

**New Hartford Inland Wetlands Commission  
TOWN OF NEW HARTFORD, CONNECTICUT  
REGULAR MEETING MINUTES  
Wednesday, November 2, 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, Steve Unger and Regina Wexler; Inland Wetlands Officer Ruth Mulcahy.

**ABSENT:** James Chakulski.

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. Robert & Michelle Palmer – Map 06A – Block 112 – Lot 077 - 182 Camp Workcoeman Road – Repair Seawall for a length of 29' and a height of 5'9".**

Robert Palmer appeared before the Commission regarding this application, accompanied by his wife, Michelle Palmer and contractor, Michael Hiles, of 343 Bruning Road, New Hartford. Mr. Palmer submitted receipts for the certified mailings to the abutting neighbors to the subject parcel.

Mr. Palmer explained that he and his wife purchased this property in October, 2013, which contained cracks in the seawall at that time. He noted that the cracks have subsequently worsened. He noted that the plan is to come out one (1') foot from the existing seawall so that an angle can be created. Mr. Palmer explained that this angle is planned so that when water slaps up against the wall and ice pushes up against it during the winter months, it will be deflected upward rather than the wall taking the full brunt of the force. Mr. Palmer indicated that the top six (6") of the wall will be removed. He explained that rebar will be used to rebuild the wall.

Pictures taken two months ago were submitted for the record. Mr. Hall questioned whether the applicant seeks to do this work while the lake is drawn down. Mr. Palmer confirmed. Mr. Unger reported that the Lake Association had decided to draw down the lake only two (2') feet this year and questioned the applicant whether this will be a sufficient drawdown for the proposed work. Mr. Palmer reported that it is not and that the work would likely have to wait until next year during a bigger drawdown.

Mr. Hall questioned what type of footing will be used for the wall. Mr. Hiles indicated that there will be a concrete footing poured with rebar in it and then a wall which would sit on top of it. In response to whether power equipment would be utilized to dig the footing, both Mr. Palmer and Mr. Hiles confirmed, noting that a small backhoe would be used on the lakebed. Mr. Hall questioned whether this work would be able to be done another way, by reaching out with the arm. Mr. Hiles agreed that it could be done by hand as he would only be going down about a foot. In response to a question from Mr. Unger regarding drainage, Mr. Hiles confirmed that the wall will have weep tubes.

Ms. Hall questioned whether any other low impact development has been considered for this thirty-foot (30') length of wall, such as big boulders. Ms. Palmer indicated that this would consume much more space. Ms. Hall noted that she would like to see some discussion of other methods for this project, explaining that she is aware of other approaches for retaining walls around this lake. Ms. Shroeder Perez explained that her family has a cottage with a stone wall on Highland Lake in Winsted, a lake that experiences substantially more wave action, and noted that it has endured for at least twenty years. Ms. Shroeder Perez noted that since the deep drawdown is not occurring this year, there may indeed be other options to explore. Ms. Palmer explained that this would be much more expensive. Ms. Hall explained that the Commission does not include expenses as part of their considerations but instead focuses on the water quality of West Hill Lake.

Ms. Mulcahy explained that the existing wall's design is an older type of construction that people used years ago. She referred to a shoreline manual that addresses different alternatives, showing that this wall is actually a pollutant because the waves go up against them, creating more velocity. She explained that this application did not include a map to reflect the wall and that she has only merely guessed at the length based on the pictures and what was submitted. Ms. Mulcahy explained that the current wall is one that would not be allowed today because of the environmental impact. She noted that by possibly cutting back the amount of wall that is present at the site and reinforcing some, as it would not be the type of wall to be permitted as it adds to the pollutants. Ms. Mulcahy indicated that the book she was referring to, authored by Northwest Conservation District Executive Director Sean Hayden, is full of ideas that include having gentler slopes utilizing boulders which is a favored type of construction in terms of protecting water quality. She explained that there are stages that the applicants may want to work towards.

