

**New Hartford Inland Wetlands Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, October 3, 2018 at 7:00 PM
New Hartford Town Hall
530 Main Street, New Hartford, Connecticut**

PRESENT: Chairman James Hall, Anne Hall, Karl Hermonat, Nancy Schroeder Perez, and Gerald Tabaka.

ABSENT: Lou Moscaritolo and Steve Unger.

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. Richards Corporation/Applicant – Albert F. III & Linda M. Parady/Owner – Map 023 – Block 034 – Lot 6A-2 – 176 Bruning Road – New Dwelling.

It was noted that the legal ad for this public hearing had been published the requisite two times, on September 21, 2018 and September 28, 2018, in The Hartford Courant. Additionally, it was noted that receipts, serving as proof that notice of the public hearing had been sent to owners of the abutting properties, had been received by the Town.

Brian Cunningham, PE, of Robert Green and Associates, appeared before the Commission regarding this application. He reported that his client had no objections to the suggestions provided by the Town's consulting engineer, Todd Parsons, PE, of Lenard Engineering.

Mr. Cunningham reviewed the plans regarding a proposed new home to be constructed at 176 Bruning Road. He noted that the grading of the site resulted in the northwest corner of the parcel being the most suitable area for the location of the house. Mr. Cunningham indicated that the southwest corner of the proposed home is the closest spot to the wetlands, with a distance of twenty-one (21') feet. He noted that the grading plans include flattening out of the front yard to provide for parking and a side-loaded garage. He also reviewed the proposed location of the septic system on the south side of the property.

Addressing Mr. Parson's question included in his plan review regarding what alternative analyses had been provided, Mr. Cunningham reviewed several alternatives. A plan referred to as Alternate 1A, which involved moving the house forward on the lot, was dismissed according to Mr. Cunningham because it would require a Variance from the required front-yard setback from the Zoning Board of Appeals. Mr. Cunningham explained that Alternate 1C was dismissed because it would involve a front-loaded garage which was aesthetically not pleasing and only improved the distance of the southwest corner of the home from the wetlands from twenty-one (21') feet to a distance of twenty-eight (28') feet. Alternate 1D, which also included a front-load garage, was eliminated as his client did not care for it, according to Mr. Cunningham. Alternate 1E, which included flipping the house and locating the garage on the south end of the home, was ruled out as the grading was deemed as more difficult, according to Mr. Cunningham.

Addressing Mr. Parson's suggestion to include a narrative regarding erosion control, Mr. Cunningham indicated that he would be agreeable to adding one and would coordinate with Mr. Parsons in this regard. Additionally, Mr. Cunningham assured the Commission that he would satisfy whatever concerns Mr. Parsons might have relative to reinforcement of the soil at the end of the driveway, likely through a swale.

Mr. Cunningham explained that LID will be addressed through containing runoff from the roof liters through drywells at the corners of the building to help with groundwater recharge.

Ms. Hall indicated that she would like to see stormwater control on submitted plans prior to an approval for the proposal. She also noted that two alternatives have been presented that pose less of an impact to wetlands and that she would like more information why these would not be better alternatives. Ms. Schroeder Perez concurred. Mr. Hall requested that a more detailed erosion control outline should be submitted. He suggested that a bright orange construction fence separating the wetlands ought to be included.

The hearing was open to the public.

Rob Guilmette of 168 Bruning Road reported that he has walked the site but had not observed any evidence of soil samples taken. He noted that the wetlands had been flagged but no holes were seen where the soil would have been tested.

Mr. Hall questioned the name of the professional who had identified the wetlands. He explained that the State of Connecticut only requires wetlands to be identified through what is evident through vegetation and that soil testing is not required. Mr. Cunningham noted that he was unable to provide the name of the soil scientist.

Carole Cheach of 158 Bruning Road shared her concerns with the wetland environment and the ecology that will be disturbed by the proposed construction. Ms. Cheach reported that she had reviewed the State of Connecticut Department of Energy and Environment diversity map and requested that the Commission seek a diversity assessment by experts as to whether there are any endangered, threatened, or species of special concern in the wetlands at this site. She noted that as a scientist, she had concerns with the number of boxed species and significant birds that use the mixed hemlock wetlands habitat especially the wood thrush and the black-throated blue warbler. Ms. Cheach also shared concerns that there might be rare orchids in this wetland, too.

