

**New Hartford Inland Wetlands Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, July 6, 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 7:02PM. The meeting was recorded digitally and copies are available through Town Hall.

1) PUBLIC HEARINGS:

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, Project Engineer of R.R. Hiltbrand Engineers, appeared before the commission on behalf of the applicant. He noted that this application is for a code compliant two-bedroom system and is not for a year round dwelling. He then reviewed plans for the septic system, explaining the issues that were considered in determining the location of a code compliant system. He noted that the area in the upland review area is about 4400 square feet and that approximately 200 cubic yards of fill will be needed with 178 of those being septic fill with the remaining comprised of common fill.

Mr. Grimaldi explained that the existing leach field is under water many times throughout the year. He noted that part of the proposal includes a new watertight septic tank and pump chamber. The design also includes for the removal of the back leach field and to pump up to a leach field behind the existing garage.

Ms. Shroeder Perez questioned the distance from the proposed lower leach field to the existing cottage. Mr. Grimaldi noted a distance of 160 feet. In response to an inquiry from Ms. Shroeder Perez about the possibility of installing a rain garden, Mr. Grimaldi explained that the last thing he would want to do is remove the trees and disturb the area adjacent to the pond.

Ms. Hall questioned what, if any, impact the proposal would have on the nearby brook. Mr. Grimaldi noted that they do not anticipate any on the brook. He noted this area includes pretty heavy tilled soils. Mr. Grimaldi then described the plans for erosion control. In response to further inquiry from Ms. Hall, he noted that the erosion sedimentation measures need to stay in place until permanent vegetative cover is established and that the contractor will need to hold tight to the clearing limits.

Mr. Hall read aloud a correspondence from Mr. Ed Makoski of the State of Connecticut Department of Environmental and Energy Protection Inland Fisheries Division who neither supported nor opposed the application and instead expressed his hope that efforts will be made to protect the stream nearby. Mr. Grimaldi explained that the stream is not on the subject parcel so it will not be a problem.

Mr. Steve Kayser of 122 Camp Workcoeman Road spoke in opposition of the application, noting his concern with the property's proximity to the stream.

Ms. Shelley Lloyd of 29 Pioneer Drive questioned whether the applicant would have to return for approval should a new dwelling or renovations be proposed. Mr. Hall confirmed.

Ms. Shroeder Perez questioned whether the system could be located in a different spot. Mr. Hall concurred with Mr. Grimaldi as he described the reasons why it could not. Mr. Hall noted that he had visited the site just prior to these plans coming into the Land Use Office.

MOTION: Ms. Shroeder Perez, Ms. Hall second, **to close the public hearing in the matter of Kent A. Johnson – Map 06A - Block 112 – Lot 062 – 126 Camp Workcoeman Road – Install a New Leach Field to Convert to Year Round; 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. Grimaldi then addressed the Commission on behalf of the applicant and reviewed the proposal. He reviewed what would be included in terms of erosion/sediment control as well as reporting that some type of native vegetative buffer should be included.

Mr. Ken Hawkins of the Kenmark Company also appeared before the Commission regarding this application. He noted that his client would like to get some main steps into the house. He noted that a planting plan had not been developed yet but it would likely be indigenous plants that grow around the lake like Mountain Laurel and blueberries.

Ms. Wexler questioned what type of plantings will be located by lake and what type of pavers will be used for the patio. Mr. Hawkins indicated that it would likely be concrete pavers. Ms. Wexler then questioned whether they would be impervious. He indicated that they would be. She then questioned how runoff would be handled. Mr. Grimaldi indicated that the water would flow off the roof, across the deck, and sheetflow across the lawn. He noted that the contours of the parcel will handle some.

The applicant, Michael Bernstein, then addressed the Commission explaining that as finances permit, the plan is to address the steps first and eventually include some indigenous plants along the water. Ms. Hall questioned whether the applicant has considered pervious surfaces for both the proposed patio and the area underneath the deck. Mr. Bernstein indicated that they would amenable to permeable pavers. Ms. Shroeder Perez questioned whether the excess material would be stockpiled or trucked off site. Mr. Grimaldi confirmed that either of these options would work. Inland Wetlands Officer Ruth Mulcahy questioned whether a written narrative detailing the sequence of how the project would progress including the detailing of the plantings and stabilization is available.

