

**New Hartford Inland Wetlands Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, October 5, 2016 at 7:00 PM
New Hartford Town Hall
530 Main Street, New Hartford, Connecticut**

PRESENT: Chairman James Hall, Anne Hall, Lou Moscaritolo, and Regina Wexler;
Inland Wetlands Officer Ruth Mulcahy.

ABSENT: James Chakulski, Wayne Ryznar, and Nancy Shroeder Perez.

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:

MOTION: Ms. Hall, Mr. Moscaritolo second, to shift the matter of Joe & Colleen Welker/Applicants – Joseph R. & Colleen A. Welker/Owners – Map 06A – Block 112 – Lot 064 – 130 Camp Workcoeman Road – Repair Damaged Wall Along Water Edge. Refurbish Previously Installed Dock as shown on Plan. Place Permeable Pavers (Irregular Bluestone) Assembly for Walking (To Avoid Tripping on Roots) and to Channel Water from the first item under Public Hearings to the last item on under Public Hearings; unanimously approved.

A. Nelson Sly/Applicant – Helen S. Sly & Nelson A. Sly Jr. /Owners – Map 09A – Block 105 – Lot -046 – 57 Aquatic Road – Repoint Concrete Pier and Replace Boards at Edge of Pier. Nelson Sly of 57 Aquatic Road appeared before the Commission regarding this application. He noted that the application includes fixing a couple dock boards that are rotten and in need of repair. He noted that the repointing of the concrete pier will involve a person in waders doing the work and that there should be no disturbance to the pond.

Ms. Hall questioned whether the footprint to the dock will be changing. Mr. Sly indicated it will remain the same.

MOTION: Ms. Hall, Ms. Wexler second, to close the public hearing in the matter of Nelson Sly/Applicant – Helen S. Sly & Nelson A. Sly Jr. /Owners – Map 09A – Block 105 – Lot -046 – 57 Aquatic Road – Repoint Concrete Pier and Replace Boards at Edge of Pier; unanimously approved.

B. 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".

Bob Palmer of 182 Camp Workcoeman Road accompanied by Michelle Palmer appeared before the Commission regarding this application. Mr. Palmer questioned whether Commissioners had received copies of his letter and the pictures depicting the extent of damage to a twenty-nine (29') foot section of his wall that were previously submitted. He noted that the rebuilding of the wall will include extending it out one (1') foot into the lake. He noted that the pressure created by waves slapping against the wall be diverted through this process. Mr. Palmer explained that the application includes repairing the top damaged part of the wall as well as creating an angle by building the wall out into the water.

Mr. Palmer indicated that he was unable to produce copies of certified notice to abutting landowners.

MOTION: Ms. Wexler, 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.

C. Roberta R. & Martin Seifert – Map 04A – Block 112 – Lot 38 – 704 West Hill Road – Rebuild Boathouse, Relocate Dock, Build Bolder Retaining Wall Along Lake and Build Stone Retaining Wall Near Boathouse.

Ms. Mulcahy reported that the legal notice for this Public Hearing was published in The Hartford Courant the requisite two times on September 23, 2016 and September 30, 2016.

Tom Grimaldi, PE, appeared before the Commission regarding this application. In his presentation, he shared drawings of the overview of the property depicting the existing boathouse on the lake, the primary dwelling, the second dwelling, the access driveway as well as walkways on the south end of the property leading directly to the lake. Mr. Grimaldi also noted that he had prepared a narrative to address remediation, natural resources, access, and safety.

With regards to remediation, Mr. Grimaldi explained that a top priority of his clients is to remove the debris along the lake. He distributed samples of photographs from the 1970s depicting an intact sea wall. Mr. Grimaldi also described the boathouse, characterizing it as dilapidated and falling apart.

Mr. Grimaldi then shared photographs of this area taken in August, 2016. He explained that the plan is to rebuild the seawall using natural native boulders coupled with clean rock salvaged from the existing wall to chink the boulders in place.

Mr. Grimaldi explained that the plan also proposes to utilize a shallow slope walkway down to the lake. He noted it would use natural vegetative native species and would weave through a natural vegetative buffer. Mr. Grimaldi reported that of the one hundred, twenty-five (125') feet of lake frontage, seventy-five (75') feet, or 59%, of that would be turned into natural vegetative buffer. Regarding planting, Mr. Grimaldi noted that he had recommended his clients contact Northwest Conservation District Executive Director Sean Hayden for suggestions on plants for this area.

