

**INLAND WETLANDS COMMISSION
REGULAR MEETING – MINUTES
WEDNESDAY, JUNE 4, 2014 – 7:00PM
NEW HARTFORD TOWN HALL – 530 MAIN STREET**

PRESENT: Chairman James Hall, Anne Hall, Troy LaMere, Lou Moscaritolo, Wayne Ryznar, Nancy Schroeder Perez;
Inland Wetlands Enforcement Officer Steve Sadlowski.

ABSENT: James Chakulski.

Chairman James Hall called the meeting to order at 7:00PM. 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:

A. 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 explained for the record that the Commission had viewed the site during a site walk earlier that evening. Francis Galliher, Camp Ranger, then addressed the Commission. He explained that they wished to make improvements in order to prevent erosion of the beachfront into West Hill Pond. To achieve this, three plunge pools were proposed to remove sediment and ensure the water entered West Hill Pond in a location that did not create erosion. Mr. Galliher said that Suburban Sanitation would be doing the work and installing all necessary sedimentation and erosion control measures.

Mr. Hall noted that the file included the necessary legal notices as well as proof of notice to abutting neighbors. Mr. Hall also noted a report in the file from Roger Hurlbut, the Town's engineering consultant, which stated that he had reviewed the proposal and visited the site, and he felt that the work proposed would be an improvement over existing conditions. Mr. Hurlbut also stated that, as long as sedimentation and erosion control measures were installed and maintained as shown on the plans, he did not believe there would be any problems with the proposal.

The floor was opened for public comment; however, no one present expressed a desire to speak.

MOTION Mr. LaMere, second Mr. Ryznar, to close the public hearing 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**; unanimously approved.

2) NEW APPLICATIONS:

A. Jason Carrier, 109 Beeny Road – Pond Maintenance.

Richard Calkins, PE of Northeast Consulting addressed the Commission regarding this matter. Mr. Calkins explained that this application had been the subject of an application in November 2013 and had been deemed nonsignificant. A special meeting was scheduled; however, no one had been present to represent the applicant and as a result the application was denied.

Mr. Calkins explained that the pond had been created by a previous property owner; it was fed by a drainage pipe across Beeny Road as well as drainage pipes from the property to the north. The pond was now becoming filled in with sediment. Additionally, the applicant had installed a small stone wall along the edge of the pond and had begun grading an area to the west of the pond in order to install a lawn. This latter work had been the subject of a Cease and Desist Order. Since that time, Mr. Carrier had done no further work, and the area was now starting to fill in with invasive species like multiflora rose and American bamboo. Mr. Calkins said that Mr. Carrier wished to dredge the pond as it currently looked like an unmaintained detention basin. Mr. Carrier also wished to create a small plunge pool at the outlet of the Town drainage pipe in order to deal with sediment before it reached the pond. Lastly, Mr. Carrier wished to seed the area to the west of the pond to create a lawn.

Mr. Calkins stated that there had been discussion at earlier meetings as to whether the pond was a vernal pool. He said that while he was not a soil scientist or a wetlands biologist, he did not believe it was a vernal pool. Mr. Calkins said that there did not appear to be any species present that were indicative of a vernal pool; he also saw no eggs. He noted the presence of green frogs and leopard frogs, which would likely eat the eggs of vernal pool obligate species. Mr. Calkins said that a soil scientist had been contracted to visit the site and give his impressions.

Mr. Sadlowski stated that he had only driven by the site briefly, but that the area did appear to be very overgrown. Mr. Hall noted that many years ago this pond had been the subject of previous approvals for maintenance. Mr. Calkins said that only the very middle of the pond still had any water; the rest of the area was filled in with cinnamon fern, oriental bittersweet, and cattails. He explained that they also wished to clean up the embankment by the road. Ms. Hall questioned whether the pond would be returned to its original size. Mr. Calkins stated that it would be approximately 50 feet by 90 feet when finished, which was likely smaller than the size of the pond in the past; they wished to keep the disturbance under 5000 square feet. Mr. LaMere questioned whether the work would in any way impact the road or drainage. Mr. Calkins replied negatively, stating that the pond was much lower than the road and was approximately 10-20 feet from the road.

