

**New Hartford Inland Wetlands Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, December 5, 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, Gerald Tabaka and Steve Unger, Land Use Administrator Michael Lucas and Interim Wetlands Agent Rista Malanca.

ABSENT: Lou Moscaritolo.

Chairman James Hall called the meeting to order at 7:00PM. The meeting was recorded digitally and copies are available through Town Hall. Mr. Hall introduced newly hired staff, Land Use Administrator Michael Lucas. Mr. Lucas has a former professional background in landscaping and returned to college to obtain a degree in Planning.

1. PUBLIC HEARINGS:

A. Castellani Family Real Estate Vent LLC – Map 002 – Block 002- Lot 11-6 – 906 Torrington East Street – Construct Wetland Crossing for Access to Single Family Home. Crossing Will Require Disturbance of Approximately 3445 SF of Wetlands.

Karl Neilson, a planning consultant, appeared before the Commission regarding this application, accompanied by Professional Engineer Larry Edwards. Mr. Neilson reported that the applicant seeks to gain approval for construction on one lot, subdivided off a larger tract of land on Torrington East Street, intending to gain approval for the rest of the lots at a future time. He noted that the plans are for another Open Space subdivision at this location.

The legal ad for the public hearing was read into the record with it being noted as having run the requisite two times on November 23, 2018 and November 30, 2018 in the Republican American. Mr. Neilson noted receipt of a letter from Torrington Water Company confirming that they will provide access to water for this site. He reviewed the plan, noting the entrance for Lot #3 would be off Whitbeck Road.

Ms. Schroeder Perez exited the room at 7:10PM and returned at 7:14PM. Mr. Neilson continued to describe the history of the planning of the tract of the land, noting that the total acreage likely to be conveyed as part of this open space subdivision is 24 acres. He noted that no access would be gained to this subdivision from Victoria Drive and only a handful of backyards on that road will abut the new development.

Mr. Edwards reviewed an enlarged version of the proposed development, explaining that the proposed driveway will be from a right of way easement which will be the future location of the road. He explained that the road is proposed at the width that it is so that disturbance to the wetland soils would occur only once and as part of this initial building lot. The application includes a proposal to disturb 2070 square feet of wetlands at the first location, 1130 square feet at the second location, and 145 square feet at the third location.

Mr. Edwards reported that the crossing of the wetlands will require a culvert. He noted that the crossing requiring the culvert is over a primary waterway that feeds into a wetland, coming off drainage off Torrington East Street. He pointed out the pipe that comes off Whitbeck Road, noting the proposal includes extending it for the driveway construction. Mr. Edwards explained that the second crossing is for an overflow outlet from the pond, but a band of upland area exists even though there is not an established watercourse. He noted that soil testing has been completed confirming a viable area for a septic system. Construction for this lot will include the installation of a water main to service the other future proposed lots.

Mr. Edwards noted the 2½ acre area that will be designated as part of the conservation easement, noting that one acre will be retained for the building lot. He noted that most of these lots will be one acre.

Mr. Edwards reviewed the alternatives. He explained that the Zoning Regulations prohibit a new road within 200 feet of an intersection. He noted the areas of wetlands and the existing pond. Mr. Edwards noted that while access could be gained from coming off Victoria Road, a second access would still be necessary.

Mr. Tabaka questioned the area near the pipe extension. Mr. Edwards noted that stone could be installed along with a top and bottom to allow seepage. Ms. Malanca questioned whether the applicants could provide a construction sequence for the installation of the culvert. Mr. Edwards agreed.

Ms. Schroeder Perez questioned whether riprap would be added at the end of the pipe coming off the other side of Torrington East. Mr. Edwards agreed, noting that it will be improved as it is currently just a trench.

The hearing was open to the public.

Susan Read of 36 Whitbeck Road, noting her property is the first one abutting the proposed driveway/road, questioned whether there will be any impact on the wetlands going down Whitbeck Road. Reminding her that the wetlands will be crossed, Mr. Edwards indicated that they do not expect any impact to the wetlands and confirmed that all work relative to the piping has been designed in accordance with the storm water management guidelines. He noted that it is a very flat crossing so there should not be much risk for erosion and should be relatively stable.

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

2. PENDING APPLICATIONS:

A. Mark & Christina Snieckus – Map 04A – Block 112 – Lot 009 – 606 West Hill Road - Addition to and Remodel of Principal Structure and Associated Landscaping and Plantings.

Mark Snieckus appeared before the Commission regarding this application. Christina Snieckus was also present. He reviewed the drawings that were part of his application, noting that there were revisions drafted since the last meeting. Mr. Snieckus reviewed the proposed garage, noting that it has been revised to enlarge it from a proposed sixteen (16') foot garage to a proposed twenty-two (22') foot garage. Mr. Snieckus reviewed the addition of a porch on both sides of the existing center deck. He clarified, explaining that the deck is proposed to include a roof over it. Another revision to his plans from the previous meeting was to replace the existing stairs with either straight stairs or spiral stairs. He noted that at the meeting at which this application was accepted, he had indicated that it would be a spiral staircase.

