

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

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

ABSENT: None.

Chairman James Hall called the meeting to order at 7:00PM. Lou Moscaritolo arrived to the meeting at 7:32PM, Troy LaMere arrived at 7:35PM, and James Chakulski arrived at 7:53PM. 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:

A. DECLARATORY RULING: Caroline Fullilove, 15 Turnbull Road – Construction of Horse Barn and Gravel Driveway.

Ms. Schroeder Perez declared for the record that she had been the listing agent for this property when it was purchased by Ms. Fullilove. Mr. Hall stated that he had visited the site and said that the Commission might wish to consider this to be a permitted use as of right under Section 4.1A as the structure would be for keeping animals and agriculture. Ms. Fullilove then addressed the Commission to explain that she proposed a gravel driveway leading to a 24-foot by 30-foot modular horse barn. She said the barn would be built on 12 sonotubes. There would be some slight grading to the front and sides of the barn; however, no fill or grading was proposed at the back of the barn near the wetlands area.

Mr. Hall questioned whether the barn would be entirely built on sonotubes, and Ms. Fullilove responded affirmatively. He noted that the property was restrictive in terms of where the structure could be built, noting the back of the property was wet and the 100-foot setback requirement for zoning for structures housing animals. Mr. Hall stated that he believed the area proposed was not wetlands; however, it was right on the edge of the wetlands area. The Commission then reviewed Section 4.1A. Mr. Hall expressed the opinion that the proposal qualified for a ruling as per Section 4.1A.

Ms. Hall questioned that the structure would only be used for housing horses, and Ms. Fullilove responded affirmatively. She stated that she had purchased this property with the sole intention of keeping horses. Mr. Hall noted the presence of suitable space to the north of the proposed barn for a paddock. Ms. Malanca stated that she believed the area where the barn was proposed was upland review area, and she noted that Ms. Fullilove would still require a driveway permit for the road cut for the gravel driveway.

MOTION Mr. Ryznar, second Ms. Hall, to determine that the activities described in the matter of **Caroline Fullilove, 15 Turnbull Road – Construction of Horse Barn and Gravel Driveway** represent a permitted use as of right as per Section 4.1A of the Town of New Hartford Inland Wetlands Regulations; unanimously approved.

Mr. Hall recommended the placement of construction fencing behind the barn area in order to make sure it was clearly marked where the wetlands were located. He also recommended the use of construction fabric in the driveway under the gravel and above the soil, due to wetness of the area. While this was not a Commission requirement, he explained that construction fabric, while costly up front, would likely save Ms. Fullilove a great deal of trouble in the long run.

B. John and Linda Casey for Outdoorz, LLC (dba Mainstream Canoe & Kayak), 170 Main Street – Repair Existing Footpath in the Regulated Area.

The Commission reviewed the proposal. Mr. Hall stated he had visited the site, and he suggested that the Commission might wish to consider this a permitted use as the applicant was repairing an existing footpath. Ms. Malanca said that it could perhaps fall under Section 4.2B, outdoor recreation. Mr. Hall said that the path led to a cove and beach area; however, the path was steep and whenever it rains, it tends to erode. He said that it had been damaged over the fall and winter. Therefore, Mr. Casey was instead proposing steps reinforced by concrete curbing. The path would not be widened or relocated.

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Ms. Malanca explained that the path could not be widened or relocated due to the Farmington River Overlay regulations. Mr. LaMere questioned whether the work would be done by hand. Mr. Hall said that a backhoe could place the curbing from the top of the path in in the parking area. Ms. Schroeder Perez asked what materials would be used to make the path. Mr. Hall said that it would be a stone dust and gravel path anchored by rebars at each end.

Mr. LaMere stated that he was not comfortable calling this a permitted use as of right given that equipment might be used so close to the Farmington River.

MOTION Mr. LaMere, second Ms. Schroeder Perez, to accept the application in the matter of **John and Linda Casey for Outdoorz, LLC (dba Mainstream Canoe & Kayak), 170 Main Street – Repair Existing Footpath in the Regulated Area**, determine it to be significant, and to schedule a public hearing for the June 4, 2014 regular meeting; unanimously approved.

C. **Francis Galliher for CT Rivers Council, Boy Scouts of America, Camp Workcoeman, 169 Camp Workcoeman Road – Drainage Improvements to Prevent Erosion of Beachfront.**

Mr. Hall informed the Commission he had visited the site with the Town's engineering consultant, Roger Hurlbut. He explained that there was a culvert pipe underneath the dining hall that opened out onto a steep slope above the beach area; currently there was no protection at the outlet of the pipe. Mr. Hall said that this pipe carried a lot of water from the parking area, and that it currently runs along a walking path, near the tower, and then across the beach area into the lake.