Mr. Hall questioned whether the applicants would be willing to consider possible alternatives. Ms. Palmer explained that their plan was not to take the wall down but to just resurface it. Mr. Hiles questioned whether the Commission was ruling out concrete altogether. Mr. Hall explained that the Commission was absolutely not ruling this out and noted that the Commission was not ruling out anything. Ms. Mulcahy requested that some type of drawing be submitted reflecting the shape of the lot and boundary lines. Ms. Hall agreed that it would be useful to have a rendering of the lot, its wall and proximity to other properties.

**MOTION:** Ms. Shroeder Perez, Ms. Hall second, to continue the public hearing in the matter of Robert & Michelle Palmer – Map 06A – Block 112 – Lot 077 - 182 Camp Workcoeman Road – Repair Seawall for a length of 29' and a height of 5'9"; unanimously approved.

**B. Dennis J. & Nancy W. Gottfried – Map 04A – Block 112 Lots 004\_5 – 600 West Hill Road – Add 2<sup>nd</sup> Floor to Existing Cottage and a Front Addition of 11' x 30.5' With Stone Trenches and Bio Retention Area Near Stone Dock.**

Receipts for the certified mailings to the abutting neighbors to the subject parcel were noted as having been received. The legal notice advertising this Public Hearing was reported as having run on October 21, 2016 and October 28, 2016 in a newspaper with local circulation.

Steven Trinkaus, PE, appeared before the Commission on behalf of the applicant. He explained that the subject property's well is on the eastern half of the property and the septic system is on the west end. Mr. Trinkaus explained that the subject parcel has an existing single-story, two-bedroom cottage. The proposed expansion includes going out five feet in the footprint and to build a second floor above this addition. He explained that it would also include a six (6') foot porch on the side away from the lake and include a second story on the existing footprint. Presently the home has no gutters and no gutters would be added, according to Mr. Trinkaus.

Regarding stormwater management, Mr. Trinkaus described his plan to install a stone trench centered off the dripline of the roof, allowing the water to fall down, flow into a perforated PVC pipe to an overflow bioretention area below an oak tree. Mr. Trinkaus pointed out a low berm reflected on his drawings, and explained that the grassy area will be scarified and planted with a conservation seed mix. He noted that whatever water does not infiltrate from the stone trenches will be handled by this berm. Mr. Trinkaus reported that pursuant to the suggestions received from Ms. Mulcahy, the plans include the planting of mountain laurel in three different clumping areas. The erosion control areas were also noted on the plan.

Mr. Unger questioned whether this is a seasonal house that will now be used year-round. Mr. Trinkaus reported that it is now a seasonal house, used May through Labor Day, but that his clients would like to extend their time from the end of April to the end of October.

Ms. Shroeder Perez questioned what currently exists for a foundation and what is being proposed. Mr. Trinkaus explained that the architect will need to figure out the solution but that he thinks it will likely be hand-dug sonotubes with columns to frame what is there.

Ms. Hall questioned the amount of excavation likely to be done. Mr. Trinkaus explained that what is done under the house will likely be done by hand and that this soil will be spread out around the columns.

Mr. Unger questioned whether Mr. Trinkaus expects any problems with the extra load on the septic system even with the extension of the season and whether this would likely impose any problems. Mr. Trinkaus indicated that he did not, noting that a number of years ago Farmington Valley Health District approved a very good size system already and that these proposed improvements will not change the number of bedrooms.

**MOTION:** Ms. Hall, Mr. Unger second, to close the public hearing in the matter of Dennis J. & Nancy W. Gottfried – Map 04A – Block 112 Lots 004\_5 – 600 West Hill Road – Add 2<sup>nd</sup> Floor to Existing Cottage and a Front Addition of 11' x30.5' With Stone Trenches and Bio Retention Area Near Stone Dock; unanimously approved.

## **2. PENDING APPLICATIONS:**

### **A. Robert & Michelle Palmer – Map 06A – Block 112 – Lot 077 - 182 Camp Workcoeman Road – Repair Seawall for a length of 29' and a height of 5'9".**

It was noted that this application's Public Hearing was continued. No action taken.

