

**INLAND WETLANDS COMMISSION  
REGULAR MEETING – MINUTES  
MONDAY, NOVEMBER 25, 2013 – 7:00PM  
NEW HARTFORD TOWN HALL – 530 MAIN STREET**

**PRESENT:** Chairman James Hall, Anne Hall, Troy LaMere, Wayne Ryznar, Jack Trumbull; Inland Wetlands Enforcement Officer Rista Malanca and Recording Secretary Stacey Sefcik.  
**ABSENT:** Lou Moscaritolo and Nancy Schroeder Perez.

Chairman James Hall called the meeting to order at 7:00PM. All regular members were seated for the meeting. The proceedings were recorded digitally, and copies are available in the Land Use Office in Town Hall.

**1) PUBLIC HEARINGS:**

No business was discussed.

**2) NEW APPLICATIONS:**

**A. DECLARATORY RULING: Denton Butler for Michael Butler, 45 Black Bridge Road – Farmland Reclamation.**

Denton Butler addressed the Commission regarding this matter. Mr. Butler explained that the property used to be farmland, but it had not been used for many years and area had reverted back to a more natural state. They now wished to return lower fields on the property to use as farmland, and had gotten assistance from the United States Department of Agriculture Natural Resources Conservation Service in developing a formal restoration plan for this project. Mr. Butler stated that the wetlands had been flagged on this portion of the property; the area proposed for farming was a minimum of 100 feet from the West Branch of the Farmington River and a minimum of 75 feet from the East Branch of the Farmington River. Trees in the proposed area would be cut down and the stumps would be removed. Mr. Butler explained that some diseased trees would be cut down within the 100-foot buffer area; however, the stumps would stay in place.

Ms. Malanca stated that there would be no filling or crossing of wetlands as a part of this project, and no new roads would be created. She noted that the applicants had been working with a forester in developing this plan. Ms. Malanca stated that there would be no significant impact to wetlands from this project, and in her opinion it met the requirements of Section 4.1A. Mr. Trumbull asked for more information about the history of farming on this property. Mr. Butler explained that his family had bought the property in 1953, at which time it had been a corn field. However, he stated that the property had previously been used as a tobacco farm. Mr. LaMere questioned whether the area would be graded toward the river. Mr. Butler responded negatively. Mr. LaMere then questioned the use of pesticides at this location, given its close proximity to the river. Mr. Butler stated that the lease being signed with the farmer leasing this property was very specific as to use of pesticides and obtaining required licensing from the State.

**MOTION** Mr. Ryznar, second Mr. Trumbull, to determine that the activities described in the matter of **Denton Butler for Michael Butler, 45 Black Bridge Road – Farmland Reclamation** represent a permitted use as of right under Section 4.1A of the Town of New Hartford Inland Wetlands Regulations; unanimously approved.

**MOTION** Mr. Trumbull, second Mr. LaMere, to amend the agenda to include item 2B – Jason Carrier, 109 Beeney Road – AFTER-THE-FACT – Remove Silt from Pond and Grading Work in the Regulated Area; unanimously approved.

**B. Jason Carrier , 109 Beeney Road – AFTER-THE-FACT – Remove Silt from Pond and Grading Work in the Regulated Area.**

Jason Carrier and his contractor addressed the Commission regarding this matter. Mr. Carrier explained that the pond on his property had filled in with silt, which he wanted to clean out. He submitted for the record a picture of what the pond had originally looked like prior to the siltation. Mr. Carrier stated that he also had wanted to grade the front lawn area and build a retaining wall from rocks left over from blasting done onsite as a part of the house construction. While he had already begun the grading work without a permit, Mr. Carrier stated that he had not yet done any work in the pond.

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Ms. Hall asked for information regarding the size of the pond. Mr. Carrier's contractor stated that the pond was now approximately 15 feet by 15 feet; it was originally approximately 25 feet by 30 feet. He explained that Mr. Carrier would like to restore the pond to its original size of 25 feet by 30 feet. Ms. Malanca stated that the pond was currently dry; she expressed the belief that it was more of a vernal pond. Ms. Malanca informed Mr. Carrier that she recommended planting winter rye in the disturbed areas in order to stabilize the area over the winter. Mr. LaMere questioned whether the work had adversely impacted any neighboring properties, and Ms. Malanca stated she did not believe it had. Mr. Carrier's contractor stated that all other properties were uphill from this pond. Ms. Hall asked where the sediment had originated, and Mr. Carrier stated that he believed it was from a culvert at the side of the road. Mr. Trumbull then asked where spoils removed from the pond would be taken, and Mr. Carrier said that they would remain onsite and be used to grade the yard. He stated that he intended to seed and hay the yard and install silt fencing.

