

**New Hartford Inland Wetlands Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, April 6, 2016 at 7:00 PM
New Hartford Town Hall
530 Main Street, New Hartford, Connecticut**

PRESENT: Chairman James Hall, James Chakulski, Anne Hall, Nancy Shroeder Perez, Regina Wexler, Inland Wetlands Officer Ruth Mulcahy.

ABSENT: Lou Moscaritolo, Wayne Ryznar.

Chairman James Hall called the meeting to order at 7:00PM. The meeting was recorded digitally and copies are available through Town Hall.

1) PUBLIC HEARINGS:

A. Cheryll L. Leppert – Map 06A Block 112 - Lot 57-58, 114 Camp Workcoeman Road – Repairs to Existing Dock – Building New Dwelling in Same Location as Existing Structure, Septic Being Placed Between House and Lake.

Attorney William Tracy appeared before the commission, noting that he is representing the applicants. He reported that the subject property, slightly over a half acre, is located on the west side of West Hill Lake. He noted that the property is long and narrow, explaining that there is about one hundred (100') feet of frontage on the lake and a little less than eighty (80') feet along the street. He noted that the applicants are proposing to replace an existing 1925 seasonal house with a year round residence along with a new driveway and new septic system. Attorney Tracy noted that the new septic system is designed to replace the existing cesspool. He noted that the property has been in the applicants' family for a great number of years. Attorney Tracy explained that the property slopes from the road towards the water and reported that a number of restrictions are inherent in this lot including the limitations of the location of the new septic system due to physical characteristics of the property. He explained that while an initial plan was to locate the septic system near the road, it was ruled out due to the ledge outcropping and test holes. He referred to drawings depicting the location of the wells that present restrictions in terms of proximity for a septic system to them as well as the location of a twenty-five foot easement that serves the driveway to the south along with an easement to The Hartford Electric Light Company. Attorney Tracy noted that the elimination of the cesspool also restricts construction of a new septic system. The application is in front of this Commission not because of the presence of wetlands on the site but instead because a good portion of the proposed activities, the house and all of the septic system are within the upland review area, according to Attorney Tracy. He reported that a number of alternatives were examined in trying to locate this septic system.

Joseph Green, PE, of Robert Green Associates, appeared before the commission, and reported that a number of shallow holes and deep holes were performed on the upper portion of the property. He explained that one of the things reviewed is whether there is ledge within twenty-four (24") inches of the surface, as this is the minimum according to Health Code Standards. Mr. Green identified the holes that were less than twenty-four (24") inches. Additionally, he noted that another consideration in replacing a system, is the need to go parallel to the grade. Mr. Green explained that in order to meet the minimum leaching spread, depth of restriction, slope of the land and perc factor are all necessary considerations. He explained how and why the proposed location of the septic system was determined.

Attorney Tracy noted the exhaustive search that was undertaken, and all the number of test holes depicted on the drawing. He also noted the proposed improvements and the erosion control measures that were included. Attorney Tracy also pointed out that there are three other outbuildings on the property that total approximately 300 square feet, with one being located approximately eighteen feet from the water's edge. He noted that the proposal includes removing all of these structures.

Mr. Green then reviewed the erosion sediment control measures of the plans. Attorney Tracy noted that the house plans have the purposeful omission of gutters and downspouts on the house in order to create sheetflow off the roof rather than gathering rain in the downspout and concentrating the flow and velocity. He provided two documents regarding storm water management and infiltration trenches, one from a source in New Hampshire and another from the State of Connecticut Department of Energy and Environmental Protection.

Attorney Tracy noted that the applicants are also seeking to repair an existing wooden dock, noting that the stone foundation has broken down and shifted over time. He noted that the work would be undertaken during the winter months when the water is at a low level.

He also noted that the comments provided by Town Engineer Roger Hurlbut have been addressed by Mr. Green but a reply to Mr. Green's responses has not yet been received. Attorney Tracy provided a written request that the hearing be kept open to allow time to receive Mr. Hurlbut's response.