Ms. Shelley Lloyd of 29 Pioneer Drive voiced concerns regarding this application, opining that there are too many uncertainties with it.

MOTION: Ms. Hall, Ms. Shroeder Perez second, **to close the public hearing in the matter 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; 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.

Ms. Hall noted that it was her understanding that the Town has not been completely paid for this application.

MOTION: Mr. Hall, Ms. Shroeder Perez second,

WHEREAS, the Inland Wetlands Commission of the Town of New Hartford received an application on February 3, 2016 from Cheryll L. Leppert for the property located at 114 Camp Workcoeman Road, New Hartford on West Hill Pond to demolish an existing dwelling and rebuild an approximately 4000 square foot house with an approximately 800 sq. ft. attached garage, install a two-bedroom septic system approximately thirty (30') feet from the lake between the lake and the house and repair an existing stone dock with wood deck which includes a Zoning Location Survey Site Plan for House Camp Workcoeman Road dated August 13, 2013 with a final revision date of March 15, 2016 prepared by Robert Green Associates, LLC, Terryville, CT, and undated and unsigned Floor Plans;

WHEREAS, on February 3, 2016 the Commission determined that the pending application constituted a “significant activity” as defined in its regulations;

WHEREAS, the Commission held public hearings on March 2, 2016 which was continued to April 6, 2016 when the applicant requested, in a letter dated April 6, 2016, that the public hearing be continued to May 4, 2016 and the applicant’s attorney granted an extension of time to the next meeting for May 6, 2016 when the applicant in a letter dated May 4, 2016, requested the public hearing be continued to the next meeting on June 1, 2016 to investigate alternatives to the health department review and the applicant’s attorney granted an extension of time for the public hearing to the next meeting on June 1, 2016 when the applicant requested to withdraw the application for all activities except the repair of the stone and wooden dock, at which point the public hearing was closed on June 1, 2016;

WHEREAS, the Commission has received written and verbal testimony at these hearings;

IT IS THEREFORE RESOLVED, the Inland Wetlands Commission of the Town of New Hartford denies the application to demolish an existing dwelling and rebuild an approximately 4000 square foot house with an approximately 800 sq. ft. attached garage, install a two-bedroom septic system between the lake and the house and repair an existing stone dock with wood deck located at 114 Camp Workcoeman Road for the following reasons:

1. The Commission considers this application as one application which included the demolition of the existing house, reconstruction of an approximately 4000 sq. ft. house with an approximately 800 sq. ft. garage, new two-bedroom septic system, and dock replacement and repair of the stone dock with no separability. For this reason, the Commission denies the request to withdraw a portion of the application and act only on one component of it. The Commission seeks to consider and evaluate the potential impacts of a regulated activity in its totality and not as multiple fragmented pieces.

- 2. In a report from Steven D. Trinkaus, PE, submitted in a letter dated April 4, 2016, the engineer states that the proposed activities at 114 Camp Workcoeman Road will result in “increased bacteria and nitrogen loads reaching West Hill Pond” due to incorrect calculations and design of the septic system. Mr. Trinkaus states, “As located on the property, the proposed sewage disposal system poses significant risk to the environment and particularly to West Hill Pond for reasons stated in the report.”**
- 3. Mr. Trinkaus, PE also states, “..the nitrogen dilution analysis is also not correct.” Engineer Trinkaus states that the result of the miscalculation will be nitrogen concentration along West Hill Pond edge.**
- 4. Engineer Trinkaus states that the increased stormwater runoff generated from the proposed residence and driveway “will increase pollutant loads in the post development runoff which will be discharged directly to West Hill Pond” resulting in “increased pollutant loads to be discharged to West Hill Pond from the increased impervious surfaces.**
- 5. In a letter dated March 30, 2016 from consulting Town Engineer Todd Parsons of Lenard Engineering, Engineer Parsons outlines the incorrect calculations submitted for the proposed activities which result in increased phosphorous and pathogens reaching West Hill Pond.**
- 6. The Commission finds that there are feasible and prudent alternatives to the application as presented, per Section 10.2(b) and 10.3, such as, may include reducing the footprint of the proposed dwelling or otherwise reducing impervious surfaces; locating and designing a septic system which will have a lesser impact on West Hill Pond; reducing the bedrooms and/or the occupancy of the proposed dwelling to reduce the required septic system capacity; use of infiltration and other methods to treat stormwater runoff; and such other alternatives as may of record appear.**
- 7. The record contains other evidence, both anecdotal and expert, indicating that the criteria of the Inland Wetlands and Watercourses Regulations are not met.**
- 8. In accordance with Section 19 of the Regulations and Town Ordinance, the Commission is authorized to require the payment of outside consultants as requested to review applications. A bill was sent to the applicant for professional fees on March 24, 2016 for \$900. Several attempts have been made including copies sent to Attorney Tracy of the invoices from Lenard Engineering. There has been no response from the applicant or the applicant’s attorney regarding these fees as of the date that the public hearing closed and cannot receive additional testimony per Section 10.7 of the Regulations.**