Mr. Cunningham noted that his firm typically reviews the DEEP website as well the national diversity database that has certain areas flagged.

It was noted that Mr. Cunningham should get a full report from his soil scientist and it should include the means by which the wetlands were determined.

First Selectman Dan Jerram reported that former New Hartford Land Use Administrator Rista Malanca has agreed to again serve as the interim Zoning Enforcement Officer/Wetlands Agent. He noted that she has agreed to inspect the site.

MOTION: Ms. Hall, Mr. Tabaka second, to continue the hearing until the next regular meeting scheduled for November 7, 2018, with the request that the Applicant provide more information, including the following:

- Full report from soil scientist, including information on how the location of the wetlands was determined;
- Diversity report;
- Full commentary on Soil Erosion and Sedimentation Control;
- Receipt of report from Ms. Malanca from her own inspection of the site; and
- More Information regarding the two alternatives pushing the proposed dwelling away from the wetlands;

Unanimously approved.

B. PNL Nutmeg LLC Owner - Map 044 -Block 013 - Lot 17 A - 283 Main Street - Clean an Existing Swale, Remove Overgrowth and Install 6" Rip Wrap.

It was noted that the legal ad for this public hearing had been published the requisite two times, on September 21, 2018 and September 28, 2018, in The Hartford Courant. Additionally, it was noted that

receipts, serving as proof that notice of the public hearing had been sent to the owners of the abutting properties, had been received by the Town. Discussion occurred regarding whether the application fee for this proposal had been received by the Town.

Dennis McMorrow, PE, of Berkshire Engineering and Surveying, appeared before the Commission regarding this application. Mr. McMorrow recollected a conversation between his client and former Land Use Administrator Ruth Mulcahy and that while a check had been submitted, he confirmed that there was discussion between them as to whether the sum was adequate. Mr. McMorrow reviewed a site plan, reflecting the existing site and existing building as well as renovations with the parking lot. He noted that the application pertained to activity at the southwest corner of the property. Mr. McMorrow noted that the parcel has an existing building, recently renovated, and that the parking lot was also recently repaved. He explained that an existing swale was exposed, and the contractor had cleaned up some scrubby vegetation and riprapped the swale. Mr. McMorrow reported that Ms. Mulcahy had notified the applicant that they were technically in violation as the activity was within 100' of the brook. He explained that the berm in the rear of the site blocked the view of the brook. Once notified, the contractor installed a silt fence between the lot and the berm, according to Mr. McMorrow.

Mr. McMorrow explained that the slope of the property results in runoff flowing directly toward the building. He explained that in order to install a loading dock for this building back in the 1950s, the low point of the lot is the catch basin located right in front of the building. Mr. McMorrow noted that the catch basin is piped into the building, where the water is pumped from the basement into an overhead pipe into the brook. He noted that this is an existing situation that has functioned this way for many years but noted that those two pumps do not keep up with some of the recent storms. He noted that the contractor added three drywells to the site, outside of the regulated area. Two additional sump lines were added that will discharge out to the edge of the riprapped swale, for a total of four pumps in the building, according to Mr. McMorrow.

Mr. McMorrow noted that while the application is after-the-fact, the work is an improvement to what was there previously with the addition of the two pumps and three drywells. Ms. Hall questioned whether most of the water will now be directed eventually into the catchment out to the Farmington River. Mr. McMorrow agreed that the water that ponds in front of the loading docks and discharged into the brook is, in theory, being reduced by half. Ms. Schroeder Perez questioned whether there is any filtration before the discharge into the brooks. Mr. McMorrow agreed that there is now some, with the addition of the drywells. Mr. Jerram questioned whether the drywells are feeding into the sumps. Mr. McMorrow reported that the paving contractor, Brent Lafferty, Jr., relayed to him that the drywells are connected to the pumps. Mr. Jerram questioned whether the site plan reflects that they are connected. Mr. McMorrow indicated that the site plan does not and that he could verify with Mr. Lafferty.

