

**INLAND WETLANDS COMMISSION  
REGULAR MEETING – MINUTES  
WEDNESDAY, APRIL 2, 2014 – 7:00PM  
NEW HARTFORD TOWN HALL – 530 MAIN STREET**

**PRESENT:** Chairman James Hall, James Chakulski, Lou Moscaritolo, Nancy Schroeder Perez; Inland Wetlands Enforcement Officer Rista Malanca and Recording Secretary Stacey Sefcik.

**ABSENT:** Anne Hall, Troy LaMere, Wayne Ryznar.

Chairman James Hall called the meeting to order at 7:04PM. 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:**

No business was discussed.

**3) PENDING APPLICATIONS:**

No business was discussed.

**4) MEETING MINUTES:**

**A. March 5, 2014 regular meeting.**

Mr. Hall stated that, in keeping with the parameters of Robert's Rules of Order, as the chairman going forward he would try not to make motions or vote unless it was necessary to break a tie.

**MOTION** Ms. Schroeder Perez, second Mr. Chakulski, to approve the revised minutes of the March 5, 2014 regular meeting with the correction that Jack Trumbull be removed from the list of those members present at the meeting; unanimously approved.

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

Ms. Malanca briefly reviewed activities over the previous month, noting that there had been many calls from people inquiring about possible activities, but no actual applications.

**6) CORRESPONDENCE:**

No business was discussed.

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

**A. Informal Discussion with Attorney William Tracy on behalf of New England Development, LLC regarding possible Modification to Permit #08-04-02W.**

Mr. Tracy explained that his client had obtained an Inland Wetlands permit in 2008 for a sand and gravel operation and grading work at his property, a portion of which would be occurring in the regulated area. The work had not been completed, and the necessary special exception permits from the Planning and Zoning Commission had expired although the Inland Wetlands permit was still valid. His client had now contracted with Hemlock Construction to finish the work on his site, and some changes to the proposed plan had been made. Because of these changes, Mr. Tracy wished to review the plan with the Commission in order to determine whether a modification of the existing permit was possible or whether a new application would be required.

The Commission reviewed the new maps and plans for this project. Mr. Tracy explained that the proposed grades and sedimentation and erosion controls within the regulated area were exactly the same as those originally approved. Outside of the regulated area, changes were proposed to create a gentler slope. He explained that the original plans had been developed based on a slightly different house location; the new plans therefore developed a gentler slope by now existing house.

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Mr. Tracy explained that there were also some changes to the landscaping plan. The original plans had called for the planting of five maple trees along Maple Hollow Road. The applicant now proposed planting approximately fifty evergreen trees in order to create a hedge barrier that would extend further up toward the brook. While this was a change, Mr. Tracy expressed the belief that this would provide a better visual barrier for abutting neighbors, increased shading for the brook, and possibly assistance with dust control for the site work. With regard to the sequence of work, Mr. Tracy stated that Hemlock Construction planned to work in this area first in order to create the necessary grades and then immediately plant the evergreen trees. After this work was done, they would then continue work on the rest of the site.

Ms. Malanca stated that, in her opinion, the Commission could modify the existing permit to include these changes. She noted that some tree cutting had been done in the regulated area that had not been permitted as a part of the original permit; however, there was no erosion in the area where this was done. She said that the applicant would just want to ensure the area remained stable. Ms. Malanca noted that the permit was entitled to an extension under Connecticut General Statutes, so it was currently valid until 2017.

**MOTION** Ms. Schroeder Perez, second Mr. Moscaritolo, to modify Inland Wetlands Permit #08-04-02W as per maps and plans prepared by Robert Green Associates, LLC entitled "Vicinity Map" "Gravel Removal Plan", "Enlarged Gravel Removal Plan", and "Project Cross Sections" for Parcel 9-1, Prepared for Hemlock Construction Co. Inc. – Richard Traub, Land Owned by New England Development, LLC, Maple Hollow Road & Bruning Road, New Hartford, Connecticut, Sheets 1-4, dated January 10, 2013 and revised October 18, 2013 and to issue a favorable report regarding this proposal to the Planning and Zoning Commission as the Commission has determined that there are no changes to the activities taking place within the regulated area; unanimously approved.

### **B. Discussion with Todd Parsons, PE, Consulting Town Engineer, regarding the Draft Beach Maintenance Best Management Practices Document.**

Todd Parsons addressed the Commission and briefly reviewed the proposed Beach Maintenance Best Management Practices Document. He explained that his goal was to create practical, effective guidelines for maintaining existing beaches that would not be onerous on property owners. Mr. Parsons noted that the document pertained only to sand placed above the normal water line and within the existing dimensions of beach area. Any placement of material into the water and any expansion of a beach area beyond its current dimensions would require Commission review. Additionally, any dredging efforts to reclaim sand that had eroded into the lake would also require an Inland Wetlands permit.

He said that he had modified the proposal to include language requiring property owners to notify the Inland Wetlands Enforcement Officer prior to any replenishment activities so that they could perform a site inspection to document conditions and make recommendations. Mr. Parsons said that he also included clarification in the sand specifications to ensure it was clearly stated that it must be washed mason sand. Mr. Parsons explained that the document also included recommendations for ways to reduce erosion, such as diversion of water upslope from the beach area so that it would not flow across the beach sand. Seasonal controls such as installation of silt fencing at the end of the summer was also discussed.

