

**New Hartford Inland Wetlands Commission  
TOWN OF NEW HARTFORD, CONNECTICUT  
REGULAR MEETING MINUTES  
Wednesday, June 1, 2016 at 7:00 PM  
New Hartford Town Hall  
530 Main Street, New Hartford, Connecticut**

**PRESENT:** Chairman James Hall, Anne Hall, Lou Moscaritolo, Nancy Shroeder Perez, Regina Wexler, and Inland Wetlands Officer Ruth Mulcahy.

**ABSENT:** James Chakulski, 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 on behalf of the applicants. He reminded the Commission that his clients have been exploring several different scenarios in terms of building a new dwelling at the subject property. Attorney Tracy explained that as there are two parts to the application, one to do with the house construction/relocation of their septic system and the other pertaining to the dock repair, his clients would like to proceed with the dock repair and withdraw the other part of the application from the Commission's consideration. Attorney Tracy referenced the pictures previously submitted of a collapsed dock and noted that his clients are proposing to disassemble the wooden structure of the dock and in a lower-water condition, pick up stones forming the base of the dock and put them back in place through hand-work. He noted that his clients are seeking only to restore the dock previously there because what is presently there is not safe.

In response to Mr. Hall seeking an opinion from Ms. Mulcahy, she opined that because the dock is in the water, this would not be her recommendation. She explained that because she was lacking advance notice that the applicant was going to seek severing the application, staff has not had a chance to contemplate this proposal. She noted that there were concerns identified by an engineer, Mr. Trinkaus, hired by the West Hill Pond Association regarding the dock. Additionally, Ms. Mulcahy explained that she was without the documents she would deem necessary to contemplate this such as storm water quality and sedimentation erosion control plan.

Ms. Schroder Perez opined that the Commission does not have enough information to proceed.

**Ms. Shelly Lloyd of 29 Pioneer Drive** spoke in opposition of the Commission severing the application. Ms. Lloyd explained that the public has questions regarding the process as to how the deck would be removed and noted that it is unknown whether the deck is comprised of hazardous materials. She then later also encouraged the Commission to deny the application.

**Ms. Judy Harmon of 31 Aquatic Road** also spoke in opposition of the Commission severing the application.

**Ms. Joanne Jackson of 110 Turnbull Road** also spoke in opposition of the Commission severing the application.

**Dr. Peter Humphrey of 273 Niles Road** provided a large photograph of the subject property's dock as seen from the lake.

Attorney Tracy explained that the proposed house construction/relocation of septic system have nothing to do with the dock repair and vice versa. He opined that to repair the dock is not a complicated process, and has been spelled out and provided to the Commission at least two months ago. Attorney Tracy reported that currently the dock, as is, is not safe and is falling into the water. He noted that the applicants live out of state and that they would like to do this as part of this application. He confirmed that anything to do with the house would require a brand new application.

Mr. Hall explained that it is not unusual for the Commission to be presented with two identifiably separate and distinct projects coming in under one application. Ms. Hall noted that the portion of the application regarding the dock repair is not unlike other applications that have come before the Commission. She explained that she was unsure as to whether the Commission had the ability to split the application at this time. Finally, Ms. Hall noted that while receiving approval for the dock repair may save the applicants the cost of an additional application fee, it would not save them any time as the work would not be permitted until low-water levels, which occur during the fall time.

Ms. Mulcahy referenced a recent presentation provided by the Commission's land use attorney, Mark Branse. She noted that efforts to protect water quality have resulted in some communities banning stone docks. Attorney Tracy noted that his review of Mr. Trinkaus' report revealed comments regarding surface flow coming off the land and not coming off the dock.

**Ms. Karen Griswold Nelson of 57 Stedman Road** opined that what may later occur in terms of new house design should be considered in concert with the deck work. She urged the Commission to not sever the application and instead take a comprehensive approach when reviewing applications.

Mr. Bruce Aldrich, who identified himself as one of the applicants, responded to Ms. Nelson's comments explaining that every project cannot be put together with another project. Mr. Hall noted that the Commission does only consider one application at a time.

Ms. Cheryl Leppert explained that they are seeking to repair the dock first and foremost as a liability issue.

Ms. Mulcahy reported that two outstanding bills for the consulting engineer dated March 8, 2016 and May 6, 2016 remain unpaid.

