

**INLAND WETLANDS COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, December 3, 2014 – 7:00PM
NEW HARTFORD TOWN HALL – 530 MAIN STREET**

PRESENT: Vice Chairman Nancy Schroeder Perez, Anne Hall, Troy LaMere, Nancy Schroeder Perez, Wayne Ryznar, Lou Moscaritolo, Inland Wetlands Enforcement Officer Steve Sadlowski.

ABSENT: James Hall.

Vice Chairman Nancy Schroeder Perez 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. John and Linda Casey- Applicant/EMB Realty – Owner – Map 044 Block 137 – Lot 20A, 170 Main Street – Replacement of Existing Storm Drain Pipe.

The vice chairman noted for the record the legal notice for the public hearing which was published in The Independent on November 21, 2014 and November 28, 2014.

Wetlands Enforcement Officer Steve Sadlowski confirmed to the commission that the applicant did send notice of public hearing to the abutters of said property. Mr. Troy LaMere questioned whether the appropriate application fees have been paid. Mr. Sadlowski confirmed that the after-the-fact fees have indeed been paid.

Mr. David F. Whitney, Consulting Engineers, LLC, addressed the commission on behalf of the applicants. He explained that the application deals with a property that has a little bit of history and that his own personal involvement has only been about two and a half weeks. Mr. Whitney described the subject site as an existing building, across the street more or less from the Marandino's Plaza, also known as the Main Stream Canoe building. He noted that there is an existing building with a parking lot around it along with an existing culvert down to the river. The site has frontage along the river on the eastern side of the property and is a 1.8 acre parcel, according to Mr. Whitney. He noted that it was his understanding that back in 2012 when Storm Sandy came along, the storm created an eroded gully down to the river in this location. He noted that he understood it was a mess although he notes he did not see it. Earlier this year, Mr. John (Jack) Casey installed a culvert, an existing twelve (12") inch high density polyethylene culvert that was done without a permit. Therefore this application is an after-the-fact application, Mr. Whitney explained.

On November 24, 2014, Mr. Whitney noted he met at the site with Mr. Sadlowski, Ms. Liz Lacey from the National Parks Service, Ms. Eileen Fielding, Executive Director of the Farmington River Watershed Association, and Mr. Steve Basritchie, the river steward from the Farmington River Coordinating Committee. He noted that the group discussed what to do with this site, as they noted the fact that it is in place and would be

more of a disturbance to remove the culvert to do something else. Mr. Whitney reported that the group discussed putting in a catch basin with a sediment structure but ultimately it was the consensus that regardless of a temporary disturbance caused by removing the culvert, the ongoing issue of water quality from the runoff from the parking lot to the river was unacceptable. Mr. Whitney continued that about a week ago, a consensus was reached to remove this culvert, to direct the storm water through a swale to the south, as the applicants also own the adjacent property. Mr. Whitney noted that there is a vegetative area in that area.

Mr. Whitney noted for commissioners the location of the foot path down to river where the canoes come in and out as well as an area where there is scrub vegetation, which is lightly wooded. He noted it was thought that the best thing to do would be to take the runoff from the parking lot and direct it to a swale and allow it to flow over land before it reached the river. Mr. Whitney reported that there had also been discussion about what to do to improve the area of the existing sandy beach. It presently consists of some silty sand and it is eroding, according to Mr. Whitney. He reported that there had been discussion about re-vegetating and re-stabilizing this area after the culvert was removed. Mr. Whitney commented that in addition to the folks that were there at that November 24, 2014 meeting, it was recommended that the applicants discuss the design of this swale and removal of the culvert with Mr. Sean Hayden of the Northwest Conservation District. Another recommendation was to consult with the Metropolitan District Commission, specifically with Barbara Newman who is in charge of Connecticut. Mr. Whitney reported that prior to being able to do that, he will need to draw up a plan but will first need an accurate field topographic survey of the area. He explained that the map he was using for the public hearing as an illustrative guide was actually a remnant of a survey of the adjacent property. Mr. Whitney noted that he will need an accurate topographic survey so a swale can be designed, and then reviewed by all the aforementioned individuals. Mr. Whitney noted that the applicants have engaged local surveyor, Mr. Marty Post, to prepare that topographic survey. Once Mr. Whitney receives that information, he explained to the commissioners he can draw up a plan, it can be reviewed and hopefully approved. Mr. Whitney requested that the public hearing be continued to January to allow time for that to happen.