Mr. Grimaldi then provided details on the temporary construction access.

Also included in Mr. Grimaldi's plans was a detailed construction sequence. Cross-sections were also included. Mr. Grimaldi noted that this work would be completed only during draw-down time.

MOTION: Ms. Wexler, Ms. Hall second, to close the public hearing in the matter of Roberta R. & Martin Seifert – Map 04A – Block 112 – Lot 38 – 704 West Hill Road – Rebuild Boathouse, Relocate Dock, Build Bolder Retaining Wall Along Lake and Build Stone Retaining Wall Near Boathouse; unanimously approved.

D. Dennis J. & Nancy W. Gottfried – Map 04A – Block 112 Lots 004_5 – 600 West Hill Road – Add 2nd Floor to Existing Cottage and a Front Addition of 11' x 30.5' With Stone Trenches and Bioretention Area Near Stone Dock. (Open and Table – No Abutters Letters Sent.)

Ms. Mulcahy reported receipt of a request from the engineer for the applicants to continue the public hearing.

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

E. Joe & Colleen Welker/Applicants – Joseph R. & Colleen A. Welker/Owners – Map 06A – Block 112 – Lot 064 – 130 Camp Workcoeman Road – Repair Damaged Wall Along Water Edge. Refurbish Previously Installed Dock as shown on Plan. Place Permeable Pavers (Irregular Bluestone) Assembly for Walking (To Avoid Tripping on Roots) and to Channel Water.

It was noted that the legal notice for this Public Hearing was published in The Hartford Courant the requisite two times on September 23, 2016 and September 30, 2016.

Joe Welker of 130 Camp Workcoeman Road appeared before the Commission regarding this application. Utilizing a Survey, Mr. Welker indicated where the wall along the water edge is located. He pointed out the twenty-five (25') foot section of wall that would be replaced, noting that the intention is to keep the natural vegetative buffer to the fullest extent possible.

David Minor of 134 Camp Workcoeman Road spoke in favor of the application.

MOTION: Ms. Wexler, Ms. Hall second, to close the public hearing in the matter of Joe & Colleen Welker/Applicants – Joseph R. & Colleen A. Welker/Owners – Map 06A – Block 112 – Lot 064 – 130 Camp Workcoeman Road – Repair Damaged Wall Along Water Edge. Refurbish Previously Installed Dock as shown on Plan. Place Permeable Pavers (Irregular Bluestone) Assembly for Walking (To Avoid Tripping on Roots) and to Channel Water; unanimously approved.

2. PENDING APPLICATIONS:

A. Joe & Colleen Welker/Applicants – Joseph R. & Colleen A. Welker/Owners – Map 06A – Block 112 – Lot 064 – 130 Camp Workcoeman Road – Repair Damaged Wall Along Water Edge. Refurbish Previously Installed Dock as shown on Plan. Place Permeable Pavers (Irregular Bluestone) Assembly for Walking (To Avoid Tripping on Roots) and to Channel Water.

MOTION: Ms. Wexler, Ms. Hall second, to approve the application in the matter of Joe & Colleen Welker/Applicants – Joseph R. & Colleen A. Welker/Owners – Map 06A – Block 112 – Lot 064 – 130 Camp Workcoeman Road – Repair Damaged Wall Along Water Edge. Refurbish Previously Installed Dock as shown on Plan. Place Permeable Pavers (Irregular Bluestone) Assembly for Walking (To Avoid Tripping on Roots) and to Channel Water subject to the standard conditions along with a condition that receipt of green cards from abutters must be provided to the Land Use Office by noon of October 7, 2016; unanimously approved.

B. William Pond/Applicant – William B. Pond, Jr. & Elizabeth Connole/Owners – Map 04A-Block112-Lot031-030 – 670 West Hill Road – Refurbish Existing Dock, 52' Dock – Resurfacing and Support Consisting of White Oak. Existing Cement Piers to be Unchanged.

