

**INLAND WETLANDS COMMISSION  
REGULAR MEETING – MINUTES  
WEDNESDAY, AUGUST 6, 2014 – 7:00PM  
NEW HARTFORD TOWN HALL – 530 MAIN STREET**

**PRESENT:** Chairman James Hall, Anne Hall, Troy LaMere (7:07PM), 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 7:00PM. 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:**

**A. Roger J. & Linda Schiffert – Map 30 Block 30 Lot 005-3 Town Hill Road – Driveway Crossing watercourse for one single-family residential house, including installation of a culvert and placement of fill in wetlands. Area of wetlands disturbance less than 0.1 Acre.**

The chairman noted into the record the legal notice for the public hearing which was published in The Hartford Courant on July 23, 2014 and July 30, 2014. Zoning Enforcement Officer Steve Sadlowski confirmed to the commission that the applicant did send notice of public hearing to the abutters of said property.

David F. Whitney, Consulting Engineers, LLC, addressed the commission on behalf of the applicants. As a result of conflicting summer schedules with the engineer for New Hartford, Mr. Roger Hurlbut, Mr. Whitney prefaced his comments by requesting a continuance of the public hearing on this matter to the Inland Wetlands Commission's next regularly scheduled meeting. Chairman James Hall requested that Mr. Whitney review existing application for attendees at the hearing. Mr. Whitney reviewed plans presented from the July 2, 2014 meeting and subsequent modifications to those plans.

Mr. Whitney presented map drawings indicating the subject site as halfway between Burdick Road and Hoppens Road, on the east side of Town Hill Road, comprising a 25.9 acre parcel of land. He continued with a detailed explanation of the shape and boundaries of property. He highlighted for those present the identified wetlands and water courses that are part of the property. He further detailed slopes and grades and general topography of property. He then directed commission members to the change in driveway design with these current set of plans that differed from the July 2, 2014 plans. The current driveway plan has several bends and curves that are designed to minimize the cuts and fills necessary for site access. Further, this current driveway configuration design reduced a 15% slope to a 10% slope.

Mr. Whitney indicated that the plan for the location of the house has shifted, but that the most ideal location remains at the west side of the large tract of wetlands. The crossing of the wetlands will remain at the narrowest part of the wetlands and will require a culvert. Ideally, he continued, this site work should be performed in the driest of times. His recommendation for erosion control would include silt socks that he described as functioning similar to silt fence.

Mr. Tom Pietras, a soil scientist, then addressed the commission members reporting his site visit(s) in March or April, 2012. He described the land as having hard pan soils which as he explained typically

have shedding of water. He described the wetlands as forested and concurred that the wisest area of development is the one depicted on Mr. Whitney's drawings. He highlighted the importance of the size of culvert at the crossing of the wetlands to be large enough to allow stream flow but said that once the work is done, the tree covering will grow back in. He attested to commission members that he does not determine that the work proposed is going to have significant impact on the wetlands. He reiterated that it is a narrow crossing with a good size culver that won't be backing up flows and because the driveway is going to be used very infrequently to service just one house, there will be plenty of opportunity for wildlife movement through that area.

Mr. Clint Webb, an Environmental Planner and Wetland Ecologist with C Webb & Associates, LLC, then addressed the commission. He recalled that back in December he had looked at a plan prepared by a different engineer. He acknowledged the efforts of Mr. Whitney and praised his design that has reduced the environmental impacts from the original proposal that the town engineer and the town planner had commented on extensively. The original plan had called for a 150 foot wide crossing but after several plans and adjustments, Mr. Whitney presently has it reduced to a 50 foot wide crossing. He also praised reducing the slope of the driveway from 15% to 10%. He provided the commission members with a picture of the watercourse at the property and suggested to commission members to visit and walk the site. He explained to commissioners that the impact of fill in the wetland area is not as great as it may appear because the culvert or pipe is not actually fill but merely a disturbance. According to Mr. Webb, it is being modified not eliminated. He attested that there are no vernal pools in the area looking to be disturbed and modified. He did qualify that there is no certainty that a critter may want to take a long walk but that the design of the pipe is in an arch configuration and will be a good design for the proposed disturbance. Mr. Webb attested that the size of the "loss of the square footage of wetlands compared to the overall system on site alone is a minuscule amount" and in regards to the whole system as presented on the USGS, is insignificant. He opined that there would be no long term impact to the function of this wetland.