Mr. LaMere inquired as to what preventative measures, if any, are presently being taken to prevent water from entering into the Farmington River at this point. Mr. Whitney responded that there is nothing in place presently to that end. He commented that what he has discussed with the applicant about immediately doing is adding some 1"-2" stone to the area serving presently as the access way for the trucks for the canoes to stabilize this area. Mr. Whitney explained that what happens when it rains is there is a high point in the back parking lot where water flows to a pipe from the middle. He noted for the commissioners that in the front park of the parking lot, water flows to the side, ponds, and then becomes sediment which then meanders down to the culvert. Mr. Whitney noted that the first thing that can be done, and can be done immediately, is to bring in some stone and at least armor the bare earth. Mr. Whitney explained that beyond that nothing has been proposed at this time

Mr. LaMere suggested that he would like to either see that culvert pipe blocked at the parking lot entrance or hay bales and petroleum booms installed on the river's edge. Mr. Sadlowski explained that the pipe cannot, or at least should not, be blocked as the whole thing would wash out with the first rain storm and make matters worse. Ms. Schroeder Perez inquired whether it could be done at the parking lot. Mr. LaMere commented that it is likely to be several months before anything is going to get done. Ms. Anne Hall commented that she thinks the applicants have an opportunity to come up with something that is really going to work, particularly considering the amount of increased activity. Mr. LaMere inquired as to what Mr. Whitney's recommendation to this would be.

Mr. Whitney explained that as an engineer, he does not like the idea of blocking the pipe and creating a ponding area in the parking lot, especially as the weather gets colder. Mr. Whitney suggested doing something like that would create a hazard for people walking and vehicles. Mr. LaMere explained that he thought this was a seasonal business though that does not operate in the winter. Mr. Whitney explained that there are offices upstairs. Ms. Schroeder Perez asked how many people use that back parking lot at this time of the year. Mr. Whitney responded that he does not know the answer but thinks there are several employees upstairs. Ms. Hall asked whether it is possible that because of even just the water that's coming from the front parking lot, that's coming into the bare earth, if there was some way of putting a filtration below that, before the pipe but without blocking the parking lot completely. Mr. Whitney responded that yes, a swale could be created through the parking lot and let the water flow directed in a way over the piece of land. Mr. Sadlowski questioned whether a half U of silt fence could be installed around the input about eight to ten feet out.

Ms. Schroeder explained that the group is seeking some type of stop gap so that while the applicants and their engineers and consultants are figuring out the best thing to do, more water is not going into the river. Mr. Whitney reported that the applicant is committed to getting the survey completed as soon as possible, providing the plan to the commission in advance of the next meeting and having everyone review it so at least by the next meeting, the commission will be provided some type of idea of what should be done. Mr. Whitney explained that it will be January so it is doubtful that there's time to do a lot of grading but offered to do the following: commit to putting some stone in the lot, putting some hay bales around the end of that pipe and ask these folks if they have any other suggestions. Mr. Whitney noted for the record that there was an email from Liz Lacey from the National Park Service basically summarizing what was talked about at the meeting. Mr. Whitney also noted a correspondence on December 3, 2014 from Eileen Fielding. Mr. LaMere commented that he had read the emails and noted that one of their concerns was the sandy walkway leading to the Farmington River. Mr. LaMere noted that he would also like to see some protection there, some silt fencing or something of that nature. Mr. Whitney agreed and suggested maybe some hay bales.

Mr. Whitney reviewed the commission's immediate expectations: entrance of pipe, some gravel and noted that it can be done that can be done in the next week. Mr.

LaMere requested that Mr. Sadlowski monitor this work. Mr. Whitney commented that Ms. Lacey had said she had information regarding recommendations for access points for boats to the river and would send that to him. He noted that the path down is part of what will be in the plan in addition to the removal of the culvert, the creation of the swale and the re-vegetation and restoration of the area. Mr. Wayne Ryznar questioned about what effect a heavy rain event would have with sedimentation. Mr. Whitney explained that in the water ponds but in heavy storms, he's sure it does. He explained that the whole concern about the culvert is not that it's there as it has been seeded and has been restored. He explained that the concern is the fact is that it's a direct discharge to the river. Mr. Whitney explained that if they could get the water to discharge to the wooded shrub area, there is another catch basin from the state's system and that pipe outlets maybe twenty (20) feet from the river. Mr. Whitney explained that what he would like to do is be not twenty (20) feet from the river but instead be further from the river.