MOTION: Ms. Hall, Ms. Wexler second, to approve the application in the matter of William Pond/Applicant – William B. Pond, Jr. & Elizabeth Connole/Owners – Map 04A-Block112-Lot031-030 – 670 West Hill Road – Refurbish Existing Dock, 52' Dock – Resurfacing and Support Consisting of White Oak. Existing Cement Piers to be Unchanged subject to the

standard conditions along with the condition that the Wetlands Enforcement Officer is notified prior to the start of the construction so that a determination can be made that this is merely a refurbishment; unanimously approved.

C. Reverend Kevin P. Cavanaugh/Applicant – Reverend Kevin P. Cavanaugh Trustee of the Cavanaugh Family Irrevocable Trust – Map 054A-Block 112-Lot015 – 624 West Hill Road – Installation of a Handrail on the Shore that will Extend out Past the Water’s Edge Allowing Handicapped Individuals Safer Access When Entering and Leaving the Water.

MOTION: Ms. Wexler, Mr. Moscaritolo second, to approve the application in the matter of Reverend Kevin P. Cavanaugh/Applicant – Reverend Kevin P. Cavanaugh Trustee of the Cavanaugh Family Irrevocable Trust – Map 054A-Block 112-Lot015 – 624 West Hill Road – Installation of a Handrail on the Shore that will Extend out Past the Water’s Edge Allowing Handicapped Individuals Safer Access When Entering and Leaving the Water along with replacing the 2’x6’ decking and the skirt board at the end of the dock provided that none of these repairs touch the waterline and subject to the standard conditions; unanimously approved.

D. Nelson Sly/Applicant – Helen S. Sly & Nelson A. Sly Jr. /Owners – Map 09A – Block 105 – Lot -046 – 57 Aquatic Road – Repoint Concrete Pier and Replace Boards at Edge of Pier.

MOTION: Ms. Hall, Mr. Moscaritolo second, to approve the application in the matter of Nelson Sly/Applicant – Helen S. Sly & Nelson A. Sly Jr. /Owners – Map 09A – Block 105 – Lot -046 – 57 Aquatic Road – Repoint Concrete Pier and Replace Boards at Edge of Pier subject to the standard conditions with the condition that no new concrete is placed in the water; unanimously approved.

E. 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”.
No business discussed.

F. Roberta R. & Martin Seifert – Map 04A – Block 112 – Lot 38 – 704 West Hill Road – Rebuild Boathouse, Relocate Dock, Build Bolder Retaining Wall Along Lake and Build Stone Retaining Wall Near Boathouse.

MOTION: Ms. Wexler, Ms. Hall second, to approve the application in the matter of Roberta R. & Martin Seifert – Map 04A – Block 112 – Lot 38 – 704 West Hill Road – Rebuild Boathouse, Relocate Dock, Build Bolder Retaining Wall Along Lake and Build Stone Retaining Wall Near Boathouse subject to the standard conditions along with the following conditions: 1. The vegetative buffer under the oak trees not be grass in that it should be something that cannot be mowed; and 2. Vegetative buffer should be chosen with a person knowledgeable in this area such as Sean Hayden; unanimously approved.

G. Dennis J. & Nancy W. Gottfried – Map 04A – Block 112 Lots 004_5 – 600 West Hill Road – Add 2nd Floor to Existing Cottage and a Front Addition of 11’ x30.5’ With Stone Trenches and Bioretention Area Near Stone Dock. (Open and Table – No Abutters Letters Sent.)
No business discussed.

3. NEW APPLICATIONS:

A. James & Sharon Creighton/Applicants – James E. & Sharon W. Creighton – Map 04A-Bock 112-Lot 033 - 682 West Hill Road – Replace Surface Boards Only on Existing Dock.

MOTION: Ms. Hall, Mr. Moscaritolo second, to accept the application in the matter of James & Sharon Creighton/Applicants – James E. & Sharon W. Creighton – Map 04A-Bock 112-Lot 033 - 682 West Hill Road – Replace Surface Boards Only on Existing Dock deeming it as non-significant; unanimously approved.

4. MINUTES – August 3, 2016

MOTION: Ms. Wexler, Ms. Hall second, to approve the August 3, 2016 Minutes; unanimously approved.

5. INLAND WETLANDS OFFICER'S ENFORCEMENT REPORT:

Ms. Mulcahy reported that she has also visited that site of 682 West Hill Road and that there are efforts being made to save some of the trees being slated for removal.