Ms. Nancy Shroeder Perez inquired as to how the size of the culvert specified in a previous plan was sixty-nine (69) feet was adjusted to fifty-nine (59) feet and why it was changed. Mr. Whitney responded that he pulled the grading closer to the driveway and that he merely tightened it up. He confirmed that he has not changed the size of the culvert only the length.

Mr. Troy LaMere inquired as to whether the applicants planned on paving the driveway. Mr. Whitney responded that he did not think so and thought the driveway would instead be a long country driveway, with compacted gravel. Mr. LaMere wondered whether allowances had been made for the slope from the proposed house to the driveway. Mr. Whitney explained that the steepest portion of the driveway is 10% but that is not the grade from the house to the driveway. Mr. Whitney pointed to swalls he will include along different areas of driveway to shape direction of flow of water. Mr. LaMere made a recommendation based on his own experience in construction to avoid the use of corrugated pipes as he has found that unless they are lined in tar, they do not last.

Both Mr. Jim Chakulski and Mr. LaMere indicated that they would like an opportunity to walk the property.

Ms. Anne Hall inquired as to how much grading and filling was to occur in the upland review area. Mr. Whitney responded that 1,080 linear feet of upland review area is part of plan. He stressed that the design is geared towards minimum cuts and fills.

Ms. Hall clarified whether it is the engineering causing the house to be on the far side of the wetlands or whether it is the aesthetics. Mr. Whitney responded that it is both. She then sought confirmation that placing the house on the other side of the wetlands is the prudent action in terms of engineering. Mr. Whitney confirmed that it was certainly the best approach in terms of the septic system, with hard pan soil characterizing the area to the east of the wetlands and sand and gravel characterizing the area to the west of the wetlands. Slope is another factor for the decision for location of house. Mr. Webb concurred that the cuts and fills that would be necessary for the house in the area prior to crossing the wetlands would be a bad idea by trying to cut into a side of the hill.

Mr. Steve Sadlowski observed how wet the area around the proposed second culvert during his recent visit to the site. Mr. Pietras attested that he, too, visited the site on July 31, 2014 and that he re-verified the area. He characterized what Mr. Sadlowski observed as weeping soil, a byproduct of an eroded old woods road. Mr. Webb also noted that the house adjacent to the area Mr. Sadlowski refers to discharges their water onto the subject property without attenuating it.

Mr. Sadlowski questioned the amount of erosion at the first proposed culvert and whether fixing this area is something the applicant will be correcting or whether the plan is to contact the DEP for remedy. Mr. Whitney said that while the applicant may contact the DEP, the applicant can also just do some riprapping, and harboring of that slope. Mr. Webb suggested also some type of splash pad on the outlet to aid in dissipating the velocity.

Mr. Edward Archacki, 271 Steele Road, questioned how close the house site is to East Mountain Brook and whether there is any environmental concern for the brook that runs close to the house site. Mr. Whitney explained that the closest point is 160 feet. Mr. Whitney explained that part of the requirement for every house plan, specifically for a building permit application, will show erosion sediment control measures. He assured that it is being addressed with silt socks or silt fence or hay bales surrounding the construction area, that the area is relatively flat, and with minimum cuts and fills, they will be staying away from the steep area adjacent to the brook. He reiterated that all of proposed construction activity will be outside the one hundred (100) foot upland review area.

