

**New Hartford Inland Wetlands Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, September 2, 2020 at 7:00 PM
VIA ONLINE PLATFORM ZOOM**

PRESENT: Chairman James Hall, Anne Hall, Karl Hermonat, Nancy Shroeder Perez (7:08PM), Wayne Ryzner, Gerald Tabaka, Steve Unger, and Wetlands Agent Mike Lucas.

ABSENT: Lou Moscaritolo.

Chairman James Hall called the meeting to order at 7:01PM. The meeting was recorded digitally, and copies are available through Town Hall.

1. PUBLIC HEARINGS:

A. Karen Smith/Applicant – Karen Gegenheimer/Owner – Map 09A – Block 105 – Lot 045 – 53 Aquatic Road – Rebuild Boathouse on Existing Footprint and Subsurface Septic Repair.

Mr. Lucas read aloud the legal ad, noting that the public hearing had been advertised. Additionally, he confirmed that Certificate(s) of Mail had been received from the applicant, providing evidence that notice had been provided to the abutting property owners. Mr. Lucas also noted that the application documents had been uploaded to the Town's website pursuant to the Governor's Executive Order.

Professional Engineer Michael Sherman of Laurel Engineering, accompanied by his client Karen Smith, appeared before the Commission regarding this application. Mr. Sherman explained that he had been retained to design the septic system repair and to prepare a site plan regarding the boathouse replacement. He noted what the colors on the plan depicted, explaining that the green polygon area represented the fill that would be deposited into the regulated area. Mr. Sherman noted that the previous owner had torn down the boathouse last year and explained that his client came into town believing that she would be able to rebuild a boathouse.

Mr. Sherman reported the plans included the depths of the foundation for the boathouse that included frost walls at footing depth elevation. He noted that the concrete walls will take approximately 10 cubic yards of concrete and will be dug down to the frost depth. Mr. Sherman estimated excavation for the frost walls will move approximately 54 cubic yards of material. He indicated that most of the material will be returned, except for the volume displaced by the piers.

Referencing an email from Mr. Lucas questioning feasible and prudent alternatives and whether piers might be utilized, Mr. Sherman reported his observation of the water level being lowered away from the boathouse's location during the winter drawdown. As a result, Mr. Sherman noted that there should be little concern with ice. Should there still be ice, Mr. Sherman opined that the frost walls should be able to withstand that. After conferring with fellow Professional Engineer Rob Colabella, principal of Laurel Engineering, Mr. Sherman reported that he, too, concurred that with the support of the frost wall along the interior wall, adjacent to the shore, and connecting them will function to support both walls should the ice ever be in that area.

Addressing a question that had been previously put forth by Mr. Lucas regarding the use of pilings for construction, Mr. Sherman reported that the installation of piling would be very loud to the neighbors at the lake and would be economically unfeasible. He explained that pilings would require equipment down to the lake and would require borings to be dug. Mr. Sherman explained that pilings do not perform as well with the ice floats and noted that this design utilizes

the soils behind the walls. Mr. Sherman noted that there is a greater tendency for piles or sonotubes to bend.

A photograph of the location depicting the remnants of the boathouse, notably the piers that had fallen over, was shared with the Commission.

Ms. Hall questioned what disturbance in the lake will occur during the installation of the frost walls. Mr. Sherman indicated that silt fence and hay bales will be installed around the site. He reported that an excavator will need to be brought into the lakebed to excavate for the foundation. Mr. Sherman noted that the excavator has to allow an additional two feet around the walls to give the concrete contractor room to set up their forms. He explained that due to the topography, the concrete will need to be pumped as the truck would be unable to get close enough to the work area. Ms. Hall questioned the plan for controlling, or preventing, a possible spill from machinery down by the lake. Mr. Sherman explained that a contractor who keeps their equipment in good shape will have to be utilized. He noted that if there was a spill, the area would need to be excavated so that the contaminated portion could be removed immediately.

Mr. Ryznar questioned whether the excavator would be in the lakebed. Mr. Sherman confirmed, noting that a small excavator with rubber tracks could be utilized. Mr. Tabaka questioned what damage would be done to the bottom of the lake. Mr. Sherman noted that the lakebed in the subject area is currently filled with small rocks. A photograph of the current conditions of the lake bottom was shared. Ms. Smith indicated the area was left a mess by the former owner.

Responding to an inquiry from Mr. Hall, Mr. Sherman confirmed that the drawings included a dewatering plan. He noted that dewatering will be likely during construction. Mr. Hall questioned whether the water returning to the lake is no more turbid than the water in the lake itself. Mr. Sherman confirmed, agreeing that the dewatering plan as designed will remove the turbidity completely from the water.

