

**INLAND WETLANDS COMMISSION
REGULAR MEETING – MINUTES
MONDAY, AUGUST 26, 2013 – 7:00PM
NEW HARTFORD TOWN HALL – 530 MAIN STREET**

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

Chairman James Hall called the meeting to order at 7:00PM. Mr. Moscaritolo arrived to the meeting at 7:15PM. 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 CONTINUED:

A. Paul Rhoda and Patricia Abad, 106 South Road – Removal of trees and grading work in the Upland Review Area.

Ms. Malanca informed the Commission that the applicant had properly noticed their abutting neighbors and the certificates of mailing were present in the file. Mr. Hall opened the floor to public comment; however, no one present expressed a desire to speak. Mr. LaMere noted for the record that he had not been present at the public hearing in July; he could therefore not act on this matter. The Commission decided to table this matter until the arrival of Mr. Moscaritolo.

MOTION Mr. LaMere, second Ms. Hall, to table the matter of **Paul Rhoda and Patricia Abad, 106 South Road – Removal of trees and grading work in the Upland Review Area** until the arrival of the applicants and an additional commission member; unanimously approved.

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

Ms. Malanca explained that the applicants had requested another continuance to the September 23, 2013 regular meeting. Mr. Hall pointed out that, in order to comply with statutorily mandated time requirements, the Commission would have to close the public hearing the night of September 23rd.

MOTION Ms. Hall, second Mr. Ryznar, 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 September 23, 2013 regular meeting; unanimously approved.

2) PUBLIC HEARINGS:

No business was discussed.

3) NEW APPLICATIONS:

A. Ronald Compton, 75 Marstan Trail – Modify Permit #12-02-02W for Drainage Improvements.

Rob Hiltbrand, PE, addressed the Commission on behalf of the applicant. Mr. Hiltbrand explained that the applicant's application had previously been approved with stormwater quality swales on either side of the house. Mr. Hiltbrand explained that the contractor hired by the applicant to construct the previously approved drainage system had questioned its efficacy. It was then discovered that not all the water onsite was surface runoff; therefore, the plan had been modified to address groundwater issues as well. Mr. Hiltbrand said that the water coming from the road carried a lot of sediment. The water was currently carried by an existing swale at the south side of the property; the swale was working properly. He explained that constructing the new swale approved in the existing plans to replace the current swale would require removal of several trees. Since the existing swale was functioning properly, he proposed leaving it in place. Mr. Hiltbrand explained that the roof leaders would now be connected to the drainage system; currently they were directed down to the foundation.

Ms. Hall questioned how deep the footings were. Ms. Malanca stated that they were 8 feet deep; the lot was sloped and there was only a crawl space to the house, not a full basement. Mr. Hiltbrand explained that the new plans called for an underdrain and a yard drain at a low point on the property by the shed. Two drainage structures were also proposed along Marstan Trail.

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Mr. Moscaritolo arrived to the meeting at this time.

Ms. Malanca explained that most of the work was taking place outside of the regulated area. She explained that in place of the drainage swale, the applicants would be installing a pipe. Ms. Malanca said that the previously approved plan had not been deemed significant, and in her opinion this modification represented even less disturbance than the original. Ms. Hall observed that all of the work was within the upland review area. Ms. Malanca concurred, but pointed out that the original plan included grading work that this new plan did not include. She explained that the Town's engineering consultant had reviewed the plan and submitted a letter dated August 26, 2013 regarding the modification. Ms. Malanca noted that there were be less disturbed area at one time due to the use of a trenching box.

MOTION Mr. LaMere, second Ms. Hall, to approve the application in the matter of **Ronald Compton, 75 Marstan Trail – Modify Permit #12-02-02W for Drainage Improvements** as per maps and plans prepared by R. R. Hiltbrand Engineers and Surveyors, LLC entitled "Site Development Plan, Drainage Improvements, 75 Marstan Trail, New Hartford, Connecticut" dated August 2, 2013 with the condition that all recommendations listed in the letter dated August 26, 2013 from Roger Hurlbut, PE, the Town's engineering consultant, be incorporated into the plans; unanimously approved.

MOTION Mr. LaMere, second Ms. Hall, to amend the agenda to address item 1A and then return to the agenda as written; unanimously approved.

1) PUBLIC HEARINGS CONTINUED:

A. Paul Rhoda and Patricia Abad, 106 South Road – Removal of trees and grading work in the Upland Review Area.

MOTION Ms. Hall, second Mr. Ryznar, to close the public hearing in the matter of **Paul Rhoda and Patricia Abad, 106 South Road – Removal of Trees and Grading Work in the Upland Review Area**; unanimously approved.