Ms. Schroeder Perez questioned whether given an application before this Commission, this group could require some filtration before the discharge now. Mr. Hall indicated that the Commission could not because the pump is outside of the regulated area. He noted that the pumps and the discharge to the brook are preexisting and are not being changed. Ms. Hall agreed, noting that no changes are being made to the pumps.

The hearing was open to the public.

Michelle Tardiff of 9 Turkey Hollow questioned the discharge of the water from the two pumps added to the basement. Mr. McMorrow explained that the catch basin needs to be rebuilt after which the swale will flow into the catch basin and the water will discharge from those pipes into the river.

MOTION: Ms. Schroeder Perez, Ms. Hall second, to close the public hearing; unanimously approved.

2. PENDING APPLICATIONS:

A. Richards Corporation/Applicant – Albert F. III & Linda M. Parady/Owner – Map 023 – Block 034 – Lot 6A-2 – 176 Bruning Road – New Dwelling.

No business discussed.

B. PNL Nutmeg LLC/Owner - Map 044 - Block 013 - Lot 17A-283 Main Street - Clean an Existing Swale, Remove Overgrowth and Install 6" Rip Wrap.

MOTION: Ms. Schroeder Perez, Mr. Tabaka second, to approve the application in the matter of PNL Nutmeg LLC, Owner - Map 044 - Block 013 - Lot 17A-283 Main Street - Clean an Existing Swale, Remove Overgrowth and Install 6" Rip Wrap, subject to the following conditions:

1. The Filing/Application Fee of \$120 for regulated activities, which includes the \$10 fee for the State of Connecticut, was paid.
2. The Permittee shall notify the Commission and/or its authorized agent in writing immediately upon the commencement of the work and upon its completion.
3. If the Authorized Activity is not completed on or before five (5) years from the date of this Permit, October 3, 2023, said Activity shall cease, if not previously revoked, and unless specifically extended by the Commission after timely application by the Permittee, this Permit shall be null and void. However, once the activity authorized herein is initiated, it is to be completed within one (1) calendar year.
4. All work and all Regulated Activities conducted pursuant to this Authorization shall be consistent with the terms and conditions of this Permit. Any structures, excavation, fill, obstructions, encroachments, or Regulated Activities not specifically identified and authorized herein shall constitute violations of this Permit; and may result in its modification, suspension, or revocation. Upon initiation of the Activities authorized herein, the Permittee hereby accepts and agrees to comply with the terms and conditions of this Permit.
5. This Authorization is not transferable without the written consent of the Commission.
6. In evaluating this Application, the Agency has relied upon information provided by the Applicant, and by Sources which it considers reliable, and if such information should subsequently prove false, deceptive, misleading, incomplete, or inaccurate, this Permit shall be reconsidered and modified, suspended, revoked, or otherwise dealt with as the Commission deems fitting.
7. The Permittee shall employ the best management practices, consistent with the terms and conditions of the Permit, to control storm water discharges and to prevent erosion and sedimentation and otherwise to prevent pollution of wetlands and watercourses. For information and technical assistance, contact the New Hartford Inland Wetlands and Watercourses Commission.
8. The Permittee shall immediately inform the Commission of any problems, breaches, failures to follow the stipulations, or anything detrimental to the wetlands or watercourses which may have developed in the course of, or which are caused by, the authorized work.
9. No equipment or material, including without limitation, fill, construction materials, or debris, shall be deposited, placed, or stored in any wetland, watercourse, on or off site, unless specifically authorized by this Permit.
10. This Permit is subject to and does not derogate from any present or future property rights or any other rights or powers of the Town of New Hartford, and conveys no property rights in real estate or material, nor any exclusive privileges, and is further subject to any and all public and private rights, and to any Federal, State, or local laws or regulations pertinent to the property or activity affected thereby.
11. Timely implementation of Sedimentation and Erosion Control Measures are conditional to this Permit and must be maintained until all disturbed areas have been stabilized to the satisfaction of the Agency and so indicated by it in writing.
12. Inland Wetlands Delineation Markers will be placed along Inland Wetland boundaries at 100-foot intervals at the expense of the applicant.
13. All sedimentation and erosion controls must be installed and approved by the Inland Wetlands Enforcement Officer prior to the commencement of any work.
14. Approval is not valid until the whole fee has been recorded as being paid;

Unanimously approved.

