

**New Hartford Inland Wetlands Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, February 6, 2019 at 7:00 PM
New Hartford Town Hall
530 Main Street, New Hartford, Connecticut**

PRESENT: Chairman James Hall, Anne Hall, Karl Hermonat, Lou Moscaritolo, Nancy Schroeder Perez, Gerald Tabaka, and Steve Unger; Inland Wetlands Officer Mike Lucas.

ABSENT: None.

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. Connecticut Yankee Council, Inc., BSA – Map 02A – Block 112 – Lot 46C – 780 West Hill Road – Replace Boulder Retaining Wall Along Lake with Modular Block Wall. Replace Railroad Tie Walls with Modular Block Walls. Re-grading and Installation of PVC Pavers with Grass.

Professional Engineer Steve Trinkaus appeared before the Commission regarding this application. He noted the location of the existing building, the drive, the paver walkway, and the sandy beach. Mr. Trinkaus pointed out the location of the boulder retaining wall. He also noted the location of the railroad tie retaining wall. Mr. Trainkaus explained that the boulder wall is to be replaced with modular concrete blocks that are stacked and will have the beach area pitched back from the wall to the base of the railroad retaining wall. He explained how the water will be directed so that it does not run off into the lake. He also pointed out the location of the pavilion, which will have PVC pavers installed with pea gravel underneath. The area around the pavilion will be PVC pavers with grass, according to Mr. Trinkaus.

The project will be done in phases, beginning at the end of camp season next year. Mr. Trinkaus also reported that there will be some grading done near the two garage doors so that it pitches away from the storage facility. Erosion control includes a filtrex sock that will be installed on the downhill side of the wall for when the lake is drawn down, according to Mr. Trinkaus.

Ms. Hall questioned where the water will go that drains back to the steps. Mr. Trinkaus indicated it will infiltrate. Mr. Unger questioned the height of the retaining wall. Mr. Trinkaus noted that it is four (4') feet in total, with some of it buried but most of it along the lake is about thirty inches. Ms. Shroeder Perez questioned what type of equipment will be necessary. Mr. Trinkaus noted that they will utilize a hydraulic excavator on the uphill side as they remove the rocks. He noted that a smaller excavator will also be used to work parallel to the lake bed. Mr. Trinkaus noted the work will be done on the uphill side.

Ms. Hall questioned whether the wall along the lake will essentially be the same size. Mr. Trinkaus confirmed, noting it will also be the same length but will have a uniform surface for the campers. He noted that they are not changing the height.

Camp Sequassen Ranger David Boyajian noted that the summertime water level is about eight (8") inches from the top of the rock wall. Mr. Trinkaus noted that with the new wall, it is likely to be about 15"-18" from the top of the wall.

The hearing open to the public.

Keith Brasley of 36 Lynette Court shared his concerns with the aesthetics of the appearance of the big concrete wall. Mr. Trinkaus explained that the Redi-Rock walls have a face that appears to be textured.

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

B. Mark Fairchild/Applicant – William E. Bartlett/Owner – Map 002 Block 002 – Lot 12-10 – 2 Lynette Court – Driveway and One Half of Septic Trench in Upland Review Area.

Mark Fairchild appeared before the commission regarding this application. Mr. Hall reminded commissioners of their recent site walk they conducted two to four weeks ago. He noted that the site has a fairly steep slope and that this preexisting building lot was created back at a time when the review area was fifty (50') feet rather than the current one hundred (100') feet.

Mr. Unger questioned what the plans are for erosion control. Mr. Fairchild noted that it will include silt fence along the edge of the stream and the disturbed area will be covered with grass and straw. Mr. Hall questioned whether the applicant meant that the erosion control will be installed along the edge of the driveway. Mr. Fairchild confirmed that it will be installed along the edge of the driveway where the area is likely to be disturbed. Mr. Hall questioned how far Mr. Fairchild expects the clearing to go. Mr. Fairchild noted that the clearing is very minimal as the driveway lends itself to the lay of the land as it goes up the hill. He noted that there will be very little cuts and fills necessary.

Ms. Hall questioned whether there will be any clearing beyond the areas of the erosion control. Mr. Fairchild noted that there will not be.

The hearing was open to the public.

Chris Masers of 50 Ramstein Road reminded the Commission that they had just received their approval to clean out their pond a couple of months ago and shared their concerns regarding erosion from the subject site. Additionally, he noted that he and his wife have concerns that any fill brought on to the site is clean fill.

