the existing driveway that was originally planned to be shared by 65 and 81 Winchester Road had never been approved by the Planning and Zoning Commission, and it did not appear to meet the requirements of the current Zoning Regulations. Therefore, if the applicant wished to use the shared driveway approach, he would have to widen the existing driveway to 18 feet wide with 2-foot shoulders and 2:1 slopes in order to meet the current regulations. This would require additional fill and 2900 square feet of wetlands disturbance as well. Mr. Whitney noted that the amount of disturbance was less for widening the existing driveway than it would be for creating a new driveway at the west side of the property; however, he explained that the shared driveway location was much wetter than the west side of the property, and it appeared to be a higher functioning wetlands with amphibians present. Because the west side of the property appeared to be dryer and perhaps not as high-functioning a wetlands area, this was the site they had believed most prudent for the driveway location.

Ms. Hall pointed out the presence of a pool of water along the western property line with amphibians in it; she stated that she had done volunteer vernal pool monitoring walks in Farmington, and the pool she saw on Mr. LaPlante's property appeared to meet the requirements of a vernal pool. Ms. Schroeder Perez concurred. Mr. Hall informed the Commission that Ms. Malanca had expressed concern there might also be a vernal pool present on the property of 65 Winchester Road very close to the location of the potential expansion of the existing driveway. He reminded the Commission that they were entitled to and must consider impact on wetlands within 100 feet of the proposed activity, even if that was not entirely located on the subject property. Ms. Malanca further explained that the Commission could not regulate with regard to animals, but rather in regard to impact to wetlands. Mr. Whitney expressed doubt that the pool by the site of the proposed new driveway was in fact a vernal pool as the slopes of the pool were quite steep.

Mr. LaPlante submitted a copy of his 2012 Inland Wetlands permit as well as an approval from the Farmington Valley Health District (FVHD) from 1986. He explained that they would have to conduct percolation tests again, and Ms. Malanca stated that an updated approval letter from FVHD would be required. Mr. LaMere questioned how far the septic system was from the driveway as originally approved. Mr. Whitney stated that it was 21 feet; however, while the location of the septic system had remained the same, the proposed location of the house had since changed. Mr. Trumbull questioned where the proposed turnoffs for the new driveway would be located. Mr. Whitney referred to the plans and roughly estimated where each required turnoff would be located. He noted that at least one would be located within the wetlands, which consequently increased the total wetlands disturbance.

Ms. Hall questioned whether this proposal in fact created less impact to wetlands onsite than expansion of the existing driveway. Mr. Hall noted that expansion of the existing driveway would not require pulloffs. He noted that it would be useful for the Commission to have more information regarding the possible presence of vernal pools in each location as well as the exact amount of wetlands disturbance for each alternative. Mr. Whitney noted that different wetlands could possibly have different functions and values. Ms. Hall questioned how much fill would be required for the applicant's proposal, and Mr. Whitney estimated approximately 888 cubic yards would be needed, with some of the fill coming from elsewhere on the site.

Hearing no further comments or questions from the Commission, Mr. Hall opened the floor to public comment. Joe Douiahy of 65 Winchester Road addressed the Commission. Mr. Douiahy questioned whether the new house would have above- or underground utility access. Mr. Whitney explained that utilities would be installed along the driveway within the same area of disturbance as the driveway construction itself. Mr. Douiahy then questioned whether the applicant's proposal would have any impact on the amount of water that currently reached his property, explaining that he had one 24-inch reinforced concrete pipe. He noted that during the heaviest rains, the water level still remained approximately 2 feet below his driveway. Mr. Whitney stated that he believed conditions would remain the same as they are currently. He said that they had purposefully planned for multiple culverts in order to avoid damming the water by using only one culvert. He pointed out that both 91 and 65 Winchester Road only had one culvert pipe.

MOTION Mr. Trumbull, second Mr. LaMere, to continue the public hearing 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** to the July 22, 2013 regular meeting in order to allow time for the submission of the following additional information:

1. Calculations demonstrating the amount of water anticipated to flow through the proposed culverts.
2. Expert testimony regarding the character and functionality of the wetlands and possible presence of vernal pools in the proposed new driveway location as well as the existing shared driveway location.
3. A fully developed and engineered plan for the expansion of the existing driveway for the shared driveway alternative.
4. Information as to whether or not the proposed new driveway construction would require more than 5000 square feet of wetlands disturbance and would therefore fall under the jurisdiction of the Army Corps of Engineers.