Ms. Hall questioned how the proposed structure will handle wave impact and the resulting turbidity, inquiring whether there will be an increase or decrease. Mr. Sherman noted that with the lake's motor restrictions, the waves are not a big concern and the question is storm action. He indicated that he had not witnessed any big waves in this location. Mr. Sherman opined that the wave action as a result of storm events would not increase the turbidity.

Mr. Unger questioned the note on the plans to pin to boulders. Mr. Sherman noted that this was related to the attempt to use the smallest excavator possible, noting that should the boulder be too large to excavate, the contingency plan would be to pin the foundation to the boulder.

The hearing was open to the public.

Bill Adamson of 166 Camp Workcoeman Road shared how he was surprised with this application, referencing the June, 2019 approval for removing the boathouse, at which time the then applicant was questioned whether there were any plans to replace the building and indicated his intent not to replace the structure. He referenced the Inland Wetlands Commission Regulations dealing with alternatives for regulated activity that would cause less or no environmental impact to wetlands or watercourses and questioned whether Mr. Sherman has proposed such alternatives.

Regarding feasible and prudent alternatives, Mr. Sherman noted that the most obvious one is to not undertake the project.

Regarding an intention to rebuild or not to rebuild, Ms. Smith questioned why the intent of the former owner carried to her. Mr. Hall noted that issue to be related to Zoning.

Ms. Hall questioned why piles or sonotubes might not be more appropriate. Mr. Sherman indicated that they would not stand up to ice, noting the sonotubes have much smaller surface area when pushed against the ice. Ms. Hall noted other boathouses in the lake and questioned whether the piers don't work in those instances. Mr. Sherman indicated that he had no anecdotal evidence on other properties at this lake.

Mr. Hall questioned whether Mr. Tabaka knew of other boathouses on piles or piers. Mr. Tabaka indicated that he was unaware of any on piles but did know of some on piers. He opined that the wooden piers tend to last longer than the concrete piers. Mr. Sherman begged the question whether pressure-treated wooden piles are better for the lakebed than concrete. Ms. Shroder Perez questioned whether cedar might be substituted for pressure-treated lumber. Ms. Hall noted that it would be worthy to gain an opinion in that regard. Mr. Unger questioned the long-term impacts of concrete and wooden pilings.

Mr. Ryznar questioned the timeframe for the project. Mr. Sherman noted that it was unclear but would likely occur during a deep drawdown.

MOTION: Ms. Hall, Ms. Shroder Perez second, to close the public hearing for the application regarding Karen Smith/Applicant – Karen Gegenheimer/Owner – Map 09A – Block 105 – Lot 045 – 53 Aquatic Road – Rebuild Boathouse on Existing Footprint and Subsurface Septic Repair; unanimously approved.

2. PENDING APPLICATIONS:

A. Karen Smith/Applicant – Karen Gegenheimer/Owner – Map 09A – Block 105 – Lot 045 – 53 Aquatic Road – Rebuild Boathouse on Existing Footprint and Subsurface Septic Repair.

Mr. Hall noted that no action was being taken so that an expert opinion could be gathered from items discussed during the public hearing.

3. NEW APPLICATIONS:

A. Peter B. Mangin – Map 06A – Block 112 – Lot 066 – 138 Camp Workcoeman Road – Repair Concrete Steps to Lake and Install A Handrail. Break up and Remove Rocks Close to Shoreline that are a Hazard.

Peter Mangin appeared before the Commission regarding this application. He noted that his lakefront includes an old concrete pier with four steps leading down from the pier to the lake. Photographs of the site were shared. Mr. Mangin explained that he would like to add a handrail for getting in and out of the lake. He noted that he would also like to fill in the gap between the top and second step. Mr. Mangin indicated that the repairs would involve only handwork and would not require any equipment.

Mr. Mangin reported that he was also seeking to break up and remove the rocks in the lakebed. He noted that one method to break up the rocks is to drill them and fill the voids with a chemical product. Mr. Mangin indicated that his mason had reported varied results for this process.

Ms. Hall questioned the distance from shore that Mr. Mangin was looking to remove the stone. He noted that the furthest point from the pier are twenty to twenty-five feet.

Ms. Hall questioned what medium would be used to repair the steps. Mr. Mangin indicated it would likely be a combination of stone and concrete. Ms. Shroder Perez questioned whether any of the repairs using concrete would be in the water.

