

**INLAND WETLANDS COMMISSION
REGULAR MEETING – MINUTES
WEDNESDAY, JULY 2, 2014 – 7:00PM
NEW HARTFORD TOWN HALL – 530 MAIN STREET**

PRESENT: Chairman James Hall, Anne Hall, Troy LaMere, James Chakulski, Nancy Schroeder Perez, Inland Wetlands Enforcement Officer Steve Sadlowski.

ABSENT: Lou Moscaritolo, Wayne Ryznar.

Chairman James Hall called the meeting to order at 7:05PM. All regular members 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. Castellani Family Real Estate Ventures, LLC, Ramstein Road – 2 intermittent stream crossings and a water quality basin located within 100' of wetland regulated area for roadway serving 7 lot Open Space subdivision.

Mr. Kenneth S. Hrica, PE, RLS, of Hrica Associates LLC, addressed the commission regarding this application and provided a history regarding previous applications. This application calls for a resizing of the culverts. Mr. Hrica indicated that while they were originally sized appropriately, the new plan allows for use of a single 30 inch circular culvert at the first crossing and a single 36 inch culvert at the second crossing of the intermittent streams.

After reviewing previous plans and details of the corresponding applications, Mr. Hrica directed commission members attention to the new plan detailing a seven lot Open Space Subdivision. Mr. Hrica reminded the commission that in an Open Space Subdivision, at least 50% of the total area of the property must be available for open space. Mr. Hrica reported that property is mostly wooded although there are some open areas where previous clear cutting was done. He further stated that there really is no activity in there so vegetation is growing back in clear cut areas. He highlighted the wetlands so commission members could see clearly on his map. He relayed that what applicants are planning on doing is having a very large open space parcel on the north side of proposed road, have a smaller open space parcel on the south side that encompasses all of the wetlands and the regulated areas. All of the development of the seven lots is outside of regulated area.

The purpose for the appearance before the commission is to have the two crossings re-permitted. He also highlighted that the permit that now exists and previously approved is for a 12 foot wide driveway. He relayed that it will now need to be extended for a 20 foot wide road. Applicants would need to lengthen each one of the culverts. While there is more wetland disturbance in doing that, they will still be utilizing the same size culverts. They are appropriately sized and so wetland impact is minimal. The subdivision itself will include a 2000 foot roadway which will be a town road.

The roadway will be 20 feet wide with no curbing and will be transporting water with roadside swales that run through the site. The likely space for open space would be this brook corridor in the upland area that surrounds this smaller one acre open space.

Mr. Steven Sadlowski, Inland Wetlands Enforcement Officer, inquired about the water from the north side of the road from the detention basin to the right and whether that was just going to run sheet flow over the side. He noted a swale that seems to go off to the right side where it gets close to the property line. Mr. Hrica responded that there is a swale there that takes the water from the north side of the road and it outlets the swale in an upland area, approximately 90 feet from wetland system and quite a bit more, 150 feet or so, from the brook but it does outlet into an upland area where it will fan out.

Mr. Sadlowski questioned Mr. Hrica as to whether he thought water would cause any problems during heavy storms or erosion. Ms. Hall asked about maintenance plans for basins. Mr. Hrica responded that he will provide a maintenance plan at the next meeting but that it will not necessarily include a recommendation that the basins are routinely cleaned as the scooping out of the bottom takes away all of the vegetation but will address the accumulation of debris. Ms. Shroeder Perez sought to clarify that the each of the upper basins were 180 feet long while the lower one was 60 feet long. Ms. Hall asked how much more in the wetlands will the culverts be or how much more disturbance will be taking place beyond what has already been. Mr. Hrica replied that it will be 4 feet on each side.

MOTION Mr. LaMere, second Ms. Hall to accept the application in the matter of **Castellani Family Real Estate Ventures, LLC, Ramstein Road – 2 intermittent stream crossings and a water quality basin located within 100' of wetland regulated area for roadway serving 7 lot Open Space** and determine it to be non-significant; unanimously approved.

B. Roger J. & Linda Schiffert – Map 030 Block 030 Lot 005-3 Town Hill Road – Driveway Crossing watercourse for single-family residential house, including installation of culvert and placement of fill in wetlands.