### **B. Dennis J. & Nancy W. Gottfried – Map 04A – Block 112 Lots 004\_5 – 600 West Hill Road – Add 2<sup>nd</sup> Floor to Existing Cottage and a Front Addition of 11' x30.5' With Stone Trenches and Bio Retention Area Near Stone Dock.**

Ms. Shroeder Perez questioned what will be going in the second floor if it is not additional bedrooms. Ms. Mulcahy noted that the two bedrooms will be moving to the second floor with the former bedrooms converted to added common living space.

**MOTION:** Ms. Shroeder Perez, Mr. Moscaritolo second, to approve the application in the matter of Dennis J. & Nancy W. Gottfried – Map 04A – Block 112 Lots 004\_5 – 600 West Hill Road – Add 2<sup>nd</sup> Floor to Existing Cottage and a Front Addition of 11' x30.5' With Stone Trenches and Bio Retention Area Near Stone Dock subject to the standard conditions; unanimously approved

### **C. James & Sharon Creighton/Applicants – James E. & Sharon W. Creighton – Map 04A – Block 112 – Lot 033 – 682 West Hill Road – Replace surface boards only on existing dock.**

Neither the applicants nor a designated representative were present to discuss this application.

Ms. Mulcahy explained that this application is before the Commission as it is a property with two small cottages on it, one near the lake and one above. The applicants had previously applied and received approval to demolish the cottage near the lake and move it back, according to Ms. Mulcahy. More recently, the applicants have applied to replace the boards on the existing dock. The Commission agreed that they would like more information regarding this application before taking action.

**MOTION:** Ms. Shroeder Perez, Ms. Hall second, to table the application in the matter of James & Sharon Creighton/Applicants – James E. & Sharon W. Creighton – Map 04A – Block 112 – Lot 033 – 682 West Hill Road – Replace surface boards only on existing dock; unanimously approved.

**3. NEW APPLICATIONS:**

**A. Make It Right Property Services LLC – Map 014 – Block 008 – Lot 018 – 1063 Litchfield Turnpike - Agent Determination – Build 10x12’ Deck on Back of House.**

Ms. Mulcahy explained that she had reported to the applicants that she would likely be able to do an agent determination. She explained that the applicants had recently purchased this home which has a small deck out back. Ms. Mulcahy explained that while the deck is located in a review area, the type of construction for the deck is low-impact and non-invasive.

**MOTION:** Ms. Hall, Ms. Shroeder Perez, to authorize an agent determination in the matter of Make It Right Property Services LLC – Map 014 – Block 008 – Lot 018 – 1063 Litchfield Turnpike - Agent Determination – Build 10x12’ Deck on Back of House; unanimously approved.

**B. Jason L. Krug – Map 007 – Block 023 – Lot 8-2 – 1258 Litchfield Tpke. – Agent Determination - Above Ground Pool with Deck on the Back of the House. Add Barn Beside the House.**

Ms. Mulcahy explained that she had reported to the applicants that she would likely be able to do an agent determination. She explained that the subject property contains an above-ground pool built about a year ago without a permit. Ms. Mulcahy explained that the applicant came in for a zoning permit for the wood shed or barn.

**MOTION:** Ms. Shroeder Perez, Ms. Hall second, to authorize an agent determination in the matter of Jason L. Krug – Map 007 – Block 023 – Lot 8-2 – 1258 Litchfield Tpke. – Agent Determination - Above Ground Pool with Deck on the Back of the House. Add Barn Beside the House; unanimously approved.

**C. Denton Butler/Applicant – Patricia B. Butler/Owner – Map 023 – Block 032 – Lot 022 – 465 Town Hill Road – Commission Determination – Re-subdivision for 1 Additional Lot With no Regulated Activities.**

Mr. Hall explained that a Commission determination is required when a re-subdivision is proposed and that their charge is to determine whether there is a potential for regulated activities within the proposed re-subdivision. Mr. Butler appeared before the Commission explaining that he and his wife are subdividing their ±29 acres, creating a 10.7-acre lot for his daughter and son-in-law. It was noted that from Mr. Butler’s map, the wetlands were delineated on the west end of the property but none are located near the proposed activity.