C. Jimmy J. Dionne Jr. /Owner - Map 014 - Block 018 - Lot 118 -72 Maple Hollow Road Driveway Construction

Mr. Hall reminded the Commission that this application was also after-the-fact and involved a small amount of excavation for the widening of a driveway near the road, approximately six (6'). He noted that he had reviewed the site and opined that the wetlands were not particularly valuable.

MOTION: Ms. Schroeder Perez, Mr. Hermonat second, to approve the application in the matter of Jimmy J. Dionne Jr. /Owner - Map 014 - Block 018 - Lot 118 -72 Maple Hollow Road Driveway Construction subject to the following conditions:

1. The Filing/Application Fee of \$120 for regulated activities, which includes the \$10 fee for the State of Connecticut, was paid.

The Permittee shall notify the Commission and/or its authorized agent in writing immediately upon the commencement of the work and upon its completion.

If the Authorized Activity is not completed on or before five (5) years from the date of this Permit, October 3, 2023, said Activity shall cease, if not previously revoked, and unless specifically extended by the Commission after timely application by the Permittee, this Permit shall be null and void. However, once the activity authorized herein is initiated, it is to be completed within one (1) calendar year.

4. All work and all Regulated Activities conducted pursuant to this Authorization shall be consistent with the terms and conditions of this Permit. Any structures, excavation, fill, obstructions, encroachments, or Regulated Activities not specifically identified and authorized herein shall constitute violations of this Permit; and may result in its modification, suspension, or revocation. Upon initiation of the Activities authorized herein, the Permittee hereby accepts and agrees to comply with the terms and conditions of this Permit.

5. This Authorization is not transferable without the written consent of the Commission.

6. In evaluating this Application, the Agency has relied upon information provided by the Applicant, and by Sources which it considers reliable, and if such information should subsequently prove false, deceptive, misleading, incomplete, or inaccurate, this Permit shall be reconsidered and modified, suspended, revoked, or otherwise dealt with as the Commission deems fitting.

7. The Permittee shall employ the best management practices, consistent with the terms and conditions of the Permit, to control storm water discharges and to prevent erosion and sedimentation and otherwise to prevent pollution of wetlands and watercourses. For information and technical assistance, contact the New Hartford Inland Wetlands and Watercourses Commission.

8. The Permittee shall immediately inform the Commission of any problems, breaches, failures to follow the stipulations, or anything detrimental to the wetlands or watercourses which may have developed in the course of or which are caused by, the authorized work.

9. No equipment or material, including without limitation, fill, construction materials, or debris, shall be deposited, placed, or stored in any wetland, watercourse, on or off site, unless specifically authorized by this Permit.

10. This Permit is subject to and does not derogate from any present or future property rights or any other rights or powers of the Town of New Hartford, and conveys no property rights in real estate or material, nor any exclusive privileges, and is further subject to any and all public and private rights, and to any Federal, State, or local laws or regulations pertinent to the property or activity affected thereby.

11. Timely implementation of Sedimentation and Erosion Control Measures are conditional to this Permit and must be maintained until all disturbed areas have been stabilized to the satisfaction of the Agency and so indicated by it in writing.

12. Inland Wetlands Delineation Markers will be placed along Inland Wetland boundaries at 100 foot intervals at the expense of the applicant.

13. All sedimentation and erosion controls must be installed and approved by the Inland Wetlands Enforcement Officer prior to the commencement of any work.

Unanimously approved.

3. OTHER BUSINESS:

Mr. Jerram updated the Commission about the recent retirement of Ms. Mulcahy. He reported that the position has been formally advertised. Mr. Jerram noted that Ms. Malanca has agreed to assist again the Town in terms of assisting with the search and reviewing inland wetlands applications in the interim.