Mr. Mike Civerco, 430 Town Hill Road, questioned whether the wetlands will be disturbed with the proposed implementation of the culverts and the runoff from the road. Mr. Webb indicated that the culvert coming in off of Route 219 will stay the same and that the water will be directed to where it goes now but without all of the erosion that is present because the plan is to stabilize it.

The applicant, Ms. Schiffert, questioned Mr. Hall whether the owners of the parcel have to be notified before the commissioners do a site visit. Mr. Hall said that Mr. Chapulski and Mr. LaMere will contact her privately before visiting.

Mr. Archacki confirmed that the applicants are proposing only one home for the site.

**MOTION** Ms. Shroeder Perez, Ms. Hall second, to continue the Public Hearing in the matter of **Roger J. & Linda Schiffert – Map 30 Block 30 Lot 005-3 Town Hill Road – Driveway Crossing watercourse for one single-family residential house, including installation of a culvert and placement of fill in wetlands. Area of wetlands disturbance less than 0.1 Acre**; unanimously approved. The public hearing will be continued at the next regularly scheduled meeting, September 3, 2014.

## **2) PENDING APPLICATIONS:**

### **A. Jason Carrier – 109 Beeney Road – Clean Out Pond.**

Mr. Hall directed commissioner's attention to the memo provided by Sean Hayden regarding the Carrier application and noted the presence of salamanders in the subject pond. Mr. Richard Calkins, PE, spoke on behalf of the applicant and requested that the Cease and Desist Order be lifted so that Mr. Carrier could finish his lawn. Mr. Hall summarized Mr. Hayden's comments suggesting that the pond could and should be dredged and that immediately thereafter, it be planted to suitable wetlands and pond oriented species to at least reduce the problem of invasive species. He also suggested a head pool to catch sediments coming in off the road. Mr. Calkins advised that there is a small one and that a larger one would then be into the wetlands. Discussion followed regarding the other side of the road and the need to clean out the pipe on that side by the Town of New Hartford.

Ms. Hall inquired as to area around vernal pool and what portions of it would be lawn and grass and what portion would be restored to native vegetation. Mr. Calkins identified on the map the areas that have been graded, the areas that will be graded, the area that will be lawn and the area that will be New England Wetland mix. Ms. Hall asked whether proposal included to simply dredge or whether a change in gradient of the banks would occur as well. Mr. Calkins indicated that the applicant is only looking to dredge about three (3) feet deep.

**MOTION** Mr. LaMere, Mr. Chapulski second, **to approve the application in the matter of Jason Carrier, 109 Beeney Road, Clean Out Pond subject to the standard conditions along with the additional following conditions:** 1.) That the work be done in the fall or winter, when water levels are lowest; 2.) That the sedimentation trap be installed as per the plan, and inspected by the Wetlands Officer after excavation, but before the equipment leaves (call office a few days before project). The owner shall keep the sediment trap cleaned out and shall notify the Land Use Office if the siltation mitigation measures on the other side of the road need attention by the Town; 3.) The sediment trap and pond edges shall be planted with an appropriate wetland seed mix, such as the "New England Erosion Control/Restoration Mix for Detention Basins and Moist Sites" or New England Wetmix (wetland seed mix) from New England Wetland Plants, Inc. The Wetmix is better as it contains a better mix of plants, but is a bit more expensive. The Erosion Control mix will work as well, but has fewer varieties. To keep out the invasives, the site must be planted as soon as the excavation is complete and hayed; 4.) The Wetlands Officer is to work with the Road Forman to clean out the pipe and pool on the opposite side of the road and to install other measures, as appropriate, such as a stone check dam, to keep silt out of the wetland; 5.) Mr. Carrier or his engineer will notify the Wetland Officer as to the location of spoil disposal and the Wetlands Officer will approve that as; unanimously approved.