Mr. Hall reported that correspondences have been received from Trinkaus Engineering, LLC addressed to Laura Bull and Bill Adamsen of the West Hill Pond Association, one dated April 4, 2016 as well as one dated February 23, 2016. He noted that the April 4 letter makes several comments regarding the on-site sewage disposal system and some calculations relating to it. Mr. Hall noted the most important of which is the suggestion within the letter to relocate the septic system and to relocate the dwelling's well. He noted that the February 23 letter discusses the on-site sewage system and storm water management. Mr. Hall then identified the areas suggested by Trinkaus Engineering for relocation of both the well and the septic system and questioned Mr. Green whether these areas have been considered and if not, why not. Mr. Green noted that the well has to be outside twenty-five (25') feet of the footing drain. Attorney Tracy explained that the engineer does not have good information regarding what is occurring relative to septic disposal for the neighbor to the south and without that, the applicants want to be certain not to put their well within seventy-five feet of what they are using already for septic system. Mr. Hall inquired about the possibility of putting the well up by the road. Attorney Tracy noted that they would like to review the April 4 correspondence and address this at the next meeting. Mr. Hall then noted that another comment made by Trinkaus Engineering in both letters is relative to storm water management and what he characterized as complete lack of any provision for mitigating the volume and rate of runoff and the loss of natural vegetation between the residence and the lake and what other possibilities might exist. Attorney Tracy noted that there remains twenty-five (25') feet between the edge of activity and the edge of water that will not be disturbed. He noted that the footing drain outlets to a splash pad.

Mr. Hall also referenced a correspondence from Todd Parsons, PE of Lenard Engineering dated March 30, 2016, discussing the calculations for nitrogen removal and phosphorus removal from the septic system. Mr. Hall noted the salient points that need to be addressed by the applicants are the calculations for nitrogen loading and nitrogen impact involve using the question of using the total lot area as the effective infiltration area. He noted that the applicants will be provided with copies of all of these correspondences and will be expected to address the issues identified

within them. Mr. Green noted that he will address these questions but that his renovation analysis was done according to State of Connecticut guidelines. Mr. Hall explained that there is some question whether the state is the most conservative approach.

Noting that between the proposed house and garage, the applicants are seeking to double the size of the buildings, Ms. Schroeder Perez questioned how much lawn is there now, how much driveway is there now and how much will be added. She noted she is seeking to know how much additional impervious surface there will be at this location. Ms. Hall questioned what the total percent of impervious surface will result as part of this proposal. Mr. Green noted that he did not have a percentage but outlined where the current gravel driveway and noted that it will remain a gravel driveway. He noted that there will be an increase in lawn but did not have a percentage available. Commissioners agreed that a percentage would be useful information to have.

Ms. Wexler questioned whether the subject property is one or two building lots. Mr. Green noted that it is one. Mr. Chakulski questioned how far the house will be located from the water. Mr. Green noted that it is seventy-one (71') feet from the water. Ms. Schroeder Perez questioned how close to the water is to the nearest leeching field. Mr. Green indicated that the closest spot is forty-eight to forty-nine (48'-49') feet. Ms. Hall questioned whether the Town has regulations regarding distances for new leeching fields on new buildings. Mr. Hall noted that the Town does not but believed there is a distinction with a new structure and a repair with Farmington Valley Health District. Ms. Mulcahy agreed that she will research this further with Farmington Valley Health District. Attorney Tracy reported that this is the plan that was approved by Farmington Valley Health and noted that a Renovation Analysis was submitted. Mr. Hall noted that there is a difference of opinions between Mr. Green's analysis, Mr. Trinkaus' analysis and Mr. Parsons' analysis in this regard and that at a future time when this application is being debated, the commission will regard the statements of these three experts and attempt to determine what is to be done. He noted that the comments from the three engineers differ substantially in their conclusions and explained that one of the jobs of the commission is to balance the claims of competing experts.

Ms. Hall questioned whether all feasible alternatives for the septic system have been considered. Mr. Green indicated that they have and explained that there is an area that is limited by thirty-six (36') feet and are using the product that can be used within this thirty-six (36') feet. Attorney Tracy noted that a previous iteration had included a three-bedroom house whereas the current proposal is for a two-bedroom house which not only reduced the size necessary for the septic system but will also be a permanent restriction to the property. Ms. Hall reported that a number of constructions around West Hill Lake have taken very aggressive measures in terms of storm water run-off and run-off from impervious surfaces and noted that she would like to see more thought put into this plan regarding this as it is not evident from the current plan.

Mr. Hall also reported receipt of a correspondence from Stephen and Vicki Kayser of 122 Camp Workcoeman Road suggesting the option of a closed holding tank which would be pumped or possibly non-water carriage systems for human waste. Ms. Hall noted that this would be interesting to know whether this is a feasible alternative and if not, why not. Attorney Tracy remarked that Mr. Green had reviewed a very recent neighbor plan which is very similar in size and layout but in a different area done in 2009. Ms. Wexler questioned whether there were notes on the plan regarding demolition. Mr. Green noted that there is a pretty lengthy construction sequence. Mr. Hall questioned whether there are any hazardous materials within the building in terms of asbestos or lead piping. Attorney Tracy indicated that they are not

aware of any hazardous material. Mr. Hall noted that an absolute statement to this effect should be provided or in the alternative, a provision within the demolition plan for the management and assessment of hazardous materials should be provided. Ms. Hall requested that more information be provided on how the applicant will repair the footings on the dock. Attorney Tracy explained that it is an existing stone foundation that were laid a long time ago, with a wooden structure sitting on top of that and cantilevers a bit over the water. He noted that over time, the stones have fallen out. The top of the dock has to be removed so that the applicants can get at them, stones have to be picked up out of the water by hand and laid back in place and solidified so that the dock may be put on top, according to Mr. Tracy. This will be done during a time of low water level, he explained.