The motion was unanimously approved.

Mr. Whitney expressed concern about his ability to obtain some of this information as it would require accessing abutting neighbors' properties. Mr. Hall suggested the applicant speak with the abutting property owners to see if they would grant permission to access their sites; otherwise, it might be possible to conduct needed investigation from Mr. LaPlante's property.

2) NEW APPLICATIONS:

A. **Andrea Dobrozensky, 48 Gibson Lane – Construction of Carriage House with Well, Septic System, and Driveway in the Upland Review Area.**

Gary Giordano, PE, addressed the Commission regarding this matter. Mr. Giordano explained that Ms. Dobrozensky wished to construct a carriage house accessory apartment with its own well, septic system, and driveway. He stated that Ms. Dobrozensky had originally wanted a location closer to the existing house; however, that location did not pass percolation testing. Mr. Giordano said that this location was the best alternative; while no portion of the activity was in the wetlands, the entire project would be within the upland review area. Ms. Malanca questioned how close the project would be to the wetlands, and Mr. Giordano stated that at its closest, it would be 35 feet from the wetlands.

Mr. Giordano then informed the Commission that he would not be able to be present the night of July 22nd, and he asked if it would be possible to schedule this matter for the August meeting. He explained that the applicants were not in a hurry as they would also have to apply for a special exception from the Planning and Zoning Commission, which would require a public hearing.

MOTION Mr. LaMere, second Ms. Hall, to accept the application in the matter of **Andrea Dobrozensky, 48 Gibson Lane – Construction of Carriage House with Well, Septic System, and Driveway in the Upland Review Area**, determine it to be nonsignificant, and schedule the matter for discussion at the August 26, 2013 regular meeting; unanimously approved.

B. **Paul Rhoda and Patricia Abad, 106 South Road – Removal of Trees and Grading Work in the Upland Review Area.**

Paul Rhoda addressed the Commission regarding this matter. Mr. Rhoda explained that he wished to take down some trees on his property that were within 100 feet of a watercourse. He also proposed removing a tree that had partially fallen into the watercourse. Mr. Trumbull asked whether Mr. Rhoda planned to do the work himself or hire a contractor. Mr. Rhoda stated that he planned to hire a contractor to cut down the trees, remove the stumps, and do grading work in the same area.

MOTION Mr. LaMere, second Mr. Ryznar, to accept the application in the matter of **Paul Rhoda and Patricia Abad, 106 South Road – Removal of Trees and Grading Work in the Upland Review Area**, determine it to be significant, and schedule the matter for public hearing at the July 22, 2013 regular meeting with the condition that the applicant must submit a sedimentation and erosion control plan; the motion was unanimously approved.

C. **Steven Florio, 146 Camp Workcoeman Road – Demolish and Rebuild Single Family Dwelling in the Regulated Area.**

David Whitney, PE, addressed the Commission regarding this matter. Mr. Whitney explained that this property was a 0.7-acre parcel located adjacent to the Boy Scout camp. He explained that the Mr. Florio wished to tear down and rebuild his single family dwelling; a new septic system would also be installed 200 feet from West Hill Pond. Mr. Whitney said that the applicant had already obtained Farmington Valley Health District approval, and there were no wetlands on the property. He explained that the limit of the work area for the house was 30 feet from West Hill Pond. Mr. Whitney said that the property was relatively flat with a very slight slope.

MOTION Ms. Hall, second Mr. Ryznar, to accept the application in the matter of **Steven Florio, 146 Camp Workcoeman Road – Demolish and Rebuild Single Family Dwelling in the Regulated Area**, determine it to be significant, and schedule the matter for public hearing at the July 22, 2013 regular meeting subject to the condition that the Inland Wetlands Enforcement Officer is to arrange review of and report on this application by the Town's engineering and planning consultants; the motion was unanimously approved.

3) **PENDING APPLICATIONS:**

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

Tom Grimaldi, PE, addressed the Commission regarding this application. Mr. Grimaldi submitted revised plans to the Commission; Ms. Malanca explained that the new plans addressed two issues raised by Roger Hurlbut after visiting the site. She noted that one of the trees might have to be taken down. Mr. Grimaldi briefly reviewed the revised plans, explaining that most of the proposed activity would take place outside of the regulated area. He said that the only activity within the 100-foot upland review area was the planting of a vegetated border along the lakefront. Mr. Grimaldi also explained that the designated party responsible for erosion and sedimentation controls would be Mr. and Mrs. Deloy. He also submitted updated Farmington Valley Health District approval. Mr. Grimaldi then explained that the existing house was 182.4 feet from West Hill Pond; the proposed new house would be 193.8 feet from West Hill Pond. He then reviewed the drainage plans for the site, which included a bioretention area. Mr. Grimaldi also explained that, although the Deloys had an approved septic system on file with FVHD, they did not intend to install it at this time; FVHD required an approved plan to be on file in the event the current system failed.