THEREFORE, based on the record of this proceeding, the Commission may deny this application as incomplete per Section 8.7 and must deny this application per Section 19.2 of the Regulations. An application is considered incomplete if the fees are not paid; Motion passed with Mr. Hall, Ms. Hall, Ms. Shroeder Perez and Mr. Moscaritolo voting aye while Ms. Wexler abstained.

After the preceding Motion but prior to the vote, Ms. Wexler questioned where in Section 19 of the Regulations, it reads that the applicant is required to pay the consultant fees and how is that considered as part of the application fee or whether it is an additional fee. Mr. Hall noted that it is an additional fee and is considered as part and parcel of the application. Ms. Mulcahy noted that Attorney Mark Branse had indicated this section coupled with the Ordinance could be used as the basis for denial.

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

It was agreed that the vegetative buffer included in the plans is most important and extreme care should be taken to protect it.

MOTION: Ms. Hall, Mr. Moscaritolo second, **to approve the application of Kent A. Johnson – Map 06A - Block 112 – Lot 062 – 126 Camp Workcoeman Road – Install a New Leach Field to Convert to Year Round subject to the standard conditions as well as the additional condition that the vegetative buffer be protected vigilantly; unanimously approved.**

C. Michelle Moore/Applicant – Michelle E. Moore & James A. Susco/Owners. – Map 04A – Block - 12 – 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.

Mr. Hall reminded the Commission that this application was accepted at the last meeting but had not been set for a public hearing. However, he reported the Commission has subsequently received a petition requesting a public hearing on this application. Because it was received after the required fifteen (15) day window, the decision to now hold a hearing is within the discretion of the Commission, according to Mr. Hall.

MOTION: Ms. Shroeder Perez, Mr. Moscaritolo second, **in the matter of Michelle Moore/Applicant – Michelle E. Moore & James A. Susco/Owners. – Map 04A – Block - 12 – 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 to schedule a public hearing at the next regular meeting; Motion passed with Mr. Hall, Ms. Shroeder Perez, Mr. Moscaritolo, and Ms. Wexler voting aye while Ms. Hall was opposed.**

D. 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.

Ms. Shroeder Perez explained that the work performed should be of pervious surfaces as much as possible. Ms. Wexler opined that the materials used under the deck and in the proposed patio area should be built of permeable materials. She also expressed concern with the incomplete planting plan. Ms. Hall concurred that a written narrative should be on file.

MOTION: Ms. Hall, Ms. Shroeder Perez second, **to approve 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, subject to all standard conditions along with the following additional conditions:**

1. The work done in the area of the patio and shed and deck on the lakeside, must have erosion control and native plantings must be part of the work;
2. The areas beneath that lakeside deck and the patio must be pervious surfaces;
3. All work on lake side must be done by hand; and
4. Stockpile should be moved to the other end of the site; unanimously approved.

3) NEW APPLICATIONS:

A. Franklin Park Realty, LLC/Applicant – Griffin Service Center, Inc./Owner – Map 37A – Block 122 – Lots 1 – 507 Main Street & Map 37A – Block 122 – Lots 01A & 01B, Town Hill Road – Construction of a 1-1/2 sewer force main within paved area of Brook Street.