**MOTION:** Ms. Schroeder Perez, Mr. Moscaritolo second, **to close the public hearing 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, to give the Commission time to consult legal counsel regarding splitting the application; unanimously approved.**

**2) PENDING APPLICATIONS:**

**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.**

**MOTION:** Ms. Schroeder Perez, Ms. Hall second, **to table the application in the matter of 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; unanimously approved.**

**3) NEW APPLICATIONS:**

**A. Kent A. Johnson – Map 06A, Block 112, Lot 062 – 126 Camp Workcoeman Road – Install a New Leach Field to Convert to Year Round.**

Mr. Tom Grimaldi, Principal Engineer, with R.R. Hiltbrand Engineers & Surveyors, LLC appeared before the Commission regarding this application. He noted that at this time the applicants are not required to install a septic system because it is not failing. He presented and referred to a 24" x 36" drawing of the subject property and noted that the septic system was highlighted in pink. Mr. Grimaldi noted the location of the existing dwelling, the lake, the existing septic system along with the tank, pump chamber and leach field, existing garage, existing limit of clearing along with the well located up by the road. Mr. Grimaldi noted that because of the location of a well on the neighbor's property and the Health Code's requirement of a distance of seventy-five (75') feet from that well, a spot for a septic repair was pushed into one place.

Mr. Grimaldi reported that the disturbance area is approximately .1 acres, or 4400 square feet. He noted that the plans would include installation of 240 cubic feet of septic fill to install the leaching field and that a new watertight septic tank and pump chamber will be installed near the existing house. Mr. Grimaldi then reviewed the erosion control plan.

Ms. Schroeder Perez questioned whether this existing two-bedroom cottage is being converted or rebuilt. Mr. Grimaldi explained that the catalyst behind the application is that the applicants are selling the property and the buyers would like to add a foundation under the existing dwelling. Farmington Valley Health District requires that a Code compliant system be installed because this dwelling would then be considered year-round rather than seasonal, according to Mr. Grimaldi.

**MOTION:** Ms. Hall, Ms. Schroeder Perez second, **to accept Kent A. Johnson – Map 06A, Block 112, Lot 062 – 126 Camp Workcoeman Road – Install a code compliant two-bedroom leaching field and in the public interest, set for a Public Hearing at the next regularly scheduled meeting; unanimously approved.**

**B. Michael M. Bernstein/Applicant – Michael M. Bernstein & Beatrice M. Cuervo/Owners – Map 04A – Block 112 – Lot 037 – 698 West Hill Road – Landscaping Work to create Stone Walkway from Driveway to Front Entrance Including Stone Path to Lakeside Deck & Replacement of Crumbling Stone Retaining Wall, South Side of Property Adjacent to House, Lakeside.**

Mr. Ken Hawkins of The Kenmark Company appeared before the Commission and presented the proposed landscaping plan. Referencing a 24" x 36" rendering of the plan, Mr. Hawkins reported that the proposed plan includes bringing some stone steps down and repair a masonry wall that was damaged from the new addition. Mr. Hawkins also reported that his client would like to install a patio under the deck. He also noted that a 20' x 20' patio/terrace is also being considered down by the waterfront along with some regrading to make the area more level.

Ms. Hall questioned the estimated amount of soil to be disturbed or moved down by the water. Mr. Hawkins estimated the amount to be fifteen to twenty yards.

**MOTION:** Ms. Schroeder Perez, Ms. Hall second, **to accept the application of Michael M. Bernstein/Applicant – Michael M. Bernstein & Beatrice M. Cuervo/Owners – Map 04A – Block 112 – Lot 037 – 698 West Hill Road – Landscaping Work to create Stone Walkway from Driveway to Front Entrance Including Stone Path to Lakeside Deck & Replacement of Crumbling Stone Retaining Wall, South Side of Property Adjacent to House, Lakeside and in the public interest, set for a Public Hearing at the next regularly scheduled meeting; unanimously approved.**

Mr. Bernstein inquired about a permit received in October, 2015 through an Agent Approval for a shed. Ms. Mulcahy noted that approval was granted for a pre-fabricated shed.

**C. Michelle Moore/Applicant – Michelle E. Moore & James A. Susco/Owners – Map 04A – Block 112 – Lot 040 – 710 West Hill Road – Construction of a Septic System Just Beyond 100 Foot of Upland Review Area with some Grading Which May Encroach Upon 100 Foot Border.**

Land Surveyor Joseph Green appeared before the commission on behalf of the applicant. He explained that the applicant is seeking to prepare for an existing septic system on the subject parcel. He provided a copy of the approval letter from Farmington Valley Health District. Mr. Green then reviewed the existing site conditions of the parcel. Referencing the 24" x 36" drawing, he noted the existing well, the neighbor's well, as well as the well of the neighbor to the left all with a radius of the necessary seventy-five feet outlined in blue. Mr. Green reviewed the proposed construction of a septic system just beyond the upland review area. Mr. Green explained that while no part of the system would be within the upland review area, the necessary grading which will occur as part of the construction process may possibly encroach the review area by five or ten feet.