MOTION Mr. Ryznar, second Ms. Hall, to amend the agenda to address item 4C and then return to the agenda as written; unanimously approved.

4) PENDING APPLICATIONS:

C. Paul Rhoda and Patricia Abad, 106 South Road – Removal of trees and grading work in the Upland Review Area.

Mr. Hall stated that he, Ms. Hall, Mr. Moscaritolo, and Mr. Ryznar would be seated for this matter. Mr. LaMere was not seated as he was not present at the July regular meeting and had not had an opportunity to review the recording of this public hearing. Ms. Hall stated that this appeared to be a very straightforward application, and several members concurred.

MOTION Ms. Hall, second Mr. Moscaritolo, to approve 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**; unanimously approved.

Mr. Moscaritolo then exited the meeting room for the evening. Mr. LaMere was again seated for the rest of the meeting.

3) NEW APPLICATIONS:

B. David and Patricia D'Amore, 25 Konrader Road – Remove Silt from Pond.

Mr. D'Amore explained that he wanted to remove siltation built up in his pond, and he reviewed with the Commission his application and pictures taken of the site. He explained that he had done this exact work once before in 1994; the only difference this time was the location where he proposed to spread the material. Mr. D'Amore stated that he planned to use the exact same contractor, Allen Excavating, as he had used previously as well as the exact same process, whereby the pond would be drained and the material removed.

Members questioned how the pond was fed, and Mr. D'Amore stated that water came from Town Hill Road into his pond. Ms. Hall asked whether any water came from Konrader Road, and Mr. D'Amore responded negatively. Mr. LaMere questioned whether Mr. D'Amore had attempted any strategies to prevent siltation to the pond. Mr. D'Amore stated that he had tried constructing a retention pond; however, that was unsuccessful. Ms. Malanca explained that the pond was in a wooded area in a low depression; while the map showed a stream leading to the pond that may have been there at some point in time, there was only a culvert there today. Mr. D'Amore stated that he would also be removing some smaller trees and grass from around the pond. Ms. Hall questioned whether there were any wetlands in the area, and Ms. Malanca responded negatively.

Members discussed whether this project met the definition of maintenance in Section 4.1 of the Inland Wetlands Regulations. Ms. Malanca stated that, in her opinion, it did not appear to as Section 4.1F only addressed drainage pipe maintenance and Section 4.1D stated that it shall not include removal of a significant amount of material from a watercourse. The Commission then decided that an Inland Wetlands Permit would be required.

MOTION Mr. LaMere, second Ms. Hall, to accept the application in the matter of **David and Patricia D'Amore, 25 Konrader Road – Remove Silt from Pond**, determine it to be nonsignificant, and schedule the matter for discussion at the September 23, 2013 regular meeting; unanimously approved.

C. Metropolitan District Commission – Declaratory Ruling for Timber Harvest on Private Road “Torrington Avenue” off of Route 202 near Nepaug Reservoir.

Ms. Malanca explained that the road at the entrance to the Nepaug Reservoir was called Torrington Avenue. She stated that the hemlock trees by the entrance had been attacked by disease, and the MDC wished to cut them down before the trees fell down and potentially injured visitors to the site.

Andrew Hubbard of the MDC then addressed the Commission. He reiterated what Ms. Malanca had stated, noting that there had also been some storm damage to some of the trees. While most of the trees to be taken down were hemlock, there were also some ash trees that would be removed. Mr. Hubbard explained that, due to the close proximity to the road where visitors travel, the site would have to be closed down during this work. They planned to complete the work as soon as possible. No stumps would be removed, and foresters would be present onsite for the duration of the work. Mr. Hubbard explained that while there were no wetlands nearby, some of the work would be right by the edge of the water. He explained the process that would be used to cut the trees. Mr. Hubbard stated that 2-3 acres would be intensively harvested and the process would take approximately 2 weeks. Mr. LaMere questioned when the work would take place. Mr. Hubbard stated it would hopefully be during the upcoming fall, and he said that notice of the temporary closure would be posted on their website.

MOTION Mr. Ryznar, second Mr. LaMere, to determine that the activities described in the matter of **Metropolitan District Commission – Declaratory Ruling for Timber Harvest on Private Road “Torrington Avenue” off of Route 202 near Nepaug Reservoir** represent a permitted use as of right under Section 4.1A of the Town of New Hartford Inland Wetlands Regulations; unanimously approved.

