

**INLAND WETLANDS COMMISSION  
REGULAR MEETING – REVISED MINUTES  
WEDNESDAY, MARCH 5, 2014 – 7:00PM  
ANN ANTOLINI SCHOOL – MULTIPURPOSE ROOM – 30 ANTOLINI ROAD**

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

**ABSENT:** Wayne Ryznar.

Chairman James Hall called the meeting to order at 7:01PM. Mr. Moscaritolo arrived to the meeting at 7:05PM. 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.

The Commission agreed to amend the agenda to add three items to the agenda under item #7, which would be addressed at this time. They would then return to the agenda as written.

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

**A. Election of Acting Vice-Chairman.**

Mr. Hall explained that a new Vice-Chairman would have to be elected for the Commission. However, as neither Mr. Ryznar nor Mr. Moscaritolo were present at the meeting, this could not be done. Mr. Hall suggested holding a vote for an Acting Vice-Chairman of the Commission until such time as regular elections could be held. He opened the floor to nominations.

**MOTION** Ms. Hall, second Mr. Hall, to nominate Nancy Schoeder Perez to the position of Acting Vice-Chairman of the Inland Wetlands Commission; unanimously approved.

**B. Welcome Jim Chakulski, New Member of the Commission.**

Mr. Hall reminded the Commission that former Vice-Chairman Jack Trumbull had resigned effective February 1, 2014. A new member, Jim Chakulski, had therefore been appointed to the Commission by the Board of Selectmen. Mr. Hall introduced Mr. Chakulski, a long-term resident of New Hartford. Members welcomed Mr. Chakulski to the Commission.

**C. Resignation of Rista Malanca, Land Use Administrator.**

Mr. Hall then noted that the Inland Wetlands Enforcement Officer, Rista Malanca, had been offered and accepted a position with the City of Torrington as their Zoning and Inland Wetlands Enforcement Officer. This would be her last meeting with the Commission. Ms. Malanca explained that she would still be available by appointment to meet with applicants and perform inspections until a replacement had been found for this position. Members of the Commission offered Ms. Malanca their congratulations, thanked her for her years of hard work in the Land Use office on behalf of the Commission and the Town, and stated that she would be greatly missed.

**1) PUBLIC HEARINGS:**

No business was discussed.

**2) NEW APPLICATIONS:**

**A. DECLARATORY RULING: Jim Steadman, 65 Carpenter Road – Removal of Beaver Dam.**

Jim Steadman addressed the Commission regarding this matter. Mr. Steadman explained that he had obtained approval a few years ago from the Commission to restore the bank of the Nepaug River. The project had been designed by the Natural Resources Conservation Service (NRCS), and had been successfully completed. However, a nearby beaver dam had redirected the flow along the river which was adversely impacting the recently repaired bank. Mr. Steadman explained that the beavers were not currently living in the dam; they came and went between this dam and another location elsewhere. He stated that the NRCS had recommended removing the beaver dam in order to ensure the continued integrity the restored river bank. Mr. Steadman stated that he would like to use a backhoe to remove the dam.

Ms. Schroeder Perez questioned whether Mr. Steadman would be able to reach the dam from the river bank. Mr. Steadman stated that he believed he could; he did not intend to bring into the watercourse.

Ms. Malanca noted that this was a similar project to that of Scott Goff at 250 Maple Hollow Road, which had received a declaratory ruling under Section 4.1A back in March 2014. Mr. Chakulski noted that the Department of Energy and Environmental Protection maintained a list of qualified beaver trappers who would remove the beavers free of charge; however, the DEEP required that the work be done prior to April 1<sup>st</sup>.

**MOTION** Mr. LaMere, second Ms. Schroeder Perez, to determine that the activities described in the matter of **Jim Steadman, 65 Carpenter Road – Removal of Beaver Dam** represent a permitted use as of right under Section 4.1A of the Inland Wetlands Regulations; the motion carried 6-0-1 with Mr. Moscaritolo abstaining.

3) **PENDING APPLICATIONS:**

No business was discussed.

4) **MEETING MINUTES:**

A. **November 25, 2013 regular meeting.**

The Commission agreed to table this matter to the April 2, 2014 regular meeting.

B. **December 9, 2013 special meeting.**

**MOTION** Ms. Hall, second Mr. LaMere, to approve the minutes of the December 9, 2013 regular meeting as written; the motion carried 6-0-1 with Mr. Moscaritolo abstaining.