**MOTION:** Ms. Shroeder Perez, Mr. Moscaritolo second, that the Commission has reviewed the application in the matter of Denton Butler/Applicant – Patricia B. Butler/Owner – Map 023 – Block 032 – Lot 022 – 465 Town Hill Road – Commission Determination – Re-subdivision for 1 Additional Lot With no Regulated Activities and finds that it does not include any regulated activity; unanimously approved.

**D. Troy LaMere/Applicant – Troy F. & Lori A. LaMere/Owners – Map 015 – Block 028 – Lot 12C1 – 76 Shady Brook Road Ext. – Grading Issue in Upland Review Area. (75’)**

Troy LaMere appeared before the Commission regarding this application. He provided them with copies of a drawing of the subject parcel. Mr. Hall reported that he has received information from the MDC who indicated that this project has work which has already been inspected and did not find a problem with it.

Mr. Hall suggested that this application be referred for an Agent Determination contingent upon the Town Engineer agreeing that the work is okay. Ms. Mulcahy noted that it will be her suggestion to install rip rap rather the small stone currently installed in the plunge area.

**MOTION:** Ms. Shroeder Perez, Ms. Hall second, to refer the application in the matter of Troy LaMere/Applicant – Troy F. & Lori A. LaMere/Owners – Map 015 – Block 028 – Lot 12C1 – 76 Shady Brook Road Ext. – Grading Issue in Upland Review Area. (75’) for an Agent Determination, who should consult with the Town Engineer to see if the completed work is acceptable; unanimously approved.

#### **4. MEETING MINUTES:**

The October 5, 2016 Minutes should be amended, as follows:

Page 5, tenth paragraph, second sentence, the portion of text that reads, "...He noted that Mr. Unger specializes in wastewater treatment surface disposal and is very qualified..." should instead reflect that "Mr. Unger is recently retired as a contract negotiator with the federal government and NATO."

**MOTION:** Ms. Hall, Mr. Moscaritolo second, to approve the October 5, 2016 Minutes as amended; Motion passed with Mr. Hall, Ms. Hall, Ms. Wexler, and Mr. Moscaritolo voting aye while Ms. Shroeder Perez and Mr. Unger abstained.

#### **5. INLAND WETLANDS OFFICER'S ENFORCEMENT REPORT:**

Mr. Hall explained that the Town of New Hartford is requesting that the Commission votes to transfer the permit recently granted regarding a property on Dorothy Road to Norm LaMere, Jr. Ms. Mulcahy explained that the Inland Wetlands Regulations outline that the Commission is the only party authorized to transfer a permit. It was noted that all other parts of the permit would remain the same.

**MOTION:** Ms. Hall, Ms. Shroeder Perez second, to transfer the permit granted to the Town of New Hartford to Norm LaMere, Jr.; unanimously approved.

Ms. Mulcahy distributed copies of a draft of a Cease and Correct regarding 109 Beeney Road. She explained that in 2014, a permit was granted allowing the clean-out of a pond at this location. She noted that the file includes documents indicating that a vernal pool is along this pond as well as larger diameter trees. Ms. Mulcahy explained that the original application had also requested permission for grading but that the grading request was denied. An approximately three-foot dig-out of the vernal pool was granted.

Ms. Mulcahy noted that she had received a phone call this past Friday, October 28, 2016 with a request to begin the project. Ms. Mulcahy noted that the file did not contain the required information that the permit had requested such as the submittal from the applicant's engineer detailing where the spoils from the pond would be located. She explained that Fridays are half-days at Town Hall and that very early, Monday, October 31, 2016, she received telephone calls and reports from neighboring property owners regarding this property. Ms. Mulcahy visited the site and observed two piles of topsoil and one pile of other materials that were brought on site that were specifically prohibited by the permit.

