

**INLAND WETLANDS COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, AUGUST 5, 2015 – 7:00PM
NEW HARTFORD TOWN HALL – 530 MAIN STREET**

PRESENT: Chairman James Hall, Anne Hall, Troy LaMere, James Chakulski, Lou Moscaritolo, Nancy Schroeder Perez, First Selectman Dan Jerram, 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:

A. New Hartford Market Place, LLC/Owner – Map 044 – Block 013 – Lot 020 – 183 Main Street – 5 Lot Subdivision & New Hartford Market Pace, LLC/Owner – Allan R. Borghesi/Applicant – Site Plan Approval – Map 044 – Block 013 – Lot 020 – 183 Main Street – Construct a 20,000 Sq. Ft. Warehouse.

Inland Wetlands Enforcement Office Steve Sadlowski reported that notice of the public hearing for this application appeared in local editions on July 24, 2015 and July 31, 2015.

Mr. Allan Borghesi of Borghesi Building & Engineering Co. appeared before the commission and addressed this application and described the parcel as being 173 acres in total size as depicted on a survey prepared by Dufour Surveying. Mr. Borghesi explained that his company is seeking to purchase four of the five lots depicted on the drawing. Mr. Borghesi noted that he has potential uses for the four lots he is seeking to purchase and develop and has test pits for each of them. Mr. George O'Malley, Certified Soil Scientist, reported to the commission that this property has been disturbed by gravel mining, and that he checked a history of the property using Connecticut D.E.E.P aerial photographs to see the extent of the gravel mining. He reported checking the property between May and June of this year, read the detailed deep hole test pits and reported that the area here is primarily sand and gravel. He noted that there is an area of wetlands in the corner of Lot #1 and a man made pond. He further reviewed the details of the parcel for the benefit of the commission.

Mr. Jack Casey of 446 Cedar Lane spoke in favor of this application.

Ms. Sheila Mossman of 220 Main Street, Building One (River Run) questioned the location of the driveway proposed in the application.

Mr. Dan Jerram of 30 Willow Lane spoke in favor of this application.

MOTION: Mr. James Chakulski, Ms. Anne Hall second, **to close the public hearing in the matter of New Hartford Market Place, LLC/Owner – Map 044 – Block 013 – Lot 020 – 183 Main Street – 5 Lot Subdivision & New Hartford Market Pace, LLC/Owner – Allan R. Borghesi/Applicant – Site Plan Approval – Map 044 – Block 013 – Lot 020 – 183 Main Street – Construct a 20,000 Sq. Ft. Warehouse; unanimously approved.**

B. Town of New Hartford – Application for Permit – Map 37A – Block 121 Lot 007 – 12 Bridge Street - & Map 36B – Block 119 – Lot 01A - Bridge Street – Construct Patio, Pavilion and Canoe/Kayak Access to River.

Mr. Todd Parsons of Lenard Engineering appeared before the commission on behalf of the applicant. He reviewed the plans with the commission, describing the location of the proposed construction of the patio and accompanying pavilion as well as the proposed site of the canoe/kayak access. He described grades on the property. Mr. Parsons noted that the patio would take up approximately 640 square feet with a pavilion located on same area, with a size of 520 square feet. He noted that all of the work associated with the patio and pavilion is outside of the wetlands area but within the 100' regulated area. Additionally, Mr. Parsons noted that it is also outside of the flood plain area. He noted that the plans provide for erosion control and reported that the total area of impact within the regulated area is 8300 square feet. Mr. Parsons reported that the comments received from the Farmington River Coordinating Committee were addressed through Notes added to the

plans. Mr. Parsons noted that while not obligated to do so under a strict interpretation of the regulations, the town has submitted the plans to the U.S. Army Corp. of Engineers in response to the Farmington River Coordinating Committee's request. Mr. Parsons explained that the U.S. Army Corp. of Engineers regulates fill and dredging activity; neither of which is included as part of this application's plan. Finally, Mr. Parsons requested that the commission, if so inclined, consider the application as two parts, with Phase I including the patio and pavilion and Phase II including the canoe and kayak launch.

In response to a question put forward by Mr. Troy LaMere, Mr. Parsons pointed out on the plans where the one hundred year flood zone is (at 382') in relation to the proposed site of the pavilion and patio (at 389').

Mr. Hall reported receipt of a letter from the New Hartford Land Trust, sharing many of the points raised by the Farmington River Coordinating Committee and noted it will be included as part of the record of this application.

Ms. Hall questioned the purpose of the use of the bituminous material for the path, and why the path would not be comprised of permeable material. Mr. Parsons noted that grading was an issue as well as foot traffic that could possibly erode the lawn. Mr. Hall questioned whether the use of pervious pavers is a possibility. Mr. Parsons agreed.