Additionally, Ms. Mulcahy reported that the owner of 76 Shady Brook Road Extension is waiting on sign-offs from her as Wetlands Agent in order to move forward in receiving a Certificate of Occupancy. She noted that a visit to this location revealed what appeared to be some drainage and grading in a regulated area and work not approved by the Commission.

Troy LaMere, owner of 76 Shady Brook Road, appeared before the Commission explaining that the referenced pipes are actually his footing drains which were in the plan. He noted that a field adjustment was made due to the boulders encountered at the location. He noted that the grading that had been included as part of his engineer's design did not work and had to be brought up 2½' - 3'.

A communication from Robert Colabella, PE, of Laurel Engineering, dated October 5, 2016, was submitted for the record.

It was agreed that Mr. LaMere should submit a contour map showing all the pipes and elevations and that the Commission's review of the same would be treated as a modification of his application.

6. CORRESPONDENCE:

A. Resignation letter of Commission Member Wayne Ryznar.

The resignation letter of Wayne Ryznar was acknowledged as having been received and accepted. It was noted that Mr. Ryznar served selflessly for many years and that the Town is very appreciative of his service.

First Selectman Dan Jerram noted that Attorney Steve Unger has been recommended by the Board of Selectmen to fill the vacancy. He noted that Mr. Unger specializes in wastewater treatment surface disposal and is very qualified.

7. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Discussion regarding an Existing Cease and Desist Order and Proposed Remediation Plan, 69 & 85 Bruning Road.

Attorney Matt Weormer appeared before the Commission on behalf of his client, Amy Piana. He explained that his client is seeking to install four to six inches of organic mulch on 880 square feet on a portion of the property that sits within 150' of the wetland area.

Ms. Hall questioned for what purpose Ms. Piana is seeking to spread the mulch. He responded that it is only this small area described which falls within the purview of this Commission. Attorney Woermer noted that the property has a Cease and Desist Order that it will handle through the Planning and Zoning Commission.

Ms. Mulcahy explained that she had suggested to Attorney Woermer that his client present an application to the Commission along with a new plan because the present conditions at the site do not match what she has on file as approved. Additionally, she explained that the state guidelines for restoration include topsoil. She noted that a visit to the site revealed that there is no topsoil at the site which would be part of a remediation.

Mr. Hall explained to the Commission that this site was originally a very large gravel pit. He explained that the husband of Attorney Woermer's client had presented with a proposal for fairly extensive sand and gravel removal at a previously unmined area. He noted that portions of this proposed removal area were within the then applicable fifty (50') foot wetlands review area. The original application did not include significant activity within the then fifty (50') foot buffer of the stream on the property. Licensed Land Surveyor Roland Deroshers noted that no work has been done on the site for three years. He noted that a recent perusal of the Land Records of the Planning and Zoning Commission indicated that the site has been restored. Mr. Deroshers indicated that the Town had called the bond and hired a contractor to remediate the site and that the Minutes revealed that the site was substantially in compliance with the original plan.

Ms. Hall indicated that no application is before the Commission. In response to a question posed by Mr. Deroshers whether the Commission would likely deem this proposed work as a significant activity, Ms. Hall explained that a determination would be made after reviewing an application.

Mr. Hall indicated that this application for proposed installation of mulch should be submitted formally.

In response to Attorney Woermer's comments regarding jurisdiction with respect to a review occurring under the previous fifty (50') foot buffer, Ms. Wexler questioned whether that is what his client would be assuming. Ms. Wexler noted that if this is indeed the intended plan, the Commission may want to seek an opinion from their legal counsel. Attorney Woermer indicated that there is a letter in this file from the Town's legal counsel that the applicant could choose to come in under either. After additional discussion, Attorney Woermer reported that if his client chooses to file a new application, the application will fall under the one hundred (100') foot buffer.

Ms. Mulcahy reported that an agent determination was made on 11 Dorothy Road, noting that this is a Town-owned parcel and is under consideration for purchase by the abutting neighbor. She noted that the potential buyer would like to merge the two pieces so a garage could be constructed on the site.

MOTION: Ms. Hall, Ms. Wexler second, **to adjourn 8:52PM; unanimously approved.**

Respectfully submitted,

Pamela A. Colombie
Recording Secretary