MOTION: Mr. LaMere, Ms. Hall second, **to continue with the hearing to the next regularly scheduled meeting with the assurance that all of these protection measures discussed will be addressed during the week; unanimously approved.**

2) PENDING APPLICATIONS:

A. Martyn Sholtis – Map 04A Block 112 Lot 032 – 676 West Hill Road – Rebuild existing stone wall at waterfront and build a 40'x50' stone patio behind wall.

Mr. Norman Sholtis, brother of the applicant, addressed the commission on behalf of the applicant. He explained that the applicant is seeking to recap dock on the left, rebuild the stone wall, approximately forty (40) feet, or the length of the waterfront. Mr. Sadlowski directed commission members to pictures contained in a handout that he distributed as he was at the site. Ms. Schroeder Perez confirmed with Mr. Sholtis that he is removing one of the docks. Mr. Sholtis confirmed and explained that the right side of the wall would be rebuilt with existing stone from the site. He explained that the applicants would like to have the patio continued from the back of the wall at the water front towards the house. Ms. Hall noted that among the suggestions received from the wetlands officer was to retain a buffer strip between stone patio right and the wall. Mr. Sholtis commented that this would not be an issue.

Mr. Sadlowski commented that there are pavers available now that look like regular pavers but are made out of concrete without a lot of fine aggregate in them so water can be poured on them and it goes right through. He explained that these should be used instead of impervious pavers. Mr. Sadlowski also explained that by leaving a slight eight to ten foot area between the actual patio and the water's edge would almost create a sort of rain garden, or a slight detention area. In this area, the applicant could put tall grasses and flowers which will help isolate the pond from the yard, according to Mr. Sadlowski. He explained to the applicant the purpose behind this because the ponds got issues with the levels of the pollutants starting to go up. By including a vegetative strip will help to absorb some of those pollutants and serve to try to protect the lake a little bit, Mr. Sadlowski explained.

Mr. Sholtis commented that while the buffer strip is fine, he had questions on the porous pavers. He explained that the applicant was planning on using natural field stone with

joints between. Mr. Sadlowski suggested that maybe a consultation with Mr. Hayden is warranted because he was unsure about regular stones with a large gap. He believed in theory that it would work. Mr. Sholtis explained that it would be just natural stones dry laid. Ms. Schroeder Perez questioned whether there would be grass in joint. Mr. Sholtis explained that they were going to use stone dust. Mr. Sadlowski commented that stone dust would not be good choice near the lake but that pea stone might work but that the material would need to be pervious and that Mr. Hayden would be a good resource to contact on this.

Mr. Ryznar asked what kind of equipment would be used. Mr. Sholtis explained that it would be mostly hand work with a small mini excavator from the lawn side to move some of larger rocks but nothing on water side of wall. Mr. Ryznar inquired whether the applicant was planning on using stone dust under the stones. Mr. Sholtis explained that half-inch crushed stone would be used.

MOTION: Mr. Ryznar, Mr. Lou Moscaritolo second, to approve the application in the matter of **Martyn Sholtis – Map 04A Block 112 Lot 032 – 676 West Hill Road – Rebuild existing stone wall at waterfront and build a 40'x50' stone patio behind wall subject to the following conditions, in addition to the standard conditions:**

- 1.) The pond wall shall be installed in the same location as the existing wall and shall be done at during a time of draw down.**
- 2.) The forty foot (40') deep and fifty foot (50') wide patio is approved, subject to the following two conditions:**
 - a. The patio MUST be made from porous (pervious) pavers or other pervious materials as approved by the Wetlands Enforcement Officer before installation – bring in a cut sheet.**
 - b. A ten foot (10') buffer strip with native plantings shall be installed between the patio and the wall and installed as per the guide in the Land Use Office and with the Wetlands Enforcement Officer and/or Sean Hayden's counsel. Said plants are to be left to grow. However, they may be trimmed down and cleaned up occasionally to keep them from getting out of hand. However, they must be allowed to continue to grow.**
 - c. A walkway, located above the existing dock, can be installed using either grass or porous (pervious) pavers to provide access to the lake. This walkway shall be as narrow as practically possible.**
- 3.) This operation shall be monitored by the Wetlands Enforcement Officer to comply with all existing regulations and standard conditions; unanimously approved.**

B. Hemlock Construction – Applicant/Nancy Wollenberg – Owner – Map 04a Block 112 Lot 026 – 652 West Hill Road – Foundation Replacement on Existing Footprint.