Mr. LaMere stated for the record that he had listened to the tape of the previous month's meeting, and he was therefore able to vote on this application.

MOTION Mr. Trumbull, second Ms. Hall, to approve the application in the matter of **Allynda and Jeffrey Deloy, 724 West Hill Road – Demolish and rebuild single family dwelling in the regulated area** as per all oral and written testimony; the motion carried 6-0-1 with Ms. Hall abstaining.

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

The Commission briefly reviewed the plans provided as a part of the application, noting that Mr. Boyajian had stated that he planned to use 3/8-inch rounded stone in the new boat launch area.

MOTION Mr. Trumbull, second Mr. Moscaritolo, to approve 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** as per all oral and written testimony with the condition that all work be done during drawdown; the motion carried 6-0-1 with Ms. Hall abstaining.

The Commission expressed the hope that the Connecticut Yankee Council would permit the Commission to use the completed project as an example to other lakefront property owners regarding the benefits of a rounded stone beachfront instead of a sandy beachfront.

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.**

The Commission agreed to table discussion of this matter to the July 22, 2013 regular meeting.

4) **MEETING MINUTES:**

A. **May 20, 2013 special meeting.**

The Commission noted that the April 29, 2013 special meeting minutes had already been approved; the minutes now under review were in fact those of the May 20, 2013 regular meeting.

MOTION Ms. Schroeder Perez, second Mr. Moscaritolo, to approve the minutes of the May 20, 2013 regular 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. Ms. Malanca informed the Commission that the Town was planning to repave Maple Hollow Road and Dings Road. As a part of this activity, the Town planned to replace two rotted culvert pipes. She noted that the work was covered under the Town's General Permit; however, the two pipes were located within the flood plain, and the work would therefore require a flood plain permit from the Planning and Zoning Commission.

Ms. Malanca also informed the Commission that the Water Pollution Control Authority was soon going to be issuing Orders to Connect to property owners abutting the sewer line, some of whom were located along the Farmington River. Because of this, some sewer lateral installation work might be required within the regulated area. The Commission agreed with Ms. Malanca that, where possible, permit applications for activities related to sewer line connections could be handled as agent determinations. Ms. Malanca explained that she would be reviewing each application for proper sedimentation and erosion control measures.

6) **CORRESPONDENCE:**

No business was discussed.

MOTION Mr. LaMere, second Ms. Hall, to amend the agenda to add item 7A – **DECLARATORY RULING: Evan Duffy for The Missionary Servants of the Most Blessed Trinity, 595 Town Hill Road – Repair of Existing Hiking Trail;** unanimously approved.

7) **OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:**

A. **DECLARATORY RULING: Evan Duffy for The Missionary Servants of the Most Blessed Trinity, 595 Town Hill Road – Repair of Existing Hiking Trail.**

Evan Duffy addressed the Commission and distributed copies of a document entitled "Eagle Project, by Evan Duffy." Mr. Duffy explained that, as a part of his work to achieve his Eagle Scout rank in the Boy Scouts, he was planning to repair portions of the White Trail at Trinita. The work included repairs along an existing hiking path as well as repair of a footbridge over a stream. The area of proposed work would be three feet wide and approximately 100 feet long. Mr. Duffy explained that the footbridge was approximately 120 feet into the trail. He planned to use 6x6 railroad ties held in place by rebar. Mr. LaMere asked whether the work would be done by hand, and Mr. Duffy responded affirmatively. He explained that he would use a sledgehammer to pound the rebar into place.

MOTION Ms. Schroeder Perez, second Ms. Hall, to determine that the activities proposed in the matter of **Evan Duffy for The Missionary Servants of the Most Blessed Trinity, 595 Town Hill Road – Repair of Existing Hiking Trail** represent a permitted use as of right under Section 4.2B of the Town of New Hartford Inland Wetlands Regulations; unanimously approved.

MOTION Mr. Moscaritolo, second Mr. LaMere, to adjourn at 8:16PM; unanimously approved.

Respectfully submitted,

Stacey M. Sefcik
Recording Secretary