Ms. Hall questioned what type of mowing would occur along the river and whether similar to West Hill Lake, a riparian buffer would be considered, wherein vegetation is left as a natural strip rather than mowing. Mr. Parsons noted that the only area to be disturbed would be the path to river to allow access to walk.

Ms. Nancy Shroeder Perez questioned the optional stairway, in terms of where it will lead and what its composition will be. Mr. Parsons responded that it would be a composite material. Mr. Chakuski inquired as to how the water that flows off the roof of the pavilion will be handled. Mr. Parsons noted it would just shed off, and that it won't be very much.

Mr. LaMere questioned what the plans include for washouts. Mr. Parsons noted that if it were to be washed out during construction, it would need to be replanted but that there will be erosion control during construction. Ms. Hall questioned the footings of the pavilion and whether there was significant excavation. Mr. Parsons noted that the square footage disturbance would be approximately 12-20 square feet total as far as disturbance related to piers.

Ms. Donna LaPlante of 77 Stedman Road spoke in favor of the application, noting that public access to the river had long been a hope of the Planning and Zoning Commission, recalling her tenure as chairman of this group and the requests and feedback she receives as New Hartford's town clerk.

Both First Selectman Dan Jerram and fellow Selectman Jack Casey spoke in favor of the application.

Mr. Jack Trumbull of 479 Town Hill Road spoke in opposition to the application and delineated his concerns with the amount of wetlands impact, the capacity of the pavilion and whether other alternatives had been considered for this application such as Callahan Park.

Mr. Hall noted that it is the prerogative of the commission to determine whether the access being proposed is a suitable minimal access point to the river.

MOTION: Ms. Shroeder Perez, Mr. Chakulski second, **to close the public hearing in the matter of Town of New Hartford – Application for Permit – Map 37A – Block 121 Lot 007 – 12 Bridge Street - & Map 36B – Block 119 – Lot 01A - Bridge Street – Construct Patio, Pavilion and Canoe/Kayak Access to River; unanimously approved.**

2) PENDING APPLICATIONS:

A. New Hartford Market Place, LLC/Owner – Map 044 – Block 013 – Lot 020 – 183 Main Street – 5 Lot Subdivision & New Hartford Market Pace, LLC/Owner – Allan R. Borghesi/Applicant – Site Plan Approval – Map 044 – Block 013 – Lot 020 – 183 Main Street – Construct a 20,000 Sq. Ft. Warehouse.

Mr. LaMere expressed dissatisfaction with the process of this application with what he characterized as a rushed and incomplete application and is concerned with the unknowns regarding the details of the buildings to be built.

MOTION: Mr. LaMere, Ms. Schroeder Perez second, **to deny the application in the matter of New Hartford Market Place, LLC/Owner – Map 044 – Block 013 – Lot 020 – 183 Main Street – 5 Lot Subdivision & New Hartford Market Pace, LLC/Owner – Allan R. Borghesi/Applicant – Site Plan Approval – Map 044 – Block 013 – Lot 020 – 183 Main Street – Construct a 20,000 Sq. Ft. Warehouse and have it reset to return with a completed building application where the commission will know what is being built on every site; Mr. LaMere voted aye, Ms. Hall, Mr. Chakulski, Mr. Moscaritolo, Ms. Schroeder Perez voted nay: Motion failed.**

MOTION: Mr. Chakulski, Ms. Hall second, **to approve the application in the matter of New Hartford Market Place, LLC/Owner – Map 044 – Block 013 – Lot 020 – 183 Main Street – 5 Lot Subdivision & New Hartford Market Pace, LLC/Owner – Allan R. Borghesi/Applicant – Site Plan Approval – Map 044 – Block 013 – Lot 020 – 183 Main Street; Ms. Hall, Mr. Chakulski, Mr. Moscaritolo, Ms. Schroeder Perez voted aye, Mr. LaMere nay: Motion passed.**

B. Town of New Hartford – Application for Permit – Map 37A – Block 121 Lot 007 – 12 Bridge Street - & Map 36B – Block 119 – Lot 01A - Bridge Street – Construct Patio, Pavilion and Canoe/Kayak Access to River.

Mr. Hall confirmed with Mr. Sadlowski that the commission could indeed divide the application into two separate phases pursuant to the request reported by the town's engineer.

MOTION: Ms. Schroeder Perez, Mr. Moscaritolo second, **to split into two separate matters for consideration the application in the matter of Town of New Hartford – Application for Permit – Map 37A – Block 121 Lot 007 – 12 Bridge Street - & Map 36B – Block 119 – Lot 01A - Bridge Street – Construct Patio, Pavilion and Canoe/Kayak Access to River; Ms. Schroeder Perez, Mr. Moscaritolo voted aye, Mr. Chakulski voted nay, Ms. Hall and Mr. LaMere abstained: Motion passed.**

Ms. Hall commented that she sees no reason why the path would need to be impervious. She opined that the town ought to “step up” in terms of low impact development and best management practices in environmental and erosion controls. Mr. LaMere questioned the location of the sewer line in relation to the proposed pavilion and patio site. Mr. Hall noted that there is a sewer line easement closer to the river than this proposed site.