4) PENDING APPLICATIONS:

A. Ursula Von Rydingsvard, 646 West Hill Road – Construct 12' x 19'9" Blue Stone Patio in the Upland Review Area.

Zygmunt Karoliszyn addressed the Commission on behalf of the applicant. Mr. Karoliszyn explained that a 1-1/2 inch thick 12' x 19' 9" blue stone patio was proposed against the foundation slab by the basement door. Six inches of gravel would be installed underneath the patio. Mr. LaMere questioned whether the area would be dug by hand, and Mr. Karoliszyn responded affirmatively. Mr. LaMere asked about the pitch of the land in the area proposed. Mr. Karoliszyn stated that there was a slight pitch; however, they would attempt to level the area by digging slightly by the foundation slab. He stated that the patio would have 4x4 railroad ties around the perimeter. Mr. LaMere then questioned what erosion and sedimentation controls would be used. Mr. Karoliszyn stated that he planned to install silt fencing. Ms. Malanca recommended hay bales in place of silt fencing, and Mr. LaMere concurred. Mr. Karoliszyn expressed willingness to use hay bales in place of silt fencing.

MOTION Ms. Hall, second Mr. Ryznar, to approve the application in the matter of **Ursula Von Rydingsvard, 646 West Hill Road – Construct 12' x 19'9" Blue Stone Patio in the Upland Review Area** as per all oral and written testimony; unanimously approved.

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

Gary Giordano, PE, addressed the Commission regarding this matter. Mr. Giordano reviewed with the Commission the maps and plans for the entire site as well as the location of the proposed activity. He explained that the applicants proposed a one bedroom carriage house with well, septic system, and driveway. Mr. Giordano noted that the entire project was located within the upland review area; however, there would be no actual wetlands disturbance. He explained that the site originally proposed for the carriage house was closer to the main house; however, the soil there was not suitable for the additional septic system and there was not sufficient radius around the current well. Mr. LaMere questioned whether the carriage house would have a full basement, and Mr. Giordano responded affirmatively. He stated that roof leaders and footing drains would be installed. Ms. Malanca informed the Commission that the project was 35 feet from the wetlands at its closest point. The Commission then reviewed the maps and plans for the proposal.

MOTION Mr. LaMere, second Ms. Hall, to approve the application in the matter of **Andrea Dobrozensky, 48 Gibson Lane – Construction of Carriage House with Well, Septic, and Driveway in the Upland Review Area** as per all oral and written testimony; unanimously approved.

D. 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 September 23, 2013 regular meeting.

5) MEETING MINUTES:

A. July 22, 2013 regular meeting.

The Commission agreed to table discussion of this matter to the September 23, 2013 regular meeting.

6) INLAND WETLANDS ENFORCEMENT OFFICER'S REPORT:

Ms. Malanca briefly reviewed her enforcement activities over the previous month. She noted that so far this year there were eight new houses being constructed in Town. She also reported a complaint she had received regarding work being done by the MDC; hay bales had not been installed but were put in place the same day she contacted them. She also received a complaint regarding activity on Arrowhead Drive; however, that was located 140 feet from the wetlands. Ms. Malanca updated the Commission on the status of a grant the Town had received from the Department of Energy and Environmental Protection for drainage work along Davis Road. Ms. Malanca also updated the Commission regarding a recent washout along West Hill Road and the closure of Richards Road.

Members of the Commission then discussed with Ms. Malanca the process by which Town highway projects were reviewed by Roger Hurlbut, PE, the Town's engineering consultant. They requested an informational meeting with Mr. Hurlbut to better understand the review process.

7) CORRESPONDENCE:

No business was discussed.

8) OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Regular Meeting Schedule for 2014.

Ms. Malanca asked if the Commission would consider adjusting its usual meeting date from the 4th Monday of the month to the 1st or 3rd Wednesday of the month. She explained that this would enable applicants to have time to review plans if needed prior to the Planning and Zoning Commission meetings scheduled for 2nd and 4th Wednesdays. Currently, the Inland Wetlands Commission meeting took place two days prior to the second Planning and Zoning Commission meeting of the month, which did not allow a great deal of time for applicants to prepare.

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The Commission expressed willingness to move their meetings to the first Wednesday of the month effective January 2014.

MOTION Ms. Hall, second Mr. LaMere, to adjourn at 7:58PM; unanimously approved.

Respectfully submitted,

Stacey M. Sefcik
Recording Secretary