Mr. Tim Traub, Hemlock Construction, addressed the commission on behalf of the Applicant. Mr. Sadlowski confirmed with Mr. Traub that he has a special machine to do the digging. Mr. Traub confirmed that he has a subcontractor who has equipment that

fits underneath the house, similar to a sideways chainsaw that fits underneath and pulls material out so that beams can be slipped underneath.

MOTION: Mr. LaMere, Ms. Hall second, **to approve the application in the matter of Hemlock Construction – Applicant/Nancy Wollenberg – Owner – Map 04a Block 112 Lot 026 – 652 West Hill Road – Foundation Replacement on Existing Footprint subject to the standard conditions along with the following additional conditions:**

- 1. Erosion and sediment control measures to be installed and inspected by the Wetlands Officer before the work is to start and maintained throughout the work period;**
- 2. No material is to be stockpiled below the house (between the house and the pond) and any extra material is to be trucked off.**
- 3. Area to be re-vegetated and re-stabilized as soon as possible after the project is complete; unanimously approved.**

C. John & Linda Casey – Applicant/EMB Realty - Owner – Map 044 Block 137 Lot 20A – 170 Main Street – Replacement of Existing Storm Drain Pipe.

No action taken.

3) New APPLICATIONS:

A. Douglas & Linda Roth – Map 045 Block 135 Lot 3, 135 Ratlum Road – Construct a single story Accessory Dwelling of Approximately 1700 sq. ft. and improvements to the Existing North Driveway. Dwelling Foundation Would be Within 25 Feet of Wetlands.

Mr. Tom Grimaldi, Project Engineer for R. R. Hiltbrand Engineers and Surveyors, LLC, appeared before the commission on behalf of the applicants. Mr. Grimaldi explained that the applicants are seeking to construct an accessory dwelling as part of their property. He reminded the commission that the applicants had approached them regarding the feasibility of such a project and had described the elements of design. Mr. Grimaldi presented a revised drawing, depicting the dwelling now moved north from thirty-six (36') from the wetlands to just under fifty (50') feet from the wetlands and increased another corner to almost sixty-three (63') feet from a little wetland tongue.

Mr. Grimaldi also noted that they pulled the garage closer to the dwelling with just under twenty-one (21') feet from the garage to the dwelling. He explained that they needed some room to fit a septic tank and pump chamber in there without going underneath the driveway area. He explained that by doing so, they were also able to move garage from thirty-nine and one-half (39 ½') feet to fifty (50') feet off the wetlands so that they gained another eleven (11') feet or so there. Mr. Grimaldi explained that the grading is the same. He noted that the existing stonewall retains the existing driveway where it is now. The plan is to replace the culvert, according to Mr. Grimaldi. He noted that he did a drainage analysis and submitted that to the town engineer, Mr. Roger Hurlbut. Mr. Grimaldi reported that he spoke on the phone with Mr. Hurlbut about the project. He noted that Mr. Hurlbut is aware of the area and is aware of what the drainage is like. Mr. Grimaldi noted that he has offered to walk the property with him but that Mr. Hurlbut

didn't seem to be too concerned about it. Mr. Grimaldi noted that Mr. Hurlbut said he would review and get back to him.

Mr. Grimaldi further noted that the plan is to add some fill in one area as well as add some boulders to the existing boulders there so as to avoid encroaching into the wetlands area. He noted that one of the things in his drainage analysis revealed an eighteen (18") inch pipe that exists could be replaced with the same size pipe. He noted that because there will be enough fill going into the area allowing plenty of cover over the pipe, he decided to increase that pipe to a twenty-four (24") inch pipe, to flatten out the slope from a 4½% to a 1% grade. Mr. Grimaldi explained that the reason for that is to reduce the velocity. Because they are raising the driveway, there is plenty of area that is going to impound water. He noted that there is plenty of free board and allowable headwater so there would be no worry about the driveway overtopping. He noted he was able to reduce the velocity significantly on the outfall and that was one of the goals achieved.

Mr. Grimaldi noted that the septic system is still up about one hundred, fifty (150') feet to the closest point of the wetland and that the sewage effluent will be pumped up. He noted that an old wood road will remain and distributions will continue into the leach field up there. He noted the applicants are trying to keep clearing to a minimum. He noted the area has sporadic trees throughout clearing is pretty negligible along the toe of the slope but that one will be cleared.