Ms. Joanne Jackson of 110 Turnbull Road questioned what the dimensions of the footprint of the house and garage are. Attorney Tracy noted that the footprint of the house is 1985 square feet and the footprint of the garage is 793 square feet. Ms. Schroeder Perez clarified that this is the footprint and not the total square footage and whether this is just a two-bedroom house. It was confirmed that this is the size of the footprint, with it going up three or four stories and that it is designed as a two-bedroom home.

Mr. Bill Adamsen of 166 Camp Workcoeman Road and as Trustee of West Hill Pond Association explained that in an effort to understand best practices around the lake, his group reviews all applications that come in and try to flag any that might have an issue related to storm water, septic, or any kind of wetlands issues. He noted that his group sought expert review on this application and retained Steve Trinkaus, PE of Trinkaus Engineering for that review. He questioned whether the applicant has presented any feasible and prudent alternatives to the application.

Mr. Trinkaus was recognized as an expert on behalf of the West Hill Pond Association by Mr. Hall. Mr. Trinkaus then addressed the commission, noting that he has fifteen (15) years of experience in low impact development in both Connecticut and Southeast Asia as part of his thirty-five (35) years of engineering practice. He noted that the only difference between his February 23 and April 4 letters is the italics section on bottom of page one and the top of page two, noting that all the other issues are the same. Mr. Trinkaus explained that he reviewed the revised plan. He noted that under the Health Code, one of the factors calculated is a number based on the table from the depth of the restrictive soil below the ground surface versus the land's slope. Mr. Trinkaus explained that the shallower the soil, the flatter the slope, the bigger the number. He noted that this was developed by state health department back in the early 1990s as a cookbook approach looking at a hydraulic analysis of these systems and that they now require that the testing be done downhill. He explained that while the system might be located higher up, the effluent is going to flow downwards. Mr. Trinkaus noted that the holes the applicant has in the current system area are around thirty inches to modeling but that the down gradient is nineteen and because that is where the water is going, this is the value that should be used in the calculation rather than an average. Mr. Trinkaus opined that the Code is a minimum. He explained that Frank Shaw, a former director at the State Health Department, had commented at a seminar in 1988 that the Code is a minimum and the engineers, as the experts, can go beyond the code if it is their prerogative. Mr. Trinkaus opined that this is the obligations of engineers to go beyond the code because their obligation is public safety and welfare. He explained that using the 19 in the equation, the spread calculation gets much larger than the thirty-six (36') feet included and the system does not then fit for a two-bedroom house at this location. Additionally, Mr. Trinkaus opined that the Geomatrix system is what he would term corrugated cardboard that goes in and out, with crushed stone on the inside of the system and sand on the "fingers" of the piping. He noted that there is not a lot of storage volume within

these at only 40% within the stone as opposed to a one-foot high, four-feet wide concrete gallery that has four cubic feet of storage per linear foot. He noted that thirty-six feet of a one-foot high by four-feet wide concrete gallery would have storage for about 1,000 gallons of water whereas the same length of Geomatrix, assuming it is filled with stone and not sand has storage for about 430 gallons of water. Mr. Trinkaus opined that a house this size is likely to entertain on the weekends and opined that way more than 300 gallons of effluent would be generated daily on weekends like that, and that is the amount this system is designed for and that the system will be overloaded. He suggested that the system should be relocated, and that the problem identified is solved through the addition of sand and a pump system. He noted that he agrees with Mr. Parsons' opinion regarding the Renovation Analysis.

Mr. Trinkaus noted that the New Hartford Zoning Regulations has a section related to Storm Water Management and opined that this application is not in compliance with those regulations. He also opined that this house would not be able to be constructed within the setback area. He also opined that the erosion plan is not adequate and noted that four-foot high orange poly fence should be used in lieu of the proposed hay bales. Mr. Trinkaus also suggested that the water quality issues need to be addressed.

Ms. Shelly Lloyd of 29 Pioneer Drive spoke in opposition of the application, reading aloud a correspondence outlining her reasons including the size of the house versus the design of the septic system.

