

**INLAND WETLANDS COMMISSION
REGULAR MEETING – MINUTES
MONDAY, FEBRUARY 25, 2013 – 7:00PM
NEW HARTFORD TOWN HALL – 530 MAIN STREET**

PRESENT: Chairman James Hall, Anne Hall, Lou Moscaritolo, Troy LaMere, Nancy Schroder Perez, Wayne Ryznar, Jack Trumbull; Land Use staff Inland Wetlands Enforcement Officer Rista Malanca.
ABSENT: None.

Chairman James Hall called the meeting to order at 7:00PM. Mr. Ryznar arrived to the meeting at 7:02PM. All regular members were present and 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: Andrew Bosse for Judith Hayes, 175 Hayward Road – Timber Harvest with one stream crossing.

Andrew Bosse, Certified Forester, addressed the Commission regarding this matter. Mr. Bosse explained that 175 Hayward Road was 41 acres in size, of which 36 acres would be involved in the proposed timber harvest. He explained that they planned to use existing trails already onsite from a previous timber harvest approximately 20 years ago. Mr. Bosse stated that there would be one stream crossing, for which he planned to use a portable bridge. He noted that this was the same watercourse that flowed through the Folino property to the north, at which he had also conducted a timber harvest. He then briefly reviewed with the Commission the maps and plans which accompanied his application.

Mr. Hall asked when the timber harvest would take place, and Mr. Bosse stated that it would be either during the summer or next winter, whenever the ground conditions were more suitable for the work. Mr. Trumbull questioned how long harvest would take to complete, and Mr. LaMere noted that the application stated 175,000 board feet would be harvested. Mr. Bosse stated that this would take approximately 2-4 weeks depending on the size of the work crew assigned to the project.

Hearing no further questions from the Commission:

MOTION Mr. LaMere, second Ms. Schroder Perez, to determine that the activities described in the matter of **Andrew Bosse for Judith Hayes, 175 Hayward Road – Timber Harvest with one stream crossing** represent a permitted use as of right under Section 4.1A of the Town of New Hartford Inland Wetlands Regulations; unanimously approved.

B. Eric Budney, 634 West Hill Road – Demolition and reconstruction of single-family dwelling, installation of septic system, and associated grading in the upland review area.

Richard Calkins, PE, of Northeast Consulting, LLC addressed the Commission on behalf of the applicant. Mr. Calkins stated that this property had been in Mr. Budney's family for three generations, and he noted that there were 3 structures on the property, which included two cottages and one shed. He said that the applicant wished to tear down the 950 square foot cottage closest to the lake and rebuild a new cottage in its place on the same footprint. In addition, Mr. Calkins explained that the applicant wished to install a new septic system with a 1000-gallon tank and 500-gallon pump chamber in place of the existing 700-gallon tank located within 70 feet of West Hill Pond. The new tank and pump chamber as well as part of the leeching field would be within the upland review area; however, part of the leeching field would be outside the 100-foot upland review area.

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Mr. Calkins explained that the applicant also proposed a partial basement in the new cottage with two floors above the basement. An overhanging deck was also proposed on the cottage. Mr. Calkins said that two grassed drainage swales were planned on the eastern and western sides of the property to address run off from the road. He noted that two rows of silt fencing would be used for erosion and sedimentation control during construction. Ms. Hall questioned whether the existing cottage had a basement. Mr. Calkins explained that, while there was no basement, the lower level of the existing cottage was partially below grade. However, the lower level of the existing cottage was not as large as that which was currently proposed. Mr. Calkins explained that the new cottage would have footing drains which would be routed to the new drainage swales.

Mr. Hall questioned whether excavation work would be required in order to construct the basement. Mr. Calkins replied negatively, explaining that the walkout from the new basement would be in the same location as the current cottage. He said that they would need to raise the grade onsite in order to construct the new septic system, which would require fill to be brought onsite. Mr. LaMere asked how the existing cottage would be torn down, and Mr. Calkins said that it would be done by machine, and materials would be placed in a dumpster and removed from the site. Mr. LaMere noted that this work would be occurring 16.5 feet from the water line.

Mr. Trumbull asked whether the other cottage onsite would also be using the new septic system. Mr. Calkins replied negatively, explaining that there was a separate septic system for that cottage at the southern end of the property by the road; no work was proposed on either that house or that septic system. Ms. Schroder Perez questioned whether the two houses shared a well, and Mr. Calkins responded affirmatively.

