

**New Hartford Inland Wetlands Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, February 2, 2022 at 7:00 PM
HELD REMOTELY VIA ZOOM**

PRESENT: Chairman James Hall, Anne Hall, Ira Kline, Wayne Ryznar, Gerald Tabaka, Steve Unger, and Wetlands Agent Mike Lucas.

ABSENT: Karl Hermonat.

Chairman James Hall called the meeting to order at 7:00PM. The meeting was recorded digitally, and copies are available through Town Hall.

1. PUBLIC HEARINGS:

A. New Hartford Village /Applicant – Kerin & Kerin LLC/Owner – Map 044 Block 013 – Lot 17B – 237 Main Street – 111 Units of Rental Apartments and Associated Appurtenances.

The legal ad for the public hearing was read into the record with it being reported as having run the requisite two times in The Hartford Courant on January 21, 2022 and January 28, 2022. Mr. Lucas also reported receiving confirmation with respect to the Certificate(s) of Mail.

Attorney Mark Ziogas, accompanied by Professional Engineer Wayne Zirolli, Land Surveyor Todd Clark, Soil Scientist Clint Webb, and New Hartford Village Managing Partner (Developer) Tim Brobosky, appeared before the Commission regarding this application. Attorney Ziogas reminded the commission that his client was seeking to construct 27 residential buildings with 111 units on the 50-acre parcel. He noted that there would also be nine garage structures for 45 garage units. Attorney Ziogas noted the engineered plans include stormwater detention basins to ensure that post-development stormwater flows are below the pre-development flows along with bioswales and raingardens to keep pollutants from the wetlands areas. Additionally, Attorney Ziogas reported the plans include installation of plantings in all disturbed wetlands areas, embankments, and where practical, in and around the detention basins. He indicated all appropriate soil and erosion control measures will be installed and maintained during the construction process. Suitable plantings will be installed and monitored until the slopes become mature environments, according to Attorney Ziogas.

Attorney Ziogas reminded the commission that Mr. Webb had provided reports which indicate that there were three instances where new roadways will impact the wetlands, necessitating culverts to be installed in or over drainage swales and a couple of watercourses. Additionally, construction is planned for several upland review areas, according to Attorney Ziogas. He reviewed recommendations as provided by Mr. Webb to function as mitigation measures including phasing of construction so as to avoid the disturbance of the entire site at one time. Individual areas can be protected by taking this approach. He noted that an erosion and sedimentation plan will be provided.

Mr. Zirolli noted that his engineering work centered around storm drainage for the project and to ensure that the detention basins and water quality basins address the runoff and potential pollution issues. He indicated that two water quality basins have been included on the eastern part of the site (#3) flowing to (#4). He noted that the design was to function as a level spreader, to overtop up to a 100-year storm. If water was to pass through the wetlands, the channel would be to the existing culvert under Route 44, according to Mr. Zirolli. He noted that the necessary grading for sight line is associated with that work.

Mr. Zirolli reviewed the water quality basin on the western part of the site (#1), draining into detention basin #2, with the outlet having another stormwater diversionary channel into the existing watercourse. He noted that the hope is that the channel will help to attenuate water temperatures and to provide more travel time before water is released into the existing watercourse. A grass lined swale will get more

attenuation of any pollutants that may remain in the water after coming through the detention basin, according to Mr. Zirolì.

Mr. Zirolì reported having received preliminary comments from the Town's consulting engineer. He noted that he is continuing to work on those comments.

Mr. Webb reviewed the three wetland impact areas, noting the driveway entrance off of Route 44 crosses a manmade swale and does not have much beyond road sand and upland plants. He noted that it is more of a channel subject to storm flow, meaning that it stops flowing within 24 hours following a storm and does not have groundwater input. Mr. Webb reviewed the second impact, over the intermittent stream, to the east of Collinsville Antiques, and the third impact, up on the hill, is currently a stone fjord produced by agricultural activity. He noted that culverts would be added in these areas.

Following the previous January meeting of this commission and the subsequent site walk, the plans have been modified relative to the removal of the upland knoll along Route 44, according to Mr. Webb. He explained that the revised plans include the addition of a haul road to take the material directly over to the stormwater basin to assist in the construction of the berm. Mr. Webb noted that this will help to keep all of the trucks out of Route 44 for the distance that they would have to travel to cross back into the new entrance. The haul road is temporary and is in the upland review area to the west of the wetlands, (Wetlands 'C'), according to Mr. Webb.

Mr. Webb indicated that it is unknown what type of material will be found in the knoll. Stabilization techniques will be adjusted based on the material, according to Mr. Webb.

Mr. Ryznar questioned the additional cuts that are needed. Mr. Webb explained the criteria that is part of new driveways on state highways, noting that if one is located on a curve, there is a minimum sight line requirement of 600' in either direction.