Mr. Grimaldi noted that the only other thing he was proposing is rerouting a swale. Currently, there is an existing twelve (12") inch rcp culvert under the driveway with the water coming down in a small swale, then sheet flows straight out, and then heads right towards the driveway. He noted that the sheet flow will get back in and will bypass the dwelling and head right for that wetlands tongue.

Mr. Grimaldi noted that the plans have not been submitted yet to Farmington Valley Health District but are likely to be done so this week. He submitted for the record a report from Mr. Tom Pietras, a soil scientist. Additionally, Mr. Grimaldi noted that the existing well that serves the existing house at the top of the hill is going to be used for this dwelling, too. He explained that as it is permissible by the state health code, the plan is to put another submersible pump into that existing well so there will not the drilling of an additional well. He noted that the sedimentation and erosion control is pretty straight forward. Depicted in pink on the plans was the silt fence, and there are check dams throughout, according to Mr. Grimaldi. He noted that there is silt fence protecting the entire wetland area and then around the house area where it's getting a little closer to the wetlands, the plan is to beef it up and backed it up with hay bales. Up at the swale is a stone check dam and then silt fence on the low side, he reported. He noted that the loom stock piles are shown just above the fencing areas.

Mr. Sadlowski noted that these plans just got submitted to the Metropolitan District Commission and that there will likely be comments received from them.

Mr. LaMere questioned how much area of the wetlands is there. Mr. Grimaldi was unable to answer that question. Ms. Hall confirmed that all of the activity, with the exception of the driveway crossing, is outside of the wetlands but within that buffer zone. Mr. Grimaldi confirmed that the crossing is where the stone wall exists today so that's in and noted that they are not going to be encroaching the wetland boundary. Mr. Ryznar noted that he appreciated the effort to bring the revision plan further away from the wetlands boundary than it originally was and to minimize the impact to the wetlands. Mr. Grimaldi explained that at the first pass, they had put the dwelling where he thought the applicants would like it but that after receiving from the commissioners, and still trying to keep grading reasonable, is happy with the product.

Mr. LaMere inquired as to whether this is anywhere near the reservoir. Mr. Grimaldi replied that the reservoir is on the other side of the ridge. Mr. Sadlowski suggested to Mr. Grimaldi that to save the applicant money and time in the future, if plans include a patio, it would be wise to do so as part of this application and show it on the final plans for approval.

MOTION: Mr. LaMere, Mr. Moscaritolo **second, to accept the application in the matter of Douglas & Linda Roth – Map 045 Block 135 Lot 3, 135 Ratlum Road – Construct a single story Accessory Dwelling of Approximately 1700 sq. ft. and improvements to the Existing North Driveway. Dwelling Foundation Would be Within 25 Feet of Wetlands and deem it be non-significant activity; unanimously approved.**

4) MEETING MINUTES: November 5, 2014 regular meeting.

MOTION: Mr. LaMere, Ms. Hall **second, to accept the November 5, 2014 minutes; unanimously approved.**

5) INLAND WETLANDS OFFICER'S ENFORCEMENT REPORT:

Mr. Sadlowski reported that he visited Michael Bernstein's wall at 698 West Hill road that the commission had approved it a couple of months back and that it is a beautiful wall. He noted that the only comments he had made was that they have to put some topsoil up at the top of the wall and to put some silt fence because the grass isn't going to grow for a while. Mr. Sadlowski provided pictures of the wall to the commissioners.

6) CORRESPONDENCE:

No business was discussed.

7) OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

Mr. LaMere reminded the commission of all the land use boards scheduled for January 9, 2015 and requested that they make an effort to attend.

Mr. Sadlowski reminded the commission of a request from the Planning and Zoning Commission for input from the Inland Wetlands Commission for the Plan of Conservation and Development. Ms. Hall noted that the comments submitted to him from her father, Mr. James Hall and herself, were submitted from them on an individual basis and that they do not represent the sentiments of the entire commission. Mr.

LaMere agreed as he noted that suggested input had not been discussed as part of the Inland Wetlands Commission as of yet. Mr. Sadlowski acknowledged that the existing plan is a good plan but that the Planning and Zoning Commission is looking to see from all the boards and commissions in town whether there is something each respective board or commission would like to see changed or added. He noted if there is any such item, the time to submit it would be in the next few weeks.

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

Respectfully submitted,

**Pam Colombie
Recording Secretary**