### **B. Castellani Family Real Estate Ventures, LLC – Map 002 Block 002 Lot 11-2 Ramstein Road – 2 intermittent stream crossings and a water quality basin located within 100' of a Wetland Regulated Area for a roadway serving a 7 Lot Open Space Subdivision.**

Mr. Kenneth S. Hrica, PE, RLS, of Hrica Associates LLC, addressed the commission regarding minor developments on the application and his work on review memos from Marty Connor and Lenard Engineering. Only minor modifications were needed which involved correcting technicalities,

according to Mr. Hrica. Mr. Hrica quickly and briefly delineated each correction noted in Mr. Connor's memo and the action taken to remedy them.

Mr. Hrica noted that one significant change from the memo of Mr. Roger Hurlbut of Lenard Engineering involving a stone check dam halfway through the slope of the four bays that got added.

He noted that he had received inquiry from Mr. Sadlowski inquiring the total area of wetland disturbance for the two crossings. Mr. Hrica had quantified it and at the time it was 4900 square feet. According to Mr. Hrica, Mr. Sadlowski referred him then to the original subdivision plans which had not been prepared by himself noting that those plans included for less disturbance and asked why the difference. Mr. Hrica explained that the town's cross section has grading for the full width of the right of way, road and shoulders. Mr. Sadlowski noted that this could be waived or that the commission could agree that if there would be less environmental impact, they could approve a plan that lessen the width of the shoulders of the roadway on the cross section. Mr. Hrica reviewed, made adjustments to the plans which included moving the culverts in by reducing the shoulder, he was able to cut the culvert length in half. This resulted in reducing the amount of wetland impact from 4900 square feet down to 2500 square feet.

**MOTION:** Mr. LaMere, second Ms. Hall, to approve the application in the matter of **Castellani Family Real Estate Ventures, LLC – Map 002 Block 002 Lot 11-2 Ramstein Road – 2 intermittent stream crossings and a water quality basin located within 100' of a Wetland Regulated Area for a roadway serving a 7 Lot Open Space Subdivision subject to the standard conditions along with the following two conditions:** 1.) The snow shelves on the crossing shall be reduced in width to five (5) feet, or as close to five (5) feet as possible while still meeting the safety requirements of the road as per our Town Engineer; and 2.) The engineer shall inform the land use office at least two (2) days in advance of when they will be installing the crossings so that inspections may be arranged, as needed; unanimously approved.

### **3) New APPLICATIONS:**

**A. Nicola Arbucci – Map 029 Block 015 Lot 025 Hoppen Road – Develop private driveway on an old town road right-of-way know as Yellow Mountain Road at the intersection of Town Hill and Hoppen Roads and proceeding in a southerly direction crossing over or near to map 29, block 15, lots 15, 17, 19, 28, 27.**

Mr. Hall reported to the commission that his sister is the owner of an abutting property and as such, recused himself from the consideration of this application. He requested that Ms. Shroeder Perez as vice chairman assume the duties of chairman and exited the meeting. Ms. Hall, as a niece of an abutter, also recused herself from the consideration of the application noting for the record though that if this application is not set for a public hearing, her aunt would be requesting one. She, too, exited the meeting.

Mr. Nicola Arbucci sought a waiver of the application fee as he had paid one previously for an application that had been withdrawn early on in the process.

**MOTION:** Mr. LaMere, Mr. Chapulski second, to waive the application fee in the application of **Nicola Arbucci – Map 029 Block 015 Lot 025 Hoppen Road – Develop private driveway on an**

**old town road right-of-way know as Yellow Mountain Road at the intersection of Town Hill and Hoppen Roads and proceeding in a southerly direction crossing over or near to map 29, block 15, lots 15, 17, 19, 28, 27; motion passed.**

Mr. Arbutti addressed the commissioners explaining that he is looking to improve the existing road. Ms. Schroeder Perez sought clarification to the exact plan of the application. Mr. Tom Pietras, a soil scientist, then addressed the commissioners indicating that he did the wetland delineation about four or five years ago. From what he recalled, this driveway is an old wood's road that needs upgrading that goes through hardpan areas and needs a plan to properly handle the water to make it serviceable. Mr. Pietras, acknowledging that he had only seen the drawings or plans that Mr. Arbutti was referencing that same evening, explained that the details were not present to indicate how the water was going to be handled. Mr. Arbutti maintained that the water draining into the subject property of the application was from the Town allowing the water from Hoppen Road to discharge onto it. Ms. Schroeder Perez responded to Mr. Arbutti that the commission was in need of a plan.

