

**INLAND WETLANDS COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, MAY 6, 2015 – 7:00PM
NEW HARTFORD TOWN HALL – 530 MAIN STREET**

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

ABSENT: 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: None.

MOTION: Ms. Nancy Schroeder Perez, Ms. Anne Hall second, **to add to the May 6, 2015 Agenda of the Inland Wetlands Commission Regular Meeting: 7. B. Short Discussion Regarding Drainage on Schiffert Property; 7C. Lone Star Energy – Impact of Plans Relative to New Hartford Inland Wetlands Commission; unanimously approved.**

2) PENDING APPLICATIONS:

A. Alford Associates, Inc./Applicant – Zahnradfabrik, LLC/Owner – Map 038 – Block 134 – Lot 003, 120 Industrial Park Road – Construction of a Loading Area and Parking Area With Associated Storm Drainage.

Mr. Phil Doyle, a landscape architect and city planner of the firm LADA, P.C. Land Planners, appeared before the commission on behalf of the applicant. Mr. Doyle reviewed the proposal for a service area in order to use the old office building area more efficiently. He noted the presence of an under-drain, which comes into the catch basin on the property and noted that the outlet has been found.

Mr. Doyle reviewed the applicants proposed suggestions including the following: 1. Existing deadfall trees and wood debris on the basin bottom should be cut and removed by hand this spring; 2. A twelve (12") inch flared end will be installed at the existing pipe inlet; 3. A square chain link fence with chain link hinged top should be installed around the flared end to act as a trash rack to keep debris out of the pipe; 4. Each fall, after plant growth has stopped, the grass in the basin should be cut to prevent the growth of new woody material. Larger amounts of grass cuttings should be removed; 5. The few live woody trees existing in the basin should remain and only be removed after they die; and 6. The owner will inspect the basin twice per year and after large rain events. If maintenance to the outlet and basin bottom is needed, the maintenance should be undertaken at the appropriate time of year. A report on maintenance and inspection should be made to the Town Wetland Enforcement Officer yearly by the owner's representative via letter or email. Generally expected maintenance will include the removal of plant debris and manmade products collected against the fence/trash rack.

Ms. Schroeder Perez questioned how the fence will be installed. Mr. Doyle noted that there will not be concrete footings but instead just driven into the ground. Mr. LaMere made the suggestion that as part of the maintenance plan the pipe should be "rodded out". Mr. Lada concurred with this.

MOTION: Ms. Schroeder Perez, Mr. Chakulski second, **to grant a permit in the application of Alford Associates, Inc./Applicant – Zahnradfabrik, LLC/Owner – Map 038 – Block 134 – Lot 003, 120 Industrial Park Road – Construction of a Loading Area and Parking Area With Associated Storm Drainage subject to the standard conditions as well as those noted in correspondence from LADA, P.C. to Mr. Steve Sadlowski dated April 30, 2015 (Attached hereto as Addendum A) as well as those identified in Memorandum from Lenard Engineering, Inc. to Steve Sadlowski, dated May 5, 2015 (Attached hereto as Addendum B); unanimously approved.**

MOTION: Ms. Hall, Mr. Lou Moscaritolo second, **to alter to modify the agenda to discuss the items under #7 at this point; unanimously approved.**

3) New APPLICATIONS:

None.

4) MEETING MINUTES: April 1, 2015

MOTION: Mr. LaMere, Mr. Chakulski second, **to approve the April 1, 2015 Minutes; unanimously approved.**

5) INLAND WETLANDS OFFICER'S ENFORCEMENT REPORT:

Mr. Sadlowski reported that Mr. Casey had explained that work on Main Street had not begun because he had never received the permit. Mr. Sadlowski noted that Mr. Casey does have the permit and work should be commencing soon.

6) CORRESPONDENCE:

Mr. Hall noted a registry of all soil scientists in southern New England and requested that Mr. Sadlowski keep it on file. Mr. Hall distributed copies of The Habitat a publication from C.A.C.I.W.C., Connecticut Association of Conservation and Inland Wetlands Commissions, Inc. Also received was an acknowledgement that Land Use Secretary Laura White completed the 2014 Municipal Inland Wetlands Agency Comprehensive Training Program. Mr. Hall noted that Ms. White is to be congratulated on this.

7) OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Determination of Permit Need for Cross Culvert Replacement on Ramstein Road & West Road.