David F. Whitney, Consulting Engineers, LLC passed out an aerial view of the site. Mr. Whitney described the site as an odd shaped piece of land, 25.9 acres, located on the east side of Town Hill Road about halfway between Burdick Road and Hoppen Road, in the R-2 zone. He further described it as having about 306 feet of frontage on Town Hill Road and then extends several thousand feet all the way to a brook that comes from Deed's Pond, East Mountain Brook which is at the very back of the property. By way of providing history on the application, Mr. Whitney reported that last year, Roger and Linda Schiffert started with this project with another engineer so there were some plans floating around. It never came to the point that they made application but they did have opportunity to take a walk out to the site with Marty Connor and Roger Hurlbut who had issued some preliminary comments. At that point in time, it was a proposed two lot subdivision but at this point the applicants are asking for the ability to build one single family residential house on the 26 acres. Mr. Whitney stated that obviously the challenge is getting in the back of the site where the home site is proposed. He further noted the challenge of a driveway which was shown on map in orange. Wetlands on

the site were delineated by Tom Petras, soil scientist and located by Dufour Surveying and are shown on map and therefore, Mr. Whitney was confident of their accuracy. He then went on to point out to commission members the band of wetlands in the front on the northern portion of the site, the band of wetlands that goes from south to north through the site. The 100 foot upland review area was outlined in purple so members could see the driveway coming into the site and how they tried to stay out of the wetlands and comes along the southern property line. He pointed out the typography and slope ranges.

Mr. Whitney pointed out that the application is a request to construct the driveway and portions of it within the upland review area and most importantly cross the wetlands to access the home site in the back. New Hartford's regulations for driveways require that a wide spot occur at every 150 foot interval. As part of this application, the wide spot is located at the crossing of the wetlands for several reasons: going 150 feet intervals, this is where a 150 feet interval falls. Also, it is the lowest point of the driveway and is a bottleneck and Mr. Whitney thought it would be wise to be able to have two vehicles pass here if they both wind up at the low point of the driveway. In addition, there is a theoretical possibility that there could be a second house here someday. The applicants aren't proposing it now but would like think about that as a possibility. If two houses are constructed on these 26 acres, the driveway would have to be widened along its entire length to an 18 foot minimum as that is the requirement. If that eventuality was to happen, applicants would not need to come back to the Inland Wetlands Commission if this crossing is approved at 18 feet as proposed.

Mr. Whitney proceeded to describe an intermittent water course that comes through these wetlands. Applicants are proposing a 60 foot culvert. As presented to commission members, a shaded area on the map is an area of fill to cross the wetlands, an average of about 95 feet of wetlands crossing. There is an area that had been shaded that should not have been shaded as it was a little island of non-wetlands, a little mound that Mr. Petras indicated was non-wetlands. In addition to crossing at the narrowest point and also crossing at the point that would disturb the least wetlands by virtue of the island of non-wetland soils and by curving the driveway, the plans allow for avoiding the finger of wetlands. This produced the total amount of disturbance as 3400 sq ft. or under 1/10 of an acre of wetlands as disturbed.

Mr. Whitney continued with describing what type of culvert(s) would be used as part of the development. The culvert would be an elliptical pipe. The point of a having a squashed pipe as opposed to having a round culvert is because they are trying to minimize the height of the driveway and minimize the amount of fill required which is about 300 yards. In addition, this intermittent water course does not have a terribly defined channel. The wider the culvert can be, the more it can accommodate the varying width of the water course and it can be buried. Map is showing it to be installed actually below grade so that the dirt and the rocks will to some degree wash in to create a bit of a natural channel bottom, more than you would just have with a circular culvert.

MOTION Mr. LaMere, second Ms. Hall to accept the application in the matter of **Roger J. & Linda Schiffert – Map 030 Block 030 Lot 005-3 Town Hill Road – Driveway Crossing watercourse for single-family residential house, including installation of**

culvert and placement of fill in wetlands and determine it to be significant; the motion carried, 4-0-1 with Ms. Schroeder Perez abstaining. A public hearing has been scheduled for August 6, 2014.

Mr. Whitney concluded with stating that he would like the opportunity to sit down with Mr. Roger Hurlbut to discuss some of the details before the next meeting. Mr. Whitney commented that Mr. Petras wrote a report and will be prepared to attend the next meeting. Both Mr. LaMere and Ms. Hall would like some type of drainage calculation at the time of the next meeting.