Ms. Lisa Lawson of 16 Spring Street in Collinsville noted that she swims at West Hill Lake and spoke in opposition of the application.

Mr. Nelson Sly of 57 Aquatic Road and President of West Hill Pond Association expressed concerns regarding the quality of the water of the lake, urging the applicants to make adjustments to their proposal.

Mr. Richard Abraham of 87 Beach Road addressed the suggestion previously made regarding a holding tank, expressing concern that they can overflow if an owner is not conscientious with pumping it out.

Ms. Judy Harmon of 31 Aquatic Road noted that it has become a real priority for New Hartford to protect the lake and urged the Commission to deny the application.

Mr. Trinkaus pointed out that holding tanks are only permitted with Department of Energy and Environmental Protection approval not through the State Department of Health nor Farmington Health District.

MOTION: Ms. Schroeder Perez, Ms. Hall second, **to continue the public hearing in the application of Cheryl L. Leppert – Map 06A Block 112 - Lot 57-58, 114 Camp Workcoeman Road – Repairs to Existing Dock – Building New Dwelling in Same Location as Existing Structure, Septic Being Placed Between House and Lake; unanimously approved.**

2) PENDING APPLICATIONS:

A. Cheryl L. Leppert – Map 06A Block 112 - Lot 57-58, 114 Camp Workcoeman Road – Repairs to Existing Dock – Building New Dwelling in Same Location as Existing Structure, Septic Being Placed Between House and Lake.

This application was continued to the next regular meeting.

MOTION: Ms. Hall, Mr. Chakulski second, **to amend the agenda to consider Item 7A. Appointment of Ruth Mulcahy as Wetlands Agent for the Inland-Wetlands Agency of the Town of New Hartford before Item 3 New Applications; unanimously approved.**

The Commission unanimously agreed to appoint Ruth Mulcahy as Wetlands Agent for the Inland-Wetlands Agency of the Town of New Hartford.

3) NEW APPLICATIONS:

A. James W. & Sharon L. Chaika – Map 034 – Block 012 – Lot 002 - 48 Southeast Road – 16' x 32' Addition to Rear of Existing Ranch Home Extending Rear Footprint by 16'.

Ms. Mulcahy reported that this application involves a simple addition to the rear of the house that currently sits over one hundred feet from the river. She noted that there is an existing lawn but includes a buffer zone lined with trees between the lawn and the river. Ms. Mulcahy noted that the plan includes a silt fence to catch any sediments but that it is rather flat. She noted that this application is within the regulated area by only a few feet.

Consensus of the commission was that this application can be processed through an agent determination.

B. Daniel & Karen Brock – Map 027 – Block 009 – Lot 33-11 – 22 Windsor Lane – Pre-made shed to be placed on top of gravel at edge of grass line.

Ms. Mulcahy noted that the property in this application has an intermittent water course with a buffered area lined with trees. She noted that some minor crushed stone will be laid in a flat area with the shed placed on top.

Consensus of the commission was that this application can be processed through an agent determination.

4) MEETING MINUTES – March 2, 2016:

MOTION: Ms. Schroeder Perez, Ms. Hall second, **to approve the March 2, 2016 Minutes; unanimously approved.**

5) INLAND WETLANDS OFFICER'S ENFORCEMENT REPORT:

Ms. Mulcahy noted that she reviewed Ramstein Road and it is deemed an "as of right" activity but she may suggest that he speak with Sean Hayden. It was suggested that he install silt fence and he has done so.

6) CORRESPONDENCE:

No correspondence other than those previously identified were discussed.

7) OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Bruce H. & Bernadette Gresczyk - Map 021 – Block 017 – Lot 010 – 860 Litchfield Turnpike – Declaratory Ruling – Farming Activity – Barn Addition.

Mr. Bruce Gresczyk appeared before the commission to address this application. He referred commissioners to an A-2 survey prepared by Land Surveyor David Little. He noted that the subject property is comprised of "Envelope A" where the farm buildings are located and "Envelope B" where the retail greenhouses and farm store are located. He noted that pursuant to recent mandates through a piece of legislation known as the Food Safety Modernization Act (F.S.M.A.), his application seeks to expand his packing shed from an 1800 square foot building to a 6000 square foot building to comply with the mandates contained in F.S.M.A. Mr. Gresczyk

explained that the new building will come within sixty (60') feet of a drainage ditch for wetlands owned by the State of Connecticut.

The consensus agreed that this application falls as an "as of right" with farming.

MOTION: Ms. Hall, Mr. Chakulski second, **to adjourn at 8:43PM; unanimously approved.**

Respectfully submitted,

Pamela A. Colombie
Recording Secretary