In an effort to minimize erosion, the Camp Ranger contacted a contractor and had both Mr. Hurlbut and Mr. Hall meet onsite with him in order to discuss their planned improvements. There would now be a rip-rap plunge pool by the outlet of the pipe with a channel under the walkway through which the water would travel. This would lead to a series of plunge pools and channels until the water reached the lake. A retaining wall was also proposed at the lakefront near this area.

Ms. Malanca questioned whether the Commission would want a written report from Mr. Hurlbut, and Mr. Hall responded affirmatively. Mr. Hall noted that Camp Workcoeman had addressed many drainage issues over the past few years, and he believed this was the last issue of concern.

The Commission discussed and agreed to hold a site walk at 6PM on June 4th at the location of the proposed work, just before the regular meeting at 7PM at Town Hall.

MOTION Mr. LaMere, second Ms. Hall, to accept the application in the matter of **Francis Galliher for CT Rivers Council, Boy Scouts of America, Camp Workcoeman, 169 Camp Workcoeman Road – Drainage Improvements to Prevent Erosion of Beachfront**, determine it to be significant, and to schedule a public hearing for the June 4, 2014 regular meeting; unanimously approved.

D. **Wayne and Linda Masse, 65 Stub Hollow Road – AFTER-THE-FACT – Filling, Grading, and Removal of Trees in the Regulated Area.**

Ms. Malanca explained that the applicants had come to the office shortly before the meeting to question whether the area where the work had been performed was in fact within the regulated area. Therefore, this had been withdrawn pending a site inspection by the new Inland Wetlands Enforcement Officer, at which time it would be determined whether any further applications were necessary.

MOTION Ms. Schroeder Perez, second Mr. Moscaritolo, to remove this application from the agenda; unanimously approved.

E. **Kimberly Benane, 57 Stub Hollow Road – Construct Landscaped Berm in the Regulated Area.**

Ms. Malanca explained that, due to the activity at 65 Stub Hollow Road, Ms. Benane wished to construct the proposed berm in order shield the view from her property. Ms. Malanca reiterated that she had met with the Masse's about this matter and that they planned to plant grass to stabilize the slope. She explained that Steve Sadlowski, the new Inland Wetlands Enforcement Officer, was present for her meeting with the Masse's and he planned to go out to the site prior to the next meeting. The Commission briefly discussed the possibility of a formal cease and desist order for this matter, but ultimately decided to have Ms. Sefcik periodically check the site until Mr. Sadlowski started with the Town.

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Ms. Benane then addressed the Commission regarding her proposal. She asserted that if her proposed work was within the regulated area, the work done by the Masse's also had to be, as they were right next to each other. She passed around pictures of the area. Ms. Benane said that she planned an 85-foot long berm 4-feet high with dark green arborvitae planted at the top of the berm.

Her contractor, Don Lapointe, then addressed the Commission. He noted that the Masse's had created a slope 25-feet above the wood line, and they have been dumping sand, concrete blocks, etc. from the Town in order to create this hill. He said that the runoff extended 100 feet out into the woods. Mr. Hall reiterated that the only matter for discussion at this time was the proposal planned by Ms. Benane; the activities at 65 Stub Hollow Road would be addressed separately at a later time after Mr. Sadlowski had visited the site and the location of the wetlands was clarified.

MOTION Ms. Schroeder Perez, second Mr. Moscaritolo, to accept the application in the matter of **Kimberly Benane, 57 Stub Hollow Road – Construct Landscaped Berm in the Regulated Area**, determine it to be nonsignificant, and to set it for discussion at the June 4, 2014 regular meeting; unanimously approved.

- 3) **PENDING APPLICATIONS:**
No business was discussed.

- 4) **MEETING MINUTES:**
A. **April 2, 2014 regular meeting.**

MOTION Ms. Schroeder Perez, second Mr. Moscaritolo, to approve the minutes of the April 2, 2014 regular meeting as presented; the motion carried 3-0-3 with Ms. Hall, Mr. LaMere, and Mr. Ryznar abstaining.

- 5) **INLAND WETLANDS ENFORCEMENT OFFICER'S REPORT:**
Ms. Malanca briefly reviewed enforcement activities over the previous month. The Commission briefly discussed the issues at 65 Stub Hollow Road. Ms. Malanca assured the Commission that the Town only sends out clean fill; it does not deliver concrete blocks, etc. to be used as fill. She also explained that the fill may perhaps have been being used in an area not approved on the request for clean fill; a new worker on the Town road crew had delivered the material. Once this issue was discovered, the Town went back the same day and removed the material delivered. Ms. Malanca said that Mr. Masse had stated all of his equipment had been removed from the site, and he was not doing any more work at this time until this was resolved. The Commission requested that Ms. Sefcik visit the site the next day and ensure the equipment had been removed.

- 6) **CORRESPONDENCE:**
No business was discussed.

- 7) **OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:**
No business was discussed.

MOTION Mr. LaMere, second Ms. Schroeder Perez, to adjourn at 8:04PM; unanimously approved.

Respectfully submitted,

Stacey M. Sefcik
Recording Secretary