MOTION: Mr. Ryznar, Ms. Shroder Perez second, to accept the application in the matter of Peter B. Mangin – Map 06A – Block 112 – Lot 066 – 138 Camp Workcoeman Road – Repair Concrete Steps to Lake and Install A Handrail. Break up and Remove Rocks Close to Shoreline that are a Hazard, and finding aspects of the project to be a significant activity, and thereby seeking reasonable and prudent alternatives, to set a public hearing for the next regular meeting; unanimously approved.

B. Joan Miller – Map 029 - Block 015 – 08A – 573 Steele Road – Replace Existing Septic System Leaching Area with New Leaching Area.

Mr. Colabella, accompanied by his client Joan Miller, appeared before the Commission regarding this application. He reported his client’s septic system was failing, noting the presence of effluent above ground. Mr. Colabella explained that at this time, the plan included relocating the leaching fields.

Mr. Colabella noted that all of the activity is regulated, noting that 2998 square feet of disturbance. He reported that four other locations had been considered and explained why they were dismissed from the final design.

MOTION: Ms. Shroder Perez, Ms. Hall second, to refer the application in the matter of Joan Miller – Map 029 - Block 015 – 08A – 573 Steele Road – Replace Existing Septic System Leaching Area with New Leaching Area to Mike Lucas for an agent determination; unanimously approved.

C. Joseph R. & Colleen A. Welker – Map 06A – Block 112 – Lot 064 – 130 Camp Workcoeman Road – Site Plan Addition and Subsurface Sewage Disposal System.

Mr. Colabella initially appeared before the Commission regarding this application. He explained that the proposal included an addition which required a new system from Farmington Valley Health District.

Referring to the plans, Mr. Colabella noted that two colors distinguished the work with the color green depicting the work within the regulated area and the color blue depicting the non-regulated area. Mr. Colabella noted that two-thirds of the addition are in the regulated area as are the two new raingardens. He noted that one raingarden will hold 169% of the water quality volume and the smaller raingarden holding 317% of the water quality volume. As designed, there will be no increase in stormwater runoff with the proposed development, according to Mr. Colabella. He noted that there will be no direct discharge into the lake and instead, the stormwater will percolate into the ground.

Ms. Hall questioned whether the addition is within the review area. Mr. Colabella confirmed. Mr. Lucas noted that the development will require approval from the Zoning Board of Appeals for expansion on a non-conforming structure.

Mr. Unger questioned the grass swale. Mr. Colabella explained that any runoff from the neighboring parcel will be captured so that it does not run toward the subject dwelling and will be treated as part of the new design.

MOTION: Ms. Hall, Mr. Unger second, to accept the application in the matter of Joseph R. & Colleen A. Welker – Map 06A – Block 112 – Lot 064 – 130 Camp Workcoeman Road – Site Plan Addition and Subsurface Sewage Disposal System, and finding the activity as significant and to schedule a public hearing for the next regular meeting; unanimously approved.

4. OTHER BUSINESS:

Mr. Hall requested that Mr. Lucas find additional information on the stability of piles and piers and the relevant impact of wood and various types of lumber on water quality. Mr. Hall further requested this information be provided to the Commission at the next meeting. Ms. Hall requested clarification on the proposed construction method of the boathouse at 53 Aquatic Road and additional information on how potential machine spills would be controlled. Mr. Unger questioned whether there had already been an agent approval for the septic system repair at 53 Aquatic Road. Mr. Hall noted that part of the proposal had been severed from the application.

5. MEETING MINUTES – August 12, 2020:

MOTION: Ms. Hall, Mr. Ryznar second, to approve the August 12, 2020 Minutes; Motion approved with Mr. Hall, Ms. Hall, Mr. Ryznar, and Mr. Unger voting aye while Ms. Shroder Perez, Mr. Hermonat, and Mr. Tabaka abstained.

6. INLAND WETLANDS OFFICER’S ENFORCEMENT REPORT:

Mr. Lucas reported on his recent attendance to the West Hill Pond Association meeting on the previous Saturday. It was noted that approximately thirty people attended who were provided with information on the updated Zoning Regulation, Section 5.7.

Mr. Lucas reported enforcement progress on the unpermitted work undertaken on the Pond Road community dock. The consensus of the commission was that Mr. Lucas ought to continue to pursue this matter.

7. CORRESPONDENCE:

None.

MOTION: Mr. Ryznar, Mr. Unger second, to adjourn at 8:19PM; unanimously approved.

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