Mr. Fairchild indicated that there should be no fill brought on site beyond the stone for the basement and the gravel for the driveway. Mr. Fairchild indicated that the activity is fifty to sixty feet away from the stream. Mr. Hall advised Mr. and Mrs. Masers to contact Mr. Lucas, as the Wetlands Agent, should there be any concerns and if he should be unavailable to alert the First Selectman's office who will in turn contact him.

In response to questions regarding the timing of the project, Mr. Fairchild indicated that he would like to get started as soon as approval is gained from this commission and he completes the closing on the lot.

Keith Brasley of 36 Lynette Court shared his concerns with washout during construction and shared his doubts as to whether materials will not be brought on site. Mr. Fairchild indicated that he would likely only need to bring in two truckloads of gravel for the surfacing of the driveway.

Mr. Brasley also doubted that the applicant will be able to get grass to grow on the bank. Mr. Hall questioned whether Mr. Brasley has an alternate suggestion. Mr. Brasley suggested that the parcel is not a buildable lot. Mr. Hall reminded Mr. Brasley that it is an approved lot and to deem it otherwise would result in the entire subdivision being rescinded including the lot which is Mr. Brasley's.

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

2. PENDING APPLICATIONS:

A. Connecticut Yankee Council, Inc., BSA – Map 02A – Block 112 – Lot 46C – 780 West Hill Road – Replace Boulder Retaining Wall Along Lake with Modular Block Wall. Replace Railroad Tie Walls with Modular Block Walls. Re-grading and Installation of PVC Pavers with Grass.

MOTION: Ms. Hall, Ms. Schroeder Perez second, to approve the application in the matter of Connecticut Yankee Council, Inc., BSA – Map 02A – Block 112 – Lot 46C – 780 West Hill Road – Replace Boulder Retaining Wall Along Lake with Modular Block Wall. Replace Railroad Tie Walls with Modular Block Walls. Re-grading and Installation of PVC Pavers with Grass, 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, February 6, 2024, 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.

B. Mark Fairchild/Applicant – William E. Bartlett/Owner – Map 002 Block 002 – Lot 12-10 – 2 Lynette Court – Driveway and One Half of Septic Trench in Upland Review Area.

MOTION: Ms. Schroeder Perez, Ms. Hall second, to approve the application in the matter of Mark Fairchild/Applicant – William E. Bartlett/Owner – Map 002 Block 002 – Lot 12-10 – 2 Lynette Court – Driveway and One Half of Septic Trench in Upland Review Area, 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, February 6, 2024, 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. There shall be enhanced oversight by the wetlands officer. No activity of any kind shall take place beyond the erosion control that has been marked out as shown on the plans.

Unanimously approved.

3. OTHER BUSINESS:

No business discussed.

4. NEW APPLICATIONS:

None.

5. MEETING MINUTES – December 5, 2018:

The December 5, 2018 minutes ought to include the following corrections.

The portion of text in the third paragraph of the fourth page that reads, "...The length of the wall was estimated at 140' feet, with two feet below the water and two feet above the wall..." should instead read,

“...The length of the wall was estimated at 140’ feet, with two feet below the water and two feet above the water level...”

MOTION: Mr. Moscaritolo, Mr. Tabaka second, to approve the December 5, 2018 Minutes as amended; unanimously approved.

6. INLAND WETLANDS OFFICER’S ENFORCEMENT REPORT

Mr. Lucas reported that he and Interim Zoning Enforcement Officer Rista Malanca had met with the Town’s engineer, Todd Parsons, and consulting Planner Marty Conners to review the West Hill Pond Overlay Zone. He explained that as issues have arisen in that area, the thought process of staff has been to move from form-based coding to performance-based coding. Mr. Lucas provided driveway improvements as an example of an issue encountered. Another example Mr. Lucas provided was the issue encountered with what work can be done within the buffer strips. Mr. Unger reported that he is a member of a subcommittee that is reviewing the current West Hill Pond Overlay District, a zone that was recently created two years ago. He explained that the subcommittee is reviewing whether the zone is necessary and indicated that the lake community will be providing their recommendations to Mr. Lucas and Ms. Malanca. Mr. Hall suggested that commissioners feel free to forward their own recommendations to either Mr. Unger or Mr. Lucas.

The commission reviewed how a determination is made to schedule a public hearing for an Inland Wetlands application. When a proposed activity is deemed significant, when the proposed activity is found to be in the public interest or when a petition with twenty-five signatures is received were discussed as incidences that necessitate a public hearing before this commission.

7. CORRESPONDENCE

None.

MOTION: Ms. Hall, Mr. Moscaritolo second, to adjourn at 7:58PM; unanimously approved.

Respectfully submitted,

Pamela A. Colombie
Recording Clerk