**MOTION** Mr. LaMere, second Mr. Trumbull, to accept the application in the matter of **Jason Carrier, 109 Beeney Road – AFTER-THE-FACT – Remove Silt from Pond and Grading Work in the Regulated Area** and determine it to be nonsignificant with the condition that the applicant submit more detailed information regarding the amount of material being removed from the pond, the exact locations from which the material is being taken, and where onsite the material is being used; unanimously approved.

Members of the Commission noted that they did not have another regular meeting scheduled until February 5<sup>th</sup>, which would be after the statutorily mandated 65-day period for acting on this application. The Commission then discussed possible dates for a special meeting.

**MOTION** Mr. Trumbull, second Ms. Hall, to schedule a special meeting for Monday, December 9, 2013 at 7PM in order to act on the Carrier application and any other outstanding applications submitted by that date; unanimously approved.

### 3) **PENDING APPLICATIONS:** No business was discussed.

### 4) **MEETING MINUTES:** **A. October 28, 2013 regular meeting.** The Commission agreed to table this matter to the December 9, 2013 special meeting.

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

Ms. Malanca briefly reviewed her enforcement activities over the previous month. She noted that there had been a home heating oil spill on Burwell Road which had leaked into storm drainage; however, it had been quickly reported and cleaned up. Ms. Malanca reported on the status of a shoreline stabilization project on Aquatic Road, a new home being built on Gibson Lane, a new well being drilled near West Hill Pond, and a teardown-rebuild on Camp Workcoeman Road. She noted that most of the work to construct the new boat launch area at Camp Sequassen had been completed; however, the area was not yet seeded and this would be completed in the spring.

Mr. LaMere noted that there appeared to be work going on at Main Stream Canoe, with a lot of dust in the parking lot. Mr. Trumbull noted that the project was taking place more than 100 feet from the river. Mr. LaMere suggested that silt fencing should still be installed.

### 6) **CORRESPONDENCE:**

Ms. Hall informed the Commission that she had spoken with David Krimmel from the Planning and Zoning Commission about the need for more communication between the land use boards as well as other boards and commissions in Town. Mr. Krimmel was going to see about having a Planning and Zoning Commission member come to Inland Wetlands Commission meetings, and Ms. Hall questioned whether any IWC members would be willing to attend the next P&Z meeting. Mr. LaMere offered to go to the P&Z meeting as the Inland Wetlands Commission's representative.

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

A. **Discussion regarding a motion to clarify the treatment of Town projects under the Inland Wetlands Regulations.**

Mr. Hall suggested that the Inland Wetlands Commission consider adopting a resolution which expressly states that all Town projects impacting wetlands and watercourses must be handled in the same way that applications by private citizens are handled. Ms. Hall stated that it was important to remember that not every roadside ditch was in fact in a wetlands area; however, if it was, the activity should be subject to the same standards as would be used for a private citizen's application. Mr. Trumbull expressed concern that this might adversely impact the speed of road and drainage repairs. Mr. Hall pointed out that Ms. Malanca had the authority to approve emergency repairs. Ms. Malanca questioned whether even routine maintenance projects were to submit full applications, and Mr. Hall and Ms. Hall responded affirmatively.

**MOTION** Mr. Trumbull, second Mr. Ryznar, to adopt the following resolution:

"The Inland Wetlands and Watercourses Commission of the Town of New Hartford, recognizing that the Town should be regarded no differently from any other Person, public or private, with regard to the wetlands regulations, hereby clarifies that all Town projects, however minor or major, are subject to the said Regulations. Specifically, that the Inland Wetlands Enforcement Officer shall be notified of all projects which will, or may, have an effect on wetlands, and that the Inland Wetlands Enforcement Officer shall bring said projects before the Commission for action, applying the same standards and procedures to them as are applied to any other project, public or private."

The motion was unanimously approved.

B. **Discussion with Bob Penzero regarding possible appointment to the Inland Wetlands Commission.**

Members of the Commission spoke briefly with Bob Penzero, who had expressed interest in serving on the Inland Wetlands Commission. Mr. Hall reviewed the duties and responsibilities of the Inland Wetlands Commission, as well as the limits of its authority.

C. **Resignation of Jack Trumbull from the Inland Wetlands Commission.**

Regular member Jack Trumbull announced his intention to submit his resignation effective February 1, 2014 due to personal commitments. Commission members and staff unanimously thanked him for his many years of service to the Town and wished him well in all future endeavors.

**MOTION** Mr. LaMere, second Ms. Hall, to adjourn at 7:57PM; unanimously approved.

**Respectfully submitted,**

**Stacey M. Sefcik**  
**Recording Secretary**