Mr. Snieckus reviewed the erosion plans. The two proposed patios were also reviewed. He noted he had consulted with Karen Griswold Nelson who had suggested to install stones to function as steps to avoid the killing of grass when there is no defined footpath. Mr. Snieckus noted the need to cut several limbs of a few trees and the removal of one tree. Ms. Hall questioned whether the stump would be removed. Mr. Snieckus indicated that he hadn't decided and questioned the recommendation of this group. Ms. Hall explained that the Commission generally discourages stump removal. He reviewed a proposed patio located near the dwelling, noting that it would likely be a combination of crushed stone and larger stones. It was noted the grade would be brought up in order to flatten out the area.

A rock jetty was discussed with Mr. Snieckus explaining the proposal is to level out the rock walkway. He explained that some of the rocks there will need to be moved and rotated into a better position and that some flat stones will also need to be brought in. Mr. Hall questioned whether any of this would be extended into the lake. Mr. Snieckus indicated that it would not. He confirmed that there would be no soil or fill nor native plantings brought into the jetty.

Mr. Snieckus indicated that a portion of the driveway would be converted to lawn. He reviewed the area for the location for a backup generator. Mr. Hall questioned the fuel source for that. Mr. Snieckus noted it will be fueled with propane.

Mr. Snieckus reviewed the cascading rain garden to slow down the water as it flows down the slope of the driveway. He reviewed the existing drainage for the garage.

Ms. Malanca clarified that the patio near the jetty would be composed of the material that is existing and nothing should be brought in and would not be the same type of patio as the other one proposed. She opined the raingardens or check dams were a great addition to the site but opined that more information should be provided to staff for approval and could be a condition of approval.

MOTION: Mr. Unger, Ms. Schroeder Perez second, to approve the application in the matter of Mark & Christina Snieckus – Map 04A – Block 112 – Lot 009 – 606 West Hill Road - Addition to and Remodel of Principal Structure and Associated Landscaping and Plantings, 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, December 5, 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. Raingardens to be approved by the Inland Wetlands Enforcement Officer.
15. No other material, other than stone, to be brought into the jetty;

Unanimously approved.

B. 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.

Steve Trinkaus, PE, appeared before the Commission regarding this application. He noted the location of the subject site as a cove at the southwest side of the lake. Mr. Trinkaus referred to a drawing noting the location of a building with storage underneath, a gravel driveway, a paver walkway, a boulder retaining wall on the lake's edge along with docks and lifeguard tower. He noted that the boulder wall is very uneven. Mr. Trinkaus reviewed existing conditions, noting the proposal includes replacing the boulder wall and the railroad tie wall with modular block walls. He also noted the proposal includes installation of pavers and construction of a 20'x20' pavilion.

The length of the wall was estimated at 140' feet, with two feet below the water and two feet above the wall.

MOTION: Ms. Schroeder Perez, Ms. Hall second, to schedule a public hearing in this matter for Wednesday, February 6, 2019 finding the proposal to likely have public interest; unanimously approved.

C. Castellani Family Real Estate Vent LLC – Map 002 – Block 002- Lot 11-6 – 906 Tarringford East Street – Construct Wetland Crossing for Access to Single Family Home. Crossing Will Require Disturbance of Approximately 3445 SF of Wetlands.

MOTION: Ms. Hall, Mr. Unger second, to approve the application in the matter of Castellani Family Real Estate Vent LLC – Map 002 – Block 002- Lot 11-6 – 906 Tarringford East Street – Construct Wetland Crossing for Access to Single Family Home. Crossing Will Require Disturbance of Approximately 3445 SF of Wetlands, 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, December 5, 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. Construction Sequence to be provided to the Inland Wetlands Enforcement Officer.

Unanimously approved.

3. OTHER BUSINESS:

None.

MOTION: Ms. Hall, Ms. Schroeder Perez second, to modify the agenda to add *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* under New Applications; unanimously approved.

4. NEW APPLICATIONS:

A. 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 the Commission that this proposal had been before this commission, but the owner of the property had passed away and the matter had to be withdrawn while the estate was probated.

Mr. Fairchild reminded the Commission that the lot is an approved building lot. He explained that at the time of subdivision the upland review area was only fifty (50') feet but has subsequently been changed to one hundred (100') feet. He noted the location of the wetlands crossing. Mr. Fairchild reminded commissioners that they had been interested in conducting a site visit. The consensus of the Commission was that they would like to schedule a Special Meeting to view the site.

MOTION: Ms. Schroeder Perez, Mr. Tabaka second, to accept 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, and to schedule a public hearing for Wednesday, February 6, 2019 deeming there likely to be public interest; unanimously approved.

5. MEETING MINUTES:

MOTION: Ms. Hall, Ms. Schroeder Perez second, to approve the October 3, 2018 Minutes; unanimously approved.

6. INLAND WETLANDS OFFICER'S ENFORCEMENT REPORT:

None.

7. CORRESPONDENCE:

Ms. Hall read aloud a letter dated November 20, 2018 from Farmington Valley River Coordinating Committee Director Liz Lacey regarding their recent meeting with First Selectman Dan Jerram to discuss their concerns with land use decisions regarding the Mainstream Canoe development at 170 Main Street and the Butler property.

MOTION: Ms. Schroeder Perez, Ms. Hall second, to adjourn at 8:23PM; unanimously approved.

Respectfully submitted,

Pamela A. Colombie
Recording Clerk