Ms. Hall questioned the planned culvert for the intermittent stream, a watercourse that flows directly into the Farmington River. She noted that the concern with culverts that block wildlife and water from easily moving up and down a culvert. Ms. Hall pointed to one on site currently that is doing precisely that, with respect to blocking free passage. She questioned how the new culvert was going to work in that respect. Mr. Webb noted the culverts have been sized to carry a much larger flow. The engineering includes basins and swales, infiltration, and systems to slow the water down, provide time to regulate both temperature and sediment, according to Mr. Webb.

Ms. Hall questioned whether Mr. Webb opined that the culvert would improve the quality of the watercourse. Mr. Webb noted that currently there is erosion coming off the hill into the area but would not say that it improves it as much as it does not make it worse and would offer some type of temporary protection for small critters going through there. He noted that the culvert on the hill definitely needs to be sized to handle short duration of high flows and velocities in that area.

Ms. Hall questioned the anticipated maintenance of the raingardens, associated channels, and detention basins. Mr. Zirolì indicated the housing complex would have a maintenance staff for groundskeeping and as part of that, the crew should be made aware that as part of the stormwater requirements, to keep their eyes open and address any areas that they see as they come upon them. He noted that all the structures should be examined at least on an annual basis. Detention basins should be reviewed at least quarterly, according to Mr. Zirolì. Any vegetation growing up in basins should be taken care of and staff will want to examine banks for any animal burrows or fractures.

Ms. Hall questioned whether the units in Wetlands 'C' were designed to drain into the driveway area or into the backside/upland review area. Mr. Zirolì explained that Catch Basin 38 will drain into the large stormwater basin in that area so that nothing will drain directly into the wetlands. Ms. Hall questioned

whether the roofs of the buildings are tilted so that the flows go directly into the catch basins. Mr. Zirolì indicated that all of the buildings will have roof leaders that drain into the storm drainage.

Mr. Ryznar questioned the qualifications of the individuals charged with the maintenance of the raingardens, associated channels, and detention basins. He questioned what type of skills were necessary to identify problems or failures. Mr. Brobosky indicated that he was the designated agent for the development company. He noted that his other companies have not been cited by town officials in their 30-year and 25-year histories respectively. Mr. Brobosky referred to his former service on the Inland Wetlands Commission for the town of Harwinton.

Mr. Lucas confirmed that Lenard Engineering, the town's consulting engineering firm, was still reviewing the stormwater drainage calculations and communicating with Mr. Zirolì on their peer review.

Ms. Hall questioned whether the upland review area of the wetlands just above West Village was going to remain forested or whether the developer was considering a lawn area. She recalled the plans depicting the area to remain as trees. Mr. Brobosky indicated that no trees would be removed above the area that needed to be graded but for a small spot needed as a work area.

The hearing was open to the public.

Denton Butler, chairman of the Water Pollution Control Authority, shared that board's unanimous support for the project, noting that the developer has agreed to connect to the town's water and sewer system.

MOTION: Ms. Hall, Mr. Ryznar second, to continue the public hearing to the next regular meeting; unanimously approved.

2. PENDING APPLICATIONS:

A. New Hartford Village /Applicant – Kerin & Kerin LLC/Owner – Map 044 Block 013 – Lot 17B – 237 Main Street – 111 Units of Rental Apartments and Associated Appurtenances.

No business discussed.

3. NEW APPLICATIONS:

None.

4. OTHER BUSINESS:

None.

5. MEETING MINUTES: January 5, 2022

MOTION: Ms. Hall, Mr. Ryznar second, to approve the January 5, 2022 Minutes; unanimously approved.

MOTION: Mr. Hall, Mr. Tabaka second, to approve the January 14, 2022 Special Meeting Minutes; unanimously approved.

6. INLAND WETLANDS OFFICER'S ENFORCEMENT REPORT.

Mr. Lucas reported on an illegally constructed cabin that was constructed without permits at 705 Litchfield Turnpike, noting that it was located in a flood plain. Mr. Lucas indicated that somehow this structure has been connected to electric, too. He noted that when this property was on the market, he had received several inquiries on it advising the callers that there was a communication within the file from the town's consulting engineer. Recently, a complaint was received by the office with a report that more activity had been occurring at this location including the construction of a retaining wall. He noted that not only is it in the flood plain, but it was also in a wetlands area.

Mr. Lucas reported having contacted the current owner with a letter advising her to cease activity until some type of a plan is submitted. He noted that the owner responded through a phone call, confirming that she would be doing no additional activity until Spring. Ms. Hall pointed out that “until Spring” is not the same as “until a plan”.

Mr. Lucas indicated that an update will be provided on this matter in the future.

7. CORRESPONDENCE:

Ms. Hall questioned whether there has been any communication or indication on who is replacing or how the MDC is going to replace their enforcement officer, noting that the previous enforcement officer had retired back in August, 2021. Mr. Lucas reported having no information on this.

MOTION: Mr. Unger, Ms. Hall second, to adjourn at 8:02PM; unanimously approved.

**Respectfully submitted,
Pamela A. Colombie
Recording Clerk**