3) **PENDING APPLICATIONS:**

A. Jason Carrier – 109 Beeney Road – Clean out pond.

Commission members were referred to a report prepared by JMM Wetland Consulting Services, LLC dated June 25, 2014 that reflects that the pond noted in the application is indeed a vernal pool. Mr. Hall asked that commission members reflect on two aspects of this property upon conclusion of presentation of applicant's engineer, Mr. Richard Calkins, PE of Northeast Civil Technologies, LLC: that it is functioning as a vernal pool and the also, that it is subject to siltation from the highway and therefore eventually will fill in. Mr. Calkins then began by reporting that after the last meeting, the applicant sent out a soil scientist who determined the pond to be a vernal pool. From the report, he highlighted that the bottom of the pond is a mucky type of mineral material and that it cannot be ruled out that even after it's dredged, there is nothing to support that the pond won't continue to act as a vernal pool. He reported that studies show that so long as a pond is not over three feet deep and does not contain fish, it may continue to be a vernal pool. Because this pond does annually dry up due to evaporation, it could not support fish so might otherwise continue to function as a vernal pool.

Mr. Calkins reported that the purpose of the application has not changed in that the applicant is seeking to dredge the pond to approximately three feet deep. Mr. Hall inquired as to what time of year the applicant would be seeking to dredge. Mr. Calkins replied that his client would be amenable to whatever terms the commission might impose in terms of time of year with the dryer months being the obvious choice. Ms. Hall inquired of Mr. Calkins what the applicant's intentions are with the banks of the pond. Mr. Calkins reminded the commission of the 30-40 foot stonewall the applicant had built and the lawn that the applicant had begun. He was inclined to think that the applicant would like to continue that possibility on other side and clean out brush, planting either grass or mulch along embankments. Ms. Hall asked about a plunge pool to Mr. Calkins and whether there is some way of putting in something small that would catch the sand. Mr. Calkins suggested that time be allowed for him to speak with Mr. McManus and seek recommendations on the best way to do this as well as the best time to do this. Mr. Calkins thought that they may be able to arrive at some slight modifications of the plan and/or the time which would give this pond a better chance of remaining a vernal pool. Ms. Hall advised that she would like to engage in more discussion on alternatives on vegetation because mulch above a vernal pool does not seem ideal in terms of erosion.

MOTION Ms. Perez, second Mr. LaMere, in the matter of **Jason Carrier – 109 Beeney Road – Clean out pond**, that applicant present a biologist familiar with vernal pool to provide additional testimony regarding possible pond side vegetation, best time if any to do the work, impact of dredging on the biology of the vernal pool and suggestions for possible sediment tracks at the August 6, 2014 meeting; unanimously approved.

4) MEETING MINUTES:

A. June 4, 2014 regular meeting.

MOTION Ms. Shroeder Perez, second Ms. Hall, to approve the minutes of the June 4, 2014 regular meeting as presented; unanimously approved.

5) INLAND WETLANDS OFFICER'S ENFORCEMENT REPORT:

Mr. Sadlowski reported that he did go out to 65 Stub Hollow Road and nothing has happened or changed. He considered this positive because grass cannot be planted during this time of year.

6) CORRESPONDENCE:

Mr. Hall shared with the commission miscellaneous correspondence: The Metropolitan District is doing an inspection of plants within the Nepaug watershed; The Connecticut Federation of Lakes shared some brochures on who they are and what they do; Connecticut DEEP permit for use application of pesticide on a piece of property that is within 500 feet of New Hartford; and Connecticut Light & Power conducting maintenance activity on selected rights of way.

7) OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Laura Douaihy – 65 Winchester Road – Discuss best management practices for the keeping of horses and installing a paddock.

Ms. Douaihy appeared before the commission seeking opinions as to best practices for the possibility of keeping a horse, building a run-in shed and installing a paddock on her property on Winchester Road. Informal question and answer session ensued.

MOTION Ms. Shroeder Perez, second Ms. Hall, to adjourn at 8:23PM; unanimously approved.

Respectfully submitted,

**Pam Colombie
Recording Secretary**