MOTION: Ms. Hall, Ms. Shroeder Perez second, **to accept the application of Franklin Park Realty, LLC/Applicant – Griffin Service Center, Inc./Owner – Map 37A – Block 122 – Lots 1 – 507 Main Street & Map 37A – Block 122 – Lots 01A & 01B, Town Hill Road – Construction of a 1-1/2 sewer force main within paved area of Brook Street and to direct the Inland Wetlands Officer to make an agent determination; unanimously approved.**

B. David Miner/Applicant – David E. & Lorraine K. Miner/Owners – Map 06A – Block 112 – Lot 065 – 134 Camp Workcoeman Road – Addition to Single Family Residence, Installation of Bioretention System for Roof Runoff.

Steve Trinkaus, PE appeared before the Commission on behalf of the owners. He noted that the house is located on the eastern portion of the property and that the applicant is proposing an addition to the house conforming to the Zoning Regulations FAR (Floor to Area Ratio). Mr. Trinkaus reported that a hand hole was dug to review infiltration and noted that the soils are all very suitable. He noted that the area, except for a small patio and walkway down to the dock, has large oak trees but is mostly Mountain Laurel. He explained that where the bioretention area is shown has only a little Mountain Laurel but no trees and characterized it as a little, natural hollow. He noted that the bioretention is relatively shallow with twelve inches of soil media and gravel underneath. Mr. Trinkaus then noted the erosion control. He noted that there are no proposed changes to the septic system. He noted the location of the stockpile for the excavating material from digging up the foundation on the drawings submitted. Mr. Trinkaus also described the maintenance of the bioretention basin.

Ms. Shroeder Perez questioned whether the current two-bedroom septic system is remaining in its current form. Mr. Trinkaus confirmed. She then sought confirmation that the current system serves a 407 square foot cottage and that the application is for an 1800 square foot addition. Mr. Trinkaus confirmed, noting that the application is in compliance with the Zoning Regulations FAR. Ms. Hall questioned the amount of soil anticipated that will need to be moved for this addition. Mr. Trinkaus estimated the amount to be ten (10) yards.

MOTION: Ms. Hall, Ms. Shroeder Perez second, **to accept the application of David Miner/Applicant – David E. & Lorraine K. Miner/Owners – Map 06A – Block 112 – Lot 065 – 134 Camp Workcoeman Road – Addition to Single Family Residence, Installation of Bioretention System for Roof Runoff and deeming it as significant activity, in the public interest, set for a public hearing at the next regularly scheduled meeting; unanimously approved.**

C. Robert Switzgable/Applicant – Ann Switzgable/Owner – Map 06A – Block 112 – Lot 076 – 178 Camp Workcoeman Road – Repair Dock.

Mr. Robert Switzgable appeared before the Commission regarding this application. He noted that his dock has some cracks and that the application is proposing to repair these cracks and to replace whatever deck boards are rotting.

Ms. Hall inquired whether there will be any repairs done to the piers. Mr. Switzgable indicated that the repairs are only being done to the surface. He also noted that this would be done during the drawdown period of the lake.

MOTION: Ms. Schroeder Perez, Ms. Hall second, **to accept the application of Robert Switzgable/Applicant – Ann Switzgable/Owner – Map 06A – Block 112 – Lot 076 – 178 Camp Workcoeman Road – to repair dock during drawdown deeming it as not significant and therefore, not requiring a public hearing; unanimously approved.**

D. Duncan Kruse/Applicant – Duncan A. & Kruse & Alison Melick-Kruse/Owners – Map 06A – Block 112 – Lot 071 – 162 Camp Workcoeman Road – Demolition of All Structures Excluding Dock. Removal of Iron Railings from House to Water, Crush and Fill Septic.

Mr. Duncan Kruse appeared before the Commission regarding this application. Mr. Kruse noted that he also is the owner of the property located at 158 Camp Workcoeman Road. He explained that he is seeking to have his application deferred for an agent determination, as his is a proposal to remove the existing structures from 162 Camp Workcoeman Road.

MOTION: Ms. Schroeder Perez, Mr. Moscaritolo second, **to accept the application of Duncan Kruse/Applicant – Duncan A. & Kruse & Alison Melick-Kruse/Owners – Map 06A – Block 112 – Lot 071 – 162 Camp Workcoeman Road – Demolition of All Structures Excluding Dock. Removal of Iron Railings from House to Water, Crush and Fill Septic deeming it as significant activity, in the public interest and set for a public hearing at the next regularly scheduled meeting; unanimously approved.**

E. Sunlight Construction – 29 Flanders Crossing – Install A/C Unit in Upland Review Area.

Ms. Mulcahy explained that when the home was constructed, setback requirements were fifty (50') feet but are now one hundred (100') feet. She explained that an AC unit is already there.