Geoffrey Paletsky of Morris, Connecticut appeared before the Commission as a friend of the applicant and noted that he has extensive dredging experience personally. He submitted pictures of the site for the record, noting that they include snapshots of both before and after the approximately six hours of work. Mr. Paletsky indicated that the applicant, Mr. Carriere, did bring in two loads of topsoil.

Ms. Mulcahy also distributed copies of a Cease and Correct Order regarding 69 Bruning Road. She reported observing piles of wood chips that have been brought onto the property adjacent to the property where a large wetland is located. She noted that a Show Cause hearing will be held at the next regular meeting.

#### **6. CORRESPONDENCE:**

Mr. Hall reported receiving an inquiry regarding erosion and sediment controls regarding the two ponds on Route 202, opposite Kinsey Road. Ms. Mulcahy reported that she had spoken with MDC regarding this as well as Jarred Carroll regarding what is needed on this site. She noted that she will follow up with Mr. Carroll.

#### **7. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:**

##### **A. Approval of 2017 Meeting Schedule.**

**MOTION:** Ms. Shroeder Perez, Ms. Hall second, to approve the proposed 2017 meeting schedule as presented; unanimously approved.

**B. Request for Modification of an Expired Permit #08-04-02W – New England Development LLC – Maple Hollow Road/Bruning Road.**

With regards to the property located at the corner of Maple Hollow Road and Bruning Road, Mr. Hall questioned whether this permit has expired or was it extended. Attorney William Tracy appeared before the Commission on behalf of Collinsville Savings Society, a lienholder on the subject property, as well as with the permission of the owner. He reported that a permit was issued in either April or May of 2008 and with the statutory extension is valid through May, 2017. Attorney Tracy reminded the Commission that he was present in 2014 seeking a modification of the permit. He noted that the Minutes from that meeting indicated that the permit runs into 2017.

Attorney Tracy reported that he had submitted a letter to the Commission reporting that a deal is being worked on so that the property will be transferred to the Bank. He noted that the last excavation permit was issued in May, 2008, which ran for two years and was then subsequently extended for six months with conditions that the property owner had never accepted. Thus, there has been no activity since 2010, according to Attorney Tracy. A proposal was presented a couple of years ago to do some more excavating and change some grades which was approved by the Commission, he noted. Attorney Tracy reported that this work was never performed due to the market demand of the time.

Attorney Tracy explained that the property has had no activity for six years, resulting in the growth of some coarse weeds, woody vegetation and some small trees. He noted that there are two areas on the slope that do not have enough topsoil and still have exposed sand which his client would like to address by installing some woodchip mulch. He noted that through a Cease and Desist Order in 2010, the Town, under a bond, went onto the site to do some minor grading and spread some woodchips to stabilize the area.

He noted that there is one area, 880 square feet, which is in an upland review area. To spread that area four to six inches thick would require 14 cubic yards of material spread in this upland review area. He explained that adjacent to this review area, along the same slope, is another 3,286 square feet and that putting the material at the same depth would require an additional 51 cubic yards.

Ms. Hall questioned why woodchips are proposed rather than topsoil. Ms. Mulcahy reported that this would not be allowed through the Planning and Zoning Commission because the manual under which they operate requires that in order to address sedimentation and erosion control in Connecticut, four to six inches of topsoil is the recommendation.

It was recommended that a formal application for amendment of the permit to be filed.

Scott Goff of 291 Maple Hollow Road, identifying as an abutting neighbor, described the long history of gravel mining that had occurred on that property for fifty years. He noted that while the applicant had permits issued, there was a host of violations that had occurred. Mr. Goff spoke in opposition of the proposal to use woodchips and instead, recommended that the Commission require top soil. He implored the Commission to bring any application regarding this property to a public hearing so that all neighbors may be informed of any type of activity proposed at this site.

**MOTION:** Mrs. Shroeder Perez, Ms. Hall second, to adjourn at 8:46PM; unanimously approved.

**Respectfully submitted,**

**Pamela A. Colombie**  
**Recording Clerk**