4. NEW APPLICATIONS:

A. Mark & Christina Snieckus - Map 044 - Block II2 - Lot 009 - 606 West Hill Road Addition to and Remodel of Principal Structure and Associated Landscaping and Plantings.

Mark Snieckus, accompanied by his wife Christina Snieckus, appeared before the Commission regarding this application. Mr. Snieckus reviewed their proposal to convert and expand their existing deck into a covered porch. Their proposal also includes expanding the footprint of the building through the addition of a garage. Ms. Hall questioned whether there will be excavation necessary for a foundation for the proposed garage. Mr. Snieckus confirmed.

Mr. Hall pointed out that the proposed new development is on the road side of the dwelling, not the side closest to the lake. Mr. Snieckus submitted erosion control plans for the record.

Mr. Snieckus noted that the porch will be constructed upon sonotubes. Mr. Hermonat questioned whether the garage is proposed to be located upon the existing driveway. Mr. Sniekus confirmed. He noted that the driveway is currently gravel. Ms. Schroeder Perez questioned whether the driveway will remain gravel. Mr. Snieckus confirmed that it will either remain gravel or some other type of pervious material.

Ms. Hall questioned the spiral stairs. Mr. Snieckus explained that a spiral staircase is proposed to replace a set of straight stairs which will function to pull the footprint of the building away from the lake in the proposed remodel. Ms. Schroeder Perez questioned the distance between the closest part of the garage to the lake. Mr. Snieckus indicated that distance to be eighty (80') feet.

MOTION: Ms. Schroeder Perez, Ms. Hall second, to accept application in the matter of Mark & Christina Snieckus - Map 044 - Block II2 - Lot 009 - 606 West Hill Road Addition to and Remodel of Principal Structure and Associated Landscaping and Plantings, deeming the proposed activity as not significant; unanimously approved.

B. Tracy L. & Christian E. Maser - Map 007 - Block 003 - Lot 19E-3 - 50 Ramstein Road Suction Dredging of Organic Sediment on Bottom of Pond.

Tracy Maser, accompanied by her husband Chris Maser, appeared before the Commission regarding this application. Ms. Maser explained that her home is on a 26-acre farm and that the proposal is to dredge the bottom of her pond to remove the two feet of muck that has accumulated. She explained that she had consulted with a suction-dredging company that dredges the pond through a big pump functioning like a large vacuum, noting that the contents are contained in a large dewatering bag, whereby the water drains back into the pond. Ms. Maser confirmed that the organic material from the pond bed will be relocated on their property.

Ms. Hall questioned whether the pond is used for agricultural purposes. Ms. Maser indicated that it is not. It was noted that the work would likely be completed in the Fall before the weather gets too cold or possibly the Spring.

MOTION: Ms. Schroeder Perez, Mr. Tabaka second, to accept the application in the matter of Tracy L. & Christian E. Maser - Map 007 - Block 003 - Lot 19E-3 - 50 Ramstein Road Suction Dredging of Organic Sediment on Bottom of Pond deeming the proposed activity as not significant; unanimously approved.

6. MEETING MINUTES – September 5, 2018:

MOTION: Ms. Hall, Ms. Schroeder Perez second, to approve the September 5, 2018 Minutes; Motion passed with Mr. Hall, Ms. Hall, Ms. Schroeder Perez and Mr. Tabaka voting aye while Mr. Hermonat abstained.

7. INLAND WETLANDS OFFICER’S ENFORCEMENT REPORT:

None.

8. CORRESPONDENCE:

Mr. Hall reported that a correspondence has been received from DEEP as they consider an application from the Town of New Hartford to renew its permit for the wastewater treatment plant. He noted that questions or comments can be forwarded to either him or Land Use Assistant Laura White.

Mr. Hall noted that he, Ms. Hall and Mr. Jerram met with FEMA as new floodplain mapping is being created for New Hartford.

MOTION: Ms. Hall, Ms. Schroeder Perez second, to adjourn at 8:22PM; unanimously approved.

Respectfully submitted,

Pamela A. Colombie
Recording Clerk