Mr. Sadlowski reported having reviewed the existing culverts on Ramstein Road and West Road, characterizing them as beyond their projected life expectancy. Regarding Ramstein Road, Mr. Sadlowski explained the plan is to replace the pipe with a new, light pipe, repair the headwalls, and to clean the inlet/outlet, putting some fresh riprap in this location. Regarding West Road, Mr. Sadlowski noted that this work is around a pipe at the bottom of the hill and considered it a smaller job. He noted that input from MDC has been received.

MOTION: Mr. Moscaritolo, Mr. LaMere second, **culvert replacement on Ramstein Road and West Road are considered a right of maintenance; unanimously approved.**

B. Short Discussion Regarding Drainage on Schiffert Property

Attorney David Cusick of Howd, Lavieri & Finch, LLP addressed the commission regarding Roger and Linda Schiffert's property on Town Hill Road. Attorney Cusick referred to a report from Soil Scientist Tom Pietras and Environmental Scientist Clint Webb that noted surface water flowing from an adjacent property, 440 Town Hill Road, owned by Keith and Brenda Schaufler. He noted that within the report, there were findings noted that the water flowing from the Schaufler property onto the Schiffert property was causing adverse impacts to wetlands and watercourses on the Schiffert property. Attorney Cusick noted that the letter also included a report of an observation that it was not simply surface flow of water but that a drainage channel beginning on the north side of the Schaufler house, extending in a northeasterly direction down a steep forested slope and then continued onto the Schiffert property into what was an intermittent water course on the Schiffert property. Additionally, Attorney Cusick noted that the report mentioned that the erosion in the channel is something of recent origin and that the discharge from the channel into the wetlands is a violation of the commission's regulations.

Attorney Cusick noted that both Mr. Pietras and Mr. Webb were present for any questions. Mr. Sadlowski noted that Mr. Keith Schaufler was present, too.

Mr. Hall questioned the history of the drainage channel and whether or not it was recently installed or had been present for a number of years. Mr. Webb deferred to Mr. Pietras, noting that the first time he saw the ditch was in January, 2015. Mr. Pietras described the area, noting a steep slope that drops down into the forested wetland at the base of the hill and the presence of a broad swale in the area wherein drainage from the house site that over the years has created a channel. He noted that it appears to be some more recent diversion of

water into this, causing some erosion which is not original. Mr. Hall then questioned what activity in Mr. Pietras' opinion has taken place on the Schaufler property that has caused what Mr. Pietras had termed "recent". Mr. Pietras noted observing a drainage ditch on the northern side of the Schaufler house in the area of the septic system and that this has been an addition. Mr. Hall questioned when this occurred. Mr. Pietras responded that he did not know exactly when but that the site development plan for the Schaufler property does not show the ditch in question. Mr. Hall commented that the question of when is highly relevant, opining that if this ditch was done recently, then it is necessary to request something be done about it. Conversely, Mr. Hall continued, if this ditch is a product that has been in existence for some considerable time and over the course of time, has naturally caused a change in the character of the stream channel, then there isn't much the commission should do. He noted that the when and who are key components in this matter.

Mr. Webb noted that presently, the characteristics of this channel are of recent, radical, erosive cut and are deep and very intense. He noted that if this has been occurring for twenty years at this rate, the channel would be huge. He noted that the cut is new, constant and intense and that it undercuts the

Mr. Hall suggested that the commission direct the enforcement officer to visit both properties and determine if possible, what change has been made, discuss this with the land owners and bring to Inland Wetlands Commission at next meeting suggestions whether a cease and correct is appropriate or whether a Wetlands Permit should have been issued for some type of work.

MOTION: Mr. LaMere, Mr. Moscaritolo second, **to direct Mr. Sadlowski to visit both properties along with the town engineer, Mr. Roger Hurlbut; unanimously approved.**

C. Lone Star Energy – Impact of Plans Relative to New Hartford Inland Wetlands Commission

Mr. Sadlowski reported that Lone Star Energy will be installing a solar farm up at the transfer station and provided an aerial photograph. He noted that the work is outside of the upland review area but wanted the commission to be aware of the work.

MOTION: Ms. Schroeder Perez, Mr. Lou Moscaritolo second, **to adjourn at 8:04PM; unanimously approved.**

Respectfully submitted,

**Pam Colombie
Recording Secretary**