The applicant, Michelle Moore, addressed the Commission and explained that they are seeking to replace the septic system prior to it completely failing.

**MOTION:** Ms. Hall, Ms. Schroeder Perez second, **to accept the application of Michelle Moore/Applicant – Michelle E. Moore & James A. Susco/Owners – Map 04A – Block 112 – Lot 040 – 710 West Hill Road – Construction of a Septic System Just Beyond 100 Foot of Upland Review Area with some Grading Which May Encroach Upon 100 Foot Border, deeming it as not significant and therefore, not requiring a public hearing; unanimously approved.**

**D. Gary Ciesco – Map 024 – Block 033 – Lot 08G – 98 Beeney Road – Construction of Shed/Barn.**

Ms. Mulcahy reported that this application involves a shed and that she has visited the site. She noted that while the location of the site for the proposed shed is located next to a small pond, it's approximately twelve feet high between the shed and the pond. Ms. Mulcahy requested that this application be considered as an Agent Determination.

**MOTION:** Ms. Schroeder Perez, Mr. Moscaritolo second, **to refer the application of Gary Ciesco – Map 024 – Block 033 – Lot 08G – 98 Beeney Road – Construction of Shed/Barn to Ms. Mulcahy for an agent determination; unanimously approved.**

**E. Kay E. Consolver & John Storkerson – Map 02 – Block 015 – Lot 008 – 545 Steele Road – Right of Use – Notification of timber Harvest.**

Ms. Mulcahy reported that she and Mr. Hall did a site visit to this location. Mr. Hall noted that while a drainage ditch is on this property and will have to be crossed, he was doubtful that any water has been in it for quite some time.

**MOTION:** Ms. Hall, Ms. Schroeder Perez second, **to accept the application of Kay E. Consolver & John Storkerson – Map 02 – Block 015 – Lot 008 – 545 Steele Road – Right of Use – Notification of timber Harvest, permitting it as an As Of Right activity pursuant to the Inland Wetlands Watercourses Act, except for those practices regulated under C.G.S. § 22a-36 through 22a-45; unanimously approved**

**MOTION:** to add application 81 Marstan Trails Emergency Fuel Oil Spill Cleanup

**F. M.E. Carroll & Sons/Applicant – 81 Marstan Trails, LLC/Owner – Map 09A – Block 110 – Lot 014 – 81 Marstan Trails- Agent Determination – Emergency Fuel Oil Spill Cleanup.**

Ms. Mulcahy reported that she has been in contact with the Department of Energy and Environmental Protection regarding the emergency fuel oil spill cleanup that occurred at this site. Mr. Jarrod Carroll appeared before the Commission to explain the process for the removal of the contaminated soil and respond to questions regarding this application.

**MOTION:** Ms. Schroeder Perez, Ms. Hall second, **to accept the application of M.E. Carroll & Sons/Applicant – 81 Marstan Trails, LLC/Owner – Map 09A – Block 110 – Lot 014 – 81 Marstan Trails- Agent Determination – Emergency Fuel Oil Spill Cleanup; unanimously approved.**

**4) MEETING MINUTES – May 4, 2016:**

**MOTION:** Ms. Hall, Mr. Moscaritolo second, **to approve the May 4, 2016 Minutes; unanimously approved.**

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

Ms. Mulcahy reported that in response to an inquiry from the National Parks, she followed up for a status report on 170 Main Street. The owner indicated that he is working on this project and that it may be completed this year.

**6) CORRESPONDENCE:**

No business was discussed.

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

In response to a request from Ms. Wexler, it was the consensus of the Commission that applications should include nine copies of all supporting material going forward. The practice of making copies should be the responsibility of the applicant rather than the Land Use Secretary, it was decided. It was also decided that Ms. Mulcahy would consult with Attorney Branse as to whether the Commission could consider only one portion of the Leppert application.

**MOTION:** Ms. Hall, Mr. Moscaritolo second, **to adjourn at 8:25PM; unanimously approved.**

**Respectfully submitted,**

**Pamela A. Colombie  
Recording Secretary**