MOTION: Ms. Schroeder Perez, Ms. Hall second, **to accept the application of Sunlight Construction – 29 Flanders Crossing – Install A/C Unit in URA deeming it appropriate for an agent determination; unanimously approved.**

F. Town of New Hartford – 12-15 Bridge Street – Place “Picture Frame” Structure by Farmington River.

First Selectman Dan Jerram appeared before the Commission, noting that this week will mark the 6th anniversary of Pat Keener's passing. He explained that a group of residents raised funds to install a sculpture in her memory. Mr. Jerram shared a rendering of the picture frame sculpture and noted the proposed location on the map provided in the application.

MOTION: Ms. Hall, Ms. Schroeder Perez second, **to accept the application of Town of New Hartford – 12-15 Bridge Street – Place “Picture Frame” Sculpture by Farmington River deeming it appropriate for an agent determination; unanimously approved.**

G. Town of New Hartford – 580 Main Street – Remove Existing Boat Mooring Area & Replace with Proposed New Design.

Todd Parsons, P.E. of Lenard Engineering appeared before the Commission regarding this application. Mr. Parsons explained that this application pertains to the boat mooring area at West Hill. He noted that it is accessed through a couple of wide paths, with one coming down from Berkshire Hall. He noted that there is an approximately three and one-half (3½') foot retaining wall about ninety (90') feet long. Through use of drawings, he referred also to the location of a twelve (12') foot wide by twenty-five (25') foot long concrete pier. Mr. Parsons reported that the condition of the concrete is pretty bad for the whole structure, noting that it is cracked in spots.

Mr. Parsons explained that the proposal includes to remove all of the concrete and install a rounded stone revetment to replace it. He noted that the grading behind the three-foot high retaining wall raises at about 15% and that any attempt to try to slope it back into something stable would require moving way into the forested area. Mr. Parsons indicated that four (4) trees will have to come down as part of this proposal. He noted that the timing of this project is proposed for this winter season, during a time of deep drawdown. Mr. Parsons also noted that a silt control will also be installed around the work area.

Ms. Shroeder Perez noted that she would be interested in hearing what type of equipment will be utilized during this project. Ms. Hall noted that she would be interested in hearing the replacement plan, if any, for the dock that is being removed. Ms. Wexler indicated that she would like to learn if there is any plan to replace the four trees being removed and would like to review a planting plan.

MOTION: Ms. Hall, Ms. Shroeder Perez second, **to accept the application Town of New Hartford – 580 Main Street – Remove Existing Boat Mooring Area & Replace with Proposed New Design and deeming it significant activity, and in the public interest, set for a public hearing at the next regularly scheduled meeting; unanimously approved.**

4) MEETING MINUTES – June 1, 2016:

MOTION: Ms. Schroeder Perez, Mr. Moscaritolo second, **to approve the June 1, 2016 Minutes; unanimously approved.**

5) INLAND WETLANDS OFFICER'S ENFORCEMENT REPORT:

Ms. Mulcahy reported that Attorney Branse had advised on what type of enforcement might be taken in terms of removing the dock at 114 Camp Workcoeman Road if it is indeed deemed necessary. Mr. Hall indicated that he has seen this dock and would not characterize it as hazardous.

6) CORRESPONDENCE:

A Notice of Determination received from D.E.E.P. was noted as having been received by her office but in visiting the website cited in the correspondence for more information, no further details could be reviewed, according to Ms. Mulcahy.

7) OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

Peter Humphrey of 273 Niles Road addressed the Commission, and questioned how the lack of payment of fees on the application of 114 Camp Workcoeman Road will effect future applications and what actions the Town of New Hartford will undertake to collect the money.

Steve Unger of 706 West Hill Road questioned how the Commission weighs the opinions from different engineers.

MOTION: Ms. Hall, Ms. Shroeder Perez second, **to adjourn at 8:48PM; unanimously approved.**

Respectfully submitted,

**Pamela A. Colombie
Recording Secretary**