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

Ms. Malanca briefly reviewed her enforcement activities over the previous month. She explained that she had been working with an applicant regarding a 2-lot resubdivision on Town Hill Road, some activities for which would be located in the regulated area. She anticipated the Commission would receive an application for this project within the next month or so. She stated that the Commission might chose to request an environmental review of the proposal, and she noted that Michael Kline and Ed Pawlak were both well regarded environmental consultants.

Ms. Malanca noted that conditions on Inland Wetlands permits expire when the permit expires; therefore, a condition stating there should be no further development on a site would only achieve that goal for the duration of the permit. She suggested that, if the Commission wished to ensure no further development on a given site, they might want to require a conservation easement or deed restriction be placed on the area in question. In this way, the restriction would be more permanent.

6) **CORRESPONDENCE:**

No business was discussed.

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

D. **Discussion of Beach Maintenance Best Management Practices.**

Members discussed the Draft Beach Maintenance Best Management Practices for the Town of New Hartford, dated February 26, 2014, which had been prepared by Lenard Engineering and distributed to all members via email. Ms. Malanca noted that Bill Adamsen and Skip Sly from the West Hill Pond Association had requested the opportunity to review and comment on the document. She recommended that this discussion be held at the next meeting on April 2<sup>nd</sup>, and that Todd Parsons from Lenard Engineering be present to aid this discussion.

Ms. Hall stated that she thought it would be advisable to require those maintaining their beach areas as per this document to at least notify the Inland Wetlands Enforcement Officer prior to starting any work. Ms. Malanca suggested that the document should specify more clearly the difference between "clean" sand and "washed" sand, so as to be better understood by any laypeople reading the document.

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Ms. Malanca then noted the annual work the Town did replenishing sand at Brodie Park beach had been issued a declaratory ruling at the May 2013 meeting under Section 4.2B of the Regulations. Ms. Malanca explained that the Town had been determined to have the right to do this every year under the declaratory ruling, provided that the amount and type of material used remained the same. If the amount and type used were to change, then at that point the Town would have to come back before the Commission. Ms. Malanca said that she had recently spoken with First Selectman Dan Jerram, and he stated that the Town planned to place 36 cubic yards of the exact same sand they had placed last year. This would be done at some point in May prior to Memorial Day weekend. She explained that she had recommended the Town walk the beach at Brodie Park in the spring with the new Inland Wetlands Enforcement Officer prior to placing sand, so as to identify those areas where erosion appeared to be a problem. She also noted that the Town had placed silt fencing on the beach before winter started in order to prevent erosion of the sand into the lake resulting from overland flow once snow melts. Ms. Malanca stated that Mr. Jerram was amenable to the Commission's desire to create a policy regarding beach sand at West Hill Pond.

Ms. Malanca then suggested that the Commission consider what their overall goal is with regard to sand beaches at West Hill Pond. She recommended that they determine whether they wanted to eliminate all sand beaches including those now present, or did they instead wish to simply prevent the creation of any new sand beaches while ensuring the existing sand beaches adhered to established best management practices.

Mr. LaMere expressed the opinion that the Commission also focus on improving drainage systems from Town roads. He questioned the status of a grant received by the Town to improve drainage around the lake. Ms. Malanca explained that the Town had received the grant and had placed to replace two existing catch basins as well as adding two more with deep sumps and a settlement chamber. However, the DEEP had then lost the documentation, which required the Town to send in additional plans to be reviewed. The State's Attorney General then changed, and the requirements for the grant then changed accordingly, so the Town then had to provide additional documentation. The project had therefore only gotten final approval late in the fall. Roger Hurlbut, the Town's engineering consultant, had then worked to compile the specifications and just recently put the project out to bid. Ms. Malanca stated that the project would come before the Commission once the contractor was selected. She noted that the work would be located in the upland review area, not in any actual wetlands.

### **E. Complaint by Anthony Penzero Regarding Road Drainage and Road Salt.**

Resident Anthony Penzero addressed the Commission with a complaint regarding road salt damaging the concrete in dam structures, noting that he had submitted water samples and photographs to State and federal government officials. Mr. Hall stated that it was his right to do so, noting that the Town's Inland Wetlands Commission did not have jurisdiction on this matter. Mr. Penzero also complained about drainage on Town roads and runoff onto his property. Mr. Hall suggested Mr. Penzero discuss the matter with the Inland Wetlands Enforcement Officer, and Ms. Malanca stated she had already been researching this issue.

**MOTION** Ms. Schroeder Perez, second Ms. Hall, to adjourn at 7:47PM; unanimously approved.

**Respectfully submitted,**

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