MOTION: Ms. Schroeder Perez, Mr. Chakulski second, **to grant the application in the matter of Town of New Hartford – Application for Permit – Map 37A – Block 121 Lot 007 – 12 Bridge Street - & Map 36B – Block 119 – Lot 01A - Bridge Street – Construct Patio and Pavilion subject to all standard conditions as well as the following additional conditions: 1. the path shown as a bituminous path be constructed of a permeable material, such as pavers or concrete; and 2. if at construction or at a future time, gutters or roof liters are installed on the building that they be led to a demonstration rain garden or other low intensity development feature; Ms. Schroeder Perez, Mr. Chakulski, Ms. Hall, Mr. Moscaritolo voted aye, Mr. LaMere voted nay: Motion passed.**

With regards to the canoe/kayak access of the town's application, Ms. Schroeder Perez opined that giving access to the public is an excellent idea. Ms. Hall commented that a grass canoe path is typical of what has been granted at West Hill Lake so long as proper erosion control is built into the path and opined that the Town should be a leader in its construction process.

MOTION: Mr. Chakulski, Ms. Schroeder Perez second, to grant the application in the matter of Town of New Hartford – Application for Permit – Map 37A – Block 121 Lot 007 – 12 Bridge Street - & Map 36B – Block 119 – Lot 01A - Bridge Street – Construct Canoe/Kayak Access to River subject to all the standard conditions as well as the following conditions: 1. if traffic pattern on the path is sufficiently heavy to cause distress to the grass that suitable measures such as erosion control matting which can be mowed over be employed to control damage to the grass if it proves necessary; Mr. Chakulski, Ms. Schroeder Perez, Ms. Hall, Mr. Moscaritolo voted aye, Mr. LaMere voted nay: Motion passed.

3) New APPLICATIONS:

A. Michael Bernstein & Betty Cuervo – Application for Permit – Map 04a – Block 112 – Lot 037 - 698 West Hill Road – Remodel Existing House, Adding 10x10' to Expand Kitchen on the West Side, Adding Bathroom in Basement, No New Bedrooms, No Change to Building Height.

Mr. Michael Bernstein as one of the applicants appeared before the commission, briefly providing details of the application.

MOTION: Mr. LaMere, Ms. Schroeder Perez second, to accept the application in the matter of Michael Bernstein & Betty Cuervo – Application for Permit – Map 04a – Block 112 – Lot 037 - 698 West Hill Road – Remodel Existing House, Adding 10x10' to Expand Kitchen on the West Side, Adding Bathroom in Basement, No New Bedrooms, No Change to Building Height and set it for public hearing, deeming it significant on the basis of public interest; unanimously approved.

MOTION: Ms. Schroeder Perez, Ms. Hall second, to add to the agenda Item 3B. Request for a Declaratory Ruling by Mariette E. Jahne, 15 Highland Avenue for a Subdivision to Establish Property Line; unanimously approved.

B. Request for a Declaratory Ruling by Mariette E. Jahne, 15 Highland Avenue for a Subdivision to Establish Property Line

MOTION: Mr. LaMere, Mr. Moscaritolo second, to make a determination, a declaratory ruling, in the matter of Mariette E. Jahne, 15 Highland Avenue, that no permit is required; unanimously approved.

4) MEETING MINUTES: July 1, 2015

Page Three, Second Paragraph should have read: **MOTION:** Mr. Ryznar, Mr. Chakulski second, *in the matter of Allan R. Borghesi/Applicant – New Hartford Market Place, LLC/Owner - Map 044 – Block 013 – Lot 020, Main Street – Determination of permit need for a subdivision and construction of a 20,000 Sq. Ft. Warehouse building, a wetlands permit is going to have to be issued upon an application because the subdivision has a part of it that is subject to wetlands regulations and therefore is subject to wetlands approval; Mr. Ryznar, Mr. LaMere, Ms. Hall voted aye, Mr. LaMere opposed; Motion passed.*

MOTION: Mr. LaMere, Ms. Hall second, to accept the July 1, 2015 Minutes as Amended; Mr. LaMere, Ms. Hall, Mr. Chakulski, Mr. Moscaritolo voted aye, Ms. Schroeder Perez abstained: Motion passed.

5) INLAND WETLANDS OFFICER'S ENFORCEMENT REPORT:

Mr. Sadlowski provided a status update on the LePore subdivision, West Road, and Main Stream Canoe property.

6) CORRESPONDENCE:

None.

7) OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

None.

MOTION: Mr. LaMere, Mr. Moscaritolo second, **to adjourn at 8:36PM; unanimously approved.**

Respectfully submitted,

Pamela A. Colombie
Recording Secretary