**MOTION:** Mr. LaMere, Mr. Chapulski second, **to accept the application in the matter of Nicola Arbutti – Map 029 Block 015 Lot 025 Hoppen Road – Develop private driveway on an old town road right-of-way know as Yellow Mountain Road at the intersection of Town Hill and Hoppen Roads and proceeding in a southerly direction crossing over or near to map 29, block 15, lots 15, 17, 19, 28, 27 and determine it to be significant; motion carried.** A public hearing will be scheduled at the next regularly scheduled meeting, September 3, 2014.

Mr. LaMere explained to Mr. Arbutti the necessary requirements that will be expected from the applicant in terms of plans and details for any work that would be performed. Mr. Sadlowski recommended to Mr. Arbutti that he bring his engineer to the next meeting to explain to the commission the exact plans that he is proposing. Mr. Arbutti confirmed that he would have his engineer, Tom Shannon, at the next meeting and would obtain from Mr. Sadlowski the requirements that need to be included in the plan.

**B. Town of New Hartford – Brodie Park, 580 West Hill Road – Storm water improvements near the beach.**

Mr. Hall resumed his duties as chairman as Mr. Sadlowski gave a brief summary of this application. Mr. Todd Parsons, an engineer from Lenard Engineering, prepared the plan for the application and has previously walked the subject property with Mr. Sadlowski. Mr. Sadlowski explained that the purpose of the work proposed in this application is to eliminate or at least lessen the washouts of the beach that occur each year. The plan calls for a stone lined sediment trap to the side of the road and to construct a small stone check dam which is basically a pile of stone in a u-shape that allows the water to flow through but slows it down and catches sand or sediment. The plan also includes a second check dam over to the right of the stone bottomed sediment trap.

The second part of the plan includes a swall which would catch the water from the parking lot and directed into two new bio-retention areas. These are designed to take that water and to hold it and to infiltrate a vast majority of it. They would be planted with various wetland type shrubs appropriate for this type of area. Mr. Sadlowski reported that they are working diligently to minimize the tree cutting.

Mr. Sadlowski described several different ideas that are emerging as plans are being created. One idea that he had recently had was to have a natural stone retaining wall that would reduce the number of trees needed to be cut and could be sloped. He thought that it might be able to become a

showcase area for the town, as an example of how these systems can work and how beautiful they can be if properly created. He would like to see an organization in town take it under their wing in terms of planting it and maintaining it.

**MOTION:** Ms. Shroeder Perez, Ms. Hall second, **to accept the application in the matter Town of New Hartford – Brodie Park, 580 West Hill Road – Storm water improvements near the beach and determine it as significant; unanimously approved.** A public hearing will be scheduled at the next regularly scheduled meeting, September 3, 2014.

**4) MEETING MINUTES:**

**A. July 16, 2014 regular meeting.**

**MOTION:** Mr. LaMere, Ms. Hall second, **to approve the July 16, 2014 minutes as presented; unanimously approved.**

**5) INLAND WETLANDS OFFICER'S ENFORCEMENT REPORT.**

Mr. Sadlowski reported that work on the corner of Ramstein Road and Route 202 is farming activity.

**6) CORRESPONDENCE:**

No business was discussed.

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

No business was discussed.

**MOTION:** Ms. Shroeder Perez, second Ms. Hall, to adjourn at 9:06PM; unanimously approved.

**Respectfully submitted,**

**Pam Colombie  
Recording Secretary**