MOTION Mr. Trumbull, second Mr. LaMere, to accept the application in the matter of **Eric Budney, 634 West Hill Road – Demolition and reconstruction of single-family dwelling, installation of septic system, and associated grading in the upland review area**, determine it to be significant, and to schedule the matter for public hearing at the March 25, 2013 regular meeting; unanimously approved.

3) PENDING APPLICATIONS:

A. Anne Bailey & Bryan Douglas, applicants; Anne Bailey, owner; 23 Oriole Drive – After-the-Fact - Cut trees, construct steps and patio, and upgrade existing entrance and parking area within the regulated area.

Bryan Douglas addressed the Commission regarding this matter. Mr. Douglas reminded the Commission that at the last meeting, they had required hay bales to be placed along the waterfront and along the intermittent watercourse onsite. He explained he had informed his contractor about this requirement; however, the contractor stated he could not place the hay bales because of the recent snowstorm. Mr. Douglas stated that his contractor had then suggested silt fencing; however, Mr. Douglas did not feel this was appropriate at this time as there would have to be a lot of digging through deep snow and possibly frozen soil to ensure the silt fencing was properly placed. Ms. Malanca and members of the Commission concurred with Mr. Douglas' assessment. The Commission then reiterated their desire to have staked hay bales placed along the shoreline and along the intermittent watercourse as soon as possible.

Mr. Hall then questioned whether Mr. Douglas planned any buffer vegetation along the shoreline. Mr. Douglas stated that, with the Commission's permission, he would like to plant mountain laurel along the shoreline, except in the proposed location of the removable dock. Mr. Douglas then briefly reviewed the removable dock he planned to use, and he also reminded the Commission that he would be using a temporary rack structure to store kayaks in season.

MOTION Ms. Schroder Perez, second Mr. Moscaritolo, to approve the application in the matter of **Anne Bailey & Bryan Douglas, applicants; Anne Bailey, owner; 23 Oriole Drive – After-the-**

Fact - Cut trees, construct steps and patio, and upgrade existing entrance and parking area within the regulated area as per all oral and written testimony with the following conditions:

1. Staked hay bales must be installed along the shoreline and along the intermittent watercourse to the satisfaction of the Inland Wetlands Enforcement Officer as soon as possible.
2. A vegetated buffer of indigenous plants must be planted along the shoreline.

The motion was unanimously approved.

Ms. Malanca asked Mr. Douglas to call her as soon as the hay bales were installed so that she could perform an inspection to verify their correct placement.

4) MEETING MINUTES:

A. February 4, 2013 regular meeting.

Mr. Moscaritolo noted the minutes should be corrected to clarify that he had nominated Mr. Hall for Chairman, and Ms. Schroder Perez had nominated Mr. Trumbull for Vice-Chairman.

MOTION Ms. Schroder-Perez, second Ms. Hall, to approve the minutes of the February 4, 2012 regular meeting as corrected; unanimously approved.

5) INLAND WETLANDS ENFORCEMENT OFFICER'S REPORT:

Ms. Malanca briefly reviewed her enforcement activities for the period from February 5th through February 25th. She also discussed with the Commission drainage work being done by the Town along Burdick Road.

6) CORRESPONDENCE:

No business was discussed.

7) OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Snow Plowing.

Members of the Commission thanked the Town Highway Department for doing such excellent plowing work over the winter and in particular during the most recent blizzard.

B. Penalties for Contractors Who Fail to Obtain Necessary Inland Wetlands Permits.

Mr. LaMere questioned whether the Commission had the ability to take action against contractors who failed to obtain necessary Inland Wetlands Permits prior to starting work. Members of the Commission agreed that while homeowners may not be aware of Inland Wetlands Regulations, contractors who perform this type of work should by now be well aware of the State and local requirements pertaining to inland wetlands and watercourses. Ms. Malanca explained that she had discussed this issue with the Commission's attorney, Mark Branse. She said that Mr. Branse had stated that, if the violation ultimately required legal action, then the Commission would be within their purview to take both the homeowner and the contractor to court. However, if the violation was resolved without requiring legal action, there were really no penalties the Commission could impose on the contractors in question. Members of the Commission discussed and ultimately agreed that their only alternative was to continue holding homeowners accountable for work performed by their contractors.

MOTION Ms. Schroder-Perez, second Mr. LaMere, to adjourn at 7:41PM; unanimously approved.

Respectfully submitted,
Stacey M. Sefcik