Ms. Malanca reiterated that the document was designed for maintenance of beaches currently existing and any others that they may decide to permit in the future. However, create a new sand beach would require review and permitting from the Commission.

Bill Adamsen from the West Hill Pond Association addressed the Commission to express the concern that stating that sand could only be placed "above the normal water line" would lead to residents placing sand into the water during periods of high water. Ms. Malanca stated that it was not permissible to place sand directly into the water without the Commission first reviewing and approving the application. She explained that the term "normal water line" was used to ensure that property owners did not add sand to an area traditionally underwater while the area was exposed during drawdown. Mr. Adamsen questioned whether the proposed document aligned with all pertinent Inland Wetlands Regulations. Ms. Malanca explained that the Commission's attorney had been consulted when this topic was first brought up. Maintenance of an existing beach constitutes an as-of-right use under the Inland Wetlands Regulations. However, the Commission can take steps to ensure it is clear that the beach cannot be expanded. Providing Best Management Practices would also help enforcement efforts, since it will have been clearly established what the Commission considers to be reasonable maintenance.

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Mr. Adamsen expressed concern that using the term “excessive” was somewhat subjective. He questioned how it had been determined to allow up to 4 inches of sand per year, and he expressed concern that some property owners might spread 4 inches of sand on their beaches every year, with much of that ultimately ending up in the lake. Ms. Malanca explained that, while some sand does enter the lake, some of it also leaves the beach in the belongings of the beach patrons and in children’s sand buckets. She noted that it was an insurance requirement that there be at least 36 inches of sand underneath lifeguard chairs so that there was adequate cushioning when they jumped down off the chair. Ms. Malanca explained that property owners would be entitled to spread an amount of sand that averaged out to 4 inches over the existing beach area; if more was placed in one location, then less could be placed in another. Mr. Parsons explained that while the 4-inch number was somewhat arbitrary, if it was smaller, then people might in fact place sand every year. Hopefully allowing 4 inches would encourage residents to only spread that amount as needed every few years. He also reiterated the requirements for erosion controls during the off-season such that sand stayed in the property owner’s beach area.

Peter Humphrey addressed the Commission to submit pictures that he had taken at Brodie Park Beach which showed rills and erosion into the lake despite the presence of silt fencing. Mr. Parsons stated that his firm had already been engaged by the Town to address these exact issues. Ms. Malanca explained that this was part of the reason why language was included in the document requiring the IWEO to visit the site to observe conditions and make recommendations. She said that she and the Town had already observed this situation at Brodie Park last year, so when it was observed to happen again this year, it led to Mr. Parsons being engaged to find ways to address drainage issues from the parking area.

Mr. Adamsen then provided samples of pea stone, washed mason sand, and traditional beach sand that could be found in local home improvement stores. He placed some of each in a jar with water to show how cloudy the water became with traditional beach sand versus pea stone. He questioned whether the Commission could require residents to use pea stone on their beaches rather than sand. Mr. Hall explained that the Commission had little control over existing beaches; however, they did have more say in whether new sand beaches could be created. He pointed out that Camp Sequassen had obtained Commission approval to expand their boat launch area and had agreed to use pea stone instead of sand. Mr. Hall noted this would be the first summer with the new area, and hopefully a good experience would encourage other beachfront property owners to consider using pea stone in place of sand. Mr. Hall also stressed the need for education and encouraged the West Hill Pond Association to assist in this effort.

Ms. Schroeder Perez left for the evening at 7:44PM.

Ms. Malanca concurred with Mr. Hall, stating that in her experience, once residents understood the potential adverse impacts on the lake, they were more than willing to implement strategies to protect this resource. Mr. Adamsen and Mr. Humphrey suggested that the Town should set a good example for residents by converting Brodie Park Beach from beach sand to pea stone. Mary Hourdequin addressed the Commission to state that signs could be posted explaining the reasons why, and that it could even be a learning opportunity for those children who attend camp at Brodie Park.

Ms. Malanca explained that in order to require something like pea stone for a beach area, the Commission would have to have proof that sand would have a substantially negative impact on West Hill Pond. While many surmised beach sand was not optimal for the lake, the problem was that there is no scientific work concretely demonstrating this as fact. Until the Commission could clearly demonstrate a negative impact, there was a limit to what they could require. Mr. Hall concurred, explaining that the Commission could not set policy but could only consider what evidence was present before them during a public hearing. He encouraged concerned citizens to attend any pertinent public hearings and provide whatever testimony they might have that would prove a negative impact or the presence of a feasible and prudent alternative. Ms. Malanca stated that while prohibiting sand might arguably be best, short of that, implementing best management practices like those contained in the document would at least improve the current situation.

Mr. Parsons stated that he could amend the document to include language stating that 3/8-inch pea stone was preferred beach material.

**MOTION** Mr. Moscaritolo, second Mr. Chakulski, to adjourn at 8:20PM; unanimously approved.

**Respectfully submitted,**

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