MOTION Mr. LaMere, second Ms. Hall, to accept the application in the matter of **Jason Carrier, 109 Beeny Road – Pond Maintenance**, determine it to be nonsignificant, and schedule the matter for discussion at the July 2, 2014 regular meeting; unanimously approved.

3) **PENDING APPLICATIONS:**

A. **Kimberly Benane, 57 Stub Hollow Road – AFTER-THE-FACT Construct Landscaped Berm in the Regulated Area.**

Members discussed that, while the application had been presented at the May meetings as a proposal, it had since been discovered that some of the work had already been completed. Mr. Sadlowski said that the berm had been constructed, but not yet seeded. He stated that, aside from the fact that the work had been completed prior to obtaining a permit, he did not feel the work was cause for concern. As long as the berm was seeded, he believed it would be fine.

Members discussed the issue of the work having been done before the permits were officially obtained. Several agreed that they did not have any issues with the project; however, they felt that this should now be treated as an after-the-fact application with the appropriate level of fees. Members discussed the need for continuity in how all after-the-fact applications were handled.

Mr. LaMere questioned where the berm was located. Mr. Sadlowski explained that it was within 100 feet of a wetlands and was therefore a regulated activity. He stated that this could possibly have been handled as an agent determination; however, it likely was not due to the ongoing issues with the abutting property owners.

MOTION Mr. Ryznar, second Mr. Moscaritolo, to approve the application in the matter of **Kimberly Benane, 57 Stub Hollow Road – AFTER-THE-FACT Construct Landscaped Berm in the Regulated Area** with condition that this matter be considered an after-the-fact application and as such, all stipulated after-the-fact fees are to be paid prior to the issuance of an Inland Wetlands permit; unanimously approved.

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

Several members expressed the belief that this proposal represented a significant improvement over the current situation. Ms. Hall praised the applicant for working to improve the water quality of West Hill Pond.

MOTION Ms. Schroeder Perez, second Ms. Hall, to approve 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** with the deletion from the standard conditions of the wetlands flagging requirement and the addition of the following two conditions:

1. Work is to be timed to be completed when little or no rain is predicted and pipe flow is at a minimum in order to minimize the possibility of erosion
2. Work is to be inspected by the Town's engineering consultant to ensure compliance with the requirements of the permit.

The motion was unanimously approved.

4) **MEETING MINUTES:**

A. **May 7, 2014 regular meeting.**

MOTION Ms. Schroeder Perez, second Ms. Hall, to approve the minutes of the May 7, 2014 regular meeting as presented; unanimously approved.

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

Mr. Sadlowski submitted a written report and briefly reviewed his enforcement activities over the previous month. His report included information regarding public hearings and the situations in which a public hearing could be held for Inland Wetlands applications.

6) **CORRESPONDENCE:**

No business was discussed.

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

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

Mr. Sadlowski stated that he visited the site and met with Mr. Masse to discuss his plans. He stated that he believed Mr. Masse to be very cooperative. Mr. Sadlowski stated that wetlands were present on the southern side of the slope by the driveway; however, he was not concerned in this area as the wetlands were uphill of the work. He stated that he was concerned about the northern side where the steep slope was located, as he believed the area was very likely wetlands. Mr. Sadlowski stated that he had told Mr. Masse he was going to need a permit and that he needed to get a wetlands scientist to delineate the wetlands. He said that he also informed Mr. Masse that he would need an engineer's plan as to how to stabilize the area as the slopes were extremely steep, 1:1 or steeper. Mr. Sadlowski said he had told Mr. Masse to come to this meeting; however, he was not present. No work was being done currently; however, had been onsite and used to ensure water drained away from the steep slope. Mr. Sadlowski said that he had recommended a second row of silt fencing to ensure no erosion into what he believed was wetlands area.

Members discussed the possibility of issuing a Cease and Desist Order, noting that nothing was in place at this time. Mr. LaMere said that he believe something should be in place until the Commission had more information from Mr. Masse as to what he proposed to do to resolve this situation.

Several members concurred, and Mr. Sadlowski was asked to issue a Cease and Desist Order as soon as possible, with a Show Cause Hearing to be scheduled for Wednesday, June 18th at 7:00PM.

MOTION Mr. LaMere, second Ms. Hall, to adjourn at 7:59PM; unanimously approved.

Respectfully submitted,

Stacey M. Sefcik
Recording Secretary